

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The point of no quorum is considered withdrawn.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

affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) **CAPITAL COSTS NONREIMBURSABLE.**—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this Act for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

#### SEC. 8. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) **DEFINITION OF FUNDS.**—In this section, the term “Funds” means—

- (1) the Development Fund; and
- (2) the Maintenance Fund.

(b) **DEVELOPMENT FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Shoshone-Paiute Tribes Water Rights Development Fund”.

(2) **USE OF FUNDS.**—

(A) **PRIORITY USE OF FUNDS FOR REHABILITATION.**—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) **OTHER USES OF FUNDS.**—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—For each of fiscal years 2009 through 2013, there is authorized to be appropriated to the Secretary for deposit in the Development Fund an amount equal to the sum of—

(A) \$9,000,000; and

(B) the interest that would have accrued during the preceding fiscal year on balances held in the Development Fund, as calculated using the applicable rate for interest-bearing obligations of the United States.

(c) **MAINTENANCE FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Shoshone-Paiute Tribes Operation and Maintenance Fund”.

(2) **USE OF FUNDS.**—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this Act; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—For each of fiscal years 2009 through 2013, there is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund an amount equal to the sum of—

(A) \$3,000,000; and

(B) the interest that would have accrued during the preceding fiscal year on balances held in the Maintenance Fund, as calculated using the applicable rate for interest-bearing obligations of the United States.

(d) **ESTIMATE OF ACCRUED INTEREST.**—The President's budget submission shall include an estimate of the amount of interest that would have accrued under the subsections (b)(3)(B), (c)(3)(B), and (e)(2).

(e) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS OF INTEREST.**—

(1) **IN GENERAL.**—There is authorized to be appropriated an amount equal to the additional interest that would have accrued on amounts in the Funds during the period beginning on the date of completion of the event described in section 9(d)(3) and ending on the later of—

(A) the date of completion of the event described in section 9(d)(1); or

(B) the date of completion of the event described in section 9(d)(2).

(2) **CALCULATION.**—The interest authorized to be appropriated under paragraph (1) shall be calculated using the applicable rate for interest-bearing obligations of the United States.

(f) **AVAILABILITY OF AMOUNTS FROM FUNDS.**—Amounts made available under subsections (b)(3), (c)(3), and (e) shall be available for expenditure or withdrawal only after the effective date as set forth in section 9(d).

(g) **ADMINISTRATION OF FUNDS.**—Upon completion of the actions described in section 9(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(h) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

(D) **LIABILITY.**—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(D) **ANNUAL REPORT.**—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) **FUNDING AGREEMENT.**—Notwithstanding any other provision of this Act, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this Act may be requested until the waivers under section 9(a) take effect.

(i) **NO PER CAPITA PAYMENTS.**—No amount from the Funds (including any amounts appropriated under subsections (b)(3)(B), (c)(3)(B), and (e)(1) for interest income that would have accrued to the Funds) shall be distributed to a member of the Tribes on a per capita basis.

#### SEC. 9. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) **WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.**—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this Act, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this Act; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that first accrued at any time up to and including the effective date.

(b) **WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.**—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, or the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 8(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this Act to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this Act.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this Act, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this Act, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this Act.

(d) **EFFECTIVE DATE.**—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 8 have been appropriated.

(e) **FAILURE TO PUBLISH STATEMENT OF FINDINGS.**—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this Act shall not take effect; and

(2) any funds and interest accrued thereon that have been appropriated under this Act shall immediately revert to the general fund of the United States Treasury.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 8 are appropriated.

(2) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

#### **SEC. 10. MISCELLANEOUS.**

(a) **GENERAL DISCLAIMER.**—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this Act.

(b) **LIMITATION OF CLAIMS AND RIGHTS.**—Nothing in this Act—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the "Resource Conservation and Recovery Act of 1976"), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this Act.

(c) **ADMISSION AGAINST INTEREST.**—Nothing in this Act constitutes an admission against interest by a party in any legal proceeding.

