116TH CONGRESS  
1ST SESSION  
H. R. _____

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

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

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”.

VerDate Mar 15 2010 14:59 May 15, 2020 Jkt 000000 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201 C:\USERS\KLMERYWEATHER\APPDATA\ROAMING\SOFTWARE\XMETAL\7.0\GEN\C\M
SEC. 2. REHABILITATION OF HIGH HAZARD POTENTIAL DAMS.

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

(1) by striking paragraph (10);

(2) by redesignating paragraphs (11) and (16) as paragraphs (10) and (17), respectively;

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (iii)—

(I) by striking “and” at the end and inserting “or”;

(II) by striking the clause designation and inserting “(iii)(I)”;

(III) by adding at the end the following:

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

“(aa) was identified as having an emergency action plan in the inventory of dams maintained under section 6 before the State required the emergency action plan to comply with
FEMA guidelines and to be approved by an authorized State agency; and

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

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

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

(ii) in clause (iv)(II), by inserting before the period at the end “, as determined by the Administrator, in consultation with the Board”; and

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

(4) by inserting after paragraph (10) (as so redesignated) the following:
“(11) RECIPIENT.—The term ‘recipient’ means the entity applying for, receiving, and distributing to subrecipients the assistance under section 8A.”; and

(5) by inserting after paragraph (15) the following:

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

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

“(B)(i) if the owner of the dam is a governmental organization or a nonprofit organization, is the owner; or

“(ii) if the owner of the dam is not a governmental organization or a nonprofit organization, is a governmental organization or nonprofit organization seeking the assistance on behalf of the owner.”.

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

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

(2) in subsection (c)—
(A) in paragraph (1)(A), by striking “non-Federal sponsor” and inserting “recipient”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “non-Federal sponsor” and inserting “recipient”;

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “PROJECT GRANT” and inserting “GRANT”;

(II) by striking “a project grant agreement with the non-Federal sponsor” and inserting “a grant agreement with the recipient”; and

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

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

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

(iv) in subparagraph (D), in the mat-
ter preceding clause (i), by striking “A
grant provided under this section shall not
exceed the lesser” and inserting “A sub-
recipient that receives assistance from a
grant provided under this section shall not
receive, for any 1 dam, assistance that ex-
cceeds the lesser”;

(3) in subsection (d)—

(A) in paragraph (2)—

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

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

(iii) in subparagraph (A), by striking
“participate in, and comply with,’’” and in-
serting “demonstrate that the community
in which the dam is located participates in,
and complies with’’;
(iv) in subparagraph (B), in the matter preceding clause (i), by striking “have” and inserting “not later than 2 years after the development of criteria for such a plan by the Administrator, in consultation with the Board, under paragraph (3), demonstrate that the applicable local or Tribal government has”; and

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

(B) by adding at the end the following:

“(3) HAZARD MITIGATION PLAN CRITERIA.—The Administrator shall develop criteria for hazard mitigation plans under paragraph (2)(B).

“(4) RECOVERY OF FUNDS.—In the event that a grant is awarded under this section for which required activities may be completed after the date on which the grant is awarded, the Administrator may seek to recoup the amounts awarded under the grant if those activities are not completed within the applicable time period.”;

(4) in subsection (e)—

(A) in paragraph (1)—
(i) in the matter preceding subparagraph (A), by striking “non-Federal sponsor” and inserting “subrecipient”; and

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

(B) in paragraph (3)—

(i) in the paragraph heading, by striking “TECHNICAL” and inserting “PLAN CRITERIA AND TECHNICAL”; and

(ii) by striking “The Administrator may provide” and inserting “The Administrator, in consultation with the Board, shall provide criteria and may provide”; and

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