

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

Interior, to develop a list of existing nonpowered Federal dams that have the greatest potential for non-Federal hydropower development.

This is a good bipartisan bill. I thank Dr. BUCSHON for his hard work on this important issue and for working with our colleagues across the aisle to bring the bill to the floor.

Mr. Speaker, I urge all my colleagues to support this bill, and I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REP-
RESENTATIVES,

Washington, DC, December 12, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR CHAIRMAN WALDEN: I write concerning H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

I recognize and appreciate your desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Transportation and Infrastructure will forego action on the bill. However, this is conditional on our mutual understanding that foregoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Lastly, should a conference on the bill be necessary, I request your support for the appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

I would ask that a copy of this letter and your response acknowledging our jurisdictional interest be included in the Congressional Record during consideration of the measure on the House floor, to memorialize our understanding.

I look forward to working with the Committee on Energy and Commerce as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 12, 2017.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and
Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter concerning H.R. 2872, Promoting Hydropower Development at Existing Nonpowered Dams Act.

I appreciate your committee's willingness to forego action on H.R. 2872 so that this legislation may be brought before the House of Representatives in an expeditious manner. I agree that foregoing consideration of the bill does not prejudice your committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within your committee's Rule X jurisdiction. In addition, should a conference on the bill be necessary, I will support your request for the appropriate appointment of conferees from the Committee on Transportation and Infrastructure during any House-Senate conference convened on this or related legislation.

I will place a copy of your letter and this response into the Congressional Record dur-

ing consideration of the measure on the House floor.

Sincerely,

GREG WALDEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, December 12, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 2872, Promoting Hydropower Development at Existing Nonpowered Dams Act. The bill contains provisions within the Rule X jurisdiction of the Natural Resources Committee.

In the interest of permitting you to proceed expeditiously to floor consideration of this very important bill, the Committee foregoes further consideration of the bill. I do so with the understanding that the Natural Resources Committee does not waive any future jurisdictional claim over the subject matter contained in the bill that fall within its Rule X jurisdiction. I also request that you support my request to name members of the Natural Resources Committee to any conference committee to consider such provisions. Finally, please place this letter into the committee report on H.R. 2872 and into the Congressional Record during consideration of the measure on the House floor.

Thank you for the cooperative spirit in which you and your staff have worked regarding this matter and others between our respective committees.

Sincerely,

ROB BISHOP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 12, 2017.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR CHAIRMAN BISHOP: Thank you for your letter concerning H.R. 2872, Promoting Hydropower Development at Existing Nonpowered Dams Act.

I appreciate your willingness to forgo action on the bill so that it can proceed expeditiously to floor consideration. I agree that the Natural Resources Committee does not waive any future jurisdictional claim over the subject matter contained in the bill that fall within its Rule X jurisdiction. I will support your request to name members of the Natural Resources Committee to any conference committee to consider such provisions. Finally, I will place this letter into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

GREG WALDEN,
Chairman.

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

Mr. Speaker, I rise in strong support of H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act.

Mr. Speaker, I commend my colleague from the Energy and Commerce Committee, Mr. BUCSHON from Indiana, for sponsoring this bipartisan piece of legislation. I would also like to acknowledge the committee staffs from both the majority and minority sides for working together in good faith to develop a bill that resolved the differences between the two sides as we proceeded through the committee proc-

ess in order to get the bill onto the floor here today.

Mr. Speaker, I am a huge proponent of hydropower as a safe, reliable, carbon-free way of providing energy to millions of Americans, especially when the licensing process is conducted in a reasonable and transparent manner that takes into account environmental safeguards as well as the rights and interests of the affected local communities.

Mr. Speaker, I believe that H.R. 2872 encompasses all of these objections. H.R. 2872 would allow FERC, in consultation with Federal and State resource agencies, as well as Native American Tribes, to establish an expedited licensing process for installing hydropower generation at existing dams that don't produce electricity by exempting these projects from regulation under the Federal Power Act.

Mr. Speaker, under this bill, FERC would be required to provide a final decision on license applications within 2 years of receiving a completed application for new generation projects at nonpowered dams that are completely constructed as of the date of the bill's enactment and which aren't generating electricity through hydropower. Eligible projects, Mr. Speaker, must not result in any material change to the storage, release, or flow operations of the dam.

