

116TH CONGRESS
2D SESSION

H. R. 6985

To amend the National Dam Safety Program Act to expand eligibility for the rehabilitation of high hazard potential dam program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2020

Mr. SEAN PATRICK MALONEY of New York introduced the following bill;
which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the National Dam Safety Program Act to expand eligibility for the rehabilitation of high hazard potential dam program, 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 “Dam Safety Improve-
5 ment Act”.

6 **SEC. 2. REHABILITATION OF HIGH HAZARD POTENTIAL**
7 **DAMS.**

8 (a) DEFINITIONS.—Section 2 of the National Dam
9 Safety Program Act (33 U.S.C. 467) is amended—

1 (1) by striking paragraph (10);

2 (2) by redesignating paragraphs (11) and (16)

3 as paragraphs (10) and (17), respectively;

4 (3) in paragraph (4)—

5 (A) in subparagraph (A)—

6 (i) in clause (iii)—

7 (I) by striking “and” at the end

8 and inserting “or”;

9 (II) by striking the clause des-
10 ignation and inserting “(iii)(I)”; and

11 (III) by adding at the end the
12 following:

13 “(II) if the dam is in a State that by
14 law requires an emergency action plan to
15 comply with FEMA guidelines and to be
16 approved by an authorized State agency,
17 the dam—

18 “(aa) was identified as having an
19 emergency action plan in the inven-
20 tory of dams maintained under section
21 6 before the State required the emer-
22 gency action plan to comply with
23 FEMA guidelines and to be approved
24 by an authorized State agency; and

1 “(bb) as of the date on which, for
2 each fiscal year, funds for assistance
3 under section 8A are distributed
4 under subsection (g)(2) of that sec-
5 tion, has an updated emergency action
6 plan that—

7 “(AA) is in conformance
8 with State law; and

9 “(BB) is pending approval
10 by the authorized State agency;
11 and”; and

12 (ii) in clause (iv)(II), by inserting be-
13 fore the period at the end “, as determined
14 by the Administrator, in consultation with
15 the Board”; and

16 (B) in subparagraph (B)(i), by striking
17 “dam;” and inserting “dam under a hydro-
18 power project with an authorized installed ca-
19 pacity of greater than 1.5 megawatts;”;

20 (4) by inserting after paragraph (10) (as so re-
21 designated) the following:

22 “(11) RECIPIENT.—The term ‘recipient’ means
23 the entity applying for, receiving, and distributing to
24 subrecipients the assistance under section 8A.”; and

1 (5) by inserting after paragraph (15) the fol-
 2 lowing:

3 “(16) SUBRECIPIENT.—The term ‘subrecipient’,
 4 with respect to a project at a dam for which the as-
 5 sistance under section 8A is sought, means an entity
 6 that—

7 “(A) receives the assistance for the project
 8 from a recipient; and

9 “(B)(i) if the owner of the dam is a gov-
 10 ernmental organization or a nonprofit organiza-
 11 tion, is the owner; or

12 “(ii) if the owner of the dam is not a gov-
 13 ernmental organization or a nonprofit organiza-
 14 tion, is a governmental organization or non-
 15 profit organization seeking the assistance on be-
 16 half of the owner.”.

17 (b) REHABILITATION OF HIGH HAZARD POTENTIAL
 18 DAMS.—Section 8A of the National Dam Safety Program
 19 Act (33 U.S.C. 467f–2) is amended—

20 (1) in subsection (a), by striking “non-Federal
 21 sponsors” and inserting “recipients”;

22 (2) in subsection (c)—

23 (A) in paragraph (1)(A), by striking “non-
 24 Federal sponsor” and inserting “recipient”; and

25 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 “non-Federal sponsor” and inserting “re-
3 cipient”;

4 (ii) in subparagraph (B)—

5 (I) in the subparagraph heading,
6 by striking “PROJECT GRANT” and in-
7 serting “GRANT”;

8 (II) by striking “a project grant
9 agreement with the non-Federal spon-
10 sor” and inserting “a grant agree-
11 ment with the recipient”; and

12 (III) by inserting “for which the
13 grant is provided” after “the project”;

14 (iii) by striking subparagraph (C) and
15 inserting the following:

16 “(C) GRANT ASSURANCE.—As part of a
17 grant agreement under subparagraph (B), the
18 Administrator shall require that each sub-
19 recipient for the applicable project provides an
20 assurance that the subrecipient will carry out a
21 plan for maintenance of the dam to be rehabili-
22 tated under the grant agreement during the ex-
23 pected life of the dam.”; and

24 (iv) in subparagraph (D), in the mat-
25 ter preceding clause (i), by striking “A

1 grant provided under this section shall not
2 exceed the lesser” and inserting “A sub-
3 recipient that receives assistance from a
4 grant provided under this section shall not
5 receive, for any 1 dam, assistance that ex-
6 ceeds the lesser”;

7 (3) in subsection (d)—

8 (A) in paragraph (2)—

9 (i) in the paragraph heading, by strik-
10 ing “NON-FEDERAL SPONSOR” and insert-
11 ing “SUBRECIPIENT”;

12 (ii) in the matter preceding subpara-
13 graph (A), by striking “To receive” and all
14 that follows through “shall” and inserting
15 “To receive assistance, a subrecipient
16 shall”;

17 (iii) in subparagraph (A), by striking
18 “participate in, and comply with,” and in-
19 serting “demonstrate that the community
20 in which the dam is located participates in,
21 and complies with,”;

22 (iv) in subparagraph (B), in the mat-
23 ter preceding clause (i), by striking “have”
24 and inserting “not later than 2 years after
25 the development of criteria for such a plan

1 by the Administrator, in consultation with
2 the Board, under paragraph (3), dem-
3 onstrate that the applicable local or Tribal
4 government has”; and

5 (v) in subparagraph (C), by striking
6 “50-year period” and inserting “expected
7 life of the dam”; and

8 (B) by adding at the end the following:

9 “(3) HAZARD MITIGATION PLAN CRITERIA.—

10 The Administrator shall develop criteria for hazard
11 mitigation plans under paragraph (2)(B).

12 “(4) RECOVERY OF FUNDS.—In the event that
13 a grant is awarded under this section for which re-
14 quired activities may be completed after the date on
15 which the grant is awarded, the Administrator may
16 seek to recoup the amounts awarded under the grant
17 if those activities are not completed within the appli-
18 cable time period.”;

19 (4) in subsection (e)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-
22 graph (A), by striking “non-Federal spon-
23 sor” and inserting “subrecipient”; and

1 (ii) in subparagraph (B), by striking
2 “1 year” each place it appears and insert-
3 ing “2 years”; and

4 (B) in paragraph (3)—

5 (i) in the paragraph heading, by strik-
6 ing “TECHNICAL” and inserting “PLAN
7 CRITERIA AND TECHNICAL”; and

8 (ii) by striking “The Administrator
9 may provide” and inserting “The Adminis-
10 trator, in consultation with the Board,
11 shall provide criteria and may provide”;
12 and

13 (5) in subsection (i)(1), in the matter preceding
14 subparagraph (A), by striking “non-Federal spon-
15 sor” and inserting “subrecipient”.

○