

119TH CONGRESS
2D SESSION

H. R. 9806

To amend the Federal Power Act to address certain alterations in, and the maintenance and repair of, project works, to provide for the licensing of micro hydrokinetic energy projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2026

Mr. LANGWORTHY (for himself and Ms. SCHRIER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Power Act to address certain alterations in, and the maintenance and repair of, project works, to provide for the licensing of micro hydrokinetic energy projects, 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. SHORT TITLE.**

4 This Act may be cited as the “Fair Licensing for Op-
5 erations of Water Structures Act” or the “FLOWS Act”.

1 **SEC. 2. HYDROPOWER MAINTENANCE AND TEMPORARY AD-**
2 **JUSTMENTS.**

3 (a) ALTERATIONS IN PROJECT WORKS.—Section
4 10(b) of the Federal Power Act (16 U.S.C. 803(b)) is
5 amended by adding at the end the following: “Except as
6 previously provided in this subsection, the Commission
7 shall require prior approval of a ‘substantial alteration or
8 addition’ to project works or to project operations con-
9 sisting of any significant modification of the project works
10 or operation of the project that is not in conformity with
11 the project plans previously approved by the Commission.
12 The Commission shall not require approval of any alter-
13 ation or addition other than a substantial alteration or ad-
14 dition as determined pursuant to regulations promulgated
15 under section 2(c) of the Fair Licensing for Operations
16 of Water Structures Act or any temporary variance to the
17 project operations necessitated by circumstances beyond
18 the reasonable control of the licensee, including extreme
19 weather, natural disasters, equipment failures, or other
20 unforeseen circumstances.”.

21 (b) MAINTENANCE AND REPAIR OF PROJECT
22 WORKS.—Section 10(c) of the Federal Power Act (16
23 U.S.C. 803(c)) is amended by inserting after the first sen-
24 tence the following: “The Commission shall not require ap-
25 proval or an amendment to a project license for any rou-
26 tine maintenance, repair, or replacement of any portion

1 of a project works necessary to maintain the project works
2 in accordance with this subsection.”.

3 (c) GUIDANCE AND PROCESS.—

4 (1) GUIDANCE.—Not later than 90 days after
5 the date of enactment of this Act, the Federal En-
6 ergy Regulatory Commission shall issue a notice of
7 proposed rulemaking proposing a process or consid-
8 erations for determining a “substantial alteration or
9 addition”, “nonsubstantial alteration or addition”,
10 and “routine maintenance, repair, or replacement”
11 to a hydropower project works based on the results
12 of the Notice of Inquiry of the Federal Energy Reg-
13 ulatory Commission entitled “Authorizations for
14 Certain Post-Licensing Activities at Hydroelectric
15 Projects” (90 Fed. Reg. 53310; Docket No. RM26–
16 3–000) issued on November 20, 2025, initially
17 scheduled to close on January 26, 2026, but ex-
18 tended and officially closed on February 10, 2026.

19 (2) PROCESS.—Not later than 180 days after
20 the date of issuance of the notice of proposed rule-
21 making under paragraph (1), and after public notice
22 and opportunity for comment, the Federal Energy
23 Regulatory Commission shall promulgate a final rule
24 establishing—

1 (A) standards for determining a “substan-
2 tial alteration or addition”, “nonsubstantial al-
3 teration or addition”, and “routine mainte-
4 nance, repair, or replacement” to a hydropower
5 project works; and

6 (B) a formal process, as appropriate, for
7 determining whether a proposed alteration or
8 addition constitutes a “substantial alteration or
9 addition” under the final rule that requires ap-
10 proval of the Federal Energy Regulatory Com-
11 mission under section 10(b) of the Federal
12 Power Act (16 U.S.C. 803(b)).

13 (3) EFFECT.—The rule promulgated under
14 paragraph (2) shall establish a process or consider-
15 ations for determining which licensee-requested
16 project alterations require the approval of the Fed-
17 eral Energy Regulatory Commission.

18 (d) SAVINGS CLAUSE.—Nothing in this section or an
19 amendment made by this section—

20 (1) affects any authority of the Federal Energy
21 Regulatory Commission—

22 (A) to require notice from a licensee under
23 subsection (a) or (b) of section 10 of the Fed-
24 eral Power Act (16 U.S.C. 803); or

1 (B) to enforce requirements of that section
2 or the terms of a license issued under part I of
3 the Federal Power Act (16 U.S.C. 792 et seq.)
4 with respect to the safety of any dam and ap-
5 purtenant works and structures; or

6 (2)(A) precludes any prompt, informal consulta-
7 tion between the licensee and the Federal Energy
8 Regulatory Commission, at the request of the li-
9 censee or the Federal Energy Regulatory Commis-
10 sion, with respect to the safety of any dam and ap-
11 purtenant works and structures in advance of work
12 to be undertaken under section 10 of the Federal
13 Power Act (16 U.S.C. 803); or

14 (B) affects any authority of the Federal Energy
15 Regulatory Commission to require changes in ad-
16 vance of the work described in subparagraph (A) to
17 protect the safety of any dam and appurtenant
18 works and structures.

