| | | |
|---|---|---|
| Smith (WA) | Towns | Waters |
| Stark | Tsongas | Watt |
| Sutton | Van Hollen | Waxman |
| Thompson (CA) | Velázquez | Welch |
| Thompson (MS) | Walz (MN) | Wilson (FL) |
| Tierney | Wasserman Schultz | Woolsey |
| Tonko | | Yarmuth |

NOT VOTING—24

| | | |
|---|---|---|
| Campbell | Kaptur | Paul |
| Cardoza | King (IA) | Payne |
| Coble | Kucinich | Rangel |
| Doggett | Labrador | Roskam |
| Fudge | LaTourette | Speier |
| Gibson | McCotter | Visclosky |
| Gohmert | Miller (FL) | Wilson (SC) |
| Hinojosa | Moore | Young (AK) |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAFFETZ) (during the vote). There are 2 minutes remaining.

□ 1434

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, on March 6, 2012, I was absent from the House and missed rollcall votes 96 and 97.

Had I been present for rollcall 96, on a motion to suspend the rules and pass H.R. 4105, to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, I would have voted "yea."

Had I been present for rollcall 97, on ordering the previous question of H. Res. 570, providing for consideration of the bill H.R. 2842, to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, due to a family emergency, I missed the following rollcall votes: No. 96 and No. 97 on March 6, 2012.

If present, I would have voted: rollcall vote No. 96—H.R. 4105—To apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes, "nay"; rollcall vote No. 97—Previous Question, Providing for consideration of H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act, "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3610 AND H.R. 3611

Mr. CLAY. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3610 and H.R. 3611.

The SPEAKER pro tempore (Mr. MCHENRY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT ACT OF 2011

Mr. HASTINGS of Washington. 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, H.R. 2842.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 570 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2842.

□ 1434

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal reclamation law, and for other purposes, with Mr. CHAFFETZ in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011. It authorizes hydropower at existing Bureau of Reclamation facilities and, by doing so, it allows placement of hydropower generators on existing man-made canals and pipes that have already gone through extensive environmental review.

This is a bipartisan plan to create new American jobs, cut government red tape, and expand production of clean, renewable and low-cost hydropower.

This past weekend President Obama once again tried to claim support for an all-of-the-above energy production, but unlike President Obama's empty rhetoric, House Republicans are taking real action to prove our commitment to expanding all forms of American energy.

Americans have now experienced 27 consecutive days of rising gas prices, and now the national average is pushing closer to $4 a gallon. In order to address the skyrocketing prices, Republicans will continue to pursue an all-of-the-above approach that responsibly develops the natural resources that we have right here at home.

The facts are, Mr. Chairman, we have followed through on this commitment by passing through the House bipartisan reforms to break down government barriers to American energy production. Just weeks ago, the House passed a bipartisan jobs plan to vastly expand access to our oil and natural gas resources offshore and in ANWR. Today we're putting forth a plan to expand production of clean, renewable hydropower.

As families and small businesses across the country are worried about rising gasoline prices, they are also worried about escalating electricity costs. Rising energy prices are a drain on our economy, pure and simple. It increases business costs and makes everything we do more expensive.

Hydropower is one of the cleanest and cheapest forms of electricity. In my view, coming from the Pacific Northwest, where nearly 70 percent of our power comes from hydropower, hydropower is the poster child for clean, renewable energy. Unfortunately, as is too often the case, the Federal Government is one of the biggest obstacles to increasing the development of hydropower projects, especially small projects.

This bill would remove government roadblocks and streamline the duplicative regulatory process for developing small canal and pipeline hydropower projects on existing Bureau of Reclamation facilities. This commonsense plan would help generate thousands of megawatts of clean, cheap, abundant and reliable hydroelectricity. Furthermore, it allows for hydropower generation without a single new dam, and at no cost to the Federal Government.

Now, let there be no mistake. I am a proponent of new dams. But this bill rightly harnesses hydropower potential at existing facilities. Water users throughout the West will be empowered to develop hydropower at the Federal canals they operate and maintain.

It's once again important to note that this bill only allows for small hydropower projects on existing canals and pipelines. Such manmade facilities are already on what I would call disturbed ground and have already gone through extensive environmental reviews.

Furthermore, this bill is a revenue generator for the Federal Government. The nonpartisan Congressional Budget Office, or CBO, estimates that it will generate $5 million over the next 10 years through increased hydropower production and rental fees associated with it.

H.R. 2842 affirms Republicans' commitment to a true, all-of-the-above energy plan. It will create jobs in rural areas, lower energy prices, and expand production of clean, renewable American energy by simply getting the Federal Government out of the way.

This bill received bipartisan support in the Natural Resources Committee and is endorsed by the Family Farm Alliance, the National Water Resources Association, the American Public Power Association, and the Association of California Water Agencies.

□ 1440

I want to commend the bill's sponsors, Mr. TIPTON of Colorado and Mr.

GOSAR of Arizona, for their work on this.

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

Mrs. NAPOLITANO. Mr. Chair, I yield myself 5 minutes.

I do rise in support of the general premise—I repeat—the general premise of this legislation, but oppose the legislation as amended. I would like to mention that only 3 out of 15 Democrats support it. So while it is bipartisan, it is minor bipartisanship on this particular issue.

H.R. 2842 does seek to generate additional hydropower at the existing Bureau of Reclamation facilities—that is, Federal properties—through developing new process of conduit and in-canal hydropower, which we should be developing at a greater speed and length.

We cannot support this bill as amended, even though the original bill did also state it and an attempt was tried to be able to take this waiver language out on page 4, lines 12 to 15. We were unsuccessful, and we cannot support it because it does have a NEPA waiver, language that we cannot support.

We are in support of the general intent. H.R. 2842, the Federal conduits, continue to fall under Reclamation Lease of Power Privilege process, LOPP. It requires offering a preference to irrigation districts or water users associations with an existing contract, those that already have a contract, which we support.

It safeguards current project users by recognizing the project's primary authorized purposes and that no financial and/or operational costs will be incurred by the existing water and power users.

The Federal Power Marketing Administrations are also—and I repeat—are not obligated to purchase or market the power produced.

The legislation does go a step too far and includes an unnecessary and unwise blanket exemption from a critical environmental law.

If my colleagues on the other side had simply followed the advice of the National Hydropower Association and the conservation group American Rivers, we would have a noncontroversial bill which would have passed unanimously out of the House. We also received a letter from six environmental groups in opposition that I would like to include in the RECORD.

Proponents for exempting the National Environmental Policy Act, NEPA, will argue that government regulatory red tape is preventing the development of more hydropower. Reclamation already has the authority to comply with NEPA through categorical exemptions, and the system is working. Categorical exclusions have been issued for hydropower sites under the reclamation's LOPP process at three specific sites in Colorado: the Lemon, which was in 1989; the Grand Valley Power Plant in 2011; and Jackson Gulch in 1995.

NEPA compliance for other sites, in fact, has not been the bureaucratic chaos some would make it out to be. There are three projects in the home State of Colorado for my colleague, the sponsor of this bill. In Jordanelle, Utah, compliance took 15 months from start to finish to receive final permit in 2004. At Lake Carter, Colorado, it took 6 months to finish NEPA in 2010. At Ridgway, Colorado, an LOPP was just issued last month after completing a 15-month NEPA process. On the South Canal Drop 3 site in Colorado, a finding of ''no significant impact'' was just issued last month after a 15-month NEPA process.

Developers and irrigators need clarity and certainty so their project can be developed. Waiving NEPA will not provide clarity and certainty. The stopgap for development is not NEPA; it's a lack of a Reclamation process. There must be a clear process in place for the development of hydropower at Reclamation facilities.

I urge Reclamation to finalize the directives and standards as soon as possible, and it's my understanding the draft is already out to developers and irrigators for their view, and the final directives and standards will be completed by the end of this year.

It is unfortunate that this legislation contains this controversial waiver. Without the NEPA exemption, this legislation would have been on suspension, and I do oppose the legislation and ask my colleagues to join me in opposition to this very sad portion of waiver of NEPA.

MARCH 6, 2012.

DEAR REPRESENTATIVE: The undersigned organizations, on behalf of our millions of members and supporters are writing to express our opposition to the provision in Section 2 of H.R. 2842 that waives the National Environmental Policy Act (NEPA) with respect to small conduit hydropower projects at Bureau of Reclamation facilities.

