

China, Vietnam, and other Global partners they must be balanced relationships. We must also remember to ask of our partners to strongly advocate for fair trade, fair labor practices, and stress the importance of human rights. The advancement of human rights is an important American value. Today, marks the opportunity for American workers to breathe a sigh of relief, that their jobs are not going to be jeopardized by goods manufactured outside of the United States that have an unfair competitive advantage.

Mr. DINGELL. Madam Speaker, I rise in very strong support of H.R. 4105. I am an original co-sponsor of this wonderfully common-sense bill, which will permit the Department of Commerce to apply countervailing duty orders to non-market economies like China. While the term, "countervailing duty order," is not one on the tip of every American's tongue, it is an extraordinarily important trade enforcement tool. In times like these, we need to be able to use our trade laws to the fullest extent, so we can protect jobs at home and ensure our trading partners play by the rules.

H.R. 4105 is a bipartisan, bicameral bill that will be signed into law by President Obama. It is another step in the right direction for American trade, and it is one that is fully consistent with our World Trade Organization obligations. A flawed decision by the Court of Appeals for the Federal Circuit weakened our country's ability to protect itself from unfair trade practices, and H.R. 4105 will fix it. Most importantly, the bill will help workers and businesses in my home State of Michigan compete fairly on a level playing field.

I commend my good friends, Messrs. CAMP, LEVIN, BRADY, and McDERMOTT for introducing H.R. 4105, and I congratulate House leadership for bringing it to a vote so expeditiously. I urge my colleagues in the Senate to act swiftly, so we can send this measure to President Obama for his signature.

Vote "yes" on H.R. 4105.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to ask my colleagues to join me in support of domestic manufacturing, middle class jobs, and American in-sourcing by voting in favor of H.R. 4105.

Last December, the U.S. Court of Appeals for the Federal Circuit ruled that the Commerce Department could not apply countervailing duties (CVDs) on imports from non-market economies. If this ruling were allowed to stand, it would terminate 23 existing CVD orders on certain imports from China and one from Vietnam.

H.R. 4105 would reverse the court's ruling and make clear the intent of Congress to allow CVDs to be applied to non-market economies.

Several of the endangered CVD orders provide relief to steel and pipe manufacturers, many of which, including VAM Drilling, V&M Star, and TMK IPSCO, are located in or near the 29th District of Texas.

These manufacturers, and the dozens like them throughout the country, have witnessed unfair competition on a mass scale in recent years due to the large subsidies provided by the Chinese government towards their domestic industries.

Without these countervailing duties, tens of thousands of well-paying, middle class jobs would be threatened around the country, including several thousand in the 29th District alone.

As our Nation's economy continues to recover from the Great Recession, and American industry rebounds from a decade of outsourcing and unfair competition, it is important that this Congress support domestic manufacturing and good paying jobs by voting in favor of H.R. 4105.

Mr. TURNER of Ohio. Madam Speaker, the December 2011 ruling by the U.S. Court of Appeals for the Federal Circuit bars the Department of Commerce from applying countervailing duties (CVDs) on goods produced by heavily subsidized foreign companies from non-market economy countries like China and Vietnam.

This ruling is a significant blow to U.S. manufacturers and workers. If action is not taken to remedy the situation, the Department of Commerce could likely be forced to terminate 24 existing CVD orders against unfairly subsidized products from China and Vietnam, including a CVD order to help companies and families in southwest Ohio.

In my community, paper manufacturers New Page, SMART Papers and Appleton Papers, petitioned the International Trade Commission to levy CVDs on subsidized imports of coated fresh-sheet paper from China and Indonesia. In 2008, NewPage was forced to close its sheeting facility for coated paper due to these unfair trade practices, resulting in a loss of 175 Ohio jobs. Just recently, Appleton Papers announced it would cut 330 jobs from the West Carrollton plant in my Dayton community as it struggles against unfair competition.

I strongly backed the application of CVDs against this unfair trade practice and testified before the ITC in support of the petition, which was unanimously approved in 2010. However, the court's recent ruling could negate the ITC's unanimous action and threaten more jobs in my community.

Madam Speaker, we must move swiftly to ensure U.S. manufacturers and workers can compete on a level playing field in the global marketplace. That is why I am an original co-sponsor of H.R. 4105, bipartisan legislation that confirms the Department of Commerce may continue to apply CVDs against unfairly subsidized imports from nonmarket economies like China.

