

## DAM SAFETY AND SECURITY ACT OF 2002

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SEPTEMBER 4, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

### R E P O R T

[To accompany H.R. 4727]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4727) to reauthorize the national dam safety program, and for other purposes, 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; AMENDMENT OF NATIONAL DAM SAFETY PROGRAM ACT.

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

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

#### SEC. 2. INTERAGENCY COMMITTEE ON DAM SAFETY.

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

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

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

#### SEC. 3. NATIONAL DAM SAFETY PROGRAM.

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

(1) in subparagraph (B) by striking “implementation plan described in subsection (e)” and inserting “strategic plan described in subsection (b)”;

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

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

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

- “(1) to establish goals, priorities, and target dates to improve the safety of dams in the United States; and
- “(2) to the extent feasible, to establish cooperation and coordination with, and assistance to, interested governmental entities in all States.”.
- (c) OBJECTIVES.—Section 8(c) (33 U.S.C. 467f(c)) is amended—
  - (1) in paragraph (5) by striking “and” at the end;
  - (2) in paragraph (6) by striking the period at the end and inserting “; and”; and
  - (3) by adding at the end the following:
    - “(7) develop technical assistance materials, seminars, and guidelines to improve security for dams in the United States.”.
- (d) FUNCTIONAL ACTIVITIES.—Section 8(d)(3)(A) (33 U.S.C. 467f(d)(3)(A)) is amended by striking “and shall be” and all that follows through the period at the end and inserting “and shall be exercised by chairing the Board to coordinate national efforts to improve the safety of the dams in the United States.”.
- (e) IMPLEMENTATION PLAN; DAM SAFETY TRAINING.—
  - (1) IN GENERAL.—Section 8 (33 U.S.C. 467f) is amended by striking subsections (e) and (g) and redesignating subsections (f) and (h) as subsections (e) and (f), respectively.
  - (2) CONFORMING AMENDMENTS.—Section 2 (33 U.S.C. 467) is amended—
    - (A) in paragraph (1) by striking “section 8(h)” and inserting “section 8(f)”; and
    - (B) in paragraph (12) by striking “section 8(f)” and inserting “section 8(e)”.
- (f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—Section 8(e) (as redesignated by subsection (e) of this section) is amended—
  - (1) in paragraph (1) by striking “the Director shall provide assistance” and all that follows through the period at the end and inserting “the Director shall provide assistance with amounts made available under section 13 to assist States in establishing, maintaining, and improving dam safety programs in accordance with the criteria specified in paragraph (2).”; and
  - (2) in paragraph (2)—
    - (A) in the matter preceding subparagraph (A)—
      - (i) by striking “primary”; and
      - (ii) by striking “, and for a State to be eligible” and all that follows before the colon;
    - (B) in subparagraph (A)—
      - (i) in the matter preceding clause (i) by striking “For a State to be eligible for assistance under this subsection, a State” and inserting “A State”; and
      - (ii) in clause (vi) by inserting “improve security,” before “revise operating procedures.”; and
  - (3) in paragraph (3) by striking “contract” each place it appears and inserting “agreement”.
- (g) BOARD.—
  - (1) ESTABLISHMENT.—Section 8(f)(1) (as redesignated by subsection (e) of this section) is amended—
    - (A) by striking “The Director may establish” and inserting “The Director shall establish”; and
    - (B) by striking “to monitor” and all that follows through the period at the end and inserting “to monitor the safety of dams in the United States, to monitor State implementation of this section, and to advise the Director on national dam safety policy.”.
  - (2) VOTING MEMBERSHIP.—Section 8(f)(3) (as redesignated by subsection (e) of this section) is amended—
    - (A) in the paragraph heading by striking “MEMBERSHIP” and inserting “VOTING MEMBERSHIP”;
    - (B) in the matter preceding subparagraph (A) by striking “11 members” and inserting “11 voting members”; and
    - (C) by striking subparagraphs (F) and (G) and inserting the following:
      - “(F) 5 members shall be selected by the Director from among State dam safety officials; and
      - “(G) 1 member shall be selected by the Director to represent the private sector.”.
  - (3) NONVOTING MEMBERSHIP; DUTIES; WORK GROUPS.—Section 8(f) (as redesignated by subsection (e) of this section) is amended—
    - (A) by redesignating paragraphs (4), (5), and (6) as paragraphs (7), (8), and (9), respectively; and
    - (B) by inserting after paragraph (3) the following:

“(4) NONVOTING MEMBERSHIP.—The Director, in consultation with the Board, may invite representatives from Federal or State agencies or dam safety experts, as needed, to participate in meetings of the Board.