While we support the legislation's intent to encourage the responsible development of renewable energy projects, waiving NEPA reviews for Bureau of Reclamation projects is unnecessary and unacceptable. The National Environmental Policy Act is not a roadblock to the successful approval of conduit hydropower projects at Bureau facilities. We believe that this backward step will not accelerate hydropower development. Rather, our experience has shown us that attempts to shortcut or sidestep environmental review typically result in delayed projects.

Successfully advancing the development of new energy resources, like conduit hydropower, requires us to do better than we have done with other forms of energy and other Bureau of Reclamation projects. While we do not oppose the development of conduit hydropower, it must be done responsibly and under all of the appropriate reviews necessary to make sure that such development is consistent with the public interest; a guarantee that NEPA provides.

Therefore we respectfully request that you oppose H.R. 2842 unless the language requiring a NEPA waiver is struck from the bill.

Sincerely,

AMERICAN RIVERS,
CENTER FOR BIOLOGICAL DIVERSITY,
DEFENDERS OF WILDLIFE,
GRAND CANYON TRUST,
NATURAL RESOURCES DEFENSE COUNCIL,
THE WILDERNESS SOCIETY.

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NATIONAL HYDROPOWER ASSOCIATION,
*Washington, DC, March 5, 2012.*

Hon. SCOTT TIPTON:
*U.S. House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE TIPTON: The National Hydropower Association writes to express our appreciation for your work to support development of the nation's conduit power potential with your bipartisan bill, H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.

NHA believes there is tremendous untapped, renewable hydropower potential in existing man-made structures such as irrigation canals and other water conveyances, particularly on the federal system. As such, the Association supports policies encouraging these low-impact developments, while also ensuring appropriate project reviews.

NHA supports H.R. 2842, while also recommending a minor amendment to Section 2 of the bill to align the Bureau's treatment of these projects to that which they currently receive, and have received since the 1980s, at the Federal Energy Regulatory Commission. Specifically, NHA believes a provision that would require the Bureau to institute a NEPA categorical exclusion for small conduit projects provides appropriate oversight of these facilities, as longstanding practice and experience at FERC has shown.

As always, NHA stands ready to engage and work with policymakers and all stakeholders on hydropower legislation and policies. And again, we commend you for your work on this issue.

Sincerely,

LINDA CHURCH CIOCCI,
*Executive Director.*

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AMERICAN RIVERS,
*March 6, 2012.*

DEAR REPRESENTATIVE: On behalf of American Rivers' thousands of members nationwide, I am writing to express our opposition to the provision in Section 2 of H.R. 2842 that waives the National Environmental Policy Act (NEPA) with respect to small conduit hydropower projects at Bureau of Reclamation facilities.

American Rivers supports the responsible development of conduit hydropower projects at Bureau facilities. We believe that there is significant untapped potential at these facilities for new hydropower generation. We believe that the Bureau of Reclamation should improve its process for small conduit hydropower permitting, modeling its process on that used by the Federal Energy Regulatory Commission (FERC). We believe that the Bureau should, like FERC, consider a categorical exclusion for these types of projects in order to facilitate their construction.

Unfortunately, H.R. 2842 creates a blanket waiver of NEPA for small conduit hydropower projects at Bureau facilities. We hope that in the course of House consideration of the bill, the NEPA waiver language can be amended. Pending that, American Rivers reluctantly opposes H.R. 2842 in its current form.

Sincerely,

JIM BRADLEY,
*Senior Director of Government Relations,*
*American Rivers.*

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

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 4

minutes to the gentleman from Colorado (Mr. TIPTON), the sponsor of this very important legislation.

Mr. TIPTON. I thank the gentleman from Washington for yielding.

Mr. Chairman, Members of the House on both sides of the aisle talk of the need for an all-of-the-above energy solution for this country, a solution that gives serious consideration to all resources, including renewable and alternative energy.

It's easy to talk about this need, but today I offer a bill that turns that talk into action. My bill, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2012, is a key piece of the all-of-the-above strategy energy that our country needs in order to strengthen reliable, domestic energy production; expand development of responsible, renewable energy; generate economic growth; and get Americans working once more.

Hydropower is the cheapest and cleanest source of electricity. This is created through modern technology. It's the highest source of non-carbon emitting energy in the world, accounting for approximately 69.9 percent of the United States' total renewable electricity generation, making it the lead renewable energy resource power, according to the Hydropower Association.

In Colorado, nearly 30.7 percent of our renewable energy is hydropower, but only 3.1 percent of all Colorado is hydropower. We have a significant opportunity in Colorado to expand on this clean, renewable source of power while creating badly needed jobs for the Third District of Colorado in the process. In Colorado alone, there's enough existing capacity to generate as much power as the Glen Canyon Dam. However, as it stands, no major hydroelectric facilities have been built in many years. Existing facilities are being drained by endless litigation and regulatory obstacles that stifle production and lead to an increase in electricity prices and shortages in many regions of the country.

By streamlining the regulatory process and reducing administrative costs for small hydropower development at Reclamation's facilities, this commonsense legislation will encourage the production of clean, renewable hydropower and provide much needed opportunities for the creation of new jobs in Colorado for some of our Nation's hardest hit rural areas.

This commonsense bill garnered bipartisan support in the House Natural Resources Committee and has been endorsed by the Family Farm Alliance, the National Water Resources Association, the Association of California Water Agencies, and the American Public Power Association.

Chris Treese of the Family Farm Alliance and a constituent of mine in the Third Congressional District put it best when talking about the need for the bill:

> The margins on small hydro are very small. Districts need to be able to make timely investment decisions without the prospect of environmental reviews of undetermined length and expense. Additionally, Western water districts share the Nation's desire to make investments that can put people to work immediately. Environmental reviews of small hydro on existing conduits represent an unnecessary and often chilling uncertainty for an economically marginal investment.

This legislation, which applies to all projects on Reclamation conduits without exception, seeks to address this concern and fix an unwieldy environmental review process that requires small developers to jump through unnecessary and duplicative bureaucratic hoops in order to complete a project on existing conduits that has already undergone the proper environmental reviews. By doing this, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2012 will jump-start small hydropower development through which power generated will be sent directly to the grid and also create revenues that will help pay for aging infrastructure in our communities.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

□ 1450

Mr. TIPTON. From the beginning, this Congress has made responsible energy development a legislative priority with the goal of putting forward a comprehensive solution that expands the development of alternative and renewable energy technologies while continuing the development of traditional energy resources.

We have an opportunity to join together in this body and pass a commonsense solution to advance the common goal of developing clean and renewable alternative energy and to put into place a key component of an all-of-the-above energy plan.

I ask my colleagues to take this into consideration and to remember the words that are inscribed in this very Chamber from Daniel Webster, saying:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Hydropower development follows in the legacy of the responsible development of our precious natural resources with the steadfast protection of our environment. So I ask my colleagues for their support of the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.

Mrs. NAPOLITANO. I couldn't agree with him more. My only objection is the small portion of the NEPA waiver.

Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Massachusetts, Ranking Member MARKEY.

Mr. MARKEY. I thank the gentlelady very much.

Mr. Chairman, I rise in opposition to this legislation.

After 427 days in the majority and having no energy or jobs strategy to show for it, House Republicans are now offering H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act.

We need legislation that gets hydro projects moving and that gets hard hats down in the ditches again. Instead, Republicans are offering more legislation that is certain to be ditched by the Senate. We should encourage the development of small hydropower projects at existing facilities. In fact, if the legislation simply gave the Bureau of Reclamation exclusive jurisdiction to develop hydropower at Federal reclamation facilities, I would support it. If it mandated that the Bureau of Reclamation institute categorical exclusions for their small hydro projects, I would support it.

But Republicans, they just couldn't help themselves. It doesn't matter the nature of the problem. For Republicans, the problem is always just nature, so they went and gutted environmental review altogether in this bill. That's what happens when your entire economic platform is deregulation and gutting safety and environmental protections. You start waiving environmental review even when the industry you're trying to help isn't asking for it. If the Republicans had simply followed the advice of the hydro industry, we would have a noncontroversial bill that I could support and recommend to all of the Democratic Members that we pass 435 to nothing out here on the House floor this afternoon. Instead, it's ideology over hydrology. That's what the Republicans bring to the floor today.