At the same time, with 95 percent of consumers overseas, it is essential that U.S. companies have the opportunity to export their products. U.S. exporters face many non-tariff barriers that violate existing trade agreements, hampering the ability of U.S. companies to access foreign markets and create jobs. My bill, H.R. 3112, the Trade Law Enforcement Act, provides an affordable way for U.S. companies to have their market access complaints investigated and resolved in a manner consistent with U.S. international obligations.

Madam Speaker, I strongly support H.R. 4105 and urge my colleagues to vote yes on this important legislation. I also urge my colleagues to support and co-sponsor my bill, H.R. 3112, to help U.S. manufacturers reach new consumers abroad and spur job creation right here at home.

Mr. VISCLOSKEY. Madam Speaker, I rise in support of H.R. 4105, a measure that will apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries.

Steelworkers and manufacturers in Northwest Indiana need every tool available to them to combat duplicitous trade practices, and this

legislation is critical to preserving their ability to combat such practices by countries such as China.

I applaud the expeditiousness of the House Ways and Means Committee and the House leadership in bringing this important legislation to the floor, and I urge my colleagues to vote "aye."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4105.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 2842, BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT OF 2011

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 570

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. 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 in clause 8 of rule XVIII dated at least one day before the day 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. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the

House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. The chair of the Committee on Financial Services is authorized, on behalf of the committee, to file a supplemental report to accompany H.R. 3606.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlelady from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. BISHOP of Utah. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. This resolution provides for a modified open rule for the consideration of H.R. 2842, succinctly titled the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011. It provides for 1 hour of general debate equally divided between and controlled by the chairman and ranking member of the Committee on Natural Resources and makes in order all amendments which were preprinted in the CONGRESSIONAL RECORD and which otherwise comply with the rules of the House.

□ 1310

So this modified open rule is a very fair and generous rule—a continuation of the work of Chairman DREIER and the Rules Committee—and will provide for a balanced and open debate on the merits of the bill.

Madam Speaker, I am pleased to stand before the House today in support of this rule, as well as the underlying legislation, H.R. 2842. I appreciate the hard work of the bill's chief sponsor, Mr. TIPTON of Colorado, as well as Mr. GOSAR of Arizona, one of the cosponsors. Representative MCCLINTOCK of California, who is the chairman of the subcommittee that held the hearings on this bill, and of course Chairman HASTINGS of the Resource Committee, who brought this bill forward as one of the companion pieces of the myriad of pieces of legislation which, if enacted, would greatly improve our Nation's energy policy and provide for a responsible and balanced approach to further energy development.

With that, Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I thank the gentleman from Utah for yielding me the

customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, in my home State of New York, unemployment continues to remain stubbornly high. Thousands of Americans have given up looking for work altogether. For many, unemployment benefits have expired, and there is little hope that a paycheck will soon be a regular part of daily life.

Despite this dire economic reality, once again we are going through a bill that has nothing to do with job creation. Instead, we have piecemeal proposal after piecemeal proposal to do more to further ideological goals than create jobs.

Instead of creating jobs, today's bill would clarify lines of authority for two government agencies. Is this a worthy goal? Maybe. Some say yes. But does it create thousands of American jobs? The answer is clearly no.

As they have with so many other bills, the majority has also inserted unnecessary partisan language into today's bill language that attacks existing environmental law for no good reason. Specifically, it provides a categorical exemption for all small hydropower projects from National Environmental Policy Act compliance. There is no clear reason for this exemption from environmental protection.

Currently, hydropower projects that don't raise substantive environmental concerns have always been approved relatively quickly. From 2006 to 2010, 13 exemptions were completed in less than a year each. In 2011, there were nine exemptions that were granted in an average of 40 days. Yet, despite seeing a system that works relatively well, the majority decided to once again put industry before the environment and include this controversial provision. This approach may fill a legislative calendar, but it fails to create jobs for the American people.

We could be considering a 5-year surface transportation bill, which everybody's waiting for, something we were supposed to consider weeks ago. A well-written and bipartisan bill—and all the transportation bills from the Eisenhower administration up to now were always bipartisan bills—would have created thousands of American jobs; but, once again, no such bill has come to the floor. Instead, they were forced to pull a proposed surface transportation bill because they had alienated Members of their own party with extreme provisions that would decimate public transportation and fail to create jobs.

