

117TH CONGRESS
1ST SESSION

H. R. 4375

To provide funding to rehabilitate, retrofit, and remove the Nation's dams to improve the health of the Nation's rivers, improve public safety, and increase clean energy production, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2021

Ms. KUSTER (for herself, Mr. YOUNG, Ms. SCHRIER, Mr. HUFFMAN, Mrs. DINGELL, Ms. BROWNLEY, Mr. CLEAVER, Mrs. WATSON COLEMAN, Ms. BARRAGÁN, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Energy and Commerce, Natural Resources, Science, Space, and Technology, and Agriculture, 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 provide funding to rehabilitate, retrofit, and remove the Nation's dams to improve the health of the Nation's rivers, improve public safety, and increase clean energy production, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Twenty-First Century Dams Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 the Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DAM SAFETY ASSISTANCE

Sec. 101. Increase Federal assistance to improve dam safety.

TITLE II—TAX PROVISIONS

Sec. 201. Credit for maintaining and enhancing hydroelectric dams.

Sec. 202. Credit for obsolete river obstruction removal expenditures.

TITLE III—RESTORE RIVER ECOSYSTEMS THROUGH DAM
 ABATEMENTS

Sec. 301. Purposes.

Sec. 302. Definitions.

Sec. 303. Dam removal program.

Sec. 304. Establishment of Dam Removal Council.

Sec. 305. Establishment of Dam Removal Advisory Board.

Sec. 306. Dam removal strategy.

Sec. 307. Reporting.

Sec. 308. Funding.

Sec. 309. General provisions.

TITLE IV—REIMAGINED FEDERAL DAMS

Sec. 401. National dam assessment.

Sec. 402. Federal dam assessments.

Sec. 403. Report.

Sec. 404. Investing in Federal dam infrastructure.

3 **TITLE I—DAM SAFETY**
 4 **ASSISTANCE**

5 **SEC. 101. INCREASE FEDERAL ASSISTANCE TO IMPROVE**
 6 **DAM SAFETY.**

7 (a) NATIONAL DAM SAFETY PROGRAM ACT.—

8 (1) DEFINITIONS.—Section 2(4)(A) of the Na-
 9 tional Dam Safety Program Act (33 U.S.C.
 10 467(4)(A)) is amended—

11 (A) in clause (iii)(II), by striking the semi-
 12 colon and inserting “; and”;

1 (B) in clause (iv), by striking “; and” and
2 inserting a period; and

3 (C) by striking clause (v).

4 (2) INSPECTION OF DAMS.—Section 3(a) of the
5 National Dam Safety Program Act (33 U.S.C.
6 467a(a)) is amended to read as follows:

7 “(a) IN GENERAL.—As soon as practicable, the Sec-
8 retary of the Army, acting through the Chief of Engineers,
9 shall carry out a national program of inspection of dams
10 for the purpose of protecting human life and property. All
11 non-Federal dams in the United States that are not under
12 the regulatory inspection authority of a State or Federal
13 entity shall be inspected by the Secretary, except dams
14 which the Secretary of the Army determines do not pose
15 any threat to human life or property. The inspection will
16 include an assessment of downstream hazard and develop-
17 ment of a dam failure inundation map and a non-failure
18 residual risk inundation map that can be incorporated in
19 an emergency action plan for the dam.”.

20 (3) ASSISTANCE FOR STATE DAM SAFETY PRO-
21 GRAMS.—Section 8(e) of the National Dam Safety
22 Program Act (33 U.S.C. 467f(e)(1)) is amended by
23 inserting “including the development of emergency
24 action plans” after “improving dam safety pro-
25 grams”.

1 (4) PRIORITY SYSTEM.—Section 8A(f) of the
2 National Dam Safety Program Act (33 U.S.C.
3 467f–2(f)) is amended to read as follows:

4 “(f) PRIORITY SYSTEM.—The Administrator, in con-
5 sultation with the Board, shall develop a risk-based pri-
6 ority system for States to use as a factor in prioritizing
7 multiple applications in a single year of eligible high haz-
8 ard potential dams for which grants may be made under
9 this section.”.

10 (5) REHABILITATION OF HIGH HAZARD POTEN-
11 TIAL DAMS.—Section 8A(j) of the National Dam
12 Safety Program Act (33 U.S.C. 467f–2(j)) is
13 amended—

14 (A) in paragraph (3), by striking “; and”
15 and inserting a semicolon;

16 (B) in paragraph (4), by striking “each of
17 fiscal years 2021 through 2026.” and inserting
18 “fiscal year 2021; and”; and

19 (C) by adding at the end the following:

20 “(5) \$200,000,000 for each of fiscal years 2022
21 through 2026.”.

22 (6) NATIONAL DAM SAFETY PROGRAM.—Section
23 14(a)(1) of the National Dam Safety Program Act
24 (33 U.S.C. 467j(a)(1)) is amended by striking
25 “\$9,200,000 for each of fiscal years 2019 through

1 2023” and inserting “\$92,000,000 for each of fiscal
2 years 2022 through 2026”.

3 (7) INSPECTION OF DAMS.—Section 14 of the
4 National Dam Safety Program Act (33 U.S.C. 467j)
5 is amended by adding at the end the following:

6 “(h) INSPECTION OF DAMS.—There is authorized to
7 be appropriated to carry out section 3 \$35,000,000 for
8 each of fiscal years 2022 through 2026.”.

9 (8) ALLOCATION.—Section 14(a)(2) of the Na-
10 tional Dam Safety Program Act (33 U.S.C.
11 467j(a)(2)) is amended—

12 (A) in subparagraph (A)—

13 (i) by striking “(A) IN GENERAL.—
14 Subject to subparagraphs (B) and (C),
15 for” and inserting “For”;

16 (ii) in clause (i)—

17 (I) by striking “(i)” and insert-
18 ing “(A)”; and

19 (II) by inserting “of the remain-
20 ing” after “one-third”;

21 (iii) in clause (ii)—

22 (I) by striking “(ii)” and insert-
23 ing “(B)”; and

24 (II) by inserting “of the remain-
25 ing” after “two-thirds”;

1 (iv) by adding at the end the fol-
2 lowing:

3 “(iii) Up to twenty percent to States
4 that qualify for assistance under section
5 467f(e) of this title for the development of
6 emergency action plans as needed.”; and

7 (B) by striking subparagraphs (B) and
8 (C).

9 (9) FEMA STAFFING.—Section 14(f) of the
10 National Dam Safety Program Act (33 U.S.C.
11 467j(f)) is amended by striking “\$1,000,000 for
12 each of fiscal years 2019 through 2023” and insert-
13 ing “\$4,000,000 for each of fiscal years 2022
14 through 2026”.

