

Calendar No. 536

115TH CONGRESS
2D SESSION

S. 1142

To extend the deadline for commencement of construction of certain hydroelectric projects.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2017

Mr. CASSIDY (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 30, 2018

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To extend the deadline for commencement of construction of certain hydroelectric projects.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. EXTENSION.**

2 (a) **IN GENERAL.**—Notwithstanding the time period
3 specified in section 13 of the Federal Power Act (16
4 U.S.C. 806) that would otherwise apply to Federal Energy
5 Regulatory Commission project numbers 12756, 12757,
6 and 12758, the Commission may, at the request of the
7 licensee for the applicable project, and after reasonable no-
8 tice, in accordance with the good faith, due diligence, and
9 public interest requirements of that section and the Com-
10 mission's procedures under that section, extend the time
11 period during which such licensee is required to commence
12 the construction of its applicable project for up to 3 con-
13 secutive 2-year periods from the date of the expiration of
14 the extension originally issued by the Commission under
15 that section for such project.

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

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

24 (1) **REINSTATEMENT.**—If the time period re-
25 quired for commencement of construction of a
26 project described in subsection (a) has expired prior

1 to the date of the enactment of this Act, the Com-
 2 mission may reinstate the license for such project,
 3 effective as of the date of the expiration of the li-
 4 cense.

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

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “J. Bennett Johnston Wa-
 13 terway Hydropower Extension Act of 2018”.*

14 **SEC. 2. EXTENSION.**

15 (a) *IN GENERAL.*—Notwithstanding the time period
 16 specified in section 13 of the Federal Power Act (16 U.S.C.
 17 806) that would otherwise apply to Federal Energy Regu-
 18 latory Commission project numbers 12756, 12757, and
 19 12758, the Commission may, at the request of the licensee
 20 for the applicable project, and after reasonable notice, in
 21 accordance with the good faith, due diligence, and public
 22 interest requirements of that section and the procedures of
 23 the Commission under that section, extend the time period
 24 during which the licensee is required to commence the con-
 25 struction of the applicable project for up to 3 consecutive

1 *2-year periods from the date of the expiration of the exten-*
2 *sion originally issued by the Commission.*

3 **(b) REINSTATEMENT OF LICENSE.**—*If the time period*
4 *required for commencement of construction of a project de-*
5 *scribed in subsection (a) has expired prior to the date of*
6 *enactment of this Act—*

7 *(1) the Commission may reinstate the license for*
8 *the applicable project effective as of the date of the ex-*
9 *piration of the license; and*

10 *(2) the first extension authorized under sub-*
11 *section (a) shall take effect on that expiration.*

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