

# Calendar No. 511

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

# S. 2735

[Report No. 109-276]

To amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 4, 2006

Mr. BOND (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JULY 10, 2006

Reported by Mr. INHOFE, with an amendment

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

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## A BILL

To amend the National Dam Safety Program Act 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.**

4 ~~This Act may be cited as the “Dam Safety Act of~~  
5 ~~2006”.~~

1 **SEC. 2. DEFINITIONS.**

2 Section 2 of the National Dam Safety Program Act  
3 (~~33~~ U.S.C. 467) is amended—

4 (1) by redesignating paragraph (~~13~~) as para-  
5 graph (~~14~~); and

6 (2) by inserting after paragraph (~~12~~) the fol-  
7 lowing:

8 “(~~13~~) STATE-REGULATED DAM.—The term  
9 ‘State-regulated dam’ means a State dam subject to  
10 the criteria described in clauses (i), (iv), and (vi) of  
11 section 8(c)(2)(A).”.

12 **SEC. 3. INSPECTION OF DAMS.**

13 Section 3(a) of the National Dam Safety Program  
14 Act (~~33~~ U.S.C. 467a(a)) is amended in paragraph (2) of  
15 the second sentence by striking “under the authority of  
16 the Federal Power Act,” and inserting “by the Federal  
17 Energy Regulation Commission,”.

18 **SEC. 4. NATIONAL DAM INVENTORY.**

19 Section 6 of the National Dam Safety Program Act  
20 (~~33~~ U.S.C. 467d) is amended to read as follows:

21 **“SEC. 6. NATIONAL DAM INVENTORY.**

22 “(a) IN GENERAL.—The Secretary of the Army, act-  
23 ing through the Chief of Engineers, shall maintain and  
24 update information on the inventory of dams in the United  
25 States.

1       “(b) REQUIREMENT.—The inventory of dams de-  
 2 scribed in subsection (a) shall include an assessment of  
 3 each dam based on inspections completed by either a Fed-  
 4 eral agency or a State dam safety agency.”.

5 **SEC. 5. NATIONAL DAM SAFETY PROGRAM.**

6       (a) DUTIES.—Section 8(b)(1) of the National Dam  
 7 Safety Program Act (33 U.S.C. 467f(b)(1)) is amended  
 8 by striking “and target dates to” and inserting “perform-  
 9 ance measures, and target dates toward effectively admin-  
 10 istering this Act in order to”.

11       (b) ASSISTANCE FOR STATE DAM SAFETY PRO-  
 12 GRAMS.—Section 8(c)(2)(A) of the National Dam Safety  
 13 Program Act (33 U.S.C. 467f(c)(2)(A)) is amended—

14               (1) in the matter preceding clause (i), by strik-  
 15 ing “substantially”;

16               (2) by striking clause (iv) and inserting the fol-  
 17 lowing:

18                       “(iv)(I) the authority to require or  
 19 perform the inspection, at least once every  
 20 5 years, of all dams and reservoirs that  
 21 would pose a significant threat to human  
 22 life and property in case of failure to de-  
 23 termine the continued safety of the dams  
 24 and reservoirs;

1           “(H) authority to require or perform  
2           the inspection, at least once every 5 years,  
3           of those dams and reservoirs that pose a  
4           significant threat to human life and prop-  
5           erty; and

6           “(III) a procedure for more detailed  
7           and frequent safety inspections;” and

8           (3) in clause (vi), by inserting “install and mon-  
9           itor instrumentation,” after “remedial work.”

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11           Section 13 of the National Dam Safety Program Act  
12 (~~33~~ U.S.C. 467j) is amended to read as follows:

13 **“SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

14           “(a) NATIONAL DAM SAFETY PROGRAM.—

15           “(1) ANNUAL AMOUNTS.—There are authorized  
16           to be appropriated to FEMA to carry out sections  
17           7, 8, and 11 (in addition to any amounts made  
18           available for similar purposes included in any other  
19           Act and amounts made available under subsections  
20           (b) through (e)) \$8,000,000 for each of fiscal years  
21           2007 through 2011, to remain available until ex-  
22           pended.

23           “(2) ALLOCATION.—

24           “(A) IN GENERAL.—Subject to subpara-  
25           graphs (B) and (C), for each fiscal year,

1 amounts made available under this subsection  
2 to carry out section 8 shall be allocated among  
3 the States as follows:

4 “(i)  $\frac{1}{3}$  among States that qualify for  
5 assistance under section 8(e).

6 “(ii)  $\frac{2}{3}$  among States that qualify for  
7 assistance under section 8(e), to each State  
8 in proportion to—

9 “(I) the number of dams in the  
10 State that are listed as State-regu-  
11 lated dams on the inventory of dams  
12 maintained under section 6; as com-  
13 pared to

14 “(II) the number of dams in all  
15 States that are listed as State-regu-  
16 lated dams on the inventory of dams  
17 maintained under section 6.

