

117TH CONGRESS
2D SESSION

H. R. 9399

To require assessments of opportunities to install and maintain floating photovoltaic solar panels at Corps of Engineers and Bureau of Reclamation projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2022

Mr. TONKO (for himself and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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 require assessments of opportunities to install and maintain floating photovoltaic solar panels at Corps of Engineers and Bureau of Reclamation 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 “Protect Our Waters
5 and Expand Renewables on Our Reservoirs Act” or the
6 “POWER Our Reservoirs Act”.

1 **SEC. 2. FLOATING SOLAR ENERGY AT CORPS OF ENGI-**
2 **NEERS PROJECTS.**

3 (a) ASSESSMENT.—

4 (1) IN GENERAL.—The Chief of Engineers
5 shall, at Federal expense, conduct an assessment, in
6 consultation with the Secretary of Energy, of oppor-
7 tunities to install and maintain floating photovoltaic
8 solar panels at Corps of Engineers projects.

9 (2) CONTENTS.—In carrying out paragraph (1),
10 the Chief of Engineers shall—

11 (A) describe the economic, environmental,
12 and technical viability of installing and main-
13 taining, or contracting with third parties to in-
14 stall and maintain, floating photovoltaic solar
15 panels at Corps of Engineers projects;

16 (B) identify Corps of Engineers projects
17 with a high potential for the installation and
18 maintenance of floating photovoltaic solar pan-
19 els, and whether such installation and mainte-
20 nance would require additional authorization;

21 (C) account for potential effects on Corps
22 of Engineers projects, and the authorized pur-
23 poses of such projects, of installing and main-
24 taining floating photovoltaic solar panels at
25 such projects, including potential effects related
26 to evaporation suppression, energy yield, dam

1 safety, recreation, water quality, and fish and
2 wildlife;

3 (D) account for potential damage to float-
4 ing photovoltaic solar panels from weather,
5 water level fluctuations, and recreational and
6 other uses of the Corps of Engineers projects;
7 and

8 (E) account for the availability of electric
9 grid infrastructure close to Corps of Engineers
10 projects, including underutilized transmission
11 infrastructure.

12 (b) REPORT TO CONGRESS.—Not later than 18
13 months after the date of enactment of this Act, the Chief
14 of Engineers shall submit to Congress, and make publicly
15 available (including on a publicly available website), a re-
16 port containing the results of the assessment conducted
17 under subsection (a).

18 (c) SUSTAINABILITY REPORTS.—Beginning not later
19 than 24 months after the date of enactment of this Act,
20 the Chief of Engineers shall include renewable energy
21 from floating photovoltaic solar panels as part of any Sus-
22 tainability Report and Implementation Plan of the Corps
23 of Engineers.

24 (d) PILOT PROGRAM.—

1 (1) IN GENERAL.—Not later than 24 months
2 after the date of enactment of this Act, if supported
3 by the results of the assessment conducted under
4 subsection (a), the Chief of Engineers shall establish
5 a pilot program for the deployment of floating pho-
6 tovoltaic solar panels at Corps of Engineers projects
7 identified under paragraph (2)(B) of such subsection
8 with respect to which any applicable non-Federal in-
9 terest for the project—

10 (A) agrees to invest in and deploy floating
11 photovoltaic solar panels; and

12 (B) has the authority to enter into agree-
13 ments, including through public-private partner-
14 ships, for the purpose of carrying out such ac-
15 tivities.

16 (2) COST SHARE.—In carrying out a project
17 under this subsection, the Chief of Engineers may
18 cover up to 100 percent of the cost of such project.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Chief of Engineers
21 \$12,000,000, to remain available until expended, to carry
22 out this section.

23 (f) NO EFFECT ON PROJECT PURPOSES.—Nothing
24 in this section affects the authorized purposes of a Corps
25 of Engineers project.

1 (g) DEFINITIONS.—In this section:

2 (1) CHIEF OF ENGINEERS.—The term “Chief of
3 Engineers” means the Secretary of the Army, acting
4 through the Chief of Engineers.

