

The Bonneville Unit is a large system of dams, pipelines and tunnels which bring water from the eastern mountains in Utah to the Wasatch front population centers. It was constructed as part of the completion of the Central Utah Project Completion Act in 1992.

One of the components of the Bonneville unit is the Diamond Fork Project. The Diamond Fork Project has the capability to generate up to 50 megawatts of hydroelectric power. My bill removes a barrier that is infringing on the ability to develop the hydropower.

The Congressional Budget Office estimates the Federal Government will receive payments totaling \$2 million dollars over the 2010–2019 period as a result of the hydroelectric project.

The proposed hydroelectric project will be installed within existing structures of the Diamond Fork facility.

I'd like to thank the Water and Power Subcommittee for their tireless work on this bill and Subcommittee Chairwoman GRACE NAPOLITANO and House Natural Resources Chairman RAHALL for their commitment to moving this bill forward.

This is common sense, bipartisan legislation that allows for development of clean hydro-power at Diamond Fork. I urge my colleagues to support its passage.

Mrs. NAPOLITANO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2008, 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.

#### HOH INDIAN TRIBE SAFE HOMELANDS ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1061

*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 “Hoh Indian Tribe Safe Homelands Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means the approximately 37-acre parcel of land—

(A) administered by the National Park Service;

(B) located in sec. 20, T. 26N, R. 13W, W.M., south of the Hoh River; and

(C) depicted on the Map.

(2) MAP.—The term “Map” means the map entitled “Hoh Indian Tribe Safe Homelands Act Land Acquisition Map” and dated May 14, 2009.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 434 acres of land—

(A) owned by the Tribe; and

(B) depicted on the Map.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) TRIBE.—The term “Tribe” means the Hoh Indian Tribe.

#### SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF TRIBE.

(a) FEDERAL LAND.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(A) all right, title, and interest of the United States in and to the Federal land are considered to be held in trust by the United States for the benefit of the Tribe, without any action required to be taken by the Secretary; and

(B) the Federal land shall be excluded from the boundaries of Olympic National Park.

(2) SURVEY BY TRIBE.—

(A) IN GENERAL.—The Tribe shall—

(i) conduct a survey of the boundaries of the Federal land; and

(ii) submit the survey to the Director of the National Park Service for review and concurrence.

(B) ACTION BY DIRECTOR.—Not later than 90 days after the date on which the survey is submitted under subparagraph (A)(ii), the Director of the National Park Service shall—

(i) complete the review of the survey; and

(ii) provide to the Tribe a notice of concurrence with the survey.

(C) AVAILABILITY OF SURVEY.—Not later than 120 days after the date on which the notice of concurrence is provided to the Tribe under subparagraph (B)(ii), the Secretary shall—

(i) submit a copy of the survey to the appropriate committees of Congress; and

(ii) make the survey available for public inspection at the appropriate office of the Secretary.

(b) NON-FEDERAL LAND.—

(1) IN GENERAL.—On fulfillment of each condition described in paragraph (2), and upon compliance with the National Environmental Policy Act of 1969, the Secretary shall take the non-Federal land into trust for the benefit of the Tribe.

(2) CONDITIONS.—The conditions referred to in paragraph (1) are that the Tribe shall—

(A) convey to the Secretary all right, title, and interest in and to the non-Federal land; and

(B) submit to the Secretary a request to take the non-Federal land into trust for the Tribe.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that—

(1) the condition of the Federal land as in existence on the date of enactment of this Act should be preserved and protected;

(2) the natural environment existing on the Federal land on the date of enactment of this Act should not be altered, except as otherwise provided by this Act; and

(3) the Tribe and the National Park Service shall work cooperatively regarding issues of mutual concern relating to this Act.

(d) AVAILABILITY OF MAP.—Not later than 120 days after the survey required by subsection (a)(2)(A) has been reviewed and concurred in by the National Park Service, the Secretary shall make the Map available to the appropriate congressional committees. The Map also shall be available for public inspection at the appropriate offices of the Secretary.

#### SEC. 4. USE OF FEDERAL LAND BY TRIBE; COOPERATIVE EFFORTS.

(a) USE OF FEDERAL LAND BY TRIBE.—

(1) RESTRICTIONS ON USE.—The use of the Federal land by the Tribe shall be subject to the following conditions:

(A) BUILDINGS AND STRUCTURES.—No commercial, residential, industrial, or other building or structure shall be constructed on the Federal land.

(B) NATURAL CONDITION AND ENVIRONMENT.—The Tribe—

(i) shall preserve and protect the condition of the Federal land as in existence on the date of enactment of this Act; and

(ii) shall not carry out any activity that would adversely affect the natural environment of the Federal land, except as otherwise provided by this Act.

