

Langevin	Obey	Sestak
Larsen (WA)	Olver	Shea-Porter
Larson (CT)	Ortiz	Sherman
Lee (CA)	Owens	Sires
Levin	Pallone	Skelton
Lewis (GA)	Pascrell	Slaughter
Loebsock	Pastor (AZ)	Smith (WA)
Lowe	Payne	Snyder
Lujan	Perlmutter	Space
Lynch	Peters	Speier
Maffei	Peterson	Spratt
Maloney	Pingree (ME)	Stupak
Markey (CO)	Polis (CO)	Sutton
Markey (MA)	Pomeroy	Tanner
Marshall	Price (NC)	Teague
Matheson	Rahall	Thompson (CA)
Matsui	Rangel	Thompson (MS)
McCarthy (NY)	Reichert	Tierney
McCollum	Reyes	Titus
McDermott	Richardson	Tonko
McGovern	Rodriguez	Towns
McMahon	Ross	Tsongas
McNerney	Rothman (NJ)	Van Hollen
Meek (FL)	Roybal-Allard	Velázquez
Meeks (NY)	Ruppersberger	Visclosky
Michaud	Rush	Walz
Miller (NC)	Ryan (OH)	Wasserman
Miller, George	Salazar	Schultz
Mollohan	Sánchez, Linda T.	Waters
Moore (KS)	Sanchez, Loretta	Watson
Moore (WI)	Sarbanes	Watt
Moran (VA)	Schakowsky	Waxman
Murphy (CT)	Schauer	Weiner
Murphy (NY)	Schiff	Welch
Murphy, Patrick	Schrader	Wilson (OH)
Nadler (NY)	Schwartz	Woolsey
Napolitano	Scott (GA)	Wu
Neal (MA)	Scott (VA)	Yarmuth
Nye	Serrano	
Oberstar		

## NOES—187

Aderholt	Fallin	McCaul
Akin	Flake	McClintock
Alexander	Fleming	McCotter
Austria	Forbes	McHenry
Bachmann	Fortenberry	McIntyre
Bachus	Fox	McKeon
Barrett (SC)	Franks (AZ)	Melancon
Bartlett	Frelinghuysen	Mica
Barton (TX)	Gallegly	Miller (FL)
Bigert	Garrett (NJ)	Miller (MI)
Billray	Gerlach	Miller, Gary
Bilirakis	Gingrey (GA)	Minnick
Bishop (UT)	Gohmert	Mitchell
Blackburn	Goodlatte	Moran (KS)
Blunt	Granger	Murphy, Tim
Boehner	Graves	Myrick
Bonner	Griffith	Neugebauer
Bono Mack	Guthrie	Nunes
Boozman	Hall (TX)	Olson
Boren	Harper	Paul
Boustany	Heller	Paulsen
Brady (TX)	Hensarling	Pence
Broun (GA)	Herger	Perriello
Brown (SC)	Herse	Petri
Brown-Waite,	Hunter	Pitts
Ginny	Inglis	Platts
Buchanan	Issa	Poe (TX)
Burgess	Jenkins	Posey
Burton (IN)	Johnson (IL)	Price (GA)
Buyer	Johnson, Sam	Putnam
Calvert	Jones	Quigley
Camp	Jordan (OH)	Radanovich
Campbell	King (IA)	Rehberg
Cantor	King (NY)	Roe (TN)
Cao	Kingston	Rogers (AL)
Capito	Kirk	Rogers (KY)
Carter	Kirkpatrick (AZ)	Rogers (MI)
Cassidy	Kline (MN)	Rohrabacher
Castle	Lamborn	Rooney
Chaffetz	Lance	Ros-Lehtinen
Childers	Latham	Roskam
Coble	LaTourette	Royce
Coffman (CO)	Latta	Ryan (WI)
Cole	Lee (NY)	Scalise
Conaway	Lewis (CA)	Schmidt
Costa	Linder	Schock
Costello	Lipinski	Sensenbrenner
Crenshaw	LoBiondo	Sessions
Culberson	Lucas	Shadegg
Davis (AL)	Luetkemeyer	Shimkus
Davis (KY)	Lummis	Shuler
Deal (GA)	Lungren, Daniel E.	Shuster
Dent		Simpson
Diaz-Balart, L.	Mack	Smith (NE)
Dreier	Manzullo	Smith (NJ)
Duncan	Marchant	Smith (TX)
Emerson	McCarthy (CA)	Souder

Stearns	Tiahrt	Whitfield
Sullivan	Tiberi	Wilson (SC)
Taylor	Turner	Wittman
Terry	Upton	Wolf
Thompson (PA)	Walden	Young (AK)
Thornberry	Wamp	Young (FL)

## NOT VOTING—11

Ackerman	Hastings (WA)	McMorris
Diaz-Balart, M.	Hoekstra	Rodgers
Ehlers	Kanjorski	Stark
Eshoo	Lofgren, Zoe	Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1433

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3671) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3671

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

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Upper Mississippi River Basin Protection Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Reliance on sound science.

## TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

Sec. 101. Establishment of monitoring network.

Sec. 102. Data collection and storage responsibilities.

Sec. 103. Relationship to existing sediment and nutrient monitoring.

Sec. 104. Collaboration with other public and private monitoring efforts.

Sec. 105. Reporting requirements.

Sec. 106. National Research Council assessment.

## TITLE II—COMPUTER MODELING AND RESEARCH

Sec. 201. Computer modeling and research of sediment and nutrient sources.

Sec. 202. Use of electronic means to distribute information.

Sec. 203. Reporting requirements.

## TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

Sec. 301. Authorization of appropriations.

Sec. 302. Cost-sharing requirements.

## SEC. 2. DEFINITIONS.

In this Act:

(1) The terms “Upper Mississippi River Basin” and “Basin” mean the watershed portion of the Upper Mississippi River and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri. The designation includes the Kaskaskia watershed along the Illinois River and the Meramec watershed along the Missouri River.

(2) The terms “Upper Mississippi River Stewardship Initiative” and “Initiative” mean the activities authorized or required by this Act to monitor nutrient and sediment loss in the Upper Mississippi River Basin.

(3) The term “sound science” refers to the use of accepted and documented scientific methods to identify and quantify the sources, transport, and fate of nutrients and sediment and to quantify the effect of various treatment methods or conservation measures on nutrient and sediment loss. Sound science requires the use of documented protocols for data collection and data analysis, and peer review of the data, results, and findings.

## SEC. 3. RELIANCE ON SOUND SCIENCE.

It is the policy of Congress that Federal investments in the Upper Mississippi River Basin must be guided by sound science.

## TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

## SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.

(a) ESTABLISHMENT.—As part of the Upper Mississippi River Stewardship Initiative, the Secretary of the Interior shall establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purposes of—

(1) identifying and evaluating significant sources of sediment and nutrients in the Upper Mississippi River Basin;

(2) quantifying the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water;

(3) quantifying the transport of those sediments and nutrients to and through the Upper Mississippi River Basin;

(4) recording changes to sediment and nutrient loss over time;

(5) providing coordinated data to be used in computer modeling of the Basin, pursuant to section 201; and

(6) identifying major sources of sediment and nutrients within the Basin for the purpose of targeting resources to reduce sediment and nutrient loss.

(b) ROLE OF UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior shall carry out this title acting through the office of the Director of the United States Geological Survey.

## SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.

(a) GUIDELINES FOR DATA COLLECTION AND STORAGE.—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

(b) RELEASE OF DATA.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station

identifiers and hydrologic unit codes. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

**SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.**

(a) **INVENTORY.**—To the maximum extent practicable, the Secretary of the Interior shall inventory the sediment and nutrient monitoring efforts, in existence as of the date of the enactment of this Act, of Federal, State, local, and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps and redundancies.

(b) **INTEGRATION.**—On the basis of the inventory, the Secretary of the Interior shall integrate the existing sediment and nutrient monitoring efforts, to the maximum extent practicable, into the sediment and nutrient monitoring network required by section 101.

(c) **CONSULTATION AND USE OF EXISTING DATA.**—In carrying out this section, the Secretary of the Interior shall make maximum use of data in existence as of the date of the enactment of this Act and of ongoing programs and efforts of Federal, State, tribal, local, and nongovernmental entities in developing the sediment and nutrient monitoring network required by section 101.

(d) **COORDINATION WITH LONG-TERM ESTUARY ASSESSMENT PROJECT.**—The Secretary of the Interior shall carry out this section in coordination with the long-term estuary assessment project authorized by section 902 of the Estuaries and Clean Waters Act of 2000 (Public Law 106-457; 33 U.S.C. 2901 note).

**SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRIVATE MONITORING EFFORTS.**

To establish the sediment and nutrient monitoring network, the Secretary of the Interior shall collaborate, to the maximum extent practicable, with other Federal, State, tribal, local and private sediment and nutrient monitoring programs that meet guidelines prescribed under section 102(a), as determined by the Secretary.

**SEC. 105. REPORTING REQUIREMENTS.**

The Secretary of the Interior shall report to Congress not later than 180 days after the date of the enactment of this Act on the development of the sediment and nutrient monitoring network.

