

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 1205, to reauthorize the Coral Reef Conservation Act of 2000.

First and foremost, I certainly want to commend the chairman of our Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL), for his support and commitment to this important legislation.

I also would like to acknowledge the leadership and the tremendous support that we have received from my good friend and colleague, the gentleman from Alaska, our senior ranking member, Mr. YOUNG, for his spirit of cooperation and certainly for his support of the bill.

Last but not least, I want to recognize especially my good friend, the chairwoman of our Subcommittee on Fisheries and Wildlife, the gentlelady from Guam (Ms. BORDALLO).

And I want to also commend the gentleman from Texas (Mr. GOHMERT) for his support and management of the bill on the other side of the aisle.

I want to thank my good friend, the gentleman and former chairman of the Fisheries and Wildlife Subcommittee, my good friend from Maryland (Mr. GILCREST). I can't think of a better person that knows more about wildlife than the gentleman from Maryland in the years that I've served with him as a member of the Fisheries Subcommittee.

I also want to thank my good friend, the gentleman from Florida (Mr. KLEIN), for his support of this legislation.

I also want to note for my colleagues that the gentlelady from Florida (Ms. ROS-LEHTINEN) is also a cosponsor of this legislation.

Mr. Speaker, H.R. 1205, the Coral Reef Conservation Act of 2007, is an important piece of legislation because it recognizes that we need to do more now to protect the health of our Nation's coral reefs. We have coral reefs running along the coasts on both sides of the United States, continental United States, especially completely surrounding our U.S. territories.

Coral reefs are critically important, not only here in the United States, but around the world, and we should take the lead in protecting such a vital resource.

Mr. Speaker, H.R. 1205 has carried over key provisions from legislation that I introduced in the previous Congress which had very strong bipartisan support. This legislation will authorize funding for management assistance grants, enhance research and monitoring, implement local action strategies, and also codify the U.S. Coral Reef Task Force, which was established by an executive order issued by President Clinton in 1998.

More importantly, we have included recommendations from our experts in the current administration as well as from other Members of Congress, and also certainly to enhance the passage of this legislation. This has been a

work of some 7 months in consultations. Not only did we have hearings in our subcommittee, we had a markup, also a markup in the full committee for which we received unanimous support.

□ 1530

Mr. Speaker, a United Nations report estimates that 60 percent of the world's coral reefs will die off by the year 2030. And with the drastic change to climate as well as the escalation of global warming, our coral reefs are in peril.

Mr. Speaker, H.R. 1205 affords us an opportunity to take immediate action in conserving and protecting our coral reefs. It is not only critical for our coastal States and territories but, more importantly, for the rest of the world.

I urge my colleagues to support this legislation. And I would be remiss if I did not recognize the senior staffs of the committee on both sides of the aisle, Ms. Lori Sonken, Mr. Dave Jansen, and my good friend Mr. Dave Whaley for their support and for their work in putting this legislation in such a way that now has the bipartisan support of our colleagues on both sides of the aisle.

Again, this is not a Democratic or Republican bill; it is a bill that will serve the best interests of our Nation.

Ms. BORDALLO. Mr. Speaker, as a new chairman of this subcommittee, I want to go on record to thank my colleagues for their input, their expertise on this particular subject. They have all spoken in support of this legislation, and I want to thank them for their bipartisan support.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to note to my colleagues as part of our efforts in preserving the coral reefs is the announcement by President Bush in the last year of the largest marine monument of the world, which is known as the Papahānaumokuākea National Marine Monument, north of the Hawaiian Islands. It is about 140,000 square miles, a little less than the size of Montana, but about the same size as Germany. It also supports some 7,000 species of animal and marine life, which is so important. I think we need to understand that this is also part of what this legislation proposes.

And I thank the gentlewoman for yielding.

Ms. BORDALLO. Mr. Speaker, 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 gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1205, 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.

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION AUTHORIZATION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1462) to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1462

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 “Platte River Recovery Implementation Program and Pathfinder Modification Authorization Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

TITLE I—PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Sec. 101. Definitions.

Sec. 102. Implementation of Program.

Sec. 103. Cost-sharing contributions.

Sec. 104. Authority to modify Program.

Sec. 105. Effect.

Sec. 106. Authorization of appropriations.

Sec. 107. Termination of authority.

TITLE II—PATHFINDER MODIFICATION PROJECT

Sec. 201. Authorization of project.

Sec. 202. Authorized uses of pathfinder reservoir.

SEC. 2. PURPOSES.

The purposes of this Act are to authorize—

(1) *the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and*

(2) *the modification of the Pathfinder Dam and Reservoir.*

TITLE I—PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

SEC. 101. DEFINITIONS.

In this title:

(1) *AGREEMENT.*—The term “Agreement” means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(2) *FIRST INCREMENT.*—The term “First Increment” means the first 13 years of the Program.

(3) *GOVERNANCE COMMITTEE.*—The term “Governance Committee” means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(4) *INTEREST IN LAND OR WATER.*—The term “interest in land or water” includes a fee title,

short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(5) PROGRAM.—The term “Program” means the Platte River Recovery Implementation Program established under the Agreement.