(C) LOGGING AND HUNTING.—To maintain use of the Federal land as a natural wildlife corridor and provide for protection of existing resources of the Federal land, no logging or hunting shall be allowed on the Federal land.

(D) ROADS.—

(i) ROUTINE MAINTENANCE.—Routine maintenance may be conducted on the 2-lane county road that crosses the Federal land as in existence on the date of enactment of this Act.

(ii) EXPANSION.—The county road described in clause (i) may not be widened or otherwise expanded.

(iii) RECONSTRUCTION.—If the county road described in clause (i) is compromised due to a flood or other natural or unexpected occurrence, the county road may be reconstructed to ensure access to relevant areas.

(iv) OTHER ACCESS ROUTES.—Except as provided in clause (iii) and subsection (b)(2), no other road or access route shall be permitted on the Federal land.

(2) USES APPROVED BY TREATY.—

(A) IN GENERAL.—The Tribe may authorize any member of the Tribe to use the Federal land for—

(i) ceremonial purposes; or

(ii) any other activity approved by a treaty between the United States and the Tribe.

(B) NO EFFECT ON TREATY RIGHTS OF TRIBE.—Nothing in this Act affects any treaty right of the Tribe in existence on the date of enactment of this Act.

(b) COOPERATIVE EFFORTS.—The Secretary and the Tribe—

(1) shall enter into cooperative agreements—

(A) for joint provision of emergency fire aid, on completion of the proposed emergency fire response building of the Tribe; and

(B) to provide opportunities for the public to learn more regarding the culture and traditions of the Tribe;

(2) may develop and establish on land taken into trust for the benefit of the Tribe pursuant to this Act a multipurpose, non-motorized trail from Highway 101 to the Pacific Ocean; and

(3) shall work cooperatively on any other issues of mutual concern relating to land taken into trust for the benefit of the Tribe pursuant to this Act.

#### SEC. 5. TREATMENT OF TRUST LAND AS PART OF RESERVATION.

All land taken into trust for the benefit of the Tribe pursuant to this Act shall be a part of the reservation of the Tribe.

#### SEC. 6. GAMING PROHIBITION.

The Tribe may not conduct on any land taken into trust pursuant to this Act any gaming activities—

(1) as a matter of claimed inherent authority; or

(2) under any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated by the Secretary or the National

Indian Gaming Commission pursuant to that Act)).

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

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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. Madam Speaker, H.R. 1061 would transfer certain Federal and non-Federal land in the State of Washington to the Hoh Indian Tribe to be held in trust by the United States for the benefit of the tribe.

The Hoh Indian Tribe is located on the coast of Washington. Its coastline is situated such that it is subject to frequent flooding and is located in a tsunami zone. The tribe has acquired approximately 420 acres of land from private sources to relocate its government offices and tribal members. The bill would place this newly acquired 420 acres of land into trust for the tribe.

H.R. 1061 would also transfer approximately 37 acres of land from the Olympic National Park into trust for the tribe in order to connect the tribes' newly acquired lands to its current lands. The National Park Service has no objection to this transfer. No gaming may be conducted on any lands placed into trust pursuant to this act. In addition, there are several restrictions on the land being transferred to the tribe from the Olympic National Park.

I want to commend our colleague, Madam Speaker, Mr. DICKS of Washington, for his hard work and dedication to this legislation, and I ask my colleagues to support its passage.

I reserve the balance of my time.

□ 1430

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

Madam Speaker, I commend the Democrat majority for scheduling H.R. 1061 under suspension of the rules today. Today, the House is setting a valuable precedent by removing certain lands managed as part of Olympic National Park from Federal ownership to meet a legitimate need. The National Park Service has expressed support for conveying these Federal lands to the Hoh Indian Tribe without consideration. To date, we have not been made aware of any opposition lodged by environmental groups to this national park land transfer.

The Hoh Tribe has demonstrated a compelling need to add lands to its existing reservation to provide a safe area in which to construct housing and other facilities for its members. The tribe's reservation currently lies within one of the rainiest areas of the country on the Olympic Peninsula of Washington. Classified as a tsunami zone and prone to major flooding, the reservation receives 140 inches of rain per year. The transfer of land by H.R. 1061 enables the tribe to expand the eastern side of its reservation a little further upland and a safe distance from major flooding. The lands so transferred are currently part of Olympic National Park, one of the most beautiful and pristine parks in the United States of America.

The precedent we set today should encourage the House to consider additional Federal land transfers that have the potential to benefit communities for safe, affordable housing, access, and other economic development interests.

Again, Madam Speaker, I am pleased to express my support for H.R. 1061 and urge the House to pass it in a bipartisan way.