(d) **RESERVATION.**—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) **JURISDICTION.**—

(1) **SUBJECT MATTER JURISDICTION.**—Nothing in the Agreement or this Act restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) **CIVIL OR REGULATORY JURISDICTION.**—Nothing in the Agreement or this Act impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) **CONSENT TO JURISDICTION.**—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) **EFFECT OF SUBSECTION.**—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

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 to 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 might consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. The Shoshone-Paiute Tribes of Duck Valley Reservation Water Rights Settlement Act sponsored by our colleague from Nevada, Congressman DEAN HELLER, would ratify and finalize the tribes' water rights settlement agreement with the State of Nevada and with the United States. This bill has faced many obstacles, but through bipartisan work, it is here today.

In the last few weeks of July, representatives from the Department of the Interior—the tribes and the staff—engaged in last-minute negotiations about the administration's concerns on waiver language. In the future, it is our hope that these concerns are addressed during committee consideration of legislation and not after the bill has been reported from the committee. We will work with the minority on addressing the need for more consistent waiver language in the next Congress. So I ask my colleagues to support the passage of H.R. 5293.

I reserve the balance of my time.

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

This legislation authored by our colleague from Nevada (Mr. HELLER) seeks to resolve the water claims associated with the Duck Valley Reservation in Nevada. This bill has undergone many changes. It reflects intense but good faith negotiations between the administration and staff on both sides of the aisle.

The Democratic bill manager is correct in stating there is a need for consistency in waiver language, and while this bill's waiver language has been resolved for now, we have received commitments from the Democrats that

they will work together on applying consistent waiver language in all Indian water right settlements in the next Congress. I actually support this bill as well.

I reserve the balance of my time.

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

Mr. BISHOP of Utah. Mr. Speaker, again, one of the things that has changed over the past 30 years is we've had the same policies that have brought us to the situation in which we are today. It is the pain that people have faced at the gas pumps. It has been one of those things that has been a shocking realization. The road on which we have been traveling for over 30 years is a road that is simply not working. Sometimes there are people who, unfortunately, are happy with the pain that Americans are going through at the pumps today.

There was a former mayor of one of the major cities in Utah who did not like the fact that people were not living in his jurisdiction and were living across the county line. In an effort to punish them, he tried to insist that every effort to try and build more infrastructure and roads be hammered at every venue, at every opportunity. It looked at least from my side of that line as if it were punishment for actually deciding to live where you would want to live.

I talked once at length at a television and radio interview about the issue that we have with energy and about the problems that people are facing with the energy crisis that we have right now. One of the callers called in and said, you know, what we need to do is to simply have more commuter rail service. Now, I don't quibble with that caller, because he's right. We need to have more commuter rail. That's one of the solutions that we have, but having more commuter rail lines does not solve the problem of the farmer who has to fill his tractor with diesel.

For one of the farmers in my community, every time he fills up that tractor, it's \$600 just to fill up one tractor. That is \$600 for which he doesn't get reimbursed at the end of the week by putting in a voucher to his employer. It is \$600 he has to eat until the end of the growing season when he may or may not receive money back for the sale of the goods that he produces.

Commuter lines are great, but they don't help the trucker who still has to bring those products to market. Ninety-five percent of everything we consume comes to a store by way of truck, and commuter rail lines don't stop at grocery stores. Those truckers still have to be able to have the fuel necessary to bring the food to market. We sometimes forget there is a whole segue that is involved in this particular issue of our energy crisis and that everybody isn't part of it. It's in part of the agriculture that we need. It's in part of the trucking industry that we need. It's in part of the pain that people feel at the pump.

Those people who are looking at what is coming out of their pockets week after week don't want us simply coming back here and talking about a highfalutin energy policy. It's not an energy policy to them. It is the way they cook their food. It is the way they heat their homes. It's whether they have a job or not. The pain at the pump is what people are feeling right now, but come this winter, there's going to be pain as the prices of heating their homes will increase by 20 to 30 percent.

So far, the only solution this Congress seems to want to do to address that situation is to try to increase welfare payments or LIHEAP payments in some way rather than to go to the root cause of that problem, which is 30 years of mismanagement that we have had that brings us to this particular situation.

It also means that food prices will be increasing because it is so much more difficult for the farmers to produce that food, for the processors to process that food, for the truck drivers to deliver that food. All of those are going to come as crisis after crisis after crisis if we do not address a comprehensive, all-of-the-above energy policy and do it now. For every week that we delay, we delay and continue on with the pain that real people are facing out there in America, and we are turning this country almost into a second class society.

