

**(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 original 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.)<sup>1</sup> 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.)

**Editorial Notes**

## 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 for Indigenous Peoples of the United States.

**§ 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.

(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.

<sup>1</sup> See References in Text note below.