

am a cosponsor along with the Chairman of the Resources Committee. I recognize and congratulate our colleague from Guam, Mr. UNDERWOOD, for his hard work and collaboration with the staff of the Committee to craft legislation which addresses some very complex issues facing the people of Guam. Some may not realize how difficult a job it is for the delegates from the territories to move legislation through the Congress and I, for one, am glad that we are considering Mr. UNDERWOOD's legislation today.

The Guam Omnibus Opportunities Act is legislation which, among other things, addresses two very important issues for the people of Guam—the future return of federal excess lands on Guam and the expansion of the island's economy. H.R. 2462 puts into place, a process wherein the government of Guam is given first consideration in the return of federal excess land. As chairman of the Resources Committee during the 103rd Congress, we passed legislation, authored by Mr. UNDERWOOD, which identified 3,200 acres of federal excess lands no longer needed by the federal government for return to the government of Guam to benefit the people of Guam. This was the first step in helping to address the very unique circumstances of Guam's history and the federal acquisition of 1/3 of the island after WWII for purposes of national defense. Currently, the return of excess federal land is governed by the General Service Administration's land return process which can completely prevent Guam from regaining the land, in favor of other federal interests. H.R. 2462 builds upon the success of our work during the 103rd Congress and establishes a process in which federal property no longer necessary for the continuing operations of the defense of our nation is returned to the government of Guam for uses consistent with benefitting the island's community.

H.R. 2462 also contains a novel approach to increase investment into Guam by allowing the government to match the withholding tax rates of foreign investors to equal the same rate offered in U.S. treaties for foreign investors doing business in the 50 states. Guam's U.S. "mirror image" tax system was instituted with the passage of its organic act in 1950. The Internal Revenue Code requires a withholding tax rate of 30 percent on foreign investors with the exception of withholding tax rates negotiated in U.S. treaties with foreign nations. These rates are often lowered to encourage foreign investment into the United States. It is often the case, however, that the definition of the United States does not include Guam or the other U.S. territories. The exclusion of the territories, has for better or worse, penalized Guam in this instance since the majority of their private sector development has come from foreign sources. Amending Guam's Organic Act to equal the withholding tax rate under U.S. treaties will boost their attraction to foreign investors and benefit the island's long-term private sector diversification.

I am mindful that over the past several years, the economy of Guam has spiraled downwards due to decreased military presence and the slumping economies in Asia. I am happy that we are attempting to address these issues in terms of making future excess federal land available to the island government for public benefit uses and the lifting of restrictive taxes on foreign investors. I thank Mr. UNDERWOOD again for his legislation and urge

my colleagues to support H.R. 2462—the Guam Omnibus Opportunities Act.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2462, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. 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 H.R. 2919, S. 1629, H.R. 3676, H.R. 4275, S. 1910, H.R. 2833, and H.R. 2462, the last seven bills just considered.

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

There was no objection.

USE OF WEBER BASIN PROJECT FACILITIES FOR NONPROJECT WATER

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3236) to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, as amended.

The Clerk read as follows:

H.R. 3236

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

SECTION 1. USE OF WEBER BASIN PROJECT FACILITIES FOR NONPROJECT WATER.

The Secretary of the Interior may enter into contracts with the Weber Basin Water Conservancy District or any of its member unit contractors under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using facilities associated with the Weber Basin Project, Utah; and

(2) the exchange of water among Weber Basin Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Weber Basin Project, Utah.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. 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 therein, on H.R. 3236.

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

There was no objection.

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

Mr. Speaker, I am pleased to be discussing H.R. 3236, which I introduced with my colleague, the gentleman from Utah (Mr. HANSEN). This legislation authorizes the Secretary of Interior, through the Bureau of Reclamation, to enter into contracts with the Weber Basin Water Conservancy District to allow the delivery of non-Federal project water for domestic, municipal, industrial, and other beneficial purposes using facilities associated with the Weber Basin Project.

Such congressional authorization is required by the Warren Act and there are a number of Western reclamation projects which have already been given such authority including the Central Utah Project. The Weber Basin Conservancy District constructed the Smith Morehouse Dam and Reservoir in the early 1980s with local Weber Basin funding resources creating a supply of non-Federal project water.

There is now a need to deliver approximately 5,000 acre feet of this non-Federal Smith Morehouse water supply along with approximately 5,000 acre feet of Federal Weber Basin Project water utilizing some federally built project facilities to the Snyderville Basin Area of Summit County and to Park City. These are rapidly growing areas of my congressional district.

The Weber Basin Water Conservancy District entered into a memorandum of understanding and agreement in 1996 to deliver this water approximately 14 miles from Weber Basin Weber River sources upon the execution of an interlocal agreement with Park City and Summit County. The Warren Act requires that legislation be enacted to enable the district to move ahead with this agreement with the county and Park City to deliver the water utilizing Bureau-built Weber Basin Project facilities.

The Utah State Engineer last year stopped approval of new groundwater sources in the area. We do not have any more wells that we can drill there. This, along with the tremendous growth in the area, due in part to the 2002 Olympics, has led to an immediate need to import water to the area. The area to be served is within the taxing area of the Weber Basin District, and there is a definite need for a public entity to build a project to supply an adequate, reliable, and cost-effective water delivery project to meet future demands.

I hope we can pass this legislation to enable the District to expeditiously construct this project.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 3236 authorizes the Secretary of the Interior to enter into Warren Act contracts for water from the Weber Basin project in Utah. These contracts are an important water management tool in the Western United States where there is an opportunity to use a nearby Bureau of Reclamation project to transport local water supplies for municipal or other uses.

We support the legislation, and we congratulate the gentleman from Utah (Mr. CANNON) on his effort.

