

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.

As we have learned through hearings at the Energy and Commerce Committee, the complete regulatory process places new pumped storage hydropower projects at a significant disadvantage.

Pumped storage hydro has been around for almost 100 years, but with more intermittent renewables coming online, the need for grid-scale storage is more important than ever. The current process to license pumped storage takes way too long and creates too much uncertainty, burdening consumers with additional unnecessary costs and preventing jobs and economic opportunities.

This bill makes important changes to the process to enable FERC to issue a decision in 2 years or less. The legislation also requires FERC to hold a workshop to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

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

Mr. Speaker, I urge all of my colleagues to support this legislation, 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. 2880, the Promoting Closed-Loop Pumped Storage Hydropower Act.

Mr. Speaker, as I have stated many times before, I am a strong supporter of hydropower, which provides clean, renewable, carbon-free, reliable energy for millions of American businesses and households. Therefore, Mr. Speaker, I must commend my Energy and Commerce Committee colleague Mr. GRIFFIN from Virginia for sponsoring this important, bipartisan piece of legislation. I must also applaud the work of the committee staff from both sides of the aisle for their tireless work in negotiating a bill that I believe all Members can fully support.

Mr. Speaker, closed-loop pump hydroelectric storage facilities operate in a capacity similar to batteries in that when there is a surplus of energy, water is pumped to an upper reservoir, and when more energy is needed, that water can then be released to produce electricity through the use of turbines.

Mr. Speaker, H.R. 2880 would require FERC to create an expedited licensing process for closed-loop pumped storage projects within 2 years of receiving a completed application. FERC would also be required to issue a rule establishing the new process within 180 days of this bill's enactment.

Mr. Speaker, in order to ensure local stakeholder input and collaboration, FERC will establish an interagency task force representing Federal and State agencies, as well as Native American Tribes, that would coordinate the authorizations needed to license the facility.

H.R. 2880, Mr. Speaker, would also direct FERC to evaluate the safety of

any dam or other existing structure that would be associated with a project and specify that potential projects could not cause significant changes to surface and groundwater uses or adversely impact threatened or endangered species.

Mr. Speaker, H.R. 2880 would, for the first time, allow additional entities, including private partners, to join as co-licensees with municipalities in order to take advantage of the municipal preference. That preference would continue for such a private-public partnership even at the point that the municipality does not retain a majority interest in the project.

H.R. 2880, Mr. Speaker, also mandates FERC to hold a workshop and issue guidance within 6 months of enactment to assist license applicants for closed-loop pumped storage projects at abandoned mine sites. Mr. Speaker, this provision would allow for these abandoned mines, many of which may already have the infrastructure in place to accommodate these projects, to be repurposed, potentially putting unemployed mining communities back to work.

So, Mr. Speaker, H.R. 2880 is a much-needed, bipartisan, critical piece of legislation that would help to increase the number of low-carbon hydropower projects, while also taking into account the needs and interests of impacted local stakeholders. I strongly support this bill, Mr. Speaker, and I urge all of my colleagues to do the same.

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

□ 1415

Mr. UPTON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GRIFFITH), the author of the bill.

Mr. GRIFFITH. Mr. Speaker, I want to thank Chairman WALDEN and Chairman UPTON for their cooperation and input. The teams on both sides of the aisle, the chairman of the full committee, and the chairman of the subcommittee have worked really hard to advance this important bill, and I thank them.

Hydropower is an essential component of an all-of-the-above energy strategy. We have a tremendous opportunity to expand renewable hydropower production. However, without some much-needed licensing improvements, we risk losing investment opportunities in new hydropower infrastructure.

In particular, closed-loop pumped storage hydro projects offer the opportunity to store energy for use when it is needed. In essence, it is a giant natural battery. H.R. 2880, the Promoting Closed-Loop Pumped Storage Hydropower Act, establishes an expedited licensing process for these projects.

This bill cuts unnecessary red tape that currently accompanies approval of these projects, hindering energy security and job creation.

I am excited about the possibility that some are exploring to build these facilities in abandoned mines and/or the coal fields of central Appalachia. As a part of this, H.R. 2880 also requires FERC to hold a workshop to explore the potential opportunities for development of closed-loop projects in abandoned mine sites.

I am hopeful this will be a real benefit to our coal field regions in the form of jobs, economic development, and energy security; and I am proud of what we are doing here in an effort to make this happen.

If we can repurpose some of these mines or bring jobs in to central Appalachia that don't currently exist, it is an energy region and it is a region that understands the energy issues, and as people want to get rid of coal—I support keeping coal—but all of the above requires we also do hydropower.

I urge my colleagues to help us create new jobs in these regions by supporting this bipartisan, commonsense legislation promoting closed-loop hydropower development.

Mr. RUSH. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. PETERS), another notable outstanding member of the subcommittee.

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

I also thank Mr. GRIFFITH for introducing the Promoting Closed-Loop Pumped Storage Hydropower Act. He did valuable work to make this the bipartisan version we see today.

More electricity from hydropower is key to meeting our clean energy goals, to reducing harmful emissions that pollute our air and water and contribute to climate change.

Hydropower is one of the few carbon-free energy sources that provides a steady baseload of electricity. This bill will give closed-loop hydropower projects an expedited process for approval from FERC. It will consider interagency input through a new task force and provide appropriate protection for wildlife and endangered species while helping us grow emissions-free energy.

These closed-loop projects often integrate other forms of renewable energy, like solar, to develop a power generation cycle that is clean, secure, and reliable.

