

# Union Calendar No. 375

107<sup>TH</sup> CONGRESS  
2D SESSION

# H. R. 4727

[Report No. 107-626]

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2002

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

SEPTEMBER 4, 2002

Additional sponsor: Mr. McNULTY

SEPTEMBER 4, 2002

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 14, 2002]

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## 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,*

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

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

5 (b) *AMENDMENT OF NATIONAL DAM SAFETY PROGRAM*  
 6 *ACT.*—*Except as otherwise expressly provided, whenever in*  
 7 *this Act an amendment or repeal is expressed in terms of*  
 8 *an amendment to, or a repeal of, a section or other provi-*  
 9 *sion, the reference shall be considered to be made to a section*  
 10 *or other provision of the National Dam Safety Program Act*  
 11 *(33 U.S.C. 467 et seq.).*

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

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

14 (1) *by striking “Federal and State programs”*  
 15 *and inserting “Federal programs”; and*

16 (2) *by striking “through—” and all that follows*  
 17 *through the period at the end and inserting “through*  
 18 *coordination and information exchange among Fed-*  
 19 *eral agencies concerning implementation of the Fed-*  
 20 *eral Guidelines for Dam Safety.”.*

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

22 (a) *IN GENERAL.*—*Section 8(a)(3) (33 U.S.C.*  
 23 *467f(a)(3)) is amended—*

24 (1) *in subparagraph (B) by striking “implemen-*  
 25 *tation plan described in subsection (e)” and inserting*  
 26 *“strategic plan described in subsection (b)”;* and

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

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

5           “(b) *DUTIES*.—The Director shall prepare a strategic  
6 plan—

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

10           “(2) to the extent feasible, to establish coopera-  
11           tion and coordination with, and assistance to, inter-  
12           ested governmental entities in all States.”.

13           (c) *OBJECTIVES*.—Section 8(c) (33 U.S.C. 467f(c)) is  
14 amended—

15           (1) in paragraph (5) by striking “and” at the  
16           end;

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

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

20           “(7) develop technical assistance materials, semi-  
21           nars, and guidelines to improve security for dams in  
22           the United States.”.

23           (d) *FUNCTIONAL ACTIVITIES*.—Section 8(d)(3)(A) (33  
24 U.S.C. 467f(d)(3)(A)) is amended by striking “and shall  
25 be” and all that follows through the period at the end and

1 *inserting “and shall be exercised by chairing the Board to*  
 2 *coordinate national efforts to improve the safety of the dams*  
 3 *in the United States.”.*

4 *(e) IMPLEMENTATION PLAN; DAM SAFETY TRAIN-*  
 5 *ING.—*

6 *(1) IN GENERAL.—Section 8 (33 U.S.C. 467f) is*  
 7 *amended by striking subsections (e) and (g) and re-*  
 8 *designating subsections (f) and (h) as subsections (e)*  
 9 *and (f), respectively.*

10 *(2) CONFORMING AMENDMENTS.—Section 2 (33*  
 11 *U.S.C. 467) is amended—*

12 *(A) in paragraph (1) by striking “section*  
 13 *8(h)” and inserting “section 8(f)”; and*

14 *(B) in paragraph (12) by striking “section*  
 15 *8(f)” and inserting “section 8(e)”.*

16 *(f) ASSISTANCE FOR STATE DAM SAFETY PRO-*  
 17 *GRAMS.—Section 8(e) (as redesignated by subsection (e) of*  
 18 *this section) is amended—*

19 *(1) in paragraph (1) by striking “the Director*  
 20 *shall provide assistance” and all that follows through*  
 21 *the period at the end and inserting “the Director*  
 22 *shall provide assistance with amounts made available*  
 23 *under section 13 to assist States in establishing,*  
 24 *maintaining, and improving dam safety programs in*

1       *accordance with the criteria specified in paragraph*  
2       *(2).”;*

3               *(2) in paragraph (2)—*

4                       *(A) in the matter preceding subparagraph*  
5       *(A)—*

6                               *(i) by striking “primary”; and*

7                               *(ii) by striking “, and for a State to*  
8       *be eligible” and all that follows before the*  
9       *colon;*

10               *(B) in subparagraph (A)—*

11                               *(i) in the matter preceding clause (i)*  
12       *by striking “For a State to be eligible for*  
13       *assistance under this subsection, a State”*  
14       *and inserting “A State”; and*

15                               *(ii) in clause (vi) by inserting “im-*  
16       *prove security,” before “revise operating*  
17       *procedures,”; and*

18               *(3) in paragraph (3) by striking “contract” each*  
19       *place it appears and inserting “agreement”.*

20       *(g) BOARD.—*

21               *(1) ESTABLISHMENT.—Section 8(f)(1) (as redes-*  
22       *ignated by subsection (e) of this section) is*  
23       *amended—*

1           (A) by striking “The Director may estab-  
 2           lish” and inserting “The Director shall estab-  
 3           lish”; and

4           (B) by striking “to monitor” and all that  
 5           follows through the period at the end and insert-  
 6           ing “to monitor the safety of dams in the United  
 7           States, to monitor State implementation of this  
 8           section, and to advise the Director on national  
 9           dam safety policy.”.

