

them. We hope that we will be able to shed some light on how we can do a better job of assisting our communities in being able to put that water back to good use, and that is by working with the municipalities.

I commend the principal sponsor of H.R. 18, the gentleman from California (Mr. BACA), for his determination and hard work to get this legislation enacted. I also greatly appreciate the support and leadership demonstrated by the gentleman from California (Mr. POMBO) on this very critical and important matter.

Madam Speaker, I yield 5 minutes to my friend and colleague from Southern California (Mr. BACA) who has been very, very adamant about getting this addressed.

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. First of all, Madam Speaker, I would like to thank the gentleman from Tennessee (Mr. DUNCAN) for his support and his eloquent presentation of the legislation before us and as well the gentlewoman from California (Mrs. NAPOLITANO) in support of this legislation that impacts the State of California, especially Southern California, as it pertains to perchlorate.

Madam Speaker, I rise in support of H.R. 18, the Southern California Groundwater Remediation Act. This legislation passed the House in September 2004, and it was H.R. 4606. Today, I fight to protect Southern Californians from the growing crisis of perchlorate groundwater contamination. I reintroduced this legislation as a long-term solution to help cities in Southern California remove perchlorate from their drinking water and create safe drinking water.

This bill will authorize \$50 million for groundwater remediation, including perchlorate cleanup, for most of San Bernardino, Riverside, and Orange counties in Southern California. The funds will be managed by the Department of the Interior through the Bureau of Reclamation. Perchlorate is a main ingredient in rocket fuel that has been found in drinking water supplies, lettuce, and even in the milk we drink.

Perchlorate in water supplies is left over from former military sites, defense contractors, and other industries. It has been found in 43 States, including California. Perchlorate has been linked to thyroid damage and may be harmful to infants, developing fetuses, and the elderly. There are 1.2 million women of childbearing age in San Bernardino, Riverside, and Orange counties who could be at risk from perchlorate, and we do not want them to be at risk. We want to make sure that there is good-quality drinking water. Perchlorate has been detected in 186 sources in the counties served by the Santa Ana River watershed and has jeopardized the water supplies of over 500,000 residents.

As indicated before, there are 30 wells that have been contaminated in the

area. There is a perchlorate plume in the Inland Empire in California that is 10 miles long and is growing every day, and that includes my hometown, which I am a resident of, in Rialto. Perchlorate has impacted the daily lives of all of us, and we want to make sure that there is safe drinking water in the area. We have a legal and moral obligation to provide safe and healthy water to the families and children who drink this water every day.

But perchlorate contamination is more than just a health concern. The economic cost in providing safe drinking water is becoming more and more of a burden on our communities. Ninety percent of perchlorate in water comes from a Federal source. This includes DOD, NASA, and other Federal agencies. Innocent, hardworking families should not have to pay for federally created problems or problems for which no one will take the responsibility.

I urge my colleagues to support H.R. 18, which is a small price to pay for the crisis that has been forced on Southern Californians. I would like to thank the gentleman from California (Mr. POMBO) for his leadership and carrying legislation in the northern portion of California to deal with the problems that we have. I would like to thank the gentlewoman from California (Mrs. NAPOLITANO), the gentleman from California (Mr. CALVERT), the gentleman from California (Mr. GARY G. MILLER), and the gentleman from California (Mr. ROHRBACHER) for their support of this critical bill for the health of Southern California.

□ 1445

Mr. DUNCAN. Madam Speaker, I urge passage of this bill.

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

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

We have heard my colleague indicate how important the cleanup of water is, and I would urge my colleague from Georgia (Mr. LINDER), sponsor of H.R. 135, the Twenty-First Century Water Commission Act of 2005, to consider that as an issue because that is something that affects, like the gentleman stated, 40-some odd States that are beginning to understand the harshness of reality and that is that we have contaminated aquifers and water resources.

So, with that, I thank the gentleman from California (Mr. BACA) for bringing that to our attention. I do support the bill and hope my colleagues will do likewise.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 18, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# COLORADO RIVER INDIAN RESERVATION BOUNDARY CORRECTION ACT

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 794) to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes.

The Clerk read as follows:

H.R. 794

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

## SECTION 1. SHORT TITLE, FINDINGS, PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the “Colorado River Indian Reservation Boundary Correction Act”.

