

117TH CONGRESS  
1ST SESSION

# H. R. 2309

To improve dam and hydropower safety, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2021

Mrs. DINGELL (for herself and Mr. MOOLENAAR) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To improve dam and hydropower safety, 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 “National Dam and Hy-  
5 dropower Safety Improvements Act of 2021”.

6 **SEC. 2. DAM SAFETY CONDITIONS.**

7 Section 10 of the Federal Power Act (16 U.S.C. 803)  
8 is amended by adding at the end the following:

9 “(k) That the dam and other project works meet the  
10 Commission’s dam safety requirements and that the li-  
11 censee shall continue to manage, operate, and maintain

1 the dam and other project works in a manner that ensures  
2 dam safety and public safety under the operating condi-  
3 tions of the license.”.

4 **SEC. 3. DAM SAFETY REQUIREMENTS.**

5 Section 15 of the Federal Power Act (16 U.S.C. 808)  
6 is amended by adding at the end the following:

7 “(g) The Commission may issue a new license under  
8 this section only if the Commission determines that the  
9 dam and other project works covered by the license meet  
10 the Commission’s dam safety requirements and that the  
11 licensee can continue to manage, operate, and maintain  
12 the dam and other project works in a manner that ensures  
13 dam safety and public safety under the operating condi-  
14 tions of the new license.”.

15 **SEC. 4. VIABILITY PROCEDURES.**

16 The Federal Energy Regulatory Commission shall es-  
17 tablish procedures to assess the financial viability of an  
18 applicant for a license under the Federal Power Act (16  
19 U.S.C. 791a et seq.) to—

20 (1) meet applicable dam safety requirements;

21 and

22 (2) operate the dam and project works under  
23 the license.

1 **SEC. 5. FERC DAM SAFETY TECHNICAL CONFERENCE WITH**  
2 **STATES.**

3 (a) TECHNICAL CONFERENCE.—Not later than April  
4 1, 2022, the Federal Energy Regulatory Commission, act-  
5 ing through the Director of the Office of Energy Projects,  
6 shall hold a technical conference with the States to discuss  
7 and provide information on—

8 (1) dam maintenance and repair;

9 (2) Risk Informed Decision Making;

10 (3) climate and hydrological regional changes  
11 that may affect the structural integrity of dams; and

12 (4) high hazard dams.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$1,000,000 for fiscal year 2022.

16 (c) STATE DEFINED.—In this section, the term  
17 “State” has the meaning given such term in section 3 of  
18 the Federal Power Act (16 U.S.C. 796).

19 **SEC. 6. REQUIRED DAM SAFETY COMMUNICATIONS BE-**  
20 **TWEEN FERC AND STATES.**

21 (a) IN GENERAL.—The Commission, acting through  
22 the Director of the Office of Energy Projects, shall notify  
23 each State within which a project is located when—

24 (1) the Commission issues a finding, following  
25 a dam safety inspection, that requires the licensee  
26 for such project to take actions to repair the dam

1 and other project works that are the subject of such  
2 finding;

3 (2) after a period of 5 years starting on the  
4 date a finding under paragraph (1) is issued, the li-  
5 censee has failed to take actions to repair the dam  
6 and other project works; and

7 (3) the Commission initiates a non-compliance  
8 proceeding or otherwise takes steps to revoke a li-  
9 cense due to the failure of a licensee to take actions  
10 to repair a dam and other project works.

11 (b) NOTICE UPON REVOCATION, SURRENDER, OR IM-  
12 PLIED SURRENDER OF A LICENSE.—If the Commission  
13 issues an order to revoke a license or approve the sur-  
14 render or implied surrender of a license under the Federal  
15 Power Act (16 U.S.C. 792 et seq.), the Commission shall  
16 provide to the State within which the project that relates  
17 to such license is located—

18 (1) all records pertaining to the structure and  
19 operation of the applicable dam and other project  
20 works, including, as applicable, any dam safety in-  
21 spection reports by independent consultants, speci-  
22 fications for required repairs or maintenance of such  
23 dam and other project works that have not been  
24 completed, and estimates of the costs for such re-  
25 pairs or maintenance;

1           (2) all records documenting the history of main-  
2           tenance or repair work for the applicable dam and  
3           other project works;

4           (3) information on the age of the dam and  
5           other project works and the hazard classification of  
6           the dam and other project works;

7           (4) the most recent assessment of the condition  
8           of the dam and other project works by the Commis-  
9           sion;

10          (5) as applicable, the most recent hydrologic in-  
11          formation used to determine the potential maximum  
12          flood for the dam and other project works; and

13          (6) the results of the most recent risk assess-  
14          ment completed on the dam and other project works.

15          (c) DEFINITION.—In this section:

16           (1) COMMISSION.—The term “Commission”  
17           means the Federal Energy Regulatory Commission.

18           (2) LICENSEE.—The term “licensee” has the  
19           meaning given such term in section 3 of the Federal  
20           Power Act (16 U.S.C. 796).

21           (3) PROJECT.—The term “project” has the  
22           meaning given such term in section 3 of the Federal  
23           Power Act (16 U.S.C. 796).

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