18 “(B) MAXIMUM AMOUNT OF ALLOCA-  
19 TION.—The amount of funds allocated to a  
20 State under this paragraph may not exceed 50  
21 percent of the reasonable cost of implementing  
22 the State dam safety program.

23 “(C) DETERMINATION.—The Director and  
24 the Board shall determine the amount allocated  
25 to States.

1       “(b) NATIONAL DAM INVENTORY.—There is author-  
2 ized to be appropriated to carry out section 6 \$1,000,000  
3 for each fiscal year.

4       “(c) RESEARCH.—There is authorized to be appro-  
5 priated to carry out section 9 \$2,000,000 for each of fiscal  
6 years 2007 through 2011, to remain until expended.

7       “(d) DAM SAFETY TRAINING.—There is authorized  
8 to be appropriated to carry out section 10 \$700,000 for  
9 each of fiscal years 2007 through 2011.

10       “(e) STAFF.—There is authorized to be appropriated  
11 to FEMA for the employment of such additional staff per-  
12 sonnel as are necessary to carry out sections 8 through  
13 10 \$1,000,000 for each of fiscal years 2007 through 2011.

14       “(f) LIMITATION ON USE OF AMOUNTS.—Amounts  
15 made available under this Act may not be used to con-  
16 struct or repair any Federal or non-Federal dam.”.

17 **SECTION 1. SHORT TITLE.**

18       *This Act may be cited as the “Dam Safety Act of*  
19 *2006”.*

20 **SEC. 2. NATIONAL DAM INVENTORY.**

21       *Section 6 of the National Dam Safety Program Act*  
22 *(33 U.S.C. 467d) is amended to read as follows:*

1 **“SEC. 6. NATIONAL DAM INVENTORY.**

2       “(a) *IN GENERAL.*—*The Secretary of the Army, acting*  
3 *through the Chief of Engineers, shall maintain and update*  
4 *information on the inventory of dams in the United States.*

5       “(b) *REQUIREMENT.*—*The inventory of dams described*  
6 *in subsection (a) shall include a summary of the results*  
7 *of any inspection completed by either a Federal agency or*  
8 *a State dam safety agency.”.*

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

10       (a) *DUTIES.*—*Section 8(b)(1) of the National Dam*  
11 *Safety Program Act (33 U.S.C. 467f(b)(1)) is amended by*  
12 *striking “and target dates to” and inserting “performance*  
13 *measures, and target dates toward effectively administering*  
14 *this Act in order to”.*

15       (b) *ASSISTANCE FOR STATE DAM SAFETY PRO-*  
16 *GRAMS.*—*Section 8(e)(2)(A) of the National Dam Safety*  
17 *Program Act (33 U.S.C. 467f(e)(2)(A)) is amended—*

18               (1) *in the matter preceding clause (i), by strik-*  
19 *ing “substantially”;*

20               (2) *by redesignating clauses (iv) through (x) as*  
21 *clauses (v) through (xi), respectively;*

22               (3) *by inserting after clause (iii) the following:*

23                       “(iv) *the authority to require or per-*  
24 *form periodic evaluations of all dams and*  
25 *reservoirs to determine the extent of the*

1                    *threat to human life and property in case*  
2                    *of failure;”*; and

3                    *(4) in clause (vii) (as redesignated by paragraph*  
4                    *(2)), by inserting “install and monitor instrumenta-*  
5                    *tion,” after “remedial work,”.*

6 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

7                    *Section 13 of the National Dam Safety Program Act*  
8 *(33 U.S.C. 467j) is amended—*

9                    *(1) in subsection (a)(1), by striking “\$6,000,000*  
10 *for each of fiscal years 2003 through 2006” and in-*  
11 *serting “\$8,000,000 for each of fiscal years 2007*  
12 *through 2011”;*

13                    *(2) in subsection (b), by striking “\$500,000 for*  
14 *each fiscal year” and inserting “\$1,000,000 for each*  
15 *of fiscal years 2007 through 2011”;*

16                    *(3) in subsection (c), by striking “\$1,500,000 for*  
17 *each of fiscal years 2003 through 2006” and inserting*  
18 *“\$2,000,000 for each of fiscal years 2007 through*  
19 *2011”;*

20                    *(4) in subsection (d), by striking “\$500,000 for*  
21 *each of fiscal years 2003 through 2006” and inserting*  
22 *“\$700,000 for each of fiscal years 2007 through*  
23 *2011”; and*

24                    *(5) in subsection (e), by striking “\$600,000 for*  
25 *each of fiscal years 2003 through 2006” and inserting*

1       *“\$1,000,000 for each of fiscal years 2007 through*  
2       *2011”.*

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