

Union Calendar No. 240

110TH CONGRESS
1ST SESSION

H. R. 3224

[Report No. 110-386]

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2007

Mr. SALAZAR (for himself and Mr. KUHLMANN of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

OCTOBER 18, 2007

Additional sponsors: Mr. ARCURI, Mr. HALL of New York, Mr. LOBIONDO, Mr. MOORE of Kansas, Mr. CARNEY, Ms. BERKLEY, Mr. ABERCROMBIE, Mr. COSTA, Mr. BOUCHER, Mr. LATOURETTE, Mrs. WILSON of New Mexico, Mrs. GILLIBRAND, Mr. MATHESON, Mr. HINCHEY, Mr. FILNER, Mr. ALTMIRE, Ms. HERSETH-SANDLIN, and Mr. CARNAHAN

OCTOBER 18, 2007

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 italics]

[For text of introduced bill, see copy of bill as introduced on July 30, 2007]

A BILL

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.

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 Rehabilitation and*
5 *Repair Act of 2007”.*

6 **SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT DAMS.**

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

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

13 *(2) by inserting after paragraph (2) the fol-*
14 *lowing:*

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

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

20 *“(B) poses an unacceptable risk to the pub-*
21 *lic.”; and*

22 *(3) by inserting after paragraph (10) (as redес-*
23 *ignated by paragraph (1)) the following:*

24 *“(11) REHABILITATION.—The term ‘rehabilita-*
25 *tion’ means the repair, replacement, reconstruction,*

1 *shall enter into a project grant agreement with the*
2 *State to establish the terms of the grant and the*
3 *project, including the amount of the grant.*

4 “(3) *APPLICABILITY OF STANDARDS.—The Direc-*
5 *tor shall require States that apply for grants under*
6 *this section to comply with the standards of section*
7 *611(j)(9) of the Robert T. Stafford Disaster Relief and*
8 *Emergency Assistance Act (42 U.S.C. 5196(j)(9)), as*
9 *in effect on the date of enactment of this section, with*
10 *respect to projects assisted under this section in the*
11 *same manner as recipients are required to comply in*
12 *order to receive financial contributions from the Di-*
13 *rector for emergency preparedness purposes.*

14 “(c) *PRIORITY SYSTEM.—The Director, in consulta-*
15 *tion with the Board, shall develop a risk-based priority sys-*
16 *tem for use in identifying deficient dams for which grants*
17 *may be made under this section.*

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

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

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

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

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

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

17 “(f) *AUTHORIZATION OF APPROPRIATIONS.—*

18 “(1) *IN GENERAL.—There is authorized to be ap-*
19 *propriated to carry out this section—*

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

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

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

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

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

1 “(2) *STAFF.*—*There are authorized to be appro-*
2 *priated to provide for the employment of such addi-*
3 *tional staff of FEMA as are necessary to carry out*
4 *this section \$400,000 for each of fiscal years 2008*
5 *through 2010.*”

6 “(3) *PERIOD OF AVAILABILITY.*—*Sums appro-*
7 *priated pursuant to this section shall remain avail-*
8 *able until expended.*”

9 **SEC. 3. RULEMAKING.**

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

16 (b) *FINAL RULE.*—*Not later than 120 days after the*
17 *date of enactment of this Act, the Director of the Federal*
18 *Emergency Management Agency shall issue a final rule re-*
19 *garding such amendments.*

Union Calendar No. 240

110TH CONGRESS
1ST Session

H. R. 3224

[Report No. 110-386]

A BILL

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.

OCTOBER 18, 2007

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