(b) FINDINGS.—Congress finds the following:

(1) The Act of March 3, 1865, created the Colorado River Indian Reservation (hereinafter “Reservation”) along the Colorado River in Arizona and California for the “Indians of said river and its tributaries”.

(2) In 1873 and 1874, President Grant issued Executive Orders to expand the Reservation southward and to secure its southern boundary at a clearly recognizable geographic location in order to forestall non-Indian encroachment and conflicts with the Indians of the Reservation.

(3) In 1875, Mr. Chandler Robbins surveyed the Reservation (hereinafter “the Robbins Survey”) and delineated its new southern boundary, which included approximately 16,000 additional acres (hereinafter “the La Paz lands”), as part of the Reservation.

(4) On May 15, 1876, President Grant issued an Executive Order that established the Reservation’s boundaries as those delineated by the Robbins Survey.

(5) In 1907, as a result of increasingly frequent trespasses by miners and cattle and at the request of the Bureau of Indian Affairs, the General Land Office of the United States provided for a resurvey of the southern and southeastern areas of the Reservation.

(6) In 1914, the General Land Office accepted and approved a resurvey of the Reservation conducted by Mr. Guy Harrington in 1912 (hereinafter the “Harrington Resurvey”) which confirmed the boundaries that were delineated by the Robbins Survey and established by Executive Order in 1876.

(7) On November 19, 1915, the Secretary of the Interior reversed the decision of the General Land Office to accept the Harrington Resurvey, and upon his recommendation on November 22, 1915, President Wilson issued Executive Order No. 2273 “. . . to correct the error in location said southern boundary line . . .”—and thus effectively excluded the La Paz lands from the Reservation.

(8) Historical evidence compiled by the Department of the Interior supports the conclusion that the reason given by the Secretary in recommending that the President issue the 1915 Executive Order—“to correct an error in locating the southern boundary”—was itself in error and that the La Paz lands should not have been excluded from the Reservation.

(9) The La Paz lands continue to hold cultural and historical significance, as well as economic development potential, for the Colorado River Indian tribes, who have consistently sought to have such lands restored to their Reservation.

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

(1) To correct the south boundary of the Reservation by reestablishing such boundary as it was delineated by the Robbins Survey and affirmed by the Harrington Resurvey.

(2) To restore the La Paz lands to the Reservation, subject to valid existing rights under Federal law and to provide for continued reasonable public access for recreational purposes.

(3) To provide for the Secretary of the Interior to review and ensure that the corrected Reservation boundary is resurveyed and marked in conformance with the public system of surveys extended over such lands.

## **SEC. 2. BOUNDARY CORRECTION, RESTORATION, DESCRIPTION.**

(a) **BOUNDARY.**—The boundaries of the Colorado River Indian Reservation are hereby declared to include those boundaries as were delineated by the Robbins Survey, affirmed by the Harrington Survey, and described as follows: The approximately 15,375 acres of Federal land described as “Lands Identified for Transfer to Colorado River Indian Tribes” on the map prepared by the Bureau of Land Management entitled “Colorado River Indian Reservation Boundary Correction Act, and dated January 4, 2005”, (hereinafter referred to as the “Map”).

(b) **MAP.**—The Map shall be available for review at the Bureau of Land Management.

(c) **RESTORATION.**—Subject to valid existing rights under Federal law, all right, title, and interest of the United States to those lands within the boundaries declared in subsection (a) that were excluded from the Colorado River Indian Reservation pursuant to Executive Order No. 2273 (November 22, 1915) are hereby restored to the Reservation and shall be held in trust by the United States on behalf of the Colorado River Indian Tribes.

(d) **EXCLUSION.**—Excluded from the lands restored to trust status on behalf of the Colorado River Indian Tribes that are described in subsection (a) are 2 parcels of Arizona State Lands identified on the Map as “State Lands” and totaling 320 acres and 520 acres.

## **SEC. 3. RESURVEY AND MARKING.**

The Secretary of the Interior shall ensure that the boundary for the restored lands described in section 2(a) is surveyed and clearly marked in conformance with the public system of surveys extended over such lands.

## **SEC. 4. WATER RIGHTS.**

The restored lands described in section 2(a) and shown on the Map shall have no Federal reserve water rights to surface water or ground water from any source.

