

110TH CONGRESS
1ST SESSION

H. R. 3224

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. REHABILITATION AND REPAIR OF DEFICIENT**
5 **DAMS.**

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

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

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

14 “(3) DEFICIENT DAM.—The term ‘deficient
15 dam’ means a dam that the State within the bound-
16 aries of which the dam is located determines—

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

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

21 (3) by inserting after paragraph (10) (as redesi-
22 gnated by paragraph (1)) the following:

23 “(11) REHABILITATION.—The term ‘rehabilita-
24 tion’ means the repair, replacement, reconstruction,
25 or removal of a dam that is carried out to meet ap-
26 plicable State dam safety and security standards.”.

1 (b) PROGRAM FOR REHABILITATION AND REPAIR OF
2 DEFICIENT DAMS.—The National Dam Safety Program
3 Act is amended by inserting after section 8 (33 U.S.C.
4 467f) the following:

5 **“SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT**
6 **DAMS.**

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

11 “(b) AWARD OF GRANTS.—

12 “(1) APPLICATION.—A State interested in re-
13 ceiving a grant under this section may submit to the
14 Director an application for such grant. Applications
15 submitted to the Director under this section shall be
16 submitted at such times, be in such form, and con-
17 tain such information, as the Director may prescribe
18 by regulation.

19 “(2) IN GENERAL.—Subject to the provisions of
20 this section, the Director may make a grant for re-
21 habilitation of a deficient dam to a State that sub-
22 mits an application for the grant in accordance with
23 the regulations prescribed by the Director. The Di-
24 rector shall enter into a project grant agreement

1 with the State to establish the terms of the grant
2 and the project, including the amount of the grant.

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

14 “(c) PRIORITY SYSTEM.—The Director, in consulta-
15 tion with the Board, shall develop a risk-based priority
16 system for use in identifying deficient dams for which
17 grants 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 fis-
20 cal year shall be allocated for making grants under this
21 section to States applying for such grants for that fiscal
22 year as follows:

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

1 “(2) Two-thirds among applying States based
2 on 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
14 of rehabilitation of a deficient dam for which a grant is
15 made under this section may not exceed 65 percent of the
16 cost of such rehabilitation.

17 “(f) AUTHORIZATION OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—There is authorized to be
19 appropriated 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;

24 and

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

1 “(2) STAFF.—There are authorized to be ap-
2 propriated to provide for the employment of such ad-
3 ditional 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
11 days after the date of enactment of this Act, the Director
12 of the Federal Emergency Management Agency shall issue
13 a notice of proposed rulemaking regarding the amend-
14 ments made by section 2 to the National Dam Safety Pro-
15 gram Act (33 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
19 regarding such amendments.

 Passed the House of Representatives October 29,
2007.

Attest:

Clerk.

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