

**§ 3802. Definitions**

As used in this chapter:

(1) The term “Bureau” means the Bureau of Indian Affairs.

(2) The term “dam” has the same meaning given such term by section 467 of title 33.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(Pub. L. 103-302, §3, Aug. 23, 1994, 108 Stat. 1560; Pub. L. 104-303, title II, §215(d), Oct. 12, 1996, 110 Stat. 3694.)

## REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (4), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

## AMENDMENTS

1996—Par. (2). Pub. L. 104-303 made technical amendment to reference in original act which appears in text as reference to section 467 of title 33.

**§ 3803. Dam Safety Maintenance and Repair Program****(a) Establishment**

The Secretary shall establish a dam safety maintenance and repair program within the Bureau to ensure maintenance and monitoring of the condition of each dam identified pursuant to subsection (e) of this section necessary to maintain the dam in a satisfactory condition on a long-term basis.

**(b) Transfer of existing functions and personnel**

All functions performed before August 23, 1994, pursuant to the Dam Safety Program established by the Secretary of the Interior by order dated February 28, 1980, and all Bureau of Indian Affairs personnel assigned to such program as of August 23, 1994, are hereby transferred to the Dam Safety Maintenance and Repair Program. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Dam Safety Program is deemed to be a reference to the Dam Safety Maintenance and Repair Program.

**(c) Rehabilitation**

Under the Dam Safety Maintenance and Repair Program, the Secretary shall perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (e) of this section to a satisfactory condition. In addition, each dam located on Indian lands shall be regularly maintained pursuant to the Dam Safety Maintenance and Repair Program established pursuant to subsection (a) of this section.

**(d) Maintenance action plan**

The Secretary shall develop a maintenance action plan, which shall include a prioritization of

actions to be taken, for those dams with a risk hazard rating of high or significant as identified pursuant to subsection (e) of this section.

**(e) Identification of dams****(1) Development of list**

The Secretary shall develop a comprehensive list of dams located on Indian lands that describes the dam safety condition classification of each dam, as specified in paragraph (2), the risk hazard classification of each dam, as specified in paragraph (3), and the conditions resulting from maintenance deficiencies.

**(2) Dam safety condition classifications**

The dam safety condition classification referred to in paragraph (1) is one of the following classifications:

**(A) Satisfactory**

No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

**(B) Fair**

No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

**(C) Conditionally poor**

A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

**(D) Poor**

A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

**(E) Unsatisfactory**

A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

**(3) Risk hazard classification**

The risk hazard classification referred to in paragraph (1) is one of the following classifications:

**(A) High**

Six or more lives would be at risk or extensive property damage could occur if the dam failed.

**(B) Significant**

Between one and six lives would be at risk or significant property damage could occur if the dam failed.

**(C) Low**

No lives would be at risk and limited property damage would occur if the dam failed.

**(f) Limitation on program authorization**

Work authorized by this chapter shall be for the purpose of dam safety maintenance and structural repair. The Secretary may authorize, upon request of an Indian tribe, up to 20 percent of the cost of repairs to be used to provide additional conservation storage capacity or develop-