

117TH CONGRESS
1ST SESSION

S. 2356

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 SENATE OF THE UNITED STATES

JULY 15, 2021

Mrs. FEINSTEIN (for herself, Mr. PADILLA, Mr. WYDEN, Ms. STABENOW, Mr. PETERS, Mrs. GILLIBRAND, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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—RESTORE RIVER ECOSYSTEMS THROUGH DAM
ABATEMENTS

Sec. 201. Purposes.

Sec. 202. Definitions.

Sec. 203. Dam removal program.

Sec. 204. Establishment of Dam Removal Council.

Sec. 205. Establishment of Dam Removal Advisory Board.

Sec. 206. Dam removal strategy.

Sec. 207. Reporting.

Sec. 208. Funding.

Sec. 209. General provisions.

TITLE III—REIMAGINED FEDERAL DAMS

Sec. 301. National dam assessment.

Sec. 302. Federal dam assessments.

Sec. 303. Report.

Sec. 304. Investing in Federal dam infrastructure.

1 **TITLE I—DAM SAFETY**
2 **ASSISTANCE**
3 **SEC. 101. INCREASE FEDERAL ASSISTANCE TO IMPROVE**
4 **DAM SAFETY.**

5 (a) NATIONAL DAM SAFETY PROGRAM ACT.—

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

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

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

13 (C) by striking clause (v).

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

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

17 (3) ASSISTANCE FOR STATE DAM SAFETY PRO-
18 GRAMS.—Section 8(e)(1) of the National Dam Safe-
19 ty Program Act (33 U.S.C. 467f(e)(1)) is amended
20 by inserting “including the development of emer-
21 gency action plans” after “improving dam safety
22 programs”.

23 (4) PRIORITY SYSTEM.—Section 8A(f) of the
24 National Dam Safety Program Act (33 U.S.C.
25 467f–2(f)) is amended to read as follows:

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

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

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

13 (B) in paragraph (4), by striking “each of
 14 fiscal years 2021 through 2026.” and inserting
 15 “fiscal year 2021; and”; and

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

17 “(5) \$200,000,000 for each of fiscal years 2022
 18 through 2026.”.

19 (6) NATIONAL DAM SAFETY PROGRAM.—Section
 20 14(a)(1) of the National Dam Safety Program Act
 21 (33 U.S.C. 467j(a)(1)) is amended by striking
 22 “\$9,200,000 for each of fiscal years 2019 through
 23 2023” and inserting “\$92,000,000 for each of fiscal
 24 years 2022 through 2026”.

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

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

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

10 (A) by striking subparagraphs (B) and
11 (C);

12 (B) by striking the paragraph designation
13 and heading and all that follows through “Sub-
14 ject to subparagraphs (B) and (C), for” in sub-
15 paragraph (A) in the matter preceding clause
16 (i) and inserting the following:

17 “(2) ALLOCATION.—For”;

18 (C) by redesignating clauses (i) and (ii) as
19 subparagraphs (A) and (B), respectively, and
20 indenting appropriately;

21 (D) in subparagraph (A) (as so redesign-
22 ated), by inserting “of the remaining” after
23 “One-third”;

24 (E) in subparagraph (B) (as so redesign-
25 ated)—

1 (i) in the matter preceding subclause
2 (I), by inserting “of the remaining” after
3 “Two-thirds”; and

4 (ii) by redesignating subclauses (I)
5 and (II) as clauses (i) and (ii), respec-
6 tively, and indenting appropriately; and
7 (F) by adding at the end the following:

8 “(C) Up to twenty percent to States that
9 qualify for assistance under section 8(e) for the
10 development of emergency action plans as need-
11 ed.”.

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

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

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

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

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

4 “(F) \$100,000,000 for each of fiscal years
5 2022 through 2026.”.

6 (c) WIFIA FUNDING.—Section 5033(a)(1) of the
7 Water Infrastructure Finance and Innovation Act of 2014
8 (33 U.S.C. 3912(a)(1)) is amended—

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

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

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

14 “(F) \$50,000,000 for each of fiscal years
15 2022 through 2026.”.

