

brought in in any judicial district in which the acts of pollution complained of, or any portion thereof, occur, regardless of the place or places of residence, or situs, of any of the parties plaintiff or defendant.

(Pub. L. 87-830, §1, Oct. 15, 1962, 76 Stat. 957.)

#### SEPARABILITY

Pub. L. 87-830, §2, Oct. 15, 1962, 76 Stat. 957, provided that: "If any part or application of this Act [this section] should be declared invalid by a court of competent jurisdiction, said invalidity shall not affect the other parts, or the other applications, of said Act."

#### §§ 466h to 466l. Transferred

##### CODIFICATION

Sections 466h to 466l of this title were transferred to sections 1171 to 1175 of this title and were subsequently omitted in the general amendment of the Federal Water Pollution Control Act by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816. See section 1251 et seq. of this title.

Section 466h, acts June 30, 1948, ch. 758, §21, formerly §9, 62 Stat. 1160; July 9, 1956, ch. 518, §1, 70 Stat. 506; July 20, 1961, Pub. L. 87-88, §8, 75 Stat. 210; renumbered §11 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 7(e), 79 Stat. 903, 910; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), 31 F.R. 6857, 80 Stat. 1608; renumbered §21 and amended Apr. 3, 1970, Pub. L. 91-224, title I, §§102, 103, 84 Stat. 91, 107, which provided for cooperation by all Federal agencies in pollution control, was transferred to section 1171 of this title.

Section 466i, acts June 30, 1948, ch. 758, §22, formerly §10, 62 Stat. 1160; July 9, 1956, ch. 518, §1, 70 Stat. 506; July 20, 1961, Pub. L. 87-88, §1(b), (d), (e), 75 Stat. 204; renumbered §12 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 6, 79 Stat. 903, 909; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), 31 F.R. 6857, 80 Stat. 1608; renumbered §22 and amended Apr. 3, 1970, Pub. L. 91-224, title I, §§102, 104, 84 Stat. 91, 110, which provided for rules and regulations, was transferred to section 1172 of this title.

Section 466j, acts June 30, 1948, ch. 758, §23, formerly §11, 62 Stat. 1161; July 9, 1956, ch. 518, §1, 70 Stat. 506; June 25, 1959, Pub. L. 86-70, §28(b), 73 Stat. 148; July 12, 1960, Pub. L. 86-624, §23(b), 74 Stat. 418; July 20, 1961, Pub. L. 87-88, §9, 75 Stat. 210; renumbered §13, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; Nov. 3, 1966, Pub. L. 89-753, title II, §209, 80 Stat. 1251; renumbered §23, Apr. 3, 1970, Pub. L. 91-224, title I, §102, 84 Stat. 91, which related to definitions, was transferred to section 1173 of this title.

Section 466k, act June 30, 1948, ch. 758, §24, formerly §12, as added July 9, 1956, ch. 518, §1, 70 Stat. 506; renumbered §14, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; renumbered §24 and amended Apr. 3, 1970, Pub. L. 91-224, title I, §§102, 107, 84 Stat. 91, 113, which related to application of other laws, was transferred to section 1174 of this title.

Section 466l, act June 30, 1948, ch. 758, §26, formerly §16, as added Nov. 3, 1966, Pub. L. 89-753, title II, §210, 80 Stat. 1252; renumbered §26, Apr. 3, 1970, Pub. L. 91-224, title I, §102, 84 Stat. 91, which provided for studies and analysis of costs estimates and reports to Congress, was transferred to section 1175 of this title.

#### §§ 466m, 466n. Repealed. Pub. L. 91-224, title I, § 102, Apr. 3, 1970, 84 Stat. 91

Section 466m, act June 30, 1948, ch. 758, §17, as added Nov. 3, 1966, Pub. L. 89-753, title II, §210, 80 Stat. 1252, authorized a study by Secretary of the Interior, and a report to Congress not later than July 1, 1967, of the extent of pollution of the navigable waters of the United States from litter and sewage deposited into such waters from watercraft.

Section 466n, act June 30, 1948, ch. 758, §18, as added Nov. 3, 1966, Pub. L. 89-753, title II, §210, 80 Stat. 1252,

authorized a study by Secretary of the Interior, and a report to Congress not later than Jan. 30, 1968, relating to incentives, including, but not limited to, tax and other financial incentives, to assist in the construction of industrial anti-pollution facilities.

#### SUBCHAPTER VII—DAM INSPECTION PROGRAM

#### § 467. Definitions

In this subchapter, the following definitions apply:

##### (1) Administrator

The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

##### (2) Board

The term "Board" means a National Dam Safety Review Board established under section 467f(f) of this title.

##### (3) Dam

The term "dam"—

(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) is 25 feet or more in height from—

(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

(B) does not include—

(i) a levee; or

(ii) a barrier described in subparagraph (A) that—

(I) is 6 feet or less in height regardless of storage capacity; or

(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Administrator).

##### (4) Federal agency

The term "Federal agency" means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

##### (5) Federal Guidelines for Dam Safety

The term "Federal Guidelines for Dam Safety" means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

##### (6) FEMA

The term "FEMA" means the Federal Emergency Management Agency.

