

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

## THE AK-CHIN WATER USE AMENDMENTS ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2647) to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

The Clerk read as follows:

H.R. 2647

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this Act rests in article I, section 8, authorizing Congress to "regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes".

### SEC. 2. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) SHORT TITLE.—This section may be cited as the "Ak-Chin Water Use Amendments Act of 1999".

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698), as amended by section 10 of the Act of October 24, 1992 (Public Law 102-497; 106 Stat. 3258), is amended to read as follows:

"(j)(1) The Ak-Chin Indian Community (hereafter in this Act referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational, or other beneficial use, in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into options to lease, to renew options to lease, to extend the initial terms of leases for the same or a lesser term as the initial term of the lease, to renew leases for the same or a lesser term as the initial term of the lease, to exchange or temporarily dispose of water to which it is entitled for the beneficial use in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

"(2) Notwithstanding paragraph (1), the initial term of any lease entered into under this subsection shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, enters into an option to lease, renews an option to lease, extends a lease, renews a lease, or exchanges or temporarily disposes of water, such action shall

only be valid pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary."

(c) APPROVAL OF LEASE AND AMENDMENT OF LEASE.—The option and lease agreement among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of December 14, 1996, and the Amendment Number One thereto among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of January 7, 1999, are hereby ratified and approved. The Secretary of the Interior is hereby authorized and directed to execute Amendment Number One, and the restated agreement as provided in Amendment Number One, not later than 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress passed the Ak-Chin water settlement in 1978. It was amended subsequently in 1984. And then in the 1992 amendment, off-reservation leasing of the Indian community's water entitlement was allowed, but the period of the lease was limited to 100 years. The amendment in 1992 did not allow for an extension of the lease after the 100-year period had been completed.

This legislation would provide a legal avenue for the Ak-Chin tribe to extend or renew their existing lease with an Arizona development company that must obtain a State of Arizona Assured Water Supply certificate for municipal water use.

The administration, I understand, has indicated that it is still opposed to the bill. However, it is my understanding that the minority does not object to this legislation, and I would urge Members to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, H.R. 2647 is an amendment to the 1984 Ak-Chin Water Use Act. The 1984 act confirms the Ak-Chin Indian Community's rights to receive water from the Central Arizona Project, but it did not include the authority for the community to lease its Central Arizona Project water for use off reservation. Congress granted leasing authority to the Ak-Chin in 1992.

The community now desires to lease these 10,000 acre-feet of water annually to the Del Webb Corporation for use in a new planned community. The Ak-Chin Community and Del Webb entered into a 100-year lease agreement in 1996.

It was believed at the time this would meet the State's requirement for an "assured water supply" of at least 100 years. However, since several years have passed and since the lease agreement was signed, it is now apparent that the availability of an "assured water supply" under this lease would, in fact, be for less than 100 years.

Mr. Speaker, this legislation will extend to the Ak-Chin leasing authority for longer term, making the lease consistent with the requirements of the Arizona state law.

The administration has expressed some concerns about the legislation; however, at this time we do support it and ask that the House support moving this bill forward.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. SHADEGG) for his statement on the bill.

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Mr. Speaker, I want to begin by commending both the gentleman from Alaska (Mr. YOUNG), chairman of the committee, and the gentleman from California (Mr. DOOLITTLE), chairman of the subcommittee, for their assistance with this legislation. I also commend the gentleman from California (Mr. GEORGE MILLER), ranking member, who has spoken on this legislation, for their assistance with H.R. 2647, the Ak-Chin Water Use Amendment Act of 1999.

As both of my colleagues have indicated, this legislation is critically important for the Ak-Chin Indian Community. The history has already been recited. The United States Congress in 1984 established the Ak-Chin Indian Community's right to 75,000 acre-feet per year of CAP water. In 1992, the tribe sought the authority to lease this water for off-reservation use. That is a critically important issue in Arizona, because there is tremendous demand for this water for off-reservation uses.

The Congress extended the tribe that authority, but it placed a 100-year maximum term on the lease, and this is where the issue comes, it failed to allow the tribe to extend into options to renew such leases or to extend such leases in any way, shape or form, setting a maximum period of 100 years.

Mr. Speaker, this legislation corrects that defect by providing that the tribe may enter into either options to renew a lease or renewals of a lease for no more than the original term. And, importantly, it provides that the tribe may not permanently alienate the water at issue. What this legislation does is that it enables the Indian tribe to get the highest value for its Indian water rights and for its CAP water. Without this legislation, the tribe is restricted to only being able to alienate the water, or lease the water, for 100

years. As the gentleman from California (Mr. GEORGE MILLER) explained, that simply does not meet the requirements of Arizona law, which requires a 100-year assured water supply.

This legislation has the support of Governor Hull of Arizona, it has the support of the Arizona Department of Water Resources, and most importantly it is sought and has the active support of the Ak-Chin Indian Community. It will enable them to lease this water, or enter into a renewal or option to extend the lease of the water, for an additional period of up to 100 years. That is critically important to making the water valuable. It is also critically important to the development of the water supply for Arizona and for the community affected by this existing lease.