With that, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate very much the distinguished gentlelady yielding to me.

I rise to urge passage of H.R. 1061, the Hoh Indian Tribe Safe Homelands Act, which I sponsored. The Hohs are one of eight tribes in the district I represent. This legislation is primarily for the safety of the Hoh Tribe to help them relocate out of a tsunami zone and floodplain. The legislation accomplishes this goal by transferring a small parcel of land in the Olympic National Park to the tribe. In addition, the legislation will place into trust this transferred park service land, along with other lands recently acquired by the tribe. There is a companion bill in the other body which is sponsored by Senator MURRAY and co-sponsored by Senator CANTWELL.

The Hoh Tribe lives in an extraordinarily spectacular place on the Olympic Peninsula where the Hoh River empties into the Pacific Ocean. But with this spectacular beauty comes real danger. Throughout the year, the Hoh Tribe must deal with the threat of tsunamis. The Pacific Coast is an extremely active seismic zone. Every time there is an earthquake in the eastern Pacific area, the Hoh Tribe, along with other coastal tribes in Washington State, must be vigilant for a tsunami, which could prove devastating.

In addition to the tsunami threat, the tribe must deal with severe flooding on a more or less annual basis dur-

ing the winter storm season, which lasts far longer than the time period officially designated as winter. The tribe's dry lands on their already small reservation have shrunk over the years because the Hoh River and the Pacific Ocean are encroaching upon their lands. They have suffered through high floods that have destroyed homes, tribal buildings, and other tribal infrastructure. A few years ago, my office had to call the Washington State National Guard in order to help the tribe place sandbags during a flood emergency.

Let me reiterate that all of the tribe's current reservation is located within a tsunami zone and nearly all of it within a floodplain. Sadly, it has become an unsafe place for the tribal members who live on the reservation. These threats preclude Federal agencies, including the BIA, FEMA, and HUD, from providing assistance due to the location within a flood-prone area. This clearly is an unacceptable situation for the tribe.

In response, the Hoh Tribe has come up with its own plan on how to solve this problem, and I support it strongly. The tribe has purchased several parcels of land a short distance and upland from the current reservation that would be acceptable for housing, infrastructure, and other tribal projects. More importantly, this newly acquired land is away from the floodplain and tsunami zone. The State of Washington's Department of Natural Resources also has given the tribe a parcel of logged land in this same area.

To add to the newly acquired property, this legislation would transfer to the tribe a 37-acre parcel of land currently part of Olympic National Park. This small parcel would make all of these lands contiguous to the existing reservation. In addition, the main road for the tribe runs through this parcel currently owned by the National Park Service. The tribe, Olympic National Park, and others within the park service have agreed to transfer the parcel to the tribe, with certain restrictions on development, including a prohibition on gaming. This is a mutually agreeable arrangement worked out by the tribe and the National Park Service.

The transfer of this land to the Hoh Tribe is also of benefit to the Park Service. This land has been logged repeatedly and therefore is not considered to be high-value from an ecological point of view. The parcel in its current state also is difficult for the park service to manage because it is a small 37-acre sliver of land surrounded by non-Federal land.

Another reason the land transfer is beneficial to the park service is that it further demonstrates how Olympic National Park is a good neighbor. Any of my colleagues who represent districts with Federal land know how important

it is for these agencies to respect their non-Federal neighbors and to provide them benefit.

The tribe has done a good job reaching out to its neighbors in the area and gaining support for this project. Local landowners, the Hoh River Trust, environmental organizations, and others support this legislation. Elected officials who support this legislation include Governor Gregoire, the local State representatives and senators, and the Jefferson County commissioners.

So, clearly, it is time for the Congress to do its part and pass this legislation. We need to clear the way for Federal assistance from FEMA, BIA, HUD, and other Federal agencies in an area desperately in need of it.

I want to thank Chairman RAHALL and Ranking Member HASTINGS for shepherding this legislation through the process that brought us here to the House floor today. I also want to thank Janet Ericson who is the new staff director of the Office of Indian Affairs. And I would be remiss if I did not recognize the hard work on this bill by Janet's predecessor, Marie Howard.

In closing, I want to commend the Hoh Tribe and tribal council, Chairwoman Maria Lopez, and Alexis Berry, the executive director, for their vision, their steadfastness of purpose, and their sustained effort to fix a serious problem. You have done a remarkable job of doing your part to solve the very difficult problem that you face. Now it is up to the House to pass this legislation so it can soon be signed into law.

I appreciate the gentlewoman yielding me time today. This is an important issue in my district, and I appreciate the bipartisan cooperation that we have received on this bill.

