



**Legislative Bulletin.....March 6, 2012**

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**H.R. 2842** - Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011

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**H.R. 2842 - Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011 (Tipton, R-CO)**

**Order of Business:** H.R. 2842 is expected to be considered on the House floor on Tuesday, March 6, 2012, under a modified-open rule, H.Res. 570.

The rule places the resolves the House into the Committee of the Whole house for the consideration of H.R. 2842. The rule provides for one hour of general debate, 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. The rule waives all points of order against the committee’s amendment in the nature of a substitute.

The rule establishes a pre-printing requirement for amendment consideration. In order for an amendment to be considered, it must have been printed in the Congressional Record the day before. The amendments to this legislation are summarized below. After amendment debate, the Committee shall rise and report the bill to the House. Any Member may demand a separate vote in the House on any amendment that was adopted in the Committee of the Whole.

The rule also authorizes the Chair of the Committee on Financial Services to file a supplemental report to accompany H.R. 3606. The rule text can be [found here](#).

**Summary:** H.R. 2842 authorizes the Bureau of Reclamation to offer power privilege leases to an irrigation district or a water users association for hydropower. These leases would allow small conduit hydropower generation to take place at canals and pipes that are under the jurisdiction of the Bureau of Reclamation.

The legislation defines “small conduit hydropower” as a facility capable of producing up to 1.5 megawatts of electric capacity.

H.R. 2842 clarifies that the National Environmental Policy Act of 1969 does not apply to small conduit hydropower development. However, NEPA will still apply for transmission siting on federal land.

### **Amendments Preprinted in the Congressional Record:**

***Napolitano (D-CA):*** This amendment would require small conduit hydropower development to be under the jurisdiction of the National Environmental Policy Act (NEPA). The underlying bill exempts small conduit hydropower development from NEPA's jurisdiction.

***Tipton (R-CO):*** This amendment changes the title of the legislation from the "Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of **2011**" to the "Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of **2012.**" [Emphasis Added]

***Ellison (D-MN):*** This amendment adds a new section to the end of the bill. The amendment prohibits the bill from going into effect until the Secretary of the Interior finds that the legislation will not result in a net job loss. Many conservatives may believe that this amendment will unnecessarily delay removing regulatory burdens.

**Committee Action:** H.R. 2842 was introduced on September 6, 2011, and referred to the House Natural Resources Subcommittee on Water and Power. The subcommittee discharged H.R. 2842 by unanimous consent. The full committee held a markup on October 5, 2011, and approved the legislation by a [roll call vote of 30-12](#).

**Outside Groups:** The legislation is supported by the following groups:

American Public Power Association  
Association of California Water Association  
Family Farm Alliance  
National Water Resources Association

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** CBO estimates that enacting H.R. 2842 would increase offsetting receipts to the government by \$5 million over the 2012-2021 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to House Report 112-301, the legislation contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.<sup>1</sup>

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<sup>1</sup> <http://www.congress.gov/cgi-lis/cpquery/T?&report=hr301&dbname=112&>

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax**

**Benefits/Limited Tariff Benefits?:** The legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** According the sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I. Section 8 the power to make rules for the government and regulation of the land.” Rep. Tipton’s statement can be [viewed here](#).

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