

fiscal year 2013 so as to result in a final fiscal year 2013 appropriation estimated at not more than \$1,102,000.

**NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES**

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000, to be derived from the Nuclear Waste Fund established in section 302(c) of such Act (42 U.S.C. 10222(c)) and to remain available until expended.

**OFFICE OF THE FEDERAL COORDINATOR FOR
ALASKA NATURAL GAS TRANSPORTATION
PROJECTS**

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$1,000,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2013 in excess of \$2,000,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

**GENERAL PROVISIONS, INDEPENDENT
AGENCIES**

SEC. 401. (a) None of the funds provided for "Nuclear Regulatory Commission—Salaries and Expenses" in this Act or prior Acts shall be available for obligation or expenditure through a reprogramming of funds that—

(1) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(2) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

SEC. 402. The Chairman of the Nuclear Regulatory Commission shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 1 day after the Chairman begins performing functions under the authority of section 3 of Reorganization Plan No. 1 of 1980, or after a member of the Commission who was delegated emergency functions under subsection (b) of that section begins performing those functions. Such notification shall include an explanation of the circumstances warranting the exercise of such authority. The Chairman shall report to the Committees, not less frequently than once each week, on the actions taken by the Chairman, or a delegated member of the Commission, under such authority, until the authority is relinquished. The Chairman shall notify the Committees not later than 1 day after such authority is relinquished. The Chairman shall submit the report required by section 3(d) of the Reorganization Plan No. 1 of 1980 to the Committees not later than 1 day after it was submitted to the Commission.

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or

indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 504. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 505. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").

SEC. 507. No funds made available by this Act may be used to pay for mitigation associated with the removal of Federal Energy Regulatory Commission Project number 2342.

SEC. 508. None of the funds made available in this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

SPENDING REDUCTION ACCOUNT

SEC. 509. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

LATOURETTE) having assumed the chair, Mr. FORTENBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

**ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

**AUTHORIZATION OF CONVEYANCE
OF CERTAIN LANDS IN LOS PADRES
NATIONAL FOREST**

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

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

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The SPEAKER pro tempore. The gentleman may withdraw as a matter of right. The motion is withdrawn.

**CENTRAL OREGON JOBS AND
WATER SECURITY ACT**

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2060) to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2060

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 "Central Oregon Jobs and Water Security Act".

SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.

Section 3(a)(72) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(72)) is amended as follows:

(1) By striking "15-mile" and inserting "14.75-mile".

(2) In subparagraph (B)—

(A) by striking “8-mile” and all that follows through “Bowman Dam” and inserting “7.75-mile segment from a point one-quarter mile downstream from the toe of Bowman Dam”; and

(B) by adding at the end the following: “The developer for any hydropower development, including turbines and appurtenant facilities, at Bowman Dam, in consultation with the Bureau of Land Management, shall analyze any impacts to the Outstandingly Remarkable Values of the Wild and Scenic River that may be caused by such development, including the future need to undertake routine and emergency repairs, and shall propose mitigation for any impacts as part of any license application submitted to the Federal Energy Regulatory Commission.”.

SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.

Section 4 of the Act of August 6, 1956 (70 Stat. 1058), (as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954)) is further amended as follows:

(1) By striking “ten cubic feet” the first place it appears and inserting “17 cubic feet”.

(2) By striking “during those months when there is no other discharge therefrom, but this release may be reduced for brief temporary periods by the Secretary whenever he may find that release of the full ten cubic feet per second is harmful to the primary purpose of the project”.

(3) By adding at the end the following: “Without further action by the Secretary, and as determined necessary for any given year by the City of Prineville, up to seven of the 17 cubic feet per second minimum release shall also serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the up to seven cubic feet per second to coincide with City of Prineville groundwater pumping as may be required by the State of Oregon. As such, the Secretary is authorized to make applications to the State of Oregon in conjunction with the City to protect these supplies instream. The City shall make payment to the Secretary for that portion of the minimum release that actually serves as mitigation pursuant to Oregon State law for the City in any given year, with the payment for any given year equal to the amount of mitigation in acre feet required to offset actual City groundwater pumping for that year in accordance with Reclamation ‘Water and Related Contract and Repayment Principles and Requirements’, Reclamation Manual Directives and Standards PEC 05-01, dated 09/12/2006, and guided by ‘Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies’, dated March 10, 1983. The Secretary is authorized to contract exclusively with the City for additional amounts in the future at the request of the City.”.

SEC. 4. FIRST FILL PROTECTION.

