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Fair Licensing for Operation of Water Structures (FLOWS) Act: Congressional Legislation Introduced to Modernize Hydropower Permitting Process Projects

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Congressman Nick Langworthy (NY – 23) and Congresswoman Kim Schrier, M.D. (WA – 08) introduced legislation denominated the Fair Licensing for Operations of Water Structures (FLOWS) Act.

H.R. 9806 is described by the cosponsors as having the objective to modernize the federal permitting process for hydropower projects by doing the following:

- Eliminating unnecessary regulatory burdens.
- Streamlining approvals for routine maintenance.
- Supporting the next generation of American water energy technologies.

Congressman Langworthy stated while introducing the legislation:

... outdated federal regulations often require operators to obtain approval from the Federal Energy Regulatory Commission (FERC) for routine maintenance and other low-risk activities, creating unnecessary delays, increasing costs, and diverting resources from improving reliability and modernizing infrastructure. The FLOWS Act updates that process while preserving FERC's authority over dam safety and environmental protections.

Components of the FLOWS Act include:

- Exempt routine maintenance, in-kind equipment replacements, and other non-substantial alterations at existing hydropower facilities from requiring prior FERC approval.
- Preserve all existing environmental protections and FERC's dam safety oversight.
- Establish a permitting process specifically tailored for emerging wave, tidal, and river-current energy technologies.
- Reduce unnecessary regulatory delays and costs while improving grid reliability and supporting innovation in domestic energy production.

Note that U.S. Senate companion legislation introduced by Senators Lisa Murkowski (AK) and Angus King (ME) has been reported out of the Senate Energy and Natural Resources Committee.

A copy of H.R. 9806 can be found [here](#).