

The House will be in a brief recess while the Chamber is being prepared for the photo.

As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph.

About 5 minutes after that, the House will proceed with the business of the House.

For the information of the Members, when the Chair says the House will be in order, we are ready to take our picture. That will be in just a few minutes.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 25 minutes p.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 111th Congress.)

#### RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair in 2 or 3 minutes.

Accordingly (at 4 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 4 o'clock and 29 minutes p.m.

#### NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. NUNES. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intention to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, on May 25, 2007, U.S. District Court Judge Oliver W. Wanger issued a ruling that directed the Bureau of Reclamation to reduce water exports from the Sacramento-San Joaquin River Delta to protect a three-inch minnow called the Delta smelt;

Whereas, on December 15, 2008, the United States Fish and Wildlife Service, based on the Wanger Ruling, issued a Biological Opinion on the Delta smelt that permanently reduced water export from the Sacramento-San Joaquin River Delta which is traditionally delivered to cities and farms in the San Joaquin Valley and the Los Angeles and San Diego basins;

Whereas according to a University of California at Davis study, based on the water reductions outlined in the Delta smelt Biological Opinion, revenue losses in the San Joaquin Valley of California for 2009 will be \$2.2 billion and job losses at 80,000;

Whereas according to the U.S. Bureau of Labor Statistics, the unemployment rate in the San Joaquin Valley has reached the highest level in the Nation;

Whereas region wide unemployment in the San Joaquin Valley of California is nearly 20 percent and some cities have an unemployment rate of 40 percent;

Whereas thousands of people who once relied on employment in the agricultural sector are now unemployed and struggling to meet their most basic needs, such as providing food for their families;

Whereas, on March 1, 2009, the Sacramento Bee reported thousands of people have been turned away from local food banks as supplies are not ample enough to meet local needs;

Whereas, on April 14, 2009, the Fresno County, California, Board of Supervisors proclaimed that the man-made drought has created an economic crisis;

Whereas on June 4, 2009, despite the ongoing man-made drought in California, the National Marine Fisheries Service issued a new Biological Opinion on the spring-run Chinook salmon, Central Valley steelhead, the southern population of North American green sturgeon, and Southern Resident killer whales which further reduces water supplies to Californians;

Whereas, on June 19, 2009, California's Governor Arnold Schwarzenegger declared a state of emergency for Fresno County, California, and petitioned President Barack Obama to declare the county a Federal disaster area;

Whereas on June 28, 2009, the Secretary of the Interior Ken Salazar visited Fresno, California, and held a town hall meeting in which nearly 1,000 people attended to express their dissatisfaction with the lack of action by the Obama Administration;

Whereas, on July 6, 2009, the Los Angeles Times reported that during Interior Secretary Ken Salazar's town hall meeting on June 28, 2009, the Commissioner of the Bureau of Reclamation, Mike Connor, pledged to provide financial aid to starving families and an audience member replied "we don't want welfare, we want water";

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that hundreds of San Joaquin Valley farmers protested outside the Federal Building Plaza in San Francisco which houses Speaker Nancy Pelosi's district office;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported the protestors blamed Speaker Nancy Pelosi and Congressman George Miller for the water shortage in the San Joaquin Valley;

Whereas, on June 29, 2009, CBS 5 Eyewitness News reported that protestors were holding signs that said "ESA Puts Fish Ahead of People", "Congress Created Drought", and "New Endangered Species: The California Farmer";

Whereas, on July 1, 2009, the Fresno Bee reported that a crowd of 4,000 marched through the streets of Fresno, California, to demand that the Federal Government end the man-made drought;

Whereas, on June 18, 2009, the Democrat leadership held open Roll Call Vote 366 for the purpose of changing the outcome of the vote;

Whereas during this vote, House Democrat leadership was seen on the House floor pressuring Members of Congress to change their Aye vote to a Nay vote in order to defeat the

Nunes Amendment which would have helped to relieve the water crisis in California;

Whereas, on July 8, 2009, during the mark-up on the Energy and Water Development and Related Agencies Appropriations Act, 2010, a debate was held on the Calvert Amendment which would have restored water deliveries to Californians;

Whereas during the mark-up, the Chairman of the Appropriations Committee, David Obey, said "Recognize there are certain actions, that if you take, this bill won't pass, your earmarks in the bill won't become law";

Whereas Chairman Obey violated Clause 16 of House Rule 23 by linking passage of the Calvert Amendment to loss of earmarks;

Whereas, on July 14, 2009, despite historical tradition of open rules during the appropriations process, the Rules Committee blocked an amendment to the Energy and Water Development and Related Agencies Appropriations Act, 2010 that would have restored water deliveries to Californians;

Whereas, for two years, the House of Representatives has known about the man-made drought in California without taking legislative action to resolve the crisis;

Whereas the lack of action by the House of Representatives has demonstrated that fish are more important than families;

Whereas article 1, section 8 of the United States Constitution enumerates that the Congress shall have the power to provide for the general welfare of the United States;

Whereas the House of Representatives has willfully and knowingly failed to provide for the general welfare of the San Joaquin Valley of California; and

Whereas the failure of the House of Representatives to carry out its duties has subjected the House to public ridicule and damaged the dignity and integrity of the House of Representatives: Now, therefore, be it

