

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. 2950, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3123) 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. 3123

*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 2009”.

(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, including, but not limited to, the following actions:

“(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.

“(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 the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair now 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, H.R. 3123, introduced by our colleague, Representative DOUG LAMBORN, 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 public health threat and an environmental threat.

I ask my colleagues to support the bill's passage.

I reserve the balance of my time.

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

Mr. Speaker, today I rise in support of this legislation offered by our Colorado colleague, DOUG LAMBORN. This legislation has been supported on a bipartisan basis and deserves passage today because it will help prevent a potential human safety disaster in Leadville, Colorado.

The Leadville Mine Tunnel was supposed to be used for a nearby Federal water project; however, it has ended up becoming a public danger because of its potential to burst with chemical-laden water on nearby residents. Since the Federal Government owns this tunnel, it is therefore a Federal responsibility.

I urge my colleagues to support this necessary legislation which fell victim to party politics earlier this year.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank my colleague for yielding.

Mr. Speaker, the Leadville Mine Drainage Tunnel was originally constructed by the Federal Bureau of Mines in the 1940s and 1950s to facilitate the extraction of lead and zinc ore for the World War II and Korean war efforts. The Bureau of Reclamation acquired the tunnel in 1959 hoping to use it as a source of water for the Frypan-Arkansas project.

With the passage and subsequent signing into law of H.R. 429 during the 102d Congress in 1992, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel. This treatment plant removes metal contaminants from the water.

Groundwater levels at the tunnel have fluctuated in recent years.

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In addition, a collapse in the tunnel has increased the tunnel's mine pool

significantly, leading to new seeps and springs in the area. Estimates suggest that at one time up to 1 billion gallons of water may have accumulated.

Emergency measures are currently being undertaken by the Environmental Protection Agency and the Bureau of Reclamation to relieve water pressure in the vicinity. However, legislation attempting to address this matter and authorizing the Secretary of the Interior to rehabilitate this tunnel dates back to at least 1976.

In response to the request for action from the local community, I have again worked together with Senator MARK UDALL of Colorado in a bipartisan manner and reintroduced H.R. 3123. The bill would direct the Bureau of Reclamation to relieve water pressure behind blockages in the tunnel, permanently manage the mine pool behind any blockage to prevent any releases of contaminated water, and manage the tunnel in such a way to prevent failure of the structure.

I remind Members that only minor technical changes have been made since this bill was originally passed by the House of Representatives in the previous Congress. I respectfully request each Member to support this legislation. Human safety and environmental integrity need to be appropriately and responsibly addressed.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. WITTMAN. Mr. Speaker, the minority has no additional speakers, and with that I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this 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. 3123, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE BOUNDARY MODIFICATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 905) to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 905

*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 “Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Thunder Bay National Marine Sanctuary and Underwater Preserve in Lake Huron contains more than 100 recorded historic vessel losses.

(2) The areas immediately surrounding the Sanctuary, including the offshore waters of Presque Isle and Alcona Counties, Michigan, contain an equal number of historic vessel losses.

(3) Many of these shipwrecks and underwater cultural resources are popular recreational diving destinations, and all contribute to our collective maritime heritage.

(4) These resources are susceptible to damage from human activities, and must be properly preserved for themselves and to protect the economic viability of their contribution to national and regional economies.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to expand the Thunder Bay National Marine Sanctuary and Underwater Preserve boundaries to encompass the offshore waters of Presque Isle and Alcona Counties, Michigan and outward to the international border between the United States and Canada; and

(2) to provide the underwater cultural resources of those areas equal protection to that currently afforded to the Sanctuary.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **SANCTUARY.**—The term “Sanctuary” means the Thunder Bay National Marine Sanctuary and Underwater Preserve.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

**SEC. 4. SANCTUARY BOUNDARY ADJUSTMENT.**

(a) **BOUNDARY ADJUSTMENT.**—Notwithstanding any provision of law or regulation, including section 922.190 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act, the Sanctuary shall consist of the geographic area described in subsection (b).