16 **TITLE II—RESTORE RIVER ECO-**
17 **SYSTEMS THROUGH DAM**
18 **ABATEMENTS**

19 **SEC. 201. PURPOSES.**

20 The purposes of this title are to establish an inter-
21 agency advisory council, a Tribal and stakeholder advisory
22 board, and to provide funding to remove publicly owned
23 and privately owned dams with the consent of dam own-
24 ers—

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

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

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

7 (4) to improve water quality; and

8 (5) to increase climate resilience.

9 **SEC. 202. DEFINITIONS.**

10 In this title:

11 (1) **ADVISORY BOARD.**—The term “Advisory
12 Board” means the Dam Removal Advisory Board es-
13 tablished under section 205.

14 (2) **AQUATIC HABITAT.**—The term “aquatic
15 habitat” means the preferred in-stream, floodplain,
16 or riparian wetland habitat of all life stages of native
17 aquatic species.

18 (3) **AQUATIC SPECIES PASSAGE.**—The term
19 “aquatic species passage” means the ability of all
20 species endemic to a watershed, and all life stages
21 of those species, to freely access upstream and down-
22 stream aquatic habitat for the purposes of spawning,
23 rearing, or other life cycle needs.

24 (4) **CLIMATE RESILIENCE.**—The term “climate
25 resilience” means the ability for humans, eco-

1 systems, and all species to adapt to and recover
2 from disturbances related to climate change, includ-
3 ing increased severity and frequency of floods,
4 droughts, and changes to thermal regimes.

5 (5) COUNCIL.—The term “Council” means the
6 Dam Removal Council established under section
7 204.

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

10 (A) spans the width of a river or stream
11 (or does not currently span the width of a river
12 or stream due to damage or intentional breach,
13 but was originally constructed to do so); and

14 (B) was constructed to raise the water
15 level, divert water, or store water for a variety
16 of purposes.

17 (7) DAM REMOVAL PROJECT.—

18 (A) IN GENERAL.—The term “dam re-
19 moval project” means a project to permanently
20 remove the full vertical extent of a dam struc-
21 ture of a dam described in subparagraph (B) to
22 a minimum horizontal width needed to protect
23 public safety, restore natural river function, and
24 reconnect aquatic species passage, unless site
25 conditions prevent that removal width.

1 (B) DAMS DESCRIBED.—A dam referred to
2 in subparagraph (A) is—

3 (i) a non-federally owned powered
4 dam;

5 (ii) a non-federally owned non-pow-
6 ered dam; or

7 (iii) a Federal non-powered dam the
8 removal of which is authorized by Con-
9 gress, if applicable.

10 (8) FUNDING ALLOCATION.—The term “fund-
11 ing allocation” means amounts provided, out of
12 amounts made available to carry out this title, by
13 the Secretary to a participating agency to carry out
14 the purposes of this title.

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

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

21 (A) a State;

22 (B) a political subdivision of a State;

23 (C) an Indian Tribe;

24 (D) a non-Federal dam owner, or a rep-
25 resentative;

1 (E) a regional or interstate agency; and

2 (F) as provided in section 203(d)(2), a
3 nongovernmental organization.

4 (11) PARTICIPATING AGENCY.—

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

7 (i) that owns 1 or more dams or has
8 jurisdiction over a grant program under
9 which dam removal is an eligible activity;
10 and

11 (ii) that has authority—

12 (I) to conduct dam removal
13 projects; or

14 (II) to provide technical assist-
15 ance and grants for development,
16 planning, and implementation of dam
17 removal projects.

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

20 (12) PRIVATELY OWNED DAM.—The term “pri-
21 vately owned dam” means a dam that is owned by
22 1 or more non-governmental entities.

23 (13) PUBLIC SAFETY HAZARD.—The term
24 “public safety hazard” means the risk to individuals
25 pertaining to a dam, including loss of life or destruc-

1 tion of private or public property, as a result of the
2 structural failure or misoperation of a dam, or by a
3 person who accesses the dam by foot or in a boat.

