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H.R. 2786 — To amend the Federal Power Act with respect to the criteria and process to qualify as a qualifying conduit hydropower facility (Hudson, R-NC)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on July 18, 2017 under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 2786](#) would reduce the regulatory review period for conduit hydropower facility projects that would like to qualify under [12 U.S.C. 823a](#), which exempts certain projects from needing a license. The bill would also allow for larger conduit project to be eligible for the exemption.

COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

There are no substantive concerns

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Under [12 U.S.C. 823a](#), certain conduit hydropower facilities that are used predominantly for the distribution of water and not the generation of electricity are not required to be licensed by the Federal Energy Regulatory Commission (FERC). Projects that would like to qualify under this section must file with the FERC. If the FERC makes an initial determination that the facility does qualify and within 45 days and entity contests the determination, the FERC must issue a written determination of the facility's qualification. If no entity contests within 45 days, the facility is deemed to meet the criteria. H.R. 2786 would shorten the 45-day timeline in both instances to 30 days. In addition, the bill would allow facilities with installed capacities over 5 megawatts to qualify.

The House Report (H.Rept. 115-213) accompanying H.R. 2786 can be found [here](#).

COMMITTEE ACTION:

H.R. 2786 was introduced on June 6, 2017 where it was referred to the Committee on Energy and Commerce.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: Congress has the power to enact this legislation pursuant to the following: "Article 1, Section 8". No specific enumerating clause was cited.

H.R. 2828 – To extend the deadline for commencement of construction of a hydroelectric project (Newhouse, WA-04)

CONTACT: [Amanda Lincoln](#), 202-226-2076

FLOOR SCHEDULE:

Expected to be considered July 18, 2017 under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 2828](#) would require the Federal Energy Regulatory Commission (FERC) to extend the deadline for initiating construction of a hydroelectric project (number 12569) at the [Enloe Hydroelectric Project](#) in Washington.

COST:

No Congressional Budget Office (CBO) estimate is available at this time.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 2828 would require FERC to extend the time period at the request of the licensee for the project, and after reasonable notice, for up to 3 consecutive 2-year periods during which the licensee is required to commence construction of a hydroelectric project at the Enloe Hydroelectric Project in Washington. Under current law, a license is automatically revoked if the licensee does not begin construction within two years of issuance, or within a maximum of four years if FERC uses its authority to extend the deadline. The Enloe project was originally licensed in on July 9, 2013. The license was scheduled to be automatically revoked on July 9, 2017, and construction has not yet commenced.

COMMITTEE ACTION:

This bill was introduced on June 8, 2017. The bill was referred to the House Committee on Energy and Commerce.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: "Article 1, Section 8, Clause 18, Congress may enact laws necessary and proper to the execution of its enumerated powers. As this legislation solely amends the amount of time available for execution of

previously granted authority, it is merely technical in nature and an appropriate exercise of Congress' authority to amend its previous actions through necessary and proper statutes.”

H.R. 3050 — Enhancing State Energy Security Planning and Emergency Preparedness Act of 2017 (Upton, R-MI)

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Expected to be considered on July 18, 2017 under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3050](#) would renew an expired authorization to provide financial assistance to states to develop and implement state energy plans. The bill would also specify what must be included in the plan to be eligible for financial assistance.

COST:

No Congressional Budget Office (CBO) estimate is available at this time.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** Some conservatives may be concerned this bill would renew the authorization for financial assistance to states that was allowed to expire.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This bill would add a new section to the Energy Policy and Conservation Act ([42 U.S.C. 6321 et seq.](#)). The new section would allow funding to be used to implement, review and revise a state's energy security plan that assesses existing circumstances, proposes methods to strengthen the state's ability and consult energy infrastructure owners and operators. The plans must: (1) address all fuels; (2) provide a state energy profile; (3) address potential hazards to each energy system; (4) provide energy infrastructure risk assessments; (5) provide an approach to risk mitigation to enhance reliability and end-use resilience; and, (6) address regional coordination planning and response.

The state's energy office must, to the extent practicable, work with their public utility commission, private energy providers and others who maintain energy reliability.

States are not eligible for financial assistance unless the governor submits an energy plan that meets the requirements and makes any necessary revisions to the plan after annual reviews. The Secretary of Energy can provide technical assistance and information to governors who request such assistance in developing, revising or implementing their plan.

The bill includes a sunset date of October 31, 2022.

The bill renews the authorization under [42 U.S.C. 6325](#) that expired in 2012. The appropriation is authorized from 2018-2022 and is reduced from \$125 million for each fiscal year to \$90 million for each fiscal year.

While under [42 U.S.C. 6323](#) the secretary is already required to provide funds to governors who request financial assistance to develop, implement and modify state energy plans, this bill would specify what must be included in the state energy plans to be eligible for financial assistance.

COMMITTEE ACTION:

This bill was introduced on June 23, 2017 and referred to the House Committee on Energy and the Environment. A mark-up was held and the bill was reported by voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: "Article I, Section 8, Clause 1 of the United States Constitution".

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