(b) **EXPANDED BOUNDARY ADJUSTMENT.**—The area referred to in subsection (a) is all submerged lands, including the underwater cultural resources, lakeward of the mean high waterline, within the boundaries of a line formed by connecting points in succession beginning at a point along the mean high water line located approximately at 45.6262N, 84.2043W at the intersection of the northern Presque Isle and northeastern Cheboygan County boundary, then north to a point approximately 45.7523N, 84.2011W, then northeast to a point approximately 45.7777N, 84.1231W, then due east to the international boundary between the United States and Canada approximately located at 45.7719N, 83.4840W then following the international boundary between the United States and Canada in a generally southeasterly direction to a point approximately 44.5128N, 82.3295W, then due west to a point along the mean high water line located approximately at 44.5116N, 83.3186W at the intersection of the southern Alcona County and northern Iosco County boundary, returning to the first point along the mean high water line.

(c) **AUTHORITY TO MAKE MINOR ADJUSTMENTS.**—The Secretary may make minor adjustments to the boundary described in subsection (b) to facilitate enforcement and clarify the boundary to the public provided the resulting boundary is consistent with the purposes described in section 2(b).

(d) **INCLUSION IN THE SYSTEM.**—The area described in subsection (b), as modified in accordance with subsection (c), shall be man-

aged as part of the National Marine Sanctuary System established by section 301(c) of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance with that Act.

(e) **UPDATED NOAA CHARTS.**—The Secretary shall—

(1) produce updated National Oceanic and Atmospheric Administration charts for the area in which the Sanctuary is located; and

(2) include on such charts the boundaries of the Sanctuary described in subsection (b), as modified in accordance with subsection (c).

**SEC. 5. EXTENSION OF REGULATIONS AND MANAGEMENT.**

(a) **REGULATIONS.**—The regulations applicable to the Sanctuary codified in subpart R of part 922 of title 15, Code of Federal Regulations, as in effect on the date of the enactment of this Act, shall apply to the geographic area added to the Sanctuary pursuant to section 4, unless the Secretary specifies otherwise by regulation.

(b) **EXISTING CERTIFICATIONS.**—The Secretary may certify that any license, permit, approval, other authorization, or right to conduct a prohibited activity made pursuant to section 922.194 of title 15, Code of Federal Regulations, that exists on the date of the enactment of this Act shall apply to such an activity conducted within the geographic area added to the Sanctuary pursuant to section 4.

(c) **DATE OF SANCTUARY DESIGNATION.**—For purposes of section 922.194 of title 15, Code of Federal Regulations, the date of the enactment of this Act shall be deemed to be the date of Sanctuary designation.

(d) **MANAGEMENT PLAN.**—To the extent practicable, the Secretary shall apply the management plan in effect for the Sanctuary on the date of the enactment of this Act to the geographic area added to the Sanctuary pursuant to section 4.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Virginia (Mr. WITTMAN) 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, the Thunder Bay National Marine Sanctuary is the only national marine sanctuary located in the Great Lakes. The sanctuary provides protection for more than 100 nationally significant historic shipwrecks in an area of Lake Huron known as “shipwreck alley,” but an equal number of historic wrecks lie immediately north and south of the existing sanctuary boundary.

The pending measure would extend the sanctuary’s boundary to encompass more than 100 additional shipwrecks and submerged resources and afford to these historic resources the protection, research, education and public outreach capabilities of the National Marine Sanctuaries Act.

This bipartisan legislation, introduced by our colleague, Representative

BART STUPAK of Michigan, is strongly supported by the administration, the State of Michigan, the affected counties, the communities, the local chambers of commerce, and the Thunder Bay Sanctuary Advisory Council.

So I ask Members on both sides of the aisle to support its passage.

I reserve the balance of my time.

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

Mr. Speaker, according to testimony on H.R. 905, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act, there appears to be broad local support for this expansion. In addition, the legislation does not include any new statutory prohibitions which would prohibit or restrict activities within the sanctuary. However, there have been concerns voiced on this side of the aisle about the potential increased costs of this boundary expansion that expands the current sanctuary by almost nine times its current size.