Now we continue to wait as the majority works to write a reasonable transportation bill that will actually create jobs. In the meantime, we consider bill after bill that does nothing to create the many thousands of jobs that are so desperately needed.

Madam Speaker, the record is clear. When the majority pushes partisan politics over good governance, the American people lose. Today is the latest in a long line of such partisan bills, and

yet one more day when the American people will go without new American jobs.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), who is the chair of the subcommittee that heard this particular bill.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Speaker, this rule brings to the floor one of the most simple and sensible bills on energy development that we have yet heard. It is H.R. 2842, offered by the gentleman from Colorado (Mr. TIPTON).

What it promises is this: At precisely no cost to taxpayers, freeing up absolutely clean electricity on a scale so vast that it would take several hydroelectric dams to duplicate, simply by relaxing the regulatory stranglehold, simply by getting government bureaucrats out of the way, this bill has the potential of adding thousands of megawatts of absolutely clean and renewable electricity to the Nation's energy supply, reducing utility bills, reducing reliance on fossil fuels, and, to answer the gentlelady from New York, adding thousands of permanent high-paying jobs to the Nation's economy. All that is necessary for this to happen is for government bureaucrats to get out of the way and allow people to place small hydroelectric generators in thousands of miles of existing pipelines, canals, and aqueducts.

This doesn't involve new construction. The facilities are already there. It doesn't involve any adverse impact to the environment. These are water pipes and canals in which there are no fish of any kind. And yet this administration forces water users and developers to go through a lengthy, costly, and pointless environmental review process that literally doubles the cost of these projects and makes them cost prohibitive.

The reason there are so few applications is because the requirements of this absurd law simply make these projects cost prohibitive, and it simply doesn't make sense to move forward with them. This bill simply says this: You don't need to go through that nonsense anymore.

Now, why isn't this bill being taken up on suspension? It would be one of the all-time no-brainers. It passed the Natural Resources Committee on a bipartisan vote. The reason that this debate is required is because this commonsense legislation is vigorously opposed by the environmental left; that is the measure of extremism from which this movement now suffers. Perhaps the best way to alert the American people to this extremism is through debate that this rule makes possible.

A generation ago, in the 1960s, electricity was so cheap that some communities didn't even bother with electricity meters, and there's a reason for

that. In those days, we were building hydroelectric dams that not only protected us from floods and droughts, but that delivered electricity for as little as 3 cents per kilowatt hour. At that price, an average household's electricity bill would come to about \$30 a month. That dream seems surreal today.

Today, government regulations are literally threatening the ability of this Nation to generate sufficient electricity to keep people's air conditioning and refrigerators running in the summer, just as similar policies prevent Americans from prospering from our vast petroleum reserves and nuclear power potential.

It's no coincidence that the States with the most stringent regulations also have the highest electricity prices and the sickest economies. People of my State of California, the land of vast unrealized hydroelectric potential and a pioneer in nuclear power, now use less electricity per capita than any other State in the Union, and yet we pay among the highest electricity prices in the country. We also suffer from one of the highest unemployment rates in the country, despite ceaseless empty promises of green jobs.

Now along comes this bill by Mr. TIPTON of Colorado that does everything the environmental left claims it likes: It produces absolutely clean and renewable electricity in vast quantities at precisely no cost to taxpayers. It requires no new construction. All that's necessary to achieve this is to put small generators in existing pipelines and canals that have already passed environmental review and pose no conceivable environmental impact. Yet, instead of embracing this measure, these radical elements instead throw a conniption fit.

Well, let them do that in public. Let the American people see this debate. Let them see for themselves the nihilistic ideology behind this movement and how it is practiced by those in this Congress who share and support it, and then let the American people judge. I think the debate over this bill will offer our fellow citizens a real insight into this movement, and I support the resolution that makes this debate possible.

Ms. SLAUGHTER. Madam Speaker, if we defeat the previous question—and I hope we will—I'm going to offer an amendment to the rule to provide that immediately after the House adopts the rule, we will bring up H.R. 964, the Federal Price Gouging Prevention Act.

To talk about our proposal, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

□ 1320

Mr. ANDREWS. I thank the gentleman for yielding.

