

(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

shall be inspected by the Secretary except (1) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water Commission, (2) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act [16 U.S.C. 791a et seq.], (3) dams which have been inspected within the twelve-month period immediately prior to August 8, 1972, by a State agency and which the Governor of such State requests be excluded from inspection, and (4) dams which the Secretary of the Army determines do not pose any threat to human life or property. The Secretary may inspect dams which have been licensed under the Federal Power Act upon request of the Federal Energy Regulatory Commission and dams under the jurisdiction of the International Boundary and Water Commission upon request of such Commission.

(b) State participation

On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

(1) provide information to the State dam safety agency on the construction, operation, maintenance, condition, or provisions for emergency operations of the dam; or

(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.

(Pub. L. 92-367, § 3, formerly § 2, Aug. 8, 1972, 86 Stat. 506; Pub. L. 95-91, title IV, § 402(a)(1)(A), Aug. 4, 1977, 91 Stat. 583; renumbered § 3 and amended Pub. L. 104-303, title II, § 215(c)(3), (5), Oct. 12, 1996, 110 Stat. 3685, 3687; Pub. L. 113-121, title III, § 3001(b), June 10, 2014, 128 Stat. 1282.)

REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (a), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§ 791a et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

PRIOR PROVISIONS

A prior section 3 of Pub. L. 92-367 was renumbered section 4 and is classified to section 467b of this title.

AMENDMENTS

2014—Subsec. (b)(1). Pub. L. 113-121 substituted “maintenance, condition, or provisions for emergency operations” for “or maintenance”.

1996—Pub. L. 104-303 inserted section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

TRANSFER OF FUNCTIONS

“Federal Energy Regulatory Commission” substituted in text for “Federal Power Commission” on authority of Pub. L. 95-91, title IV, § 402(a)(1)(A), Aug. 4, 1977, 91 Stat. 583, which is classified to section 7172(a)(1)(A) of Title 42, The Public Health and Welfare.

§ 467b. Investigation reports to Governors

As soon as practicable after inspection of a dam, the Secretary shall notify the Governor of the State in which such dam is located the results of such investigation. In any case in which any hazardous conditions are found during an

inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense by the owner of such dam. The Secretary shall immediately notify the Governor of any hazardous conditions found during an inspection. The Secretary shall provide advice to the Governor, upon request, relating to timely remedial measures necessary to mitigate or obviate any hazardous conditions found during an inspection.

(Pub. L. 92-367, § 4, formerly § 3, Aug. 8, 1972, 86 Stat. 507; Pub. L. 99-662, title XII, § 1204, Nov. 17, 1986, 100 Stat. 4263; renumbered § 4 and amended Pub. L. 104-303, title II, § 215(c)(3), (6), Oct. 12, 1996, 110 Stat. 3685, 3687.)

PRIOR PROVISIONS

A prior section 4 of Pub. L. 92-367 was renumbered section 5 and is classified to section 467c of this title.

AMENDMENTS

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

1986—Pub. L. 99-662 inserted “In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense by the owner of such dam.”

§ 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.)

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 dam inventory

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.

(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.)