

it is introducing confusing language into an already settled area of the law for consumer protection.

Mr. Speaker, I urge all Members to reject the motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Ms. TITUS. Mr. 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.

#### 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 votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

#### DIRECTING SECRETARY OF ENERGY TO REVIEW AND UPDATE REPORT ON ENERGY AND ENVIRONMENTAL BENEFITS OF RE-REFINING OF USED LUBRICATING OIL

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1733) to direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1733

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

#### SECTION 1. ENERGY SAVINGS FROM LUBRICATING OIL.

Not later than one year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget, shall—

(1) review and update the report prepared pursuant to section 1838 of the Energy Policy Act of 2005;

(2) after consultation with relevant Federal, State, and local agencies and affected industry and stakeholder groups, update data that was used in preparing that report; and

(3) prepare and submit to Congress a coordinated Federal strategy to increase the beneficial reuse of used lubricating oil, that—

(A) is consistent with national policy as established pursuant to section 2 of the Used Oil Recycling Act of 1980 (Public Law 96-463); and

(B) addresses measures needed to—

(i) increase the responsible collection of used oil;

(ii) disseminate public information concerning sustainable reuse options for used oil; and

(iii) promote sustainable reuse of used oil by Federal agencies, recipients of Federal grant funds, entities contracting with the Federal Government, and the general public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Illinois (Mr. RUSH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on the bill.

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 1733, was introduced by Energy and Commerce Committee member SUSAN BROOKS from Indiana on March 27 of this year. The legislation went through regular order, and it was reported by the full committee, without amendment, by a voice vote.

This bill, H.R. 1733, requires the Secretary of Energy to review and update a report on the energy and environmental benefits of re-refining used lubricating oil. The bill reauthorizes a study that was previously directed under the Energy Policy Act of 2005.

We know that recycling used lubricating oil provides environmental benefits. It does, in fact, reduce energy consumption, and, yes, it produces high-quality products for consumers.

H.R. 1733 is a good bipartisan bill. I want to thank Mrs. BROOKS for her hard work on this important issue and the other side of the aisle for working with us to bring the bill to the floor this afternoon.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1733, and I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1733, which would update a 2006 Department of Energy report on the energy and environmental benefits of re-refining used lubricating oil.

Mr. Speaker, H.R. 1733 represents a commonsense bill aimed at saving energy and protecting the environment by finding additional ways to reuse lubricating oil.

Mr. Speaker, these measures may include increasing the collection of used oil, distributing public information on sustainable reuse, and encouraging the recycling of used oils.

Mr. Speaker, the U.S. is responsible for almost one-quarter of the global lubricating oil market; however, unfortu-

nately, Mr. Speaker, we are currently behind our European counterparts in our ability to recycle this product.

Mr. Speaker, this bill will help conserve energy and protect the environment by providing a Federal strategy to re-refine lubricating oil that can be used in all different types of gas and diesel engines.

Mr. Speaker, I would like to commend my colleague from the Energy and Commerce Committee, Mrs. BROOKS from Indiana, for sponsoring this bipartisan bill, and I urge all my colleagues to support this legislation.

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

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Indiana (Mrs. BROOKS), who is a member of the committee and the author of this bill.

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Mrs. BROOKS of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in favor of H.R. 1733.

Like many Hoosiers, I believe in the value of recycling and the benefits it brings to Indiana and our country. This bill would help us understand how we can better recycle lubricating oil.

H.R. 1733 requires a 2006 study mandated by the Energy Policy Act of 2005 be updated to reflect current information about the benefits or re-refined lubricating oil and how its production and use could be increased in the country.

Re-refining removes contaminants from the oil and blends additives to restore the oil to its original effectiveness. Used oil can be re-refined infinitely and is suitable for use in many types of gas and diesel engines. In fact, the Federal Government already requires re-refined oil to be used within many agencies' vehicle fleets and many State and local governments require its use as well.

Ensuring that Congress has up-to-date data on the value of recycled oil will allow legislators to make smarter decisions when developing environmental and energy policies moving forward. By updating this study, companies across the country that produce re-refined oil, like Indiana's own Crystal Clean, will have a better understanding of the latest trends regarding this product and how they can better anticipate the needs of the Federal Government.

I am proud to say that Members on both sides of the aisle supported this bill when it passed through the Energy and Commerce Committee because it is environmentally conscious and supports an all-of-the-above energy strategy.

I thank my colleague, the gentleman from Massachusetts (Mr. KENNEDY) for his continued support on this bill, and the Ranking Member on the Energy Subcommittee, Mr. RUSH, as we introduced this together earlier this year to move this through committee.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. RUSH. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. UPTON. Mr. Speaker, I have no further speakers. I would remind my colleagues that this is a bipartisan bill. I would like to think we can pass this on a voice vote. I, again, commend the gentlewoman from Indiana, our committee, and the staff for getting this done. We hope that the Senate will take it up soon.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 1733.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2872) to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2872

*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 "Promoting Hydropower Development at Existing Nonpowered Dams Act".

### SEC. 2. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

#### "SEC. 34. PROMOTING HYDROPOWER DEVELOPMENT AT EXISTING NONPOWERED DAMS.

"(a) EXPEDITED LICENSING PROCESS FOR NON-FEDERAL HYDROPOWER PROJECTS AT EXISTING NONPOWERED DAMS.—

"(1) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses and preliminary permits, as appropriate, for any facility the Commission determines is a qualifying facility.

