misrepresentation that they were Indian produced. This provision, currently located in section 1159 of title 18, U.S. Code, set fines not to exceed $500 or imprisonment not to exceed 6 months or both. Although this law was in effect for many years, it provided no meaningful deterrent to those who misrepresented imitation arts and crafts as Indian produced. In addition, willful intent was required to be proved. Therefore, very little enforcement took place.

So H.R. 725 seeks to address this continuing problem by strengthening the penalties associated with misrepresentation of Indian-produced goods and by empowering Federal, tribal, and local authorities to undertake investigations and enforcement. A Senate companion bill, S. 151, passed the Senate on July 24, 2009.

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

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the very complete and thorough analysis that the gentlelady from Guam did on this particular bill. It was well done.

I will ask at this time if the gentlelady from Guam has any more speakers for this particular bill.

Ms. BORDALLO. Mr. Speaker, we do not have any additional speakers.

Mr. BISHOP of Utah. Sadly, neither do I. So at this time, I will simply go forward and say that we still support it. We still think this bill could have been done better. We are still very curious on why the Senate bill was not being pushed forward, but we support the purpose and the goals of this particular piece of legislation, and we will be very happy to support it here on the floor as well.

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. 725, 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.

IDAHO WILDERNESS WATER FACILITIES ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3538) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3538

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 ''Idaho Wilderness Water Facilities Act''.

SEC. 2. TREATMENT OF EXISTING WATER DIVERSIONS IN FRANK CHURCH-RIVER OF NO RETURN WILDERNESS AND SELWAY-BITTERROOT WILDERNESS, IDAHO.

(a) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture is authorized to issue a special use authorization to each of the 20 owners of a water storage, transport, or diversion facility (in this section referred to as a ''facility'') located on National Forest System land in the Frank Church-River of No Return Wilderness or the Selway-Bitterroot Wilderness (as identified on the map titled ''Unauthorized Private Water Diversions located within the Frank Church River of No Return Wilderness'', dated December 14, 2009, or the map titled ''Unauthorized Private Water Diversions located within the Selway-Bitterroot Wilderness'', dated December 11, 2009) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(1) the facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as ''the date of designation'');

(2) the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;

(3) the owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and

(4) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(b) TERMS AND CONDITIONS.—

(1) EQUIPMENT, TRANSPORT, AND USE TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(i) the use is necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under Idaho State law; and

(ii) after conducting a minimum tool analysis for the facility, the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(B) preclude use of the facility for the storage, diversion, or transport of water in excess of the water right recognized by the State of Idaho on the date of designation.

(2) ADDITIONAL TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished; and

(B) require that the owner provide a reciprocal right of access across the non-Federal property, in which case, the owner shall receive market value for any right-of-way or other interest in real property conveyed to the United States, and market value may be paid by the Secretary, in whole or in part, by the grant of a reciprocal right-of-way, or by reduction of fees or other costs that may accrue to the owner to obtain the authorization for water facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman in Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and 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, prior to the designation of the Frank Church-River of No Return and the Selway-Bitterroot Wilderness areas in Idaho, private landowners received permits to maintain and repair water diversions on national forest land now included in those wilderness areas. Many of those permits have since expired, leaving those who own the water diversions without options for mechanically maintaining their water systems.

The bill before us, H.R. 3538, would give the Secretary of Agriculture the authority to issue special use authorizations to owners of specific water storage, transport, or diversion facilities within these wilderness areas. The permits would only be issued if the owner can prove that the water facility meets certain criteria specified in the legislation.

Mr. Speaker, we support the passage of H.R. 3538, and I reserve the balance of my time.

□ 1445

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

This bill, as introduced by Mr. SIMPSON of Idaho, would require the Forest Service to issue special use permits to owners of small, existing water systems in two Idaho wilderness areas. And although these water diversions continue to operate, their owners currently lack the authority to maintain or repair these facilities. Failure to maintain or repair these facilities would harm not only the farms and ranches that need to be assured of having access to water that they own to be viable, but also will be important for the Forest Service to maintain the environmental needs and watersheds on these particular Forest Service lands.

This bill, H.R. 3538, will allow the owners of the existing water systems to do this necessary maintenance.

Let me just say this legislation has been very narrowly tailored to apply to

only a small number of sites that are within the wilderness areas and meet a very specific criteria. So to qualify for this bill, they would have to be a water diversion facility that was in existence before the wilderness area was designated. It has to be continuously used since the wilderness area was designated. The owners have to have a valid water right under Idaho law that predated the wilderness designation, and the sites only can be covered in this bill if there is no other alternative than to continue the use of these facilities within the wilderness designation. And so it is beneficial not only to the Forest Service but to these private property owners individually for the water rights that they have recognized that are valid.

Let me say that this bill illustrates one of the problems that we here in Congress have. Wilderness designation is the most inflexible and restrictive of any of the land use weapons that are at our disposal and in our arsenal. Too often we find after the fact of that designation that there are simple activities that are denied because of that designation that should not have been there in the first place. We ought to be wise enough to devise a conservation practice for our lands without creating unintended consequences to neighboring families that were poorly thought out when the designation was originally made. There is no reason we cannot be both good stewards and good neighbors. This shows one of the problems we have when we rush into designation of land without doing a thorough understanding of what the consequences of that designation of land will be.

