

and cut off water to Mesa Verde National Park and Coloradans in the southwest.

The most dangerous period is during the spring snow melt when Jackson Gulch Reservoir is being filled. If anything happens during that time, my farmers, the town of Mancos, and the Mesa Verde National Park will be out of business. The estimated cost to rehabilitate the canal system is less than one-third of the cost of replacement.

I urge my colleagues to help us address this important issue for southwest Colorado. There are approximately 300, 350 families living in the town of Mancos and 100 more living in Mancos Valley. The median income in Mancos is only \$25,000. Yet in their desperate need for water, they have agreed to pay for 35 percent of the cost. They know this will stretch their budgets, but they are also willing to do their part. Now Congress should do its part and pass this critical bill.

I want to thank the chairwoman; I want to thank the Speaker.

Mr. BISHOP of Utah. Mr. Speaker, I want it to be very clear that I respect extremely Mr. NUNES and Mr. COSTA who have introduced the bill that is before us. I also respect Mr. SALAZAR on the bill about which he was just speaking, because all those bills are very well written bills. They have gone through what we call regular order in this body so that the details have been worked out in a fair and equitable process. They are good, decent bills.

But we meet together on this day of suspensions in a unique concept. As we enter into this Hall, there are symbols placed throughout this building. And those symbols are there to remind us of certain concepts that we should be emulating. Around the top of this room, you see the faces, the side views of the icons of law, the great lawgivers of the history of this world, with Moses, obviously, who is the greatest of all, being the only one with a full face view looking directly at the Speaker. They are here because it reminds us that law, even though it sounds sometimes counterintuitive, is that factor which allows us to be free. Law sets the standard, the example, so that we know where we are going and what we are trying to do, which is why we are so offended when activist judges are creating law based on their whimsy, not on the record of the verbiage itself, why sometimes we also are offended in this body when we create wilderness or we create trail systems without maps, or we create wild river systems that violate the definition of those particular laws and we decide to do so on the whimsy of a simple majority vote.

The gentleman on the right side of the Speaker, when he was Vice President of the United States and thus also the President of the Senate, designed a set of rules by which the Senate would operate. This House has taken those rules, modified them slightly, but uses that as the basis of the rules of order

for the way we conduct business here. And we often refer to that as regular order. But bills have concepts that they are supposed to take. If we indeed have a bill coming up later this week which has gone through no public input, has had no hearings, has had no committee reviews, will possibly not have the ability of being amended on the floor or in committee, being written in secret and then presented to us at the last minute, a pattern that has been pervasive during this session, it violates the message of their presence. It violates the concept of what we are trying to do. It says to us it is the wrong way to conduct business, because the basis when we conduct business out of regular order, when we do things behind closed doors and then bring a finished product to a take-it-or-leave-it vote here on the floor, is to basically produce a wrong-headed policy.

That was what these people feared, even though most of them had no concept of what a democratic republic was supposed to be, nor did they care. They always established what the process should be. We are looking at the most significant issue to be faced by this Congress this year and have begun in secret, with no hearings, no input, no public. It suddenly appears on the floor out of regular order. To do so dishonors the memory of each of these individuals who have fought so hard to allow us to have a structured way of coming to common solutions to real problems. And it is one of those things we should not allow ourselves to sink into during this coming week or even the next week.

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

□ 1415

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

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, as the previous speaker mentioned, in a normal time we would be debating this particular bill that has merit, I am sure. But these are not normal times. We are now in the last weeks before we adjourn this Congress, and we are not addressing the issue that is uppermost certainly in the minds of my constituents, and that is the energy crisis.

I noticed recently we haven't been talking much about the energy potential of the Arctic National Wildlife Refuge, or ANWR. There are rumors that we may have a bill this week on energy, but there is nothing mentioned about ANWR. Perhaps that is because the Democrats' later energy bill doesn't mention it at all.