I had a principal once who was in the military before he went to education, and he always used to answer many of my requests with the old military phrase "rank has its privileges." It is true. Rank has privileges. That's why, in class, I was able to drink a Dr. Pepper and my students could not, because rank had privileges. That's why I get to park in the Cannon building parking garage and my staff does not. Rank has privileges. Some people are able to write bills in the secrecy of their offices and to bring them directly to the floor because rank has privileges. Some people are able to establish an agenda here even though 136 Republicans came back here during the recess time and spoke on that floor, asking, begging, demanding that different types of votes be allowed to take place on this floor. It happens because rank has privileges. In addition to privileges, rank also has responsibilities, and part of the responsibility has to be to solve the real problem that real Americans are facing.

When the Members met in Philadelphia to do their Constitution, a document we'll be celebrating in a couple of days, they were sent there to make minor adjustments to the Articles of Confederation, but they recognized that some of the States that had sent their instructions had also told them to go beyond that to solve the problem. What they decided was essential, not because it was what literally was put in front of them as their responsibilities, but what was essential to meet the needs of the people was to solve the problem.

If we fail in this Congress to bring an all-of-the-above solution to the floor

that is a real solution to real problems, we fail in our responsibility to Americans.

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

Ms. BORDALLO. Mr. Speaker, I thank the gentleman for his views and for his diplomatic approach to this important issue.

I reserve the balance of my time.

Mr. BISHOP of Utah. May I also yield as much time as she may consume to the gentlelady from Texas (Ms. GRANGER) who understands this issue completely and who understands the need of a real solution to the real problems facing real Americans.

Ms. GRANGER. Mr. Speaker, week after week, we have implored the Speaker of the House to address the most important issue of our day, and that is the energy crisis. The gentleman from Utah (Mr. BISHOP) outlined some of the severe problems that people are having and will continue to have until we address this and do what they expect us to do.

We hear rumors and hints about the possibility of a bill coming to the floor and finally, perhaps, an announcement that we can have a vote on this energy crisis and its solutions.

Mr. Speaker, when I first read in the newspaper that Speaker PELOSI had decided to open the Outer Continental Shelf for drilling, I thought it was too good to be true. Unfortunately, it turns out I was right. It really was too good to be true. While all of the headlines proclaimed that the House would finally get to vote on a real energy bill that expands domestic production, it simply wasn't true.

The Democrats' latest energy plan lists the current moratorium on drilling in the Outer Continental Shelf and replaces it with a provision that virtually guarantees that no drilling will ever take place there. Democrats are proposing to ban all drilling up to 50 miles off the coast, cutting off all access to some of the most promising areas. Then between 50 and 100 miles of the coast, the Democratic plan leaves it up to the States to decide whether to allow drilling. However, their plan cleverly leaves out any incentives to the States to actually start drilling.

Unlike the Democrats' bill, our all-of-the-above American Energy Act, which I'm proud to support, does not permanently lock up the most promising area for production. Instead, it allows the States to decide whether to allow drilling up to 50 miles off their coast, keeping those most promising areas available for consideration. It doesn't take an expert to see that by leaving out any sort of revenue sharing agreement my Democrat colleagues ensure that the States will have no real motivation to take any action whatsoever.

The American Energy Act, on the other hand, provides appropriate incentives for the States to make sure they see some of the benefits of drilling off their shores. Our bill includes revenue

sharing to provide the States with the financial motivation they need to act. States could use those royalties to benefit their citizens as they see fit. At the same time, all Americans would benefit from lower energy prices. This is a real energy bill. This is what citizens expect and deserve from us.

Mr. Speaker, it's time to stop playing games and wasting time. Let's have a straight up-or-down vote on the American Energy Act and give Americans the relief they deserve. They can't wait any longer and they shouldn't have to.

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

Let me just note that the energy crisis must be addressed in a deliberative fashion, not by a bumper sticker's reading "drill here; drill now" approach that would have us drilling in the National Mall. We will have all of the bills but one that includes accountability and a bill that transitions us to a better future—we must wean ourselves from this addiction to oil.

So we will have a vote.

I reserve the balance of my time.