Madam Speaker, 180 days ago, the President of the United States came to

this Chamber and laid out before the country and the Congress some very specific proposals to help put Americans back to work. The President proposed that we give a tax cut to small businesses who hire people. The House has never voted on that proposal. The President proposed that at a time when our bridges and roads and airports and ports need construction and reconstruction, that we put Americans back to work in the construction industry performing those vitally necessary tasks. The House has never voted on that proposal. At a time when police officers and firefighters and teachers are being laid off across our country, the President proposed some short-term relief so we could put our officers back on the beat, our firefighters back on the apparatus, our teachers back in the classroom. The House has never voted on that proposal.

Here we are 6 months later, doing what we're doing today. In that 6 months, another crisis has manifested itself, one that affects Americans across our country more severely every day, and that is each time they fill up their vehicle, it takes just a little bit more money out of their grocery budget, the utility budget, what they use to pay their mortgage payment, what they use to educate their children. The rising price of gasoline is a serious threat to the prosperity and stability of American families.

The president of Exxon has said that his conclusion is that about \$30 of the cost of a barrel of crude oil is attributable to the speculation of prices by people who never really buy, sell or use oil, but who bet on its price: casino gamblers, not deliverers of oil. Goldman Sachs estimates that anywhere from \$22 to \$28 a barrel is also due to speculation, and they ought to know because they're no doubt participating in it.

The bill that we would propose be put on the floor this afternoon would crack down on that speculation. It would require that trades be disclosed; it would empower regulatory agencies to identify illegal price manipulation behavior; and reduce the price of crude oil to American consumers.

There are other ways to do this. I, for one, favor increased domestic production. I think there are ways that we can increase the natural gas and coal and oil that we produce. I certainly think that we should expand renewables as well. But there is one regulatory tool that we have not given our regulators and we ought to give it to them here. The underlying bill is certainly worthy of consideration, but we have an immediate energy problem here in America, an immediate jobs problem. And I would respectfully suggest that the right vote is to defeat the previous question so we may move on and consider legislation that would deal with the current price of gasoline prices.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 3 minutes to

the gentleman from Colorado (Mr. TIPTON), the sponsor of this particular bill, who will talk about how to create real power using water resources that we have.

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

Mr. TIPTON. As a sponsor of this bipartisan legislation, I support the rule on H.R. 2842, and I encourage an open debate because I believe the merits of this bill will speak for themselves. H.R. 2842 is a bipartisan plan to authorize new hydropower production and streamline the regulatory process in order to create new American jobs.

Many rural water and irrigation districts and electric utilities in western States seek to develop hydropower on Bureau of Reclamation water canals and pipelines, but overburdensome and unnecessary regulations stand in the way and discourage investment in these projects. Most of these small projects are not currently authorized at Bureau of Reclamation canals and, as a result, they never get off the ground. Those that are currently authorized are subject to an additional review process under the National Environmental Policy Act even though the canals on which they are built have already gone through a full environmental review when they were constructed or rehabilitated.

H.R. 2842 authorizes the production of hydropower at all Bureau of Reclamation conduits; and by doing so, it allows placement of small hydropower generators on existing man-made canals and pipes that have already gone through the NEPA process. This authorization does not currently exist, and therefore hydropower development under current reclamation law will not happen unless Congress acts. This bill also eliminates duplicative red tape by exempting small hydropower projects on previously disturbed ground from going through an additional NEPA review. This bill does not apply to rivers, large dams, or natural-flowing waters in any way, and it will not impact endangered fish or wildlife.

In many cases, having to go through an additional unnecessary review process determines whether or not a hydropower project is economically feasible and, as a result, determines whether or not this country moves forward with the development of green energy.

Chris Treese of the Colorado Water District in the Natural Resources Committee testified on this bill and he stated:

Environmental reviews under NEPA are universally time consuming and expensive. The River District's current experience with an environmental assessment on a non-construction action has taken over a year and nearly \$1 million in outside expenses.

By eliminating this duplicative requirement, we can add power to the grid, provide an environment for job growth in rural America and return revenues to the Treasury. This commonsense piece of legislation has bipartisan cosponsorship and passed out

of the committee with bipartisan support. It's also been endorsed by the rural irrigators and electric utilities that operate the Bureau of Reclamation canals and know the issue best. These organizations include: the Family Farm Alliance, the National Water Resources Association, the American Public Power Association, and the Association of California Water Agencies.