15 (b) REHABILITATION OF STRUCTURAL MEASURES
16 NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECT-
17 ANCY.—Section 14(h)(2) of the Watershed Protection and
18 Flood Prevention Act (16 U.S.C. 1012(h)(2)) is amend-
19 ed—

20 (1) in subparagraph (D), by striking “; and”
21 and inserting a semicolon;

22 (2) in subparagraph (E), by striking “through
23 2023.” and inserting “through 2021; and”; and

24 (3) by adding at the end the following:

1 “(F) \$100,000,000 for each of fiscal years
2 2022 through 2026.”.

3 (c) WIFIA FUNDING.—Section 5033(a)(1) of the
4 Water Infrastructure Finance and Innovation Act of 2014
5 (33 U.S.C. 3912(a)(1)) is amended—

6 (1) in subparagraph (D), by striking “; and”
7 and inserting a semicolon;

8 (2) in subparagraph (E), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(F) \$50,000,000 for each of fiscal years
12 2022 through 2026.”.

13 **TITLE II—TAX PROVISIONS**

14 **SEC. 201. CREDIT FOR MAINTAINING AND ENHANCING HY-** 15 **DROELECTRIC DAMS.**

16 (a) IN GENERAL.—Subpart E of part IV of sub-
17 chapter A of chapter 1 of the Internal Revenue Code of
18 1986 is amended by adding after section 48C the following
19 new section:

20 **“SEC. 48D. CREDIT FOR MAINTAINING AND ENHANCING HY-** 21 **DROELECTRIC DAMS.**

22 “(a) IN GENERAL.—For purposes of section 46, the
23 credit for maintaining and enhancing hydroelectric dams
24 for any taxable year is 30 percent of the basis of any quali-
25 fied dam safety, environmental, and grid resilience en-

1 hancement property placed in service during such taxable
2 year.

3 “(b) LIMITATION.—No credit shall be allowed under
4 subsection (a) with respect to any qualified dam safety,
5 environmental, and grid resilience property unless the
6 qualified dam in connection with which such property was
7 placed in service meets all applicable Federal, State, and
8 tribal requirements with respect to such dam on the date
9 such property is placed in service.

10 “(c) CERTAIN PROGRESS EXPENDITURE RULES
11 MADE APPLICABLE.—Rules similar to the rules of sub-
12 sections (c)(4) and (d) of section 46 (as in effect on the
13 day before the date of the enactment of the Revenue Rec-
14 onciliation Act of 1990) shall apply for purposes of sub-
15 section (a).

16 “(d) DEFINITIONS.—For purposes of this section—

17 “(1) QUALIFIED DAM SAFETY, ENVIRON-
18 MENTAL, AND GRID RESILIENCE PROPERTY.—The
19 term ‘qualified dam safety, environmental, and grid
20 resilience enhancement property’ means any prop-
21 erty—

22 “(A) which is—

23 “(i) dam safety property,

24 “(ii) environmental improvement
25 property, or

1 “(iii) grid resilience property,

2 “(B)(i) the construction, reconstruction, or
3 erection of which is completed by the taxpayer,
4 or

5 “(ii) which is acquired by the taxpayer if
6 the original use of such property commences
7 with the taxpayer, and

8 “(C) with respect to which depreciation (or
9 amortization in lieu of depreciation) is allow-
10 able.

11 “(2) DAM SAFETY PROPERTY.—The term ‘dam
12 safety property’ means property the purpose of
13 which is to maintain or improve dam safety on a
14 qualified dam to ensure acceptable performance
15 under all loading conditions (static, hydrologic, seis-
16 mic) in accordance with applicable regulatory cri-
17 teria and risk guidelines, including—

18 “(A) the maintenance or upgrade of spill-
19 ways or other appurtenant structures,

20 “(B) dam stability, including erosion re-
21 pair and enhanced seepage controls, and

22 “(C) upgrades or replacements of flood-
23 gates or natural infrastructure restoration or
24 protection to improve flood risk reduction.

1 “(3) ENVIRONMENTAL IMPROVEMENT PROP-
2 ERTY.—The term ‘environmental improvement prop-
3 erty’ means property the purpose of which is to—

4 “(A) add or improve safe and effective fish
5 passage, including new or upgraded turbine
6 technology, fish ladders, fishways, and all other
7 associated technology, equipment, or other fish
8 passage technology to a qualified dam,

9 “(B) maintain or improve the quality of
10 the water retained or released by a qualified
11 dam,

12 “(C) promote downstream sediment trans-
13 port processes and habitat maintenance with re-
14 spect to a qualified dam, or

15 “(D) provide for or improve recreational
16 access to the vicinity of a qualified dam, includ-
17 ing roads, trails, boat ingress and egress, flows
18 to improve recreation, and infrastructure that
19 improves river recreation opportunity.

20 “(4) GRID RESILIENCE PROPERTY.—

21 “(A) IN GENERAL.—The term ‘grid resil-
22 ience property’ means property—

23 “(i) the purpose of which is to provide
24 the ability of a hydroelectric facility at a

1 qualified dam to contribute to electricity
2 grid resilience and efficiency by—

3 “(I) adapting more quickly to
4 changing grid conditions,

5 “(II) providing ancillary services
6 (including black start capabilities,
7 voltage support, and spinning re-
8 serves),

9 “(III) integrating other variable
10 sources of electricity generation, or

11 “(IV) managing accumulated res-
12 ervoir sediments, or

13 “(ii) which is a qualified dam de-
14 scribed in paragraph (5)(B).

15 “(B) MITIGATION AND ENVIRONMENTAL
16 REVIEW REQUIREMENTS.—Such term shall not
17 include any property described in subparagraph
18 (A)(i) unless any physical or operational
19 changes instituted in connection with the activi-
20 ties described in such subparagraph have been
21 authorized under applicable Federal, State, and
22 tribal permitting or licensing processes which
23 include appropriate mitigation conditions aris-
24 ing from consultation and environmental review
25 under such processes.

1 “(5) QUALIFIED DAM.—The term ‘qualified
2 dam’ means any of the following:

3 “(A) A hydroelectric dam which is licensed
4 by the Federal Energy Regulatory Commission
5 or legally operating without such a license and
6 was placed in service before the date of the en-
7 actment of this section.

8 “(B) A hydroelectric dam which—

9 “(i) was licensed by the Federal En-
10 energy Regulatory Commission before De-
11 cember 31, 2020,

12 “(ii) is under active license from the
13 Federal Energy Regulatory Commission on
14 the date of enactment of this section,

15 “(iii) meets the requirements of sub-
16 clauses (I) and (III) of sections
17 242(b)(1)(B)(ii) of the Energy Policy Act
18 of 2005 (42 U.S.C. 15881),

19 “(iv) is placed in service on or after
20 the date of the enactment of this section,
21 and

22 “(v) does not contribute to atmos-
23 pheric pollution.