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

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

Mr. Speaker, I would just once again state this legislation is needed to continue the development of much-needed water resources in the Weber Basin Water Conservancy District. I urge my colleagues to join me in supporting this necessary legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3236, as amended.

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

A motion to reconsider was laid on the table.

DUCHESNE CITY WATER RIGHTS CONVEYANCE ACT

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3468) to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah, as amended.

The Clerk read as follows:

H.R. 3468

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Duchesne City Water Rights Conveyance Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1861, President Lincoln established the Uintah Valley Reservation by Executive order. The Congress confirmed the Executive order in 1864 (13 Stat. 63), and additional lands were added to form the Uintah Indian Reservation (now known as the Uintah and Ouray Indian Reservation).

(2) Pursuant to subsequent Acts of Congress, lands were allotted to the Indians of the reservation, and unallotted lands were restored to the public domain to be disposed of under homestead and townsite laws.

(3) In July 1905, President Theodore Roosevelt reserved lands for the townsite for Duchesne, Utah, by Presidential proclamation and pursuant to the applicable townsite laws.

(4) In July 1905, the United States, through the Acting United States Indian Agent in Behalf of the Indians of the Uintah Indian Reservation, Utah, filed 2 applications, 43-180 and 43-203, under the laws of the State of Utah to appropriate certain waters.

(5) The stated purposes of the water appropriation applications were, respectively, "for irrigation and domestic supply for townsite purposes in the lands herein described", and "for the purpose of irrigating Indian allotments on the Uintah Indian Reservation, Utah, . . . and for an irrigating and domestic water supply for townsite purposes in the lands herein described".

(6) The United States subsequently filed change applications which provided that the entire appropriation would be used for municipal and domestic purposes in the town of Duchesne, Utah.

(7) The State Engineer of Utah approved the change applications, and the State of Utah issued water right certificates, identified as Certificate Numbers 1034 and 1056, in the name of the United States Indian Service in 1921, pursuant to the applications filed, for domestic and municipal uses in the town of Duchesne.

(8) Non-Indians settled the town of Duchesne, and the inhabitants have utilized the waters appropriated by the United States for townsite purposes.

(9) Pursuant to title V of Public Law 102-575, Congress ratified the quantification of the reserved waters rights of the Ute Indian Tribe, subject to reratification of the water compact by the State of Utah and the Tribe.

(10) The Ute Indian Tribe does not oppose legislation that will convey the water rights appropriated by the United States in 1905 to the city of Duchesne because the appropriations do not serve the purposes, rights, or interests of the Tribe or its members, because the full amount of the reserved water rights of the Tribe will be quantified in other proceedings, and because the Tribe and its members will receive substantial benefits through such legislation.

(11) The Secretary of the Interior requires additional authority in order to convey title to those appropriations made by the United States in 1905 in order for the city of Duchesne to continue to enjoy the use of those water rights and to provide additional benefits to the Ute Indian Tribe and its members as originally envisioned by the 1905 appropriations.

SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE CITY, UTAH.

(a) CONVEYANCE.—The Secretary of the Interior, as soon as practicable after the date of enactment of this Act, and in accordance with all applicable law, shall convey to Duchesne City, Utah, or a water district created by Duchesne City, all right, title, and interest of the United States in and to those water rights appropriated under the laws of the State of Utah by the Department of the Interior's United States Indian Service and identified as Water Rights Nos. 43-180 (Certificate No. 1034) and 43-203 (Certificate No. 1056) in the records of the State Engineer of Utah.

(b) REQUIRED TERMS.—

(1) IN GENERAL.—As terms of any conveyance under subsection (a), the Secretary shall require that Duchesne City—

(A) shall allow the Ute Indian Tribe of the Uintah and Ouray Reservation, its members, and any person leasing or utilizing land that is held in trust for the Tribe by the United States and is located within the Duchesne City water service area (as such area may be adjusted from time to time), to connect to the Duchesne City municipal water system;

(B) shall not require such tribe, members, or person to pay any water impact, connection, or similar fee for such connection; and

(C) shall not require such tribe, members, or person to deliver or transfer any water or water rights for such connection.

(2) LIMITATION.—Paragraph (1) shall not be construed to prohibit Duchesne City from charging any person that connects to the Duchesne City municipal water system pursuant to paragraph (1) reasonable, customary, and nondiscriminatory fees to recover costs of the operation and maintenance of the water system to treat, transport, and deliver water to the person.

SEC. 4. WATER RIGHTS.

(a) NO RELINQUISHMENT OR REDUCTION.—Except as provided in section 3, nothing in this Act may be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Utah on or before the date of enactment of this Act.

(b) NO PRECEDENT.—Nothing in this Act may be construed as establishing a precedent for conveying or otherwise transferring water rights held by the United States.

SEC. 5. TRIBAL RIGHTS.

Nothing in this Act may be construed to affect or modify any treaty or other right of the Ute Indian Tribe or any other Indian tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. 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 therein, on H.R. 3468.

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

There was no objection.

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

Mr. Speaker, I am glad to have the opportunity to discuss H.R. 3468, the Duchesne City Water Rights Conveyance Act on the House floor. This legislation gives the city of Duchesne rights to water owned by the United States Indian Service. Duchesne is currently using this water and has used it since the city was established.

Since this law corrects a legal anomaly, some historical background may be helpful. When the Uintah Indian Reservation was opened for settlement in 1905, land was auctioned to the highest bidder under the Township Act and the City of Duchesne was created. The acting Indian agent of the reservation filed two applications to appropriate water with the Utah State Engineer.

These applications were intended for irrigation and domestic supply in the City of Duchesne under the township provisions. For many years now, attempts to place the water rights in the name of Duchesne City have failed despite acknowledgments by all interested parties that the water rights were meant for Duchesne City exclusively.

Since the United States Indian Service no longer exists, there is no way to