

(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 developing benefits beyond those provided by the original dams and reservoirs. This chapter is not intended to preclude development of increased storage or benefits under any other authority or to preclude measures to protect fish and wildlife.

(g) Technical assistance

To carry out the purposes of this chapter, the Secretary may obtain technical assistance on a nonreimbursable basis from other departments and agencies. Notwithstanding any such technical assistance, the Dam Safety Maintenance and Repair Program established under subsection (a) shall be under the direction and control of the Bureau.

(h) Contract authority

In addition to any other authority established by law, the Secretary is authorized to contract with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)¹ to carry out the Dam Safety Maintenance and Repair Program established under this chapter.

(i) Annual report

The Secretary shall submit an annual report on the implementation of this chapter. The report shall include—

- (1) the list of dams and their status on the maintenance action plan developed under this section; and
- (2) the projected total cost and a schedule of the projected annual cost of rehabilitation or repair for each dam under this section.

The report shall be submitted at the time the budget is required to be submitted under section 1105 of title 31 to the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

(Pub. L. 103-302, § 4, Aug. 23, 1994, 108 Stat. 1561; Pub. L. 104-109, § 3, Feb. 12, 1996, 110 Stat. 764.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), referred to in subsec. (h), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§ 5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

AMENDMENTS

1996—Subsec. (h). Pub. L. 104-109 substituted “under the Indian Self-Determination and Education Assist-

ance Act (25 U.S.C. 450 et seq.)” for “(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))), as amended,”.

CHANGE OF NAME

Subcommittee on Native American Affairs changed to Subcommittee on Native American and Insular Affairs.

§ 3804. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this chapter. Funds provided under this chapter are to be considered nonreimbursable.

(Pub. L. 103-302, § 5, Aug. 23, 1994, 108 Stat. 1563.)

§ 3805. Indian dam safety**(a) Definitions**

In this section:

(1) Dam**(A) In general**

The term “dam” has the meaning given the term in section 467 of title 33.

(B) Inclusions

The term “dam” includes any structure, facility, equipment, or vehicle used in connection with the operation of a dam.

(2) Fund

The term “Fund” means, as applicable—

(A) the High-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(1)(A); or

(B) the Low-Hazard Indian Dam Safety Deferred Maintenance Fund established by subsection (b)(2)(A).

(3) High hazard potential dam

The term “high hazard potential dam” means a dam assigned to the significant or high hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled “Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams” (FEMA Publication Number 333).

(4) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of this title.

(5) Low hazard potential dam

The term “low hazard potential dam” means a dam assigned to the low hazard potential classification under the guidelines published by the Federal Emergency Management Agency entitled “Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams” (FEMA Publication Number 333).

(6) Secretary

The term “Secretary” means the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, in consultation with the Secretary of the Army.

(b) Indian Dam Safety Deferred Maintenance Funds**(1) High-Hazard Fund****(A) Establishment**

There is established in the Treasury of the United States a fund, to be known as the

¹ See References in Text note below.