

DAM REHABILITATION AND REPAIR ACT OF 2007

OCTOBER 18, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3224]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3224) to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dam Rehabilitation and Repair Act of 2007”.

SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT DAMS.

(a) DEFINITIONS.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (4), (5), (6), (7), (8), (9), (10), (12), (13), (14), and (15), respectively;

(2) by inserting after paragraph (2) the following:

“(3) DEFICIENT DAM.—The term ‘deficient dam’ means a dam that the State within the boundaries of which the dam is located determines—

“(A) fails to meet minimum dam safety standards of the State; and

“(B) poses an unacceptable risk to the public.”; and

(3) by inserting after paragraph (10) (as redesignated by paragraph (1)) the following:

“(11) REHABILITATION.—The term ‘rehabilitation’ means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.”.

(b) PROGRAM FOR REHABILITATION AND REPAIR OF DEFICIENT DAMS.—The National Dam Safety Program Act is amended by inserting after section 8 (33 U.S.C. 467f) the following:

“SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT DAMS.

“(a) ESTABLISHMENT OF PROGRAM.—The Director shall establish, within FEMA, a program to provide grant assistance to States for use in rehabilitation of publicly-owned deficient dams.

“(b) AWARD OF GRANTS.—

“(1) APPLICATION.—A State interested in receiving a grant under this section may submit to the Director an application for such grant. Applications submitted to the Director under this section shall be submitted at such times, be in such form, and contain such information, as the Director may prescribe by regulation.

“(2) IN GENERAL.—Subject to the provisions of this section, the Director may make a grant for rehabilitation of a deficient dam to a State that submits an application for the grant in accordance with the regulations prescribed by the Director. The Director shall enter into a project grant agreement with the State to establish the terms of the grant and the project, including the amount of the grant.

“(3) APPLICABILITY OF STANDARDS.—The Director shall require States that apply for grants under this section to comply with the standards of section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)), as in effect on the date of enactment of this section, with respect to projects assisted under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Director for emergency preparedness purposes.

“(c) PRIORITY SYSTEM.—The Director, in consultation with the Board, shall develop a risk-based priority system for use in identifying deficient dams for which grants may be made under this section.

“(d) ALLOCATION OF FUNDS.—The total amount of funds appropriated pursuant to subsection (f)(1) for a fiscal year shall be allocated for making grants under this section to States applying for such grants for that fiscal year as follows:

“(1) One-third divided equally among applying States.

“(2) Two-thirds among applying States based on the ratio that—

“(A) the number of non-Federal publicly-owned dams that the Secretary of the Army identifies in the national inventory of dams maintained under section 6 as constituting a danger to human health and that are located within the boundaries of the State; bears to

“(B) the number of non-Federal publicly-owned dams that are so identified and that are located within the boundaries of all applying States.

“(e) COST SHARING.—The Federal share of the cost of rehabilitation of a deficient dam for which a grant is made under this section may not exceed 65 percent of the cost of such rehabilitation.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$10,000,000 for fiscal year 2008;

“(B) \$15,000,000 for fiscal year 2009;

“(C) \$25,000,000 for fiscal year 2010;

“(D) \$50,000,000 for fiscal year 2011; and

“(E) \$100,000,000 for fiscal year 2012.

“(2) STAFF.—There are authorized to be appropriated to provide for the employment of such additional staff of FEMA as are necessary to carry out this section \$400,000 for each of fiscal years 2008 through 2010.

“(3) PERIOD OF AVAILABILITY.—Sums appropriated pursuant to this section shall remain available until expended.”.

SEC. 3. RULEMAKING.

(a) PROPOSED RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall issue a notice of proposed rulemaking regarding the amendments made by section 2 to the National Dam Safety Program Act (33 U.S.C. 467 et seq.).

(b) FINAL RULE.—Not later than 120 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall issue a final rule regarding such amendments.

PURPOSE OF THE LEGISLATION

H.R. 3224, as amended, makes changes to the National Dam Safety Program to establish a program that provides grant assistance to States for the rehabilitation and repair of deficient dams.

BACKGROUND AND NEED FOR LEGISLATION

In 1972, Congress directed the Secretary of the Army to undertake a national program on the inspection of dams in the National Dam Inspection Act (P.L. 92-367). Section 215 of the Water Resources Development Act of 1996 (P.L. 104-303), known as the National Dam Safety Program Act, amended the 1972 Act to establish the National Dam Safety Program as a partnership of States, Federal agencies, and other stakeholders to encourage individual and community responsibility for dam safety. The National Dam Safety Program Act has as its mission to “* * * reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the federal and non-federal communities in achieving national dam safety hazard reduction.”

