

(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.

(ii) Two-thirds among States that qualify for assistance under section 467f(e) of this title, to each such State in proportion to—

(I) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 467d of this title; as compared to

(II) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 467d of this title.

(B) Maximum amount of allocation

The amount of funds allocated to a State under this paragraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

(C) Determination

The Director and the Board shall determine the amount allocated to States.

(b) National dam inventory

There is authorized to be appropriated to carry out section 467d of this title \$650,000 for fiscal year 2007, \$700,000 for fiscal year 2008, \$750,000 for fiscal year 2009, \$800,000 for fiscal year 2010, and \$850,000 for fiscal year 2011.

(c) Research

There is authorized to be appropriated to carry out section 467g of this title \$1,600,000 for fiscal year 2007, \$1,700,000 for fiscal year 2008, \$1,800,000 for fiscal year 2009, \$1,900,000 for fiscal year 2010, and \$2,000,000 for fiscal year 2011, to remain until expended.

(d) Dam safety training

There is authorized to be appropriated to carry out section 467g-1 of this title \$550,000 for fiscal year 2007, \$600,000 for fiscal year 2008, \$650,000 for fiscal year 2009, \$700,000 for fiscal year 2010, and \$750,000 for fiscal year 2011.

(e) Staff

There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 467f through 467g-1 of this title \$700,000 for fiscal year 2007, \$800,000 for fiscal year 2008, \$900,000 for fiscal year 2009, \$1,000,000 for fiscal year 2010, and \$1,100,000 for fiscal year 2011.

(f) Limitation on use of amounts

Amounts made available under this subchapter may not be used to construct or repair any Federal or non-Federal dam.

(Pub. L. 92-367, §13, formerly §12, as added Pub. L. 104-303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3693; renumbered §13 and amended Pub. L. 107-310, §§5(1), 7, Dec. 2, 2002, 116 Stat. 2453; Pub. L. 109-460, §1(d), Dec. 22, 2006, 120 Stat. 3401.)

PRIOR PROVISIONS

A prior section 467j, Pub. L. 92-367, §11, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262; amended Pub. L. 102-580, title II, §209(b), Oct. 31, 1992, 106 Stat. 4830, related to training for State dam safety inspectors, prior to repeal by Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 13 of Pub. L. 92-367 was classified to section 467l of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-460, §1(d)(1), substituted “\$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” for “\$6,000,000 for each of fiscal years 2003 through 2006”.

Subsec. (b). Pub. L. 109-460, §1(d)(2), substituted “\$650,000 for fiscal year 2007, \$700,000 for fiscal year 2008, \$750,000 for fiscal year 2009, \$800,000 for fiscal year 2010, and \$850,000 for fiscal year 2011” for “\$500,000 for each fiscal year”.

Subsec. (c). Pub. L. 109-460, §1(d)(3), substituted “\$1,600,000 for fiscal year 2007, \$1,700,000 for fiscal year 2008, \$1,800,000 for fiscal year 2009, \$1,900,000 for fiscal year 2010, and \$2,000,000 for fiscal year 2011” for “\$1,500,000 for each of fiscal years 2003 through 2006”.

Subsec. (d). Pub. L. 109-460, §1(d)(4), substituted “\$550,000 for fiscal year 2007, \$600,000 for fiscal year 2008, \$650,000 for fiscal year 2009, \$700,000 for fiscal year 2010, and \$750,000 for fiscal year 2011” for “\$500,000 for each of fiscal years 2003 through 2006”.

Subsec. (e). Pub. L. 109-460, §1(d)(5), substituted “\$700,000 for fiscal year 2007, \$800,000 for fiscal year 2008, \$900,000 for fiscal year 2009, \$1,000,000 for fiscal year 2010, and \$1,100,000 for fiscal year 2011” for “\$600,000 for each of fiscal years 2003 through 2006”.

2002—Subsec. (a)(1). Pub. L. 107-310, §7(a)(2), substituted “\$6,000,000 for each of fiscal years 2003 through 2006, to remain available until expended” for “\$1,000,000 for fiscal year 1998, \$2,000,000 for fiscal year 1999, \$4,000,000 for fiscal year 2000, \$4,000,000 for fiscal year 2001, and \$4,000,000 for fiscal year 2002”.

Pub. L. 107-310, §7(a)(1), made technical amendment to reference in original act which appears in text as reference to section 467h of this title.

Subsec. (a)(2)(A)(i), (ii). Pub. L. 107-310, §7(b)(1), substituted “section 467f(e)” for “section 467f(f)”.

Subsec. (a)(2)(C). Pub. L. 107-310, §7(b)(2), struck out “needing primary assistance and States needing advanced assistance under section 467f(f) of this title” before period at end.

Subsecs. (c) to (e). Pub. L. 107-310, §7(c), added subsecs. (c) to (e) and struck out former subsecs. (c) to (e) which authorized appropriations for fiscal years 1998 through 2002 for dam safety training, research, and staff.

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.

§§ 467k to 467m. Repealed. Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685

Section 467k, Pub. L. 92-367, §12, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262; amended Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102-580, title II, §209(c), Oct. 31, 1992, 106 Stat. 4830, related to development of improved dam inspection techniques.

Section 467l, Pub. L. 92-367, §13, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262; amended Pub. L. 102-580, title II, §209(d), Oct. 31, 1992, 106 Stat. 4830, related to dam inventory updates.