## **SEC. 5. PUBLIC ACCESS.**

Continued access to the restored lands described in section 2(a) for hunting and other existing recreational purposes shall remain available to the public under reasonable rules and regulations promulgated by the Colorado River Indian Tribes.

## **SEC. 6. ECONOMIC ACTIVITY.**

(a) **IN GENERAL.**—The restored lands described in section 2(a) shall be subject to all rights-of-way, easements, leases, and mining claims existing on the date of the enactment of this Act. The United States reserves the right to continue all Reclamation projects, including the right to access and remove mineral materials for Colorado River maintenance on the restored lands described in section 2(a).

(b) **ADDITIONAL RIGHTS-OF-WAY.**—Notwithstanding any other provision of law, the Secretary, in consultation with the Tribe, shall grant additional rights-of-way, expansions, or renewals of existing rights-of-way for roads, utilities, and other accommodations to adjoining landowners or existing right-of-way holders, or their successors and assigns, if—

(1) the proposed right-of-way is necessary to the needs of the applicant;

(2) the proposed right-of-way acquisition will not cause significant and substantial harm to the Colorado River Indian Tribes; and

(3) the proposed right-of-way complies with the procedures in part 169 of title 25, Code of Federal Regulations consistent with this subsection and other generally applicable Federal laws unrelated to the acquisition of interests on trust lands, except that section 169.3 of those regulations shall not be applicable to expansions or renewals of existing rights-of-way for roads and utilities.

(c) **FEES.**—The fees charged for the renewal of any valid lease, easement, or right-of-way subject to this section shall not be greater than the current Federal rate for such a lease, easement, or right-of-way at the time of renewal if the holder has been in substantial compliance with all terms of the lease, easement, or right-of-way.

## **SEC. 7. GAMING.**

Land taken into trust under this Act shall neither be considered to have been taken into trust for gaming nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

### **GENERAL LEAVE**

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within 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 gentleman from Tennessee?

There was no objection.

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

H.R. 794, which is sponsored by the gentleman from Arizona (Mr. GRIJALVA), corrects an historic injustice to the Colorado River Indian Tribes. It is substantially identical to H.R. 2941, legislation that was passed in the House last year but was not considered in the Senate.

Passage of this measure is long overdue. It restores 16,000 acres of public lands in Arizona to the Colorado River Indian Reservation wrongfully excluded from the reservation over 90 years ago.

Created by an Act of Congress in 1865, the reservation was expanded by President Grant in order to prevent encroachment by non-Indians. The expansion included a 16,000-acre area called the La Paz lands.

The La Paz expansion did not hold up for very long. The original surveys to affix the boundary of the La Paz addition were rescinded by President Wilson. A survey of dubious merit, apparently at the behest of people who coveted the Tribes' lands, was substituted for the valid surveys. As a result, the La Paz lands were excluded from the reservation.

All credible evidence indicates that the La Paz lands were wrongly deleted

from the Tribes' reservation. Subsequent attempts to restore them a few times during the 1900s did not meet with success.

H.R. 794 finally restores the La Paz lands to its rightful owner, subject to valid, existing rights and interests and excluding certain parcels owned by the State of Arizona. The bill requires the boundary line of the reservation to reflect the addition of these lands.

As I explained, with one minor exception, this bill is exactly the same as H.R. 2941 that was passed by the House last year but went no further. The only difference is the title of the map has been changed to correct a typographical error.

Because this measure is unchanged from what the House approved last year, I urge my colleagues today to pass H.R. 794. With Congress' help, the Colorado River Indian Tribes can finally put this justice behind them. I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

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

I want to thank the gentleman from Tennessee (Mr. DUNCAN) for his comments and his leadership on this very important issue to native peoples in my district.

The Colorado River Indian Reservation Boundary Correction Act, H.R. 794, will correct a long-standing injustice. In the early part of the 20th century, nearly 16,000 acres of land known as the La Paz lands were stripped from the Colorado River Indian Tribes' reservation by executive order in response to heavy lobbying from a private mining company that wanted to mine for silver on the land. The Tribes were never provided with an opportunity to challenge the decision, nor were they ever compensated for the loss of their land.

Subsequent reviews by the Department of Interior concluded the lands were inappropriately removed from the reservation and should be returned to the Tribes. Senator Barry Goldwater recognized this fact when he introduced similar legislation to restore those lands years ago. He stated during the hearing before the Senate Indian Affairs Committee that his grandfather, who had settled in the Ehrenberg area, had long recognized that the La Paz lands were Indian lands.