I'm proud to offer this contribution to the House Republicans of the all-of-the-above energy strategy for America, and I look forward to a spirited discussion on how we can produce more renewable energy and put our people in this country back to work.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentlelady for yielding.

I rise in opposition to the rule and in support of moving the previous question. This motion would amend the bill with strong provisions to stop price gouging at the gas pumps.

We really are long overdue for a serious debate about gas prices. Scoring political points on this issue may make us all feel good, but it serves no one, particularly our constituents; and it certainly doesn't get us any closer to solving the problem.

Here are the facts: domestic production of oil in the United States is at an 8-year high; imports of oil into the United States are at a 17-year low; more oil rigs drill in the United States today than in the rest of the world combined. Let me say that again: there are more oil rigs at work in the United States today drilling for oil than in the rest of the world combined; the number of oil rigs in operation in the United States today has quadrupled since President Obama took office. Last year, the U.S. became a net exporter of oil for the first time in 62 years.

I think what these facts demonstrate very clearly is that this is not a supply-driven problem, nor—as good as it might feel to some—is this a problem that can be blamed on the administration for not doing enough to facilitate or encourage exploration for drilling.

This is not a demand-driven problem either. Demand is down 6½ percent in just 1 year and 17 percent since 2008.

There are several factors that contribute to rising gas prices, but U.S. supply and U.S. demand are not among them.

The gas prices in my district of eastern Long Island are up over 60 cents per gallon in just a matter of weeks. Rampant speculation accounts for most of that with over 60 percent of the market controlled by speculators. The speculators' overriding goal is profit-taking, which is what our legislation targets. There is nothing wrong with profits. Profits are what made our Nation strong. But when profits are pursued at the expense of middle class families or at the expense of our fragile economic recovery, we need to take action.

This legislation makes sure that we do cut out speculators. It strengthens penalties for manipulating the market, which forces up gas prices and leads to price gouging. After we cut out speculators, we should cut out the subsidies for Big Oil, and we should reinvest those dollars in a long-term strategy focused on clean and renewable sources.

Mr. Speaker, our debate should focus on a green-energy policy free of market speculation and subsidies our Nation can't afford. We must tackle this problem rather than using it to point fingers and try to score points. Thus I encourage my colleagues to vote "no" on the previous question and vote "no" on the rule.

Mr. BISHOP of Utah. I reserve the balance of my time.

I advise my colleague that I am prepared to close.

Ms. SLAUGHTER. Madam Speaker, I yield myself the balance of my time.

Millions of Americans remain out of work, countless more run out of unemployment assistance, and meanwhile gas prices continue to rise on every American family; and they are turning to us for much needed relief.

Today's bill does nothing to address these pressing economic issues. Instead, we're doing more busy work on the floor today, preparing to consider a bill that clarifies the responsibility for two government agencies. This type of bill does little to create the many thousands of jobs needed to begin reviving our economy.

I urge my colleagues to end the long delay and finally bring forth two American job-creation legislations so that American families can live with some hope.

□ 1330

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote "no" and defeat the previous question, and I urge a "no" vote on the rule, and I yield back the balance of my time.

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

I am grateful that we have found new sources of energy, specifically oil and natural gas, on private property because it has not allowed the Federal Government to stop the development of those, and that is the growth that we have seen in recent times.

However, it is interesting to note that the bill before us, which deals with hydropower and development of more hydropower, is a bipartisan bill and for just cause. We can both agree, on both sides of the aisle, that there is a great need for more energy, and that

greater, cheaper energy is vital to the growth of the economy and the growth of jobs. That's what this bill tries to do.

Frequently in this House, we have brought bills that have tried to increase our offshore drilling on Federal property. We have talked about the Keystone pipeline and the ability of 20,000 high-paying jobs if it were just permitted. We have talked about trying to increase domestic energy production on public lands that have been put off-limits by this particular administration. Those efforts we have dealt with. We have passed through this House. They're over sitting in the Senate waiting for action. And today we add to that effort with a significant bill that will add to our hydropower and hydroenergy that once again comes along with this.

But the problem that we have and the reason why this bill is here before us, if I can summarize, is, simply, our efforts to add this kind of energy to our portfolio are being stopped by special interest groups and, unfortunately, layers of bureaucracy.