"(2) RULE.—Not later than 180 days after the date of enactment of this section, the Commission shall issue a rule establishing an expedited process for issuing and amending licenses and preliminary permits for qualifying facilities under this section.

"(3) INTERAGENCY TASK FORCE.—In establishing the expedited process under this section, the Commission shall convene an interagency task force, with appropriate Federal and State agencies and Indian tribes represented, to coordinate the regulatory processes associated with the authorizations required to construct and operate a qualifying facility.

"(4) LENGTH OF PROCESS.—The Commission shall ensure that the expedited process under this section will result in a final decision on an

application for a license by not later than 2 years after receipt of a completed application for the license.

"(b) DAM SAFETY.—

"(1) ASSESSMENT.—Before issuing any license for a qualifying facility, the Commission shall assess the safety of existing non-Federal dams and other non-Federal structures related to the qualifying facility (including possible consequences associated with failure of such structures).

"(2) REQUIREMENTS.—In issuing any license for a qualifying facility, the Commission shall ensure that the Commission's dam safety requirements apply to such qualifying facility, and the associated qualifying nonpowered dam, over the term of such license.

"(c) INTERAGENCY COMMUNICATIONS.—Interagency cooperation in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license for a qualifying facility under this section, and interagency communications relating to licensing process coordination pursuant to this section, shall not—

"(1) be considered to be *ex parte* communications under Commission rules; or

"(2) preclude an agency from participating in a licensing proceeding under this part.

"(d) IDENTIFICATION OF NONPOWERED DAMS FOR HYDROPOWER DEVELOPMENT.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Commission, with the Secretary of the Army, the Secretary of the Interior, and the Secretary of Agriculture, shall jointly develop a list of existing nonpowered Federal dams that the Commission and the Secretaries agree have the greatest potential for non-Federal hydropower development.

"(2) CONSIDERATIONS.—In developing the list under paragraph (1), the Commission and the Secretaries may consider the following:

"(A) The compatibility of hydropower generation with existing purposes of the dam.

"(B) The proximity of the dam to existing transmission resources.

"(C) The existence of studies to characterize environmental, cultural, and historic resources relating to the dam.

"(D) The effects of hydropower development on release or flow operations of the dam.

"(3) AVAILABILITY.—The Commission shall—

"(A) provide the list developed under paragraph (1) to—

"(i) the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources, of the House of Representatives; and

"(ii) the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources, of the Senate; and

"(B) make such list available to the public.

"(e) DEFINITIONS.—For purposes of this section:

"(1) QUALIFYING CRITERIA.—The term 'qualifying criteria' means, with respect to a facility—

"(A) as of the date of enactment of this section, the facility is not licensed under, or exempted from the license requirements contained in, this part;

"(B) the facility will be associated with a qualifying nonpowered dam;

"(C) the facility will be constructed, operated, and maintained for the generation of electric power;

"(D) the facility will use for such generation any withdrawals, diversions, releases, or flows from the associated qualifying nonpowered dam, including its associated impoundment or other infrastructure; and

"(E) the operation of the facility will not result in any material change to the storage, release, or flow operations of the associated qualifying nonpowered dam.

"(2) QUALIFYING FACILITY.—The term 'qualifying facility' means a facility that is deter-

mined under this section to meet the qualifying criteria.

"(3) QUALIFYING NONPOWERED DAM.—The term 'qualifying nonpowered dam' means any dam, dike, embankment, or other barrier—

"(A) the construction of which was completed on or before the date of enactment of this section;

"(B) that is or was operated for the control, release, or distribution of water for agricultural, municipal, navigational, industrial, commercial, environmental, recreational, aesthetic, drinking water, or flood control purposes; and

"(C) that, as of the date of enactment of this section, is not generating electricity with hydropower generating works that are licensed under, or exempted from the license requirements contained in, this part."

### SEC. 3. OBLIGATION FOR PAYMENT OF ANNUAL CHARGES.

Section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) is amended by adding at the end the following:

"(5) Any obligation of a licensee for payment of annual charges under this subsection shall commence when the construction of the applicable facility commences."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Illinois (Mr. RUSH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material in the RECORD on the bill.

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 2872, was introduced by Energy and Commerce Committee member LARRY BUCSHON in June of this year. The legislation went through regular order and was reported by the full committee with a bipartisan amendment by a voice vote.

This bill promotes hydropower by development at existing nonpowered dams by establishing an expedited licensing process that will result in a final decision on an application in 2 years or less. We know hydropower is a clean, renewable, and reliable source of energy that provides low-cost electricity to millions of Americans.

As we have learned through hearings at the Energy and Commerce Committee, the current regulatory process places new hydropower projects at existing nonpowered dams at a significant disadvantage. The current process takes way too long and it creates too much uncertainty, burdening consumers with additional unnecessary costs and preventing jobs and economic opportunities.

This bill, H.R. 2872, makes important changes to the process to enable FERC to issue a decision in 2 years or less. The legislation also requires that FERC, as well as the U.S. Army Corps of Engineers and the Department of the