

116TH CONGRESS  
2D SESSION

# H. R. 8935

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

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2020

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 2020”.

6 **SEC. 2. FERC BRIEFING ON EDENVILLE DAM AND SANFORD**  
7 **DAM FAILURES.**

8 Not later than 90 days after the date on which the  
9 Forensic Investigation Team submits to the Federal En-  
10 ergy Regulatory Commission the report on the root causes,  
11 and any other contributing causes, of the Edenville Dam

1 and Sanford Dam failures, the Federal Energy Regulatory  
2 Commission shall conduct a briefing for, and submit a re-  
3 port summarizing such briefing to, the Committee on En-  
4 ergy and Commerce of the House of Representatives that  
5 includes—

6           (1) an explanation of the findings of the Foren-  
7 sic Investigation Team report on the root causes,  
8 and any other contributing causes, of the Edenville  
9 Dam and Sanford Dam failures;

10           (2) a determination of whether the dam safety  
11 procedures established by the Federal Energy Regu-  
12 latory Commission should be revised in light of the  
13 lessons learned from such report;

14           (3) a determination of whether additional safety  
15 inspections of dams should be required after large  
16 storms;

17           (4) a determination of whether the safety re-  
18 quirements and testing protocols for dams ade-  
19 quately account for the projected effects of future  
20 extreme weather events on the hydrology of river ba-  
21 sins and dams; and

22           (5) a determination of whether additional ac-  
23 tions should be taken to ensure the safety of dams  
24 that operate without an emergency spillway.

1 **SEC. 3. DAM SAFETY CONDITIONS.**

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

4 “(k) That the dam and other project works meet the  
5 Commission’s dam safety requirements and that the li-  
6 censee shall continue to manage, operate, and maintain  
7 the dam and other project works in a manner that ensures  
8 dam safety and public safety under the operating condi-  
9 tions of the license.”.

10 **SEC. 4. DAM SAFETY REQUIREMENTS.**

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

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

21 **SEC. 5. VIABILITY PROCEDURES.**

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

- 1           (1) meet applicable dam safety requirements;  
2           and  
3           (2) operate the dam and project works under  
4           the license.

5 **SEC. 6. FERC DAM SAFETY TECHNICAL CONFERENCE WITH**  
6 **STATES.**

7           (a) TECHNICAL CONFERENCE.—Not later than April  
8 1, 2021, the Federal Energy Regulatory Commission, act-  
9 ing through the Director of the Office of Energy Projects,  
10 shall hold a technical conference with the States to discuss  
11 and provide information on—

- 12           (1) dam maintenance and repair;  
13           (2) Risk Informed Decision Making;  
14           (3) climate and hydrological regional changes  
15           that may affect the structural integrity of dams; and  
16           (4) high hazard dams.

17           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to carry out this section  
19 \$1,000,000 for fiscal year 2021.

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

1 **SEC. 7. REQUIRED DAM SAFETY COMMUNICATIONS BE-**  
2 **TWEEN FERC AND STATES.**

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

6 (1) the Commission issues a finding, following  
7 a dam safety inspection, that requires the licensee  
8 for such project to take actions to repair the dam  
9 and other project works that are the subject of such  
10 finding;

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

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

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

1           (1) all records pertaining to the structure and  
2 operation of the applicable dam and other project  
3 works, including, as applicable, any dam safety in-  
4 spection reports by independent consultants, speci-  
5 fications for required repairs or maintenance of such  
6 dam and other project works that have not been  
7 completed, and estimates of the costs for such re-  
8 pairs or maintenance;

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

12           (3) information on the age of the dam and  
13 other project works and the hazard classification of  
14 the dam and other project works;

15           (4) the most recent assessment of the condition  
16 of the dam and other project works by the Commis-  
17 sion;

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

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

23 (c) DEFINITION.—In this section:

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

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

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

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