4 (14) PUBLICLY OWNED DAM.—

5 (A) IN GENERAL.—The term “publicly
6 owned dam” means a dam that is owned by a
7 public entity such as a government agency, po-
8 litical subdivision, special purpose district, or
9 other public entity established under Federal or
10 State law.

11 (B) EXCLUSION.—The term “publicly
12 owned dam” does not include a Federal pow-
13 ered dam.

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

16 (16) STATE.—The term “State” means—

17 (A) a State;

18 (B) the District of Columbia;

19 (C) the Commonwealth of Puerto Rico;

20 (D) the Commonwealth of the Northern
21 Mariana Islands;

22 (E) the United States Virgin Islands;

23 (F) American Samoa; and

24 (G) Guam.

1 **SEC. 203. DAM REMOVAL PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary shall establish
3 a dam removal program to carry out dam removal projects
4 and provide technical assistance through the award of con-
5 tracts and cooperative agreements in accordance with this
6 title.

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

9 (1) a dam removal project; and

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

12 (c) SELECTION OF PROJECTS.—

13 (1) IDENTIFICATION OF ELIGIBLE PROJECTS.—

14 (A) IN GENERAL.—Each participating
15 agency shall—

16 (i) review proposed dam removal
17 projects and technical assistance programs,
18 including—

19 (I) projects proposed by a dam
20 owner (or a designee, with the written
21 consent of the dam owner);

22 (II) dam removal projects for
23 Federal non-powered dams owned by
24 the participating agency that—

1 (aa) are no longer providing
2 a critical purpose in the Federal
3 interest; and

4 (bb) have received Congres-
5 sional authorization, if applicable;

6 (III) non-Federal dam removal
7 technical assistance programs; and

8 (IV) a proposed funding alloca-
9 tion for those projects and programs;
10 and

11 (ii) submit the recommended projects,
12 programs, and funding allocation to the
13 Council.

14 (B) COUNCIL REVIEW.—The Council
15 shall—

16 (i) review the projects, programs, and
17 funding allocations submitted under sub-
18 paragraph (A)(ii);

19 (ii) develop recommendations of
20 projects and programs that meet the cri-
21 teria described in paragraph (3) and pro-
22 posed funding allocations for each partici-
23 pating agency; and

1 (iii) submit the projects, programs,
2 and funding allocations recommended
3 under clause (ii) to the Secretary.

4 (2) SELECTION.—The Secretary shall—

5 (A) select projects and activities under this
6 section taking into consideration the projects
7 and programs submitted by the Council under
8 paragraph (1)(B)(iii); and

9 (B) provide to each participating agency a
10 funding allocation pursuant to a cooperative
11 agreement under subsection (f).

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

15 (A) include written consent of the dam
16 owner for the dam removal project, if ownership
17 is established;

18 (B) meet 1 or more of the project purposes
19 of—

20 (i) protecting human health and safe-
21 ty;

22 (ii) restoring aquatic habitat and
23 riverine processes;

24 (iii) increasing river connectivity and
25 species access to aquatic habitat;

- 1 (iv) improving water quality;
- 2 (v) enhancing commercial and rec-
- 3 reational fishing;
- 4 (vi) enhancing river-based recreation;
- 5 (vii) restoring nature-based infrastruc-
- 6 ture; and
- 7 (viii) improving climate resilience;

8 (C) include satisfactory assurance from

9 any non-Federal interests proposing projects

10 that the non-Federal interests will have or can

11 reasonably acquire personnel and authority to

12 adequately manage the project; and

13 (D) demonstrate a commitment to obtain

14 all required regulatory approvals and permits

15 from all pertinent jurisdictions prior to project

16 implementation.

17 (4) FACTORS FOR SELECTION OF PROJECTS.—

18 In selecting a dam removal project, the Secretary

19 and participating agencies shall consider the fol-

20 lowing:

21 (A) The capability of the non-Federal in-

22 terest to carry out the project in a technically

23 feasible manner.

