

118TH CONGRESS
1ST SESSION

S. 3111

To amend the National Dam Safety Program Act to reauthorize and improve that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2023

Mr. CRAMER (for Mr. PADILLA (for himself, Mr. CRAMER, Mr. BENNET, Mr. BOOZMAN, Mr. DAINES, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. RICKETTS, Ms. STABENOW, Mr. TILLIS, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. PETERS)) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the National Dam Safety Program Act to reauthorize and improve that Act, 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 Safety
5 Program Reauthorization Act of 2023”.

6 **SEC. 2. IMPROVEMENTS TO NATIONAL DAM SAFETY PRO-**
7 **GRAM.**

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

1 (1) by redesignating paragraphs (13) through
2 (16) as paragraphs (14) through (17), respectively;
3 and

4 (2) by inserting after paragraph (12) the fol-
5 lowing:

6 “(13) SMALL DISADVANTAGED COMMUNITY.—
7 The term ‘small disadvantaged community’ means a
8 community with a population of less than 50,000
9 that has a median household income of less than 80
10 percent of the statewide median household income.”.

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

14 (1) in subsection (c)(2), by striking subpara-
15 graph (C) and inserting the following:

16 “(C) GRANT ASSURANCE.—As part of a
17 grant agreement under subparagraph (B), the
18 Administrator shall require that each eligible
19 subrecipient to which the State awards a grant
20 under this section provides an assurance from
21 the dam owner, with respect to the dam to be
22 rehabilitated, that the dam owner will carry out
23 a plan for maintenance of the dam during the
24 expected life of the dam.”;

1 (2) in subsection (d)(2)(C), by striking “com-
2 mit” and inserting “for a project not including re-
3 moval, obtain a commitment from the dam owner”;

4 (3) by striking subsection (e) and inserting the
5 following:

6 “(e) FLOODPLAIN MANAGEMENT PLANS.—

7 “(1) IN GENERAL.—As a condition of receipt of
8 assistance under this section, an eligible subrecipient
9 shall demonstrate that a floodplain management
10 plan to reduce the impacts of future flood events
11 from a controlled or uncontrolled release from the
12 dam or management of water levels in the area im-
13 pacted by the dam—

14 “(A) for a removal—

15 “(i) is in place; and

16 “(ii) identifies areas that would be im-
17 pacted by the removal of the dam and in-
18 cludes a communication and outreach plan
19 for the project and the impact of the
20 project on the affected communities; or

21 “(B) for a project not including removal—

22 “(i) is in place; or

23 “(ii) will be—

24 “(I) developed not later than 2
25 years after the date of execution of a

1 project agreement for assistance
2 under this section; and

3 “(II) implemented not later than
4 2 years after the date of completion of
5 construction of the project.

6 “(2) REQUIREMENT.—In the case of a plan for
7 a removal, the Administrator may not impose any
8 additional requirements or conditions other than the
9 requirements in paragraph (1)(A).

10 “(3) INCLUSIONS.—A plan under paragraph
11 (1)(B) shall address—

12 “(A) potential measures, practices, and
13 policies to reduce loss of life, injuries, damage
14 to property and facilities, public expenditures,
15 and other adverse impacts of flooding in the
16 area protected or impacted by the dam;

17 “(B) plans for flood fighting and evacu-
18 ation; and

19 “(C) public education and awareness of
20 flood risks.

21 “(4) PLAN CRITERIA AND TECHNICAL SUP-
22 PORT.—The Administrator, in consultation with the
23 Board, shall provide criteria, and may provide tech-
24 nical support, for the development and implementa-

1 tion of floodplain management plans prepared under
2 this subsection.”;

3 (4) by striking subsection (f) and inserting the
4 following:

5 “(f) PRIORITY SYSTEM.—The Administrator, in con-
6 sultation with the Board, shall develop a risk-based pri-
7 ority system for States to use in prioritizing multiple ap-
8 plications each year for eligible high hazard potential dams
9 for which grants may be made under this section.”;

10 (5) in subsection (g)(1)—

11 (A) in subparagraph (A), by striking
12 “Any” and inserting “Except as provided in
13 subparagraph (C), any”; and

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

15 “(C) SMALL DISADVANTAGED COMMU-
16 NITIES.—Subparagraph (A) shall not apply to a
17 project carried out by or for the benefit of a
18 small disadvantaged community.”; and

19 (6) in subsection (j)(4), by striking “2026” and
20 inserting “2028”.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
22 14 of the National Dam Safety Program Act (33 U.S.C.
23 467j) is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “2023”
2 and inserting “2028”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A), in the matter
5 preceding clause (i), by striking “subpara-
6 graphs (B) and (C)” and inserting “sub-
7 paragraph (B)”;

8 (ii) by striking subparagraph (B); and

9 (iii) by redesignating subparagraph
10 (C) as subparagraph (B);

11 (2) in subsection (b), by striking “2023” and
12 inserting “2028”;

13 (3) in subsection (c), by striking “2023” and
14 inserting “2028”;

15 (4) in subsection (d), by striking “2023” and
16 inserting “2028”;

17 (5) in subsection (e), by striking “2023” and
18 inserting “2028”; and

19 (6) in subsection (f), by striking “2023” and
20 inserting “2028”.

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