H.R. 2872 would also require FERC to establish an interagency task force, consisting of relevant Federal and State agencies, as well as Native American Tribes, that would all coordinate the authorizations necessary to license the facility.

FERC would also be required to gauge the safety of non-Federal dams under consideration and to require the facility to meet the Commission's dam safety requirements throughout the term of the license.

Additionally, Mr. Speaker, FERC would work with the U.S. Army Corps of Engineers, as well as the Interior and Agriculture Departments, to develop a list of existing nonpowered federally owned dams with the greatest potential for non-Federal hydropower development.

Finally, Mr. Speaker, H.R. 2872 would exempt hydropower applicants from having to pay annual fees associated with the licenses until construction actually commences on the project.

Mr. Speaker, H.R. 2872 represents a major step in the right direction for increasing our ability to issue hydropower permits in a fair, transparent, and expedited way, and I urge all of my colleagues to support this notable bill.

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

Mr. UPTON. Mr. Speaker, I want to say that I appreciate the gentleman's willingness to work on these bills together. I really appreciate his hard work.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BUCSHON), the sponsor of this legislation, in support of this bill.

Mr. BUCSHON. Mr. Speaker, I thank the gentleman for yielding.

Whether it is turning on the light above the kitchen table in a home or powering heavy machinery in a factory, the American people expect there to be reliable and affordable energy to power their lives and our economy. That is why it is important that we take advantage of all forms of American-made energy.

According to Department of Energy estimates, there are more than 50,000 suitable nonpowered dams across the country that collectively have the technical potential to add 12 gigawatts of hydropower capacity. To put that in context, that is the same potential capacity as two dozen coal-fired power plants.

Back home in Indiana, there are six nonpowered dams located in the Eighth District that could benefit from an expedited permitting process that promotes hydropower generation and provides quality Hoosier jobs.

Unfortunately, unnecessary government red tape is preventing us from taking advantage of clean, renewable energy from hydropower at existing nonpowered dams. The current regulatory process simply takes too long, taking up to a decade to approve a project, which stifles the investment needed to bring additional capacity at existing dams online.

We have the opportunity to change this with H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act. Specifically, this legislation cuts through the red tape and instructs FERC to create an expedited permitting process that will result in a final decision on an application in just 2 years or less.

Streamlining the permitting process for qualifying nonpowered dam projects represents an important first step in modernizing our existing infrastructure. Additionally, it will incentivize investments in clean hydropower development, allowing us to take advantage of an American source of energy.

I applaud both sides of the aisle for their work to reach a bipartisan solution, and I ask my colleagues to support H.R. 2872.

Mr. RUSH. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LOEBSACK), an outstanding member of the subcommittee.

Mr. LOEBSACK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act.

Iowa has become a national leader in renewable energy. Currently, my State provides over 40 percent of its electricity from renewable sources, including over 37 percent from wind power alone. But there is a lot of potential.

In 2012, the U.S. Department of Energy found that there is over 12,000 megawatts of untapped hydropower po-

tential in the Nation's existing dams. That is enough electricity to power 4 million homes. That same report ranked Iowa 10th in available energy capacity in the United States if these nonpowered dams were converted, with the potential to generate 427 megawatts.

□ 1400

Renewable energy development like hydropower has created thousands of good-paying jobs across Iowa. My district is the home of three hydroelectric generation plants and will soon be the home of the second largest hydro plant in the State, the Red Rock Hydroelectric Project. Upon completion, Red Rock will produce upwards of 36 megawatts of energy. That is enough electricity to power the nearby city of Pella, and it has led to hundreds of jobs across the State of Iowa.

However, projects like Red Rock and others have been slowed by a cumbersome licensing process as has been mentioned by folks on both sides of the aisle here. Congress must work to streamline the hydropower licensing processes so that more clean, renewable energy and domestic energy can be brought onto the grid for the American consumer, while also ensuring that these projects do not harm the environment. This is why I am proud to have worked with Mr. BUCSHON and my colleagues on the Energy and Commerce Committee to bring this commonsense, job-creating, bipartisan legislation to the floor today.

Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), the chairman of the full committee.

