



SUMMARY | INFRASTRUCTURE & INVESTMENT JOBS ACT

INCENTIVES FOR HYDRO INDUSTRY – TOTAL \$803 MILLION

Subtitle D—Hydropower (pg. 1589 -1610 except Marine Energy see page number below)

- Dept of Energy Water Power Technologies Office - New Section 247 in EAct 2005 that establishes a grant program to support grid resilience, dam safety upgrades, and environmental enhancements at existing hydropower facilities. **\$553 million**
 - Grants (up to \$5 million a year and 30% of capital expenditures) will be available for qualified hydroelectric facilities for improvements related to: grid resiliency, dam safety, and/or environmental and recreational improvements.
 - Eligible, projects must be in compliance with all applicable federal, tribal, and state requirements, or be brought into compliance as a result of the capital improvements carried out with the incentive payment.
 - Appropriated in 2022 until funds are expended (i.e., spent)
- Dept of Energy – Water Power Technologies Office – Revises Section 242 in EAct 2005 for production incentives for adding hydropower capacity at existing dams and conduits **\$125 million**
 - Grants (up to \$1 million a year) for 10 years to incentivize adding hydropower component to existing dams
 - Appropriated in 2022 until funds are expended (i.e., spent)
- Dept of Energy - Water Power Technologies Office – Revises Section 243 in EAct 2005 for hydropower efficiency improvements at existing hydro projects **\$75 million**
 - Grants for hydropower efficiency improvements for a project owner.
 - Incentive would amount to up to 30 percent of capital improvements (up to \$5 million) directly related to improving efficiency of facilities by 3 percent.
 - Appropriated in 2022 until expended.
- Dept of Energy - Water Power Technologies Office – Pumped Storage Hydropower Wind & Solar Integration & System Reliability Initiative **\$10 million**
 - Additional funding for pumped storage hydropower, wind, and solar integration and system reliability initiative.
 - Incentive provides financial assistance to eligible entities to carry out project design, transmission studies, power market assessments, and permitting for a pumped storage hydropower projects to facilitate long-term storage of renewable electricity.
 - Projects must be designed to provide a minimum of 1,000 MW of storage capacity and be able to provide usage in more than one organized electricity market.
 - Appropriated \$2 million per year for fiscal years 2022 through 2026.
- Dept of Energy - National Marine Energy Centers, appropriated for fiscal years 2022 through 2025 - **\$40 million (pg. 1871)**

DAM SAFETY – TOTAL \$800 MILLION

- FEMA - National Dam Safety Program federal agency dam safety - **\$67 million** (pg. 2551)
- FEMA - National Dam Safety Program grants to states - **\$658 million** (pg. 2552-2553)
- Water Infrastructure Finance and Innovation Act dam safety funding - **\$75 million** (pg. 2495)



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DAM REMOVAL – TOTAL \$800 MILLION

- NOAA - Community Based Restoration Grant Program - **\$400 million**
- US Fish & Wildlife Service - National Fish Passage Program - **\$200 million**
- FEMA – High Hazard Dams Program - **\$75 million**
- US Army Corps of Engineers - Section 206 Aquatic Ecosystem Restoration Program - **\$115 million**
- US Forest Service - Legacy Roads & Trails - for removal of non-hydropower federal dams- **\$10 million**

Summary of Dam Removal Consent and Federal Hydropower Exclusion Language

Dam removal language that requires dam owner consent and that makes federal hydropower dams ineligible for dam removal funding is either explicitly in the infrastructure bill or is in the authorizing code for the items in the bill.

Infrastructure Bill language on dam removal (page numbers refer to H.R. 3684): National Dam Safety Program Act (p. 2553, lines 10-12)

- Federal Emergency Management Agency | Protection, Preparedness, Response, and Recovery
- Federal Assistance (Including Transfer of Funds) Section (2): “That dam removal projects shall include written consent of the dam owner, if ownership is established”

U.S. Forest Service (p. 2612, lines 11-13)

- Department of Agriculture | Forest Service | Capital Improvement and Maintenance (Including Transfer of Funds) Section (3): “for the removal of non-hydro power Federal dams and for providing dam removal technical assistance”
- Forest Service funding in the bill is for Forest Service-owned dams, and therefore dam owner consent is inherent to the language.

Corps of Engineers (p. 2487-88)

- Division J - Appropriations | Title III - Energy and Water Development and Related Agencies Department of the Army | *Corps of Engineers- Civil* | Construction: “Amounts provided in the preceding proviso shall not be construed to provide any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam, and do not limit the Secretary of the Army, acting through the Chief of Engineers, from allotting additional funds from amounts provided under this heading in this Act for other purposes allowed under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 5 2330)”

NOAA (p. 2479 lines 9-14)

- Division J- Appropriations | Title II - Commerce, Justice, Science, and Related Agencies Department of Commerce | National Oceanic and Atmospheric Administration | Operations, Research, and Facilities After section (14): “Provided further, That nothing in this under this heading shall be construed as providing any new authority to remove, breach, or otherwise alter the operations of a Federal hydropower dam, and dam removal projects shall include written consent of the dam owner, if ownership is established”

National Dam Safety High Hazard Potential Dams Program

- 33 U.S. Code § 467. (a) Definitions: “The term “eligible high hazard potential dam” means a non-Federal dam that – Is located in a State with a State dam safety program”

Corps of Engineers

- Explicit congressional authorization needed before Corps may remove a dam.