□ 1500

Mr. BISHOP of Utah. Mr. Speaker, I agree with everything that Ms. BORDALLO just said in her comments, that we should have an energy policy that comes in a deliberative fashion, which means that the bills should be allowed to have committee process. They should be allowed to have public hearings. They should be allowed to have an open rule so that Members can amend them in committee or here on the floor. That is the deliberative process. Those are the rules that these people try to establish. That's the concept of the rules that these people try to establish so that we can go through this process.

Everything she said is exactly accurate, except we're not going to do that. We're going to have a bill written in secret and unveiled on the floor. And if it, by chance, has an open rule, I'll be the very first one to be surprised and will probably apologize.

But she is right. That is exactly, that is exactly what needs to take place.

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

Ms. BORDALLO. Mr. Speaker, I thank the gentleman for his comments. I will certainly be watching for transparency and accountability in this bill. And let us hope that this is included when we are debating on the floor. Mr. Speaker, I again urge Members to support the bill at hand.

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. 5293, 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.

#### HONORING MILITARY SUPPORT GROUPS

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1200) honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1200

Whereas more than 1,700,000 members of the Armed Forces have been deployed to Iraq and Afghanistan since September 2001, and nearly 611,000 have been deployed more than once;

Whereas more than 782,000 members of our Armed Forces deployed to Iraq and Afghanistan are parents with 1 or more children, and nearly 35,000 troops have been separated from their children for 4 or more deployments;

Whereas as of May 3, 2008, 4,059 members of our Armed Forces have died and 30,004 have been wounded in action in Iraq, while deployed in support of Operation Iraqi Freedom;

Whereas as of May 3, 2008, 491 members of our Armed Forces have died and 1,944 have been wounded in action in Afghanistan, while deployed in support of Operation Enduring Freedom;

Whereas members of our Armed Forces and their families deserve all the medical, financial, education, and moral support that our Nation can provide;

Whereas the spouses, children, family, friends, coworkers, and neighbors of members of our Armed Forces play a key role in the success of our Nation's troops;

Whereas Secretary of Defense Robert Gates has recognized the families and community members who support America's troops as "the power behind the power" and the Department of Defense has created the America Supports You program to recognize the efforts of those citizens and organizations;

Whereas military support groups play a crucial role in supporting every family member and loved one of members of our Armed Forces;

Whereas military support groups provide a variety of crucial services to members of our Armed Forces and their families, including financial assistance, employment assistance, tax return preparation, counseling, prayer groups, and sending care packages; and

Whereas military support groups provide a compassionate community and incalculable moral support to the hundreds of thousands of military families with loved ones at home and deployed overseas: Now, therefore, be it Resolved, That the House of Representatives honors the dedication and outstanding work of military support groups across the

country for their steadfast support of the members of our Armed Forces and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Oklahoma (Mr. COLE) 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 have 5 legislative days within which to revise and extend their remarks on the resolution 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 might consume.

I rise today in support of House Resolution 1200, honoring the dedication and the outstanding work of military support groups for their steadfast work on behalf of the members of the Armed Forces and their families.

Over 1.7 million military men and women have deployed to Iraq and Afghanistan since September of 2001, many of whom have been deployed more than once. These military men and women have left behind beloved parents, siblings and spouses. More than 782,000 children have had parents leave the confines of their home to serve the Nation nobly. These soldiers and their families face a daily struggle with constant and sustained deployments. Children are left to cope with the difficulties of a sustained deployment with one parent supporting the family, and some are even left with other family members.

Military men and women and their families make tremendous sacrifices every single day to serve and protect our country. These heroes deserve all the medical, the financial, the educational and moral support that our Nation can provide them. Military support groups, with that mission in mind, work diligently to provide essential support and services to the members of the Armed Forces and their families. They provide a compassionate community of supporters to military families, whether their loved ones are at home or abroad. Whether it's finding a job, replacing a broken oven in a home, or offering moral support by sending care packages to soldiers abroad, our American military support groups and their volunteers work tirelessly to serve the men and women who serve to protect our way of life.

The positive impact that military support groups have on our soldiers and their families is invaluable. As Secretary of Defense Robert Gates recognized, the families and community members who support America's troops are "the power behind the power." You can go to the America Supports You Web site which lists the hundreds of military support groups across our country. The Web site also has many