The American Energy Act, however, does give ANWR the attention it deserves. The American Energy Act opens the coastal plain of ANWR to drilling, limiting the footprint to just 2,000 acres. That is one one-hundredth of 1 percent of the whole refuge. I know

we have all heard the comparison, but I think it is worth repeating. That is the size of a postcard on a football field.

ANWR has over 10 billion barrels of recoverable oil. That is over twice the proven oil reserves in all my State of Texas. Once ANWR is on line, it could produce as much oil per day as the entire State of Texas.

In addition to increasing the supply of oil and therefore reducing prices, the royalty and tax revenue from ANWR would be considerable. Congress has authorized several programs to help develop alternative and renewable energy sources. However, we have not been able to fully fund those initiatives, so have not seen the benefit we were hoping for when they became law. The American Energy Act reinvests any bonus bids and royalty revenue from ANWR into a trust fund to help fund these initiatives to develop alternative and renewable energy sources.

Poll after poll shows that Americans want more domestic production. My office is flooded with calls and e-mails begging me to convince Speaker PELOSI to allow a vote on drilling in ANWR. We need to increase domestic production. We need to develop alternative energy sources. We need to make renewable energy sources more effective. Allowing access to ANWR, as outlined in the American Energy Act, accomplishes all of these objectives.

Let's heed the call of the American people. After all, that is what we were elected to do. Let's take responsibility and vote today to give them the relief they so desperately are seeking.

I invite my colleagues on the other side of the aisle to join us and vote for real solutions today, this week, on this energy crisis.

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

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and 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. 2535.

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. BISHOP of Utah. 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.

#### NOAA LAND SALE

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5350) to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5350

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

**SECTION 1. SALE OR EXCHANGE OF NOAA PROPERTY IN NORFOLK, VIRGINIA.**

(a) IN GENERAL.—The Secretary of Commerce may sell or exchange to the City of Norfolk, Virginia, in accordance with chapter 13 of title 40, United States Code, real property under the administrative jurisdiction of the National Oceanic and Atmospheric Administration (in this section referred to as “NOAA”), including land and improvements thereon, located at 538 Front Street, Norfolk, Virginia, consisting of approximately 3.78 acres, if the Secretary—

(1) determines that the conveyance is in the best interests of NOAA and the Federal Government; and

(2) has provided prior notification to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate.

(b) CONSIDERATION.—

(1) IN GENERAL.—For any conveyance under this section the Secretary shall require the City of Norfolk to provide consideration to the United States that is not less than the fair market value of the property conveyed by the United States.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) cash or cash equivalents;

(B) other property (either real or personal); and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit to NOAA including construction, repair, remodeling, or other physical improvements of NOAA property;

(ii) maintenance of NOAA property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based upon a highest- and best-use appraisal of the property conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for—

(1) activities related to the operations of, or capital improvements, to NOAA property; or

(2) relocation and other costs associated with the sale or exchange.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States, including the recoupment of any profit the City of Norfolk may realize within three years after the date of conveyance to the City due to resale of the property

(e) TERMINATION.—The authority granted to the Secretary under subsections (a) and

(b) shall terminate at the end of the 24-month period beginning on the date of enactment of this Act if no contract for sale or exchange under subsection (a) has been entered into by the City of Norfolk and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the 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.

Mr. Speaker, H.R. 5350 is non-controversial legislation introduced by our colleague from Virginia, Congressman BOBBY SCOTT, to authorize the Secretary of Commerce and the City of Norfolk, Virginia, to negotiate and complete a conveyance of Federal property located in the city that is under the control of the National Oceanic and Atmospheric Administration. The purpose of this fair market value conveyance would be to enable the city to fulfill its plans for the economic redevelopment of the Fort Norfolk waterfront area.

I commend my colleague from Virginia, Congressman BOBBY SCOTT, for his tireless efforts to assist the City of Norfolk as it revitalizes its downtown waterfront core. This legislation also was approved by our colleagues on the Committee on Oversight and Government Reform. The helpful revisions offered by Chairman HENRY WAXMAN and his staff will protect the interests of NOAA and ensure that any future conveyance is consistent with standard terms of terms and conditions found in similar General Services Administration contracts.