It was Nelson Rockefeller who came up with the great line of calling the deadening hand of bureaucracy on proposals and programs; and, indeed, we see that and we feel it today as we are having a harder time trying to be energy independent, and we are feeling the results of the Federal Government's program to stop energy production on Federal lands and Federal property every time we fill up our cars and, unfortunately, every time we pay our electrical bills.

Now, it is bureaucratic manipulation that is causing this problem and why this bill is here. Look, it was the energy debate and the energy bill of 2005 that told the Federal Government to move forward in this area with making sure that we had a master plan for hydrological development of energy. Seven years later, now the Federal Government and our Department of the Interior is starting to move forward in that direction, which is either the old cliché of paralysis by analysis or the fact that Rockefeller was right when he called the bureaucracy a deadening hand on programs and progress.

One particular program, the Klamath River, took 5 years for government to decide who actually had the authority to move forward on the project. That is the kind of bureaucratic analysis, that's the kind of red tape that is slowing back our efforts to develop this type of energy, and we need it desperately.

That's why H.R. 2842 is here, to develop small projects that will add to our total energy portfolio and add to our independence. It stops and simplifies a regulatory process which unfortunately costs these small efforts, these small entities trying to make these efforts tens of thousands of dollars just to do the paperwork. It's ridiculous.

It clarifies the role of the Bureau of Reclamation on this area. This only

deals with Bureau of Reclamation projects on manmade facilities, but the jurisdictions are not clear. Some jurisdictions have been mandated by Congress; some are administrative; some are questions on whether FERC has responsibility, the Bureau of Reclamation has responsibility. That is causing our slowing in developing these projects. This bill clarifies what that role is.

It also clarifies NEPA, that you don't have to do a second NEPA on these small jobs. Anything greater than 1.5 megawatts of production, you do the analysis again. But for small projects, on man-made property where the land has already been disturbed and already has had an analysis done and the mitigation has already taken place, we move on and do the job.

The Bureau of Reclamation does have a right of categorical exclusion, but they won't do it. All they're saying is, We may start thinking about it some time in the future.

Let me give you an example. There are three specific projects in the neighboring State of mine. One was mandated by Congress in 1990. They are still starting the process because of that administrative red tape. Two other projects took a full year for them to decide to actually start going through a process, and when they did it, they realized there was no change; it had already been done before. All you did is take a year to check off the box and do the expense with it. We had somebody from Arizona come in and testify that the administrator review cost more than the actual construction of the project. That's silly. That is ridiculous.

H.R. 795 deals with this same issue on non-Federal land. This bill deals with this same issue on existing Bureau of Reclamation projects. It's a common-sense development to get an untapped resource that we need to develop. It would not significantly enlarge the environmental footprint because these are already man-made entities who have already gone through the NEPA process once, and there is no rational reason to reinvent the wheel and do it a second time only to find out they were right the first time.

What would be the benefit from this bill?

First of all, new sources of clean energy to add to our portfolio.

Second, we can facilitate small projects to help offset carbon-based irrigation pumping in the West.

Third, it would help reduce the cost of energy. It would produce a cash flow to irrigation districts so they could actually increase and pay for and improve their aging infrastructure and modernize these water facilities.

Fourth, it does create jobs, and for once we have a bill that actually increases revenue coming into the government from this. CBO has estimated, the Congressional Budget Office, that this will generate \$5 million in additional revenue coming into the govern-

ment. So not only can we create more energy, we can do the right thing, we can fix our infrastructure, but we actually make money that comes into the government to help with other issues.

There is a reason this is a bipartisan bill: because it's the right thing to do.

There is a reason why we should move forward with this bill: because it taps a valuable resource that will go to waste if we do not do it.

There is a reason that this bill is here: to speed up the regulatory red tape, to cut through the cost, to make things happen and help us move forward as a Nation with better energy development and energy independence.

There's a whole bunch of good reasons for this bill, and that's why I support the bill, and I also support the rule that will make it possible to give a good and fair open balance to this debate.

