

(j) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

- (1) \$10,000,000 for fiscal years 2017 and 2018;
- (2) \$25,000,000 for fiscal year 2019;
- (3) \$40,000,000 for fiscal year 2020; and
- (4) \$60,000,000 for each of fiscal years 2021 through 2026.

(Pub. L. 92-367, §8A, as added Pub. L. 114-322, title IV, §5006(b), Dec. 16, 2016, 130 Stat. 1893.)

REFERENCES IN TEXT

The Disaster Mitigation Act of 2000, referred to in subsec. (d)(2)(B)(ii), is Pub. L. 106-390, Oct. 30, 2000, 114 Stat. 1552. For complete classification of this Act to the Code, see Short Title of 2000 Amendment note set out under section 5121 of Title 42, The Public Health and Welfare, and Tables.

RULEMAKING

Pub. L. 114-322, title IV, §5006(c), Dec. 16, 2016, 130 Stat. 1896, provided that:

“(1) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act [Dec. 16, 2016], the Administrator of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding applications for grants of assistance under the amendments made by subsection (b) to the National Dam Safety Program Act (33 U.S.C. 467 et seq.) [enacting this section].

“(2) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate a final rule regarding the amendments described in paragraph (1).”

REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS

Pub. L. 114-322, title I, §1177, Dec. 16, 2016, 130 Stat. 1674, provided that:

“(a) IN GENERAL.—If the Secretary [of the Army] determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

“(b) ELIGIBLE DAMS.—A dam eligible for assistance under this section is a dam—

- “(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;
- “(2) for which construction was completed before 1940;
- “(3) that is classified as ‘high hazard potential’ by the State dam safety agency of the State in which the dam is located; and
- “(4) that is operated by a non-Federal entity.

“(c) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

“(d) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary [of the Army]—

- “(1) to pay the non-Federal share of the costs of construction under subsection (c); and
- “(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

“(e) COST LIMITATION.—The Secretary shall not expend more than \$10,000,000 for a project at any single dam under this section.

“(f) FUNDING.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2017 through 2026.”

§ 467g. Research**(a) In general**

The Administrator, in cooperation with the Board, shall carry out a program of technical and archival research to develop and support—

- (1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection;
- (2) devices for the continued monitoring of the safety of dams;
- (3) development and maintenance of information resources systems needed to support managing the safety of dams; and
- (4) initiatives to guide the formulation of effective public policy and advance improvements in dam safety engineering, security, and management.

(b) Consultation

The Administrator shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

(Pub. L. 92-367, §9, as added Pub. L. 104-303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3692; amended Pub. L. 107-310, §4, Dec. 2, 2002, 116 Stat. 2453; Pub. L. 113-121, title III, §3001(a)(1), June 10, 2014, 128 Stat. 1282.)

PRIOR PROVISIONS

A prior section 467g, Pub. L. 92-367, §8, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4261, set out the requisite features of State dam safety programs and provided for program approval and periodic review, prior to repeal by Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 9 of Pub. L. 92-367 was classified to section 467h of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2014—Pub. L. 113-121 substituted “Administrator” for “Director” in introductory provisions of subsec. (a) and in subsec. (b).

2002—Subsec. (a). Pub. L. 107-310, §4(1), in introductory provisions, substituted “in cooperation with the Board” for “in cooperation with ICODS” and inserted “and support” after “develop”.

Subsec. (a)(3), (4). Pub. L. 107-310, §4(2)–(4), added pars. (3) and (4).

§ 467g-1. Dam safety training

At the request of any State that has or intends to develop a State dam safety program, the Administrator shall provide training for State dam safety staff and inspectors.

(Pub. L. 92-367, §10, as added Pub. L. 107-310, §5(2), Dec. 2, 2002, 116 Stat. 2453; amended Pub. L. 113-121, title III, §3001(a)(1), June 10, 2014, 128 Stat. 1282.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 92-367 was renumbered section 12, and is classified to section 467h of this title.