In San Diego, where large rivers and typical hydropower generation are less common, closed-loop pumped storage hydropower offers an innovative solution and can have other benefits to the region's energy and reservoir systems.

In my district, the Lake Hodges Pumped Storage Project has provided clean energy since 2012, and a new project at the San Vicente Reservoir is being considered now.

We must consider to have productive bipartisan conversations like these that produce the ultimate goal of streamlining the regulatory process so that hydropower projects can be approved more quickly while still meeting high environmental standards.

I would also like to thank Energy and Commerce Committee leadership and staff for helping advance this bill to the floor, and I urge my colleagues to support this bill.

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

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

Again, I want to commend my colleagues for pushing this legislation, for working with both sides of the aisle. Again, my congrats to my counterpart, my ranking member on the Energy Subcommittee, and all my colleagues.

Mr. Speaker, I would urge my colleagues to vote "yes," and 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. 2880, 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.

#### EXTENDING AUTHORITY TO CONDUCT TELEWORK TRAVEL EXPENSES TEST PROGRAMS

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4171) to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4171

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

#### SECTION 1. EXTENSION OF AUTHORITY TO CONDUCT TELEWORK TRAVEL EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5711(g) of title 5, United States Code, is amended by striking "7 years after the date of the enactment of the Telework Enhancement Act of 2010" and inserting "on December 31, 2020".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as though enacted on December 1, 2017.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Florida (Mrs. DEMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

#### GENERAL LEAVE

Mr. GIANFORTE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 4171, a bill I introduced with Congressman CONNOLLY, to extend Federal agencies' authority to conduct a telework pilot program.

The Telework Enhancement Act of 2010 provided Federal agencies, and specifically the U.S. Patent and Trademark Office, with the authority to conduct a pilot program to incentivize telework. The pilot program allows agencies to waive the reimbursement of travel costs for teleworking employees who return to headquarters for mandatory training programs.

Both agencies and employees benefit from this arrangement. Agencies benefit from having an additional tool for recruitment and retention. Agencies also realize cost savings by allowing employees to work at different locations.

For example, according to the USPTO, its telework program saved \$77.4 million in fiscal year 2016 alone. The savings are related to lower real estate costs and increased personnel retention.

In turn, teleworking employees can work from almost anywhere in the United States. The teleworking program moves USPTO employees into the communities that they serve. For example, in my State of Montana, the pilot program allowed the USPTO to place patent examiners in Bozeman, Butte, Billings, and Missoula.

Teleworking can grow opportunities in our communities that aren't close to highly populated areas that house Federal agencies. It has the promise of bringing more good-paying jobs to Montana and other rural areas across the country.

Now that agencies are seeing the cost savings associated with telework, this pilot program can be wound down. Absent congressional action, this program expired last week. However, the USPTO has requested an extension in order to allow it to budget for increased travel expenses related to paying for employees to return to agency headquarters in northern Virginia or one of its regional offices. This bill extends the program for 3 years.

I thank the congressman from Virginia (Mr. CONNOLLY), for working with me in a bipartisan fashion to bring this bill to the floor. I urge my colleagues to support the bill.

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

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

Mr. Speaker, I want to thank Representative GIANFORTE and Representative CONNOLLY for their work on this bipartisan bill to extend the authority for agencies to conduct telework pilot programs for travel expenses. The current authority for this program expired on December 9 of this year, so passage of this bill is urgently needed. The bill extends the program until December 13 of 2020.

In February of 2012, the United States Patent and Trademark Office

used this authority to initiate the Telework Enhancement Act Pilot Program. This program allows USPTO employees to work throughout the country and waives the requirement that the agency pay their travel costs for mandatory trips back to its headquarters.

According to the USPTO, the program significantly expanded the agency's teleworking workforce and allowed it to hire and retain a highly skilled workforce. The USPTO also estimates that this program has saved the agency more than \$77 million in fiscal year 2016, including \$17 million in avoided real estate costs and nearly \$32 million in reduced recruitment expenses.

The agency also cites increased productivity, work hours, employee morale, and decreased environmental impacts as benefits of the pilot. Given its benefits, it makes sense to authorize an extension of this pilot program.

Mr. Speaker, I include in the RECORD a letter that the Oversight Committee received from The National Treasury Employees Union yesterday supporting the bill.

THE NATIONAL TREASURY  
EMPLOYEES UNION,  
December 11, 2017.

DEAR REPRESENTATIVE: As National President of the National Treasury Employees Union, representing over 150,000 federal employees in 31 different agencies, I am writing to express NTEU's views on HR 4171, a bill to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, which is scheduled to be considered by the House tomorrow.

NTEU represents the trademark attorneys at the U.S. Patent and Trademark Office (PTO). The enhanced telework program has allowed employees to work and live in various communities across the nation, saving PTO office property costs and reducing employee turnover. We support the bipartisan legislation for a short-term extension of the pilot, which we believe has been a success for both the PTO and employees. We believe, with the expiration of this new extension, that the agency will have the experience to be able to allow national telework while covering employee travel costs.

Sincerely,

ANTHONY M. REARDON,  
National President.

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

Mr. GIANFORTE. Mr. Speaker, I would make the gentlewoman from Florida (Mrs. DEMINGS) aware that I have no further speakers and I am prepared to close.

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

Mrs. DEMINGS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentlewoman from Florida and the author of the legislation and manager for their leadership on this issue as members of the Oversight Committee and indicate that I rise to support H.R. 4171.

I am a member of the Judiciary Committee and have worked very hard on patent and trade issues, and particularly the patent office, and I see this as