“(5) DUTIES.—

“(A) IN GENERAL.—The Board shall encourage the establishment and maintenance of effective programs, policies, and guidelines to enhance dam safety for the protection of human life and property throughout the United States.

“(B) COORDINATION AND INFORMATION EXCHANGE AMONG AGENCIES.—In carrying out subparagraph (A), the Board shall encourage coordination and information exchange among Federal and State dam safety agencies that share common problems and responsibilities for dam safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

“(6) WORK GROUPS.—The Director may establish work groups under the Board to assist the Board in accomplishing its goals. The work groups shall consist of members of the Board and other individuals selected by the Director.”.

(4) TRAVEL EXPENSES.—Section 8(f) (as redesignated by subsection (e) of this section) is amended by striking paragraph (8) (as redesignated by paragraph (3)(A) of this subsection) and inserting the following:

“(8) TRAVEL EXPENSES.—

“(A) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, each member of the Board who represents a Federal agency shall be reimbursed of appropriations for travel expenses by his or her agency, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

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

#### SEC. 4. RESEARCH.

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

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

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

(B) by inserting “and support” after “develop”;

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

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

(4) by adding at the end the following:

“(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.”.

#### SEC. 5. DAM SAFETY TRAINING.

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

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

(2) by inserting after section 9 the following:

#### “SEC. 10. DAM SAFETY TRAINING.

“At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.”.

#### SEC. 6. REPORTS.

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

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

(a) **ANNUAL AMOUNTS.**—Section 13(a)(1) (as redesignated by section 5 of this Act) is amended—

(1) by striking “sections 7, 8, and 10” and inserting “sections 7, 8, and 11”; and

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

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

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

(2) in subparagraph (C) by striking “needing primary assistance and States needing advanced assistance under section 8(f)”.

(c) **RESEARCH; DAM SAFETY TRAINING; STAFF.**—Section 13 (as redesignated by section 5 of this Act) is amended by striking subsections (c) through (e) and inserting the following:

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

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

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

**PURPOSE OF THE LEGISLATION**

The purpose of this legislation is to reauthorize and update the National Dam Safety Program Act (33 U.S.C. 467 et seq). The legislation reauthorizes the program for an additional four years, authorizes additional funding for the continuation of existing programs as well as funding for new and expanded programs, clarifies the makeup of the Interagency Board, authorizes additional research, and authorizes the provision of training to state and local officials.

**BACKGROUND AND NEED FOR THE LEGISLATION**

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 more than 80,000 dams in the United States, of these, 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 America, 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 has six main objectives:

1. to ensure that new and existing dams are safe through the development of technologically and economically feasible pro-

grams and procedures for national dam safety hazard reduction;

2. to encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

3. to encourage the establishment and implementation of effective dam safety programs in each state based on state standards;

4. to develop and encourage public awareness projects to increase public acceptance and support of state dam safety programs;

5. to develop technical assistance materials for federal and non-federal dam safety programs; and

6. to develop mechanisms with which to provide federal technical assistance for dam safety to the non-federal sector.

Passed and signed into law in 1996, Section 215 of Public Law 104–303 (the Water Resources Development Act of 1996), the National Dam Safety Program was authorized for six years, and expires at the end of 2002. This legislation will reauthorize the program for an additional four years and increase the total authorized funding level to \$8.6 million for each of the Fiscal Years 2003 through 2006, such funds to remain available until expended.

#### SUMMARY OF THE LEGISLATION

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

This section identifies H.R. 4727 as the Dam Safety and Security Act of 2002. This section also clarifies that this bill amends the National Dam Safety Program Act of 1996 (33 U.S.C. 467 et seq).

##### SECTION 2. INTERAGENCY COMMITTEE ON DAM SAFETY

Amends Section 7(b) to remove the requirement to develop Federal and State programs and replaces it with a requirement to develop only Federal programs. This section is also amended to require that the Interagency Committee limit its efforts to implementation of the Federal Guidelines for Dam Safety.

##### SECTION 3. NATIONAL DAM SAFETY PROGRAM

Deletes the requirements of an implementation plan and instead now requires the development of a strategic plan for the implementation of the Federal guidelines.

Requires the development of a strategic plan that will “\* \* \* establish goals, priorities, and target dates to improve the safety of dams in the United States; and to the extent feasible, establish cooperation and coordination with, and assistance to, interested governmental entities in all States.”

Adds a new objective to “develop technical assistance materials, seminars, and guidelines to improve security for dams in the United States.”

Makes changes to the functional activities in existing law, which will give greater authority to the Director of FEMA to ensure the full cooperation of all officials responsible for dam safety.