I understand also there was another change in this particular bill. And although I stand, as I did on the other, to support it, I want to make public that we do not approve of the change that was made in that bill. Just as in the DeFazio bill, the word ''shall'' would have made it a better bill, and it should have remained, and that was the concept that the committee voted, so in this bill the word ''shall'' was changed to more permissive language after the committee voted on the bill. That ''shall'' should have been in here, which would have been the better language for this particular piece of legislation.

Even though I support the bill with the change, that change was done in a poor process. That change should have been done before the committee actually allowed this bill to leave their jurisdiction. And in all sincerity, the mandate would be the appropriate policy we as Congress should have insisted upon. So I am not happy with that particular change, but I still support the bill because overwhelmingly it does a great deal of good in areas where otherwise there would be a great deal of harm done by the unexpected consequences of some rash action many years before. So I support this bill as well.

I yield back the balance of my time.

Mr. SIMPSON. Mr. Speaker, I rise today in support of H.R. 3538, the Idaho Wilderness Water Resources Protection Act. This bipartisan, non-controversial legislation is a technical fix intended to enable the Forest Service to authorize and permit existing historical water diversions within Idaho wilderness.

Last year, one of my constituents came to me for help with a problem. The Middle Fork Lodge has a water diversion within the Frank Church-River of No Return Wilderness Area that has existed since before the wilderness area was established and is protected under statute. The diversion was beginning to leak and is in desperate need of repairs to ensure that it does not threaten the environment and watershed, but when the Forest Service began the process of issuing the Lodge a permit to allow them to make the necessary repairs, we discovered that the Forest Service did not have the authority to issue the required permit.

As we looked into this issue, we discovered that the Forest Service lacks this authority throughout both the Frank Church-River of No Return Wilderness, where there are 22 known water developments, and the Selway-Bitterroot Wilderness, where there are three. These diversions are primarily used to support irrigation and minor hydropower generation for use on non-Federal lands.

The damage to the water diversion at the Middle Fork Lodge is severe enough that the Forest Service had to do temporary emergency repairs last fall, but without authority to issue them the necessary special use permit, they will be unable to do the work needed to permanently fix the problem. While the urgent situation at the Middle Fork Lodge brought this issue to my attention, it is obvious to me that this problem is larger than just one diversion. At some point in the future, all 20 of these existing diversions will need maintenance or repair work done to ensure their integrity.

H.R. 3538 authorizes the Forest Service to issue special use permits for 20 qualifying historic water systems in these wilderness areas. I believe it is important to get ahead of this problem and ensure that the Forest Service has the tools necessary to manage these lands.

For these reasons I have worked with my colleague, WALT MINNICK, to introduce H.R. 3538. This legislation allows the Forest Service to issue the required special use permits to owners of these historic water systems and sets out specific criteria for doing so. Providing this authority will ensure that existing water diversions can be properly maintained and repaired when necessary and preserves beneficial use for private property owners who hold water rights under state law.

I have deeply appreciated the cooperation of the Forest Service in addressing this problem. Not only have they communicated with me the need to find a system-wide solution to this issue, but at my request they drafted this legislation to ensure that it only impacts specific targeted historical diversions—those with valid water rights that cannot feasibly be relocated outside of the wilderness area.

H.R. 3538 is bipartisan and non-controversial. It is intended as a simple, reasonable solution to a problem that I think we can all agree should be solved as quickly as possible. I was encouraged that the bill passed out of Committee without objection and am hopeful that we can move it through the legislative process without delay so that the necessary maintenance to these diversions may be completed before the damage is beyond repair.

Ms. BORDALLO. Mr. Speaker, I want to thank my colleague, the gentleman from Utah (Mr. BISHOP), for managing the bills this afternoon with me, 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. 3538, 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.

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.

COMMENDING THE UNIVERSITY OF ALABAMA

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1007) commending the University of Alabama for winning the Bowl Championship Series National Championship Game.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1007

Whereas, on January 7, 2010, the University of Alabama Crimson Tide defeated the University of Texas Longhorns, 37–21, in the Bowl Championship Series (BCS) National Championship Game in Pasadena, California;

Whereas the University of Alabama located in Tuscaloosa, Alabama, has become one of the premier athletic and academic institutions in the country;

Whereas the University of Alabama has been the Southeastern Conference (SEC) Football Champion a record-setting 22 times;

Whereas the University of Alabama has made an NCAA-record 57 bowl appearances;

Whereas the Crimson Tide players won many individual accomplishments throughout the season including, Mark Ingram as the first player from the University of Alabama to win the Heisman Trophy, Rolando McClain as the Butkus Award Winner, and 6 players selected as Associated Press First Team All Americans;

Whereas Mark Ingram rushed for 116 yards and 2 touchdowns to be named the Offensive Most Valuable Player of the BCS National Championship Game;

Whereas Marcell Dareus returned an interception for a touchdown and was named the Defensive Most Valuable Player of the BCS National Championship Game;

Whereas the Crimson Tide defense held the University of Texas to 276 offensive yards and forced 5 turnovers during the BCS National Championship Game;

Whereas Nick Saban in his third year as head coach led the University of Alabama to its first National Championship since 1992; and

Whereas residents of Alabama and Crimson Tide fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it