(6) PROJECT OR ACTIVITY.—The term “project or activity” means—

(A) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(B) the acquisition of an interest in land or water;

(C) habitat restoration;

(D) research and monitoring;

(E) program administration; and

(F) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATES.—The term “States” means the States of Nebraska, Wyoming, and Colorado.

SEC. 102. IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—

(1) participate in the Program; and

(2) carry out any projects and activities that are designated for implementation during the First Increment.

(b) AUTHORITY OF SECRETARY.—For purposes of carrying out this title, the Secretary, in cooperation with the Governance Committee, may—

(1) enter into agreements and contracts with Federal and non-Federal entities;

(2) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(3) subsequently transfer any interests acquired under paragraph (2); and

(4) accept or provide grants.

SEC. 103. COST-SHARING CONTRIBUTIONS.

(a) IN GENERAL.—As provided in the Agreement, the participating States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(b) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States’ share of the Program:

(1) \$30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(2) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(c) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

SEC. 104. AUTHORITY TO MODIFY PROGRAM.

The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

SEC. 105. EFFECT.

(a) EFFECT ON RECLAMATION LAWS.—No action carried out under this title shall, with respect to the acreage limitation provisions of the reclamation laws—

(1) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(3) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.

(b) EFFECT ON WATER RIGHTS.—Nothing in this title—

(1) creates Federal water rights; or

(2) requires the grant of water rights to Federal entities.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this title \$157,140,000, as adjusted under subsection (c).

(b) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subsection (a) shall be considered to be non-reimbursable Federal expenditures.

(c) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted for inflation on October 1 of the year after the enactment of this Act and each October 1 thereafter.

(d) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subsection (a) shall be retained for use in future fiscal years to implement projects and activities under the Program.

SEC. 107. TERMINATION OF AUTHORITY.

The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

TITLE II—PATHFINDER MODIFICATION PROJECT

SEC. 201. AUTHORIZATION OF PROJECT.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), may—

(1) modify the Pathfinder Dam and Reservoir; and

(2) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this title as the “Project”), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(b) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this section.

SEC. 202. AUTHORIZED USES OF PATHFINDER RESERVOIR.

The approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. GOHMERT) 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 to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

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

The purpose of H.R. 1462, as introduced by our colleague Congressman MARK UDALL of Colorado and amended by the Committee on Natural Resources, is to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir.

H.R. 1462, as amended, would secure benefits for four target species and their associated habitats while also providing Endangered Species Act compliance for existing and certain new water-related activities in the Platte River basin.

H.R. 1462, as amended, also authorizes the modification of Pathfinder Dam and Reservoir as is required by a legal settlement and is the key part of the water devoted to recovery implementation.

Mr. Speaker, this program is the result of years and years of negotiation and compromise between water users and environmentalists and should be seen as a model for dealing with endangered species conflicts. I congratulate my Democratic colleague from Colorado, the Honorable Representative MARK UDALL, for his hard work on this legislation. And I strongly urge my colleagues to stand in support of this non-controversial bill.

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

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

H.R. 1462 stems from endangered species conflicts along the Platte River. As a result of lawsuits and the real threat of water and power infrastructure being shut down over endangered species conflicts, the Federal Government, three States, water and power users, and environmental organizations came together on the Platte River Recovery Program, and this legislation implements part of that program. The result is that existing water and power infrastructure is protected while a collaborative and far-reaching program to help save four different species begins.

Since this program is contingent upon Federal appropriations and a State can opt out, the governance committee charged with implementing the program has the enormous responsibility of keeping all stakeholders together, conversing with affected parties, communities and landowners on land and water issues and finding real results. Congress will continue to have oversight on this program to see if it is being run effectively and efficiently. This legislation, if implemented properly, can be a win-win for both the people and species of the Platte River basin.

Mr. Speaker, before I yield back, let me just emphasize again there were so many interests at work here. I don't know if anybody is totally thrilled with the result, but it seemed to be an appropriate way to bring what could be

done together to come about with a result that will require oversight, will require monitoring. But under the circumstances to keep things from being totally shut down, we would encourage our colleagues to support this bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation, which I introduced earlier this year.

I want to express my thanks to Chairman RAHALL, Ranking Member DON YOUNG, Subcommittee Chairwoman NAPOLITANO, and Subcommittee Ranking Member MCMORRIS RODGERS for making it possible for the bill to come before the House of Representatives today.

The legislation will authorize the Interior Department to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin.

I consider myself fortunate to have the honor of introducing it, and am gratified that it is cosponsored by my Colorado colleagues, Representatives DEGETTE, SALAZAR, and PERLMUTTER, as well as the entire House delegations of our neighboring States of Wyoming and Nebraska.

Its purpose is to continue a cooperative effort involving the Federal Government and the States of Colorado, Nebraska, and Wyoming (and other entities and groups) aimed at recovery of endangered species in ways that will not involve the creation of Federal water rights or requiring the grant of water rights to Federal entities.

This legislation is the result of 14 years of negotiations that culminated last year when the Governors of Colorado, Wyoming, and Nebraska joined Secretary Kempthorne in signing the agreement.