24 “(C) Any dam which—

1 “(i) was placed in service before the
2 date of the enactment of this section,

3 “(ii) is operated on such date of en-
4 actment for any beneficial public use ex-
5 cept hydropower generation, and

6 “(iii) is authorized after such date of
7 the enactment for hydropower development
8 by the Federal Energy Regulatory Com-
9 mission, the Bureau of Reclamation, or a
10 State, as appropriate.

11 “(D) Any dam which was placed in service
12 before the date of the enactment of this section
13 and which is a qualified nonpowered dam (as
14 defined in section 34(e)(3) of the Federal
15 Power Act (16 U.S.C. § 823e(e)(3))).

16 “(e) ELECTIVE PAYMENT.—

17 “(1) IN GENERAL.—In the case of a taxpayer
18 making an election (at such time and in such man-
19 ner as the Secretary may provide) under this sub-
20 section with respect to any portion of the credit
21 which would (without regard to this subsection) be
22 determined under this section with respect to such
23 taxpayer, such taxpayer shall be treated as making
24 a payment against the tax imposed by subtitle A for

1 the taxable year equal to 100 percent of such
2 amount.

3 “(2) TIMING.—The payment described in sub-
4 section (a) shall be treated as made on the later of
5 the due date of the return of tax for such taxable
6 year or the date on which such return is filed.

7 “(3) DENIAL OF DOUBLE BENEFIT.—Solely for
8 purposes of section 38, in the case of a taxpayer
9 making an election under this subsection, the credit
10 determined under this section shall be reduced by
11 the amount of the portion of such credit with respect
12 to which the taxpayer makes such election.

13 “(4) APPLICATION TO CERTAIN TAX-EXEMPT
14 PERSONS.—In the case of a taxpayer making an
15 election under this subsection, the credit subject to
16 such an election shall be determined notwith-
17 standing—

18 “(A) section 50(b)(3), and

19 “(B) section 50(b)(4), with respect to an
20 entity described in section 50(b)(4)(A)(i).

21 “(f) SPECIAL RULE FOR PROPERTY FINANCED BY
22 SUBSIDIZED ENERGY FINANCING OR TAX-EXEMPT
23 BONDS.—For purposes of this section, rules similar to the
24 rules of section 48(a)(4) (determined without regard to
25 subparagraph (D) thereof) shall apply.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) Section 46 of the Internal Revenue Code of
3 1986 is amended by striking “and” at the end of
4 paragraph (5), by striking the period at the end of
5 paragraph (6) and inserting “, and”, and by adding
6 at the end the following new paragraph:

7 “(7) the credit for maintaining and enhancing
8 hydroelectric dams.”.

9 (2) Section 49(a)(1)(C) of such Code is amend-
10 ed by striking “and” at the end of clause (iv), by
11 striking the period at the end of clause (v) and in-
12 serting “, and”, and by adding at the end the fol-
13 lowing new clause:

14 “(vi) the basis of any qualified prop-
15 erty taken into account under section
16 48D(d).”.

17 (3) Section 50(a)(2)(E) of such Code is amend-
18 ed by striking “or 48C(b)(2)” and inserting
19 “48C(b)(2), or 48D(c)”.

20 (4) The table of sections for subpart E of part
21 IV of subchapter A of chapter 1 of such Code is
22 amended by inserting after the item relating to sec-
23 tion 48C the following new item:

“Sec. 48D. Credit for maintaining and enhancing hydroelectric dams.”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall apply to property placed in service after

1 the date of the enactment of this Act, under rules similar
 2 to the rules of section 48(m) of the Internal Revenue Code
 3 of 1986 (as in effect on the day before the date of the
 4 enactment of the Revenue Reconciliation Act of 1990).

5 **SEC. 202. CREDIT FOR OBSOLETE RIVER OBSTRUCTION RE-**
 6 **MOVAL EXPENDITURES.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-
 8 chapter A of chapter 1 of the Internal Revenue Code of
 9 1986 is amended by adding after section 45T the following
 10 new section:

11 **“SEC. 45U. CREDIT FOR OBSOLETE RIVER OBSTRUCTION**
 12 **REMOVAL EXPENDITURES.**

13 “(a) IN GENERAL.—For purposes of section 38, the
 14 credit for obsolete river obstruction removal expenditures
 15 for any taxable year is 30 percent of the qualified obsolete
 16 river obstruction removal expenditures incurred during
 17 such taxable year.

18 “(b) QUALIFIED OBSOLETE RIVER OBSTRUCTION
 19 REMOVAL EXPENDITURES.—For purposes of this sec-
 20 tion—

21 “(1) IN GENERAL.—The term ‘qualified obs-
 22 olete river obstruction removal expenditures’ means
 23 any expenditure to demolish and remove, in whole or
 24 in part, any dam described in paragraph (2) and its
 25 associated infrastructure, including all associated re-

1 mediation and ecosystem restoration costs, so long
2 as—

3 “(A) the work is performed with the con-
4 sent of the dam owner, if available, and

5 “(B) none of the expenses incurred are
6 used to demolish or remove a Federally-owned
7 hydroelectric dam.

8 “(2) DAM DESCRIBED.—A dam is described in
9 this paragraph if such dam is—

10 “(A) a qualified nonpowered dam (as de-
11 fined in section 34(e)(3) of the Federal Power
12 Act (16 U.S.C. § 823e(e)(3))), or

13 “(B) a hydroelectric dam which is not
14 owned by the Federal government.

15 “(c) APPLICATION TO TAX-EXEMPT ENTITIES.—

16 “(1) IN GENERAL.—In the case of qualified ob-
17 solete river obstruction removal expenditures in-
18 curred by an eligible entity, the Secretary shall pro-
19 mulgate regulations to allow the allocation of the
20 credit under this section to the person primarily re-
21 sponsible for designing the property in lieu of the
22 owner of such property, with such person to be
23 treated as the taxpayer for purposes of this section.

24 “(2) ELIGIBLE ENTITY.—For purposes of this
25 subsection, the term ‘eligible entity’ means—

1 “(A) a Federal, State, or local government
2 or a political subdivision thereof,

3 “(B) an Indian tribe (as defined in section
4 45A(c)(6)), or

5 “(C) an organization described in section
6 501(c) and exempt from tax under section
7 501(a).

8 “(d) ELECTIVE PAYMENT.—

9 “(1) IN GENERAL.—In the case of a taxpayer
10 making an election (at such time and in such man-
11 ner as the Secretary may provide) under this sub-
12 section with respect to any portion of the credit
13 which would (without regard to this subsection) be
14 determined under this section with respect to such
15 taxpayer, such taxpayer shall be treated as making
16 a payment against the tax imposed by subtitle A for
17 the taxable year equal to 100 percent of such
18 amount.

19 “(2) TIMING.—The payment described in sub-
20 section (a) shall be treated as made on the later of
21 the due date of the return of tax for such taxable
22 year or the date on which such return is filed.

