

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. BOOZMAN, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 3362. A bill to reauthorize the National Dam Safety Program Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to reauthorize the National Dam Safety Program managed by the Federal Emergency Management Agency, FEMA. I thank Senators BOOZMAN, WHITEHOUSE, and CRAPO for joining me in sponsoring this bill that will help promote public safety and prevent the destruction caused by dam failures. This fiscally responsible legislation will help states do more to protect communities and avoid costly dam incidents without increasing funding above the most recent authorization level.

With more than 84,000 dams listed in the National Inventory of Dams, dams are a critical and ubiquitous part of our nation's infrastructure. In Hawaii, 142 State-regulated dams are located across our islands from Kekaha on Kauai to Paauilo on Hawaii Island. These dams are owned by non-profit organizations, private companies, individuals, and Federal, State, and local governments. While they go largely unseen, dams benefit our lives every day. They provide drinking water, hydroelectric power, irrigation water, flood control, and recreational opportunities.

However, dams also pose a significant risk to public safety, local economies, and the environment. Our nation's dams received a grade of "D" from the American Society of Civil Engineers 2009 Report Card for America's Infrastructure, which cited more than 4,000 deficient dams, including more than 1,800 that would result in loss of life if they failed. Unfortunately, we know that this risk is not just hypothetical. In 2006, the Ka Loko Dam on Kauai collapsed killing seven people, and dozens of other dam failures have occurred across the nation since that time. While we cannot avoid all dam incidents, this legislation will help prevent dam disasters and better prepare Americans for when they do happen.

The National Dam Safety Program is the foundation of prevention efforts nationally. The program helps states to check for deteriorating conditions at dams. This is important so that repairs can be made in order to safeguard against incidents that result in loss of life and property. The program also helps ensure that states have the technical assistance, training, and procedures needed to prevent dams from reaching a condition that puts communities in danger.

I very much appreciate the involvement of experts in dam safety, including FEMA, the Army Corps of Engineers, Hawaii Department of Land and Natural Resources, the American Society of Civil Engineers, and the Associa-

tion of State Dam Safety Officials, in developing this legislation. I urge my colleagues to support his measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3362

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Dam Safety Act of 2012".

**SEC. 2. PURPOSE.**

The purpose of this Act and the amendments made by this Act is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

**SEC. 3. ADMINISTRATOR.**

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator".

(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

- (1) by striking paragraph (3);
- (2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and
- (3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency."

**SEC. 4. INSPECTION OF DAMS.**

Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking "or maintenance" and inserting "maintenance, condition, or provisions for emergency operations".

**SEC. 5. NATIONAL DAM SAFETY PROGRAM.**

(1) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

"(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;"

(2) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting ", representatives from nongovernmental organizations," after "State agencies".

**SEC. 6. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

- (1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and
- (2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

**"SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.**

"The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents."

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

- (1) NATIONAL DAM SAFETY PROGRAM.—

(A) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking "\$6,500,000" and all that follows through "2011" and inserting "\$9,200,000 for each of fiscal years 2012 through 2016".

(B) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

- (i) by striking "The amount" and inserting the following:

"(i) IN GENERAL.—The amount"; and

- (ii) by adding at the end the following:

"(ii) FISCAL YEAR 2013 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2013 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities."

(2) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking "\$650,000" and all that follows through "2011" and inserting "\$500,000 for each of fiscal years 2012 through 2016".

(3) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

- (A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

- (B) by inserting after subsection (b) the following:

"(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 \$1,000,000 for each of fiscal years 2012 through 2016."

(4) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking "\$1,600,000" and all that follows through "2011" and inserting "\$1,450,000 for each of fiscal years 2012 through 2016".

(5) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking "\$550,000" and all that follows through "2011" and inserting "\$750,000 for each of fiscal years 2012 through 2016".

(6) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking "\$700,000" and all that follows through "2011" and inserting "\$1,000,000 for each of fiscal years 2012 through 2016".

