

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.)