Makes a number of changes that have the effect of providing for greater flexibility in the provision of aid to establish, continue, and

improve upon state dam safety programs. The Director is required to provide assistance to States in establishing, maintaining, and improving dam safety programs in accordance with specified criteria; references to language that differentiates between primary and advanced assistance are stricken; states are given the authority to require a dam owner to improve the security of their dam; and references to “contract” in this section are removed and replaced with the word “agreement.” In addition to making it easier to provide assistance to states, these changes update the language of the bill to reflect current practices.

Several changes are made in this section to require the establishment of an advisory board and clearly define their role in advising the Director on dam safety issues.

Clarifies which members of the board are entitled to a vote and which are on the board in a non-voting role. Further, this paragraph makes clear that the board must be comprised partially of state dam safety officials as well as one member representing the private sector.

Addresses the nonvoting membership, work groups, and their duties to allow for the inclusion of representatives from Federal or State agencies or dam safety experts, at the Director’s discretion, to participate in meetings of the Board. In general, the Board must encourage the establishment and maintenance of effective programs, policies, and guidelines to enhance dam safety for the protection of human life and property throughout the United States. The Board must further encourage coordination and information exchange among Federal and State dam safety agencies that share common problems and responsibilities for dam safety. This section also grants the authority to the Director to establish work groups, comprised of members of the Board and private individuals, to assist the Board. In addition to the duties of the Board that have been expressly included, it is understood that the Board, or its work groups, may from time to time make recommendations to the Director of FEMA on a variety of other issues affecting dam safety. It is the expectation of the Committee that the Director will give appropriate weight and consideration to these recommendations based on the expertise and experience of the people making them.

Clarifies that employees of federal agencies are to be reimbursed by their agency while conducting business of the Board and that non-Federal employees are to be reimbursed by FEMA. This will ensure that lack of money will not hinder the work of the board and that service on the board is not a financial drain on any individual.

#### SECTION 4. RESEARCH

Deletes references in existing law to “ICODS” (Interagency Commission On Dam Safety) and inserts references to the Board. Additionally, this section adds new research responsibilities of the Director in the areas of development and maintenance of information resources systems needed to support managing the safety of dams and for initiatives to guide the formulation of effective public policy and advance improvements in dam safety engineering, security, and management. This continued research will ensure that the Board is able to provide the most up to date products and information for the carrying out of dam safety programs.

## SECTION 5. DAM SAFETY TRAINING

Amends 33 U.S.C. 467 et seq. to add that, “At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.”

## SECTION 6. REPORTS

Makes a technical correction to the bill to reflect the passage of the 1996 deadline for a report on the availability of dam insurance.

## SECTION 7. AUTHORIZATION OF APPROPRIATIONS

Authorizes \$6,000,000 for each of fiscal years 2003 through 2006, to remain available until expended. Increasing the total authorized level for the program will allow FEMA to expand its activities in this area and to fully carry out its duties under this Act.

Deletes the requirement that the Director of FEMA determine which states need primary assistance and which States need advanced assistance. This is a technical change to make Section 13 conform to changes made under Section 3 of this Act.

Increases the authorization for research from \$1,000,000 to \$1,500,000 for each of fiscal years 2003 through 2006; retains the authorized levels for dam safety training at \$500,000 for each of fiscal years 2003 through 2006; and increases the authorized levels for staff from \$400,000 to \$600,000 for each of fiscal years 2003 through 2006. Amounts for research are increased over previously authorized levels to reflect the expanded scope of research that the program must now provide for and amounts for staff are increased over previously authorized levels to reflect increased personnel costs since the program was established.

This bill increases the total authorization level for this program to \$8.6 million for each of fiscal years 2003 through 2006, such funds to remain available until expended.

## LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On May 14, 2002, Mr. Shuster of Pennsylvania introduced H.R. 4727, the Dam Safety and Security Act of 2002. On July 22, 2002, the Subcommittee on Economic Development, Public Buildings, and Emergency Management met in open session, and with a quorum present, adopted an amendment offered by Mr. LaTourette. On a motion by Mr. Costello, the Subcommittee ordered H.R. 4727 reported to the Full Committee as amended.

On July 24, 2002, the Full Committee met in open session and on a motion by Mr. LaTourette, the Full Committee ordered H.R. 4727, as amended by the Subcommittee on Economic Development, Public Buildings, and Emergency Management, reported to the House unanimously by voice vote, with a quorum present.

## ROLLCALL 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 rollcall 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 rollcall votes

taken in connection with ordering H.R. 4727, as amended by the Subcommittee on Economic Development, Public Buildings, and Emergency Management, favorably reported.