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 516—EX-  
PRESSING THE SENSE OF THE  
SENATE ON THE RESTITUTION  
OF OR COMPENSATION FOR  
PROPERTY SEIZED DURING THE  
NAZI AND COMMUNIST ERAS

Mr. NELSON of Florida (for himself and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 516

Whereas protecting and respecting private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas Nazi or Communist regimes dominated many Eastern European countries without the consent of their people for parts of the 20th century;

Whereas the authoritarian and totalitarian regimes that emerged in Eastern Europe

after World War II perpetuated the wrongful and unjust confiscation of property, including immovable property, personal property, and financial assets, that belonged to victims of Nazi persecution;

Whereas the Nazi regime considered religious property an early target and denied religious communities the temporal facilities that held them together by expropriating churches, synagogues, religious seminaries, cemeteries, and other communal property;

Whereas, after World War II, Communist regimes expanded the systematic expropriation of private, communal, and religious property in an effort to eliminate the influence of religion;

Whereas, since the fall of the Iron Curtain, only part of the immovable property confiscated during and after the Holocaust has been recovered or compensated;

Whereas, in July 2001, the Paris Declaration of the Organization for Security and Co-operation in Europe Parliamentary Assembly noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the participating states of that Organization;

Whereas the Organization for Security and Co-operation in Europe Parliamentary Assembly has called on each participating state to adopt and implement appropriate legislation to ensure that victims of Nazi persecution, including communal organizations and institutions, receive restitution of or compensation for lost property, without regard to the current citizenship or place of residence of the victims or their heirs or the relevant successors to communal property;

Whereas the United States Congress has, unanimously and on numerous occasions, urged countries in Europe that have not yet done so to immediately enact fair, comprehensive, nondiscriminatory, and just legislation to provide restitution, or fair compensation in cases in which restitution is not possible, to victims of persecution who had private property looted or wrongfully confiscated by Nazis during World War II or subsequently seized by a Communist government and the heirs of those victims;

Whereas the representatives of 44 countries that participated in the 1998 Washington Conference on Holocaust-Era Assets agreed on principles intended to guide just and equitable solutions to confiscated art, insurance, and communal property, but did not address the complex issue of private property;

Whereas, 11 years later, representatives of more than 45 countries participated in the Prague Holocaust-Era Assets Conference in June 2009, and agreed to the Terezin Declaration of June 30, 2009, which—

(1) recognized that Holocaust (Shoah) survivors and other victims of Nazi persecution have reached an advanced age and that respecting their personal dignity and addressing their social welfare needs is an issue of utmost urgency;

(2) recognized that wrongful property seizures, such as confiscation, forced sales, and sales under duress of property, were part of the persecution by the Nazis of innocent people, many of whom died without heirs;

(3) recognized the importance of restituting communal and individual property that belonged to victims of the Holocaust (Shoah) and other victims of Nazi persecution and urged that every effort be made to rectify the consequences of wrongful property seizure;

(4) urged that every effort be made to provide for the restitution of former Jewish communal and religious property through in rem restitution or compensation in cases in which restitution has not yet been effectively achieved; and

(5) recognized that in some countries heirless property could serve as a basis to address the material necessities of Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah) and its causes and consequences;

Whereas nearly 3 years have passed since the adoption of the Terezin Declaration and the governments of some countries have still not fulfilled or made progress toward fulfilling the moral obligations expressed in that document, including—

(1) the Government of Poland, which is virtually alone among post-Communist countries in not having adopted any legislation providing a process for restitution of or compensation for private property that Nazi or Communist regimes confiscated despite numerous public promises from various administrations;

(2) the Government of Romania, which has halted implementation of legislation to return former communal property or pay compensation to claimants;

(3) the Government of Latvia, which has failed to press forward with legislation to return Jewish communal and religious properties or provide financial compensation for the loss of those properties despite numerous promises to domestic and international claimants;

(4) the Government of Slovenia, which has refused to pay compensation for officially recognized former Jewish property; and

