

107TH CONGRESS
2^D SESSION

H. R. 4727

To reauthorize the national dam safety program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2002

Mr. SHUSTER introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To reauthorize the national dam safety program, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF NATIONAL DAM**
4 **SAFETY PROGRAM ACT.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Dam Safety and Security Act of 2002”.

7 (b) AMENDMENT OF NATIONAL DAM SAFETY PRO-
8 GRAM ACT.—Except as otherwise expressly provided,
9 whenever in this Act an amendment or repeal is expressed
10 in terms of an amendment to, or a repeal of, a section
11 or other provision, the reference shall be considered to be

1 made to a section or other provision of the National Dam
2 Safety Program Act (33 U.S.C. 467 et seq.).

3 **SEC. 2. INTERAGENCY COMMITTEE ON DAM SAFETY.**

4 Section 7(b) (33 U.S.C. 467e(b)) is amended—

5 (1) by striking “Federal and State programs”
6 and inserting “Federal programs”; and

7 (2) by striking “through—” and all that follows
8 through the period at the end and inserting
9 “through coordination and information exchange
10 among Federal agencies concerning implementation
11 of the Federal Guidelines for Dam Safety.”.

12 **SEC. 3. NATIONAL DAM SAFETY PROGRAM.**

13 (a) IN GENERAL.—Section 8(a)(3) (33 U.S.C.
14 467f(a)(3)) is amended—

15 (1) in subparagraph (B) by striking “implemen-
16 tation plan described in subsection (e)” and insert-
17 ing “strategic plan described in subsection (b)”; and

18 (2) in subparagraph (C) by striking “subsection
19 (f)” and inserting “subsection (e)”.

20 (b) DUTIES.—Section 8(b) (33 U.S.C. 467f(b)) is
21 amended to read as follows:

22 “(b) DUTIES.—The Director shall prepare a strategic
23 plan to—

1 “(1) establish goals, priorities, and target dates
2 to improve the safety of dams in the United States;
3 and

4 “(2) to the extent feasible, establish cooperation
5 and coordination with, and assistance to, interested
6 governmental entities in all States.”.

7 (c) OBJECTIVES.—Section 8(c) (33 U.S.C. 467f(e))
8 is amended—

9 (1) in paragraph (5) by striking “and” at the
10 end;

11 (2) in paragraph (6) by striking the period at
12 the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(7) develop technical assistance materials,
15 seminars, and guidelines to improve security for
16 dams in the United States.”.

17 (d) FUNCTIONAL ACTIVITIES.—Section 8(d)(3)(A)
18 (33 U.S.C. 467f(d)(3)(A)) is amended by striking “and
19 shall be” and all that follows through the period at the
20 end and inserting “and shall be exercised by chairing the
21 Board to coordinate national efforts to improve the safety
22 of the dams in the United States.”.

23 (e) IMPLEMENTATION PLAN; DAM SAFETY TRAIN-
24 ING.—

1 (1) IN GENERAL.—Section 8 (33 U.S.C. 467f)
2 is amended by striking subsections (e) and (g) and
3 redesignating subsections (f) and (h) as subsections
4 (e) and (f), respectively.

5 (2) CONFORMING AMENDMENTS.—Section 2
6 (33 U.S.C. 467) is amended—

7 (A) in paragraph (1) by striking “section
8 8(h)” and inserting “section 8(f)”; and

9 (B) in paragraph (12) by striking “section
10 8(f)” and inserting “section 8(e)”.

11 (f) ASSISTANCE FOR STATE DAM SAFETY PRO-
12 GRAMS.—Section 8(e) (as redesignated by subsection (e)
13 of this section) is amended—

14 (1) in paragraph (1) by striking “the Director
15 shall provide assistance” and all that follows
16 through the period at the end and inserting “the Di-
17 rector shall provide assistance with amounts made
18 available under section 13 to assist States in estab-
19 lishing, maintaining, and improving dam safety pro-
20 grams in accordance with the criteria specified in
21 paragraph (2).”;

22 (2) in paragraph (2)—

23 (A) in the matter preceding subparagraph

24 (A)—

25 (i) by striking “primary”; and

1 (ii) by striking “, and for a State to
2 be eligible” and all that follows before the
3 colon;

4 (B) in subparagraph (A)—

5 (i) in the matter preceding clause (i)
6 by striking “For a State to be eligible for
7 assistance under this subsection, a State”
8 and inserting “A State”; and

9 (ii) in clause (vi) by inserting “im-
10 prove security,” before “revise operating
11 procedures,”; and

12 (3) in paragraph (3) by striking “contract”
13 each place it appears and inserting “agreement”.

