

Public Law 107-310
107th Congress

An Act

Dec. 2, 2002

[H.R. 4727]

Dam Safety and
Security Act of
2002.

33 USC 467 note.

To reauthorize the national dam safety program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF NATIONAL DAM SAFETY PROGRAM ACT.

(a) **SHORT TITLE.**—This Act may be cited as the “Dam Safety and Security Act of 2002”.

(b) **AMENDMENT OF NATIONAL DAM SAFETY PROGRAM ACT.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

SEC. 2. INTERAGENCY COMMITTEE ON DAM SAFETY.

Section 7(b) (33 U.S.C. 467e(b)) is amended—

(1) by striking “Federal and State programs” and inserting “Federal programs”; and

(2) by striking “through—” and all that follows through the period at the end and inserting “through coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.”.

SEC. 3. NATIONAL DAM SAFETY PROGRAM.

(a) **IN GENERAL.**—Section 8(a)(3) (33 U.S.C. 467f(a)(3)) is amended—

(1) in subparagraph (B) by striking “implementation plan described in subsection (e)” and inserting “strategic plan described in subsection (b)”; and

(2) in subparagraph (C) by striking “subsection (f)” and inserting “subsection (e)”.

(b) **DUTIES.**—Section 8(b) (33 U.S.C. 467f(b)) is amended to read as follows:

“(b) **DUTIES.**—The Director shall prepare a strategic plan—

“(1) to establish goals, priorities, and target dates to improve the safety of dams in the United States; and

“(2) to the extent feasible, to establish cooperation and coordination with, and assistance to, interested governmental entities in all States.”.

(c) **OBJECTIVES.**—Section 8(c) (33 U.S.C. 467f(c)) is amended—

(1) in paragraph (5) by striking “and” at the end;

(2) in paragraph (6) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) develop technical assistance materials, seminars, and guidelines to improve security for dams in the United States.”.

(d) FUNCTIONAL ACTIVITIES.—Section 8(d)(3)(A) (33 U.S.C. 467f(d)(3)(A)) is amended by striking “and shall be” and all that follows through the period at the end and inserting “and shall be exercised by chairing the Board to coordinate national efforts to improve the safety of the dams in the United States.”.

(e) IMPLEMENTATION PLAN; DAM SAFETY TRAINING.—

(1) IN GENERAL.—Section 8 (33 U.S.C. 467f) is amended by striking subsections (e) and (g) and redesignating subsections (f) and (h) as subsections (e) and (f), respectively.

(2) CONFORMING AMENDMENTS.—Section 2 (33 U.S.C. 467) is amended—

(A) in paragraph (1) by striking “section 8(h)” and inserting “section 8(f)”; and

(B) in paragraph (12) by striking “section 8(f)” and inserting “section 8(e)”.

(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e) (as redesignated by subsection (e) of this section) is amended—

(1) in paragraph (1) by striking “the Director shall provide assistance” and all that follows through the period at the end and inserting “the Director shall provide assistance with amounts made available under section 13 to assist States in establishing, maintaining, and improving dam safety programs in accordance with the criteria specified in paragraph (2).”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “primary”; and

(ii) by striking “, and for a State to be eligible” and all that follows before the colon;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “For a State to be eligible for assistance under this subsection, a State” and inserting “A State”; and

(ii) in clause (vi) by inserting “improve security,” before “revise operating procedures,”; and

(3) in paragraph (3) by striking “contract” each place it appears and inserting “agreement”.

(g) BOARD.—

(1) ESTABLISHMENT.—Section 8(f)(1) (as redesignated by subsection (e) of this section) is amended—

(A) by striking “The Director may establish” and inserting “The Director shall establish”; and

(B) by striking “to monitor” and all that follows through the period at the end and inserting “to monitor the safety of dams in the United States, to monitor State implementation of this section, and to advise the Director on national dam safety policy.”.

(2) VOTING MEMBERSHIP.—Section 8(f)(3) (as redesignated by subsection (e) of this section) is amended—

(A) in the paragraph heading by striking “MEMBERSHIP” and inserting “VOTING MEMBERSHIP”;

(B) in the matter preceding subparagraph (A) by striking “11 members” and inserting “11 voting members”; and

(C) by striking subparagraphs (F) and (G) and inserting the following:

“(F) 5 members shall be selected by the Director from among State dam safety officials; and

“(G) 1 member shall be selected by the Director to represent the private sector.”.