While the Thunder Bay National Marine Sanctuary is entirely within the waters of the State of Michigan, concern has been raised that the cost of this expansion and any future needs will fall on the Federal Government. Not only will this increase the Federal costs for managing the resources that are entirely within State waters, but it could also have a negative effect on the other national marine sanctuaries.

With that, though, Mr. Speaker, we do thank Mr. STUPAK for his efforts in preserving national marine sanctuaries.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from Michigan (Mr. STUPAK), the author of this legislation, such time as he may consume.

Mr. STUPAK. Mr. Speaker, I thank the gentlelady for yielding me time.

I introduced H.R. 905, the Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Modification Act, to expand the boundaries of the preserve. I want to thank the bill’s cosponsors, my Michigan colleagues, Congressmen KILDEE, McCOTTER and EHLERS. Their support has been instrumental in moving this legislation.

In 1975, Michigan State University, in response to local interest, collected an inventory of shipwrecks located within Lake Huron’s Thunder Bay. What they found was that Thunder Bay potentially contained the largest number of historical shipwrecks in the country.

This discovery warranted the establishment of an underwater “reserve,” and in 1981, the State of Michigan declared Thunder Bay Michigan’s first Great Lakes bottomland preserve.

Following this State recognition, the National Oceanic and Atmospheric Administration designated the Thunder Bay National Marine Sanctuary in 2000, making it the first sanctuary in the Great Lakes.

The sanctuary is a Federal-State partnership with a unique focus on preserving the large collection of underwater cultural resources. These resources consist of 100 shipwrecks spanning more than 200 years of Great Lakes shipping history. In order to study and preserve the cultural resources present at Thunder Bay, in 2005 the National Oceanic and Atmospheric Administration and the State of Michigan established the Great Lakes Maritime Heritage Center in Michigan in Alpena, Michigan.

The Great Lakes Maritime Heritage Center allows visitors to learn about Great Lakes maritime history, explore shipwrecks via live video feeds, and see how archaeologists continue to preserve these historic sites. To continue this positive outcome, the Thunder Bay Sanctuary Advisory Council, a 15-member group representing local interests such as fishermen, the business community, educational institutions and local government, have passed a resolution recommending the sanctuary be expanded.

This legislation is supported by the State of Michigan, the local units of government, and the local chambers of commerce of each county that is affected.

H.R. 905 would extend the sanctuary's boundaries to include the waters off Alcona, Alpena and Presque Isle counties in Michigan and extend the sanctuary east to the international boundary with Canada.

Currently, the sanctuary covers 448 square miles of water and 115 miles of shoreline, protecting 116 shipwrecks. H.R. 905 would increase this area to 3,722 square miles of water and 226 miles of shoreline, adding an additional 180 shipwrecks to the sanctuary. In addition, the legislation would direct NOAA to produce updated charts of the newly designated areas and apply the protection and preservation provisions in the existing management plan to the newly added areas.

By authorizing an expansion of Thunder Bay National Marine Sanctuary, the affected local communities would receive the benefits of having additional historical resources highlighted and preserved, as well as increased tourism, which is an important driver for economic growth of this part of northeastern lower Michigan.

I urge my colleagues to support my legislation. I thank the chairperson and the ranking member for their help and support on this legislation.

Ms. BORDALLO. Mr. Speaker, I have no additional speakers, and I inquire if the minority has any additional speakers.

Mr. WITTMAN. Mr. Speaker, we have no additional speakers, and with that I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this important 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. 905, 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. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

#### CHESAPEAKE BAY SCIENCE, EDUCATION, AND ECOSYSTEM ENHANCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1771) to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1771

*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 "Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009".*

#### SEC. 2. REAUTHORIZATION OF NOAA CHESAPEAKE BAY OFFICE.

*Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended—*

*(1) in subsection (a)—*

*(A) in paragraph (1) by striking "(in this section)" and all that follows and inserting a period;*

*(B) by amending paragraph (2) to read as follows:*

*"(2) The Office shall be headed by a Director, who—*

*"(A) shall have knowledge and experience in research or resource management efforts in the Chesapeake Bay; and*

*"(B) shall be responsible for the administration and operation of the office and the implementation of this Act."; and*