Mr. WALDEN. Mr. Speaker, I thank my colleagues on both sides of the aisle for their great work on this: Mr. RUSH from Illinois and, of course, the former chairman of the Energy and Commerce Committee, my friend, Mr. UPTON, and our other committee members who put so much into these important pieces of legislation.

To date, the committee has worked in a bipartisan manner to examine and advance thoughtful solutions that prioritize consumers, support American businesses and jobs, and protect the environment. These commonsense, bipartisan bills we are considering today continue this very strong and bipartisan effort.

As many of you have heard me discuss before, hydropower plays an integral role in electricity generation across our great country as well as in my home State of Oregon. In fact, nearly 43 percent of electricity in Oregon comes from this dependable base load power resource, and it has supported jobs along the Columbia River and throughout the State.

Two of the three bills under consideration today build upon the committee's work promoting this emissions-free energy resource. In fact, the House of

Representatives has already passed 10 Energy and Commerce Committee bills that promote hydropower and modernize the licensing process so we can get these projects to market faster.

H.R. 2872, the Promoting Hydropower Development at Existing Nonpowered Dams Act, is authored by my good friend from Indiana and committee member, LARRY BUCSHON. Dr. BUCSHON's legislation would promote hydropower development by expediting the licensing process for these types of facilities: dams that could have hydropower put on them, but don't right now. We want to take advantage of that power.

H.R. 2872 also requires the Federal Energy Regulatory Commission, U.S. Army Corps of Engineers, and Department of the Interior to develop a list of existing nonpowered Federal dam facilities across the country that have the greatest potential for non-Federal hydropower development.

What we want to know is: Where are these dams already in existence so we can put a generator on, in effect, and generate electricity and create electricity without emission?

The second hydropower bill under consideration was authored by our distinguished Oversight and Investigations Subcommittee vice chairman, MORGAN GRIFFITH, from Virginia. Now, Mr. GRIFFITH's bill, H.R. 2880, the Promoting Closed-Loop Pumped Storage Hydropower Act, unanimously passed the committee last week. This promotes what is called closed-loop pumped storage hydropower development by streamlining the licensing for such facilities.

Fundamentally, what happens is you generate power; and, when there is surplus power, it pumps, puts water on top of a reservoir, and then when you need to generate energy at peak times, the water comes back down through a pipe, through another generator, back into a lower elevation reservoir, and you repeat the cycle. It just really acts like a battery in some respects and produces, again, emissions, free hydropower.

The third bill under consideration today was authored by our committee member Representative SUSAN BROOKS from Indiana, H.R. 1733. Now, this directs the Secretary of Energy to update the Federal strategy for recycling used lubricating oil.

Recycling used lubricating oil provides environmental benefits, reduces energy consumption, which is important, and produces high-quality products for consumers across our country.

Mr. Speaker, cumulatively, these bills underscore the Energy and Commerce Committee's willingness to reach across the aisle and work together in a bipartisan way to find commonsense solutions that make a difference for people across the country that improve the environment and generate emissions-free energy.

Mr. Speaker, I thank my colleagues and the staff on both sides of the committee for their great work in this case.

Mr. Speaker, I urge all of my colleagues to support these measures and get them to the President's desk.

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

Mr. UPTON. Mr. Speaker, I, too, have no further speakers.

Mr. Speaker, I again commend members on both sides of the aisle for getting this bill to the floor, and the staff. I appreciate the leadership for scheduling this, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). 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. 2872, as amended.

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

A motion to reconsider was laid on the table.

PROMOTING CLOSED-LOOP PUMPED STORAGE HYDROPOWER ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2880) to amend the Federal Power Act to promote closed-loop pumped storage hydropower, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2880

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 Closed-Loop Pumped Storage Hydropower Act".

SEC. 2. CLOSED-LOOP PUMPED STORAGE PROJECTS.

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. CLOSED-LOOP PUMPED STORAGE PROJECTS.

"(a) EXPEDITED LICENSING PROCESS FOR CLOSED-LOOP PUMPED STORAGE PROJECTS.—

"(1) IN GENERAL.—As provided in this section, the Commission may issue and amend licenses and preliminary permits, as appropriate, for closed-loop pumped storage projects.

"(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 closed-loop pumped storage projects 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 closed-loop pumped storage projects.

