

J. BENNETT JOHNSTON WATERWAY HYDROPOWER
EXTENSION ACT OF 2017

JUNE 12, 2017.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. WALDEN, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

[To accompany H.R. 2457]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 2457) to extend the deadline for commencement of construction of certain hydroelectric projects, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “J. Bennett Johnston Waterway Hydropower Extension Act of 2017”.

SEC. 2. EXTENSION.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbers 12756, 12757, and 12758, the Commission may, at the request of the licensee for the applicable project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend the time period during which such licensee is required to commence the construction of its applicable project for up to 3 consecutive 2-year periods from the date of the expiration of any extension issued by the Commission under that section for such project.

(b) OBLIGATION FOR PAYMENT OF ANNUAL CHARGES.—Any obligation of a licensee for a project described in subsection (a) for the payment of annual charges under section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) shall commence when the construction of the project commences.

(c) REINSTATEMENT OF LICENSE; EFFECTIVE DATE FOR EXTENSION.—

(1) REINSTATEMENT.—If the time period required for commencement of construction of a project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license for such project, effective as of the date of the expiration of the license.

(2) EFFECTIVE DATE FOR EXTENSION.—If the Commission reinstates a license under paragraph (1) for a project, the first extension authorized under subsection (a) with respect to such project shall take effect on the effective date of such reinstatement under paragraph (1).

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PURPOSE AND SUMMARY

H.R. 2457 authorizes Federal Energy Regulatory Commission (FERC) to extend the time period during which a licensee is required to commence the construction of Commission project numbers 12756, 12757, and 12758 for up to 3 consecutive 2-year periods.

COMMITTEE ACTION

The Committee on Energy and Commerce has not held hearings on the legislation.

On June 7, 2017, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 2457, as amended, favorably reported to the House by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. There were no record votes taken in connection with ordering H.R. 2457 reported.

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee has not held hearings on this legislation.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 2457 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Con-

gressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to authorize the FERC to extend the time period during which a licensee is required to commence the construction of Commission project numbers 12756, 12757, and 12758 for up to 3 consecutive 2-year periods.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 2457 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

earmark, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 2457 contains no earmarks, limited tax benefits, or limited tariff benefits.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, the Committee finds that H.R. 2457 contains no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 provides that the Act may be cited as the “J. Bennett Johnston Waterway Hydropower Extension Act of 2017.”

Section 2. Extension

Section 1 would authorize FERC to extend the time period during which the licensee is required to commence the construction of Commission project numbers 12756, 12757, and 12758 for up to 3 consecutive 2-year periods. Such action may be taken at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of section 13 of the Federal Power Act, and the Commission's procedures.

Any obligation of the licensee for the project of annual charges under section 10(e) of the Federal Power Act shall commence on the expiration of the time period to commence construction of the project.

If the period required for commencement of construction of the project has expired prior to the date of the enactment of this Act, the FERC may reinstate the license for the project effective as of the date of its expiration and the first authorized extension shall take effect on the date of such expiration.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