Since its creation, the National Dam Safety Program has helped to mitigate the risk of dam failure by providing technical and financial assistance to state dam safety officials. There are approximately 80,000 dams in the United States; of these dams, approximately 10,000 dams are considered to have high-hazard potential, meaning their failure could result in loss of life or severe property damage. Private individuals, corporations, and state and local governments own more than 95 percent of the dams in the United States, making state dam safety officials our first line of defense in preventing dam failures and mitigating the effects through the development of Emergency Action Plans. A primary function of the National Dam Safety Program is to increase the level of knowledge and preparedness to prevent and mitigate the effects of dam failures.

The National Dam Safety Program Act includes:

- a National Dam Inventory to provide to the public periodically updated information on the inventory of dams in the United States;
- an Interagency Committee on Dam Safety to encourage the establishment and maintenance of effective federal and state programs, policies, and guidelines intended to enhance dam safety;
- a National Dam Safety Program, including a strategic plan, a National Dam Safety Review Board, and grant assistance to States to provide vital support for the improvement of the state dam safety programs that regulate most of the dams in the United States;
- a dam safety research effort for technical and archival research; and
- safety training for state dam safety staff and inspectors.

H.R. 3224 authorizes the Director of the Federal Emergency Management Agency (“FEMA”) to provide grants for the rehabilitation and repair of publicly owned dams. Any State that seeks assistance under this program would make an application for funds to the FEMA Director. The FEMA Director, in consultation with the National Dam Safety Review Board, would establish a risk-based priority system for use in identifying deficient dams for which grants may be awarded under this program. States are re-

quired to provide at least 35 percent of the funds necessary to rehabilitate such dams.

The Committee recognizes that there are dams owned by local or municipal governments or other public agencies that provide significant benefits to the public. Although States are the sole eligible applicants for funds authorized by H.R. 3224, the Committee on Transportation and Infrastructure believes that these dams should be eligible for rehabilitation funds granted to States. No dam which is not publicly owned, including any dam owned by a for-profit corporation or business entity, is eligible to receive assistance authorized under H.R. 3224. The Committee strongly recommends that FEMA's rulemaking process consider a definition of publicly owned dams as dams owned or operated by State, local, or municipal governments, or agencies created by state, local, or municipal legislative authority, and which provide public benefits such as local flood control districts, regional public water utilities, public water and sewerage facilities, and local irrigation districts.

The Committee also recommends that the rulemaking include verification from the State Dam Safety Official of the high hazard classification and the publicly owned dam status for specific dam rehabilitation projects that request funding.

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 cites the title of the bill as the "Dam Rehabilitation and Repair Act of 2007".

Section 2. Rehabilitation and repair of deficient dams

Subsection (a) amends the National Dam Safety Program Act (33 U.S.C. 467) by inserting definitions for "deficient dam" and "rehabilitation".

Subsection (b) directs FEMA to establish a program to provide grant assistance to States for use in the rehabilitation of publicly owned deficient dams. A State interested in receiving a grant must submit an application to the Director of FEMA. The Director will enter into a project grant agreement with the State to establish the terms of the grant and the project, including the amount of the grant. The subsection also applies Federal prevailing wage laws to construction work related to rehabilitation or repair of dams.

The subsection requires the Director, in consultation with the National Dam Safety Review Board, to establish a risk-based priority system for use in identifying deficient dams for which grants may be awarded under this section. One-third of funds appropriated for the program in any fiscal year will be divided among States applying for a grant. The remaining two-thirds of funds will be distributed to applying States based on a specific ratio. The ratio consists of the number of non-Federal publicly owned dams that the Secretary of the Army identifies in the national inventory of dams that constitute a danger to human health and that are located within the boundaries of the State as such number relates to the number of non-Federal publicly owned dams so identified of all applying States. The Federal share of the cost of rehabilitation of a deficient dam may not exceed 65 percent.

Finally, the subsection authorizes appropriations of \$10 million in fiscal year (“FY”) 2008; \$15 million in FY 2009; \$25 million in FY 2010; \$50 million in FY 2011; and \$100 million in FY 2012. In addition, this subsection authorizes \$400,000 for each of fiscal years 2008 through 2010 to finance additional FEMA staff to administer the grant program.

Section 3. Rulemaking

Subsection (a) requires that, not later than 90 days after the date of enactment of this Act, the Director of FEMA must issue a notice of proposed rulemaking regarding the program described in Section 2.

