

§ 467c. Determination of danger to human life and property

For the purpose of determining whether a dam (including the waters impounded by such dam) constitutes a danger to human life or property, the Secretary shall take into consideration the possibility that the dam might be endangered by overtopping, seepage, settlement, erosion, sediment, cracking, earth movement, earthquakes, failure of bulkheads, flashboard, gates on conduits, or other conditions which exist or which might occur in any area in the vicinity of the dam.

(Pub. L. 92-367, §5, formerly §4, Aug. 8, 1972, 86 Stat. 507; renumbered §5 and amended Pub. L. 104-303, title II, §215(c)(3), (7), Oct. 12, 1996, 110 Stat. 3685, 3687.)

Editorial Notes

PRIOR PROVISIONS

A prior section 5 of Pub. L. 92-367 was classified to section 467d of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

1996—Pub. L. 104-303 inserted section catchline.

§ 467d. National inventory of dams and low-head dams

(a) In general

The Secretary of the Army shall maintain and update information on the inventory of dams and low-head dams in the United States.

(b) Dams

The inventory maintained under subsection (a) shall include any available information assessing each dam based on inspections completed by a Federal agency, a State dam safety agency, or a Tribal government.

(c) Low-head dams

The inventory maintained under subsection (a) shall include—

- (1) the location, ownership, description, current use, condition, height, and length of each low-head dam;
- (2) any information on public safety conditions at each low-head dam; and
- (3) any other relevant information concerning low-head dams.

(d) Data

In carrying out this section, the Secretary shall—

- (1) coordinate with Federal and State agencies, Tribal governments, and other relevant entities; and
- (2) use data provided to the Secretary by those agencies and entities.

(e) Public availability

The Secretary shall make the inventory maintained under subsection (a) publicly available (including on a publicly available website), including—

- (1) public safety information on the dangers of low-head dams; and
- (2) a directory of financial and technical assistance resources available to reduce safety

hazards and fish passage barriers at low-head dams.

(f) Clarification

Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.

(g) Low-head dam defined

In this section, the term “low-head dam” means a river-wide artificial barrier that generally spans a stream channel, blocking the waterway and creating a backup of water behind the barrier, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

(Pub. L. 92-367, §6, as added Pub. L. 104-303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3687; amended Pub. L. 109-460, §1(b), Dec. 22, 2006, 120 Stat. 3401; Pub. L. 118-272, div. A, title I, §1132(b), Jan. 4, 2025, 138 Stat. 3021.)

Editorial Notes

PRIOR PROVISIONS

A prior section 467d, Pub. L. 92-367, §5, Aug. 8, 1972, 86 Stat. 507, directed Secretary report to Congress on or before July 1, 1974, on activities under this subchapter, including in report an inventory of dams in the United States, a review of each inspection made, recommendations to State Governors and implementation of those recommendations, recommendations for comprehensive national program for inspection and safety regulation, and recommendations on responsibilities which should be assumed by Federal, State, and local governments and by public and private interests, prior to repeal by Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 6 of Pub. L. 92-367 was classified to section 467e of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2025—Pub. L. 118-272 amended section generally. Prior to amendment, text of section read as follows: “The Secretary of the Army shall maintain and update information on the inventory of dams in the United States. Such inventory of dams shall include any available information assessing each dam based on inspections completed by either a Federal agency or a State dam safety agency.”

2006—Pub. L. 109-460 amended section generally. Prior to amendment, section read as follows: “The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.”

§ 467e. Interagency Committee on Dam Safety

(a) Establishment

There is established an Interagency Committee on Dam Safety—

- (1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and
- (2) chaired by the Administrator.

(b) Duties

ICODS shall encourage the establishment and maintenance of effective Federal programs, poli-

cies, and guidelines intended to enhance dam safety for the protection of human life and property through coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

(Pub. L. 92-367, § 7, as added Pub. L. 104-303, title II, § 215(c)(8), Oct. 12, 1996, 110 Stat. 3687; amended Pub. L. 107-310, § 2, Dec. 2, 2002, 116 Stat. 2450; Pub. L. 113-121, title III, § 3001(a)(1), June 10, 2014, 128 Stat. 1282.)

Editorial Notes

PRIOR PROVISIONS

A prior section 467e, Pub. L. 92-367, § 6, Aug. 8, 1972, 86 Stat. 507, directed that existing liabilities and obligations be unaffected, prior to repeal by Pub. L. 104-303, title II, § 215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 7 of Pub. L. 92-367 was classified to section 467f of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-121 substituted “Administrator” for “Director”.

2002—Subsec. (b). Pub. L. 107-310 substituted “Federal programs” for “Federal and State programs” and “through coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.” for “through—“(1) coordination and information exchange among Federal agencies and State dam safety agencies; and“(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.”

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Administrator of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 467f. National dam safety program

(a) In general

The Administrator, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

- (1) be administered by FEMA to achieve the objectives set forth in subsection (c);
- (2) involve, to the extent appropriate, each Federal agency; and
- (3) include—
 - (A) each of the components described in subsection (d);
 - (B) the strategic plan described in subsection (b); and

- (C) assistance for State dam safety programs described in subsection (e).

(b) Duties

The Administrator shall prepare a strategic plan—

- (1) to establish goals, priorities, performance measures, and target dates toward effectively administering this subchapter in order 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

The objectives of the Program are to—

- (1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;
- (2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;
- (3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;
- (4) develop and implement a comprehensive dam safety hazard education and public awareness initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;
- (5) develop technical assistance materials for Federal and non-Federal dam safety programs;
- (6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector; and
- (7) develop technical assistance materials, seminars, and guidelines to improve security for dams in the United States.

(d) Components

(1) In general

The Program shall consist of—

- (A) a Federal element and a non-Federal element; and
- (B) leadership activity, technical assistance activity, and public awareness activity.

(2) Elements

(A) Federal

The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 467e of this title to implement the Federal Guidelines for Dam Safety.

(B) Non-Federal

The non-Federal element shall consist of—

- (i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and
- (ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

(3) Functional activities

(A) Leadership

The leadership activity shall be the responsibility of FEMA and shall be exercised