With that, this is a good bill and an incredibly fair rule. I urge the adoption.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 570 OFFERED BY  
MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 964) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It

is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the *Republican Leadership Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# APPLYING COUNTERVAILING DUTY PROVISIONS TO NONMARKET ECONOMY COUNTRIES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4105) to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 370, nays 39, not voting 24, as follows:

[Roll No. 96]

YEAS—370

Ackerman	Chu	Gallegly
Adams	Cicilline	Garamendi
Aderholt	Clarke (MI)	Gerlach
Akin	Clarke (NY)	Gibbs
Alexander	Clay	Gibson
Altmire	Cleaver	Gingrey (GA)
Amodel	Clyburn	Gonzalez
Andrews	Coble	Goodlatte
Austria	Coffman (CO)	Gowdy
Baca	Cohen	Granger
Bachus	Cole	Graves (MO)
Baldwin	Conaway	Green, Al
Barletta	Connolly (VA)	Green, Gene
Barrow	Conyers	Griffin (AR)
Bartlett	Cooper	Griffith (VA)
Barton (TX)	Costa	Grijalva
Bass (CA)	Costello	Grimm
Bass (NH)	Courtney	Guinta
Becerra	Cravaack	Guthrie
Benishkek	Crawford	Gutierrez
Berg	Crenshaw	Hahn
Berkley	Critz	Hanabusa
Berman	Crowley	Hanna
Biggert	Cuellar	Harper
Blibray	Culberson	Hartzler
Bilirakis	Cummings	Hastings (FL)
Bishop (GA)	Davis (CA)	Hastings (WA)
Black	Davis (KY)	Hayworth
Blackburn	DeFazio	Heck
Blumenauer	DeGette	Heinrich
Bonamici	DeLauro	Herger
Bonner	Denham	Herrera Beutler
Bono Mack	Dent	Higgins
Boren	DesJarlais	Himes
Boswell	Deutch	Hinchee
Boustany	Diaz-Balart	Hirono
Brady (PA)	Dicks	Hochul
Brady (TX)	Dingell	Holden
Braley (IA)	Dold	Holt
Brooks	Donnelly (IN)	Honda
Brown (FL)	Doyle	Hoyer
Buchanan	Dreier	Huizenga (MI)
Bucshon	Duffy	Hultgren
Buerkle	Duncan (TN)	Hunter
Burton (IN)	Edwards	Hurt
Butterfield	Ellison	Inslee
Calvert	Ellmers	Israel
Camp	Emerson	Issa
Cantor	Engel	Jackson (IL)
Capito	Eshoo	Jackson Lee
Capps	Farenthold	(TX)
Capuano	Farr	Jenkins
Carahan	Filner	Johnson (GA)
Carney	Fitzpatrick	Johnson (IL)
Carson (IN)	Fleischmann	Johnson (OH)
Carter	Forbes	Johnson, E. B.
Cassidy	Fortenberry	Johnson, Sam
Castor (FL)	Fox	Jones
Chabot	Frank (MA)	Keating
Chandler	Frelinghuysen	Kelly

Kildee	Neal	Schock
Kind	Neugebauer	Schrader
King (NY)	Noem	Scott (VA)
Kinzinger (IL)	Nunes	Scott, Austin
Kissell	Nunnelee	Scott, David
Kline	Olson	Sensenbrenner
Landry	Olver	Serrano
Langevin	Owens	Sessions
Lankford	Palazzo	Sewell
Larsen (WA)	Pallone	Sherman
Larson (CT)	Pascarell	Shimkus
Latham	Pastor (AZ)	Shuler
LaTourette	Paulsen	Shuster
Latta	Pelosi	Simpson
Lee (CA)	Pence	Sires
Levin	Peters	Slaughter
Lewis (CA)	Peterson	Smith (NE)
Lewis (GA)	Petri	Smith (NJ)
Lipinski	Pingree (ME)	Smith (TX)
LoBiondo	Pitts	Smith (WA)
Loeb sack	Platts	Stark
Lofgren, Zoe	Poe (TX)	Stivers
Long	Polis	Stutzman
Lowey	Posey	Sullivan
Lucas	Price (GA)	Sutton
Luetkemeyer	Price (NC)	Terry
Lujan	Quigley	Thompson (CA)
Lummis	Rahall	Thompson (MS)
Lungren, Daniel	Reed	Thompson (PA)
E.	Rehberg	Thornberry
Lynch	Reichert	Tiberi
Maloney	Renacci	Tierney
Manzullo	Reyes	Tipton
Marchant	Ribble	Tonko
Marino	Richardson	Towns
Markey	Richmond	Tsongas
Matheson	Rigell	Turner (NY)
Matsui	Rivera	Turner (OH)
McCarthy (CA)	Roby	Upton
McCarthy (NY)	Roe (TN)	Van Hollen
McCaul	Rogers (AL)	Velázquez
McCollum	Rogers (KY)	Walberg
McDermott	Rogers (MI)	Walden
McGovern	Rohrabacher	Walz (MN)
McHenry	Rokita	Wasserman
McIntyre	Rooney	Schultz
McKeon	Ros-Lehtinen	Waters
McKinley	Roskam	Watt
McMorris	Ross (AR)	Waxman
Rodgers	Ross (FL)	Webster
McNerney	Rothman (NJ)	Welch
Meehan	Roybal-Allard	West
Meeks	Royce	Westmoreland
Mica	Runyan	Whitfield
Michaud	Ruppersberger	Wilson (FL)
Miller (MI)	Rush	Wilson (SC)
Miller (NC)	Ryan (OH)	Wittman
Miller, Gary	Ryan (PA)	Wolf
Miller, George	Sanchez, Linda	Womack
Moran	T.	Woodall
Murphy (CT)	Sanchez, Loretta	Woolsey
Murphy (PA)	Sarbanes	Yarmuth
Myrick	Schakowsky	Young (AK)
Nadler	Schiff	Young (FL)
Napolitano	Schilling	Young (IN)