23 “(3) DENIAL OF DOUBLE BENEFIT.—Solely for
24 purposes of section 38, in the case of a taxpayer
25 making an election under this subsection, the credit

1 determined under this section shall be reduced by
2 the amount of the portion of such credit with respect
3 to which the taxpayer makes such election.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 38(b) of the Internal Revenue Code
6 of 1986 is amended by striking “plus” at the end of
7 paragraph (32), by striking the period at the end of
8 paragraph (33) and inserting “, plus”, and by add-
9 ing at the end the following new paragraph:

10 “(34) the credit for obsolete river obstruction
11 removal expenditures under section 45U(a).”.

12 (2) Section 280C of such Code is amended by
13 adding at the end the following new subsection:

14 “(i) CREDIT FOR OBSOLETE RIVER OBSTRUCTION
15 REMOVAL EXPENDITURES.—No deduction shall be al-
16 lowed for that portion of the expenses otherwise allowable
17 as a deduction taken into account in determining the cred-
18 it under section 45U for the taxable year which is equal
19 to the amount of the credit determined for such taxable
20 year under section 45U(a).”.

21 (3) The table of sections for subpart D of part
22 IV of subchapter A of chapter 1 of such Code is
23 amended by inserting after the item relating to sec-
24 tion 45T the following new item:

“Sec. 45U. Credit for obsolete river obstruction removal expenditures.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to any obsolete river obstruction
3 removal expenditures (as defined in section 45U of the In-
4 ternal Revenue Code of 1986, as added by this section)
5 incurred after the date of the enactment of this Act.

6 **TITLE III—RESTORE RIVER ECO-**
7 **SYSTEMS THROUGH DAM**
8 **ABATEMENTS**

9 **SEC. 301. PURPOSES.**

10 The purposes of this title are to establish an inter-
11 agency advisory council, a Tribal and stakeholder advisory
12 board, and to provide funding to remove publicly owned
13 and privately owned dams with the consent of dam own-
14 ers—

15 (1) to reduce public safety risks associated with
16 aging dams;

17 (2) to promote the restoration of riverine habi-
18 tat for native species of fish and wildlife;

19 (3) to provide for the movement of aquatic spe-
20 cies and restoration of migratory fish populations;

21 (4) to improve water quality; and

22 (5) to increase climate resilience.

23 **SEC. 302. DEFINITIONS.**

24 In this title:

1 (1) ADVISORY BOARD.—The term “Advisory
2 Board” means the Dam Removal Advisory Board es-
3 tablished under section 305.

4 (2) AQUATIC HABITAT.—The term “aquatic
5 habitat” means the preferred in-stream, floodplain,
6 or riparian wetland habitat of all life stages of native
7 aquatic species.

8 (3) AQUATIC SPECIES PASSAGE.—The term
9 “aquatic species passage” means the ability of all
10 species endemic to a watershed, and all life stages
11 of those species, to freely access upstream and down-
12 stream aquatic habitat for the purposes of spawning,
13 rearing, or other life cycle needs.

14 (4) CLIMATE RESILIENCE.—The term “climate
15 resilience” means the ability for humans, eco-
16 systems, and all species to adapt to and recover
17 from disturbances related to climate change, includ-
18 ing increased severity and frequency of floods,
19 droughts, and changes to thermal regimes.

20 (5) COUNCIL.—The term “Council” means the
21 Dam Removal Council established under section
22 304.

23 (6) DAM.—The term “dam” means a human-
24 made structure that—

1 (A) spans the width of a river or stream
2 (or does not currently span the width of a river
3 or stream due to damage or intentional breach,
4 but was originally constructed to do so); and

5 (B) was constructed to raise the water
6 level, divert water, or store water for a variety
7 of purposes.

8 (7) DAM REMOVAL PROJECT.—

9 (A) IN GENERAL.—The term “dam re-
10 moval project” means a project to permanently
11 remove the full vertical extent of a dam struc-
12 ture of a dam described in subparagraph (B) to
13 a minimum horizontal width needed to protect
14 public safety, restore natural river function, and
15 reconnect aquatic species passage, unless site
16 conditions prevent that removal width.

17 (B) DAMS DESCRIBED.—A dam referred to
18 in subparagraph (A) is—

19 (i) a non-federally owned powered
20 dam;

21 (ii) a non-federally owned non-pow-
22 ered dam; or

23 (iii) a Federal non-powered dam the
24 removal of which is authorized by Con-
25 gress, if applicable.

1 (8) FUNDING ALLOCATION.—The term “fund-
2 ing allocation” means amounts provided, out of
3 amounts made available to carry out this title, by
4 the Secretary to a participating agency to carry out
5 the purposes of this title.

6 (9) INDIAN TRIBE.—The term “Indian Tribe”
7 has the meaning given the term in section 4 of the
8 Indian Self-Determination and Education Assistance
9 Act (25 U.S.C. 5304).

10 (10) NON-FEDERAL INTEREST.—The term
11 “non-Federal interest” means—

12 (A) a State;

13 (B) a political subdivision of a State;

14 (C) an Indian Tribe;

15 (D) a non-Federal dam owner, or a rep-
16 resentative;

17 (E) a regional or interstate agency; and

18 (F) as provided in section 303(d)(2), a
19 nongovernmental organization.

20 (11) PARTICIPATING AGENCY.—

21 (A) IN GENERAL.—The term “partici-
22 pating agency” means a Federal agency—

23 (i) that owns 1 or more dams or has
24 jurisdiction over a grant program under

1 which dam removal is an eligible activity;
2 and

3 (ii) that has authority—

4 (I) to conduct dam removal
5 projects; or

6 (II) to provide technical assist-
7 ance and grants for development,
8 planning, and implementation of dam
9 removal projects.

10 (B) INCLUSION.—The term “participating
11 agency” includes the Department of the Army.

12 (12) PRIVATELY OWNED DAM.—The term “pri-
13 vately owned dam” means a dam that is owned by
14 1 or more non-governmental entities.

15 (13) PUBLIC SAFETY HAZARD.—The term
16 “public safety hazard” means the risk to individuals
17 pertaining to a dam, including loss of life or destruc-
18 tion of private or public property, as a result of the
19 structural failure or misoperation of a dam, or by a
20 person who accesses the dam by foot or in a boat.

21 (14) PUBLICLY OWNED DAM.—

22 (A) IN GENERAL.—The term “publicly
23 owned dam” means a dam that is owned by a
24 public entity such as a government agency, po-
25 litical subdivision, special purpose district, or

1 other public entity established under Federal or
2 State law.

3 (B) EXCLUSION.—The term “publicly
4 owned dam” does not include a Federal pow-
5 ered dam.

6 (15) SECRETARY.—The term “Secretary”
7 means the Secretary of the Army.

8 (16) STATE.—The term “State” means—

9 (A) a State;

10 (B) the District of Columbia;

11 (C) the Commonwealth of Puerto Rico;

12 (D) the Commonwealth of the Northern
13 Mariana Islands;

14 (E) the United States Virgin Islands;

15 (F) American Samoa; and

16 (G) Guam.