24 (B) The extent to which the dam poses a

25 significant public safety hazard.

1 (C) The extent to which the dam provides
2 critical beneficial uses.

3 (D) The extent to which the project pro-
4 vides multiple environmental and public bene-
5 fits, with priority given to a project that meets
6 2 or more of the project purposes described in
7 paragraph (3)(B).

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

10 (F) Any other factors that the Secretary
11 and participating agencies determine to be rea-
12 sonable and necessary for consideration.

13 (5) PRIORITIZATION FOR SELECTION OF
14 PROJECTS.—In selecting a dam removal project, the
15 Secretary and participating agencies shall
16 prioritize—

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

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

21 (d) EXECUTION OF PROJECTS AND ACTIVITIES.—

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

25 (A) to carry out dam removal projects;

1 (B) to provide technical assistance; or

2 (C) to provide assistance to a non-Federal
3 technical assistance program.

4 (2) NONGOVERNMENTAL ORGANIZATIONS.—

5 Notwithstanding section 221(b) of the Flood Control
6 Act of 1970 (42 U.S.C. 1962d–5b(b)), for any dam
7 removal project, the Secretary, in consultation and
8 coordination with appropriate State and local gov-
9 ernmental agencies, Indian Tribes, and any im-
10 pacted stakeholders, may allow a nongovernmental
11 organization to serve as the non-Federal interest for
12 the project.

13 (3) PUBLIC NOTICE.—For any dam removal ac-
14 tivity carried out with a funding allocation, the par-
15 ticipating agency shall provide public notice in ac-
16 cordance with applicable regulations and require-
17 ments of the participating agency.

18 (4) GEOGRAPHIC EQUITY.—To the maximum
19 extent practicable, in carrying out activities under
20 this title, participating agencies shall allocate
21 amounts from the funding allocation of the agency
22 equitably among regions of the United States.

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

1 (1) engineering, scientific assessment, economic
2 analysis, construction, project management, tech-
3 nical assistance, acquisition, liability insurance, mon-
4 itoring, regulatory compliance, updating flood haz-
5 ard mapping as needed for project implementation,
6 project administration, infrastructure protection,
7 and sediment management;

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

9 (3) Federal, State, Tribal, and non-Federal
10 dam removal technical assistance programs to iden-
11 tify projects, complete initial project stages, train
12 project managers and others involved in dam re-
13 moval projects, and provide technical assistance;

14 (4) establishment of collaborative Federal teams
15 to increase efficiency of evaluation and removal of
16 federally owned dams; and

17 (5) monitoring under subsection (h).

18 (f) COOPERATIVE AGREEMENT.—

19 (1) IN GENERAL.—The Secretary shall enter
20 into a cooperative agreement with each participating
21 agency to provide the funding allocation determined
22 by the Secretary for the participating agency.

23 (2) SUPPLEMENT, NOT SUPPLANT.—A funding
24 allocation provided under this title shall supplement

1 and not supplant amounts otherwise made available
2 to the participating agency.

3 (g) FEDERAL SHARE.—The Federal share of the cost
4 of a dam removal project carried out under this title shall
5 be 100 percent, unless a different Federal share is re-
6 quired by the program of the participating agency under
7 which the project is being carried out.

8 (h) MONITORING.—

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

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

13 (B) may be included in the total cost of
14 the dam removal project.

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

17 (A) to measure the safety and effectiveness
18 of the project; and

19 (B) to allow adaptive management to en-
20 sure project success.

21 **SEC. 204. ESTABLISHMENT OF DAM REMOVAL COUNCIL.**

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

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

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

3 (A) notify all known dam owners of the
4 availability of dam removal funding, application
5 procedures, and options for technical assistance;
6 and

7 (B) provide guidance on the existing pro-
8 grams of participating agencies;

9 (2) evaluating the proposed dam removal
10 projects, technical assistance programs, and funding
11 allocations submitted by participating agencies
12 under section 203(c)(1)(A)(ii);

13 (3) submitting to the Secretary recommended
14 dam removal projects, technical assistance programs,
15 and funding allocations for participating agencies as
16 described in section 203(c)(1)(B)(ii);

17 (4) serving as a forum—

18 (A) to identify and address limiting factors
19 to removing dams; and

20 (B) to address programmatic challenges;

21 (5) providing advice on the development of the
22 database and report required under section 207; and

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

25 (c) MEMBERSHIP.—

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

3 (A) The Secretary.