**SEC. 106. NATIONAL RESEARCH COUNCIL ASSESSMENT.**

The National Research Council of the National Academy of Sciences shall conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

**TITLE II—COMPUTER MODELING AND RESEARCH**

**SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDIMENT AND NUTRIENT SOURCES.**

(a) **MODELING PROGRAM REQUIRED.**—As part of the Upper Mississippi River Stewardship Initiative, the Director of the United States Geological Survey shall establish a modeling program to identify significant sources of sediment and nutrients in the Upper Mississippi River Basin.

(b) **ROLE.**—Computer modeling shall be used to identify subwatersheds which are significant sources of sediment and nutrient loss and shall be made available for the purposes of targeting public and private sediment and nutrient reduction efforts.

(c) **COMPONENTS.**—Sediment and nutrient models for the Upper Mississippi River Basin shall include the following:

(1) Models to relate nutrient loss to landscape, land use, and land management practices.

(2) Models to relate sediment loss to landscape, land use, and land management practices.

(3) Models to define river channel nutrient transformation processes.

(d) **COLLECTION OF ANCILLARY INFORMATION.**—Ancillary information shall be collected in a GIS format to support modeling and management use of modeling results, including the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Information on sediment and nutrient reduction improvement actions.

(5) Remotely sense data.

**SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE INFORMATION.**

Not later than 90 days after the date of the enactment of this Act, the Director of the United States Geological Survey shall establish a system that uses the telecommunications medium known as the Internet to provide information regarding the following:

(1) Public and private programs designed to reduce sediment and nutrient loss in the Upper Mississippi River Basin.

(2) Information on sediment and nutrient levels in the Upper Mississippi River and its tributaries.

(3) Successful sediment and nutrient reduction projects.

**SEC. 203. REPORTING REQUIREMENTS.**

(a) **MONITORING ACTIVITIES.**—Commencing one year after the date of the enactment of this Act, the Director of the United States Geological Survey shall provide to Congress and make available to the public an annual report regarding monitoring activities conducted in the Upper Mississippi River Basin.

(b) **MODELING ACTIVITIES.**—Every three years, the Director of the United States Geological Survey shall provide to Congress and make available to the public a progress report regarding modeling activities.

**TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS**

**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

(a) **UNITED STATES GEOLOGICAL SURVEY ACTIVITIES.**—There is authorized to be appropriated to the United States Geological Survey \$6,250,000 each fiscal year to carry out this Act (other than section 106). Of the amounts appropriated for a fiscal year pursuant to this authorization of appropriations, one-third shall be made available for the United States Geological Survey Cooperative Water Program and the remainder shall be made available for the United States Geological Survey Hydrologic Networks and Analysis Program.

(b) **WATER RESOURCE AND WATER QUALITY MANAGEMENT ASSESSMENT.**—There is authorized to be appropriated \$650,000 to allow the National Research Council to perform the assessment required by section 106.

**SEC. 302. COST-SHARING REQUIREMENTS.**

Funds made available for the United States Geological Survey Cooperative Water Program under section 301(a) shall be subject to the same cost-sharing requirements as specified in the last proviso under the heading “**UNITED STATES GEOLOGICAL SURVEY—SURVEYS, INVESTIGATIONS, AND RESEARCH**” of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 510; 43 U.S.C. 50).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. McCLINTOCK) 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, H.R. 3671, introduced by our colleague, Representative RON KIND of Wisconsin, would authorize the Secretary of the Interior, acting through the United States Geological Survey, to establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin. The findings of the monitoring network would be used as a basis to assist public and private sediment and nutrient reduction efforts.

Mr. Speaker, I would note that this legislation has passed the House in previous Congresses, and I ask my colleagues to again support its passage.

I reserve the balance of my time.

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

The majority has adequately described the bill. Based on the history of this legislative proposal, we're not opposing the measure; however, Members should note that today's bill has been changed from prior versions. The 10-year sunset has been removed.

We were also concerned that the Federal Government would have unfettered access to private property under this program and that the data collected on this private property could be used against the landowner. However, after meeting with the affected parties, we've concluded that the U.S. Geological Survey regulations require prior written landowner permission for entry and for release of any data collected on an individual's property.

I would like to include in the RECORD the appropriate permission form that is used for these purposes. It's our understanding that the program authorized in this bill would follow this longstanding practice.

[From the U.S. Geological Survey Manual]

FORMAT FOR LETTER REQUESTING PERMISSION TO ENTER PRIVATE PROPERTY (TO BE PRINTED ON OFFICIAL LETTERHEAD)

(Insert Date)

(Insert Name of Private Landowner)

(Insert Address of Private Landowner)

Dear (Insert Name of Private Landowner):

The U.S. Geological Survey requires employees to obtain written permission from landowners in certain cases before entering onto private property to conduct new surveys or scientific sampling. Consequently, we are hereby requesting your approval to enter your land for the purpose described below. The data and/or samples collected will be used for scientific purposes and will be provided to you upon request.