*Resolved*, That the Committee on Natural Resources is instructed to discharge H.R. 3105, the Turn on the Pumps Act of 2009, for immediate consideration by the House of Representatives.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1630

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

# EXTENDING DEADLINE FOR CONSTRUCTION OF PRICE DAM HYDROELECTRIC PROJECT

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2938) to extend the deadline for commencement of construction of a hydroelectric project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2938

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. EXTENSION.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12187, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

## GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, H.R. 2938 would allow the Federal Energy Regulatory Commission to extend the construction deadline for a hydroelectric power plant at the Melvin Price Locks and Dam in Alton, Illinois. Over the past 20 years, there has been great interest in building a hydroelectric plant at this site on the Mississippi River; however, construction of the hydroelectric plant has not happened on this site as of this date.

Last October, Brookfield Power acquired the license to proceed with the construction of the site. When Brookfield applied for an extension of the construction deadline, the company was informed that because of the administrative extensions granted to the previous licensee, congressional action is needed to grant an extension.

Brookfield will lose this license at the end of this month, July 2009. For

that reason, Brookfield and the City of Alton, Illinois, requested legislation to extend the deadline for 6 years.

Passing this legislation is necessary to ensure that Brookfield can bring renewable energy to Illinois and create green jobs. The hydroelectric project will create 404,000 megawatt hours of electricity, the equivalent of 283 barrels of oil. Further, Brookfield will hire 125 workers over a 3-year period and invest over \$400 million to construct the plant.

This bill is cosponsored by my friend and colleague from Illinois, Congressman JOHN SHIMKUS. Both the majority and minority staff of the Energy and Commerce Committee have reviewed and accepted the legislation. FERC has also reviewed the legislation and does not oppose it.

Mr. Speaker, I urge my colleagues to support H.R. 2938.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 2938, a bill that extends the timeline to bring this hydroelectric power plant project in Illinois on line. It gives them another up to 6 years, and ultimately, this would be the decision of the Federal Energy Regulatory Commission. But as they're going through the process right now of permitting and approval, this provides them an additional 6 years to make sure that the project has enough time to get approved and completed and bring this new power source on line.

I would like to yield 3 minutes to my friend from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank my colleague from Louisiana.

Mr. Speaker, I rise today also in support of this legislation. I think it's a good bill because I think hydroelectric power is a good thing for our country, and when we're concerned about getting renewable energy online, there's probably nothing better than hydropower for that.

Unfortunately, in the cap-and-tax bill that was passed by this House over my objection and over the objection of the gentleman from Illinois, there is a provision on page 19, line 12, sub 3, that says, The hydroelectric project installed on the dam is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained.

Now, I share this language with you because the gentleman from Illinois, my friend, talked about the 404,000 watts or megawatts, whatever it is—I didn't jot down the exact amount—would be produced as hydroelectric power and, therefore, renewable energy and create new jobs. My concern is this: that hydropower is being added after this legislation is moving forward.

Should the cap-and-tax bill become law, that hydropower, according to this language, would not be considered as renewable energy for purposes of Illinois meeting the new Federal standard on renewable energy. Because in con-

sultation with two civil engineers I've spoken with who operate hydro projects—many of them and large-scale hydro projects—when I shared this language with them about maintaining the surface elevation at any location in time, they laughed. They said you can't operate a hydro system and not affect the water behind the dam in some way at some point.

And so to disqualify the new hydro—like the gentleman from Illinois is trying to get here—makes no sense to me. Either hydropower is renewable or it's not.

Now, there is another provision in this bill, the cap-and-tax bill, that said hydro that came online after 1988 is renewable but hydro before 1988 is not. Now, you have got water flowing down a river. You've got multiple dams along the way with hydro generation facilities. It's the same water. It just depends on what year the dam was built whether or not that hydropower is considered renewable or not. That doesn't make a lot of sense.

Nor do the provisions in the cap-and-tax bill that said, if woody biomass off a Federal forest comes off of a late successional stand, you can't count the burning of that to produce green energy as renewable energy, but if it came off of a severely damaged tree, it is, although there is no definition for that. And if any woody biomass comes off private, county, State lands, it's all considered renewable energy when it produces electricity when it's burned, but yet there is this restriction on Federal land.

□ 1645

I share that with you because America's Federal forests are terrifically overstocked and subject to catastrophic fire.

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

Mr. SCALISE. I yield the gentleman 1 additional minute.

Mr. WALDEN. We could create more real jobs cleaning up the forest in very depressed communities. I was just out in four counties in my district. I think two, maybe three, are now at over 20 percent unemployment. They have 70, 50 and 80 percent Federal land. This is the great forests of our country that are left to burn up. The woody biomass could be put into clean energy. There are firms willing to invest if they could get supply. Again, the cap-and-trade, cap-and-tax bill harms that effort.

So I share the gentleman's support of this legislation to create and move forward on the hydro project. It's unfortunate if the cap-and-tax bill that passed the House becomes law that hydro will not be considered renewal. That doesn't make sense. And I hope that the Senate can correct this problem.

Mr. COSTELLO. Mr. Speaker, let me thank my colleague for supporting this legislation. I share the same concern that you have with the section that you quoted in the energy bill, and we hope that our friends in the other body