

Ms. BORDALLO. Well, Mr. Speaker, I was just requesting that the gentleman clarify. I want to be sure that his numbers are accurate.

I reserve the balance of my time.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H. Res. 1199, a resolution congratulating the Orange County Water District on its 75th anniversary. The Orange County Water District and its employees have effectively delivered innovative groundwater management, water quality, water efficiency, and environmental programs which will reduce our region's dependence on imported water.

We all know that with increased demand, decreased availability of imported water, and higher water quality requirements, future water supplies will become even more limited and expensive. If we want to sustain southern California's economic growth and provide for a rapidly increasing population, we must ensure efficient and reliable access to water resources and pursue a modernized sanitation infrastructure. The Orange County Water District recognized that we needed a reliable source of quality water and has pursued multi-pronged strategies for capturing and recycling water that would otherwise flow downstream to the ocean.

The first initiative involves a series of agreements between the Orange County Water District, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service to allow the District to conserve water behind Prado Dam. This water, which would otherwise flow downstream to the ocean, is captured to recharge the local aquifer. In addition, the Orange County Water District has partnered with the Orange County Sanitation District in the development of the groundwater replenishment system. This system will take highly treated sewer water and treat it above and beyond existing drinking water standards by undergoing an advanced purification process that includes two membrane filtration and treatment by ultraviolet light and hydrogen peroxide. Once purified, the water will be sent to groundwater recharge facilities or injection wells. This project is a model of self-reliance and should be replicated throughout water districts around southern California.

The Orange County Water District is working to ensure water reliability for generations to come. This is a comforting thought to businesses as well as residents interested in moving to Orange County. Their efforts will allow our economy to grow without being restrained by potential water shortages.

I congratulate the Orange County Water District for their 75 years of service to the region and I am proud of the Federal, State, and local agencies that have worked together to serve the community and address the region's growing water needs.

Mr. CAMPBELL of California. Mr. Speaker, I rise to congratulate the Orange County Water District for its 75 years of exemplary service to the communities of Orange County, California.

Orange County Water District and its employees deserve special recognition for their exceptional effectiveness in protecting and providing an essential resource for 2.3 million customers in Orange County. They are to be acknowledged especially for the quality and efficiency of their systems and programs that are among the most innovative in the industry.

Orange County Water District in its dedication to excellence in public service is a shining example of government that works.

Mr. Speaker, I would like to express our deep appreciation and gratitude to Orange County Water District and congratulate them on their 75 years.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Res. 1199, Commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary.

As a cosponsor of this resolution and a representative from Orange County, I know of the valuable service the OCWD has provided to Orange County. The recent drought in California has reminded many of us how imperiled our water supply is. Water demand in California is set to increase by 16 percent between 2010 and 2030, but fortunately, the OCWD is doing much to meet the counties needs.

The new groundwater replenishment system is one of the world's most high-tech, as it produces 70 million gallons per day, enough for half a million people. Innovative thinking such as this has greatly helped our community, and will do much to meet growing demand.

On its 75th anniversary, I'd like to again congratulate the OCWD and its employees for its valuable contributions to Orange County.

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

Ms. BORDALLO. I urge my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 1199.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1545

EASTERN NEW MEXICO RURAL WATER SYSTEM AUTHORIZATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5710) to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5710

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 "Eastern New Mexico Rural Water System Authorization Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **AUTHORITY.**—The term "Authority" means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) **ENGINEERING REPORT.**—The term "engineering report" means the report entitled "Eastern New Mexico Rural Water System Preliminary Engineering Report" and dated October 2006.

(3) **PLAN.**—The term "plan" means the operation, maintenance, and replacement plan required by section 4(b).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **STATE.**—The term "State" means the State of New Mexico.

(6) **SYSTEM.**—

(A) **IN GENERAL.**—The term "System" means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) **INCLUSIONS.**—The term "System" includes the major components and associated infrastructure identified as the "Best Technical Alternative" in the engineering report.