The Act of August 6, 1956 (70 Stat. 1058), as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954), is further amended by adding at the end the following:

“SEC. 6. Other than the 17 cubic feet per second release provided for in section 4, and subject to compliance with the Army Corps of Engineers’ flood curve requirements, the Secretary shall, on a ‘first fill’ priority basis, store in and release from Prineville Reservoir, whether from carryover, infill, or a combination thereof, the following:

“(1) 68,273 acre feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011, and up to 2,740 acre feet of water annually to supply the McKay Creek lands as provided for in section 5 of this Act.

“(2) Not more than 10,000 acre feet of water annually, to be made available to the North Unit Irrigation District pursuant to a Temporary Water Service Contract, upon the request

of the North Unit Irrigation District, consistent with the same terms and conditions as prior such contracts between the District and the Bureau of Reclamation.

“SEC. 7. Except as otherwise provided in this Act, nothing in this Act—

“(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

“(2) amends or reopens contracts referred to in paragraph (1); or

“(3) modifies any rights, obligations, or requirements that may be provided or governed by Oregon State law.”.

SEC. 5. OCHOCO IRRIGATION DISTRICT.

(a) EARLY REPAYMENT.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District in Oregon, may repay, at any time, the construction costs of the project facilities allocated to that landowner’s lands within the district. Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all lands the landowner owns in the district, those lands shall not be subject to the ownership and full-cost pricing limitations of the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act, including the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.).

(b) CERTIFICATION.—Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to that landowner’s lands owned within the district, the Secretary of the Interior shall provide the certification provided for in subsection (b)(1) of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(c) CONTRACT AMENDMENT.—On approval of the district directors and notwithstanding project authorizing legislation to the contrary, the district’s reclamation contracts are modified, without further action by the Secretary of the Interior, to—

(1) authorize the use of water for instream purposes, including fish or wildlife purposes, in order for the district to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon State law;

(2) include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, resulting in a total of approximately 44,937 acres within the district boundary;

(3) classify as irrigable approximately 685 acres within the approximately 2,742 acres of included lands in the vicinity of McKay Creek, where the approximately 685 acres are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights; and

(4) provide the district with stored water from Prineville Reservoir for purposes of supplying up to the approximately 685 acres of lands added within the district boundary and classified as irrigable under paragraphs (2) and (3), with such stored water to be supplied on an acre-per-acre basis contingent on the transfer of existing appurtenant McKay Creek water rights to instream use and the State’s issuance of water rights for the use of stored water.

(d) LIMITATION.—Except as otherwise provided in subsections (a) and (c), nothing in this section shall be construed to—

(1) modify contractual rights that may exist between the district and the United States under the district’s Reclamation contracts;

(2) amend or reopen the contracts referred to in paragraph (1); or

(3) modify any rights, obligations or relationships that may exist between the district and its landowners as may be provided or governed by Oregon State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the

gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. 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 gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2060, sponsored by our colleague from Oregon (Mr. WALDEN), is an important step towards restoring water and power abundance and jobs to a rural area that has been devastated by Federal logging restrictions.

This bill is a reflection of years of negotiation. Its supporters include those who would normally be water adversaries in most parts of the West. Municipalities, irrigators, the Warm Spring Tribes utilities, organized labor, and environmental organizations have come together to support this legislation.

I commend my colleague from Oregon for working hard to bring these many parties together, and I urge adoption of this commonsense legislation.

I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

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

Mr. GRIJALVA. Mr. Speaker, H.R. 2060, as my colleague described, does several things, including providing water and economic certainty to the city of Prineville and the Ochoco Irrigation District. It does so in a way, however, that provides certainty for the city and agriculture, but not the future needs of the environment.

The legislation also mandates how Reclamation is to operate and manage the Prineville Reservoir through the first-fill provision and removes some flexibility on Reclamation’s part to mitigate and adapt to changing conditions.

We still do not fully support the first-fill provision but understand that there are ongoing negotiations that look at providing the certainty that the city needs while protecting the environment. Stakeholder-driven processes are the best way to answer our community’s needs, and we look forward to working with our colleagues in the Senate and on the other side of the aisle to ensure that all needs are met and protected.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the author of this legislation, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Thank you, Chairman HASTINGS and Ranking Member GRIJALVA, for your support for the commonsense Central Oregon Jobs and Water Security Act.

This bill we have before us today will create jobs in central Oregon, remove government red tape. It will protect family farmers and improve both water flows and quality of water for fish and for wildlife, all without costing taxpayers one cent. We made it completely cost-neutral.

Now the city of Prineville is the county seat of Crook County. It's located in the heart of Oregon's central Oregon, and it's along the Crooked River. Crook County was among the hardest hit in the economic downturn that we have all suffered, where unemployment even today—even today—is at over 14 percent, one of the highest rates, if not the highest, in the State of Oregon.