17 **SEC. 303. DAM REMOVAL PROGRAM.**

18 (a) ESTABLISHMENT.—The Secretary shall establish
19 a dam removal program to carry out dam removal projects
20 and provide technical assistance through the award of con-
21 tracts and cooperative agreements in accordance with this
22 title.

23 (b) ELIGIBLE ACTIVITIES.—An activity eligible to be
24 carried out with a funding allocation is—

25 (1) a dam removal project; and

1 (2) a Federal or non-Federal technical assist-
2 ance program.

3 (c) SELECTION OF PROJECTS.—

4 (1) IDENTIFICATION OF ELIGIBLE PROJECTS.—

5 (A) IN GENERAL.—Each participating
6 agency shall—

7 (i) review proposed dam removal
8 projects and technical assistance programs,
9 including—

10 (I) projects proposed by a dam
11 owner (or a designee, with the written
12 consent of the dam owner);

13 (II) dam removal projects for
14 Federal non-powered dams owned by
15 the participating agency that—

16 (aa) are no longer providing
17 a critical purpose in the Federal
18 interest; and

19 (bb) have received Congres-
20 sional authorization, if applicable;

21 (III) non-Federal dam removal
22 technical assistance programs; and

23 (IV) a proposed funding alloca-
24 tion for those projects and programs;
25 and

1 (ii) submit the recommended projects,
2 programs, and funding allocation to the
3 Council.

4 (B) COUNCIL REVIEW.—The Council
5 shall—

6 (i) review the projects, programs, and
7 funding allocations submitted under sub-
8 paragraph (A)(ii);

9 (ii) develop recommendations of
10 projects and programs that meet the cri-
11 teria described in paragraph (3) and pro-
12 posed funding allocations for each partici-
13 pating agency; and

14 (iii) submit the projects, programs,
15 and funding allocations recommended
16 under clause (ii) to the Secretary.

17 (2) SELECTION.—The Secretary shall—

18 (A) select projects and activities under this
19 section taking into consideration the projects
20 and programs submitted by the Council under
21 paragraph (1)(B)(iii); and

22 (B) provide to each participating agency a
23 funding allocation pursuant to a cooperative
24 agreement under subsection (f).

1 (3) REQUIRED ELEMENTS.—Each dam removal
2 project recommended to the Secretary by the Coun-
3 cil shall—

4 (A) include written consent of the dam
5 owner for the dam removal project, if ownership
6 is established;

7 (B) meet 1 or more of the project purposes
8 of—

9 (i) protecting human health and safe-
10 ty;

11 (ii) restoring aquatic habitat and
12 riverine processes;

13 (iii) increasing river connectivity and
14 species access to aquatic habitat;

15 (iv) improving water quality;

16 (v) enhancing commercial and rec-
17 reational fishing;

18 (vi) enhancing river-based recreation;

19 (vii) restoring nature-based infrastruc-
20 ture; and

21 (viii) improving climate resilience;

22 (C) include satisfactory assurance from
23 any non-Federal interests proposing projects
24 that the non-Federal interests will have or can

1 reasonably acquire personnel and authority to
2 adequately manage the project; and

3 (D) demonstrate a commitment to obtain
4 all required regulatory approvals and permits
5 from all pertinent jurisdictions prior to project
6 implementation.

7 (4) FACTORS FOR SELECTION OF PROJECTS.—

8 In selecting a dam removal project, the Secretary
9 and participating agencies shall consider the fol-
10 lowing:

11 (A) The capability of the non-Federal in-
12 terest to carry out the project in a technically
13 feasible manner.

14 (B) The extent to which the dam poses a
15 significant public safety hazard.

16 (C) The extent to which the dam provides
17 critical beneficial uses.

18 (D) The extent to which the project pro-
19 vides multiple environmental and public bene-
20 fits, with priority given to a project that meets
21 2 or more of the project purposes described in
22 paragraph (3)(B).

23 (E) The extent to which the project will be
24 carried out in a cost-effective manner.

1 (F) Any other factors that the Secretary
2 and participating agencies determine to be rea-
3 sonable and necessary for consideration.

4 (5) PRIORITIZATION FOR SELECTION OF
5 PROJECTS.—In selecting a dam removal project, the
6 Secretary and participating agencies shall
7 prioritize—

8 (A) removal of dams that pose a signifi-
9 cant public safety hazard; and

10 (B) non-powered dams the removal of
11 which will provide significant ecological value.

12 (d) EXECUTION OF PROJECTS AND ACTIVITIES.—

13 (1) IN GENERAL.—A participating agency that
14 receives assistance under this section may enter into
15 cooperative agreements with non-Federal interests—

16 (A) to carry out dam removal projects;

17 (B) to provide technical assistance; or

18 (C) to provide assistance to a non-Federal
19 technical assistance program.

20 (2) NONGOVERNMENTAL ORGANIZATIONS.—

21 Notwithstanding section 221(b) of the Flood Control
22 Act of 1970 (42 U.S.C. 1962d–5b(b)), for any dam
23 removal project, the Secretary, in consultation and
24 coordination with appropriate State and local gov-
25 ernmental agencies, Indian Tribes, and any im-

1 pacted stakeholders, may allow a nongovernmental
2 organization to serve as the non-Federal interest for
3 the project.

4 (3) PUBLIC NOTICE.—For any dam removal ac-
5 tivity carried out with a funding allocation, the par-
6 ticipating agency shall provide public notice in ac-
7 cordance with applicable regulations and require-
8 ments of the participating agency.

9 (4) GEOGRAPHIC EQUITY.—To the maximum
10 extent practicable, in carrying out activities under
11 this title, participating agencies shall allocate
12 amounts from the funding allocation of the agency
13 equitably among regions of the United States.

14 (e) ELIGIBLE COSTS.—A funding allocation may be
15 used for all dam removal and related project needs, includ-
16 ing—

17 (1) engineering, scientific assessment, economic
18 analysis, construction, project management, tech-
19 nical assistance, acquisition, liability insurance, mon-
20 itoring, regulatory compliance, updating flood haz-
21 ard mapping as needed for project implementation,
22 project administration, infrastructure protection,
23 and sediment management;

24 (2) all stages of project planning and design;

1 (3) Federal, State, Tribal, and non-Federal
2 dam removal technical assistance programs to iden-
3 tify projects, complete initial project stages, train
4 project managers and others involved in dam re-
5 moval projects, and provide technical assistance;

6 (4) establishment of collaborative Federal teams
7 to increase efficiency of evaluation and removal of
8 federally owned dams; and

9 (5) monitoring under subsection (h).

10 (f) COOPERATIVE AGREEMENT.—

11 (1) IN GENERAL.—The Secretary shall enter
12 into a cooperative agreement with each participating
13 agency to provide the funding allocation determined
14 by the Secretary for the participating agency.