(7) **UTE RESERVOIR.**—The term "Ute Reservoir" means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

SEC. 3. EASTERN NEW MEXICO RURAL WATER SYSTEM.

(a) **FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(2) **USE.**—

(A) **IN GENERAL.**—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under section 5(a)(2).

(B) **LIMITATIONS.**—Financial assistance provided under paragraph (1) shall not be used—

(i) for any activity that is inconsistent with constructing the System; or

(ii) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(b) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The Federal share of the total cost of any activity or construction carried out using amounts made available under this Act shall be not more than 75 percent of the total cost of the System.

(2) **SYSTEM DEVELOPMENT COSTS.**—For purposes of paragraph (1), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(c) **LIMITATION.**—No amounts made available under this Act may be used for the construction of the System until—

(1) a plan is developed under section 4(b); and

(2) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(d) **TITLE TO PROJECT WORKS.**—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

SEC. 4. OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.

(a) **IN GENERAL.**—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(b) **OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.**—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this Act.

(2) **COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(B) **REQUIREMENTS.**—The cooperative agreement entered into under subparagraph (A) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(i) ensuring that the cost-share requirements established by section 3(b) are met;

(ii) completing the planning and final design of the System;

(iii) any environmental and cultural resource compliance activities required for the System; and

(iv) the construction of the System.

(b) **TECHNICAL ASSISTANCE.**—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(c) **BIOLOGICAL ASSESSMENT.**—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(d) **EFFECT.**—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal rights to—

(A) the water of a stream; or

(B) any groundwater resource.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In accordance with the adjustment carried out under subsection (b), there is authorized to be appropriated to the Secretary to carry out this Act an amount not greater than \$327,000,000.

(b) **ADJUSTMENT.**—The amount made available under subsection (a) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this Act.

(c) **NONREIMBURSABLE AMOUNTS.**—Amounts made available to the Authority in accordance with the cost-sharing requirement under section 3(b) shall be nonreimbursable and nonreturnable to the United States.

(d) **AVAILABILITY OF FUNDS.**—At the end of each fiscal year, any unexpended funds appropriated pursuant to this Act shall be retained for use in future fiscal years consistent with this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in 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 gentlewoman from Guam?

There was no objection.

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

H.R. 5710, as introduced by our colleague, Congressman TOM UDALL of New Mexico, would direct the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the design and the construction of the Eastern New Mexico Rural Water System. The project would provide a sustainable water supply to nine communities and an Air Force base. This bill has received bipartisan support.

I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

The gentlelady from Guam has, once again, in her role as the bill manager, adequately explained the legislation that has been introduced by our colleague from New Mexico, TOM UDALL. And it is also supported by our committee colleague, the ranking member on the Energy and Mineral Resources subcommittee, himself an expert on energy, STEVE PEARCE. Both of them are trying to seek to provide alternative water sources to communities in eastern New Mexico.

One thing that is not contemplated in this bill is, of course, how much energy it will take to pump the water over almost 100 miles of pipeline. Water pumping costs for this project will require massive amounts of electricity. It is unclear on how we, as a country, are planning on generating that electricity in the future. But since commitments have been made to work on specific committee report language involving land owner rights and military contributions to this particular water project, we certainly have no objection at this point to this bill and would also urge a favorable vote.

Mr. UDALL of New Mexico. Mr. Speaker, today I rise in support of H.R. 5710, The Eastern New Mexico Rural Water System Authorization Act. In so doing, I would like to thank

Chairman RAHALL and Chairwoman NAPOLITANO for their efforts in bringing this legislation to the floor today. This important bill will authorize the Bureau of Reclamation to help communities in eastern New Mexico develop the Eastern New Mexico Rural Water System (ENMRWS).

There has long been a recognized need for a reliable and safe supply of potable water for eastern New Mexico. After years of drought and ever-increasing community growth, this water supply project is now absolutely critical for the continued economic well-being of Curry and Roosevelt counties in eastern New Mexico.

