

Calendar No. 1071

110TH CONGRESS
2D SESSION**H. R. 3224****[Report No. 110–495]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2007

Received; read twice and referred to the Committee on Environment and
Public Works

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported by Mrs. BOXER, without amendment

AN ACT

To amend the National Dam Safety Program Act to establish
a program to provide grant assistance to States for the
rehabilitation and repair of deficient dams.

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 “Dam Rehabilitation
5 and Repair Act of 2007”.

1 **SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT**
 2 **DAMS.**

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

5 (1) by redesignating paragraphs (3), (4), (5),
 6 (6), (7), (8), (9), (10), (11), (12), and (13) as para-
 7 graphs (4), (5), (6), (7), (8), (9), (10), (12), (13),
 8 (14), and (15), respectively;

9 (2) by inserting after paragraph (2) the fol-
 10 lowing:

11 “(3) DEFICIENT DAM.—The term ‘deficient
 12 dam’ means a dam that the State within the bound-
 13 aries of which the dam is located determines—

14 “(A) fails to meet minimum dam safety
 15 standards of the State; and

16 “(B) poses an unacceptable risk to the
 17 public.”; and

18 (3) by inserting after paragraph (10) (as red-
 19 igned by paragraph (1)) the following:

20 “(11) REHABILITATION.—The term ‘rehabilita-
 21 tion’ means the repair, replacement, reconstruction,
 22 or removal of a dam that is carried out to meet ap-
 23 plicable State dam safety and security standards.”.

24 (b) PROGRAM FOR REHABILITATION AND REPAIR OF
 25 DEFICIENT DAMS.—The National Dam Safety Program

1 Act is amended by inserting after section 8 (33 U.S.C.
2 467f) the following:

3 **“SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT**
4 **DAMS.**

5 “(a) ESTABLISHMENT OF PROGRAM.—The Director
6 shall establish, within FEMA, a program to provide grant
7 assistance to States for use in rehabilitation of publicly-
8 owned deficient dams.

9 “(b) AWARD OF GRANTS.—

10 “(1) APPLICATION.—A State interested in re-
11 ceiving a grant under this section may submit to the
12 Director an application for such grant. Applications
13 submitted to the Director under this section shall be
14 submitted at such times, be in such form, and con-
15 tain such information, as the Director may prescribe
16 by regulation.

17 “(2) IN GENERAL.—Subject to the provisions of
18 this section, the Director may make a grant for re-
19 habilitation of a deficient dam to a State that sub-
20 mits an application for the grant in accordance with
21 the regulations prescribed by the Director. The Di-
22 rector shall enter into a project grant agreement
23 with the State to establish the terms of the grant
24 and the project, including the amount of the grant.

1 “(3) APPLICABILITY OF STANDARDS.—The Di-
2 rector shall require States that apply for grants
3 under this section to comply with the standards of
4 section 611(j)(9) of the Robert T. Stafford Disaster
5 Relief and Emergency Assistance Act (42 U.S.C.
6 5196(j)(9)), as in effect on the date of enactment of
7 this section, with respect to projects assisted under
8 this section in the same manner as recipients are re-
9 quired to comply in order to receive financial con-
10 tributions from the Director for emergency pre-
11 paredness purposes.

12 “(c) PRIORITY SYSTEM.—The Director, in consulta-
13 tion with the Board, shall develop a risk-based priority
14 system for use in identifying deficient dams for which
15 grants may be made under this section.

16 “(d) ALLOCATION OF FUNDS.—The total amount of
17 funds appropriated pursuant to subsection (f)(1) for a fis-
18 cal year shall be allocated for making grants under this
19 section to States applying for such grants for that fiscal
20 year as follows:

21 “(1) One-third divided equally among applying
22 States.

23 “(2) Two-thirds among applying States based
24 on the ratio that—

1 “(A) the number of non-Federal publicly-
 2 owned dams that the Secretary of the Army
 3 identifies in the national inventory of dams
 4 maintained under section 6 as constituting a
 5 danger to human health and that are located
 6 within the boundaries of the State; bears to

7 “(B) the number of non-Federal publicly-
 8 owned dams that are so identified and that are
 9 located within the boundaries of all applying
 10 States.

11 “(e) COST SHARING.—The Federal share of the cost
 12 of rehabilitation of a deficient dam for which a grant is
 13 made under this section may not exceed 65 percent of the
 14 cost of such rehabilitation.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There is authorized to be
 17 appropriated to carry out this section—

18 “(A) \$10,000,000 for fiscal year 2008;

19 “(B) \$15,000,000 for fiscal year 2009;

20 “(C) \$25,000,000 for fiscal year 2010;

21 “(D) \$50,000,000 for fiscal year 2011;

22 and

23 “(E) \$100,000,000 for fiscal year 2012.

24 “(2) STAFF.—There are authorized to be ap-
 25 propriated to provide for the employment of such ad-

1 ditional staff of FEMA as are necessary to carry out
2 this section \$400,000 for each of fiscal years 2008
3 through 2010.

4 “(3) PERIOD OF AVAILABILITY.—Sums appro-
5 priated pursuant to this section shall remain avail-
6 able until expended.”.

7 **SEC. 3. RULEMAKING.**

8 (a) PROPOSED RULEMAKING.—Not later than 90
9 days after the date of enactment of this Act, the Director
10 of the Federal Emergency Management Agency shall issue
11 a notice of proposed rulemaking regarding the amend-
12 ments made by section 2 to the National Dam Safety Pro-
13 gram Act (33 U.S.C. 467 et seq.).

14 (b) FINAL RULE.—Not later than 120 days after the
15 date of enactment of this Act, the Director of the Federal
16 Emergency Management Agency shall issue a final rule
17 regarding such amendments.

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