(5) the Government of Croatia, which has still not adopted appropriate legislation to provide compensation for property that the Nazis and their allies confiscated during the Holocaust;

Whereas the governments of Serbia and Lithuania have recently enacted restitution and compensation programs for private and Jewish communal property, respectively, serving as a potential model for other governments to follow;

Whereas some Holocaust survivors, now in the twilight of their lives, are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care;

Whereas the Washington and Prague conferences on Holocaust-era assets should not be the last opportunity for the international community to address property restitution at the highest level;

Whereas the European Shoah Legacy Institute will hold an Immoveable Property Review Conference in late November 2012 in Prague to review compliance with the Terezin Declaration as well as the document entitled “Guidelines and Best Practices for the Restitution and Compensation of Immoveable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II”, which 43 countries adopted following the Prague Conference; and

Whereas, although those documents are not legally binding, the governments of all countries bear a moral responsibility to uphold and defend the plight and dignity of Holocaust survivors, ensure their well-being, and respond to their social needs: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the unmet needs of many Holocaust survivors and the urgency of addressing those needs;

(2) appreciates the efforts of the governments of countries in Europe that have enacted and implemented legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or Communist eras;

(3) welcomes the efforts of the governments of many post-Communist countries to

address complex and difficult questions relating to the status of wrongly confiscated property;

(4) urges each government that has not already done so to complete the process of adopting and implementing necessary and proper legislation to effect the in rem return of or the payment of compensation for wrongly confiscated property;

(5) calls on each government to establish restitution and compensation schemes in a simple, transparent, and timely manner to provide a real benefit to those who suffered from the unjust confiscation of their property; and

(6) calls on the Secretary of State to issue an updated report on property restitution in Central and Eastern Europe that evaluates whether the governments of those countries have met the basic standards and best practices of the international community.

#### SENATE RESOLUTION 517—CONGRATULATING THE NORTHWESTERN WILDCATS WOMEN'S LACROSSE TEAM ON WINNING THE 2012 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S LACROSSE CHAMPIONSHIP

Mr. DURBIN (for himself and Mr. KIRK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 517

Whereas, on May 27, 2012, the Northwestern Wildcats Women's Lacrosse Team (referred to in this preamble as the “Wildcats”) won the National Collegiate Athletic Association Division I Women's Lacrosse Championship;

Whereas the Wildcats defeated Syracuse University by a score of 8-6 in the championship game, giving the Wildcats their 7th victory over the last 8 NCAA Division I Women's Lacrosse Championships;

Whereas reigning National Player of the Year Shannon Smith had 2 goals and 2 assists in the championship game;

Whereas 2012 National Player of the Year Finalist Taylor Thornton scored the game-winning goal;

Whereas Northwestern University established their first women's lacrosse team in 1982, playing in the NCAA tournament 5 times before the team was disbanded in 1992 due to budget cuts;

Whereas, in 2002, Northwestern University revived the women's lacrosse team and hired former University of Maryland player Kelly Amonte Hiller as head coach;

Whereas, in 2005, the Wildcats went undefeated and won their first NCAA title;

Whereas, in 2007, the Wildcats joined the University of Maryland as the only 2 teams to win 3 consecutive NCAA titles;

Whereas, during their 5-year championship run from 2005 to 2009, the Wildcats were undefeated at home and had a record of 106 wins and 3 losses;

Whereas the Wildcats won their 6th and 7th NCAA titles in 2011 and 2012;

Whereas, in her final game for the Wildcats, Shannon Smith was named Most Valuable Player at Championship Weekend for the second straight year;

Whereas, for seniors like Shannon Smith, the victory on May 27, 2012 was their third NCAA championship;

Whereas, as head coach of the Wildcats, Kelly Amonte Hiller has a record of 32 wins and only 2 losses in the NCAA tournament;

Whereas Kelly Amonte Hiller will be inducted into the United States Lacrosse Hall of Fame for her performance as a player at