5 (2) CORPS OF ENGINEERS PROJECT.—The term
6 “Corps of Engineers project” means any water re-
7 sources development project constructed by the Chief
8 of Engineers or for which the Chief of Engineers has
9 financial or operational responsibility.

10 **SEC. 3. FLOATING SOLAR ENERGY AT BUREAU OF REC-**
11 **LAMATION PROJECTS.**

12 (a) ASSESSMENT.—

13 (1) IN GENERAL.—The Commissioner shall, at
14 Federal expense, conduct an assessment, in con-
15 sultation with the Secretary of Energy, of opportuni-
16 ties to install and maintain floating photovoltaic
17 solar panels at Reclamation projects.

18 (2) CONTENTS.—In carrying out paragraph (1),
19 the Commissioner shall—

20 (A) describe the economic, environmental,
21 and technical feasibility of installing and main-
22 taining, or contracting with third parties to in-
23 stall and maintain, photovoltaic solar panels at
24 Reclamation projects;

1 (B) identify Reclamation projects with a
2 high potential for the installation and maintenance of floating photovoltaic solar panels, and
3 whether such installation and maintenance
4 would require additional authorization;

5 (C) account for potential effects on Reclamation projects, and the authorized purposes
6 of such projects, of installing and maintaining
7 floating photovoltaic solar panels at such
8 projects, including potential effects related to
9 evaporation suppression, energy yield, dam safety, recreation, water quality, and fish and wildlife;
10

11 (D) account for potential damage to floating photovoltaic solar panels from weather,
12 water level fluctuations, and recreational and
13 other uses of the Reclamation projects; and

14 (E) account for the availability of electric
15 grid infrastructure close to Reclamation
16 projects, including underutilized transmission
17 infrastructure.

18 (b) REPORT TO CONGRESS.—Not later than 18
19 months after the date of enactment of this Act, the Commissioner shall submit to Congress, and make publicly
20 available (including on a publicly available website), a re-

1 port containing the results of the assessment conducted
2 under subsection (a).

3 (c) PILOT PROGRAM.—

4 (1) IN GENERAL.—Not later than 24 months
5 after the date of enactment of this Act, if supported
6 by the results of the assessment conducted under
7 subsection (a), the Commissioner shall establish a
8 pilot program for the deployment of floating photo-
9 voltaic solar panels at Reclamation projects identi-
10 fied under paragraph (2)(B) of such subsection with
11 respect to which any applicable non-Federal entity
12 for the project—

13 (A) agrees to invest in and deploy floating
14 photovoltaic solar panels; and

15 (B) has the authority to enter into agree-
16 ments, including through public-private partner-
17 ships, for the purpose of carrying out such ac-
18 tivities.

19 (2) COST SHARE.—In carrying out a project
20 under this subsection, the Commissioner may cover
21 up to 100 percent of the cost of such project.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Commissioner
24 \$12,000,000, to remain available until expended, to carry
25 out this section.

1 (e) NO EFFECT ON PROJECT PURPOSES.—Nothing
 2 in this section affects the authorized purposes of a Rec-
 3 lamation project.

4 (f) DEFINITIONS.—In this section:

5 (1) COMMISSIONER.—The term “Commis-
 6 sioner” means the Secretary of the Interior, acting
 7 through the Commissioner of Reclamation.

8 (2) RECLAMATION PROJECT.—The term “Rec-
 9 lamation project” means—

10 (A) any reclamation or irrigation project,
 11 including incidental features of the project—

12 (i) that is authorized by the Federal
 13 reclamation laws;

14 (ii) that is constructed by the United
 15 States pursuant to the Federal reclamation
 16 laws; or

17 (iii) in connection with which there is
 18 a repayment or water service contract exe-
 19 cuted by the United States pursuant to the
 20 Federal reclamation laws; or

21 (B) any project constructed by the Sec-
 22 retary of the Interior for the reclamation of
 23 land.

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