15 (2) SUPPLEMENT, NOT SUPPLANT.—A funding
16 allocation provided under this title shall supplement
17 and not supplant amounts otherwise made available
18 to the participating agency.

19 (g) FEDERAL SHARE.—The Federal share of the cost
20 of a dam removal project carried out under this title shall
21 be 100 percent, unless a different Federal share is re-
22 quired by the program of the participating agency under
23 which the project is being carried out.

24 (h) MONITORING.—

1 (1) COSTS.—The costs of monitoring a dam re-
2 moval project—

3 (A) shall be an eligible use of a funding al-
4 location; and

5 (B) may be included in the total cost of
6 the dam removal project.

7 (2) GOALS.—The goals of monitoring referred
8 to paragraph (1) shall be—

9 (A) to measure the safety and effectiveness
10 of the project; and

11 (B) to allow adaptive management to en-
12 sure project success.

13 **SEC. 304. ESTABLISHMENT OF DAM REMOVAL COUNCIL.**

14 (a) COUNCIL.—There is established a council to be
15 known as the “Dam Removal Council”.

16 (b) DUTIES.—The Council shall be responsible for—

17 (1) coordinating participating agencies to annu-
18 ally (or as otherwise determined by the Council)—

19 (A) notify all known dam owners of the
20 availability of dam removal funding, application
21 procedures, and options for technical assistance;
22 and

23 (B) provide guidance on the existing pro-
24 grams of participating agencies;

1 (2) evaluating the proposed dam removal
2 projects, technical assistance programs, and funding
3 allocations submitted by participating agencies
4 under section 303(c)(1)(A)(ii);

5 (3) submitting to the Secretary recommended
6 dam removal projects, technical assistance programs,
7 and funding allocations for participating agencies as
8 described in section 303(c)(1)(B)(ii);

9 (4) serving as a forum—

10 (A) to identify and address limiting factors
11 to removing dams; and

12 (B) to address programmatic challenges;

13 (5) providing advice on the development of the
14 database and report required under section 307; and

15 (6) collaborating with the agencies represented
16 on the Council to maximize the benefits of this title.

17 (c) MEMBERSHIP.—

18 (1) MEMBERS.—Subject to paragraph (2), the
19 Council shall consist of the following members:

20 (A) The Secretary.

21 (B) The Director of the National Oceanic
22 and Atmospheric Administration.

23 (C) The Director of the United States Fish
24 and Wildlife Service.

1 (D) The Commissioner of the Bureau of
2 Reclamation.

3 (E) The Chief of the Natural Resources
4 Conservation Service.

5 (F) The Chief of the Forest Service.

6 (G) The Administrator of the Federal
7 Emergency Management Agency.

8 (H) The Administrator of the Environ-
9 mental Protection Agency.

10 (I) The Chair of the Council on Environ-
11 mental Quality.

12 (J) The Chairman of the Federal Energy
13 Regulatory Commission.

14 (K) The Director of the Water Power
15 Technologies Office of the Department of En-
16 ergy.

17 (2) AUTHORITY TO CHANGE MEMBERSHIP.—
18 The Council may modify the membership of the
19 Council to more effectively meet the purposes of this
20 title.

21 (3) COLLABORATION.—The Council may col-
22 laborate with other Federal agencies regarding the
23 duties of the Council and recommend to the Sec-
24 retary to enter into agreements with those agencies
25 to more effectively meet the purposes of this title,

1 such as an agreement relating to the provision of
2 data or research necessary to carry out dam removal
3 projects.

4 (4) COMPENSATION.—A member of the Council
5 shall serve without compensation.

6 (5) CHAIR.—

7 (A) IN GENERAL.—The initial Chair of the
8 Council shall be the Chair of the Council on
9 Environmental Quality.

10 (B) SUBSEQUENT CHAIRS.—Every 2 years,
11 after completion of a report under section 307,
12 the Council shall select a new Chair of the
13 Council.

14 (C) DUTIES.—The Chair shall coordinate
15 with agencies represented on the Council—

16 (i) to develop effective and efficient
17 processes to identify, prioritize, and imple-
18 ment dam removal projects; and

19 (ii) to simplify and clarify the dam re-
20 moval process.

21 (d) MEETINGS.—

22 (1) FIRST MEETING.—The Chair shall convene
23 the first meeting of the Council not later than 60
24 days after the date of enactment of this Act.

1 (2) **ADDITIONAL MEETINGS.**—The Chair shall
2 convene additional meetings of the Council as appro-
3 priate to ensure that this title is fully carried out,
4 but not less often than annually.

5 (e) **COUNCIL PROCEDURES.**—The Council shall es-
6 tablish procedures for voting, the conduct of meetings, and
7 other matters as appropriate.

8 (f) **PUBLIC PARTICIPATION.**—

9 (1) **IN GENERAL.**—Meetings of the Council
10 shall be open to the public.

11 (2) **NOTICE.**—The Council shall provide notice
12 to the public of a meeting of the Council.

13 (g) **ADVICE.**—The Council shall consult with the Ad-
14 visory Board—

15 (1) to assist the Council in the development of
16 the dam removal strategy to be developed under sec-
17 tion 306;

18 (2) to provide input on project identification
19 criteria; and

20 (3) to provide input on proportional distribution
21 of funds to participating agencies.

22 **SEC. 305. ESTABLISHMENT OF DAM REMOVAL ADVISORY**
23 **BOARD.**

24 (a) **ADVISORY BOARD.**—The Chair of the Council
25 shall establish a Dam Removal Advisory Board to provide

1 advice and recommendations on the implementation of this
2 title.

3 (b) MEMBERSHIP.—The Advisory Board shall include
4 12 members appointed by the Chair, of whom—

5 (1) 2 members shall be representatives of In-
6 dian Tribes;

7 (2) 2 members shall be representatives of State
8 government agencies that manage or provide funds
9 for dam removal projects or regulate dam safety;

10 (3) 3 members shall be representatives of non-
11 governmental organizations that manage or provide
12 technical assistance for dam removal projects;

13 (4) 2 members shall be representatives of non-
14 governmental organizations that work to improve
15 dam safety practices; and

16 (5) 3 members shall be representatives of orga-
17 nizations representing dam owners.

18 (c) NONAPPLICABILITY OF FACA.—The Federal Ad-
19 visory Committee Act (5 U.S.C. App.) shall not apply to
20 the Advisory Board.

21 **SEC. 306. DAM REMOVAL STRATEGY.**

22 (a) IN GENERAL.—Not later than 18 months after
23 the date of enactment of this Act, the Council shall de-
24 velop a dam removal strategy—

1 (1) to ensure a comprehensive approach to re-
2 move dams that—

3 (A) pose the greatest threat to public safe-
4 ty;

5 (B) provide the greatest opportunity for
6 environmental restoration; and

7 (C) are consistent with efforts to address
8 climate change and adaptation;

9 (2) to maximize benefits derived from dam re-
10 moval projects; and

11 (3) to foster the coordination of Federal and
12 non-Federal activities related to dam removal.