Since then, initial implementing steps have begun and the President's budget for fiscal 2008 has requested the initial funding for the program.

The program is modeled after a somewhat similar program for the recovery of several endangered species of fish in the upper basin of the Colorado River. I have strongly supported that program because it has enabled us in Colorado and other participating States to meet the requirements of the Endangered Species Act while allowing continued development and use of water for other purposes as well.

While such arrangements are not easy to work out, I think doing so is far better than alternative approaches that are more likely to be marked by conflicts or litigation. So, I think all concerned in the negotiation of this important agreement are to be congratulated.

Mr. Speaker, this is an important bill that deserves the support of the entire House, and I urge its approval. For the benefit of our colleagues, I am attaching information about the background of the Recovery Program addressed by the bill:

BACKGROUND

Since 1997, the States of Colorado, Nebraska, and Wyoming have worked with water users, conservation groups and the Interior Department to develop ways to allow continued water use and development along the Platte River to comply with the Endangered Species Act (ESA).

In late 2006 the States and the Interior Department signed the final agreement for a basin-wide Recovery Program to benefit three endangered species (interior least tern, whooping crane, and pallid sturgeon) and one

threatened species (piping plover) referred to as the "target species."

The Federal government is to pay half the cost—and the bill authorizes appropriation of those funds. Total authorization would be \$157.14 million plus any needed inflation adjustments.

RECOVERY PROGRAM

The Program is designed to secure defined benefits for the target species and their associated habitats while also providing ESA compliance for existing and certain new water-related activities in the Platte River basin. It is to be incremental, with the First Increment coming over the next 13 years. It would be implemented by a Governance Committee with membership including representatives of the three states, the Interior Department, water users, and environmental groups.

While the Program is designed to provide ESA compliance for existing and certain new water-related activities throughout the Platte River basin upstream of the confluence of the Platte and the Loup Rivers (in Nebraska), the land acquisition and management for the target bird species will occur in the central Platte River region (Lexington to Chapman, Nebraska), and Program water activities would be designed to provide benefits for the target bird species in the central Platte River region and for the pallid sturgeon in the lower Platte River region (below the confluence with the Elkhorn River).

ELEMENTS OF THE PROGRAM

The Program has three main elements—(1) increasing stream flows in the central Platte River during relevant periods through retiming and water conservation/supply projects; (2) enhancing, restoring and protecting habitat lands for the target bird species; and (3) accommodating certain new water-related activities.

The Program will achieve these results through an adaptive management approach employing scientific monitoring and research to evaluate the management actions and species habitat needs. These elements will be implemented according to underlying principles that require interests in land to be acquired only from willing participants and avoid increasing tax burdens to local citizens by paying taxes or their equivalent on Program lands. Program lands will be held by a land holding entity (rather than by the Federal or state governments) and will be managed under a "good neighbor" policy.

WATER

The Program's long-term objective for water is to provide sufficient water to and through the central Platte River habitat area to assist in improving and maintaining habitat for the target species using incentive based water projects. During the First Increment (13 years) the Program's objective is to retime and improve flows in the central Platte River to reduce shortages to target flows by an average of 130,000 to 150,000 acre-feet per year at Grand Island.

LAND

During the First Increment, the Program's objective is to protect, restore, and maintain 10,000 acres of habitat. The Program's long-term objective for land is to acquire land interests, restore where appropriate, and maintain and manage approximately 29,000 acres of suitable habitat along the central Platte River between Lexington and Chapman, Nebraska. Land acquired during the Program's First Increment will be credited to this long-term objective as will certain lands that meet criteria established by the Governance Committee but are managed by other entities such as environmental organizations or utility and irrigation districts.

FUTURE WATER DEVELOPMENT PROJECTS AND NEW DEPLETIONS

One Program purpose is to mitigate the adverse impacts of certain new water-related activities through the implementation of state and Federal depletions plans. This will allow continued growth and water development to occur in the Platte River basin along with improving conditions for the target species.

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

Ms. BORDALLO. Mr. Speaker, 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 gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1462, 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.

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1337) to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1337

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

SECTION 1. CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY.

(a) FINDINGS.—Congress finds that—

(1) Thunderbird Lake, located on Little River in central Oklahoma, was constructed in 1965 by the Bureau of Reclamation for flood control, water supply, recreation, and fish and wildlife purposes;

(2) the available yield of Thunderbird Lake is allocated to the Central Oklahoma Master Conservancy District, which supplies municipal and industrial water supplies to the cities of Norman, Midwest City, and Del City, Oklahoma; and

(3) studies conducted by the Bureau during fiscal year 2003 indicate that the District will require additional water supplies to meet the future needs of the District, including through—

(A) the drilling of additional wells;

(B) the implementation of a seasonal pool plan at Thunderbird Lake;

(C) the construction of terminal storage to hold wet-weather yield from Thunderbird Lake;

(D) a reallocation of water storage; and

(E) the importation of surplus water from sources outside the basin of Thunderbird Lake.

(b) STUDY.—Beginning no later than 1 year after the date of enactment of this Act, the Commissioner of the Bureau of Reclamation shall conduct a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, including recommendations of the Commissioner, if any.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the