19 **SEC. 3. MICRO HYDROKINETIC ENERGY PROJECTS.**

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

1 **“SEC. 37. LICENSING OF MICRO HYDROKINETIC ENERGY**
2 **PROJECTS.**

3 “(a) **DEFINITION OF MICRO HYDROKINETIC ENERGY**
4 **PROJECT.**—In this section, the term ‘micro hydrokinetic
5 energy project’—

6 “(1) means a project that—

7 “(A) has an installed capacity of not more
8 than 5 megawatts; and

9 “(B) converts to electric energy the
10 hydrokinetic energy from a generator driven by
11 a turbine from—

12 “(i) waves, tides, or currents in
13 oceans, estuaries, or tidal areas; or

14 “(ii) free flowing water in rivers,
15 lakes, streams, or man-made channels; and

16 “(2) does not include a project that impounds
17 water to generate electricity.

18 “(b) **AUTHORIZATION.**—The Commission may issue
19 a license in accordance with this section for a term of not
20 less than 10, and not more than 20, years for the con-
21 struction, operation, and maintenance of project works for
22 a micro hydrokinetic energy project.

23 “(c) **EXPEDITED LICENSING PROCESS.**—

24 “(1) **NOTIFICATION OF INTENT.**—

25 “(A) **FILING OF NOTIFICATION.**—An appli-
26 cant for a license under this section shall com-

1 mence the licensing process by filing a notifica-
2 tion of intent with the Commission.

3 “(B) EXISTING LICENSE DEADLINE.—Not-
4 withstanding section 15(b)(1), an applicant for
5 a license under this section shall file a notifica-
6 tion of intent under subparagraph (A) not later
7 than 2 years before the expiration of an existing
8 license, if applicable.

9 “(2) FILING OF APPLICATION.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), an applicant for a license
12 under this section shall submit to the Commis-
13 sion an application not later than 1 year after
14 the date on which the applicant files a notifica-
15 tion of intent under paragraph (1).

16 “(B) EXISTING LICENSE DEADLINE.—Not-
17 withstanding section 15(c)(1), an applicant for
18 a license under this section shall file an applica-
19 tion with the Commission not later than 1 year
20 before the date of expiration of the term of an
21 existing license, if applicable.

22 “(3) DEADLINE FOR ISSUANCE.—The Commis-
23 sion shall take final action on an application for a
24 license under this section not later than 1 year after

1 the date on which the application is filed under
2 paragraph (2).

3 “(4) SCHEDULE FOR FINAL ACTION.—To the
4 extent reasonably practicable, the Commission and
5 any applicable conditioning or permitting agencies
6 shall establish, with respect to each micro
7 hydrokinetic energy project that is the subject of a
8 notification of intent to apply for a license under
9 this section, a joint schedule that permits the timely
10 completion of decisions required to be made with re-
11 spect to, and the timely issuance of, authorizations
12 required under Federal law by the Commission and
13 the conditioning or permitting agencies, subject to
14 the requirement that any joint schedule established
15 under this paragraph shall comply with the deadline
16 for final action established under paragraph (3).

17 “(d) REGULATIONS.—

18 “(1) IN GENERAL.—Not later than 180 days
19 after the date of enactment of this section, the Com-
20 mission shall promulgate regulations to implement
21 this section in a manner that expedites the deploy-
22 ment of micro hydrokinetic energy projects while en-
23 suring the safe operation of the micro hydrokinetic
24 energy project in compliance with applicable Federal
25 and State laws.

1 “(2) INCLUSION.—The regulations promulgated
2 under paragraph (1) shall provide for the use of 1
3 or more categorical exclusions, including allowing for
4 extraordinary circumstances under which the cat-
5 egorical exclusion shall not be available, under the
6 National Environmental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.) for low disturbance activities
8 necessary for micro hydrokinetic energy projects.

9 “(e) REPORT TO CONGRESS.—The Commission shall
10 submit to Congress a report describing the impacts of the
11 micro hydrokinetic energy projects licensed under this sec-
12 tion on the environment, the economy, and the reliability
13 and affordability of electricity not later than the earlier
14 of—

15 “(1) the date that is 5 years after the date of
16 enactment of this section; and

17 “(2) the date on which the first 50 micro
18 hydrokinetic energy projects licensed under this sec-
19 tion have been operational for not less than 1 year.

20 “(f) SAVINGS CLAUSE.—Nothing in this section af-
21 fects any authority of the Commission, at the election of
22 an applicant, to license the construction, operation, and
23 maintenance of project works for a micro hydrokinetic en-
24 ergy project under any other provision of this part.”.

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