If Republicans are serious about advancing the hydro industry, here is what they can do: extend the production tax credit, support clean renewable energy bonds, support domestic clean energy manufacturing tax credits, and extend the section 1603 renewable energy grant program.

Here is what those successful Recovery Act programs have already done:

Three companies have received $67 million in tax credits to build hydro-related manufacturing facilities in the United States. Eight companies have received $2 million in grants to support hydro deployment under the 1603 renewable energy grant program. Clean renewable energy bonds have supported $531 million in public power hydro projects across the country.

But Republicans aren't interested in doing something constructive for hydro or for any other clean energy technology. With their oil-above-all strategy, Republicans want to continue subsidizing the oil and gas industry $4 billion annually—$40 billion over 10 years—but shut down all of the clean energy programs that I just outlined. They're going directly after any and all threats to Big Oil and Big Coal, and they're targeting clean energy jobs for elimination.

Republicans on our committee have reported out a bill that would repeal the borrowing authority that the Western Area Power Administration currently has to help finance transmission serving renewable energy projects. Between one project in Montana that is already under construction and three others that are deep into development, there are 11,500 jobs at stake, but the Republicans don't care about those 11,500 jobs.

Then there is the wind industry. Ten thousand American workers have already been cut in the wind industry because the production tax credit is expiring at the end of the year and orders are drying up; 27,000 more wind workers will lose their jobs if Republicans get their way and raise taxes on the wind industry beginning on December 31 of this year.

A clean energy wave is upon us. America needs a vibrant domestic hydro industry, along with a healthy wind, solar, geothermal, and biomass industry, if we are to capture its benefits. Otherwise this wave will crash down upon us and, instead, carry the Chinese and the Indian and German economies to prosperity.

Let us vote down this bad bill before us and move on to the real policies that will help America's hydro sector.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 5 minutes to the chairman of the subcommittee that dealt with this legislation, the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

I would say to the gentleman from Massachusetts that nothing in this measure has anything at all to do with oil production. Quite the contrary, this bill reduces our reliance on fossil fuels by bringing hundreds of thousands of megawatts of new, clean hydroelectricity to the grid.

I don't understand the objection to this bill. This measure by Mr. TIPTON does everything the environmental left says that it likes: At precisely no cost to taxpayers, it produces absolutely clean and renewable electricity in vast quantities, on projects that have already undergone environmental review, simply by installing small generators in existing pipelines and canals where there are no fish or no flora or no fowl of any kind.

This is the alpha and omega of Mr. TIPTON's bill. Authorize these simple projects on existing Bureau of Reclamation facilities. That's it.

There are untold thousands of miles of pipelines and canals and aqueducts attached to these facilities that convey water by simple gravity. There is water in these existing facilities that is utterly devoid of any life whatsoever, and there is no conceivable environmental impact whatsoever. These existing pipelines, if equipped with simple hydroelectric generators, could generate electricity that would take several major multibillion-dollar hydroelectric dams across the West to produce.

In fact, our committee took testimony that, in Colorado alone, the hydroelectric facilities' small generators that would be encouraged by this bill could produce as much power as is currently produced by the entire Glen Canyon Dam. Now, multiply that throughout the United States, and you begin to realize what a huge impact this could have on new, clean, affordable energy for America.

Those hydroelectric generators are not going into these pipelines right now for one simple and utterly absurd reason: government regulations make it economically impossible to do so. Our subcommittee took testimony from farmers in water districts who were trying to install these generators; but instead of doing everything it can to assist them, this administration smothers them with endless regulatory delays, demands for wildly expensive environmental studies and exorbitant permitting fees.

According to testimony before the committee that the gentleman from Colorado cited, the net effect of these environmental regulations can more than double the cost of these projects, simply pricing them out of reach. In one case, a witness told us that a $20,000 small generator project would have required $50,000 in permitting costs, and so it doesn't move forward.

Congressman TIPTON's bill, instead, welcomes these small hydroelectric generators by authorizing their placement in existing Bureau of Reclamation conduits. It invites existing operators and users to invest in these generators at no public cost. It establishes an office within the Bureau of Reclamation with the responsibility to assist projects, and it exempts them from paying for another costly, time-consuming, and pointless NEPA study when there is no conceivable environmental impact involved. These facilities already underwent the environmental process when they were built, when they were upgraded, or when their repayment contracts were renewed. It is simply a waste of time and money to put them through yet another review before these small generators can be installed.

I mean, think about the implications just to farming alone. Some irrigation districts are forced to use diesel generators to pump water to the fields. Put hydroelectric generators in existing canals and pipelines, and they become virtually self-sustaining while reducing their reliance on other sources of electricity that produce air emissions.

□ 1500

In addition, sales of canal-based electricity could generate local revenue for irrigators, which would help upgrade existing facilities and infrastructure, create jobs and relieve exhausted Federal taxpayers of these costs. The construction of these generators would mean new high-paying jobs for Americans.

It is truly mystifying that a nation plagued by prolonged economic stagnation, chronic unemployment, and increasingly scarce and expensive electricity would adopt a willful and deliberate policy obstructing the construction of these inexpensive and innocuous generators in already-existing facilities.

Mr. Chairman, there are fewer Americans working today than on the day that Barack Obama took office more than 3 long years ago. During that period, he has taken well over a trillion dollars from the earnings of hardworking American families to funnel to well-connected companies, claiming to create jobs. In the case of Solyndra, it penciled out to $450,000 per job, jobs that disappeared as soon as the government money ran out.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. MCCLINTOCK. I thank the gentleman.

Yet here, with this measure, at no cost to these hardworking families, at no cost to the environment, simply by getting absurdly and utterly duplicative government regulations out of the way, we could add tens of thousands of megawatts of clean and cheap electricity to our domestic energy supply, produce permanent jobs, reduce our reliance on fossil fuels, and lower the utility bills of American families.

Our Nation desperately needs clean, affordable, and abundant electricity; and it desperately needs permanent jobs. To get them, it most of all needs common sense restored to its government. The progress the American people have made in doing that, as well as the unfinished business remaining before them, will be very precisely measured by the roll call on this bill.

Mrs. NAPOLITANO. Mr. Chairman, how much time remains on both sides?

The CHAIR. The gentlewoman from California has 20½ minutes remaining, and the gentleman from Washington has 14 minutes remaining.

Mrs. NAPOLITANO. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 5 minutes to a cosponsor of this legislation and a very valuable member of the Natural Resources Committee, the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise in support of the bill Congressman TIPTON and I have worked closely on, H.R. 2842, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011.

Arizona has been hit hard by the recent recession. The rural counties that I represent are faced with unemployment rates that far exceed the national average. This bill could provide a little of the much-needed relief for these communities.

The Bureau of Reclamation Small Conduit Hydropower Development and

Rural Jobs Act of 2011 is commonsense legislation that will create jobs in rural Arizona, increase our country's renewable energy portfolio, and generate revenues for the Federal Treasury by cutting duplicative, bureaucratic redtape.

Specifically, it would allow Arizonans that operate existing irrigation canals and ditch systems, man-made canals and pipes as you can see from here, to install hydropower generators. To be clear, we are not talking about free-flowing rivers or streams. These are man-made structures that have already gone through environmental review. These canals, as you can see, do not contain endangered fish or wildlife.

I worked very closely with the Irrigation & Electrical Districts Association of Arizona, the special districts, municipalities, Indian utility authorities and project managers that are engaged in the management and delivery of water and power in my State as Congressman TIPTON and I crafted this legislation.

I am proud to be from a State that is as innovative and as resourceful as Arizona. Our State is a leader in developing safe ways to tap into our natural resources, which provides much-needed energy and jobs.

Unfortunately, due to Federal constraints, Arizona is unable to fully tap its hydroelectric power generation potential because of the duplicative regulations that make it too expensive and burdensome to develop. It is simply the failure of the Federal policies to facilitate an environment that is conducive to this type of development. Instead of working with communities that share common goals and values, the Federal Government is dictating to them.

The experts on the ground in Arizona say that we are literally sitting on a hydropower gold mine waiting for the needed clarifications and streamlining that will cut costs and make this program more attractive.

This bill does just that. For example, the Maricopa-Stanfield Irrigation & Drainage District, located in Pinal County, Arizona, estimates that it has the capacity to build 14 to 17 hydropower units if this legislation is signed into law. Those units could generate a total of approximately 2,200 kilowatts of renewable energy, which is enough electricity to power 550 to 1,000 homes. This is just one of the power managers in my State.