Mr. Speaker, I ask my colleagues to support the passage of this bill.

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

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

Mr. Speaker, the Democrat bill manager has I think sufficiently explained the particulars of this bill. I understand the parties involved in the land sale or exchange and the National Oceanic and Atmospheric Administration and the City of Norfolk support the bill and its passage today. I think it is also an exceptional bill.

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

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT), the author of the bill.

Mr. SCOTT of Virginia. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of H.R. 5350, a bill authorizing the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property in the City of Norfolk, Virginia. At the request of the City of Norfolk, I introduced this legislation in February of this year, along with my colleague from Virginia's Second Congressional District, THELMA DRAKE, who also represents part of the City of Norfolk.

Over the last decade, the City of Norfolk has experienced tremendous economic growth. Downtown Norfolk has reemerged as the urban center of the Hampton Roads region through revitalization and new commercial and residential development.

For several decades, NOAA has been an important Federal partner in downtown Norfolk's development. NOAA's Atlantic Marine Operations Center and NOAA's Chesapeake Bay office are both located downtown in an area referred to as the Fort Norfolk district, which is one of the last remaining undeveloped waterfront areas of downtown Norfolk.

Nearly a decade ago, the city recognized the strategic location of the Fort Norfolk district for development and revitalization and the city began discussions about its desire to purchase a parcel of property from NOAA located at 538 Front Street, directly across from NOAA's primary Norfolk facility. NOAA currently uses the property for storage and staff space for the Norfolk field operations office of NOAA's National Geodetic Survey. These discussions stalled when NOAA ascertained that congressional authorization was required to proceed.

H.R. 5350 simply authorizes, but does not require, the Secretary of Commerce to sell or exchange the NOAA property located at 538 Front Street in Norfolk to the City of Norfolk. The bill clearly states that NOAA may only sell or exchange the property if the Secretary of Commerce determines that the conveyance would be in the best interests of the Federal Government. The bill also requires that the property be sold at a value not less than the fair market value, as determined by the Federal Government.

The bill does not delineate or support any particular agreement or contract. The details of any future agreement between NOAA and the City of Norfolk would have to be worked out. This legislation would simply permit that process to move forward, and if a mutually agreeable contract is decided upon, this land sale or exchange would allow Norfolk to continue its tremendous economic growth by developing the land for commercial and residential purposes. The authority granted to the Secretary of Commerce to enter into this agreement with the City of Norfolk will expire 2 years after the date of enactment of H.R. 5350.

Mr. Speaker, I would like to thank the chairwoman of the Fisheries Subcommittee, Ms. BORDALLO, and the ranking member, Mr. BROWN, as well as the Natural Resources Committee chairman, Mr. RAHALL, and ranking member, Mr. YOUNG, for getting this bill to the floor.

I urge my colleagues to support this bipartisan legislation that protects both the interests of the Federal Government and the citizens of Norfolk.

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

Mr. Speaker, I once again commend the author of this particular bill. I think this is a good bill that has worked its way through. We have one of our Members, Representative DRAKE, who is on her way up here, from her district which is on the coast of Virginia, driving up in a very crowded parkway trying to get here as well, illustrating several of the problems that we face in this country, one of which is what do you do with that land off the coast of Virginia, as well as the entire coast of the United States, to try and help solve the problem of our parkways and driveways and highways, our freeways, as people are trying to go from one destination to another, especially with the overwhelmingly destructive high cost of gasoline that we have now.

A lot of people talk about these things as if what the Republicans have been saying is we simply want to drill now and drill everywhere, as if that were the only solution that we present to the situation. It is not the only solution. In fact, there are many who have said that you can't drill your way out of the problem.

We have found already by past efforts that you can't tax your way out of this problem of energy.

□ 1430

We can't regulate our way out. We can't ignore our way out. Drilling is not the only solution, but it has to be part of the real solution if we, indeed, are going to find something that helps the people of the United States.

