

EXTENSION OF TIME FOR THE FEDERAL ENERGY REGULATORY COMMISSION HYDROELECTRIC PROJECT NUMBERED 1651

SEPTEMBER 26, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BARTON of Texas, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany S. 244]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (S. 244) to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

Purpose and Summary	1
Background and Need for Legislation	2
Hearings	2
Committee Consideration	2
Committee Votes	2
Committee Oversight Findings	3
Statement of General Performance Goals and Objectives	3
New Budget Authority, Entitlement Authority, and Tax Expenditures	3
Earmark	3
Committee Cost Estimate	3
Congressional Budget Office Estimate	3
Federal Mandates Statement	4
Advisory Committee Statement	4
Constitutional Authority Statement	4
Applicability to Legislative Branch	4
Section-by-Section Analysis of the Legislation	4
Changes in Existing Law Made by the Bill, as Reported	5

PURPOSE AND SUMMARY

The purpose of S. 244 is to extend the deadline for commencement of construction of a 1.5 megawatt hydroelectric project, the Swift Creek Project (No. 1651), in Wyoming.

BACKGROUND AND NEED FOR LEGISLATION

Section 13 of the Federal Power Act, 16 U.S.C. §806 (2000), provides that after the issuance by the Federal Energy Regulatory Commission (FERC) of a hydroelectric license, the licensee must begin construction of the project within the time specified in the license, which can be no more than two years after issuance of the license. FERC may extend this deadline to begin construction by two years. Thus, under the statute, FERC may allow a licensee a maximum of four years from the date of license issuance to begin construction of the hydroelectric project. Section 13 also provides that if the licensee does not begin construction within the time specified in the license or as extended by FERC, then, after due notice, the license shall be terminated by order of FERC. Congress can extend the construction deadline beyond what FERC may authorize through appropriate legislation.

S. 244 authorizes FERC to extend the license for this project for three consecutive two-year periods from the expiration date of the original extension issued.

This bill will allow the further development of hydroelectric energy.

HEARINGS

The Subcommittee on Energy and Commerce held a hearing on nuclear waste storage and disposal policy, and hydroelectric license extension and energy efficiency legislation, on September 13, 2006. The Subcommittee received testimony from: The Honorable Edward F. Sproat III, Director, Office of Civilian Radioactive Waste Management, U.S. Department of Energy; Mr. Luis A. Reyes, Executive Director for Operations, U.S. Nuclear Regulatory Commission; The Honorable Stan Wise, Chairman, Georgia Public Service Commission, on behalf of: National Association of Regulatory Utility Commissioners; Mr. Anthony F. Earley Jr., Chairman and CEO, DTE Energy Company, on behalf of: Nuclear Energy Institute; Ms. Michelle Boyd, Legislative Director, Public Citizen; The Honorable C. L. "Butch" Otter, Member, U.S. House of Representatives; The Honorable Alan B. Mollohan, Member, U.S. House of Representatives; and Mr. J. Mark Robinson, Director of the Office of Energy Projects, Federal Energy Regulatory Commission.

COMMITTEE CONSIDERATION

On Wednesday, September 20, 2006, the Committee on Energy and Commerce met in open markup session and ordered S. 244 favorably reported to the House, without amendment, by a voice vote, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives 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 S. 244 reported. A motion by Mr. Deal to order S. 244 favorably reported to the House, without amendment, was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has not held oversight or legislative hearings on this legislation.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of this legislation is to authorize FERC to extend the deadline to commence construction of a hydroelectric power project in the State of Wyoming for up to three consecutive two-year periods.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that S. 244, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

EARMARK

In compliance with H. Res. 1000 as passed by the House of Representatives on September 14, 2006, the Committee finds that S. 244, a bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, contains no earmarks.

COMMITTEE COST ESTIMATE

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.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 26, 2006.

Hon. JOE BARTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 244, an act to extend the deadline for commencement of construction of a hydroelectric project in the state of Wyoming.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

S. 244—An act to extend the deadline for commencement of construction of a hydroelectric project in the state of Wyoming

CBO estimates that implementing S. 244 would have no net effect on the federal budget. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 244 would authorize the Federal Energy Regulatory Commission (FERC) to extend the deadline for construction of a hydroelectric project (number 1651) in Lincoln County, Wyoming. These provisions could have a minor impact on FERC's workload. Because FERC recovers 100 percent of its costs through user fees, any change in its administrative costs would be offset by an equal change in the fees that the commission charges. Hence, the legislation's provisions would have no net budgetary impact.

Because FERC's administrative costs are limited in annual appropriations, S. 244 would not affect direct spending or revenues.

On February 14, 2005, CBO transmitted a cost estimate for S. 244 as ordered reported by the Senate Committee on Energy and Natural Resources on February 8, 2005. The estimated costs of the two versions of the legislation are the same.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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.

ADVISORY COMMITTEE STATEMENT

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

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

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. Extension of time for Federal Energy Regulatory Commission project

Section 1 authorizes FERC to extend the time period in which the licensee is required to commence the construction of Project No.

1651 for three consecutive two-year periods from the expiration date of the original extension issued.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

