

hazard rating of high or significant as identified pursuant to subsection (e).

(e) Identification of dams

(1) Development of list

The Secretary shall develop a comprehensive list of dams located on Indian lands that describes the dam safety condition classification of each dam, as specified in paragraph (2), the risk hazard classification of each dam, as specified in paragraph (3), and the conditions resulting from maintenance deficiencies.

(2) Dam safety condition classifications

The dam safety condition classification referred to in paragraph (1) is one of the following classifications:

(A) Satisfactory

No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

(B) Fair

No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

(C) Conditionally poor

A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

(D) Poor

A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

(E) Unsatisfactory

A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

(3) Risk hazard classification

The risk hazard classification referred to in paragraph (1) is one of the following classifications:

(A) High

Six or more lives would be at risk or extensive property damage could occur if the dam failed.

(B) Significant

Between one and six lives would be at risk or significant property damage could occur if the dam failed.

(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 origi-

nal 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 Assistance 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.

¹ See References in Text note below.

(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 “High-Hazard Indian Dam Safety Deferred Maintenance Fund”, consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).

(B) Deposits to Fund

(i) In general

For each of fiscal years 2017 through 2030, the Secretary of the Treasury shall

deposit in the Fund \$22,750,000 from the general fund of the Treasury.

(ii) Availability of amounts

Amounts deposited in the Fund under clause (i) shall be used, subject to appropriation, to carry out this section.

(C) Expenditures from Fund

(i) In general

Subject to clause (ii), for each of fiscal years 2017 through 2030, the Secretary may, to the extent provided in advance in appropriations Acts, expend from the Fund, in accordance with this section, not more than the sum of—

(I) \$22,750,000; and

(II) the amount of interest accrued in the Fund.

(ii) Additional expenditures

The Secretary may expend more than \$22,750,000 for any fiscal year referred to in clause (i) if the additional amounts are available in the Fund as a result of a failure of the Secretary to expend all of the amounts available under clause (i) in 1 or more prior fiscal years.

(D) Investments of amounts

(i) In general

The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(ii) Credits to Fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(E) Transfers of amounts

(i) In general

The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly.

(ii) Adjustments

Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates are in excess of or less than the amounts required to be transferred.

(F) Termination

On September 30, 2030—

(i) the Fund shall terminate; and

(ii) the unexpended and unobligated balance of the Fund shall be transferred to the general fund of the Treasury.

(2) Low-Hazard Fund

(A) Establishment

There is established in the Treasury of the United States a fund, to be known as the “Low-Hazard Indian Dam Safety Deferred Maintenance Fund”, consisting of—

(i) such amounts as are deposited in the Fund under subparagraph (B); and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (D).