Another district, the Central Irrigation and Drainage District centered in Eloy, Arizona, has indicated they could install eight to 10 hydropower units with a capacity of 1,200 to 1,500 kilowatts of renewable energy, another 500 or so homes. These economic impacts are not small for these rural communities. They would provide a real economic boost and will reduce consumer energy costs.

There is not one solution to our Nation's energy crisis, but hydropower is clearly part of an overall all-options-on-the-table solution. Hydropower is the highest source of noncarbon-emitting energy in the world. It accounts for approximately 70 percent of the United States' total renewable electricity generation, and we are not even tapping the potential. Investing in hydropower infrastructure will strengthen our economy and help move us towards energy independence.

To top it off, the nonpartisan Congressional Budget Office estimates that our bill will generate $5 million in Federal revenue over the next 10 years. Increased revenues from the sale of this renewable energy can result in a new source of funding for operating, maintaining, and rehabilitating our aging water-delivery infrastructure at lower costs to farmers.

This legislation is truly a win-win for the American people and is exactly the type of legislation this House should be passing.

Vote ''yes'' on this bill, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011. It will create jobs in rural America, increase U.S. energy independence, and raise revenue for the U.S. Treasury.

So I guess the opponents of this bill are right: if commonsense solutions are your cup of tea, then I guess I can't help myself. And this is at no—let me repeat myself and this fact—this renewable energy is at no cost to the taxpayer or the public.

Mrs. NAPOLITANO. Mr. Chairman, I couldn't agree with Mr. GOSAR more on some of his presentation that the bureau would be able to expedite some of these projects, and they are working on that categorical exemption determination to be able to understand how they can expedite some of these projects.

NEPA is not some radical piece of legislation. It was overwhelmingly approved by Congress more than four decades ago and signed into law by President Nixon.

It is not an obstacle. It's a tool to be used to facilitate coordination, cooperation, and public input. It is not a barrier. It is a shield protecting our communities, yours and mine, from the unintended consequences that can occur when a big, clumsy Federal Government acts without thinking.

NEPA does not and cannot prevent projects from going forward. They just require the government to analyze alternatives and, most importantly, seek public comment. Evidence that NEPA does not stop projects is plain. Our majority cannot provide a single example where NEPA prevented one of these small projects, the hydroprojects from moving forward. Most applications are granted expeditiously and easily. It also provides the Bureau of Reclamation all the flexibility necessary to apply NEPA quickly and efficiently to the projects. There is no delay.

To oppose NEPA is to oppose public input. Again, it would then oppose public input. To oppose NEPA is to oppose thinking before we act.

This unnecessary and unwise blanket waiver of NEPA should be struck from this bill and then this bill could be passed unanimously and go on to approval in our other body.

I reserve the balance of my time.

□ 1510

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

Mr. Chairman, I just want to point out what this bill does and the simplicity of this bill.

In 1902 when this House, along with the other House, created the Bureau of Reclamation, which was to reclaim the land—that's where ''reclamation'' comes from—it was designed to develop areas that heretofore did not have the resources with which to develop. Mainly, the resource they were lacking was water. And so the Bureau of Reclamation was created so that those arid areas, certainly my area of central Washington qualified as that because Grand Coulee Dam is a facility that irrigates the 500,000-plus acres in central Washington, but it was designed to develop areas that couldn't be developed before.

So now we have these facilities in place all over the West. They've gone through extensive environmental reviews in order to be put into place. Yet even with the technology that makes irrigation better and better and more and more efficient, there still is water in these canals that goes back to the river, in my case the Columbia River. It starts in the Columbia River and ends up in the Columbia River some 120 to 130 miles downstream. And during that process where the water goes to irrigate various parts of the project, we can better, more efficiently use that water by producing power, and that's what this legislation does.

Again, we have gone through the extensive environmental review to build the ditch, the canal. We saw pictures of that earlier. All we're suggesting now is we put something in there to capture the water power to generate electricity. It's no more complicated than that. That's all this bill is about. So with that, while there is an objection to the NEPA process, there is an amendment that will address that, and we will have more extensive debate on that.

But I would just repeat, Mr. Chairman, all of the building of the ditches, which is what really disturbs the land, that went through extensive environmental reviews to get to that point. We are now building within what we disturbed. Boy, to say that you have to have another process, environmental process, doesn't make sense, at least to this Member.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, how much time remains?

The CHAIR. The gentlewoman from California has 18½ minutes, and the gentleman from Washington has 6 minutes.

Mrs. NAPOLITANO. Mr. Chairman, I would like to reiterate that we fully

support the intent of the legislation without the exemption of NEPA stated on page 4, lines 12–15. And I must say that I have working relationships with some of my universities; and one of them, Cal Poly Pomona, has been working with hydrokinetics for awhile. We have been kind of tracking the issues of hydrokinetics and some of their results, the projects that they've got in New Jersey and New York, to be able to generate electricity. We have for at least 5 years been trying to make Congress and the committee understand that this is something that is very viable. Even the heat off the pumping motors is being recaptured and converted into electricity in one of my areas.

So I fully understand and I'm glad that it's finally beginning to take hold that there is the ability to create electricity from hydro. We support increased generation at all facilities by developing conduit and in-canal hydropower.

And, again, I support all of the provisions that I stated here, but waiving NEPA does not provide the clarity and the certainty needed to be a clear process for the development of hydro at reclamation facilities. That's Federal facilities only. We must ensure that the lease-of-power privilege, the law, is clear and does provide specific certainty. It should be consistent with the FERC process, as stated in the letter from the National Hydropower Association and American Rivers, as introduced into the RECORD. We will be proposing an amendment to fix the problem, and we want to make this in a truly bipartisan manner and look forward to working with my colleagues on the other side.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I would like to ask my friend from California if she has anymore speakers on the debate portion of this.

Mrs. NAPOLITANO. I do not.

Mr. HASTINGS of Washington. If not, I am prepared to yield back and start the amendment process if the gentlelady yields back.

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

Mr. HASTINGS of Washington. Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today in order to debate H.R. 2842. "Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act" would authorize the Bureau of Reclamation to permit private entities to develop small hydropower units on all irrigation canals and conduits under the agency's jurisdiction. Under current law, the Bureau or the Federal Energy Regulatory Commission, FERC, has jurisdiction over hydropower development at such facilities.

Currently both the Federal Energy Regulatory Commission and the Bureau of Reclamation have the authority to manage small conduit hydropower projects in all Bureau of Reclamation irrigation canals and conduits. This bill would give this authority only to the Bureau of Reclamation thereby streamlining regulation. There will be jobs created by this measure, however not enough to be considered a Rural Jobs bill. The American people need a jobs bill.

I would have supported this legislation without hesitation if this bill did not contain a poison pill. As written I am concerned about a provision in the bill that would exempt small conduit hydropower projects from having to comply with the National Environmental Policy Act, NEPA. H.R. 2842 removes the requirement that all small hydropower projects must complete an environmental impact statement unless granted an exception from FERC. Although my colleagues who support this legislation will argue that NEPA compliance for small conduit hydropower is unnecessary and hinders developers from pursuing small conduit hydropower projects. There is a valid and proven counter to this argument.

Currently FERC has a successful licensing process for small conduit hydropower showing that compliance with NEPA need not hinder responsible development. FERC categorically exempts small conduit projects from NEPA. This approach works: from 2006–2010, 13 conduit exemptions were completed in less than a year. Of the 11 conduit exemptions that were issued in 2011, orders regarding the nine conduit exemptions that presented no substantive issues were issued on average 40 days after the comment deadline established in the public notice. We can protect our environment while meeting the needs of rural communities in need of an additional green energy resource.

I will continue to seek ways to improve the nation's hydropower system by encouraging increased generation while improving environmental performance.

Let me be clear, I support hydropower in both large scale and small projects that are developed and operated in a responsible manner that avoids harm to America's precious river resources. Given the very real environmental and social impacts of global climate change—especially on vital freshwater systems—I believe that we should develop new sources of energy that can supplement America's reliance on foreign oil.

However, I also know that the energy that we receive from hydropower if done improperly comes at an enormous cost to the health of our nation's rivers and communities.