14 (g) BOARD.—

15 (1) ESTABLISHMENT.—Section 8(f)(1) (as re-
16 designated by subsection (e) of this section) is
17 amended—

18 (A) by striking “The Director may estab-
19 lish” and inserting “The Director shall estab-
20 lish”; and

21 (B) by striking “to monitor” and all that
22 follows through the period at the end and in-
23 serting “to monitor the safety of dams in the
24 United States, to monitor State implementation

1 of this section, and to advise the Director on
2 national dam safety policy.”.

3 (2) VOTING MEMBERSHIP.—Section 8(f)(3) (as
4 redesignated by subsection (e) of this section) is
5 amended—

6 (A) in the paragraph heading by striking
7 “MEMBERSHIP” and inserting “VOTING MEM-
8 BERSHIP.—”;

9 (B) in the matter preceding subparagraph
10 (A) by striking “11 members” and inserting
11 “11 voting members”; and

12 (C) by striking subparagraphs (F) and (G)
13 and inserting the following:

14 “(F) 5 members shall be selected by the
15 Director, in consultation with the Association of
16 State Dam Safety Officials, from among State
17 dam safety officials; and

18 “(G) 1 member shall be selected by the Di-
19 rector, in consultation with the United States
20 Society on Dams, to represent the private sec-
21 tor.”.

22 (3) NONVOTING MEMBERSHIP; DUTIES; WORK
23 GROUPS.—Section 8(f) (as redesignated by sub-
24 section (e) of this section) is amended—

1 (A) by redesignating paragraphs (4), (5),
2 and (6) as paragraphs (7), (8), and (9), respec-
3 tively; and

4 (B) by inserting after paragraph (3) the
5 following:

6 “(4) NONVOTING MEMBERSHIP.—The Director,
7 in consultation with the Board, may invite represent-
8 atives from Federal or State agencies or dam safety
9 experts, as needed, to participate in meetings of the
10 Board.

11 “(5) DUTIES.—

12 “(A) IN GENERAL.—The Board shall en-
13 courage the establishment and maintenance of
14 effective programs, policies, and guidelines to
15 enhance dam safety for the protection of human
16 life and property throughout the United States.

17 “(B) COORDINATION AND INFORMATION
18 EXCHANGE AMONG AGENCIES.—In carrying out
19 subparagraph (A), the Board shall encourage
20 coordination and information exchange among
21 Federal and State dam safety agencies that
22 share common problems and responsibilities for
23 dam safety, including planning, design, con-
24 struction, operation, emergency action planning,
25 inspections, maintenance, regulation or licens-

1 ing, technical or financial assistance, research,
2 and data management.

3 “(C) RECOMMENDATIONS TO DIRECTOR.—

4 The Board shall advise the Director in estab-
5 lishing and maintaining a coordinated national
6 dam safety program by making recommenda-
7 tions to the Director on technical, managerial,
8 legislative, and policy issues that affect national
9 dam safety.

10 “(6) WORK GROUPS.—The Director may estab-
11 lish work groups under the Board to assist the
12 Board in accomplishing its goals. The work groups
13 shall consist of members of the Board and other in-
14 dividuals selected by the Director.”.

15 (4) TRAVEL EXPENSES.—Section 8(f) (as re-
16 designated by subsection (e) of this section) is
17 amended by striking paragraph (8) (as redesignated
18 by paragraph (3)(A) of this subsection) and insert-
19 ing the following:

20 “(8) TRAVEL EXPENSES.—

21 “(A) REPRESENTATIVES OF FEDERAL
22 AGENCIES.—To the extent amounts are made
23 available in advance in appropriations Acts,
24 each member of the Board who represents a
25 Federal agency shall be reimbursed of appro-

1 priations for travel expenses by his or her agen-
2 cy, including per diem in lieu of subsistence, at
3 rates authorized for an employee of an agency
4 under subchapter I of chapter 57 of title 5,
5 United States Code, while away from the home
6 or regular place of business of the member in
7 the performance of services for the Board.