Mr. Speaker, I commend my colleagues for their support of the legislation on the committee, again, and I call for its passage.

#### GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time. I urge support of the legislation, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2647.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### PLAQUE TO HONOR VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3293) to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, as amended.

The Clerk read as follows:

H.R. 3293

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITION OF COMMEMORATIVE PLAQUE, VIETNAM VETERANS MEMORIAL.

Public Law 96-297 (94 Stat. 827; 16 U.S.C. 431 note), which authorized the Vietnam Veterans Memorial in the District of Columbia,

is amended by adding at the end the following new section:

#### "SEC. 5. PLAQUE TO HONOR OTHER VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR.

"(a) PLAQUE AUTHORIZED.—Notwithstanding section 3(c) of the Commemorative Works Act (40 U.S.C. 1003(c)), the American Battle Monuments Commission is authorized to place within the Vietnam Veterans Memorial a suitable plaque containing an inscription intended to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall.

"(b) SPECIFICATIONS.—The plaque shall be at least 6 square feet in size and not larger than 18 square feet in size, and of whatever shape as the American Battle Monuments Commission determines to be appropriate for the site. The plaque shall bear an inscription prepared by the American Battle Monuments Commission.

"(c) RELATION TO COMMEMORATIVE WORKS ACT.—Except as provided in subsection (a), the Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the site of the Vietnam Veterans Memorial.

"(d) CONSULTATION.—In designing the plaque, preparing the inscription, and selecting the specific location for the plaque within the Vietnam Veterans Memorial, the American Battle Monuments Commission shall consult with the architects of the Vietnam Veterans Memorial Fund, Inc., and the Vietnam Women's Memorial, Inc.

#### "(e) FUNDS FOR PLAQUE.—

"(1) PROHIBITION ON USE OF FEDERAL FUNDS.—Federal funds may not be used to design, procure, or install the plaque. However, the preceding sentence does not apply to the payment of the salaries, expenses, and other benefits otherwise authorized by law for members of the American Battle Monuments Commission or other personnel (including detailees) of the American Battle Monuments Commission who carry out this section.

"(2) PRIVATE FUNDRAISING AUTHORITY.—The American Battle Monuments Commission shall solicit and accept private contributions for the design, procurement, and installation of the plaque. The American Battle Monuments Commission shall establish an account into which the contributions will be deposited and shall maintain documentation of the contributions. Contributions in excess of the amounts necessary for the design, procurement, and installation of the plaque shall be deposited in the United States Treasury.

"(f) VIETNAM VETERANS MEMORIAL DEFINED.—In this section, the term 'Vietnam Veterans Memorial' means the structures and adjacent areas extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue 200 feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting pool walkway). This is the same definition used by the National Park Service as of the date of the enactment of this section, as contained in section 7.96(g)(1)(x) of title 36, Code of Federal Regulations."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

#### GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself 3 minutes and 15 seconds.

Mr. Speaker, I would like to thank the leadership for scheduling this bill between Memorial Day and the 25th anniversary of the end of the Vietnam War. This timing reminds us that there are many who fought in Vietnam and died because of their service there, but whose sacrifices have still gone unrecognized.

Mr. Speaker, H.R. 3293 will remedy this situation. It will create a plaque honoring those Vietnam veterans who died as a result of the war, but who are not eligible to have their names placed on the Vietnam Veterans Memorial Wall. The wall is opened to some veterans who died after the conflict, but the criteria for eligibility does not include all veterans whose post-war deaths were a direct result of the war, including those who died from such factors as Agent Orange and post traumatic stress syndrome.

Families of these veterans deserve a place to mourn the loss of loved ones who served honorably and who died years later as a result of that service.

Mr. Speaker, we had a hearing on this bill in the subcommittee on March 22. The often emotional testimony by Ed Croucher, the Director of Vietnam Veterans of America, Captain Mike Fluke, board member of In Memory, and Lieutenant Colonel Jim Zumwalt demonstrated the strong feelings of veterans and their families on this issue.

Among the groups who have endorsed the plaque are the Vietnam Veterans of America, Veterans of Foreign Wars, AMVETS, Vietnam Women's Memorial, Inc., Rolling Thunder, the Korean War Veterans Association, the National Congress of American Indians, the National Conference of Vietnam Veteran Ministers, In Memory Inc., the American Gold Star Mothers, the Agent Orange Widows Awareness Coalition, and the Society of 173rd Airborne Brigade. In addition, the bill has 290 bipartisan cosponsors.

H.R. 3293 is simple and straightforward, Mr. Speaker. This bill will honor the sacrifices of these veterans by creating a small plaque that will be placed in a suitable location within the 13-acre Vietnam Veterans Memorial. On the plaque will be a short, fitting inscription that honors these fallen heroes.

The plaque will not be placed on the "Wall" or directly in front of the "Wall." This will ensure the plaque