Mr. CONYERS. Madam Speaker, I rise tonight in support of the "Hoh Indian Tribe Safe Homelands Act." This act declares that 37 acres of land within Olympic National Park is held in trust by the United States for the benefit of the Hoh Indian Tribe, a federally recognized tribe.

The Hoh Tribe has demonstrated a compelling need to add lands to its existing Reservation to provide a safe area in which to construct housing and other facilities for its members. The present reservation area is in a tsunami zone and prone to major flooding. Additionally, Federal agencies such as the Bureau of Indian Affairs, the Department of Housing and Urban Development, and the Federal Emergency Management Agency have limited authority to assist the tribe with housing and other improvements and services due to the dangerous and unsustainable location of the reservation.

I applaud Chairman RAHALL for his diligence in transferring this land to the Hoh Indian Tribe to enable them to live with a sense of stability and without fear of flooding.

I encourage my colleagues to support the bill.

Ms. RICHARDSON. Madam Speaker, as a member of the Native American Caucus, I rise today in strong support of H.R. 1061, the Hoh

Indian Tribe Safe Homelands Act, which declares that certain federal land in the state of Washington is held in trust by the United States for the benefit of the Hoh Indian Tribe.

I would like to thank Speaker PELOSI for her leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman NORM DICKS, the author of this legislation, who worked so hard to help this tribe solve the serious land and water problems they face.

Madam Speaker, the Hoh Indian Tribe Safe Homelands Act directs the Secretary of the Interior, on conveyance of certain nonfederal land owned by the Tribe to the Secretary, to take such land into trust for the Tribe. This bill prohibits the placement of commercial, residential, or industrial buildings or other structures, any actions that would adversely affect the natural environment, or logging and hunting activities. H.R. 1061 also directs the Secretary and the Tribe to make cooperative agreements for mutual emergency fire aid and to provide opportunities for the public to learn more about the Tribe's culture and traditions.

As a long time friend and supporter of the Native American community, I am so pleased to champion a bill such as H.R. 1061, which will help the Hoh tribe grow and prosper on lands that are safe for their children and elders.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 1061.

Mr. CHAFFETZ. Madam Speaker, I again urge passage of this important bill and support its passage.

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

Ms. BORDALLO. Madam Speaker, I again urge Members to support 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 gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1061, as amended.

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. Madam 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.

#### HONORING THE LIFE OF JACQUES-YVES COUSTEAU

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 518) honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 518

Whereas Jacques-Yves Cousteau was born on June 11, 1910, in Saint-Andre-de-Cubzac, France, to Daniel and Elizabeth Cousteau;

Whereas Jacques-Yves Cousteau in 1930, after having made his preparatory studies at the College Stanislas in Paris, entered the Naval Academy in Brest and became an officer gunner;

Whereas after serving in the French Army during World War II, he was decorated with the Legion of Honor, France's highest honor;

Whereas in 1950, Jacques-Yves Cousteau founded the French Oceanographic Campaigns (COF), and he leased a ship called Calypso and equipped her as a mobile laboratory for field research and as a support base for diving and filming where he traversed the most interesting seas of the planet as well as big and small rivers;

Whereas from 1952 to 1953, Jacques-Yves Cousteau took the Calypso to the Red Sea and shot the first color footage ever taken at a depth of 150 feet, for a documentary titled "The Silent World";

Whereas "The Silent World" was filmed using ground-breaking skin-diving gear that Cousteau invented with engineer Emile Gagnan in 1943, freeing divers from heavy helmets and allowing them to be free and weightless as if in space;

Whereas in 1956, "The Silent World" won the top award at the Cannes Film Festival and the Academy Award for Best Documentary Feature in the United States;

Whereas in 1973, Jacques-Yves Cousteau created the Cousteau Society for the Protection of Ocean Life;

Whereas in 1977, Jacques-Yves Cousteau was awarded the United Nations International Environment prize for outstanding contributions in environmental advocacy;

Whereas in 1977, the "Cousteau Odyssey" series premiered on PBS, and seven years later, the "Cousteau Amazon" series made its television premiere;

Whereas in 1985, in honor of his achievements, Jacques-Yves Cousteau received the Grand Croix dans l'Ordre National du Mérite from the French government and the United States Presidential Medal of Freedom from President Ronald Reagan;

Whereas throughout all of his voyages, Jacques-Yves Cousteau produced over 120 films and authored or contributed to roughly 50 books; and

Whereas Jacques-Yves Cousteau passed away in Paris on June 25, 1997, after spending a lifetime of 87 years inventing, exploring, and storytelling; Now, therefore, be it

*Resolved*, That the House of Representatives honors the life, achievements, and distinguished career of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation.

The SPEAKER pro tempore (Mr. SALAZAR). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) 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 resolution under consideration.