*(C) by striking paragraph (3);*

*(2) in subsection (b)—*

*(A) by striking so much as precedes paragraph (1) and inserting the following:*

*"(b) PURPOSE.—The purpose of this section is to focus the relevant science, research, and resource management capabilities of the National Oceanic and Atmospheric Administration as they apply to the Chesapeake Bay and to utilize the Office to—"*

*(B) in paragraph (2), by striking "Secretary of Commerce" and inserting "Administrator";*

*(C) in paragraph (3)—*

*(i) by striking the matter preceding subparagraph (A) and inserting the following:*

*"(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration in furtherance of such administration's coastal resource stewardship mission, including—"*

*(ii) in subparagraph (A), by striking "and" after the semicolon at the end of clause (vi), and by inserting after clause (vii) the following:*

*"(viii) coastal hazards and climate change; and"; and*

*(iii) in subparagraph (B), by striking "and" after the semicolon at the end of clause (iii), by*

*inserting "and" after the semicolon at the end of clause (iv), and by adding at the end the following:*

*"(v) integrated ecosystem assessments;";*

*(D) in paragraph (4)—*

*(i) by striking "Environmental Protection Agency" and inserting "Chesapeake Executive Council"; and*

*(ii) by inserting before the semicolon at the end the following: "as appropriate to further purposes of this section";*

*(E) by striking paragraphs (5) and (7);*

*(F) by redesignating paragraph (6) as paragraph (5); and*

*(G) by adding at the end the following:*

*"(6) perform any functions necessary to support the programs referred to in paragraph (3)."; and*

*(3) by striking subsection (c) and all that follows through the end of the section and inserting the following:*

*"(c) PROGRAM ACTIVITIES.—*

*"(1) IN GENERAL.—The Administrator, through the Director, shall implement the program activities authorized by this subsection to support the activity of the Chesapeake Executive Council and to further the purposes of this section.*

*"(2) ENSURING SCIENTIFIC AND TECHNICAL MERIT.—The Director shall—*

*"(A) establish and utilize an effective and transparent mechanism to ensure that projects funded under this section have undergone appropriate peer review; and*

*"(B) provide other appropriate means to determine that such projects have acceptable scientific and technical merit for the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area.*

*"(3) CONSULTATION WITH CHESAPEAKE EXECUTIVE COUNCIL.—The Director shall, in the implementation of the program activities authorized under this section, consult with the Chesapeake Executive Council, to ensure that the activities of the Office are consistent with the purposes and priorities of the Chesapeake Bay Agreement and plans developed pursuant to the Agreement.*

*"(4) INTEGRATED COASTAL OBSERVATIONS.—*

*"(A) IN GENERAL.—The Administrator, through the Director, may collaborate with scientific and academic institutions, State and Federal agencies, non-governmental organizations, and other constituents in the Chesapeake Bay watershed, to support an integrated observations system for the Chesapeake Bay consistent with the purposes of subtitle C of title XII of Public Law 111–11 (33 U.S.C. 3601 et seq.).*

*"(B) SPECIFIC REQUIREMENTS.—To support the system referred to in subparagraph (A) and provide a complete set of environmental information for the Chesapeake Bay, the Director shall—*

*"(i) coordinate existing monitoring and observing activities in the Chesapeake Bay;*

*"(ii) identify new data collection needs and deploy new technologies, as appropriate;*

*"(iii) collect and analyze the scientific information necessary for the management of living marine resources and the marine habitat associated with such resources;*

*"(iv) manage and interpret the information described in clause (iii); and*

*"(v) organize the information described in clause (iii) into products that are useful to policy makers, resource managers, scientists, and the public.*

*"(C) CHESAPEAKE BAY INTERPRETIVE BUOY SYSTEM.—To further the development and implementation of the Chesapeake Bay Interpretive Buoy System, the Director may—*

*"(i) support the establishment and implementation of the Captain John Smith Chesapeake National Historic Trail;*

*"(ii) delineate key waypoints along the trail and provide appropriate real-time data and information for trail users;*

*"(iii) interpret data and information for use by educators and students to inspire stewardship of Chesapeake Bay; and*