

118TH CONGRESS
2D SESSION

H. R. 9893

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2024

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

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 2024”.

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 manage, operate, and maintain the dam and

1 other project works in a manner that ensures dam safety
2 and public safety under the operating conditions of the
3 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—

9 “(1) the Commission determines that the dam
10 and other project works covered by the license meet
11 the Commission’s dam safety requirements and that
12 the licensee can continue to manage, operate, and
13 maintain the dam and other project works in a man-
14 ner that ensures dam safety and public safety under
15 the operating conditions of the new license; or

16 “(2) the new license includes a plan to resolve
17 the noncompliance of the dam or other project works
18 covered by the license with the Commission’s dam
19 safety requirements.”.

20 **SEC. 4. VIABILITY PROCEDURES.**

21 The Federal Energy Regulatory Commission shall es-
22 tablish procedures to assess the financial viability of an
23 applicant for a license under the Federal Power Act (16
24 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. 5. FERC DAM SAFETY TECHNICAL CONFERENCE WITH**
6 **STATES.**

7 (a) TECHNICAL CONFERENCE.—Not later than Octo-
8 ber 1, 2025, the Federal Energy Regulatory Commission,
9 acting through the Director of the Office of Energy
10 Projects, shall hold a technical conference with the States
11 to discuss 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) STATE DEFINED.—In this section, the term
18 “State” has the meaning given such term in section 3 of
19 the Federal Power Act (16 U.S.C. 796).

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

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

1 (1) the Commission issues a finding, following
2 a dam safety inspection, that requires the licensee
3 for such project to take actions to repair the dam
4 and other project works that are the subject of such
5 finding;

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

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

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

21 (1) all records pertaining to the structure and
22 operation of the applicable dam and other project
23 works, including, as applicable, any dam safety in-
24 spection reports by independent consultants, speci-
25 fications for required repairs or maintenance of such

1 dam and other project works that have not been
2 completed, and estimates of the costs for such re-
3 pairs or maintenance;

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

7 (3) information on the age of the dam and
8 other project works and the hazard classification of
9 the dam and other project works;

10 (4) the most recent assessment of the condition
11 of the dam and other project works by the Commis-
12 sion;

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

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

18 (c) DEFINITION.—In this section:

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

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

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

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