

110TH CONGRESS  
1ST SESSION

# H. R. 389

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2007

Mr. KUHLMAN of New York (for himself and Mr. EHLERS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

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”.

6 **SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT**  
7 **DAMS.**

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 (4), (5), (6),  
2           (7), (8), (9), (10), (11), (12), and (13) as para-  
3           graphs (5), (6), (7), (8), (9), (10), (12), (13), (14),  
4           and (15), respectively;

5           (2) by striking paragraph (3) and inserting the  
6           following:

7           “(3) ADMINISTRATOR.—The term ‘Adminis-  
8           trator’ means the Administrator of FEMA.

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

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

14               “(B) poses an unacceptable risk to the  
15               public.”; and

16          (3) by inserting after paragraph (10) (as redес-  
17          ignated by paragraph (1)) the following:

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

22          (b) PROGRAM FOR REHABILITATION AND REPAIR OF  
23          DEFICIENT DAMS.—The National Dam Safety Program  
24          Act is amended by inserting after section 8 (33 U.S.C.  
25          467f) the following:

1 **“SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT**  
2 **DAMS.**

3 “(a) ESTABLISHMENT OF PROGRAM.—The Adminis-  
4 trator shall establish, within FEMA, a program to provide  
5 grant assistance to States for use in rehabilitation of pub-  
6 licly-owned deficient dams.

7 “(b) AWARD OF GRANTS.—

8 “(1) APPLICATION.—A State interested in re-  
9 ceiving a grant under this section may submit to the  
10 Administrator an application for such grant. Appli-  
11 cations submitted to the Administrator under this  
12 section shall be submitted at such times, be in such  
13 form, and contain such information, as the Adminis-  
14 trator may prescribe by regulation.

15 “(2) IN GENERAL.—Subject to the provisions of  
16 this section, the Administrator may make a grant  
17 for rehabilitation of a deficient dam to a State that  
18 submits an application for the grant in accordance  
19 with the regulations prescribed by the Adminis-  
20 trator. The Administrator shall enter into a project  
21 grant agreement with the State to establish the  
22 terms of the grant and the project, including the  
23 amount of the grant.

24 “(c) PRIORITY SYSTEM.—The Administrator, in con-  
25 sultation with the Board, shall develop a risk-based pri-

1 ority system for use in identifying deficient dams for which  
2 grants may be made under this section.

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

8 “(1) One-third divided equally among applying  
9 States.

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

12 “(A) the number of non-Federal publicly-  
13 owned dams that the Secretary of the Army  
14 identifies in the national inventory of dams  
15 maintained under section 6 as constituting a  
16 danger to human health and that are located  
17 within the boundaries of the State; bears to

18 “(B) the number of non-Federal publicly-  
19 owned dams that are so identified and that are  
20 located within the boundaries of all applying  
21 States.

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

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—

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

4 “(A) \$50,000,000 for fiscal year 2007; and

5 “(B) \$100,000,000 for each of fiscal years  
6 2008 through 2010.

7 “(2) STAFF.—There are authorized to be ap-  
8 propriated to provide for the employment of such ad-  
9 ditional staff of FEMA as are necessary to carry out  
10 this section \$400,000 for each of fiscal years 2007  
11 through 2009.

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

15 (c) CONFORMING AMENDMENT.—Such Act (other  
16 than section 2) is further amended by striking “Director”  
17 each place it appears and inserting “Administrator”.

18 **SEC. 3. RULEMAKING.**

19 (a) PROPOSED RULEMAKING.—Not later than 90  
20 days after the date of enactment of this Act, the Adminis-  
21 trator of the Federal Emergency Management Agency  
22 shall issue a notice of proposed rulemaking regarding the  
23 amendments made by section 2 of this Act.

1       (b) FINAL RULE.—Not later than 120 days after the  
2   date of enactment of this Act, the Administrator shall  
3   issue a final rule regarding such amendments.

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