

§ 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 2019 through 2023, 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 2019 through 2023.

(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 2019 through 2023.

(d) Research

There is authorized to be appropriated to carry out section 467g of this title \$1,450,000 for each of fiscal years 2019 through 2023, 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 2019 through 2023.

(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 2019 through 2023.

(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; Pub. L. 115-270, title I, §1163, Oct. 23, 2018, 132 Stat. 3796.)

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

2018—Pub. L. 115-270 substituted “2019 through 2023” for “2015 through 2019” wherever appearing.

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