The harm caused by any hydropower project can be avoided if hydropower is sited, constructed, and operated in a responsible manner. A few simple changes can make an enormous difference, which is why compliance with NEPA is important.

In the case of larger scale hydropower projects, hydropower operators could change the timing of power generation to mimic a river's natural hydrologic conditions, stabilize lake levels and dam releases to protect riverside land from erosion, provide fish ladders and other measures that protect fish and allow them to pass safely upstream and downstream of dams, restore habitat for fish and wildlife, alter the design and operation of plants to maintain appropriate temperature and oxygen levels in rivers, and provide public access and release water back into rivers so that people can fish, boat, and swim. These types of changes have a miniscule impact on the overall generation of the Nation's hydropower fleet. In fact, an analysis by FERC found that since Congress passed laws in the 1986s to encourage these types of improvements, overall generating capacity has actually increased by 4.1 percent. The benefits to human and natural communities have been immense.

The Bureau of Reclamation was established to construct water works to provide water for irrigation and power for utilities in arid western states. The agency manages a number of facilities as part of larger, multi-purpose reclamation projects serving irrigation, flood control, power supply, and recreation purposes. Overall, these facilities serve approximately 31 million people, delivering a total of approximately 28.5 million acre-feet of water (an acre-foot is enough to cover one acre of land one foot deep, or 325,851 gallons) and making the agency the second largest domestic hydropower producer. H.R. 2842 seeks to utilize these existing irrigation channels/waterways by inserting small conduits to create hydro power.

Hydropower is a clean, renewable, non-emitting source of energy that provides low-cost electricity and helps reduce carbon emissions. It is more efficient than any other form of electricity generation and offsets more carbon emissions than all other renewable energy sources combined.

It accounts for 67 percent of the Nation's total renewable electricity generation. In addition to providing low-cost electricity, multipurpose dams provide water for irrigation, wildlife, recreation and barge transportation and offer flood control benefits.

As part of the New Deal, the Roosevelt Administration sought to bridge the urban-rural divide in access to electricity. In the early 1930s, according to one estimate, 90 percent of Americans in urban areas had access to electric power, while only 10 percent of rural America had access.

The establishment of the Rural Electrification Administration, REA, in 1935 sparked a series of Federal investments that brought power to rural American homes over the coming years. By 1939, the REA had helped to establish more than 400 rural electric cooperatives, which served nearly 300,000 households.

Today, the RUS continues to provide credit and other assistance to help improve electric, water, and telecommunications services in rural areas. For example, between 2002 and 2009, the RUS invested $36 billion in electric systems and $14 billion in water and waste management systems throughout rural America. Small hydropower projects help to address the electricity needs of rural areas in a green way.

The Department of the Interior's Bureau of Reclamation also provides hydropower, and drinking water and irrigation services to rural America. Today, the Bureau is the Nation's largest wholesaler of water, serving 31 million people, and provides irrigation to one out of five western farmers. This is a very clever manner to use existing water ways and existing technology to create electricity.

Three manufacturers in the Nation build these small conduits. Apparently they are so prevalent that they are available at Home Depot. Again hydropower represents approximately two-thirds of the renewable electricity generation in the United States and is currently providing almost seven percent of the

country's total energy generation. About forty-five percent of all hydropower in the United States is generated at federally-owned facilities. With only three percent of the Nation's approximately eighty thousand federal and non-federal dams currently generating hydropower there is great potential to increase hydropower production. Additional hydropower can be sited, constructed, and operated in a responsible manner to reduce or avoid environmental damages.

FAST FACTS

Each kilowatt-hour of hydroelectricity is produced at an efficiency of more than twice that of any other energy source. Where hydropower does have environmental impacts, particularly on fish species and their habitats and extensive work is done within the Bureau to evaluate and mitigate these impacts.

Further, hydropower is very flexible and reliable when compared to other forms of generation. Reclamation has nearly 500 dams and dikes and 10,000 miles of canals and owns 58 hydropower plants, 53 of which are operated and maintained by Reclamation. On an annual basis, these plants produce an average of 40 million megawatt, MW, hours of electricity, enough to meet the entire electricity needs of over 9 million people on average.

Reclamation is the second largest producer of hydroelectric power in the United States, and today we are actively engaged in looking for opportunities to encourage development of additional hydropower capacity at our facilities.

Conventional hydropower is one of the oldest and most well-established among a growing number of technologies that provide low-emissions alternatives to fossil-fuel energy. Nationally, hydropower provides about 75,000 megawatts of capacity, and represents nearly 7 percent of total generation.

It is anticipated that hydropower will continue to be a part of our Nation's energy mix for years to come, and accordingly we have signed dozens of agreements supporting the continued, long-term operation of hydroelectric dams that together provide our Nation with thousands of megawatts of generating capacity. Reasonable modifications have dramatically improved the performance of these dams, providing fish passage, improving flows, enhancing water quality, protecting riparian lands, and restoring recreational opportunities.

Hydropower represents approximately two-thirds of the renewable electricity generation in the United States and is currently providing almost seven percent of the country's total energy generation. About forty-five percent of all hydropower in the United States is generated at federally-owned facilities.

With only three percent of the nation's approximately eighty thousand federal and non-federal dams currently generating hydropower there is great potential to increase hydropower production.

JOBS/ECONOMY/H.R. 3710—DEFICIT REDUCTION AND ENERGY SECURITY ACT

I am committed to producing tangible results in suffering communities through legislation that creates jobs, fosters minority business opportunities, and builds a foundation for the future. Every American deserves the right to be gainfully employed or own a successful business and I know we are all committed to that right and will not rest until all Americans have access to economic opportunity.

It has been over 10 months since the Republicans took control of the House, and Republican Leadership has not considered a single jobs creation bill on the House floor.

With the national unemployment rate at 9.2 percent, and almost 1.9 million men and women who have exhausted the maximum of up to 99 weeks of state and Federal unemployment benefits, we cannot afford to continue with inaction.

Rather than wait for the economic tide to turn, Congress must take advantage of its exceptional opportunity to create jobs by embracing the development of natural and renewable resources in a responsible and environmentally conscious partnership with the energy industry.

I have recently introduced H.R. 3710 ''The Deficit Reduction and Energy Security Act of 2012.'' My bill would protect America's energy security, reduce the deficit, and create jobs.

The energy industry has a long and storied history of facilitating robust job creation and economic growth. This legislation will help pay down the deficit and create jobs for workers with varying skill-levels nationwide. H.R. 3710 would also establish the Coastal and Ocean Sustainability Health Fund to provide grants for addressing coastal and ocean disasters, restoration, protection, and maintenance of coastal areas and oceans, as well as, research and programs in coordination with state and local agencies.

Additionally, the Deficit Reduction and Energy Security Act establishes the Office of Energy Employment and Training, and the Office of Minority and Women Inclusion to help foster job creation for groups who have traditionally been underrepresented in the energy industry. H.R. 3710 will spur our Nation's economic growth.

Working in a bipartisan spirit, Congress can aggressively take on the problem of job creation, by supporting measures like H.R. 3710.

The energy sector provides us with an exceptional starting place. In fact, we need to only look to Houston and the state of Texas for a strong example of how embracing the development of our own natural and renewable resources can play a major role in spurring our economy.

Texas serves as proof that the energy industry offers tremendous potential to provide jobs and foster economic growth. As a matter of fact, in 2008, Texas was one of the few states that saw its economy grow, grossing the second highest revenue of all states at $1.2 trillion.

As the Representative of the 18th Congressional District of Houston, Texas, I can attest to the importance of a healthy energy industry. My district is the energy hub of Texas and is recognized worldwide for its energy industry, particularly for oil and natural gas, as well as biomedical research and aeronautics. Renewable energy sources—wind and solar—are also growing economic bases in Houston.

The energy industry and its supporting businesses provide my fellow Texans with tens of thousands of jobs, and have helped keep the state of Texas significantly below the national unemployment rate.

This prosperity can expand well beyond Texas, if the federal and state governments will act decisively and responsibly to expand domestic energy productions in an environmentally conscious manner, and keep billions of dollars and countless jobs here at home.

In fact, a study recently conducted by Wood Mackenzie indicates that the oil and natural gas industry has the potential to create 1 million new jobs over the next 7 years through responsible development of America's oil and natural gas resources, while generating an estimated $800 billion in revenue.