#### 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 below.

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 objective of this legislation are to establish goals, priorities, and target dates to improve the safety of dams in the United States; and to the extent feasible, establish cooperation and coordination with, and assistance to, interested governmental entities in all States.

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 following cost estimate for H.R. 4727 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 30, 2002.*

Hon. DON YOUNG,  
*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. 4727, the Dam Safety and Security Act of 2002.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

#### *H.R. 4727—Dam Safety and Security Act of 2002*

Summary: H.R. 4727 would make certain changes to the national dam safety program. Those changes include adding a member to

the National Dam Safety Review Board to represent the private sector, requiring the director of the Federal Emergency Management Agency (FEMA) to provide training to states that have or intend to develop a dam safety program, and requiring the director to create a strategic plan with goals and target dates for improving dam safety. To cover the costs of the national dam safety program, the bill would authorize the appropriation of \$8.6 million for each year over the 2003–2006 period.

Assuming appropriation of the amounts specified in the bill, CBO estimates that implementing H.R. 4727 would cost about \$34 million over the 2003–2007 period. H.R. 4727 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 4727 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. 4727 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that H.R. 4727 will be enacted near the beginning of fiscal year 2003 and that the amounts specified in the bill will be appropriated for each year. Estimates of outlays are based on information from FEMA and historical spending patterns for the national dam safety program.

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level .....	9	9	9	9	0
Estimated Outlays .....	7	9	9	9	2

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4727 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Leo Lex; and Impact on the Private Sector: Jean Talarico.

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

#### 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 1994 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. 4727 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) BOARD.—The term “Board” means a National Dam Safety Review Board established under [section 8(h)] *section 8(f)*.

\* \* \* \* \*

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

\* \* \* \* \*

## SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

(a) \* \* \*

(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal [and State] programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property [through—

[(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

[(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines

for Dam Safety.] *through coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.*

**SEC. 8. NATIONAL DAM SAFETY PROGRAM.**

(a) **IN GENERAL.**—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

(1) \* \* \*

\* \* \* \* \*

(3) include—

(A) \* \* \*

(B) the [implementation plan described in subsection (e)] *strategic plan described in subsection (b)*; and

(C) assistance for State dam safety programs described in [subsection (f)] *subsection (e)*.

[(b) **DUTIES.**—The Director shall—

[(1) not later than 270 days after the date of the enactment of this paragraph, develop the implementation plan described in subsection (e);

[(2) not later than 300 days after the date of the enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

[(3) by regulation, not later than 360 days after the date of the enactment of this paragraph—

[(A) develop and implement the Program;

[(B) establish goals, priorities, and target dates for implementation of the Program; and

[(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.]

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

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

*(2) to the extent feasible, to establish cooperation and coordination with, and assistance to, interested governmental entities in all States.*

(c) **OBJECTIVES.**—The objectives of the Program are to—

(1) \* \* \*

\* \* \* \* \*

(5) develop technical assistance materials for Federal and non-Federal dam safety programs; [and]

(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector[.]; and

*(7) develop technical assistance materials, seminars, and guidelines to improve security for dams in the United States.*

(d) **COMPONENTS.**—

(1) \* \* \*

\* \* \* \* \*

(3) **FUNCTIONAL ACTIVITIES.**—

(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA [and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.] *and shall be exercised by chairing the Board to coordinate national efforts to improve the safety of the dams in the United States.*

\* \* \* \* \*

[(e) IMPLEMENTATION PLAN.—The Director shall—

[(1) develop an implementation plan for the Program that shall set, through fiscal year 2002, year-by-year targets that demonstrate improvements in dam safety; and

[(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.]

[(f) (e) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, [the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

[(A) in accordance with the criteria specified in paragraph (2); and

[(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.] *the Director shall provide assistance with amounts made available under section 13 to assist States in establishing, maintaining, and improving dam safety programs in accordance with the criteria specified in paragraph (2).*

(2) CRITERIA AND BUDGETING REQUIREMENT.—For a State to be eligible for [primary] assistance under this subsection, a State dam safety program must be working toward meeting the following criteria and budgeting requirement[, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and budgeting requirement and be working toward meeting the advanced requirements and standards established under paragraph (1)(B)]:

(A) CRITERIA.—[For a State to be eligible for assistance under this subsection, a State] *A State* dam safety program must be authorized by State legislation to include substantially, at a minimum—

(i) \* \* \*

\* \* \* \* \*

(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, *improve security*, revise op-

erating procedures, or take other actions, including breaching dams when necessary;

\* \* \* \* \*

(3) WORK PLANS.—The Director shall enter into a **contract** *agreement* with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program to reach a level of program performance specified in the **contract** *agreement*.