Nonetheless, jobs and economic growth are on the rise in Crook County. Facebook recently built their first custom data center in Prineville and is currently expanding that project. Apple recently announced that it is going to build a data center there and has actually already begun construction.

Chairman HASTINGS knows well how important the technology sector can be to rural communities. Prineville is on the verge of becoming another Quincy, Washington, which is home to Yahoo, Microsoft, Dell, and others.

To pursue new economic development, however, Prineville needs more water. Roughly 20 miles upriver from Prineville sits Bowman Dam and Prineville Reservoir, a Bureau of Reclamation project, which holds 80,000 acre feet of uncontracted water, 80,000 acre feet that is just sitting there uncontracted.

This bill would allow Prineville to access roughly 6 percent of that water, or 5,100 acre feet, and the city would pay a fair market value for the water. That extra water would allow the city to tell prospective companies, hey, you can bring your business and jobs to Prineville. We now have the water that you need. That's certainty in the job market.

It would also allow the city to provide water to an additional 500 homes within the city limits, which currently the city of Prineville can't do because it has maxed out its mitigation credits. You're talking about 500 homes inside the city limits that don't have access to city water that this bill now will allow them to have access to.

Because the city would access the water through the ground and not from directly behind the dam, that extra allocation of water would increase the minimum release of water from Bowman Dam by up to 7 cubic feet per second. Now, that's a lot.

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In dry years, particularly in the winter, this higher release requirement

could benefit fish and wildlife, including the blue-ribbon trout fishery below Bowman Dam.

This legislation also fixes a BLM error regarding the exact location of the Crooked River wild and scenic boundary line. Currently, the wildlife and scenic line runs directly over the crest of Bowman Dam. Mr. Chairman and Ranking Member GRIJALVA, let me assure there's nothing wild or scenic about the top of a dam unless you're falling over the edge of it. This is a picture of where that is. If you follow the center line of this road, that's where the current law says the wild and scenic boundary starts. We move it downriver, where it really belongs.

As a result, we create another economic opportunity for the region—development of small-scale renewable hydropower that would create roughly 50 construction jobs over the course of 2 years. This dam doesn't have hydro on it today. Adding the hydro actually improves the release of the water, making it better for the fish, and it creates new hydroenergy and construction jobs. My legislation also protects the Ochoco Irrigation District farmers and assures they will continue to operate their family-run farms for generations to come.

Finally, this bill expedites the McKay Creek project, which will result in increased water flows for redband trout and summer steelhead. This project has long been supported by the Warm Springs Tribe and the Deschutes River Conservancy. So I want to thank and commend the Warm Springs tribal leaders and tribal members for their hard work and working in partnership with me on this legislation. Their collaborative approach has really made a difference in issues in the Deschutes Basin, and we appreciate the partnership and leadership that the tribal leaders have shown.

This is a good, commonsense, job-creating bill. It's a culmination of years of collaboration between the City of Prineville, Crook County, farmers, the Warm Springs Tribes, and the Deschutes River Conservancy.

I want to thank Mayor Roppe and County Judge McCabe for their leadership in working through this process. Mayor Roppe has testified before the House Natural Resources Committee and has done an excellent job advocating for the City of Prineville. Judge McCabe has worked tirelessly on these issues to attract tech companies like Facebook and Apple to Crook County. Hopefully, with positive steps like the passage of this legislation, more companies will soon bring their jobs to Prineville and central Oregon.

So I appreciate the assistance of Ranking Member ED MARKEY, along with Ranking Member GRACE NAPOLITANO and, of course, Mr. GRIJALVA, as well as Chairman HASTINGS. Thank you again for your help in moving forward on the Central Oregon Jobs and Water Security Act. I look forward to this legislation finally becoming law.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, so if the gentleman is prepared to yield back.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in many respects, this bill epitomizes the problems that those of us have in the West. This is a simple boundary change to something that was designated here on the Federal level. It has taken a great deal of time, and the impacts will be great for the economy in that area.

As I mentioned in my opening remarks, this has broad support from all of the local groups and local environmental groups, as the gentleman from Oregon said. Sadly, the frustration that we continue to have when we're trying to move legislation like this to help the local job economy in these areas is that you have national groups that don't live in those areas opposing it. And that's what frustrates us, because when you get people, especially on the local level, that support this, it's frustrating when have you a national group that says, Just because we're dealing with national land, we want to have a say in all of this. A big sense of frustration for us.

So I commend my friend from Oregon for moving this legislation, and I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2060, 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.

THREE KIDS MINE REMEDIATION AND RECLAMATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2512) to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2512

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 "Three Kids Mine Remediation and Reclamation Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; RELEASE; REMEDY; RESPONSE.—