Additionally, Wood Mackenzie concluded that responsible domestic oil and natural gas development, along with increasing imports from Canada, and cultivating a domestic biofuels energy program, the United States could achieve energy independence within 15 years.

Expansion of our domestic energy industry presents us with the opportunity to divert the staggering amounts of money we spend on importing massive amounts of foreign oil. Instead, we can use these funds to make a considerable investment into our own American oil industry, which already pumps about $1 trillion into our economy and helps create jobs for many Americans across many other industries. Furthermore, we must also bolster our investments in natural gas, wind, solar, and other forms of renewable alternative energy.

We must of course, act responsibly, and apply the safety lessons learned in the wake of the BP oil spill. Throughout my tenure in Congress, I have worked tirelessly to foster better relationship between the energy industry and regulating agencies. With an open dialogue and productive communication, we can forge compromise that will protect the environment without harming economic growth.

The benefits of a seamless domestic energy policy go beyond just creating jobs in the energy sector. A seamless domestic energy policy also promotes the ongoing need to develop the best technology to reduce risks and improve efficiency.

Demand for this technology creates an increased demand for Americans educated in Science, Technology, Engineering and Math, STEM. The energy sector can partner with educational institutions to meet that demand, foster American innovation and increase American competitiveness in an increasingly globalized economy.

The energy industry is putting my constituents back to work, and the Wood Mackenzie study indicates that increasing domestic development will create new jobs and generate government revenue.

It is time for my colleagues to join me in a truly bipartisan effort to create jobs, improve our education system, and strengthen the economy. It is time to return to an age of American ingenuity and prosperity. It is time for a seamless domestic energy policy. It's time to support job creation it is time to support legislation like the bill I recently introduced H.R. 3710 ''The Deficit Reduction and Energy Security Act of 2012.''

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment in the nature of a substitute, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule. Each section of the committee amendment in the nature of a substitute shall be considered as read.

No amendment to the committee amendment in the nature of a substitute shall be in order except: (1) those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose dated at least

1 day before the date of consideration of the amendment; and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 2842

*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 ''Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011''.*

The CHAIR. Are there any amendments to section 1?

AMENDMENT NO. 2 OFFERED BY MR. TIPTON

Mr. TIPTON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 1, strike ''2011'' and insert ''2012''.

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. TIPTON. Mr. Chairman, this is a technical amendment that changes the year of the bill from 2011 to 2012, and I ask my colleagues to support this noncontroversial amendment.

I yield back the balance of my time.

The CHAIR. Does any Member seek recognition?

The question is on the amendment offered by the gentleman from Colorado (Mr. TIPTON).

The amendment was agreed to.

The CHAIR. The Clerk will designate section 2.

The text of section 2 is as follows:

***SEC. 2. AUTHORIZATION.***

*Section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) is amended—*

*(1) by striking ''The Secretary is authorized to enter into contracts to furnish water'' and inserting ''(1) The Secretary is authorized to enter into contracts to furnish water'';*

*(2) by striking ''(1) shall'' and inserting ''(A) shall'';*

*(3) by striking ''(2) shall'' and inserting ''(B) shall'';*

*(4) by striking ''respecting the terms of sales of electric power and leases of power privileges shall be in addition and alternative to any authority in existing laws relating to particular projects'' and inserting ''respecting the sales of electric power and leases of power privileges shall be an authorization in addition to and alternative to any authority in existing laws related to particular projects, including small conduit hydropower development''; and*

*(5) by adding at the end the following:*

*''(2) When carrying out this subsection, the Secretary shall first offer the lease of power privilege to an irrigation district or water users association operating the applicable transferred work, or to the irrigation district or water users association receiving water from the applicable reserved work. The Secretary shall determine a reasonable time frame for the irrigation district or water users association to accept or reject a lease of power privilege offer.*

*''(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to small conduit hydropower development, excluding siting of associated transmission on Federal lands, under this subsection.*

*''(4) The Power Resources Office of the Bureau of Reclamation shall be the lead office of small conduit hydropower policy and procedure-setting activities conducted under this subsection.*

*''(5) Nothing in this subsection shall obligate the Western Area Power Administration, the Bonneville Power Administration, or the Southwestern Power Administration to purchase or market any of the power produced by the facilities covered under this subsection and none of the costs associated with production or delivery of such power shall be assigned to project purposes for inclusion in project rates.*

*''(6) Nothing in this subsection shall alter or impede the delivery and management of water by Bureau of Reclamation facilities, as water used for conduit hydropower generation shall be deemed incidental to use of water for the original project purposes. Lease of power privilege shall be made only when, in the judgment of the Secretary, the exercise of the lease will not be incompatible with the purposes of the project or division involved, nor shall it create any unmitigated financial or physical impacts to the project or division involved. The Secretary shall notify and consult with the irrigation district or legally organized water users association operating the transferred work in advance of offering the lease of power privilege and shall prescribe such terms and conditions that will adequately protect the planning, design, construction, operation, maintenance, and other interests of the United States and the project or division involved.*

*''(7) Nothing in this subsection shall alter or affect any existing agreements for the development of conduit hydropower projects or disposition of revenues.*

*''(8) In this subsection:*

*''(A) CONDUIT.—The term 'conduit' means any Bureau of Reclamation tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.*

*''(B) IRRIGATION DISTRICT.—The term 'irrigation district' means any irrigation, water conservation or conservancy district, multicounty water conservation or conservancy district, or any separate public entity composed of two or more such districts and jointly exercising powers of its member districts.*

*''(C) RESERVED WORK.—The term 'reserved work' means any conduit that is included in project works the care, operation, and maintenance of which has been reserved by the Secretary, through the Commissioner of the Bureau of Reclamation.*

*''(D) TRANSFERRED WORK.—The term 'transferred work' means any conduit that is included in project works the care, operation, and maintenance of which has been transferred to a legally organized water users association or irrigation district.*

*''(E) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.*

*''(F) SMALL CONDUIT HYDROPOWER.—The term 'small conduit hydropower' means a facility capable of producing 1.5 megawatts or less of electric capacity.''.*

The CHAIR. Are there any amendments to section 2?

AMENDMENT NO. 1 OFFERED BY MRS. NAPOLITANO

Mrs. NAPOLITANO. I have an amendment at the desk, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, strike lines 12 through 15.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Chairman, this is a simple amendment striking out language in section 2, page 4, lines 12–15. It removes the exemption of the NEPA waiver for small conduits on Federal land.

The proponents of this measure again will argue that FERC regulations allow for categorical exemption for certain conduit hydropower projects that meet statutory and regulatory criteria and do not have the potential for significant environmental impacts. This is true.

First, treatment of conduits is not the same. It is not the same as what the legislation attempts where all environmental regards are completely waived. This bill, H.R. 2842, as amended, proposes to totally exempt all small hydro from the FERC exemption process. Reclamation already has the same authority as FERC to develop a process of complying with NEPA. Reclamation has already been in the process of investigating whether small hydropower developed in conduits or canals may be appropriately placed under categorical exemption.

As I stated before, the draft is already out. They are consulting with developers and irrigators to ensure that this bill is what they need. They have also granted specific categorical exemptions to three LOP projects, as mentioned in my opening statement. Low impact hydropower can be efficiently developed by utilizing existing environmental review provisions.

We have seen examples of projects that have not unduly delayed project development, and I again point to the three projects as stated before utilizing the yellow pea process. I have placed the letters from the National Hydropower Association and American Rivers and others to highlight the views of the hydropower industry and the leading conservation group on hydropower. Both are supportive of H.R. 2842 as long as it is modeled after the process used by FERC.

□ 1520

It would provide for proper oversight, a longstanding practice FERC has shown.

I urge my colleagues to vote positively ''yes'' on this amendment, and I yield back the balance of my time.

Mr. TIPTON. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. TIPTON. Mr. Chairman, I think our opponents on this piece of legislation are confused as to actually what the debate is truly about. If it is about jobs, if it is about the American people, if it is about providing energy certainty, and if it is about reducing the carbon footprint in this country, then 2842 is a good piece of legislation.

They say conceptually they embrace it, but they want to put on the backs of hardworking Americans more cost and more uncertainty at a time when we need to create certainty and when we

need to be able to have that opportunity to be able to reduce costs.

Our opponent commented that we see no evidence that projects are being delayed. Well, the fact of the matter is, when we had testimony, Chris Trees of the Colorado Water District noted that it took well over a year for a project to be approved. Many projects were not being considered simply because of the regulatory costs.

