

118TH CONGRESS
1ST SESSION

H. R. 2731

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2023

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 Bureau of Reclamation and Corps of Engineers 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 RECLAMATION**
2 **PROJECTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMISSIONER.—The term “Commis-
5 sioner” means the Commissioner of Reclamation.

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

8 (A) any reclamation or irrigation project,
9 including incidental features of the project—

10 (i) that is authorized by the reclama-
11 tion laws;

12 (ii) that is constructed by the United
13 States pursuant to the reclamation laws; or

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

18 (B) any project constructed by the Sec-
19 retary of the Interior for the reclamation of
20 land.

21 (b) ASSESSMENT.—

22 (1) IN GENERAL.—The Commissioner, in con-
23 sultation with the Secretary of Energy and the rel-
24 evant National Laboratories of the Department of
25 Energy, shall conduct an assessment of opportuni-

1 ties to install and maintain floating photovoltaic
2 solar panels at Reclamation projects.

3 (2) REQUIREMENTS.—In conducting the assess-
4 ment under paragraph (1), the Commissioner
5 shall—

6 (A) determine the economic, environ-
7 mental, and technical feasibility of installing
8 and maintaining, or contracting with third par-
9 ties to install and maintain, photovoltaic solar
10 panels at Reclamation projects;

11 (B)(i) identify Reclamation projects with a
12 high potential for the installation and mainte-
13 nance of floating photovoltaic solar panels, in-
14 cluding which Reclamation projects are likely to
15 have high cobenefits; and

16 (ii) determine whether the installation and
17 maintenance at Reclamation projects identified
18 under clause (i) would require additional au-
19 thorization;

20 (C) account for potential effects and bene-
21 fits on Reclamation projects and the authorized
22 purposes of the Reclamation projects of install-
23 ing and maintaining floating photovoltaic solar
24 panels at the Reclamation projects, including—

25 (i) evaporation suppression;

- 1 (ii) energy yield;
- 2 (iii) dam safety;
- 3 (iv) recreation;
- 4 (v) water quality; and
- 5 (vi) fish and wildlife;

6 (D) account for potential damage to float-
7 ing photovoltaic solar panels from—

- 8 (i) weather;
- 9 (ii) water-level fluctuations; and
- 10 (iii) recreational and other uses of the
11 Reclamation projects;

12 (E)(i) identify methods to monetarily
13 quantify cobenefits of floating photovoltaic solar
14 panel projects; and

15 (ii) identify mechanisms to pass those ben-
16 efits to project developers, and assess whether
17 the use of such mechanisms may increase the
18 viability of floating photovoltaic solar panel
19 projects; and

20 (F) account for the availability of electric
21 grid infrastructure close to Reclamation
22 projects, including underutilized transmission
23 infrastructure.

24 (3) REPORT TO CONGRESS.—Not later than 18
25 months after the date of enactment of this Act, the

1 Commissioner shall submit to Congress and make
2 publicly available (including on a publicly available
3 website) a report describing the results of the assess-
4 ment conducted under paragraph (1).

5 (c) PILOT PROGRAM.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, if the Commis-
8 sioner determines, based on the results of the assess-
9 ment conducted under subsection (b), that estab-
10 lishing a pilot program is advisable, the Commis-
11 sioner shall establish a pilot program under which
12 the Commissioner, or an applicable non-Federal en-
13 tity that is acting in partnership with the Commis-
14 sioner, subject to paragraph (2), shall carry out
15 projects to deploy floating photovoltaic solar panels
16 at Reclamation projects identified under subsection
17 (b)(2)(B).

18 (2) REQUIREMENTS.—To be eligible to carry
19 out a project under paragraph (1), a non-Federal
20 entity shall—

21 (A) agree to invest in and deploy floating
22 photovoltaic solar panels at the applicable Rec-
23 lamation project; and

24 (B) have the authority to enter into agree-
25 ments, including through public-private partner-

1 (A) constructed by the Secretary; or

2 (B) for which the Secretary has financial
3 or operational responsibility.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Army.

6 (b) SUSTAINABILITY REPORTS.—Beginning not later
7 than 2 years after the date of enactment of this Act, the
8 Secretary shall include renewable energy from floating
9 photovoltaic solar panels as part of any sustainability re-
10 port and implementation plan of the Corps of Engineers.

11 (c) PILOT PROGRAM.—

12 (1) IN GENERAL.—Not later than 2 years after
13 the date of enactment of this Act, if supported by
14 the results of the assessment conducted under sub-
15 section (a) of section 8232 of the Water Resources
16 Development Act of 2022 (Public Law 117–263),
17 the Secretary shall establish a pilot program for the
18 deployment of floating photovoltaic solar panels at
19 Corps of Engineers projects identified under para-
20 graph (2)(B) of that subsection under which the
21 Secretary or an applicable non-Federal interest—

22 (A) agrees to invest in and deploy floating
23 photovoltaic solar panels; and

1 (B) may enter into agreements, including
2 through public-private partnerships, for the
3 purpose of carrying out such activities.

4 (2) COST SHARE.—The Federal share of the
5 cost of a project carried out under this subsection
6 shall be—

7 (A) not more than 100 percent, in the case
8 of a project carried out by the Secretary; and

9 (B) not more than 50 percent, in the case
10 of a project carried out by a non-Federal inter-
11 est.

12 (d) FUNDING.—

13 (1) IN GENERAL.—The Secretary shall carry
14 out this section using amounts made available to the
15 Secretary to carry out section 8232 of the Water
16 Resources Development Act of 2022 (Public Law
17 117–263) that are not otherwise obligated.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to amounts made available under paragraph
20 (1), there is authorized to be appropriated to the
21 Secretary to carry out this section \$2,000,000 for
22 fiscal year 2024, to remain available until expended.

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

○