

§ 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.

(ii) Fiscal year 2015 and subsequent fiscal years

For fiscal year 2015 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.

(C) Determination

The Administrator and the Board shall determine the amount allocated to States.

(b) National dam inventory

There is authorized to be appropriated to carry out section 467d of this title \$500,000 for each of fiscal years 2015 through 2019.

(c) Public awareness

There is authorized to be appropriated to carry out section 467g-2 of this title \$1,000,000 for each of fiscal years 2015 through 2019.

(d) Research

There is authorized to be appropriated to carry out section 467g of this title \$1,450,000 for each of fiscal years 2015 through 2019, to remain until expended.

(e) Dam safety training

There is authorized to be appropriated to carry out section 467g-1 of this title \$750,000 for each of fiscal years 2015 through 2019.

(f) Staff

There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 467f through 467g-1 of this title \$1,000,000 for each of fiscal years 2015 through 2019.

(g) Limitation on use of amounts

Amounts made available under this subchapter may not be used to construct or repair any Federal or non-Federal dam.

(Pub. L. 92-367, §14, formerly §12, as added Pub. L. 104-303, title II, §215(c)(8), Oct. 12, 1996, 110 Stat. 3693; renumbered §13 and amended Pub. L. 107-310, §§5(1), 7, Dec. 2, 2002, 116 Stat. 2453; Pub. L. 109-460, §1(d), Dec. 22, 2006, 120 Stat. 3401; renumbered §14 and amended Pub. L. 113-121, title III, §3001(a)(1), (d)(1), (e), (f), June 10, 2014, 128 Stat. 1282-1284.)

PRIOR PROVISIONS

A prior section 467j, Pub. L. 92-367, §11, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262; amended Pub. L. 102-580, title II, §209(b), Oct. 31, 1992, 106 Stat. 4830, related to training for State dam safety inspectors, prior to repeal by Pub. L. 104-303, title II, §215(c)(2), Oct. 12, 1996, 110 Stat. 3685.

A prior section 14 of Pub. L. 92-367 was classified to section 467m of this title prior to repeal by Pub. L. 104-303.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-121, §3001(f), made technical amendment to reference in original act which appears in text as reference to section 467h of this title.

Pub. L. 113-121, §3001(e)(1)(A), substituted “\$9,200,000 for each of fiscal years 2015 through 2019” for “\$6,500,000 for fiscal year 2007, \$7,100,000 for fiscal year 2008, \$7,600,000 for fiscal year 2009, \$8,300,000 for fiscal year 2010, and \$9,200,000 for fiscal year 2011”.

Subsec. (a)(2)(B). Pub. L. 113-121, §3001(e)(1)(B), designated existing provisions as cl. (i), inserted heading, and added cl. (ii).

Subsec. (a)(2)(C). Pub. L. 113-121, §3001(a)(1), substituted “Administrator” for “Director”.

Subsec. (b). Pub. L. 113-121, §3001(e)(2), substituted “\$500,000 for each of fiscal years 2015 through 2019” for “\$650,000 for fiscal year 2007, \$700,000 for fiscal year 2008, \$750,000 for fiscal year 2009, \$800,000 for fiscal year 2010, and \$850,000 for fiscal year 2011”.

Subsec. (c). Pub. L. 113-121, §3001(e)(3)(B), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 113-121, §3001(e)(4), substituted “\$1,450,000 for each of fiscal years 2015 through 2019” for “\$1,600,000 for fiscal year 2007, \$1,700,000 for fiscal year 2008, \$1,800,000 for fiscal year 2009, \$1,900,000 for fiscal year 2010, and \$2,000,000 for fiscal year 2011”.

Pub. L. 113-121, §3001(e)(3)(A), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 113-121, §3001(e)(5), substituted “\$750,000 for each of fiscal years 2015 through 2019” for “\$550,000 for fiscal year 2007, \$600,000 for fiscal year 2008, \$650,000 for fiscal year 2009, \$700,000 for fiscal year 2010, and \$750,000 for fiscal year 2011”.

Pub. L. 113-121, §3001(e)(3)(A), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 113-121, §3001(e)(6), substituted “\$1,000,000 for each of fiscal years 2015 through 2019” for “\$700,000 for fiscal year 2007, \$800,000 for fiscal year 2008, \$900,000 for fiscal year 2009, \$1,000,000 for fiscal year 2010, and \$1,100,000 for fiscal year 2011”.

Pub. L. 113-121, §3001(e)(3)(A), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 113-121, §3001(e)(3)(A), redesignated subsec. (f) as (g).

2006—Subsec. (a)(1). Pub. L. 109-460, §1(d)(1), substituted “\$6,500,000 for fiscal year 2007, \$7,100,000 for fiscal year 2008, \$7,600,000 for fiscal year 2009, \$8,300,000 for fiscal year 2010, and \$9,200,000 for fiscal year 2011” for “\$6,000,000 for each of fiscal years 2003 through 2006”.

Subsec. (b). Pub. L. 109-460, §1(d)(2), substituted “\$650,000 for fiscal year 2007, \$700,000 for fiscal year 2008, \$750,000 for fiscal year 2009, \$800,000 for fiscal year 2010, and \$850,000 for fiscal year 2011” for “\$500,000 for each fiscal year”.

Subsec. (c). Pub. L. 109-460, §1(d)(3), substituted “\$1,600,000 for fiscal year 2007, \$1,700,000 for fiscal year 2008, \$1,800,000 for fiscal year 2009, \$1,900,000 for fiscal year 2010, and \$2,000,000 for fiscal year 2011” for “\$1,500,000 for each of fiscal years 2003 through 2006”.