4 (B) The Director of the National Oceanic
5 and Atmospheric Administration.

6 (C) The Director of the United States Fish
7 and Wildlife Service.

8 (D) The Commissioner of the Bureau of
9 Reclamation.

10 (E) The Chief of the Natural Resources
11 Conservation Service.

12 (F) The Chief of the Forest Service.

13 (G) The Administrator of the Federal
14 Emergency Management Agency.

15 (H) The Administrator of the Environ-
16 mental Protection Agency.

17 (I) The Chair of the Council on Environ-
18 mental Quality.

19 (J) The Chairman of the Federal Energy
20 Regulatory Commission.

21 (K) The Director of the Water Power
22 Technologies Office of the Department of En-
23 ergy.

24 (2) AUTHORITY TO CHANGE MEMBERSHIP.—
25 The Council may modify the membership of the

1 Council to more effectively meet the purposes of this
2 title.

3 (3) COLLABORATION.—The Council may col-
4 laborate with other Federal agencies regarding the
5 duties of the Council and recommend to the Sec-
6 retary to enter into agreements with those agencies
7 to more effectively meet the purposes of this title,
8 such as an agreement relating to the provision of
9 data or research necessary to carry out dam removal
10 projects.

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

13 (5) CHAIR.—

14 (A) IN GENERAL.—The initial Chair of the
15 Council shall be the Chair of the Council on
16 Environmental Quality.

17 (B) SUBSEQUENT CHAIRS.—Every 2 years,
18 after completion of a report under section 207,
19 the Council shall select a new Chair of the
20 Council.

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

23 (i) to develop effective and efficient
24 processes to identify, prioritize, and imple-
25 ment dam removal projects; and

1 (ii) to simplify and clarify the dam re-
2 moval process.

3 (d) MEETINGS.—

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

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

11 (e) COUNCIL PROCEDURES.—The Council shall es-
12 tablish procedures for voting, the conduct of meetings, and
13 other matters as appropriate.

14 (f) PUBLIC PARTICIPATION.—

15 (1) IN GENERAL.—Meetings of the Council
16 shall be open to the public.

17 (2) NOTICE.—The Council shall provide notice
18 to the public of a meeting of the Council.

19 (g) ADVICE.—The Council shall consult with the Ad-
20 visory Board—

21 (1) to assist the Council in the development of
22 the dam removal strategy to be developed under sec-
23 tion 206;

24 (2) to provide input on project identification
25 criteria; and

1 (3) to provide input on proportional distribution
2 of funds to participating agencies.

3 **SEC. 205. ESTABLISHMENT OF DAM REMOVAL ADVISORY**
4 **BOARD.**

5 (a) **ADVISORY BOARD.**—The Chair of the Council
6 shall establish a Dam Removal Advisory Board to provide
7 advice and recommendations on the implementation of this
8 title.

9 (b) **MEMBERSHIP.**—The Advisory Board shall include
10 12 members appointed by the Chair, of whom—

11 (1) 2 members shall be representatives of In-
12 dian Tribes;

13 (2) 2 members shall be representatives of State
14 government agencies that manage or provide funds
15 for dam removal projects or regulate dam safety;

16 (3) 3 members shall be representatives of non-
17 governmental organizations that manage or provide
18 technical assistance for dam removal projects;

19 (4) 2 members shall be representatives of non-
20 governmental organizations that work to improve
21 dam safety practices; and

22 (5) 3 members shall be representatives of orga-
23 nizations representing dam owners.