Another prior section 10 of Pub. L. 92-367 was classified to section 467i of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2014—Pub. L. 113-121 substituted “Administrator” for “Director”.

§ 467g–2. Public awareness and outreach for dam safety

The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall, subject to the availability of appropriations, carry out a nationwide public awareness and outreach initiative to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.

(Pub. L. 92–367, §11, as added Pub. L. 113–121, title III, §3001(d)(2), June 10, 2014, 128 Stat. 1283.)

PRIOR PROVISIONS

A prior section 11 of Pub. L. 92–367 was renumbered section 12, and is classified to section 467h of this title.

Another prior section 11 of Pub. L. 92–367 was classified to section 467j of this title prior to repeal by Pub. L. 104–303.

§ 467h. Reports

Not later than 90 days after the end of each odd-numbered fiscal year, the Administrator shall submit a report to Congress that—

- (1) describes the status of the Program;
- (2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;
- (3) describes the progress achieved in dam safety by States participating in the Program; and
- (4) includes any recommendations for legislative and other action that the Administrator considers necessary.

(Pub. L. 92–367, §12, formerly §10, as added Pub. L. 104–303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3692; renumbered §11 and amended Pub. L. 107–310, §§5(1), 6, Dec. 2, 2002, 116 Stat. 2453; renumbered §12 and amended Pub. L. 113–121, title III, §3001(a)(1), (d)(1), June 10, 2014, 128 Stat. 1282, 1283.)

PRIOR PROVISIONS

A prior section 467h, Pub. L. 92–367, §9, as added Pub. L. 99–662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262, provided for creation of National Dam Safety Review Board, prior to repeal by Pub. L. 104–303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 12 of Pub. L. 92–367 was renumbered section 13, and is classified to section 467i of this title.

Another prior section 12 of Pub. L. 92–367 was classified to section 467k of this title prior to repeal by Pub. L. 104–303.

AMENDMENTS

2014—Pub. L. 113–121, §3001(a)(1), substituted “Administrator” for “Director” in two places.

2002—Pub. L. 107–310, §6, struck out subsec. designations and headings for subsecs. (a) and (b) and text of subsec. (a) which read as follows: “Not later than 180 days after October 12, 1996, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.”

§ 467i. Statutory construction

Nothing in this subchapter and no action or failure to act under this subchapter shall—

(1) create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act;

(2) relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam; or

(3) preempt any other Federal or State law.

(Pub. L. 92–367, §13, formerly §11, as added Pub. L. 104–303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3693; renumbered §12, Pub. L. 107–310, §5(1), Dec. 2, 2002, 116 Stat. 2453; renumbered §13, Pub. L. 113–121, title III, §3001(d)(1), June 10, 2014, 128 Stat. 1283.)

PRIOR PROVISIONS

A prior section 467i, Pub. L. 92–367, §10, as added Pub. L. 99–662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262, related to consultation of Federal officers with State officials when dam operated or proposed by Federal agency is operated or proposed in a State, prior to repeal by Pub. L. 104–303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 13 of Pub. L. 92–367 was renumbered section 14, and is classified to section 467j of this title.

Another prior section 13 of Pub. L. 92–367 was classified to section 467l of this title prior to repeal by Pub. L. 104–303.

§ 467j. Authorization of appropriations

(a) National dam safety program

(1) Annual amounts

There are authorized to be appropriated to FEMA to carry out sections 467e, 467f, and 467h of this title (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), \$9,200,000 for each of fiscal years 2015 through 2019, to remain available until expended.

(2) Allocation

(A) In general

Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection to carry out section 467f of this title shall be allocated among the States as follows:

(i) One-third among States that qualify for assistance under section 467f(e) of this title.

(ii) Two-thirds among States that qualify for assistance under section 467f(e) of this title, to each such State in proportion to—

(I) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 467d of this title; as compared to

(II) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 467d of this title.

(B) Maximum amount of allocation

(i) In general

The amount of funds allocated to a State under this paragraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.