

119TH CONGRESS
1ST SESSION

S. _____

To require the Federal Energy Regulatory Commission to extend the time period during which licensees are required to commence construction of certain hydropower projects.

IN THE SENATE OF THE UNITED STATES

Mr. DAINES (for himself, Mr. FETTERMAN, Mr. CASSIDY, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Federal Energy Regulatory Commission to extend the time period during which licensees are required to commence construction of certain hydropower 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. EXTENSION OF TIME TO COMMENCE CON-**
4 **STRUCTION OF CERTAIN HYDROPOWER**
5 **PROJECTS.**

6 (a) DEFINITION OF COVERED PROJECT.—In this sec-
7 tion, the term “covered project” means a hydropower

1 project with respect to which the Federal Energy Regu-
2 latory Commission issued a license before March 13, 2020.

3 (b) AUTHORIZATION OF EXTENSION.—Notwith-
4 standing section 13 of the Federal Power Act (16 U.S.C.
5 806), on the request of a licensee of a covered project,
6 the Federal Energy Regulatory Commission may, after
7 reasonable notice and for good cause shown, extend in ac-
8 cordance with subsection (c) the period during which the
9 licensee is required to commence construction of the cov-
10 ered project for not more than an additional 6 years be-
11 yond the 8 years authorized by that section.

12 (c) PERIOD OF EXTENSION.—An extension of time
13 to commence construction of a covered project under sub-
14 section (b) shall—

15 (1) consist of not more than 3 consecutive 2-
16 year periods;

17 (2) begin on the date on which the final exten-
18 sion of the period for commencement of construction
19 granted to the licensee under section 13 of the Fed-
20 eral Power Act (16 U.S.C. 806) expires; and

21 (3) end on the date that is not more than 6
22 years after the latest date to which the Federal En-
23 ergy Regulatory Commission is authorized to extend
24 the period for commencement of construction under
25 that section.

1 (d) REINSTATEMENT OF EXPIRED LICENSE.—If the
2 time period required under section 13 of the Federal
3 Power Act (16 U.S.C. 806) to commence construction of
4 a covered project expires after December 31, 2023, and
5 before the date of enactment of this Act—

6 (1) the Federal Energy Regulatory Commission
7 may reinstate the license for the applicable project
8 effective as of the date of expiration of the license;
9 and

10 (2) the extension authorized under subsection
11 (b) shall take effect on the date of that expiration.