These eastern New Mexico counties are built on a strong agricultural heritage, and the communities are known for their great sense of unity and mutual support. With the threat of extreme water scarcity, eastern New Mexico counties are rallying to ensure community survival.

The Ogallala aquifer currently provides 100 percent of the municipal and industrial water supplies and the vast majority of agricultural water for eastern New Mexico. However, both the quantity and quality of this groundwater reserve have declined severely in recent decades. It is estimated that this groundwater supply will not be able to sustain current use into the next decade, and may be functionally depleted within 25 years.

For 45 years, water users in eastern New Mexico have worked to develop an alternative source of municipal water that will be sustainable into the future. The Eastern New Mexico Rural Water Supply Authority, consisting of nine communities in the Curry and Roosevelt counties of eastern New Mexico, was formed in 2001 to oversee the development of a rural water system. This Authority has expeditiously and effectively finalized the studies and planning necessary to move forward with this project.

The Eastern New Mexico Rural Water System Authorization Act is the result, and it has come after years of research, years of consultation, years of planning, and years of negotiation. The legislation is strongly supported by the communities involved, by the state of New Mexico, and by the entire New Mexico Delegation. H.R. 5710 passed by unanimous consent in both subcommittee and full committee, and it is my hope that the bill will continue to garner strong bipartisan support on the floor today and in the Senate as it moves to that chamber.

I applaud the efforts of the Eastern New Mexico Rural Water Supply Authority, of the state of New Mexico, and of the counties and cities involved in this project. They have worked expeditiously and tirelessly to finalize the studies and planning necessary to move forward with this project.

The establishment of the Eastern New Mexico Rural Water System is essential to the socio-economic survival of communities in eastern New Mexico. While vital to New Mexico, H.R. 5710 is just one piece in the larger puzzle of water resources in the arid west and across the nation. As our nation is confronted with changing and extreme weather, states and communities must work to address water scarcity with conservation efforts, with new technology, and with negotiation of water rights.

H.R. 5710 builds on the ongoing efforts of the 8 cities and counties participating in the

project. These communities are working to establish innovative approaches to conserving water both agriculturally and domestically. They are part of a movement in the west to recognize the limitations of this precious resource and to work within these limitations to build strong communities.

The Eastern New Mexico Rural Water System Authorization Act is key to the survival of numerous New Mexico communities, and is part of a wider national approach to sound water management. We cannot stand by and watch vibrant communities dissolve into western ghost towns, especially when solutions exist. I encourage my colleagues to support H.R. 5710 and help provide a positive, long-term solution to a pressing water need in the rural West.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise to speak in favor of passage of H.R. 5710, the Eastern New Mexico Rural Water System Authorization Act, which will establish the Ute water pipeline. This bill authorizes construction of a pipeline from the Ute Reservoir that will carry water to several communities in Curry and Roosevelt counties.

Under the proposed bill, the U.S. Bureau of Reclamation is authorized to spend up to \$327 million to assist the Eastern New Mexico Rural Water Authority (ENMRWA) in the construction of the pipeline. The State of New Mexico and the ENMRWA, which represents communities in eastern New Mexico that will benefit from the pipeline, will contribute 25 percent of the cost of construction. ENMRWA will operate and maintain the pipeline.

Construction of this pipeline is essential as communities in eastern New Mexico try to meet future demand for water. It will provide a critical supply of water to growing communities and create certainty in these communities that safe, clean water will continue to be available long into the future.

The Ute Reservoir was built on the Canadian River in 1959 as a sustainable water supply for eastern New Mexico. It has been nearly 40 years since Congress authorized the study of a pipeline to transfer water to communities in eastern New Mexico, but only in the past few years have the affected New Mexico communities began planning for the pipeline.

Communities that will be served by the Ute pipeline include Grady, Clovis, Melrose, Texico, Portales and Elida, as well as Cannon Air Force Base.