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

4 **SEC. 206. DAM REMOVAL STRATEGY.**

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

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

10 (A) pose the greatest threat to public safe-
11 ty;

12 (B) provide the greatest opportunity for
13 environmental restoration; and

14 (C) are consistent with efforts to address
15 climate change and adaptation;

16 (2) to maximize benefits derived from dam re-
17 moval projects; and

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

20 (b) GOAL.—The goal of the dam removal strategy
21 under subsection (a) shall be to improve public safety and
22 restore healthy rivers by reconnecting at least 10,000
23 miles of river by 2026.

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

1 (1) identify limiting factors to completing dam
2 removal projects and strategies for overcoming those
3 limiting factors;

4 (2) utilize the selection factors and priorities
5 described in section 203(c);

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

8 (4) maximize the incentives for the creation of
9 new public-private partnerships to carry out dam re-
10 moval projects and the use of Federal resources to
11 encourage increased private sector involvement in
12 dam removal projects;

13 (5) identify opportunities for Federal agency
14 collaboration to remove dams that are no longer
15 needed from Federal land;

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

18 (7) promote dam removal projects—

19 (A) to meet the criteria in section
20 203(c)(3); and

21 (B) to address other areas of concern that
22 the Council determines to be appropriate for
23 consideration; and

1 (8) provide recommendations for broad and eq-
2 uitable geographic distribution of projects funded
3 under this title.

4 (d) PUBLIC REVIEW AND COMMENT.—Before the
5 Council adopts a dam removal strategy under subsection
6 (a), the Council shall—

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

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

11 (e) NO DELAY OF DAM REMOVAL PROJECTS.—De-
12 velopment of the dam removal strategy under subsection
13 (a)—

14 (1) shall occur concurrently with implementa-
15 tion of dam removal projects and technical assist-
16 ance under this Act; and

17 (2) shall not delay progress of those projects
18 and activities.

19 (f) PERIODIC REVISION.—Using data and informa-
20 tion developed through project monitoring and manage-
21 ment, and other relevant information, the Council may pe-
22 riodically review and update, as necessary, the dam re-
23 moval strategy under subsection (a).

1 **SEC. 207. REPORTING.**

2 (a) IN GENERAL.—Not later than 2 years after the
3 date of enactment of this Act, and every 2 years there-
4 after, the Secretary, after considering the advice and rec-
5 ommendations of the Council and Advisory Board, shall
6 submit to Congress a report on the activities carried out
7 under this title.

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

10 (1) data on—

11 (A) the number of dams removed, river
12 miles opened, public safety benefits, and aquatic
13 ecosystem benefits achieved through projects
14 under this title; and

15 (B) participating agency expenditures,
16 project costs, and descriptions of projects se-
17 lected, in progress, and completed under this
18 title;

19 (2) a review of project expenses, identifying
20 areas of opportunity for reducing future project ex-
21 penses;

22 (3) a review of how the information described
23 in paragraphs (1) and (2) will be incorporated into
24 the selection and implementation of new dam re-
25 moval projects;

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

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

8 **SEC. 208. FUNDING.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this title
11 \$7,500,000,000, to remain available until expended.

12 (b) TECHNICAL ASSISTANCE FUNDING ALLOCA-
13 TIONS.—Of the amounts made available under subsection
14 (a)—

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

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

22 (c) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF
23 THE COUNCIL.—Of the amounts made available under
24 subsection (a) for each fiscal year, the Secretary shall use
25 for administration and operating costs of the Council and

1 for development of the report under section 207, including
2 the collection and maintenance of dam removal project
3 data, the lesser of—

4 (1) 3 percent; and

5 (2) \$1,500,000.

6 **SEC. 209. GENERAL PROVISIONS.**

7 (a) AGENCY CONSULTATION AND COORDINATION.—

8 In carrying out this title, the Secretary shall, as necessary,
9 consult with, cooperate with, and coordinate activities with
10 the activities of other Federal agencies.