(3) NONVOTING MEMBERSHIP; DUTIES; WORK GROUPS.—Section 8(f) (as redesignated by subsection (e) of this section) is amended—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (7), (8), and (9), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) NONVOTING MEMBERSHIP.—The Director, in consultation with the Board, may invite a representative of the National Laboratories of the Department of Energy and may invite representatives from Federal or State agencies or dam safety experts, as needed, to participate in meetings of the Board.

“(5) DUTIES.—

“(A) IN GENERAL.—The Board shall encourage the establishment and maintenance of effective programs, policies, and guidelines to enhance dam safety for the protection of human life and property throughout the United States.

“(B) COORDINATION AND INFORMATION EXCHANGE AMONG AGENCIES.—In carrying out subparagraph (A), the Board shall encourage coordination and information exchange among Federal and State dam safety agencies that share common problems and responsibilities for dam safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

“(6) WORK GROUPS.—The Director may establish work groups under the Board to assist the Board in accomplishing its goals. The work groups shall consist of members of the Board and other individuals selected by the Director.”.

(4) TRAVEL EXPENSES.—Section 8(f) (as redesignated by subsection (e) of this section) is amended by striking paragraph (8) (as redesignated by paragraph (3)(A) of this subsection) and inserting the following:

“(8) TRAVEL EXPENSES.—

“(A) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, each member of the Board who represents a Federal agency shall be reimbursed of appropriations for travel expenses by his or her agency, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

“(B) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, each member of the Board who represents a State agency, the member of the Board who represents the private sector, and each member of a work group created under paragraph (1) shall be reimbursed for travel expenses by FEMA,

including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Board.”

SEC. 4. RESEARCH.

Section 9(a) (33 U.S.C. 467g) is amended—

- (1) in the matter preceding paragraph (1)—
 - (A) by striking “in cooperation with ICODS” and inserting “in cooperation with the Board”; and
 - (B) by inserting “and support” after “develop”;
- (2) in paragraph (1) by striking “and” at the end;
- (3) in paragraph (2) by striking the period at the end and inserting a semicolon; and
- (4) by adding at the end the following:
 - “(3) development and maintenance of information resources systems needed to support managing the safety of dams; and
 - “(4) initiatives to guide the formulation of effective public policy and advance improvements in dam safety engineering, security, and management.”

SEC. 5. DAM SAFETY TRAINING.

The Act (33 U.S.C. 467 et seq.) is amended—

- (1) by redesignating sections 10, 11, and 12 as sections 11, 12, and 13, respectively; and
- (2) by inserting after section 9 the following:

“SEC. 10. DAM SAFETY TRAINING.

“At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.”

SEC. 6. REPORTS.

Section 11 (as redesignated by section 5 of this Act) is amended by striking subsection (a) and all that follows through “(b) BIENNIAL REPORTS.—”

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) ANNUAL AMOUNTS.—Section 13(a)(1) (as redesignated by section 5 of this Act) is amended—

- (1) by striking “sections 7, 8, and 10” and inserting “sections 7, 8, and 11”; and
- (2) by striking “\$1,000,000 for fiscal year 1998,” and all that follows through the period at the end and inserting “\$6,000,000 for each of fiscal years 2003 through 2006, to remain available until expended.”

(b) ALLOCATION.—Section 13(a)(2) (as redesignated by section 5 of this Act) is amended—

- (1) in subparagraph (A) by striking “section 8(f)” each place it appears and inserting “section 8(e)”; and
- (2) in subparagraph (C) by striking “needing primary assistance and States needing advanced assistance under section 8(f)”.

(c) RESEARCH; DAM SAFETY TRAINING; STAFF.—Section 13 (as redesignated by section 5 of this Act) is amended by striking subsections (c) through (e) and inserting the following:

33 USC 467h-467j.

33 USC 467g-1.

33 USC 467h.

33 USC 467j.

“(c) RESEARCH.—There is authorized to be appropriated to carry out section 9 \$1,500,000 for each of fiscal years 2003 through 2006, to remain until expended.

“(d) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 10 \$500,000 for each of fiscal years 2003 through 2006.

“(e) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 8 through 10 \$600,000 for each of fiscal years 2003 through 2006.”.

Approved December 2, 2002.

LEGISLATIVE HISTORY—H.R. 4727:

HOUSE REPORTS: No. 107-626 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 148 (2002):

Sept. 5, considered and passed House.
Nov. 14, considered and passed Senate.