We have lived, after 30 years now, and have seen the results of this much time of government regulation of our sources of energy. It is government rationing of our resources that has caused us to be in a situation where we are today, to the point that some people even seriously talk about having gas stamps again, which once again illustrates how the government truly is the cause of the problem, because it is the government that is doing the rationing and the regulation.

Drilling is an essential part. Drilling off the coast of Virginia, drilling off the entire Outer Continental Shelf is an important part, but it is not the only solution to our problem. We must have revenues that can be available to build alternative forms of energy. The royalties that could come from those offshore drillings, as well as onshore drillings, could be that solution if they

were tied together into one comprehensive approach to it.

We failed to realize that the infrastructure we have in this country does not meet the needs of energy for its citizens. We do not have the capacity for moving energy from one part of this country to another.

We have forgotten for too long our refinery needs, our electrical grid needs, our corridor needs, to the point that we now are in a significant problem. That has to be solved if, indeed, we are going to meet the needs of American citizens.

We need to start reemphasizing conservations and rewarding Americans, not forcing Americans and mandating Americans, but rewarding Americans for their effort to help meet this problem by means of conservation. But none of the issues I have just mentioned, ticked off by itself, is a solution.

All of them have to be there at the same time, which is why, if we really are going to meet the needs of Americans in this problem of excessive cost of energy, it has to be an all-of-the-above solution.

We must drill in all of the Outer Continental Shelf, as we must drill in Alaska, as we must explore the trillions of barrels of oil found in oil shale in the States of Wyoming, Colorado and my home State of Utah. We must look at clean, coal technology, nuclear technology, oil shale, natural gas. We must ensure that States are a partner with us.

The idea that the United States can actually do any of this without sharing the royalties is an insult to the States of this Nation. Already, we have insulted them in this particular Congress when we took the existing split of royalties, which is 50/50, and decided unilaterally, without their consent, to change that to a 52/48 so that we got to keep 52 percent, and we allowed the States to have 48 percent, taking away millions of dollars that they had been counting on, that they had been using, to meet the needs of their citizens.

All of those issues have been there. If we now decide to come up to this floor with a solution that is not all of the above, that only looks at drilling in one part of this country and not all, that does not look at the infrastructure needs, does not look at the alternative needs, does not look at the other kinds of fossil fuel needs. It does not come up with conservation requirements that we have to have. It is going to be the same heavy hand of government, which has already brought us to the situation we have right now, where it is the government that is causing, by our actions over the past 30 years, nothing short of rationing of the resources that we have.

There are three great bills that have been presented, one we have asked a vote for on this floor, the American Energy Act. I have to admit there is another one the western States representatives got together, the Ameri-

cans for American Energy Act. There is a bipartisan act sometimes called the Peterson-Abercrombie bill, 20 Members of this Congress, a bipartisan group, have all asked to be discussed on the floor.

All three of those are a comprehensive all-of-the-above approach. None of those have been allowed to have a hearing, to have a markup, to have discussions, or to have a vote on this floor. Yet today we are told that sometime this week the bill written in secret will be brought to this floor, like Moses coming down from Mount Sinai, and will be given to us as the law.

That process is a fraud. That resulting bill will be a fraud. Anything that takes anything off the table will be a fraud. Anything that does not allow an all-of-the-above approach will be a fraud. We will not do what we are supposed to do when we come here to this body, which is, in addition to passing good bills like the one in front of us, but also solving the problem of American citizens.

We are not doing that. We are derelict in our responsibilities, and we need to change that.

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

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

Mr. Speaker, I commend the other side for their views and agree that we should consider energy legislation, and we will.

The difference is that when the Democratic majority brings up legislation this week, we will make very sure that the oil companies that are drilling for America's resources are held accountable. I would like to repeat that, accountable.

The gentleman raised the issue of government regulations. What regulations?

Last week we heard from the Inspector General and the GAO that the very office in charge of regulating the oil companies and the royalty-in-kind program were not doing their job, and here are some of the examples.

