

114TH CONGRESS
1ST SESSION

S. _____

To amend the Federal Power Act to provide licensing procedures for certain types of projects.

IN THE SENATE OF THE UNITED STATES

Mr. KING introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Federal Power Act to provide licensing procedures for certain types of 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 “Small Hydropower De-
5 pendent Regulatory Order Act of 2015” or the “Small
6 HyDRO Act of 2015”.

7 **SEC. 2. LICENSING PROCEDURES FOR CERTAIN TYPES OF**
8 **PROJECTS.**

9 Part I of the Federal Power Act (16 U.S.C. 792 et
10 seq.) is amended by adding at the end the following:

1 **“SEC. 34. LICENSING PROCEDURES FOR CERTAIN TYPES OF**
2 **PROJECTS.**

3 “(a) DEFINITION OF COVERED PROJECT.—In this
4 section, the term ‘covered project’ means a project—

5 “(1) that does not alter the existing flowrate of
6 the body of water the project is on; and

7 “(2)(A) that has a power production capacity
8 that is not more than 5 megawatts; or

9 “(B) to power a nonpowered dam.

10 “(b) SPECIAL CATEGORY OF LICENSE.—Notwith-
11 standing any other provision of this part, a license with
12 respect to a covered project shall only be issued in accord-
13 ance with this section.

14 “(c) APPLICATION.—An applicant for a license for a
15 covered project under this section shall submit to the Com-
16 mission an application for a license in such form and man-
17 ner and requiring such information as the Commission
18 may require.

19 “(d) REBUTTABLE PRESUMPTION.—In deciding
20 whether to issue any license for a covered project under
21 this section, there shall be a rebuttable presumption that
22 the license be issued.

23 “(e) ENVIRONMENTAL COMPLIANCE.—For purposes
24 of issuing a license under this section, if there is a conflict
25 between any environmental analysis prepared by the Com-
26 mission under the National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) with respect to the covered
2 project and any environmental analysis prepared by any
3 other Federal or State agency under that Act, the Com-
4 mission shall resolve the differences.

5 “(f) TERM OF LICENSE.—The term of a license for
6 a covered project issued under this section shall be 10
7 years.

8 “(g) DEADLINE FOR ISSUANCE.—Not later than 180
9 days after the date on which the Commission receives an
10 application for a license for a covered project under sub-
11 section (c), the Commission shall—

12 “(1) approve the license and issue the license;

13 or

14 “(2) disapprove the license.”.