

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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

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**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 FACAs.—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;

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.