The Lakewood Marketing Group, a group of government employees who were in charge of selling the public's oil and gas at the highest price possible were, instead, were concerned with partying, dining, attending golf and ski junkets and a lot more.

There was a Mr. Gregory W. Smith, the head of the royalty-in-kind program, who was also doing illegal things.

One of the top officials at the Minerals Management Service arranged for her assistant to be able to retire and then win a lucrative contract with the agency for his new consulting firm. Not only did the assistant help write the contract before leaving MMS, but another top MMS official in charge of overseeing that contract later retired and joined the consulting firm.

On top of these serious ethical violations, we also learned from three Government Accountability Office, GAO,

reports, that MMS is not carrying out its most fundamental mission, making sure the American taxpayer gets a fair return for the use of the public's oil and gas resources.

There is an inadequate Federal royalty system. The GAO found that the United States, one of the safest and most lucrative areas to operate, receives one of the smallest shares of oil and gas revenues in the entire world. Not only that, the Interior Department does not even evaluate how the United States compares to other countries, to ensure we remain competitive while still keeping the taxpayers from being cheated.

There is no diligent development, despite industry false claims that they are diligently developing the 68 million acres of Federal land they hold leases on. GAO found that over a 10-year period, only 6 percent of nearly 48,000 onshore Federal oil leases were actually drilled. While States and private landowners use a number of strategies such as shorter lease terms to encourage faster production and payments, the Federal Government lets the industry sit on valuable resources for years.

There is sloppy royalty collection. The GAO found that the Department of Interior utterly fails in providing certainty that companies are paying the royalties that they owe the American people. Due to an inadequate computer system, a reliance on company self-reported data and an insufficient number of field inspections, these reports indicate that this administration has been absolutely derelict in its duty to the American people and that serious reforms are needed to the Federal oil and gas royalty program.

This, then, should be a part and parcel of any energy legislation to ensure that American interests are represented in American resources, and that will be part of our energy bill on the floor this week.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as she may consume to the gentlelady from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, last week on Thursday we finished our week and our voting. Like most Members of the House here, I went back home to my district in Fort Worth, Texas, and there I spent the weekend talking to people, listening to people, receiving telephone calls. The question was, time and time again, KAY, what are they doing about energy? The answer was nothing.

In addressing this crisis and the solutions to this energy crisis, a key to increasing the American production of energy is to increase our refinery capacity.

As you know, it has been over 30 years since a new refinery was built in the United States. The refineries we do have are operating at near capacity, but we are not able to keep up with consumer demand.

The United States consumed over 15 million barrels per day of petroleum products in the year 2004, and consumption is expected to increase to nearly 26.1 million barrels per day by 2025. That's why increasing refinery capacity is a key piece of the American Energy Act.

Through many innovations, technology has changed a lot since the last U.S. refinery was built in 1976. We should use the advances we have made over the years to build new state-of-the-art facilities that can refine the oil and gas that we need. We need to cut the red tape that has prohibited us from moving forward.

That is why I am proud of my colleagues, HEATHER WILSON and JOE PITTS, who have legislation, the American Energy Act, that would take the necessary steps to remove the bureaucratic roadblocks that have hampered new efforts to build new refinery facilities. Our country has the resources and the space available to increase our capacity and to do so in environmentally safe ways.

An important part of our plan to increase our refinery capacity is using closed military installations to build new refineries. These bases provide the space we need to build refinery infrastructure quickly and get more refineries online as soon as possible.

We have seen the impact of Mother Nature on our refinery infrastructure. Hurricanes Katrina and Rita wreaked havoc on our refineries. During the current hurricane season, as much as 25 percent our Nation's refinery capacity has been taken offline in the wake of these terrible storms in Texas and along the gulf coast. We could greatly reduce the impact of these service interruptions if we had more refineries in this country.

I completely understand increasing our refinery capacity is not the only answer to the energy crisis. I understand the need to look to the future toward alternatives, such as solar and wind. My home State of Texas is doing just that. But in the short-term, increasing our refinery capacity will give us the time to improve and increase these alternative forms of energy.