NAYS—39

Amash	Garrett	Mulvaney
Bachmann	Gosar	Nugent
Broun (GA)	Graves (GA)	Pearce
Burgess	Hall	Pompeo
Canseco	Harris	Quayle
Chaffetz	Hensarling	Scalise
Duncan (SC)	Huelskamp	Schmidt
Fincher	Jordan	Schweikert
Flake	Kingston	Scott (SC)
Fleming	Lamborn	Southerland
Flores	Lance	Stearns
Frank (AZ)	Mack	Walsh (IL)
Gardner	McClintock	Yoder

NOT VOTING—24

Bishop (NY)	Gohmert	Moore
Bishop (UT)	Hinojosa	Paul
Campbell	Kaptur	Payne
Cardoza	King (IA)	Perlmutter
Davis (IL)	Kucinich	Rangel
Doggett	Labrador	Schwartz
Fattah	McCotter	Speier
Fudge	Miller (FL)	Visclosky

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Mrs. BACHMANN, Messrs. STEARNS and KINGSTON changed their vote from "yea" to "nay."

Mr. DEUTCH, Mrs. EMERSON, and Mr. SARBANES changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 96, I was unavoidably detained and missed voting on H.R. 4105. Had I not been detained, I would have voted "yea."

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 96, had I been present, I would have voted "yea."

## MOURNING THE PASSING OF CONGRESSMAN DONALD PAYNE

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

Mr. SMITH of New Jersey. Mr. Speaker, it is with deep sorrow that I inform the House that our dear friend and colleague, DON PAYNE, has passed. He had colon cancer.

In a few moments a privileged resolution will be offered on the floor that recognizes and honors this extraordinary man who dedicated his entire life to public service, a man who made a significant difference in the lives of many in his district, in our State, in the Nation, and in the world.

Elected in 1988, after first serving as a Newark city councilman and Essex County freeholder, this high school teacher and coach-turned-politician went on to be the first African American ever to serve in Congress from the State of New Jersey.

DON fought tenaciously to combat the HIV-AIDS pandemic and mitigate the loss of life and morbidity from TB and malaria on the subcontinent of Africa. He coauthored the Sudan Peace Act and worked tirelessly to end the genocide in both South Sudan and Darfur. As a matter of fact, he even risked his life in Somalia—was shot at—in the pursuit of peace.

I know firsthand, Mr. Speaker, how much he truly cared and how hard he worked for peace and reconciliation in war-ravaged nations. I served as the ranking member of the Africa Subcommittee when he chaired it, and he served as the ranking member when I chaired it.

Finally, let me just say that DON PAYNE also served as chairman of the Congressional Black Caucus, and until his untimely death today, chairman of the Congressional Black Caucus Foundation. He was predeceased by his wife, Hazel. DON is also the proud father of three, grandfather of four, and great grandfather of one.

DONALD PAYNE, Mr. Speaker, will be missed.

I yield to my good friend and colleague, Mr. PALLONE.

Mr. PALLONE. I thank my friend.

Mr. Speaker, I can't believe that DON PAYNE is not with us today. I'm looking over there where he would often