

able to do that in this bill. I urge my colleagues to vote for this bill.

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. 4349, 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.

#### BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

Mrs. NAPOLITANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2008) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2008

*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 “Bonneville Unit Clean Hydropower Facilitation Act”.

##### SEC. 2. DIAMOND FORK SYSTEM DEFINED.

For the purposes of this Act, the term “Diamond Fork System” means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

##### SEC. 3. COST ALLOCATIONS.

Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development within the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102-575), and shall be subject to the same terms and conditions.

##### SEC. 4. NO PURCHASE OR MARKET OBLIGATION; NO COSTS ASSIGNED TO POWER.

Nothing in this Act shall obligate the Western Area Power Administration to purchase or market any of the power produced by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

##### SEC. 5. PROHIBITION ON TAX-EXEMPT FINANCING.

No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

##### SEC. 6. REPORTING REQUIREMENT.

If, 24 months after the date of the enactment of this Act, hydropower production on

the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

##### SEC. 7. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

Mrs. NAPOLITANO. Madam 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 California?

There was no objection.

Mrs. NAPOLITANO. Madam Speaker, H.R. 2008, introduced by our colleague Representative JIM MATHESON, would declare as final the cost allocation of \$161 million to hydroelectric power generation on the Diamond Fork System in Utah and would defer those costs indefinitely in accordance with section 211 of the Central Utah Project Completion Act of 1992.

H.R. 2008 is a perfect example of a win-win situation. This legislation will facilitate the development of 50 megawatts of clean hydroelectric power while generating revenue for the government for the use of its water facilities. This has been another collaborative effort, and I am very glad that we are able to bring it to the floor.

I ask my colleagues to support the bill, and I reserve the balance of my time.

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

I want to thank my colleague, the gentleman from Utah, Mr. JIM MATHESON, for introducing this important piece of legislation. It's been a pleasure to work with him and his staff in moving this bill forward as it does benefit both the districts and, truly, the population of the State of Utah and, consequently, the United States of America.

The facilities and beneficiaries of this bill are located, like you said, in both districts. And we, again, appreciate Mr. MATHESON and his leadership on this issue.

The Diamond Fork System of the Bonneville Unit was constructed under

the Central Utah Project Completion Act. The Bonneville Unit is a system of dams and pipelines and tunnels that transports water from the eastern mountains in Utah to the Wasatch front population centers.

This legislation allows for a hydropower developer to install up to 50 megawatts of clean, renewable, and emissions-free electricity at the existing Federal facilities in the Diamond Fork System. This will benefit the people of my district and the U.S. taxpayers in a variety of ways.

This legislation expands on the historical benefits of a proven green technology. Hydropower is the original green electricity that time and again has kept the lights on in the western United States. With an additional 50 megawatts of hydroenergy, combined with other wind, geothermal, and natural gas facilities, my district will again be at the forefront of America's balanced energy future.

This bill will be paid for by the power users, not the taxpayers. Once signed into law, this bill will generate money for the Federal Government by allowing a non-Federal developer to pay for the right to generate hydropower. Without passage, the Congressional Budget Office determines the existing facilities would not be developed anytime within the next decade because the initial investment would be uneconomical for potential developers.

This is a good, bipartisan bill that benefits the environment, the taxpayers, and the people of Utah. I urge my colleagues to support it. I again appreciate the bipartisan approach in developing this piece of legislation.

I yield back the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I certainly want to commend my colleagues for working on this particular bill, and I thank them very much for the bipartisan way this was carried out. Water has no boundaries, no color, no political designation, and we need to continue working on these issues that are going to help the American people be able to have clean, sustainable green power.

So, with that, I want to thank the staffs on both sides for their marvelous work.

Mr. MATHESON. Madam Speaker, I rise today in support of H.R. 2008, the Bonneville Unit Clean Hydropower Facilitation Act, bipartisan legislation that I introduced with my colleague, Rep. CHAFFETZ.

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 hydropower 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