**(7) Hazard reduction**

The term “hazard reduction” means the reduction in the potential consequences to life and property of dam failure.

**(8) ICODS**

The term “ICODS” means the Interagency Committee on Dam Safety established by section 467e of this title.

**(9) Program**

The term “Program” means the national dam safety program established under section 467f of this title.

**(10) State**

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

**(11) State dam safety agency**

The term “State dam safety agency” means a State agency that has regulatory authority over the safety of non-Federal dams.

**(12) State dam safety program**

The term “State dam safety program” means a State dam safety program approved and assisted under section 467f(e) of this title.

**(13) United States**

The term “United States”, when used in a geographical sense, means all of the States.

(Pub. L. 92-367, § 2, as added Pub. L. 104-303, title II, § 215(c)(4), Oct. 12, 1996, 110 Stat. 3685; amended Pub. L. 107-310, § 3(e)(2), Dec. 2, 2002, 116 Stat. 2451; Pub. L. 113-121, title III, § 3001(a), June 10, 2014, 128 Stat. 1282.)

**PRIOR PROVISIONS**

A prior section 467, Pub. L. 92-367, § 1, Aug. 8, 1972, 86 Stat. 506; Pub. L. 99-662, title XII, § 1201(a), Nov. 17, 1986, 100 Stat. 4260, defined term “dam” as used in this subchapter, prior to repeal by Pub. L. 104-303, § 215(c)(1).

A prior section 2 of Pub. L. 92-367 was renumbered section 3 by section 215(c)(3) of Pub. L. 104-303 and is classified to section 467a of this title.

**AMENDMENTS**

2014—Pub. L. 113-121, § 3001(a)(1), substituted “Administrator” for “Director” wherever appearing.

Par. (1). Pub. L. 113-121, § 3001(a)(2)(C), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 113-121, § 3001(a)(2)(B), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 113-121, § 3001(a)(2)(A), (B), redesignated par. (2) as (3) and struck out former par. (3). Prior to amendment, text read as follows: “The term ‘Administrator’ means the Administrator of FEMA.”

2002—Par. (1). Pub. L. 107-310, § 3(e)(2)(A), substituted “section 467f(f)” for “section 467f(h)”.

Par. (12). Pub. L. 107-310, § 3(e)(2)(B), substituted “section 467f(e)” for “section 467f(f)”.

**SHORT TITLE OF 2006 AMENDMENT**

Pub. L. 109-460, § 1(a), Dec. 22, 2006, 120 Stat. 3401, provided that: “This section [amending sections 467d, 467f, and 467j of this title] may be cited as the ‘Dam Safety Act of 2006’.”

**SHORT TITLE OF 2002 AMENDMENT**

Pub. L. 107-310, § 1(a), Dec. 2, 2002, 116 Stat. 2450, provided that: “This Act [enacting section 467g-1 of this

title and amending this section and sections 467e to 467g and 467h to 467j of this title] may be cited as the ‘Dam Safety and Security Act of 2002’.”

**SHORT TITLE OF 1986 AMENDMENT**

Pub. L. 99-662, title XII, § 1206, Nov. 17, 1986, 100 Stat. 4264, provided that: “This title [enacting sections 467f to 467n and 2311 of this title and amending this section and sections 467a and 467b of this title] may be cited as the ‘Dam Safety Act of 1986’.”

**SHORT TITLE**

Pub. L. 92-367, § 1, as added by Pub. L. 104-303, title II, § 215(c)(1), Oct. 12, 1996, 110 Stat. 3685, provided that: “This Act [enacting this subchapter] may be cited as the ‘National Dam Safety Program Act’.”

**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.

**CONGRESSIONAL STATEMENT OF PURPOSE; NATIONAL DAM SAFETY PROGRAM**

Pub. L. 104-303, title II, § 215(a), Oct. 12, 1996, 110 Stat. 3685, provided that: “The purpose of this section [enacting this section and sections 467d to 467j of this title, amending sections 467a to 467c of this title and section 3802 of Title 25, Indians, repealing former sections 467 and 467d to 467m of this title, and enacting provisions set out as notes under this section] is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction. It is not the intent of this section to preempt any other Federal or State authorities nor is it the intent of this section to mandate State participation in the grant assistance program to be established under this section.”

**EFFECT ON OTHER DAM SAFETY PROGRAMS**

Pub. L. 104-303, title II, § 215(b), Oct. 12, 1996, 110 Stat. 3685, provided that: “Nothing in this section (including the amendments made by this section) [enacting this section and sections 467d to 467j of this title, amending sections 467a to 467c of this title and section 3802 of Title 25, Indians, repealing former sections 467 and 467d to 467m of this title, and enacting provisions set out as notes under this section] shall preempt or otherwise affect any dam safety program of a Federal agency other than the Federal Emergency Management Agency, including any program that regulates, permits, or licenses any activity affecting a dam.”

**§ 467a. Inspection of dams****(a) In general**

As soon as practicable, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a national program of inspection of dams for the purpose of protecting human life and property. All dams in the United States