

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-260, §132(b)(1), substituted “to States with dam safety programs” for “to non-Federal sponsors”.

Subsec. (b). Pub. L. 116-260, §132(b)(2), substituted “to a State may be used by the State to award grants to eligible subrecipients for” for “a project may be used for” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 116-260, §132(b)(3)(A), substituted “State” for “non-Federal sponsor”.

Subsec. (c)(2)(A). Pub. L. 116-260, §132(b)(3)(B)(i), substituted “eligible high hazard potential dams to a State” for “an eligible high hazard potential dam to a non-Federal sponsor”.

Subsec. (c)(2)(B). Pub. L. 116-260, §132(b)(3)(B)(ii), in heading, substituted “Grant” for “Project grant” and, in text, substituted “grant agreement with the State” for “project grant agreement with the non-Federal sponsor” and “projects for which the grant is awarded,” for “project.”

Subsec. (c)(2)(C). Pub. L. 116-260, §132(b)(3)(B)(iii), amended subpar. (C) generally. Prior to amendment, text read as follows: “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.”

Subsec. (c)(2)(D). Pub. L. 116-260, §132(b)(3)(B)(iv), substituted “A State may not award a grant to an eligible subrecipient under this section that exceeds, for any 1 dam,” for “A grant provided under this section shall not exceed” in introductory provisions.

Subsec. (d)(1). Pub. L. 116-260, §132(b)(4)(A), inserted “to an eligible subrecipient” after “this section”.

Subsec. (d)(2). Pub. L. 116-260, §132(b)(4)(B)(i), (ii), substituted “Eligible subrecipient” for “Non-Federal sponsor” in heading and “an eligible subrecipient shall, with respect to the dam to be rehabilitated by the eligible subrecipient” for “the non-Federal sponsor shall” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 116-260, §132(b)(4)(B)(iii), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “participate in, and comply with, all applicable Federal flood insurance programs;”.

Subsec. (d)(2)(B). Pub. L. 116-260, §132(b)(4)(B)(iv), substituted “beginning not later than 2 years after the date on which the Administrator publishes criteria for hazard mitigation plans under paragraph (3), demonstrate that the Tribal or local government with jurisdiction over the area in which the dam is located has” for “have” in introductory provisions.

Subsec. (d)(2)(C). Pub. L. 116-260, §132(b)(4)(B)(v), substituted “expected life of the dam” for “50-year period”.

Subsec. (d)(3). Pub. L. 116-260, §132(b)(4)(C), added par. (3).

Subsec. (e)(1). Pub. L. 116-260, §132(b)(5)(A)(i), substituted “an eligible subrecipient” for “non-Federal sponsor” in introductory provisions.

Subsec. (e)(1)(B). Pub. L. 116-260, §132(b)(5)(A)(ii), substituted “2 years” for “1 year” in cls. (i) and (ii).

Subsec. (e)(3). Pub. L. 116-260, §132(b)(5)(B), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The Administrator may provide technical support for the development and implementation of floodplain management plans prepared under this subsection.”

Subsec. (i)(1). Pub. L. 116-260, §132(b)(6), substituted “an eligible subrecipient” for “a non-Federal sponsor” in introductory provisions.

Statutory Notes and Related Subsidiaries

RULEMAKING

Pub. L. 114-322, title IV, §5006(c), Dec. 16, 2016, 130 Stat. 1896, provided that:

“(1) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act [Dec. 16, 2016], the Administrator of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding applications for grants of assistance under the amendments made by subsection (b) to the National Dam Safety Program Act (33 U.S.C. 467 et seq.) [enacting this section].

“(2) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate a final rule regarding the amendments described in paragraph (1).”

REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS

Pub. L. 114-322, title I, §1177, Dec. 16, 2016, 130 Stat. 1674, as amended by Pub. L. 115-270, title I, §1132, Oct. 23, 2018, 132 Stat. 3781; Pub. L. 116-260, div. AA, title III, §305, Dec. 27, 2020, 134 Stat. 2703, provided that:

“(a) IN GENERAL.—If the Secretary [of the Army] determines that the project is feasible, the Secretary may carry out a project for the rehabilitation of a dam described in subsection (b).

“(b) ELIGIBLE DAMS.—A dam eligible for assistance under this section is a dam—

“(1) that has been constructed, in whole or in part, by the Corps of Engineers for flood control purposes;

“(2) for which construction was completed before 1940;

“(3) that is classified as ‘high hazard potential’ by the State dam safety agency of the State in which the dam is located; and

“(4) that is operated by a non-Federal entity.

“(c) COST SHARING.—Non-Federal interests shall provide 35 percent of the cost of construction of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

“(d) AGREEMENTS.—Construction of a project under this section shall be initiated only after a non-Federal interest has entered into a binding agreement with the Secretary [of the Army]—

“(1) to pay the non-Federal share of the costs of construction under subsection (c); and

“(2) to pay 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to the project in accordance with regulations prescribed by the Secretary.

“(e) COST LIMITATION.—The Secretary shall not expend more than \$60,000,000 for a project at any single dam under this section.

“(f) FUNDING.—There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2017 through 2026.”

§ 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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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),