Subsection (b) requires that, not later than 120 days after the date of enactment of this Act, the Director of FEMA shall issue a final rule regarding the program described in Section 2.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 109th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on the National Dam Safety Program on July 26, 2006. On March 3, 2005, former Representative Sue Kelly introduced H.R. 1105, the “Dam Rehabilitation and Repair Act of 2005”. On September 14, 2006, the Subcommittee recommended H.R. 1105 favorably to the Committee on Transportation and Infrastructure. On September 20, 2006, the Committee on Transportation and Infrastructure ordered the bill reported favorably to the House. No further action was taken on the bill.

On September 14, 2006, the Subcommittee also considered H.R. 4981, a bill to reauthorize the National Dam Safety Program. The Subcommittee recommended the bill favorably to the Committee on Transportation and Infrastructure. On September 20, 2006, the Committee on Transportation and Infrastructure ordered H.R. 4981 reported favorably to the House. On September 27, the House passed H.R. 4981. On December 9, 2006, the House passed a similar Senate bill (S. 2735), which became Public Law 109–460.

In the 110th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on the National Levee Safety and Dam Safety Programs on May 7, 2007.

On July 30, 2007, Representative John T. Salazar introduced H.R. 3224, the “Dam Rehabilitation and Repair Act of 2007”. On August 1, the Subcommittee on Economic Development, Public Buildings and Emergency Management met in open session to consider H.R. 3224 and recommended the bill favorably to the Committee on Transportation and Infrastructure by voice vote. On August 2, 2007, the Committee on Transportation and Infrastructure met in open session to consider H.R. 3224. The Committee adopted, by voice vote, an amendment to make a technical modification to section 2(b) of the bill. The Committee on Transportation and Infrastructure ordered the bill, as amended, reported favorably to the House by voice vote.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with the amendment offered to H.R. 3224 or with ordering H.R. 3224 reported. A motion to order H.R. 3224, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to amend the National Dam Safety Program to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 3224 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 14, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3224, the Dam Rehabilitation and Repair Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

H.R. 3224—Dam Rehabilitation and Repair Act of 2007

Summary: H.R. 3224 would authorize appropriations totaling \$201 million over the 2008–2012 period for the Federal Emergency Management Agency (FEMA) to make grants to states to repair, replace, reconstruct, and remove structurally deficient dams. Assuming appropriation of the specified amounts, CBO estimates that implementing H.R. 3224 would cost \$103 million over the 2008–2012 period and \$98 million after 2012. Enacting H.R. 3224 would have no effect on direct spending or revenues.

H.R. 3224 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3224 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	10	15	25	50	100
Estimated Outlays	3	7	15	27	51

Basis of estimate: For this estimate, CBO assumes that H.R. 3224 will be enacted near the start of fiscal year 2008 and that amounts specified by the bill will be appropriated for each fiscal year. We estimate that federal spending under H.R. 3224 for grants and administrative expenses would total \$3 million in 2008 and \$103 million over the 2008–2012 period.

Grants to states

H.R. 3224 would authorize the appropriation of \$200 million over the 2008–2012 period for FEMA to make grants to states for a maximum of 65 percent of the costs to repair, replace, reconstruct, or remove publically owned dams determined to be deficient. The bill would define deficient dams as those failing to meet minimum state standards and that pose an unacceptable level of risk to the public. One-third of the funds authorized by the bill would be equally divided among all states that apply for assistance. The remaining two-thirds would be awarded based on the number of deficient dams within a state compared to all other state applicants.

Based on historical spending patterns for similar activities, CBO estimates that spending for the proposed grants would total \$3 million in 2008 and \$102 million over the 2008–2012 period. This estimate assumes that grant funds would be disbursed as construction and repairs occur and that projects would take an average of three years to complete.

Administration

H.R. 3224 also would authorize the appropriation of \$400,000 a year over the 2008–2010 period for the salaries and related expenses of additional staff necessary for FEMA to implement the proposed grant program. Based on historical spending patterns and assuming appropriation of the specified amounts, CBO estimates that implementing this provision would cost \$1.2 million over the 2008–2012 period.

Intergovernmental and private-sector impact: H.R. 3224 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. CBO estimates that state governments would receive about \$100 million over the 2008–2012 period for grants authorized in the bill. Any costs to those governments of complying with grant requirements would be incurred voluntarily as conditions of receiving federal assistance.