11 (b) COOPERATIVE AGREEMENTS; MEMORANDA OF
12 UNDERSTANDING.—In carrying out this title, the Sec-

13 retary and other Federal agencies, as appropriate, may—

14 (1) enter into cooperative agreements or con-
15 tracts with Federal, State, and local government
16 agencies, nongovernmental organizations, and other
17 entities; and

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

20 (c) FEDERAL AGENCY FACILITIES AND PER-
21 SONNEL.—Federal agencies may—

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

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

4 **TITLE III—REIMAGINED**
5 **FEDERAL DAMS**

6 **SEC. 301. NATIONAL DAM ASSESSMENT.**

7 (a) IN GENERAL.—The National dam assessment will
8 assimilate data to provide for stakeholders to determine
9 whether a dam may be an appropriate candidate to re-
10 move, upgrade, enhance environmental performance, or
11 retrofit for hydropower production. The assessment is in-
12 tended for data gathering and analysis tools and will not
13 make recommendations on individual dams.

14 (b) DAM ASSESSMENTS AND DATA GATHERING.—

15 (1) IN GENERAL.—The United States Geologi-
16 cal Survey and the Department of Energy (Lead
17 agencies) shall jointly conduct an assessment of the
18 nation’s dam infrastructure, including government
19 and privately owned powered and non-powered
20 dams. In conducting its assessment, the Lead agen-
21 cies shall consult with other Federal and State gov-
22 ernment agencies, including the Corps of Engineers,
23 the Bureau of Reclamation, the Federal Energy
24 Regulatory Commission, the Federal Emergency
25 Management Agency, the United States Fish and

1 Wildlife Service, the National Oceanic Atmospheric
2 Administration, State dam safety officials, and other
3 stakeholders.

4 (2) PURPOSE.—The purpose of the assessment
5 is to integrate existing data to help stakeholders
6 identify—

7 (A) dams that continue to serve vital roles
8 and may be priorities for upgrades, environ-
9 mental performance enhancements, or retrofits
10 to add or replace generation at powered and
11 non-powered facilities; and

12 (B) dams that may have been abandoned,
13 have reached the end of their useful life, or oth-
14 erwise may be candidates for removal and river
15 restoration.

16 (3) CONTENT.—

17 (A) The Lead agencies shall, in consulta-
18 tion with the other Federal and State agencies,
19 the Dam Removal Council established under
20 section 304, as well as other stakeholders, de-
21 velop a set of data and other factors relevant to
22 dam upgrades, retrofit and removal, including
23 but not limited to age, height, water flow, haz-
24 ard classifications, condition assessment, envi-
25 ronmental improvement opportunities, climate

1 change risks, known functions and other factors
2 determined by the Lead agencies to meet the
3 goals of the assessment.

4 (B) At the time of submission of the report
5 to Congress, the Lead agencies shall make the
6 assessment publicly available in a written and
7 an electronically searchable format.

8 (C) The Lead agencies shall, to the extent
9 possible, compile pre-existing information from
10 Federal and State government sources and
11 avoid duplicating existing assessments of any
12 particular dam, facility, or project.

13 **SEC. 302. FEDERAL DAM ASSESSMENTS.**

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

18 (b) CRITERIA.—The lead agencies under section
19 301(b) will work with dam-owning Federal agencies and
20 the Dam Removal Council to develop criteria for agencies
21 to use to complete the assessments.

22 (c) ASSESSMENT.—Using the criteria from sub-
23 section (b), Federal agencies that own dams shall assess
24 their dams to identify those appropriate for the outcomes

1 in subsection (a) or other outcomes determined by the lead
2 agencies.

3 (d) **OUTCOMES.**—Those outcomes identified by the
4 assessment should not be compelled, but should inform fu-
5 ture action by the agencies.

6 **SEC. 303. REPORT.**

7 The Secretary shall submit to the Committees on En-
8 ergy and Commerce, Resources, and Transportation and
9 Infrastructure of the House of Representatives and the
10 Committee on Energy and Natural Resources of the Sen-
11 ate a report on the findings and conclusions of the assess-
12 ments under this section by not later than 18 months after
13 the date of the enactment of this Act. The assessment and
14 report to Congress shall be updated every 3 years there-
15 after.

