

111TH CONGRESS
2D SESSION

H. R. 5922

To expand small-scale hydropower.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Mr. SMITH of Nebraska (for himself and Mr. MCCLINTOCK) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure and 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 expand small-scale hydropower.

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 “The Small-Scale Hy-
5 dropower Enhancement Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONDUIT.—The term “conduit” means any
9 tunnel, canal, pipeline, aqueduct, flume, ditch, or
10 similar manmade water conveyance that is operated

1 for the distribution of water for agricultural, munic-
2 ipal, or industrial consumption and not primarily for
3 the generation of electricity.

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

6 **SEC. 3. APPLICABILITY OF LAW.**

7 Notwithstanding any other provision of law, any pro-
8 posed hydroelectric project that seeks to use a conduit that
9 is in existence on the date of the enactment of this Act
10 to generate power that does not exceed 1.5 megawatts
11 shall be exempt from section 30 of the Federal Power Act
12 (16 U.S.C. 823a).

13 **SEC. 4. INCLUSION OF CERTAIN STRUCTURES IN REPORT**
14 **AND STUDY.**

15 The Secretary shall—

16 (1) include structures that have less than 10
17 feet of head or would result in less than 1 megawatt
18 of capacity as part of the study and report required
19 under section 1834 of the Energy Policy Act of
20 2005 (Public Law 109–58);

21 (2) to the maximum extent practicable, consult
22 with non-Federal and noncontracting interests in im-
23 plementing this section; and

- 1 (3) implement this section on a nonreimburs-
- 2 able basis.

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