

apropriated to the Secretary to carry out the purposes of this section \$10,000,000 for each of fiscal years 2021 through 2036.’’

2020—Subsec. (b)(1). Pub. L. 116–260, §3005(a)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: ‘‘The term ‘qualified hydroelectric facility’ means a turbine or other generating device owned or solely operated by a non-Federal entity which generates hydroelectric energy for sale and which is added to an existing dam or conduit.’’

Subsec. (c). Pub. L. 116–260, §3005(a)(2), substituted ‘‘22’’ for ‘‘10’’.

Subsec. (e)(2). Pub. L. 116–260, §3005(a)(3), substituted ‘‘section 45K(d)(2)(B)’’ for ‘‘section 29(d)(2)(B)’’.

Subsec. (f). Pub. L. 116–260, §3005(a)(4), substituted ‘‘32’’ for ‘‘20’’.

Subsec. (g). Pub. L. 116–260, §3005(a)(5), substituted ‘‘each of fiscal years 2021 through 2036’’ for ‘‘each of the fiscal years 2006 through 2015’’.

#### Statutory Notes and Related Subsidiaries

##### WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

#### § 15882. Hydroelectric efficiency improvement incentives

##### (a) Incentive payments

The Secretary shall make incentive payments to the owners or operators of hydroelectric facilities at existing dams to be used to make capital improvements in the facilities that are directly related to improving the efficiency of such facilities by at least 3 percent.

##### (b) Limitations

Incentive payments under this section shall not exceed 30 percent of the costs of the capital improvement concerned and not more than 1 payment may be made with respect to improvements at a single facility. No payment in excess of \$5,000,000 may be made with respect to improvements at a single facility in any 1 fiscal year.

##### (c) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$75,000,000 for fiscal year 2022 to remain available until expended.

(Pub. L. 109–58, title II, §243, Aug. 8, 2005, 119 Stat. 678; Pub. L. 116–260, div. Z, title III, §3005(b), Dec. 27, 2020, 134 Stat. 2511; Pub. L. 117–58, div. D, title III, §40332(a), Nov. 15, 2021, 135 Stat. 1023.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117–58, §40332(a)(1), inserted ‘‘incentives’’ after ‘‘improvement’’ in section catchline.

Subsec. (b). Pub. L. 117–58, §40332(a)(2), substituted ‘‘30 percent’’ for ‘‘10 percent’’ and ‘‘\$5,000,000’’ for ‘‘\$750,000’’ and inserted ‘‘in any 1 fiscal year’’ before period.

Subsec. (c). Pub. L. 117–58, §40332(a)(3), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: ‘‘There are authorized to be appropriated to carry out this section not more than \$10,000,000 for each of fiscal years 2021 through 2036.’’

2020—Subsec. (c). Pub. L. 116–260 substituted ‘‘each of fiscal years 2021 through 2036’’ for ‘‘each of the fiscal years 2006 through 2015’’.

#### Statutory Notes and Related Subsidiaries

##### WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

#### § 15883. Maintaining and enhancing hydroelectricity incentives

##### (a) Definition of qualified hydroelectric facility

In this section, the term ‘‘qualified hydroelectric facility’’ means a hydroelectric project that—

(1)(A) is licensed by the Federal Energy Regulatory Commission; or

(B) is a hydroelectric project constructed, operated, or maintained pursuant to a permit or valid existing right-of-way granted prior to June 10, 1920, or a license granted pursuant to the Federal Power Act (16 U.S.C. 791a et seq.);

(2) is placed into service before November 15, 2021; and

(3)(A) is in compliance with all applicable Federal, Tribal, and State requirements; or

(B) would be brought into compliance with the requirements described in subparagraph (A) as a result of the capital improvements carried out using an incentive payment under this section.

##### (b) Incentive payments

The Secretary shall make incentive payments to the owners or operators of qualified hydroelectric facilities for capital improvements directly related to—

(1) improving grid resiliency, including—

(A) adapting more quickly to changing grid conditions;

(B) providing ancillary services (including black start capabilities, voltage support, and spinning reserves);

(C) integrating other variable sources of electricity generation; and

(D) managing accumulated reservoir sediments;

(2) improving dam safety to ensure acceptable performance under all loading conditions (including static, hydrologic, and seismic conditions), including—

(A) the maintenance or upgrade of spillways or other appurtenant structures;

(B) dam stability improvements, including erosion repair and enhanced seepage controls; and

(C) upgrades or replacements of floodgates or natural infrastructure restoration or protection to improve flood risk reduction; or

(3) environmental improvements, including—

(A) adding or improving safe and effective fish passage, including new or upgraded turbine technology, fish ladders, fishways, and all other associated technology, equipment, or other fish passage technology to a qualified hydroelectric facility;

(B) improving the quality of the water retained or released by a qualified hydroelectric facility;