I am a cosponsor of this important legislation and urge its swift passage.

Mr. BISHOP of Utah. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 5710.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2008

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5511) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5511

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

SECTION 1. LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION.

(a) **SHORT TITLE.**—This section may be cited as the "Leadville Mine Drainage Tunnel Remediation Act of 2008".

(b) **TUNNEL REMEDIATION.**—The Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) is amended as follows:

(1) By striking section 705.

(2) In section 708(a)—

(A) by striking "(a)" and inserting "(a)(1)";

(B) by striking "The Secretary shall have" and inserting "Except as provided by paragraph (2), the Secretary shall have"; and

(C) by adding at the end the following:

"(2) The Secretary shall participate in the implementation of the operable unit 6 remedy for the California Gulch Superfund Site, as such remedy is defined in the Environmental Protection Agency's 2003 Record of Decision for such operable unit, by—

"(A) treating water behind any blockage or bulkhead in the Leadville Mine Drainage Tunnel, including surface water diverted into the Tunnel workings as part of the remedy; and

"(B) managing and maintaining the mine pool behind such blockage or bulkhead at a level that precludes surface runoff and releases and minimizes the potential for tunnel failure due to excessive water pressure in the tunnel."

(3) In section 708(f), by striking "and 708" and inserting ", 708, and 709".

(4) By adding at the end of title VII the following:

"SEC. 709. TUNNEL MAINTENANCE.

"The Secretary shall take such steps to repair or maintain the structural integrity of the Leadville Mine Drainage Tunnel (LMDT) as may be necessary in order to prevent tunnel failure and to preclude uncontrolled release of water from any portion of the tunnel."

(5) In the table of sections contained in section 2—

(A) by striking the item relating to section 705; and

(B) by inserting after the item relating to section 708 the following new item:

"Sec. 709. Tunnel maintenance."

THE SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in 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 gentlewoman from Guam?

There was no objection.

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

H.R. 5511 was introduced by our colleague, Congressman DOUG LAMBORN of Colorado. The bill, as amended, would direct the Bureau of Reclamation to remedy problems caused by collapses in the Leadville Mine Drainage Tunnel. Due to structural deterioration, contaminated water has backed up in the tunnel posing a grave public health and environmental threat.

This bill has received bipartisan support. We have no objection to this non-controversial bill. And I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for the bill that was introduced by our committee colleague, DOUG LAMBORN of Colorado. The Leadville Mine Tunnel was supposed to be used for a nearby Federal water project but has ended up becoming a public danger. It has been on the verge of bursting and sending what is presumed to be chemical-laden water toward local homes. The Bureau of Reclamation owns the tunnel and must be responsible for resolving the situation. And that is what this bipartisan bill accomplishes.

The Leadville Mine, addressed in this bill, was used during World War II and the Korean War to supply critical metals to help our Nation. Years ago, our Nation smartly invested in mining our natural resources. Yet today, the mining industry is under attack by some and by many. And the net effect, of course, has been to outsource U.S. jobs to countries that have commonsense environmental regulations and an increase in consumer prices to those here at home. It would be nice if Congress would promote our own mining industry and not destroy it by 1,000 cuts. America does deserve better.

This bill, though, solves a particular problem that is faced in Colorado. It is a bipartisan bill. And I urge its adoption.

Mr. LAMBORN. Mr. Speaker, today is, an important day for the citizens of Lake County and all residents of Colorado. They deserve to see what the federal government will do to correct problems associated with the Leadville Mine Drainage Tunnel.

The Leadville Mine Drainage Tunnel was originally constructed by the federal Bureau of Mines in the 1940's and 1950's to facilitate the extraction of lead and zinc ore for the World War II and the Korean War efforts. The Bureau of Reclamation acquired the Tunnel in 1959 hoping to use the tunnel as a source of water for the Fryingpan-Arkansas Project. Although the tunnel was never used for the Fryingpan-Arkansas Project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River.