When we look at this chart on a projected cost to build a small hydropower installation, the actual cost to build the unit is $20,000. By the time that we concur with our Democrat colleagues' insistence that we expand bureaucracy and have more government, we are going to add an additional $50,000 in cost.

What's the challenge for rural America? It is dollars. We have struggling communities of people that need jobs. People need to be able to be put back to work. It may, in big cities, not be big money when you start to talk about $50,000, but for our small water districts, it truly is.

This is a chance to stand up for the American people. This is a chance to be able to create clean energy for this Nation.

When we looked at examples in terms of what does overregulation by the government do, when we went through the NEPA process, no one argued as we had photos that my colleague, Mr. GOSAR, had shown of constructed ditches made by men, were put into place to have the NEPA process, but then to duplicate that process, we could look at Bureau of Reclamation's process in which it took 5 years for it to find out that it even had jurisdiction over the Klamath project C-Drop Canal in order to pave the way for conduit hydropower—5 years.

Join with us in caring about the environment, to make sure that we're going to be delivering clean hydropower—not delaying it for 5 years, not delaying it for a year, not putting more costs on the backs of the American people when they simply can't afford it—and putting people back to work. That's the choice we have on this legislation.

As Chairman HASTINGS has noted, it's a commonsense piece of legislation. It makes sense, and it makes good common sense to vote for it.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. TIPTON. I'll certainly yield to my colleague.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Please put that poster back up again. That, I think, real-life example demonstrates why America is so fed up with what happens in Washington, DC. Here is a project that is affordable at $20,000, and so somebody wants to take that opportunity to perhaps make some money—there's nothing wrong with that in our country—and you find out that the cost of regulation is 2½ times what the project is. Now, what certainty does that send to the marketplace that we want to do business? That is absolutely incredible.

And its environmental permitting costs here, in this particular example, which, of course, are exemplified by what? NEPA. And this amendment would take the waiver of NEPA out of the equation. In other words, under the bill that you have authored—correct me if I am wrong—that red dot, that red slice there would be dramatically, dramatically reduced; is that correct?

Mr. TIPTON. That is correct.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment, as the gentlelady has pointed out, strikes the NEPA exemption for small hydroelectric projects. Perhaps she hasn't been listening to the debate for the last hour. The NEPA exemption is the entire point of the bill.

As our subcommittee heard earlier this year, it's precisely this duplicative, costly, time-consuming, and entirely unnecessary process that has more than doubled the cost to small hydro projects which simply makes them cost-prohibitive. They don't apply for permits because they know they don't pencil out once all of the studies are factored into their costs. The Bureau of Reclamation doesn't deny permits; it simply demands such costly environmental studies as to make these projects cost-prohibitive. The bill authorizes these projects so they don't have to go through the costly, time-consuming, and pointless environmental studies.

The gentlelady, several times, mentioned the fact that the Bureau of Reclamation was moving ahead with three permits in Colorado. So what's the problem? Well, let's look at those three permits. One of these wasn't conduit hydropower, one was specifically approved by Congress in the 1980s, and the third took a full year to get the permitting done on an existing canal outlet. Now, if that's what the gentlelady describes as success, I think she has just proven our point.

Let me ask her this: What is the point of requiring expensive and time-consuming environmental reviews when all you're doing is putting a small generator in an existing Bureau of Reclamation pipe that has already undergone extensive environmental reviews?

FERC already provides for the categorical exemption on non-Federal projects. The Bureau's own NEPA manual, updated a decade ago, clearly allows categorical exemptions for—and this is from their manual—''minor construction activities associated with authorized projects which merely augment or supplement or are enclosed within existing facilities.'' These small hydro generators precisely meet this requirement. The problem is the agency ignores its own guidelines. That is precisely why this bill is necessary.

Mr. Chairman, either placing generators in pipelines is environmentally damaging or it's not, and anybody with a lick of sense already knows the answer to that question, and I would expect them to be supporting the bill of the gentleman from Colorado.

I yield back the balance of my time.

Mr. GOSAR. I move to strike the last word, Mr. Chairman.

The CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. Mr. Chairman, I rise against the amendment from the gentlelady from California.

In fact, I want to highlight two of the Arizona witnesses who have some of the most applicable understanding of this hydropower bill.

The first person I would like to quote is Mr. Bob Lynch, in which he testified:

> We need Congress to streamline the processes both for reclamation facilities and for non-Federal facilities. This companion enterprise will open up the West to a whole new product line of small hydropower facilities that can tap the energy in flowing water that is currently being wasted. If the red tape can be cut down, the cost of installing these units can be amortized. These are existing facilities and will have no impact other than to provide additional clean, renewable hydropower in small quantities all over the Western United States.

The second person I would like to highlight is Mr. Grant Ward, who represents one of these districts in which he testified how the permitting costs of $50,000 for every small conduit hydropower unit in his area are more expensive than the actual installation of $20,000.

So here we hear from Mr. Bob Lynch representing the Irrigation and Electrical Districts Association in Arizona, someone who has countless decades of experience and expertise in these issues, as well as Mr. Grant Ward, who experienced this on the ground level, dictating exactly their testimony.

So I rise in opposition to this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. NAPOLITANO. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

□ 1530

AMENDMENT NO. 3 OFFERED BY MR. ELLISON

Mr. ELLISON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

**SEC. 3. NO NET LOSS OF JOBS.**

Section 2 and the amendments made by section 2 shall not take effect unless the Secretary finds that such section and amendments, if in effect, shall not result in a net loss of jobs.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chairman, our transportation program expires at the end of March, and we are still facing high unemployment. Why aren't we working on a real jobs bill that will create good infrastructure jobs?

The GOP has wasted about 427 days since they've been in charge by not producing a real jobs agenda, but it's around transportation and infrastructure where we have real opportunity. Unfortunately, certain people have used creative titles—deceiving titles in some cases—to try to distract the public. Their transportation bill is called the American Energy and Infrastructure Jobs Act, but it wouldn't promote jobs in energy or infrastructure. It would actually cut highway investment by $16 billion in 5 years. This would mean a loss of half a million jobs nationwide. That's right, the American Energy and Infrastructure Jobs Act would cut 500,000 jobs. The bill would cost about 11,000 jobs in my home State of Minnesota.

Today, we're debating the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act. Why are we talking about small conduit hydropower when we need investment in highways, bridges, transit and airports? Now, don't get me wrong, I'm not here to run down small conduit hydropower. I just think it's too small.

Also on the floor this week is the so-called Jumpstart Our Business Startups Act, JOBS. This is a rehash of access-to-capital bills that may be useful—in fact, I may support them—but will barely make a dent in our unemployment numbers. The GOP may have creative titles, may have some titles that catch attention and sound good; but if you scratch the surface just a little bit, there's no jobs agenda even on bills that say ''jobs.''

The American Society of Civil Engineers is a group that knows a little bit about infrastructure. This is a group, a collection of professionals, who know the issue; and they give our infrastructure grade a D—and D don't stand for ''dandy.'' It stands for ''downright bad and unfortunate.''

We have nearly 70,000 bridges across this country—or 11.5 percent of all highway bridges—classified as ''structurally deficient,'' meaning they require significant maintenance or replacement. There are about 1,400 structurally deficient bridges in my State of Minnesota, several within walking distance of my home. In 2007, my district tragically felt the impact of deficient bridges with the collapse of I–35W. We lost 13 lives, and 100 people ended up with serious injury in the hospital.

We need a real transportation bill and a real jobs agenda to rebuild our infrastructure and to put Americans back to work.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the gentleman from Minnesota for leading this position.

I rise today to speak about the current extension of the transportation bill, which is set to expire at the end of this month. I'm frustrated by the lack of action in this Chamber and the lack of attention being paid by the majority to the American people who desperately need these jobs.

The current transportation authorization expires at the end of March, but we are still facing high unemployment and a weak economy. We need the kind of long-term transportation policy that will repair our crumbling infrastructure and bring back good-paying construction jobs.

I have been on the House Transportation and Infrastructure Committee for 20 years this year; and up until now, the committee has worked in a bipartisan fashion and we have produced sound, commonsense legislation. But the progress that could have been made has been stymied by partisan bickering and bad policy.

The current transportation bill offered by the majority would cut investment in our Nation's highways by almost $16 billion over the next 5 years. This would mean a loss of over 500,000 jobs nationwide.

