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(Original Signature of Member)

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”.

1 **SEC. 2. REHABILITATION OF HIGH HAZARD POTENTIAL**
2 **DAMS.**

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

5 (1) by striking paragraph (10);

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

8 (3) in paragraph (4)—

9 (A) in subparagraph (A)—

10 (i) in clause (iii)—

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

13 (II) by striking the clause des-
14 igation and inserting “(iii)(I)”; and

15 (III) by adding at the end the
16 following:

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

22 “(aa) was identified as having an
23 emergency action plan in the inven-
24 tory of dams maintained under section
25 6 before the State required the emer-
26 gency action plan to comply with

1 FEMA guidelines and to be approved
2 by an authorized State agency; and

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

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

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

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

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

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

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

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

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

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

12 “(B)(i) if the owner of the dam is a gov-
13 ernmental organization or a nonprofit organiza-
14 tion, is the owner; or

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

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

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

25 (2) in subsection (c)—

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

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), by striking
5 “non-Federal sponsor” and inserting “re-
6 cipient”;

7 (ii) in subparagraph (B)—

8 (I) in the subparagraph heading,
9 by striking “PROJECT GRANT” and in-
10 sserting “GRANT”;

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

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

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

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

1 tated under the grant agreement during the ex-
2 pected life of the dam.”; and

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

11 (3) in subsection (d)—

12 (A) in paragraph (2)—

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

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

21 (iii) in subparagraph (A), by striking
22 “participate in, and comply with,” and in-
23 sserting “demonstrate that the community
24 in which the dam is located participates in,
25 and complies with,”;

1 (iv) in subparagraph (B), in the mat-
2 ter preceding clause (i), by striking “have”
3 and inserting “not later than 2 years after
4 the development of criteria for such a plan
5 by the Administrator, in consultation with
6 the Board, under paragraph (3), dem-
7 onstrate that the applicable local or Tribal
8 government has”; and

9 (v) in subparagraph (C), by striking
10 “50-year period” and inserting “expected
11 life of the dam”; and

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

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

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

23 (4) in subsection (e)—

24 (A) in paragraph (1)—

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

4 (ii) in subparagraph (B), by striking
5 “1 year” each place it appears and insert-
6 ing “2 years”; and

7 (B) in paragraph (3)—

8 (i) in the paragraph heading, by strik-
9 ing “TECHNICAL” and inserting “PLAN
10 CRITERIA AND TECHNICAL”; and

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

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