

Calendar No. 184116TH CONGRESS
1ST SESSION**S. 859****[Report No. 116–81]**

To amend the Energy Policy Act of 2005 to reauthorize hydroelectric production incentives and hydroelectric efficiency improvement incentives, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2019

Mr. GARDNER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 10, 2019

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Energy Policy Act of 2005 to reauthorize hydroelectric production incentives and hydroelectric efficiency improvement incentives, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reliable Investment
3 in Vital Energy Reauthorization Act” or the “RIVER
4 Act”.

5 **SEC. 2. HYDROELECTRIC PRODUCTION INCENTIVES AND**
6 **EFFICIENCY IMPROVEMENTS.**

7 (a) HYDROELECTRIC PRODUCTION INCENTIVES.—
8 Section 242 of the Energy Policy Act of 2005 (42 U.S.C.
9 15881) is amended—

10 (1) in subsection (e), by striking “10” and in-
11 serting “22”;

12 (2) in subsection (e)(2), by striking “section
13 29(d)(2)(B)” and inserting “section 45K(d)(2)(B)”;

14 (3) in subsection (f), by striking “20” and in-
15 serting “32”; and

16 (4) in subsection (g), by striking “each of the
17 fiscal years 2006 through 2015” and inserting “each
18 of fiscal years 2019 through 2036”.

19 (b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—
20 Section 243(e) of the Energy Policy Act of 2005 (42
21 U.S.C. 15882(e)) is amended by striking “each of the fis-
22 cal years 2006 through 2015” and inserting “each of fis-
23 cal years 2019 through 2036”.

24 **SECTION 1. SHORT TITLE.**

25 This Act may be cited as the “Reliable Investment in
26 Vital Energy Reauthorization Act” or the “RIVER Act”.

1 **SEC. 2. HYDROELECTRIC PRODUCTION INCENTIVES AND**
2 **EFFICIENCY IMPROVEMENTS.**

3 (a) *HYDROELECTRIC PRODUCTION INCENTIVES.*—*Sec-*
4 *tion 242 of the Energy Policy Act of 2005 (42 U.S.C.*
5 *15881) is amended—*

6 (1) *in subsection (b), by striking paragraph (1)*
7 *and inserting the following:*

8 “(1) *QUALIFIED HYDROELECTRIC FACILITY.*—
9 *The term ‘qualified hydroelectric facility’ means a*
10 *turbine or other generating device owned or solely op-*
11 *erated by a non-Federal entity—*

12 “(A) *that generates hydroelectric energy for*
13 *sale; and*

14 “(B)(i) *that is added to an existing dam or*
15 *conduit; or*

16 “(i)(I) *that has a generating capacity of*
17 *not more than 10 megawatts;*

18 “(II) *for which the non-Federal entity has*
19 *received a construction authorization from the*
20 *Federal Energy Regulatory Commission, if ap-*
21 *plicable; and*

22 “(III) *that is constructed in a region in*
23 *which there is inadequate electric service, as de-*
24 *termined by the Secretary.”;*

25 (2) *in subsection (c), by striking “10” and in-*
26 *serting “22”;*

1 (3) *in subsection (e)(2), by striking “section*
2 *29(d)(2)(B)” and inserting “section 45K(d)(2)(B)”;*

3 (4) *in subsection (f), by striking “20” and in-*
4 *serting “32”; and*

5 (5) *in subsection (g), by striking “each of the fis-*
6 *cal years 2006 through 2015” and inserting “each of*
7 *fiscal years 2019 through 2036”.*

8 (b) *HYDROELECTRIC EFFICIENCY IMPROVEMENT.—*
9 *Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C.*
10 *15882(c)) is amended by striking “each of the fiscal years*
11 *2006 through 2015” and inserting “each of fiscal years*
12 *2019 through 2036”.*

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