

119TH CONGRESS
1ST SESSION

H. R. 2074

To prohibit the breaching of federally operated dams in certain circumstances,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2025

Mr. NEWHOUSE (for himself, Mr. BAUMGARTNER, Mr. FULCHER, and Mr. BENTZ) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, 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 prohibit the breaching of federally operated dams in
certain circumstances, 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.**

4 This Act may be cited as the “Protecting Our Water
5 Energy Resources Act” or the “POWER Act”.

1 **SEC. 2. PROHIBITION ON BREACHING OF FEDERALLY OP-**
2 **ERATED DAMS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the Secretary of the Army may not breach
5 a federally operated dam—

6 (1) if the Secretary determines that such
7 breach—

8 (A) would result in an increase in carbon
9 emissions by more than 5 percent;

10 (B) would make the body of water im-
11 pacted by the breach less navigable for commer-
12 cial interests; or

13 (C) would result in increase of at least 5
14 percent of the price of any products, including
15 agricultural products, shipped via the body of
16 water impacted by the breach; or

17 (2) if the energy resource intended to replace
18 such dam as a result of such breach would occupy
19 an area of land that is larger in acreage than the
20 area occupied by such dam by at least 5 percent.

21 (b) CONSULTATION.—In making the determinations
22 required under subsection (a)(1), the Secretary shall—

23 (1) consult with the Secretary of Energy with
24 respect to the determination described in subpara-
25 graph (A) of such subsection;

1 (2) consult with the Secretary of Transpor-
2 tation with respect to the determination described
3 subparagraph (B) of such subsection;

4 (3) consult with the Secretary of Agriculture
5 and the Secretary of Commerce with respect to the
6 determination described in subparagraph (C) of such
7 subsection; and

8 (4) consult with the relevant agencies in the
9 State in which the dam proposed to be breached is
10 located.

11 (c) STUDY REQUIRED.—If the Secretary considers
12 breaching a federally operated dam, the Secretary, in co-
13 ordination with the Secretary of the Interior, shall conduct
14 a study analyzing the number of acres of land such dam
15 occupies.

16 **SEC. 3. PROHIBITION ON RETIREMENT OF ENERGY GEN-**
17 **ERATION SOURCES.**

18 (a) IN GENERAL.—The Secretary shall not retire an
19 energy generation source if the retirement of that energy
20 generation source would—

21 (1) raise customer electricity rates by more
22 than 5 percent; or

23 (2) decrease energy reliability, as determined by
24 the Administrator of the Bonneville Power Adminis-
25 tration, in any portion of Washington, Oregon,

1 Idaho, Montana, Wyoming, and California by more
 2 than 5 percent of the energy reliability as compared
 3 to the 12 month period before the retirement.

4 (b) REPLACEMENT OF BASELOAD GENERATION.—
 5 Not later than 30 days after retiring an energy generation
 6 source, the Secretary shall ensure that not less than 100
 7 percent of the baseload generation of the retired energy
 8 generation source has been replaced.

9 (c) DEFINITIONS.—In this section:

10 (1) BASELOAD GENERATION.—The term “base-
 11 load generation” means the the minimum amount of
 12 electric power supplied to an electrical grid.

13 (2) ENERGY GENERATION SOURCE.—The term
 14 “energy generation source” means a federally oper-
 15 ated dam that generates hydropower.

16 (3) SECRETARY.—The term “Secretary”
 17 means—

18 (A) the Secretary of the Interior, in ref-
 19 erence to an energy generation source operated
 20 by the Bureau of Reclamation; and

21 (B) the Secretary of the Army, in ref-
 22 erence to an energy generation source operated
 23 by the Army Corps of Engineers.

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