

Subsec. (d)(3)(A). Pub. L. 107-310, §3(d), substituted “and shall be exercised by chairing the Board to coordinate national efforts to improve the safety of the dams in the United States” for “and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials”.

Subsec. (e). Pub. L. 107-310, §3(e)(1), redesignated subsec. (f) as (e) and struck out heading and text of former subsec. (e). Text read as follows: “The Director shall—

“(1) develop an implementation plan for the Program that shall set, through fiscal year 2002, year-by-year targets that demonstrate improvements in dam safety; and

“(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.”

Subsec. (e)(1). Pub. L. 107-310, §3(f)(1), substituted “the Director shall provide assistance with amounts made available under section 467j of this title to assist States in establishing, maintaining, and improving dam safety programs in accordance with the criteria specified in paragraph (2).” for “the Director shall provide assistance with amounts made available under section 467j of this title to assist States in establishing and maintaining dam safety programs—

“(A) in accordance with the criteria specified in paragraph (2); and

“(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.”

Subsec. (e)(2). Pub. L. 107-310, §3(f)(2)(A), in introductory provisions, struck out “primary” after “For a State to be eligible for” and “, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and budgeting requirement and be working toward meeting the advanced requirements and standards established under paragraph (1)(B)” before colon.

Subsec. (e)(2)(A). Pub. L. 107-310, §3(f)(2)(B)(i), substituted “A State” for “For a State to be eligible for assistance under this subsection, a State” in introductory provisions.

Subsec. (e)(2)(A)(vi). Pub. L. 107-310, §3(f)(2)(B)(ii), inserted “improve security,” before “revise operating procedures,”.

Subsec. (e)(3). Pub. L. 107-310, §3(f)(3), substituted “agreement” for “contract” in two places.

Subsec. (f). Pub. L. 107-310, §3(e)(1), redesignated subsec. (h) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(1). Pub. L. 107-310, §3(g)(1), substituted “The Director shall establish” for “The Director may establish” and “to monitor the safety of dams in the United States, to monitor State implementation of this section, and to advise the Director on national dam safety policy” for “to monitor State implementation of this section”.

Subsec. (f)(3). Pub. L. 107-310, §3(g)(2)(A), (B), substituted “Voting membership” for “Membership” in heading and “11 voting members” for “11 members” in introductory provisions.

Subsec. (f)(3)(F), (G). Pub. L. 107-310, §3(g)(2)(C), added subpars. (F) and (G) and struck out former subpars. (F) and (G) which read as follows:

“(F) 5 members shall be selected by the Director from among dam safety officials of States; and

“(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.”

Subsec. (f)(4) to (6). Pub. L. 107-310, §3(g)(3)(B), added pars. (4) to (6). Former pars. (4) to (6) redesignated (7) to (9), respectively.

Subsec. (f)(7). Pub. L. 107-310, §3(g)(3)(A), redesignated par. (4) as (7).

Subsec. (f)(8). Pub. L. 107-310, §3(g)(4), added par. (8) and struck out heading and text of former par. (8). Text

read as follows: “Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of services for the Board.”

Pub. L. 107-310, §3(g)(3)(A), redesignated par. (5) as (8).

Subsec. (f)(9). Pub. L. 107-310, §3(g)(3)(A), redesignated par. (6) as (9).

Subsec. (g). Pub. L. 107-310, §3(e)(1), struck out heading and text of subsec. (g). Text read as follows: “At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.”

Subsec. (h). Pub. L. 107-310, §3(e)(1), redesignated subsec. (h) as (f).

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.

§ 467f-1. Lock and dam security

(a) Standards

The Secretary, in consultation with the Federal Emergency Management Agency, the Tennessee Valley Authority, and the Coast Guard, shall develop standards for the security of locks and dams, including the testing and certification of vessel exclusion barriers.

(b) Site surveys

At the request of a lock or dam owner, the Secretary shall provide technical assistance, on a reimbursable basis, to improve lock or dam security.

(c) Cooperative agreement

The Secretary may enter into a cooperative agreement with a nonprofit alliance of public and private organizations that has the mission of promoting safe waterways and seaports to carry out testing and certification activities, and to perform site surveys, under this section.

(d) Authorization of appropriations

There is authorized to be appropriated \$3,000,000 to carry out this section.

(Pub. L. 110-114, title V, §5024, Nov. 8, 2007, 121 Stat. 1203.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the National Dam Safety Program Act which comprises this subchapter.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

§ 467f-2. Rehabilitation of high hazard potential dams

(a) Establishment of program

The Administrator shall establish, within FEMA, a program to provide technical, planning, design, and construction assistance in the form of grants to non-Federal sponsors for rehabilitation of eligible high hazard potential dams.

(b) Eligible activities

A grant awarded under this section for a project may be used for—

- (1) repair;
- (2) removal; or
- (3) any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam.

(c) Award of grants

(1) Application

(A) In general

A non-Federal sponsor interested in receiving a grant under this section may submit to the Administrator an application for the grant.

(B) Requirements

An application submitted to the Administrator under this section shall be submitted at such time, be in such form, and contain such information as the Administrator may prescribe by regulation.

(2) Grant

(A) In general

The Administrator may make a grant in accordance with this section for rehabilitation of an eligible high hazard potential dam to a non-Federal sponsor that submits an application for the grant in accordance with the regulations prescribed by the Administrator.

(B) Project grant agreement

The Administrator shall enter into a project grant agreement with the non-Federal sponsor to establish the terms of the grant and the project, including the amount of the grant.

(C) Grant assurance

As part of a project grant agreement under subparagraph (B), the Administrator shall require the non-Federal sponsor to provide an assurance, with respect to the dam to be rehabilitated under the project, that the owner of the dam has developed and will carry out a plan for maintenance of the dam during the expected life of the dam.

(D) Limitation

A grant provided under this section shall not exceed the lesser of—

- (i) 12.5 percent of the total amount of funds made available to carry out this section; or
- (ii) \$7,500,000.

(d) Requirements

(1) Approval

A grant awarded under this section for a project shall be approved by the relevant State dam safety agency.

(2) Non-Federal sponsor requirements

To receive a grant under this section, the non-Federal sponsor shall—

- (A) participate in, and comply with, all applicable Federal flood insurance programs;
- (B) have in place a hazard mitigation plan that—

- (i) includes all dam risks; and
- (ii) complies with the Disaster Mitigation Act of 2000 (Public Law 106-390; 114 Stat. 1552);

(C) commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation;

(D) comply with such minimum eligibility requirements as the Administrator may establish to ensure that each owner and operator of a dam under a participating State dam safety program and that receives assistance under this section—

- (i) acts in accordance with the State dam safety program; and
- (ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan described in subparagraph (B); and

(E) comply with section 5196(j)(9) of title 42 (as in effect on December 16, 2016) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes.

(e) Floodplain management plans

(1) In general

As a condition of receipt of assistance under this section, the non-Federal sponsor shall demonstrate that a floodplain management plan to reduce the impacts of future flood events in the area protected by the project—

- (A) is in place; or
- (B) will be—

- (i) developed not later than 1 year after the date of execution of a project agreement for assistance under this section; and
- (ii) implemented not later than 1 year after the date of completion of construction of the project.

(2) Inclusions

A plan under paragraph (1) shall address—

- (A) potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;
- (B) plans for flood fighting and evacuation; and
- (C) public education and awareness of flood risks.

(3) Technical support

The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.

(f) Priority system

The Administrator, in consultation with the Board, shall develop a risk-based priority sys-