16 **SEC. 304. INVESTING IN FEDERAL DAM INFRASTRUCTURE.**

17 (a) **CORPS OF ENGINEERS.**—

18 (1) **IN GENERAL.**—There is authorized to be
19 appropriated to the Corps of Engineers
20 \$1,600,000,000 for fiscal years 2022 through 2026
21 for the following dam related activities:

22 (A) Safety improvements, including con-
23 crete repair, tunnel work, and gate repair and
24 replacement.

1 (B) Environmental improvements, includ-
2 ing fish passage, environmental flows, water
3 quality, temperature, and dissolved oxygen up-
4 grades.

5 (C) Hydropower unit maintenance and up-
6 grades.

7 (D) Transmission, distribution, and sub-
8 station upgrades.

9 (E) Control room upgrades.

10 (F) Efficiency, flexibility, and capacity im-
11 provements.

12 (G) Deployment of innovative technologies,
13 none of the funds authorized under this section
14 shall have to be recouped by the Corps of Engi-
15 neers.

16 (H) Evaluation to address disposition to
17 appropriately direct expenditures.

18 (I) Backlogged maintenance and operation
19 activities.

20 (2) NO RECOUPMENT.—Notwithstanding any
21 other provision of law, the Corps of Engineers shall
22 not be required to recoup any amounts authorized
23 under this subsection.

24 (b) BUREAU OF RECLAMATION.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to the Bureau of Reclamation
3 \$400,000,000 for each of fiscal years 2022 through
4 2026 for the following dam-related activities:

5 (A) Safety improvements, including con-
6 crete repair, tunnel work, and gate repair and
7 replacement.

8 (B) Environmental improvements, includ-
9 ing fish passage, environmental flows, water
10 quality, temperature, and dissolved oxygen up-
11 grades.

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

14 (D) Transmission, distribution, and sub-
15 station upgrades.

16 (E) Control room upgrades.

17 (F) Backlogged operations and mainte-
18 nance activities.

19 (G) Upgrades, efficiency, flexibility, and
20 capacity improvements.

21 (H) Deployment of innovative technologies.

22 (I) Evaluation to address disposition to ap-
23 propriately direct expenditures.

24 (2) NO RECOUPMENT.—Notwithstanding any
25 other provision of law, the Bureau of Reclamation

1 shall not be required to recoup any amounts author-
2 ized under this subsection.

3 (c) UNITED STATES FOREST SERVICE.—There is au-
4 thorized to be appropriated to the United States Forest
5 Service \$70,000,000 for each of fiscal years 2022 through
6 2026 for the following dam-related activities:

7 (1) Safety improvements.

8 (2) Environmental improvements.

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

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

13 (5) Deployment of innovative technologies.

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

16 (d) BUREAU OF INDIAN AFFAIRS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated to the Bureau of Indian Affairs
19 \$130,000,000 for each of fiscal years 2022 through
20 2026 for the following dam-related activities:

21 (A) Safety and environmental improve-
22 ments.

23 (B) Backlogged operations and mainte-
24 nance activities.

1 (C) Upgrades, efficiency, flexibility, and
2 capacity improvements.

3 (D) Deployment of innovative technologies.

4 (E) Evaluation to address disposition to
5 appropriately direct expenditures.

6 (2) NO RECOUPMENT.—Notwithstanding any
7 other provision of law, the Bureau of Indian Affairs
8 shall not be required to recoup any amounts author-
9 ized under this subsection.

10 (e) DEPARTMENT OF ENERGY.—There is authorized
11 to be appropriated to the Department of Energy
12 \$50,000,000 for each of fiscal years 2022 through 2026
13 for the following activities:

14 (1) An assessment of the dam infrastructure of
15 the United States under section 301(b).

16 (2) Research, development, and deployment to
17 support—

18 (A) innovative waterpower technologies;

19 (B) technologies to improve retrofitting
20 and rehabilitating hydropower dams; and

21 (C) furthering the contribution of hydro-
22 power to grid resilience.

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