Madam Speaker, the lands that will be returned to the Tribes under this legislation were part of their reservation for almost 40 years prior to the 1915 executive order. This is not an expansion of the Tribes' reservation. It is a restoration of the original reservation based on accepted Department of Interior surveys.

H.R. 794 will return 15,375 acres of land to the Tribes. These lands hold cultural and spiritual value for the Tribes, as well as potential for economic development.

During the almost 90 years that the land has been under the jurisdiction of

the Bureau of Land Management, certain activities have taken place there. The legislation ensures that existing uses may continue. The Tribes have agreed to honor existing mining claims, right of way, utility corridors, hunting, and public access.

In addition, several provisions have been added related to water rights and prohibition of gaming on the lands. While I feel that these restrictions may impose upon tribal sovereignty, the Tribe itself has indicated its willingness to accept these provisions in order to achieve passage of the legislation, and I defer to them on that matter.

Madam Speaker, this bill honors our agreements and our commitments to the Native peoples of my district by returning what rightfully belongs to them. I am pleased to be joined by my colleagues from Arizona and California on both sides of the aisle in promoting this long-overdue legislation, and I particularly want to thank the leadership within the Committee on Resources for making this bill a priority for passage again in this Congress. It is my joy to see this important piece of legislation move to the House floor and come one step closer to resolution. The Colorado River Indian people have been waiting 90 years for return of their lands, and it is my hope that they will not wait much longer.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Madam Speaker, I urge passage of this bill. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 794.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 53 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 6 o'clock and 31 minutes p.m.

## PRIVILEGED REPORT ON HOUSE RESOLUTION 134, REQUESTING THE PRESIDENT TO TRANSMIT CERTAIN INFORMATION RELATING TO PLAN ASSETS AND LIABILITIES OF SINGLE-EMPLOYER PENSION PLANS

Mr. BOEHNER, from the Committee on Education and the Workforce, submitted a privileged report (Rept. No. 109-34) on the resolution (H. Res. 134) requesting the President to transmit to the House of Representatives certain information relating to plan assets and liabilities of single-employer pension plans, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 135, by the yeas and nays.

H.R. 541, by the yeas and nays.

These will both be 15-minute votes.

## TWENTY-FIRST CENTURY WATER COMMISSION ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 135.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 135, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 22, not voting 10, as follows:

[Roll No. 96]