8 “(B) OTHER INDIVIDUALS.—To the extent
9 amounts are made available in advance in ap-
10 propriations Acts, each member of the Board
11 who represents a State agency, the member of
12 the Board who represents the private sector,
13 and each member of a work group created
14 under paragraph (1) shall be reimbursed for
15 travel expenses by FEMA, including per diem
16 in lieu of subsistence, at rates authorized for an
17 employee of an agency under subchapter I of
18 chapter 57 of title 5, United States Code, while
19 away from home or regular place of business of
20 the member in performance of services for the
21 Board.”.

22 **SEC. 4. RESEARCH.**

23 Section 9(a) (33 U.S.C. 467g) is amended—

24 (1) in the matter preceding paragraph (1)—

1 (A) by striking “in cooperation with
2 ICODS” and inserting “in cooperation with the
3 Board”; and

4 (B) by inserting “and support” after “de-
5 velop”;

6 (2) in paragraph (1) by striking “and” at the
7 end;

8 (3) in paragraph (2) by striking the period at
9 the end and inserting a semicolon; and

10 (4) by adding at the end the following:

11 “(3) development and maintenance of informa-
12 tion resources systems needed to support managing
13 the safety of dams; and

14 “(4) initiatives to guide the formulation of ef-
15 fective public policy and advance improvements in
16 dam safety engineering, security, and manage-
17 ment.”.

18 **SEC. 5. DAM SAFETY TRAINING.**

19 The Act (33 U.S.C. 467 et seq.) is amended—

20 (1) by redesignating sections 10, 11, and 12 as
21 sections 11, 12, and 13, respectively; and

22 (2) by inserting after section 9 the following:

23 **“SEC. 10. DAM SAFETY TRAINING.**

24 “At the request of any State that has or intends to
25 develop a State dam safety program, the Director shall

1 provide training for State dam safety staff and inspec-
2 tors.”.

3 **SEC. 6. REPORTS.**

4 Section 11 (as redesignated by section 5 of this Act)
5 is amended by striking subsection (a) and all that follows
6 through “(b) BIENNIAL REPORTS.—”.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) ANNUAL AMOUNTS.—Section 13(a)(1) (as redese-
9 ignated by section 5 of this Act) is amended—

10 (1) by striking “sections 7, 8, and 10” and in-
11 serting “sections 7, 8, and 11”; and

12 (2) by striking “\$1,000,000 for fiscal year
13 1998,” and all that follows through the period at the
14 end and inserting “\$6,000,000 for each of fiscal
15 years 2003 through 2006, to remain available until
16 expended.”.

17 (b) ALLOCATION.—Section 13(a)(2) (as redesignated
18 by section 5 of this Act) is amended—

19 (1) in subparagraph (A) by striking “section
20 8(f)” each place it appears and inserting “section
21 8(e)”; and

22 (2) in subparagraph (C) by striking “needing
23 primary assistance and States needing advanced as-
24 sistance under section 8(f)”.

1 (c) RESEARCH; DAM SAFETY TRAINING; STAFF.—
2 Section 13 (as redesignated by section 5 of this Act) is
3 amended by striking subsections (c) through (e) and in-
4 serting the following:

5 “(c) RESEARCH.—There is authorized to be appro-
6 priated to carry out section 9 \$1,500,000 for each of fiscal
7 years 2003 through 2006, to remain until expended.

8 “(d) DAM SAFETY TRAINING.—There is authorized
9 to be appropriated to carry out section 10 \$500,000 for
10 each fiscal years 2003 through 2006.

11 “(e) STAFF.—There is authorized to be appropriated
12 to FEMA for the employment of such additional staff per-
13 sonnel as are necessary to carry out sections 8 through
14 10 \$600,000 for each of fiscal years 2003 through 2006.”.

○