

118TH CONGRESS
2D SESSION

H. R. 8160

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2024

Mr. NEWHOUSE (for himself, Mr. FULCHER, Mr. ZINKE, Mr. ROSENDALE,
and Mr. BENTZ) introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

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 “Breaking Irresponsible
5 Energy and Commercial Habits Act” or the “BREACH
6 Act”.

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

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, the Secretary of the Army may not breach

1 a federally operated dam if the Secretary determines that
2 such breach—

3 (1) would result in an increase in carbon emis-
4 sions by more than 10 percent;

5 (2) would make the body of water impacted by
6 the breach less navigable for commercial interests; or

7 (3) would result in an increase of at least 10
8 percent of the price of any products, including agri-
9 cultural products, shipped via the body of water im-
10 pacted by the breach.

11 (b) CONSULTATION.—In making the determinations
12 required under subsection (a), the Secretary shall—

13 (1) consult with the Secretary of Energy with
14 respect to the determination described in subsection
15 (a)(1);

16 (2) consult with the Secretary of Transpor-
17 tation with respect to the determination described
18 subsection (a)(2);

19 (3) consult with the Secretary of Agriculture
20 and the Secretary of Commerce with respect to the
21 determination described in subsection (a)(3); and

22 (4) consult with the relevant agencies in the
23 State in which the dam proposed to be breached is
24 located.

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