

dividuals, and private organizations in carrying out the implementation plan.”

Subsec. (e)(1). Pub. L. 107-310, §3(f)(1), substituted “the Director shall provide assistance with amounts made available under section 467j of this title to assist States in establishing, maintaining, and improving dam safety programs in accordance with the criteria specified in paragraph (2).” for “the Director shall provide assistance with amounts made available under section 467j of this title to assist States in establishing and maintaining dam safety programs—

“(A) in accordance with the criteria specified in paragraph (2); and

“(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.”

Subsec. (e)(2). Pub. L. 107-310, §3(f)(2)(A), in introductory provisions, struck out “primary” after “For a State to be eligible for” and “, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and budgeting requirement and be working toward meeting the advanced requirements and standards established under paragraph (1)(B)” before colon.

Subsec. (e)(2)(A). Pub. L. 107-310, §3(f)(2)(B)(i), substituted “A State” for “For a State to be eligible for assistance under this subsection, a State” in introductory provisions.

Subsec. (e)(2)(A)(vi). Pub. L. 107-310, §3(f)(2)(B)(ii), inserted “improve security,” before “revise operating procedures.”

Subsec. (e)(3). Pub. L. 107-310, §3(f)(3), substituted “agreement” for “contract” in two places.

Subsec. (f). Pub. L. 107-310, §3(e)(1), redesignated subsec. (h) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(1). Pub. L. 107-310, §3(g)(1), substituted “The Director shall establish” for “The Director may establish” and “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” for “to monitor State implementation of this section”.

Subsec. (f)(3). Pub. L. 107-310, §3(g)(2)(A), (B), substituted “Voting membership” for “Membership” in heading and “11 voting members” for “11 members” in introductory provisions.

Subsec. (f)(3)(F), (G). Pub. L. 107-310, §3(g)(2)(C), added subpars. (F) and (G) and struck out former subpars. (F) and (G) which read as follows:

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

“(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.”

Subsec. (f)(4) to (6). Pub. L. 107-310, §3(g)(3)(B), added pars. (4) to (6). Former pars. (4) to (6) redesignated (7) to (9), respectively.

Subsec. (f)(7). Pub. L. 107-310, §3(g)(3)(A), redesignated par. (4) as (7).

Subsec. (f)(8). Pub. L. 107-310, §3(g)(4), added par. (8) and struck out heading and text of former par. (8). Text read as follows: “Each member of the Board shall be allowed travel expenses, 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, while away from the home or regular place of business of the member in the performance of services for the Board.”

Pub. L. 107-310, §3(g)(3)(A), redesignated par. (5) as (8).

Subsec. (f)(9). Pub. L. 107-310, §3(g)(3)(A), redesignated par. (6) as (9).

Subsec. (g). Pub. L. 107-310, §3(e)(1), struck out heading and text of subsec. (g). Text read as follows: “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.”

Subsec. (h). Pub. L. 107-310, §3(e)(1), redesignated subsec. (h) as (f).

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 Director 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-1. Lock and dam security

(a) Standards

The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) Site surveys

At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursable basis, to improve lock or dam security.

(c) Cooperative agreement

The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) Authorization of appropriations

There is authorized to be appropriated \$3,000,000 to carry out this section.

(Pub. L. 110-114, title V, §5024, Nov. 8, 2007, 121 Stat. 1203.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the National Dam Safety Program Act which comprises this subchapter.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

§ 467g. Research

(a) In general

The Director, in cooperation with the Board, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection;

(2) devices for the continued monitoring of the safety of dams;

(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.

(b) Consultation

The Director shall provide for State participation in research under subsection (a) of this section and periodically advise all States and Congress of the results of the research.

(Pub. L. 92-367, §9, as added Pub. L. 104-303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3692; amended Pub. L. 107-310, §4, Dec. 2, 2002, 116 Stat. 2453.)

PRIOR PROVISIONS

A prior section 467g, Pub. L. 92-367, §8, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4261, set out the requisite features of State dam safety programs and provided for program approval and periodic review, prior to repeal by Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 9 of Pub. L. 92-367 was classified to section 467h of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-310, §4(1), in introductory provisions, substituted “in cooperation with the Board” for “in cooperation with ICODS” and inserted “and support” after “develop”.

Subsec. (a)(3), (4). Pub. L. 107-310, §4(2)-(4), added pars. (3) and (4).

§ 467g-1. 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.

(Pub. L. 92-367, §10, as added Pub. L. 107-310, §5(2), Dec. 2, 2002, 116 Stat. 2453.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 92-367 was renumbered section 11, and is classified to section 467h of this title.

Another prior section 10 of Pub. L. 92-367 was classified to section 467i of this title prior to repeal by Pub. L. 104-303.

§ 467h. Reports

Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

- (1) describes the status of the Program;
- (2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;
- (3) describes the progress achieved in dam safety by States participating in the Program; and
- (4) includes any recommendations for legislative and other action that the Director considers necessary.

(Pub. L. 92-367, §11, formerly §10, as added Pub. L. 104-303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3692; renumbered §11 and amended Pub. L. 107-310, §§5(1), 6, Dec. 2, 2002, 116 Stat. 2453.)

PRIOR PROVISIONS

A prior section 467h, Pub. L. 92-367, §9, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262, provided for creation of National Dam Safety Review

Board, prior to repeal by Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 11 of Pub. L. 92-367 was renumbered section 12, and is classified to section 467i of this title.

Another prior section 11 of Pub. L. 92-367 was classified to section 467j of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2002—Pub. L. 107-310, §6, struck out subsec. designations and headings for subsecs. (a) and (b) and text of subsec. (a) which read as follows: “Not later than 180 days after October 12, 1996, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.”

§ 467i. Statutory construction

Nothing in this subchapter and no action or failure to act under this subchapter shall—

- (1) create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act;
- (2) relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam; or
- (3) preempt any other Federal or State law.

(Pub. L. 92-367, §12, formerly §11, as added Pub. L. 104-303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3693; renumbered §12, Pub. L. 107-310, §5(1), Dec. 2, 2002, 116 Stat. 2453.)

PRIOR PROVISIONS

A prior section 467i, Pub. L. 92-367, §10, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262, related to consultation of Federal officers with State officials when dam operated or proposed by Federal agency is operated or proposed in a State, prior to repeal by Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 12 of Pub. L. 92-367 was renumbered section 13, and is classified to section 467j of this title.

Another prior section 12 of Pub. L. 92-367 was classified to section 467k of this title prior to repeal by Pub. L. 104-303.

§ 467j. Authorization of appropriations

(a) National dam safety program

(1) Annual amounts

There are authorized to be appropriated to FEMA to carry out sections 467e, 467f, and 467h of this title (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e) of this section), \$6,500,000 for fiscal year 2007, \$7,100,000 for fiscal year 2008, \$7,600,000 for fiscal year 2009, \$8,300,000 for fiscal year 2010, and \$9,200,000 for fiscal year 2011, to remain available until expended.

(2) Allocation

(A) In general

Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection to carry out section 467f of this title shall be allocated among the States as follows:

- (i) One-third among States that qualify for assistance under section 467f(e) of this title.