13 (b) GOAL.—The goal of the dam removal strategy
14 under subsection (a) shall be to improve public safety and
15 restore healthy rivers by reconnecting at least 10,000
16 miles of river by 2031.

17 (c) ELEMENTS OF STRATEGY.—The dam removal
18 strategy under subsection (a) shall—

19 (1) identify limiting factors to completing dam
20 removal projects and strategies for overcoming those
21 limiting factors;

22 (2) utilize the selection factors and priorities
23 described in section 303(c);

24 (3) optimize the benefits of dam removal activi-
25 ties, including basin-scale fish passage planning;

1 (4) maximize the incentives for the creation of
2 new public-private partnerships to carry out dam re-
3 moval projects and the use of Federal resources to
4 encourage increased private sector involvement in
5 dam removal projects;

6 (5) identify opportunities for Federal agency
7 collaboration to remove dams that are no longer
8 needed from Federal land;

9 (6) be consistent with dam removal, habitat res-
10 toration, and public safety plans;

11 (7) promote dam removal projects—

12 (A) to meet the criteria in section
13 303(c)(3); and

14 (B) to address other areas of concern that
15 the Council determines to be appropriate for
16 consideration; and

17 (8) provide recommendations for broad and eq-
18 uitable geographic distribution of projects funded
19 under this title.

20 (d) PUBLIC REVIEW AND COMMENT.—Before the
21 Council adopts a dam removal strategy under subsection
22 (a), the Council shall—

23 (1) publish in the Federal Register a draft of
24 the dam removal strategy; and

1 (2) provide an opportunity for public review and
2 comment.

3 (e) NO DELAY OF DAM REMOVAL PROJECTS.—De-
4 velopment of the dam removal strategy under subsection
5 (a)—

6 (1) shall occur concurrently with implementa-
7 tion of dam removal projects and technical assist-
8 ance under this Act; and

9 (2) shall not delay progress of those projects
10 and activities.

11 (f) PERIODIC REVISION.—Using data and informa-
12 tion developed through project monitoring and manage-
13 ment, and other relevant information, the Council may pe-
14 riodically review and update, as necessary, the dam re-
15 moval strategy under subsection (a).

16 **SEC. 307. REPORTING.**

17 (a) IN GENERAL.—Not later than 2 years after the
18 date of enactment of this Act, and every 2 years there-
19 after, the Secretary, after considering the advice and rec-
20 ommendations of the Council and Advisory Board, shall
21 submit to Congress a report on the activities carried out
22 under this title.

23 (b) CONTENTS OF REPORT.—A report under sub-
24 section (a) shall include—

25 (1) data on—

1 (A) the number of dams removed, river
2 miles opened, public safety benefits, and aquatic
3 ecosystem benefits achieved through projects
4 under this title; and

5 (B) participating agency expenditures,
6 project costs, and descriptions of projects se-
7 lected, in progress, and completed under this
8 title;

9 (2) a review of project expenses, identifying
10 areas of opportunity for reducing future project ex-
11 penses;

12 (3) a review of how the information described
13 in paragraphs (1) and (2) will be incorporated into
14 the selection and implementation of new dam re-
15 moval projects;

16 (4) a review of efforts made to maintain an ap-
17 propriate database of dam removal projects carried
18 out under this title; and

19 (5) a review of the measures taken to provide
20 the information described in paragraphs (1) through
21 (3) to Federal agencies with responsibility for assist-
22 ing in the dam removals.

1 **SEC. 308. FUNDING.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to carry out this title
4 \$7,500,000,000, to remain available until expended.

5 (b) TECHNICAL ASSISTANCE FUNDING ALLOCA-
6 TIONS.—Of the amounts made available under subsection

7 (a)—

8 (1) not less than \$50,000,000 shall be allocated
9 for the costs of administration, environmental com-
10 pliance, and technical assistance to carry out this
11 title; and

12 (2) not less than \$30,000,000 shall be allocated
13 to non-Federal dam removal technical assistance
14 programs.

15 (c) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF
16 THE COUNCIL.—Of the amounts made available under
17 subsection (a) for each fiscal year, the Secretary shall use
18 for administration and operating costs of the Council and
19 for development of the report under section 307, including
20 the collection and maintenance of dam removal project
21 data, the lesser of—

22 (1) 3 percent; and

23 (2) \$1,500,000.

24 **SEC. 309. GENERAL PROVISIONS.**

25 (a) AGENCY CONSULTATION AND COORDINATION.—
26 In carrying out this title, the Secretary shall, as necessary,

1 consult with, cooperate with, and coordinate activities with
2 the activities of other Federal agencies.

3 (b) COOPERATIVE AGREEMENTS; MEMORANDA OF
4 UNDERSTANDING.—In carrying out this title, the Sec-
5 retary and other Federal agencies, as appropriate, may—

6 (1) enter into cooperative agreements or con-
7 tracts with Federal, State, and local government
8 agencies, nongovernmental organizations, and other
9 entities; and

10 (2) execute such memoranda of understanding
11 as are necessary to reflect the agreements.

12 (c) FEDERAL AGENCY FACILITIES AND PER-
13 SONNEL.—Federal agencies may—

14 (1) cooperate in carrying out scientific and
15 other programs necessary to carry out this title; and

16 (2) provide facilities and personnel for the pur-
17 pose of assisting the Council in carrying out the du-
18 ties of the Council under this title.

19 **TITLE IV—REIMAGINED** 20 **FEDERAL DAMS**

21 **SEC. 401. NATIONAL DAM ASSESSMENT.**

22 (a) IN GENERAL.—The National dam assessment will
23 assimilate data to provide for stakeholders to determine
24 whether a dam may be an appropriate candidate to re-
25 move, upgrade, enhance environmental performance, or

1 retrofit for hydropower production. The assessment is in-
2 tended for data gathering and analysis tools and will not
3 make recommendations on individual dams.

4 (b) DAM ASSESSMENTS AND DATA GATHERING.—

5 (1) IN GENERAL.—The U.S. Geological Survey
6 and Department of Energy (Lead agencies) shall
7 jointly conduct an assessment of the Nation’s dam
8 infrastructure, including government and privately
9 owned powered and non-powered dams. In con-
10 ducting its assessment, the Lead agencies shall con-
11 sult with other Federal and State government agen-
12 cies, including the Corps of Engineers, the Bureau
13 of Reclamation, the Federal Energy Regulatory
14 Commission, the Federal Emergency Management
15 Agency, the U.S. Fish and Wildlife Service, NOAA,
16 State dam safety officials, and other stakeholders.