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

13               (A) in the paragraph heading by striking  
 14               “MEMBERSHIP” and inserting “VOTING MEM-  
 15               BERSHIP”;

16               (B) in the matter preceding subparagraph  
 17               (A) by striking “11 members” and inserting “11  
 18               voting members”; and

19               (C) by striking subparagraphs (F) and (G)  
 20               and inserting the following:

21                       “(F) 5 members shall be selected by the Di-  
 22                       rector from among State dam safety officials;  
 23                       and

24                       “(G) 1 member shall be selected by the Di-  
 25                       rector to represent the private sector.”.

1           (3) *NONVOTING MEMBERSHIP; DUTIES; WORK*  
2           *GROUPS.—Section 8(f) (as redesignated by subsection*  
3           *(e) of this section) is amended—*

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

7                     (B) *by inserting after paragraph (3) the fol-*  
8                     *lowing:*

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

14                    “(5) *DUTIES.—*

15                             “(A) *IN GENERAL.—The Board shall en-*  
16                             *courage the establishment and maintenance of ef-*  
17                             *fective programs, policies, and guidelines to en-*  
18                             *hance dam safety for the protection of human life*  
19                             *and property throughout the United States.*

20                             “(B) *COORDINATION AND INFORMATION EX-*  
21                             *CHANGE AMONG AGENCIES.—In carrying out*  
22                             *subparagraph (A), the Board shall encourage co-*  
23                             *ordination and information exchange among*  
24                             *Federal and State dam safety agencies that share*  
25                             *common problems and responsibilities for dam*

1       *safety, including planning, design, construction,*  
 2       *operation, emergency action planning, inspec-*  
 3       *tions, maintenance, regulation or licensing, tech-*  
 4       *nical or financial assistance, research, and data*  
 5       *management.*

6       “(6) *WORK GROUPS.*—*The Director may estab-*  
 7       *lish work groups under the Board to assist the Board*  
 8       *in accomplishing its goals. The work groups shall con-*  
 9       *sist of members of the Board and other individuals se-*  
 10      *lected by the Director.”.*

11       (4) *TRAVEL EXPENSES.*—*Section 8(f) (as redesign-*  
 12      *ated by subsection (e) of this section) is amended by*  
 13      *striking paragraph (8) (as redesignated by paragraph*  
 14      *(3)(A) of this subsection) and inserting the following:*

15       “(8) *TRAVEL EXPENSES.*—

16       “(A) *REPRESENTATIVES OF FEDERAL AGEN-*  
 17      *CIES.*—*To the extent amounts are made avail-*  
 18      *able in advance in appropriations Acts, each*  
 19      *member of the Board who represents a Federal*  
 20      *agency shall be reimbursed of appropriations for*  
 21      *travel expenses by his or her agency, including*  
 22      *per diem in lieu of subsistence, at rates author-*  
 23      *ized for an employee of an agency under sub-*  
 24      *chapter I of chapter 57 of title 5, United States*  
 25      *Code, while away from the home or regular place*



1        *of business of the member in the performance of*  
 2        *services for the Board.*

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

16 **SEC. 4. RESEARCH.**

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

18                *(1) in the matter preceding paragraph (1)—*

19                        *(A) by striking “in cooperation with*  
 20        *ICODS” and inserting “in cooperation with the*  
 21        *Board”; and*

22                        *(B) by inserting “and support” after “de-*  
 23        *velop”;*

24                *(2) in paragraph (1) by striking “and” at the*  
 25        *end;*

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

3           (4) *by adding at the end the following:*

4           “(3) *development and maintenance of informa-*  
 5           *tion resources systems needed to support managing*  
 6           *the safety of dams; and*

7           “(4) *initiatives to guide the formulation of effec-*  
 8           *tive public policy and advance improvements in dam*  
 9           *safety engineering, security, and management.”.*

10 **SEC. 5. DAM SAFETY TRAINING.**

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

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

14           (2) *by inserting after section 9 the following:*

15 **“SEC. 10. DAM SAFETY TRAINING.**

16       *“At the request of any State that has or intends to*  
 17       *develop a State dam safety program, the Director shall pro-*  
 18       *vide training for State dam safety staff and inspectors.”.*

19 **SEC. 6. REPORTS.**

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

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

24       (a) *ANNUAL AMOUNTS.—Section 13(a)(1) (as redesi-*  
 25       *gnated by section 5 of this Act) is amended—*

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

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

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

9           (1) *in subparagraph (A) by striking “section*  
10          *8(f)” each place it appears and inserting “section*  
11          *8(e)”;* and

12          (2) *in subparagraph (C) by striking “needing*  
13          *primary assistance and States needing advanced as-*  
14          *sistance under section 8(f)”.*

15          (c) *RESEARCH; DAM SAFETY TRAINING; STAFF.—Sec-*  
16          *tion 13 (as redesignated by section 5 of this Act) is amended*  
17          *by striking subsections (c) through (e) and inserting the fol-*  
18          *lowing:*

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

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

1       “(e) *STAFF.*—*There is authorized to be appropriated*  
2 *to FEMA for the employment of such additional staff per-*  
3 *sonnel as are necessary to carry out sections 8 through 10*  
4 *\$600,000 for each of fiscal years 2003 through 2006.”.*



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**A BILL**

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SEPTEMBER 4, 2002

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