Subsec. (d). Pub. L. 109-460, §1(d)(4), substituted “\$550,000 for fiscal year 2007, \$600,000 for fiscal year 2008, \$650,000 for fiscal year 2009, \$700,000 for fiscal year 2010, and \$750,000 for fiscal year 2011” for “\$500,000 for each of fiscal years 2003 through 2006”.

Subsec. (e). Pub. L. 109-460, §1(d)(5), substituted “\$700,000 for fiscal year 2007, \$800,000 for fiscal year 2008, \$900,000 for fiscal year 2009, \$1,000,000 for fiscal year 2010, and \$1,100,000 for fiscal year 2011” for “\$600,000 for each of fiscal years 2003 through 2006”.

2002—Subsec. (a)(1). Pub. L. 107-310, §7(a)(2), substituted “\$6,000,000 for each of fiscal years 2003 through 2006, to remain available until expended” for “\$1,000,000 for fiscal year 1998, \$2,000,000 for fiscal year 1999, \$4,000,000 for fiscal year 2000, \$4,000,000 for fiscal year 2001, and \$4,000,000 for fiscal year 2002”.

Pub. L. 107-310, §7(a)(1), made technical amendment to reference in original act which appears in text as reference to section 467h of this title.

Subsec. (a)(2)(A)(i), (ii). Pub. L. 107-310, §7(b)(1), substituted “section 467f(e)” for “section 467f(f)”.

Subsec. (a)(2)(C). Pub. L. 107-310, §7(b)(2), struck out “needing primary assistance and States needing advanced assistance under section 467f(f) of this title” before period at end.

Subsecs. (c) to (e). Pub. L. 107-310, §7(c), added subsecs. (c) to (e) and struck out former subsecs. (c) to (e) which authorized appropriations for fiscal years 1998 through 2002 for dam safety training, research, and staff.

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.

§§ 467k to 467m. Repealed. Pub. L. 104-303, title II, § 215(c)(2), Oct. 12, 1996, 110 Stat. 3685

Section 467k, Pub. L. 92-367, §12, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262; amended Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102-580, title II, §209(c), Oct. 31, 1992, 106 Stat. 4830, related to development of improved dam inspection techniques.

Section 467l, Pub. L. 92-367, §13, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4262; amended Pub. L. 102-580, title II, §209(d), Oct. 31, 1992, 106 Stat. 4830, related to dam inventory updates.

Section 467m, Pub. L. 92-367, §14, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4263, provided that inspection funds were not to be used for repair or construction of any dam.

§ 467n. Recovery of dam modification costs required for safety purposes

(a) After November 17, 1986, costs incurred in the modification by the Secretary of dams and related facilities constructed or operated by the Secretary, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art design or construction criteria deemed necessary for safety purposes, shall be recovered in accordance with the provisions in this subsection:

(1) Fifteen percent of the modification costs shall be assigned to project purposes in accordance with the cost allocation in effect for the project at the time the work is initiated. Non-Federal interests shall share the costs assigned to each purpose in accord with the cost sharing in effect at the time of initial project construction: *Provided*, That the Secretary of the Interior shall recover costs assigned to irrigation in accordance with repayment provisions of Public Law 98-404.

(2) Repayment under this subsection, with the exception of costs assigned to irrigation, may be made, with interest, over a period of not more than thirty years from the date of completion of the work. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursable period during the month preceding the fiscal year in which the costs are incurred, plus a premium of one-eighth of one percentage point for transaction costs. To the extent that more than one interest rate is

determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

(b) Nothing in this section affects the authority of the Secretary to perform work pursuant to Public Law 84-99, as amended (33 U.S.C. 701n) or cost sharing for such work.

(Pub. L. 99-662, title XII, §1203, Nov. 17, 1986, 100 Stat. 4263.)

REFERENCES IN TEXT

Public Law 98-404, referred to in subsec. (a)(1), is Pub. L. 98-404, Aug. 28, 1984, 98 Stat. 1481, known as The Reclamation Safety of Dams Act Amendments of 1984, which amended sections 508 and 509 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 506 of Title 43 and Tables.

Public Law 84-99, referred to in subsec. (b), is act June 28, 1955, ch. 194, 69 Stat. 186, which amended section 701n of this title.

CODIFICATION

Section was enacted as part of the Dam Safety Act of 1986, and also as part of the Water Resources Development Act of 1986, and not as part of the National Dam Safety Program Act which comprises this subchapter.

DAM SAFETY REPAIR PROJECTS

Pub. L. 114-322, title I, §1139, Dec. 16, 2016, 130 Stat. 1658, provided that: "The Secretary [of the Army] shall issue guidance—

"(1) on the types of circumstances under which the requirement in section 1203(a) of the Water Resources Development Act of 1986 (33 U.S.C. 467n(a)) relating to state-of-the-art design or construction criteria deemed necessary for safety purposes applies to a dam safety repair project;

"(2) to assist district offices of the Corps of Engineers in communicating with non-Federal interests when entering into and implementing cost-sharing agreements for dam safety repair projects; and

"(3) to assist the Corps of Engineers in communicating with non-Federal interests concerning the estimated and final cost-share responsibilities of the non-Federal interests under agreements for dam safety repair projects."

"SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 2201 of this title.

CHAPTER 10—ANCHORAGE GROUNDS AND HARBOR REGULATIONS GENERALLY

Sec.

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| 471. | Establishment by Secretary of Homeland Security of anchorage grounds and regulations generally. |
| 472. | Marking anchorage grounds by Commandant of the Coast Guard. |
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§ 471. Establishment by Secretary of Homeland Security of anchorage grounds and regulations generally

(a) In general

The Secretary of Homeland Security is authorized, empowered, and directed to define and