



June 20, 2017

TO: Members, Subcommittee on Energy  
FROM: Committee Majority Staff  
RE: Subcommittee on Energy Markup

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## I. INTRODUCTION

The Subcommittee on Energy will meet in open markup session on Thursday, June 22, 2017, at 10:00 a.m. in 2123 Rayburn House Office Building to consider the following:

- H.R. \_\_\_\_, Hydropower Policy Modernization Act of 2017;
- H.R. \_\_\_\_, Enhancing State Energy Security Planning and Emergency Preparedness Act;
- H.R. 2786, to amend the Federal Power Act with respect to the criteria and process to qualify a qualifying conduit hydropower facility;
- H.R. 2883, Promoting Cross-Border Energy Infrastructure Act; and,
- H.R. 2910, Promoting Interagency Coordination for Review of Natural Gas Pipelines Act.

## II. EXPLANATION OF LEGISLATION

### A. H.R. \_\_, Hydropower Policy Modernization Act of 2017

The legislation modifies the definition of renewable energy under the Energy Policy Act of 2005 to include hydropower, provides the Federal Energy Regulatory Commission (FERC) with discretion to extend the period of preliminary permits, and extends time limits for construction of hydropower facilities. The legislation also requires FERC to consider project-related investments that resulted in new development, construction, capacity, efficiency improvements, or environmental measures in determining the term of the license.

The legislation designates FERC as the lead agency for the purposes of coordinating all applicable Federal authorizations and establishes coordinated procedures for the licensing of hydropower projects. The legislation also establishes procedures for trial-type hearings conducted by an Administrative Law Judge to resolve disputes relating to conditions and fishway prescriptions under Part I of the Federal Power Act. In addition, the legislation facilitates the timely and efficient completion of license proceedings by minimizing duplication of studies and establishing a program to compile a comprehensive collection of studies and data on a regional or basin-wide scale.

**B. H.R. \_\_\_\_\_, Enhancing State Energy Security Planning and Emergency Preparedness Act**

The legislation amends the energy emergency planning requirements of the Energy Policy and Conservation Act to strengthen the ability of States to secure the energy infrastructure of the United States against physical and cybersecurity threats and to mitigate the risk of energy supply disruptions. In addition, the legislation establishes necessary elements a State must include in developing a State energy security plan. A State's energy security plan must address physical and cyber threats across the energy sector and systems, include a State energy profile, identify risks to energy infrastructure, including cross-sector interdependencies, specify risk mitigation approaches to enhance reliability and end-use resilience, and address multi-State and regional coordination and planning.

**C. H.R. 2786, to amend the Federal Power Act with respect to the criteria and process to qualify a qualifying conduit hydropower facility**

The legislation promotes the development of small conduit hydropower facilities by requiring FERC to determine whether a facility meets qualifying small conduit facility criteria within 30 days of receipt of a notice of intent to construct. The legislation also strikes the five megawatt cap on qualifying conduit hydropower facilities.

**D. H.R. 2910, Promoting Interagency Coordination for Review of Natural Gas Pipelines Act**

The legislation reinforces FERC's role as the lead agency for siting interstate natural gas pipelines by directing FERC to identify and invite all agencies considering an aspect of an application to establish a schedule for concurrent reviews, and to impose deadlines for final decisions.

**E. H.R. 2883, Promoting Cross-Border Energy Infrastructure Act**

The legislation replaces the Presidential Permit process, established through Executive Order, with a uniform and transparent process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity. The legislation authorizes FERC to issue a certificate of crossing for border-crossing facilities consisting of oil or natural gas pipelines and the Secretary of Energy for border-crossing facilities consisting of electric transmission facilities.

**III. STAFF CONTACTS**

If you have any questions regarding this hearing, please contact Brandon Mooney, Annelise Rickert, or Tom Hassenboehler of the Committee staff at (202) 225-2927.