Estimate prepared by: Federal Costs: Daniel Hoople; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3224, as amended, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 3224, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

NATIONAL DAM SAFETY PROGRAM ACT

* * * * *

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) * * *

* * * * *

(3) *DEFICIENT DAM.*—The term “deficient dam” means a dam that the State within the boundaries of which the dam is located determines—

(A) fails to meet minimum dam safety standards of the State; and

(B) poses an unacceptable risk to the public.

[(3)] (4) *DIRECTOR.*—The term “Director” means the Director of FEMA.

[(4)] (5) *FEDERAL AGENCY.*—The term “Federal agency” means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

[(5)] (6) *FEDERAL GUIDELINES FOR DAM SAFETY.*—The term “Federal Guidelines for Dam Safety” means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

[(6)] (7) *FEMA.*—The term “FEMA” means the Federal Emergency Management Agency.

[(7)] (8) *HAZARD REDUCTION.*—The term “hazard reduction” means the reduction in the potential consequences to life and property of dam failure.

[(8)] (9) *ICODS.*—The term “ICODS” means the Interagency Committee on Dam Safety established by section 7.

[(9)] (10) *PROGRAM.*—The term “Program” means the national dam safety program established under section 8.

(11) *REHABILITATION.*—The term “rehabilitation” means the repair, replacement, reconstruction, or removal of a dam that is carried out to meet applicable State dam safety and security standards.

[(10)] (12) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

[(11)] (13) STATE DAM SAFETY AGENCY.—The term “State dam safety agency” means a State agency that has regulatory authority over the safety of non-Federal dams.

[(12)] (14) STATE DAM SAFETY PROGRAM.—The term “State dam safety program” means a State dam safety program approved and assisted under section 8(e).

[(13)] (15) UNITED STATES.—The term “United States”, when used in a geographical sense, means all of the States.

* * * * *

SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT DAMS.

(a) *ESTABLISHMENT OF PROGRAM.*—The Director shall establish, within FEMA, a program to provide grant assistance to States for use in rehabilitation of publicly-owned deficient dams.

(b) *AWARD OF GRANTS.*—

(1) *APPLICATION.*—A State interested in receiving a grant under this section may submit to the Director an application for such grant. Applications submitted to the Director under this section shall be submitted at such times, be in such form, and contain such information, as the Director may prescribe by regulation.

(2) *IN GENERAL.*—Subject to the provisions of this section, the Director may make a grant for rehabilitation of a deficient dam to a State that submits an application for the grant in accordance with the regulations prescribed by the Director. The Director shall enter into a project grant agreement with the State to establish the terms of the grant and the project, including the amount of the grant.

(3) *APPLICABILITY OF STANDARDS.*—The Director shall require States that apply for grants under this section to comply with the standards of section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)), as in effect on the date of enactment of this section, with respect to projects assisted under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Director for emergency preparedness purposes.

(c) *PRIORITY SYSTEM.*—The Director, in consultation with the Board, shall develop a risk-based priority system for use in identifying deficient dams for which grants may be made under this section.

(d) *ALLOCATION OF FUNDS.*—The total amount of funds appropriated pursuant to subsection (f)(1) for a fiscal year shall be allocated for making grants under this section to States applying for such grants for that fiscal year as follows:

(1) One-third divided equally among applying States.

(2) Two-thirds among applying States based on the ratio that—

(A) *the number of non-Federal publicly-owned dams that the Secretary of the Army identifies in the national inventory of dams maintained under section 6 as constituting a danger to human health and that are located within the boundaries of the State; bears to*

(B) *the number of non-Federal publicly-owned dams that are so identified and that are located within the boundaries of all applying States.*

(e) *COST SHARING.—The Federal share of the cost of rehabilitation of a deficient dam for which a grant is made under this section may not exceed 65 percent of the cost of such rehabilitation.*

(f) *AUTHORIZATION OF APPROPRIATIONS.—*

(1) *IN GENERAL.—There is authorized to be appropriated to carry out this section—*

(A) *\$10,000,000 for fiscal year 2008;*

(B) *\$15,000,000 for fiscal year 2009;*

(C) *\$25,000,000 for fiscal year 2010;*

(D) *\$50,000,000 for fiscal year 2011; and*

(E) *\$100,000,000 for fiscal year 2012.*

(2) *STAFF.—There are authorized to be appropriated to provide for the employment of such additional staff of FEMA as are necessary to carry out this section \$400,000 for each of fiscal years 2008 through 2010.*

(3) *PERIOD OF AVAILABILITY.—Sums appropriated pursuant to this section shall remain available until expended.*

* * * * *