YEAS—402

Abercrombie	Bonner	Chabot	Diaz-Balart, L.	Kolbe	Pryce (OH)
Ackerman	Bono	Chandler	Diaz-Balart, M.	Kucinich	Putnam
Aderholt	Boozman	Chocola	Dicks	Kuhl (NY)	Radanovich
Akin	Boren	Clay	Dingell	Langevin	Rahall
Alexander	Boswell	Cleaver	Doggett	Lantos	Ramstad
Allen	Boucher	Clyburn	Doolittle	Larsen (WA)	Rangel
Andrews	Boustany	Cole (OK)	Doyle	Larson (CT)	Regula
Baca	Boyd	Conaway	Drake	Latham	Rehberg
Bachus	Bradley (NH)	Conyers	Dreier	LaTourette	Reichert
Baird	Brady (PA)	Cooper	Duncan	Leach	Renzi
Baker	Brady (TX)	Costa	Ehlers	Lee	Reyes
Baldwin	Brown (OH)	Costello	Emanuel	Levin	Reynolds
Barrett (SC)	Brown (SC)	Cox	Engel	Lewis (CA)	Rogers (AL)
Barrow	Brown, Corrine	Cramer	English (PA)	Lewis (GA)	Rogers (KY)
Bartlett (MD)	Brown-Waite,	Crenshaw	Eshoo	Linder	Rogers (MI)
Barton (TX)	Ginny	Crowley	Etheridge	Lipinski	Rohrabacher
Bass	Burgess	Cuellar	Evans	LoBiondo	Ros-Lehtinen
Bean	Burton (IN)	Cummings	Everett	Lofgren, Zoe	Ross
Beauprez	Butterfield	Cunningham	Farr	Lowey	Rothman
Becerra	Buyer	Davis (AL)	Feeney	Lucas	Roybal-Allard
Berkley	Calvert	Davis (CA)	Ferguson	Lungren, Daniel	Royce
Berman	Camp	Davis (FL)	Filner	E.	Ruppersberger
Berry	Cannon	Davis (IL)	Fitzpatrick (PA)	Lynch	Rush
Biggert	Cantor	Davis (KY)	Foley	Mack	Ryan (OH)
Bilirakis	Capito	Davis (TN)	Forbes	Maloney	Ryan (WI)
Bishop (GA)	Capps	Davis, Tom	Fortenberry	Marchant	Ryun (KS)
Bishop (NY)	Capuano	Deal (GA)	Fossella	Markey	Sabo
Bishop (UT)	Cardin	DeFazio	Frank (MA)	Marshall	Salazar
Blumenauer	Cardoza	DeGette	Franks (AZ)	Matheson	Sánchez, Linda
Blunt	Carnahan	Delahunt	Frelinghuysen	Matsui	T.
Boehkert	Carson	DeLauro	Gallegly	McCarthy	Sanchez, Loretta
Boehner	Case	DeLay	Garrett (NJ)	McCaul (TX)	Sanders
Bonilla	Castle	Dent	Gerlach	McCollum (MN)	Saxton
			Gibbons	McCotter	Schakowsky
			Gilchrest	McCrery	Schiff
			Gingrey	McDermott	Schwartz (PA)
			Gohmert	McGovern	Schwartz (MI)
			Gonzalez	McHenry	Scott (GA)
			Goodlatte	McHugh	Scott (VA)
			Gordon	McIntyre	Sensenbrenner
			Granger	McKeon	Serrano
			Graves	McKinney	Sessions
			Green (WI)	McMorris	Shadegg
			Green, Al	McNulty	Shaw
			Green, Gene	Meehan	Shays
			Grijalva	Meek (FL)	Sherman
			Gutierrez	Meeks (NY)	Sherwood
			Hall	Melancon	Shimkus
			Harman	Menendez	Shuster
			Harris	Mica	Simmons
			Hart	Michaud	Simpson
			Hastings (FL)	Millender	Skelton
			Hastings (WA)	McDonald	Slaughter
			Hayes	Miller (NC)	Smith (NJ)
			Hayworth	Miller, Gary	Smith (TX)
			Hefley	Miller, George	Snyder
			Herger	Mollohan	Sodrel
			Herseth	Moore (KS)	Solis
			Higgins	Moore (WI)	Souder
			Hinchey	Moran (KS)	Spratt
			Hinojosa	Moran (VA)	Stearns
			Hobson	Murphy	Strickland
			Hoekstra	Murtha	Stupak
			Holden	Musgrave	Sullivan
			Holt	Nadler	Sweeney
			Honda	Napolitano	Tancredo
			Hooley	Neal (MA)	Tanner
			Hostettler	Neugebauer	Tauscher
			Hoyer	Ney	Taylor (MS)
			Hulshof	Northup	Taylor (NC)
			Hunter	Norwood	Terry
			Hyde	Nunes	Thomas
			Inslee	Nussle	Thompson (CA)
			Israel	Oberstar	Thompson (MS)
			Issa	Obey	Thornberry
			Jackson (IL)	Olver	Tiahrt
			Jackson-Lee	Ortiz	Tiberi
			(TX)	Osborne	Tierney
			Jefferson	Owens	Towns
			Jindal	Oxley	Turner
			Johnson (CT)	Pallone	Udall (CO)
			Johnson (IL)	Pascrell	Udall (NM)
			Johnson, E. B.	Pastor	Upton
			Jones (OH)	Payne	Van Hollen
			Kanjorski	Pearce	Velázquez
			Kaptur	Pelosi	Visclosky
			Keller	Peterson (MN)	Walden (OR)
			Kelly	Peterson (PA)	Walsh
			Kennedy (MN)	Petri	Wamp
			Kennedy (RI)	Pickering	Wasserman
			Kildee	Pitts	Schultz
			Kilpatrick (MI)	Platts	Waters
			Kind	Poe	Watson
			King (IA)	Pombo	Watt
			King (NY)	Pomeroy	Waxman
			Kingston	Porter	Weiner
			Kirk	Portman	Weldon (FL)
			Kline	Price (GA)	Weldon (PA)
			Knollenberg	Price (NC)	Weller