\* \* \* \* \*

**[(g) DAM SAFETY TRAINING.**—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.]

**[(h)] (f) BOARD.**—

(1) ESTABLISHMENT.—**[The Director may establish]** *The Director shall establish* an advisory board to be known as the “National Dam Safety Review Board” **[to monitor State implementation of this section.]** *to monitor the safety of dams in the United States, to monitor State implementation of this section, and to advise the Director on national dam safety policy.*

\* \* \* \* \*

(3) **[MEMBERSHIP] VOTING MEMBERSHIP.**—The Board shall consist of 11 *voting* members selected by the Director for expertise in dam safety, of whom—

(A) \* \* \*

\* \* \* \* \*

**[(F) 5 members shall be selected by the Director from among dam safety officials of States; and**

**[(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.]**

*(F) 5 members shall be selected by the Director from among State dam safety officials; and*

*(G) 1 member shall be selected by the Director to represent the private sector.*

(4) NONVOTING MEMBERSHIP.—*The Director, in consultation with the Board, may invite representatives from Federal or State agencies or dam safety experts, as needed, to participate in meetings of the Board.*

(5) DUTIES.—

*(A) IN GENERAL.—The Board shall encourage the establishment and maintenance of effective programs, policies, and guidelines to enhance dam safety for the protection of human life and property throughout the United States.*

*(B) COORDINATION AND INFORMATION EXCHANGE AMONG AGENCIES.—In carrying out subparagraph (A), the Board shall encourage coordination and information exchange among Federal and State dam safety agencies that share common problems and responsibilities for dam safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.*

(6) WORK GROUPS.—*The Director may establish work groups under the Board to assist the Board in accomplishing its goals.*

*The work groups shall consist of members of the Board and other individuals selected by the Director.*

[(4)] (7) COMPENSATION OF MEMBERS.—

(A) \* \* \*

\* \* \* \* \*

[(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.]

(8) TRAVEL EXPENSES.—

(A) REPRESENTATIVES OF FEDERAL AGENCIES.—*To the extent amounts are made available in advance in appropriations Acts, each member of the Board who represents a Federal agency shall be reimbursed of appropriations for travel expenses by his or her agency, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.*

(B) OTHER INDIVIDUALS.—*To the extent amounts are made available in advance in appropriations Acts, each member of the Board who represents a State agency, the member of the Board who represents the private sector, and each member of a work group created under paragraph (1) shall be reimbursed for travel expenses by FEMA, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Board.*

[(6)] (9) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

#### SEC. 9. RESEARCH.

(a) IN GENERAL.—The Director, in cooperation with [ICODS] *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; [and]

(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.*

#### SEC. 10. DAM SAFETY TRAINING.

*At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.*

**SEC. [10] 11. REPORTS.**

[(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of the enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

(b) BIENNIAL REPORTS.—]Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

(1) \* \* \*

\* \* \* \* \*

**SEC. [11] 12. STATUTORY CONSTRUCTION.**

Nothing in this Act and no action or failure to act under this Act shall—

(1) \* \* \*

\* \* \* \* \*

**SEC. [12] 13. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIONAL DAM SAFETY PROGRAM.—

(1) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, [and 10] *and 11* (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under subsections (b) through (e)), [\$1,000,000 for fiscal year 1998, \$2,000,000 for fiscal year 1999, \$4,000,000 for fiscal year 2000, \$4,000,000 for fiscal year 2001, and \$4,000,000 for fiscal year 2002.] *\$6,000,000 for each of fiscal years 2003 through 2006, to remain available until expended.*

(2) ALLOCATION.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), for each fiscal year, amounts made available under this subsection to carry out section 8 shall be allocated among the States as follows:

(i) One-third among States that qualify for assistance under section [8(f)] 8(e).

(ii) Two-thirds among States that qualify for assistance under section [8(f)] 8(e), to each such State in proportion to—

(I) \* \* \*

\* \* \* \* \*

(C) DETERMINATION.—The Director and the Board shall determine the amount allocated to States [needing primary assistance and States needing advanced assistance under section 8(f)].

\* \* \* \* \*

[(c) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) \$500,000 for each of fiscal years 1998 through 2002.

[(d) RESEARCH.—There is authorized to be appropriated to carry out section 9 \$1,000,000 for each of fiscal years 1998 through 2002.

[(e) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 \$400,000 for each of fiscal years 1998 through 2002.]

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

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

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

\* \* \* \* \*