"(4) LENGTH OF PROCESS.—The Commission shall ensure that the expedited process under this section will result in final decision on an application for a license by not later than 2 years after receipt of a completed application for such license.

"(b) DAM SAFETY.—Before issuing any license for a closed-loop pumped storage project, the

Commission shall assess the safety of existing dams and other structures related to the project (including possible consequences associated with failure of such structures).

"(c) EXEMPTIONS FROM OTHER REQUIREMENTS.—

"(1) IN GENERAL.—In issuing or amending a license or preliminary permit pursuant to the expedited process established under this section, the Commission may grant an exemption from any other requirement of this part with respect to any part of the closed-loop pumped storage project (not including any dam or other impoundment).

"(2) CONSULTATION.—In granting an exemption under paragraph (1), the Commission shall consult with the United States Fish and Wildlife Service and the State agency exercising administration over the fish and wildlife resources of the State in which the closed-loop pumped storage project is or will be located, in the manner provided by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

"(3) TERMS AND CONDITIONS.—In granting an exemption under paragraph (1), the Commission shall include in any such exemption—

"(A) such terms and conditions as the Fish and Wildlife Service, National Marine Fisheries Service, and the State agency described in paragraph (2) each determine are appropriate to prevent loss of, or damage to, fish and wildlife resources and to otherwise carry out the purposes of the Fish and Wildlife Coordination Act; and

"(B) such terms and conditions as the Commission deems appropriate to ensure that such closed-loop pumped storage project continues to comply with the provisions of this section and terms and conditions included in any such exemption.

"(4) FEES.—The Commission, in addition to the requirements of section 10(e), shall establish fees which shall be paid by an applicant for a license for a closed-loop pumped storage project that is required to meet terms and conditions set by fish and wildlife agencies under paragraph (3). Such fees shall be adequate to reimburse the fish and wildlife agencies referred to in paragraph (3) for any reasonable costs incurred in connection with any studies or other reviews carried out by such agencies for purposes of compliance with this section. The fees shall, subject to annual appropriations Acts, be transferred to such agencies by the Commission for use solely for purposes of carrying out such studies and shall remain available until expended.

"(d) TRANSFERS.—Notwithstanding section 5, and regardless of whether the holder of a preliminary permit for a closed-loop pumped storage project claimed municipal preference under section 7(a) when obtaining the permit, the Commission may, to facilitate development of a closed-loop pumped storage project—

"(1) add entities as joint permittees following issuance of a preliminary permit; and

"(2) transfer a license in part to one or more nonmunicipal entities as co-licensees with a municipality, if the municipality retains majority ownership of the project for which the license was issued.

"(e) 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 closed-loop pumped storage project submitted pursuant to 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.

"(f) DEVELOPING ABANDONED MINES FOR PUMPED STORAGE.—

"(1) WORKSHOP.—Not later than 6 months after the date of enactment of this section, the Commission shall hold a workshop to explore

potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

"(2) GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Commission shall issue guidance to assist applicants for licenses or preliminary permits for closed-loop pumped storage projects at abandoned mine sites.

"(g) QUALIFYING CRITERIA FOR CLOSED-LOOP PUMPED STORAGE PROJECTS.—

"(1) IN GENERAL.—The Commission shall establish criteria that a pumped storage project shall meet in order to qualify as a closed-loop pumped storage project eligible for the expedited process established under this section.

"(2) INCLUSIONS.—In establishing the criteria under paragraph (1), the Commission shall include criteria requiring that the pumped storage project—

"(A) cause little to no change to existing surface and groundwater flows and uses; and

"(B) is unlikely to adversely affect species listed as a threatened species or endangered species under the Endangered Species Act of 1973."

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 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. 2880, was introduced by Energy and Commerce Committee member MORGAN GRIFFITH in June of this year. The legislation went through regular order, and it was reported by the full committee with a bipartisan amendment by a voice vote.

The bill promotes closed-loop pumped storage hydropower projects by establishing an expedited licensing process that is going to result in a final decision on an application in 2 years or less.

We know that hydropower is a clean, renewable, and reliable source of energy that provides low-cost electricity to millions of Americans across the country. Closed-loop pumped storage is different than conventional hydro. These types of projects move water between two reservoirs located at different elevations in order to store energy and then generate that electricity.