

117TH CONGRESS
2D SESSION

S. 4540

To amend the Water Resources Reform and Development Act of 2014 to improve provisions relating to the development of hydropower at Corps of Engineers facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2022

Mr. DAINES (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Water Resources Reform and Development Act of 2014 to improve provisions relating to the development of hydropower at Corps of Engineers facilities, and for other purposes.

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. EXPEDITING HYDROPOWER AT CORPS OF EN-**
4 **GINEERS FACILITIES.**

5 Section 1008 of the Water Resources Reform and De-
6 velopment Act of 2014 (33 U.S.C. 2321b) is amended—

1 (1) in subsection (b)(1), by inserting “and to
 2 meet the requirements of subsection (b)” after
 3 “projects”;

4 (2) by redesignating subsections (b) and (c) as
 5 subsections (c) and (d), respectively;

6 (3) by inserting after subsection (a) the fol-
 7 lowing:

8 “(b) IMPLEMENTATION OF POLICY.—The Secretary
 9 shall—

10 “(1) ensure that the policy described in section
 11 (a) is implemented nationwide in an efficient, con-
 12 sistent, and coordinated manner; and

13 “(2) assess opportunities—

14 “(A) to increase the development of hydro-
 15 electric power at existing hydroelectric water re-
 16 sources development projects of the Corps of
 17 Engineers; and

18 “(B) to develop new hydroelectric power at
 19 nonpowered water resources development
 20 projects of the Corps of Engineers.”; and

21 (4) by adding at the end the following:

22 “(e) PROGRAM MANAGER FOR NON-FEDERAL HY-
 23 DROELECTRIC POWER DEVELOPMENT.—

24 “(1) DESIGNATION.—The Chief of Engineers
 25 shall designate an employee of the Corps of Engi-

neers as a Program Manager for Non-Federal Hydroelectric Power Development (referred to in this subsection as the ‘Program Manager’).

“(2) REQUIREMENTS.—The Program Manager shall—

“(A) not be otherwise involved in the review of any Corps of Engineers permit to develop hydroelectric power at Corps of Engineers civil works projects; and

“(B) be located at the headquarters office of the Corps of Engineers.

“(3) RESPONSIBILITIES.—With respect to the development of non-Federal hydroelectric power at Corps of Engineers civil works projects, the Program Manager shall—

“(A) ensure timely and consistent review of permits across Corps of Engineers districts and levels;

“(B) answer questions within the Corps of Engineers, or facilitate communication between developers and the Corps of Engineers, concerning Corps of Engineers permits;

“(C) answer questions from developers regarding the permitting process of the Corps of Engineers;

1 “(D) coordinate with the Federal Energy
2 Regulatory Commission on licensing matters;

3 “(E) facilitate timely action on all aspects
4 of Federal permitting required for hydropower
5 development; and

6 “(F) ensure that new hydropower produc-
7 tions are designed and operated with environ-
8 mentally sustainable technologies and manage-
9 ment plans.

10 “(4) REPORTING.—Not later than 90 days after
11 the date of enactment of this subsection, the Chief
12 of Engineers shall submit to Congress a report on
13 the implementation of this subsection and subsection
14 (b).”.

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