17 (2) PURPOSE.—The purpose of the assessment
18 is to integrate existing data to help stakeholders
19 identify—

20 (A) dams that continue to serve vital roles
21 and may be priorities for upgrades, environ-
22 mental performance enhancements, or retrofits
23 to add or replace generation at powered and
24 non-powered facilities; and

1 (B) dams that may have been abandoned,
2 have reached the end of their useful life, or oth-
3 erwise may be candidates for removal and river
4 restoration.

5 (3) CONTENT.—

6 (A) The Lead agencies shall, in consulta-
7 tion with the other Federal and State agencies,
8 the Dam Removal Council established under
9 section 304, as well as other stakeholders, de-
10 velop a set of data and other factors relevant to
11 dam upgrades, retrofit and removal, including
12 but not limited to age, height, water flow, haz-
13 ard classifications, condition assessment, envi-
14 ronmental improvement opportunities, climate
15 change risks, known functions and other factors
16 determined by the Lead agencies to meet the
17 goals of the assessment.

18 (B) At the time of submission of the report
19 to Congress, the Lead agencies shall make the
20 assessment publicly available in a written and
21 an electronically searchable format.

22 (C) The Lead agencies shall, to the extent
23 possible, compile pre-existing information from
24 Federal and State government sources and

1 avoid duplicating existing assessments of any
2 particular dam, facility, or project.

3 **SEC. 402. FEDERAL DAM ASSESSMENTS.**

4 (a) IN GENERAL.—Federal agencies that own dams
5 shall assess their dams to identify which should be re-
6 moved, upgraded, enhanced for environmental perform-
7 ance, or retrofitted for hydropower production.

8 (b) CRITERIA.—The lead agencies section 401(b) will
9 work with dam-owning Federal agencies and the Dam Re-
10 moval Council to develop criteria for agencies to use to
11 complete the assessments.

12 (c) ASSESSMENT.—Using the criteria from sub-
13 section (b), Federal agencies that own dams shall assess
14 their dams to identify those appropriate for the outcomes
15 in subsection (a) or other outcomes determined by the lead
16 agencies.

17 (d) OUTCOMES.—Those outcomes identified by the
18 assessment should not be compelled, but should inform fu-
19 ture action by the agencies.

20 **SEC. 403. REPORT.**

21 The Secretary shall submit to the Committees on En-
22 ergy and Commerce, Natural Resources, and Transpor-
23 tation and Infrastructure of the House of Representatives
24 and the Committee on Energy and Natural Resources of
25 the Senate a report on the findings and conclusions of the

1 assessments under this section by not later than 18
2 months after the date of the enactment of this Act. The
3 assessment and report to Congress shall be updated every
4 3 years thereafter.

5 **SEC. 404. INVESTING IN FEDERAL DAM INFRASTRUCTURE.**

6 (a) CORPS OF ENGINEERS.—There are authorized to
7 be appropriated \$1,600,000,000 for fiscal years 2022
8 through 2026 for the following dam-related activities:

9 (1) Safety improvements, including concrete re-
10 pair, tunnel work, and gate repair and replacement.

11 (2) Environmental improvements, including fish
12 passage, environmental flows, water quality, tem-
13 perature, and dissolved oxygen upgrades.

14 (3) Hydropower unit maintenance and up-
15 grades.

16 (4) Transmission, distribution, and substation
17 upgrades.

18 (5) Control room upgrades.

19 (6) Efficiency, flexibility, and capacity improve-
20 ments.

21 (7) Deployment of innovative technologies, none
22 of the funds authorized under this section shall have
23 to be recouped by the Corps of Engineers.

24 (8) Evaluation to address disposition to appro-
25 priately direct expenditures.

1 (9) Backlogged maintenance and operation ac-
2 tivities.

3 (b) BUREAU OF RECLAMATION.—There are author-
4 ized to be appropriated \$400,000,000 for each of fiscal
5 years 2022 through 2026 for the following dam-related ac-
6 tivities:

7 (1) Safety improvements, including concrete re-
8 pair, tunnel work, and gate repair and replacement.

9 (2) Environmental improvements, including fish
10 passage, environmental flows, water quality, tem-
11 perature, and dissolved oxygen upgrades.

12 (3) Hydropower unit maintenance and up-
13 grades.

14 (4) Transmission, distribution, and substation
15 upgrades.

16 (5) Control room upgrades.

17 (6) Backlogged operations and maintenance ac-
18 tivities.

19 (7) Upgrades, efficiency, flexibility, and capac-
20 ity improvements.

21 (8) Deployment of innovative technologies.

22 (9) Evaluation to address disposition to appro-
23 priately direct expenditures.

1 (10) None of the funds authorized under this
2 section shall have to be recouped by the Bureau of
3 Reclamation.

4 (c) UNITED STATES FOREST SERVICE.—There are
5 authorized to be appropriated \$70,000,000 for each of fis-
6 cal years 2022 through 2026 for the following dam-related
7 activities:

8 (1) Safety improvements.

9 (2) Environmental improvements.

10 (3) Backlogged operations and maintenance ac-
11 tivities.

12 (4) Upgrades, efficiency, flexibility, and capac-
13 ity improvements.

14 (5) Deployment of innovative technologies.

15 (6) Evaluation to address disposition to appro-
16 priately direct expenditures.

17 (d) BUREAU OF INDIAN AFFAIRS.—There are au-
18 thorized to be appropriated \$130,000,000 for each of fis-
19 cal years 2022 through 2026 for the following dam-related
20 activities:

21 (1) Safety and environmental improvements.

22 (2) Backlogged operations and maintenance ac-
23 tivities.

24 (3) Upgrades, efficiency, flexibility, and capac-
25 ity improvements.

1 (4) Deployment of innovative technologies.

2 (5) Evaluation to address disposition to appro-
3 priately direct expenditures.

4 (6) None of the funds authorized under this
5 section shall have to be recouped by the Bureau of
6 Indian Affairs.

7 (e) UNITED STATES GEOLOGICAL SURVEY.—There
8 are authorized to be appropriated \$5,000,000 for fiscal
9 year 2022 to complete the assessments contained in sec-
10 tions 401 and 402.

11 (f) INTERAGENCY COOPERATION.—The Secretary of
12 each agency included in this section, or their designee,
13 shall meet annually to ensure investments are coordinated
14 to improve river health, hydropower output, and public
15 safety.

16 (g) DEPARTMENT OF ENERGY.—There is authorized
17 to be appropriated \$50,000,000 for each of fiscal years
18 2022 through 2026 for activities related to the following
19 activities:

20 (1) An assessment of the Nation’s dam infra-
21 structure under section 401(b).

22 (2) Research, development, and deployment to
23 support—

24 (A) development of innovative waterpower
25 technologies;

1 (B) development of technology to improve
2 retrofitting and rehabilitating hydropower
3 dams; and

4 (C) enhancements to hydropower's ability
5 to support grid resilience.

○