Specific information regarding this request is as follows:

1. (proposed date and time of entry and departure, or period of time during which recurring visits will be necessary).

2. (kind and number of vehicles to be used).

3. (number of persons in the party).

4. (name, office address, and contact information of chief of party).

5. (purpose of the work).  
 6. (locations on the property where work is to be done).  
 7. (approximate frequency of aircraft flights along lines of sight for temperature and pressure measurements, in connection with geodimeter or similar work, if applicable).

We will make every effort to minimize disturbance or disruption to your property. However, in the unlikely event that property damage results, you are entitled to file a claim to recover your damages (tort claim). Please contact (insert name and telephone number of tort claims contact) immediately if property damage should occur.

If you have any questions about this program of the U.S. Geological Survey, you may contact (insert name of chief of project) at the following telephone number: (insert number).

If you consent to this request, please sign below and (list method of return, e.g., envelope provided, leave at a designated location, etc.). Thank you for your cooperation.

Sincerely,  
 (Signature and Printed Name of Requestor).

With that, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, we agree with our colleagues on the other side of the aisle that proper protocol should be followed. I again ask our colleagues to support this legislation.

At this time, Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I want to thank the gentlelady for yielding me this time and also for her help and support with this legislation. I also want to thank the gentleman from California and the members on the Natural Resources Committee for their bipartisan support of the Upper Mississippi River protection bill.

As the gentlelady indicated, this has passed the previous Congresses. We're working with the Senate to finally get it to the President so it can be enacted.

And to address a couple other concerns—and we've worked in a bipartisan fashion on this bill—there is concern about privacy protection and data collection. We feel that what has been worked out is a reasonable compromise to ensure that privacy but also, more importantly, that there is buy-in of private landowners which will be crucial for the implementation of this legislation.

What we're trying to do is put the science in place in the Upper Mississippi River Basin. The greatest threat that this great national treasure that we have running through the middle of America, comprising roughly 50 percent of the landmass of our Nation, is the amount of nutrients and sediments that flow into the river basin doing incalculable ecological damage. We've heard of the stories of the dead zone being created in the Gulf of Mexico. Well, 40 percent of the nutrients that are flowing south through the river and ending up deposited in the Gulf, contributing to the dead zone, emanates in the Upper Mississippi River Basin.

What we want to do is utilize the expertise that exists at USGS so that

they can do better monitoring of sediment and nutrient flows and develop computer models so we can identify the hot spots, and then utilize the resources that are available to target those hot spots to prevent the increased flow of sediment and nutrients into the river basin.

This has received wide support in the Upper Mississippi River region. All five of the State Governors in the Upper Mississippi region have endorsed this. The Mississippi River Basin has endorsed it. Countless outdoor recreational groups, such as Ducks Unlimited, Trout Unlimited, the Nature Conservancy have endorsed this approach, because it is a vital national treasure that we must do more to preserve and protect.

The Mississippi River affects over 30 million people who rely upon it for their primary drinking source. It is North America's largest migratory route, with 40 percent of the waterfowl species using this corridor during their biannual migration in the spring and during the fall. It's a multiple use resource, with commercial navigation, recreation, tourism, bringing roughly \$1.5 billion of direct economic activity to the Upper Mississippi region but, additionally, over \$1 billion with tourism activity to the Upper Mississippi. But what's been lacking is the scientific data that this legislation will put in place so we can start collecting it, tracking it, and then be smarter with the use of the various public and private approaches that this bill calls for so we can maximize the resources to intercept the nutrients and sediments that would flow into it.

Again, I want to thank the chairman of the committee, the members on the committee. I want to thank the members of the U.S. Geological Survey, especially Mike Jawson and his team at the Upper Mississippi River Environmental Science Lab. I have worked very closely with them with regards to this legislation and their long-term resource monitoring program. They do have incredible competency to do the science that we're asking them to do in this bill.

I also want to personally thank my own river advisory group who has consulted me on all things related to river issues.

I would encourage my colleagues to once again support this much needed but also bipartisan piece of legislation. I ask my colleagues to support this bill.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself just enough time to wish a belated happy birthday to the gentleman from Wisconsin.

We have no further requests for time, and 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. 3671.

The question was taken.

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

Ms. BORDALLO. 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.

## INLAND EMPIRE PERCHLORATE GROUND WATER PLUME ASSESSMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4252) to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4252

*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 "Inland Empire Perchlorate Ground Water Plume Assessment Act of 2009".

### SEC. 2. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.

(a) IN GENERAL.—Not later than 2 years after funds are made available to carry out this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the "Basin"), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;  
 (B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;  
 (D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.