

112TH CONGRESS
1ST SESSION

H. R. 795

To expand small-scale hydropower.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2011

Mr. SMITH of Nebraska (for himself and Mr. COSTA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expand small-scale hydropower.

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 “Small-Scale Hydro-
5 power Enhancement Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONDUIT.—The term “conduit” means any
9 tunnel, canal, pipeline, aqueduct, flume, ditch, or
10 similar manmade water conveyance that is operated

1 for the distribution of water for agricultural, munic-
2 ipal, or industrial consumption and not primarily for
3 the generation of electricity.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 **SEC. 3. APPLICABILITY OF LAW.**

7 Notwithstanding any other provision of law, a hydro-
8 electric project that uses only a non-federally owned con-
9 duit to generate electric power that does not exceed 1.5
10 megawatts and that, on or before the date of enactment
11 of this Act, is not licensed under, or exempted from the
12 license requirements contained in, part I of the Federal
13 Power Act (16 U.S.C. 792 et seq.) shall not be required
14 to be licensed under part I of such Act.

15 **SEC. 4. INCLUSION OF CERTAIN FACILITIES IN REPORT**
16 **AND STUDY.**

17 The Secretary shall—

18 (1) not later than 6 months after the date of
19 enactment of this Act, revise and update the study
20 and report required under section 1834 of the En-
21 ergy Policy Act of 2005 (Public Law 109–58) to in-
22 clude facilities that would result in less than 1 mega-
23 watt of capacity;

1 (2) to the maximum extent practicable, consult
2 with non-Federal and noncontracting interests in im-
3 plementing this section; and

4 (3) implement this section on a nonreimburs-
5 able basis.

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