Until we are able to rely more on these energy sources, we need to boost the source of energy that has powered this Nation in the 21st century. That's why I call on this body and the Democrats in this body for a vote, an up-or-down vote on the American Energy Act, a comprehensive solution that has the support of the American people.

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

Mr. BISHOP of Utah. Mr. Speaker, I appreciate, once again, our opportunity to talk about the many needs we have dealing with the environment and dealing with the energy situation that is so critical to Americans at this particular time.

I appreciate the gentlelady from Guam bringing up a problem that is, indeed, a problem, that we have known

about since 2006. I am glad that the majority party has finally decided to hold hearings, after 2 long years, on that particular issue. I would hope that this week we can actually get to the bottom of that and make sure it never happens again.

But the issue of that has nothing to do with the fact that we are still rationing, through our actions, the opportunity of dealing with the resources that we do have.

Why, in Chukchi Sea, in February of 2008, were 487 leases allowed and immediately there were 487 lawsuits that took place? Why, in New Mexico in the spring of this year, were onshore drilling leases allowed, and immediately they were stopped because of lawsuits that are going forward?

Why, in my State, where we are ready to move forward with oil-shale production on private lands, was it stopped because of actions by this House that denied any funding going forward to move that process to its completion?

It is our actions that have actually been the regulatory stranglehold on moving this Nation forward, and those are the things that need to be completed. Hopefully, in the bill being written in secret that will be presented at some time, these actions will be addressed, these problems will be addressed.

These roadblocks will be addressed, but so far in the talking points that have leaked out, none of that seems to be even a topic of conversation. Yet if we indeed are going to solve all of the problems with an all-of-the-above solution, it has to be part of our discussion.

□ 1445

I have no additional speakers on this bill and would yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all Members to support the bill.

Mrs. DRAKE. Mr. Speaker, I am pleased to be standing today in support of H.R. 5350, legislation that I sponsored along with Congressman BOBBY SCOTT, which authorizes the sale or exchange of a specific tract of National Oceanic and Atmospheric Administration (NOAA) property located in Norfolk, Virginia. The sale of this NOAA land is something the City of Norfolk has been working on since 2005. I am proud that this legislation is being considered today, as it will have a significant impact on the economic development of Norfolk.

Over thirty years ago, the federal government purchased 3.78 acres of land located at 538 Front Street in Norfolk for \$47,300. From this time forward, this prime, waterfront location has remained under-utilized—when the original intention for this land was to be the future site of NOAA's regional headquarters.

Allowing the City of Norfolk to purchase this land for fair market value gives Norfolk a new area to continue redevelopment efforts that will foster job growth and economic opportunities for citizens in Hampton Roads. As Norfolk has experienced substantial economic growth since the time of the original purchase, I appreciate that this sale will finally be permitted

to further ensure Norfolk's future economic development efforts.

I am grateful for Representative SCOTT's work on helping to bring this bill to the floor, as well as the work of the Committee on Natural Resources and I look forward to the great benefit this redevelopment effort will have for the people of Hampton Roads.

Ms. BORDALLO 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. 5350, as amended.

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. BISHOP of Utah. 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.

#### SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION WATER RIGHTS SETTLEMENT ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5293) to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5293

*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 "Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the

United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

#### SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this Act; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this Act.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement entitled the "Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River" and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) DEVELOPMENT FUND.—The term "Development Fund" means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 8(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term "East Fork of the Owyhee River" means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term "Maintenance Fund" means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 8(c)(1).

(5) RESERVATION.—The term "Reservation" means the Duck Valley Reservation estab-

lished by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

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

(7) STATE.—The term "State" means the State of Nevada.

(8) TRIBAL WATER RIGHTS.—The term "tribal water rights" means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) TRIBES.—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) UPSTREAM WATER USER.—The term "upstream water user" means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

#### SEC. 5. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this Act, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this Act authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this Act.

#### SEC. 6. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

#### SEC. 7. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this Act shall