Mr. Chairman, we talk about this being a jobs bill. What is before us is a job-killing bill. But the American people are waiting.

The CHAIR. The time of the gentlewoman has expired.

Mr. McCLINTOCK. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Chairman, this amendment would give to the Secretary of the Interior the ability literally to unilaterally veto this measure if he finds it would result in a loss of jobs.

Now, let's be clear of what we're talking about here. This is the same Secretary of the Interior who came to the Natural Resources Committee in 2009 when Federal water diversions in California's Central Valley were throwing thousands and thousands of farm workers into unemployment. Before the committee, he admitted that he had the authority to stop the diversions and stop throwing these thousands of hardworking families into poverty, but he chose not to do so because he said it would be like admitting failure.

This is the same administration that blissfully threw thousands of gulf war workers into unemployment by declaring a de facto moratorium on oil production in the gulf. This is the same administration that's blocking energy development in the Arctic tundra. This is the same administration that's torpedoed the Keystone pipeline and the thousands of jobs it would have created. And now the gentleman from Minnesota would give this same official and this same administration the power to shut down small hydroelectric facilities that could add thousands of megawatts of additional electricity to our energy supplies.

I would assure the gentleman that the reason for this bill is because we fully expect it to produce a quantum leap in demand for small generators; and somebody's going to have to build them, and somebody's going to have to install them. That means more jobs.

Now, if the gentleman is worried about jobs being lost in the regulatory bureaucracy because they won't have as many businesses to harass, I can assure him they have demonstrated over the years a tremendous creativity in finding new businesses to harass and new reasons to increase their budgets.

But I say again, I don't believe it would be a good idea to put in the hands of this Secretary and this administration yet another tool to obstruct energy and job development. Now, high electricity prices might not be a problem in Minnesota, but I can assure the gentleman they are a serious problem in California; and that's why his amendment is so dangerous.

Mr. Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, the bill that I'm speaking of is called the Transportation and Infrastructure Committee bill.

The Secretary of Transportation, who has served on this committee, has clearly explained what this bill in its present form will do for this country. Now, I know that probably no one wants to quote this particular Secretary, who has had inside experience as well as outside experience. He is very aware because he served on this committee during the time we worked in a bipartisan fashion.

We're talking about highways. And because someone put a lot more extracurricular, extraneous kind of stuff in this bill that does not relate to these highways, then they're against it. But the progress that could have been made was really stymied by this very kind of propaganda and bad policy.

The current transportation bill offered by the majority would cut investment in our Nation's highways and kill jobs. We want to create jobs and do something about the crumbling infrastructure in this country.

Mr. Chairman, the American people are waiting for us to do something. We were sent here by our constituents to solve problems, not to create them and not to find excuses to face the real reality. So let's get back to work and

produce a transportation bill that will repair our Nation's infrastructure and get thousands of Americans back to work—not to try to challenge this administration because you don't like the administration. We want to see something that's real and something that addresses the real problem, and not skirt around with a lot of ideas and a lot of propaganda that simply does not relate to this bill.

I yield back the balance of my time.

□ 1540

Mr. HASTINGS of Washington. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I find this debate rather interesting because the gentlelady from Texas who spoke, of course, did not speak on this bill. She spoke on another piece of pending legislation that dealt with jobs. That's good.

That pending piece of legislation, I might add, had two components to it. It had the energy component, and it had the transportation component which, of course, is pending. We know that expires at the end of this month.

But we did pass the energy component of that bill which creates tens of thousands of jobs. And I just want to point out, Mr. Chairman, the gentlelady voted against that piece of legislation. Sometimes we hear mixed messages here, but I just wanted to set the record straight.

This bill is another extension of energy production and, of course, creating American energy jobs. And with that, I find the gentleman from Minnesota's amendment really very interesting, because what he is saying by his amendment is, unless the bureaucracy decides, by giving all this authority to the Secretary—and by the way, I'm not sure which Secretary it is because it's not delineated in the amendment. But leaving that aside, he is saying there will be no jobs unless—what? The bureaucracy decides there will be jobs. Now, how ludicrous is that?

But that is precisely where we seem to be today. And I think this is, as I mentioned earlier, this is one of the reasons why I think Americans are so fed up with what's happening here in D.C. with this sort of back and forth.

Let me repeat, this is infrastructure that is in place. There is water running through this infrastructure. All we're trying to do is capture that energy, at no cost to the Federal Government, and create jobs and lower the cost of energy. There's nothing more simplistic than that, Mr. Chairman.

So I urge my colleagues to vote ''no'' on this amendment, and I urge my colleagues to vote ''yes'' on the underlying bill.

I yield back the balance of my time.

Mr. TIPTON. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. TIPTON. Mr. Chairman, it's interesting, our colleagues do talk about jobs. We want to be able to create jobs, to be able to facilitate that opportunity for Americans to be able to go back to work, to be able to create clean energy right here in the United States. As my colleague was pointing out, a commonsense piece of legislation.

We're going through existing conduits, what we call in our part of the world ditches, to be able to capture that energy, to be able to deliver it to allow local decisions to be able to be made.

But our colleagues seem to want to make sure that we're standing up, or they are standing up, for the status quo, and that just means say no—say no to clean energy. No, join with us and support clean energy and hydroelectric power.

You're saying no to jobs. Join with us to be able to create jobs right here in this country and be able to put our people back to work.

We have enough red tape. This amendment will simply grow more government. And as we saw from testimony in our committee and charts that have been shown during this debate, there's no need to put more expense on the backs of the American people, who simply cannot afford your stand to build more government.

This is an amendment that deserves to be rejected. I ask for that, and ask for a favorable vote on H.R. 2842.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The amendment was rejected.

Mr. HASTINGS of Washington. 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. MCCLINTOCK) having assumed the chair, Mr. CHAFFETZ, 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. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal reclamation law, and for other purposes, had come to no resolution thereon.

## DEVASTATION ACROSS SOUTHERN INDIANA

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. We are told to mourn with those who mourn and grieve with those who grieve.

Mr. Speaker, I rise to do so today. Across southern Indiana, in small towns like Henryville, Marysville, Pekin, and others, Hoosier families and communities are picking up the pieces after one of the most devastating tornados in my lifetime swept through our State.

I come to the House floor today to pay tribute to the lost, and to those who lost their homes and their businesses, and pay tribute to the first responders and to the countless thousands of Hoosiers who have come alongside their neighbors in this grievous hour.

As millions of Americans have witnessed on television, these violent storms left utter destruction in their wake across a three-State area. Schools, businesses, and homes were reduced to piles of rubble. Cars were flipped and thrown about as if they were toys. Some communities, as one local official said it, were ''completely gone.''

In the Hoosier State we lost 13 lives, including an entire family from Pekin, Indiana. Yet in this dark hour, for so many families, as is always the case in the Hoosier State, we hear stories of communities coming together to rebuild. Despite the snow and cold that followed the storms, we see generosity, community spirit in full display.

Over the coming days, weeks and months the wounds will heal, debris will be cleared, homes and businesses and barns will be rebuilt. And as the Federal Government makes its assessment today about Federal support, we look forward to supporting all Federal assistance.

But I rise today to commend Governor Daniels, the Indiana National Guard, the Indiana State Police, all of our first responders and Homeland Security and community leaders for their decisive leadership in this moment.

But I also rise today to commend all of those who stepped forward to provide a helping hand, either with time or talent or treasure, volunteers donating food and clothing and labor. It is profoundly inspiring and humbling, and makes me proud to be a Hoosier.

May God comfort the families of the lost, and give strength and courage to those who will rebuild in the wake of these storms.

## HONORING THE LIFE OF CONGRESSMAN DONALD PAYNE

The SPEAKER pro tempore (Mr. FINCHER). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, today, as you heard, the House, the Congress as a whole, the 10th District of New Jersey, our Nation, the countries of Africa and the Caribbean, of Ireland, where he was an honorary citizen and, indeed, the world, has suffered a great loss. DONALD PAYNE was a friend and advocate for the world and all of its people, but particularly for the sons of Africa here and worldwide.

Tonight I am honored to chair this Special Order in his honor, and to recognize my colleagues from both sides of the aisle who will be coming to pay tribute to DONALD PAYNE.

I'd like to begin by asking unanimous consent that all Members might