

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;

(C) promoting downstream sediment transport processes and habitat maintenance; and  
 (D) improving recreational access to the project vicinity, including roads, trails, boat ingress and egress, flows to improve recreation, and infrastructure that improves river recreation opportunity.

**(c) Limitations**

**(1) Costs**

Incentive payments under this section shall not exceed 30 percent of the costs of the applicable capital improvement.

**(2) Maximum amount**

Not more than 1 incentive payment may be made under this section with respect to capital improvements at a single qualified hydroelectric facility in any 1 fiscal year, the amount of which shall not exceed \$5,000,000.

**(d) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out this section \$553,600,000 for fiscal year 2022, to remain available until expended.

(Pub. L. 109-58, title II, §247, as added Pub. L. 117-58, div. D, title III, §40333(a), Nov. 15, 2021, 135 Stat. 1023.)

**Editorial Notes**

REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (a)(1)(B), is act June 10, 1920, ch. 285, 41 Stat. 1063, which is classified generally to chapter 12 (§791a et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

**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.

PART D—INSULAR ENERGY

**§ 15891. Projects enhancing insular energy independence**

**(a) Project feasibility studies**

**(1) In general**

On a request described in paragraph (2), the Secretary shall conduct a feasibility study of a project to implement a strategy or project identified in the plans submitted to Congress pursuant to section 1492 of title 48 as having the potential to—

(A) significantly reduce the dependence of an insular area on imported fossil fuels; or

(B) provide needed distributed generation to an insular area.

**(2) Request**

The Secretary shall conduct a feasibility study under paragraph (1) on—

(A) the request of an electric utility located in an insular area that commits to

fund at least 10 percent of the cost of the study; and

(B) if the electric utility is located in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, written support for that request by the President or the Ambassador of the affected freely associated state.

**(3) Consultation**

The Secretary shall consult with regional utility organizations in—

(A) conducting feasibility studies under paragraph (1); and

(B) determining the feasibility of potential projects.

**(4) Feasibility**

For the purpose of a feasibility study under paragraph (1), a project shall be determined to be feasible if the project would significantly reduce the dependence of an insular area on imported fossil fuels, or provide needed distributed generation to an insular area, at a reasonable cost.

**(b) Implementation**

**(1) In general**

On a determination by the Secretary (in consultation with the Secretary of the Interior) that a project is feasible under subsection (a) and a commitment by an electric utility to operate and maintain the project, the Secretary may provide such technical and financial assistance as the Secretary determines is appropriate for the implementation of the project.

**(2) Regional utility organizations**

In providing assistance under paragraph (1), the Secretary shall consider providing the assistance through regional utility organizations.

**(c) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated to the Secretary—

(A) \$500,000 for each fiscal year for project feasibility studies under subsection (a); and

(B) \$4,000,000 for each fiscal year for project implementation under subsection (b).

**(2) Limitation of funds received by insular areas**

No insular area may receive, during any 3-year period, more than 20 percent of the total funds made available during that 3-year period under subparagraphs (A) and (B) of paragraph (1) unless the Secretary determines that providing funding in excess of that percentage best advances existing opportunities to meet the objectives of this section.

(Pub. L. 109-58, title II, §252, Aug. 8, 2005, 119 Stat. 682.)

SUBCHAPTER III—OIL AND GAS

PART A—PRODUCTION INCENTIVES

**§ 15901. Definition of Secretary**

In this part, the term “Secretary” means the Secretary of the Interior.