

110TH CONGRESS  
1ST SESSION

# 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.

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## 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

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## 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  
5 and Repair Act of 2007”.

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

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

1           (1) by redesignating paragraphs (3), (4), (5),  
2           (6), (7), (8), (9), (10), (11), (12), and (13) as para-  
3           graphs (4), (5), (6), (7), (8), (9), (10), (12), (13),  
4           (14), and (15), respectively;

5           (2) by inserting after paragraph (2) the fol-  
6           lowing:

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

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

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

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

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

20           (b) PROGRAM FOR REHABILITATION AND REPAIR OF  
21 DEFICIENT DAMS.—The National Dam Safety Program  
22 Act is amended by inserting after section 8 (33 U.S.C.  
23 467f) the following:

1 **“SEC. 8A. REHABILITATION AND REPAIR OF DEFICIENT**  
2 **DAMS.**

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

7 “(b) AWARD OF GRANTS.—

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

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

23 “(3) APPLICABILITY OF REQUIREMENTS.—The  
24 Director shall require a State receiving a grant  
25 under this section to comply with requirements ap-  
26 plicable to contributions of Federal funds under sec-

1       tion 611(j)(9) of the Robert T. Stafford Disaster  
2       Relief and Emergency Assistance Act (42 U.S.C.  
3       5196(j)(9)), as in effect on the date of enactment of  
4       this section, in carrying out a project funded using  
5       amounts from the grant.

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

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

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

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

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

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

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

9           “(f) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

16           and

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

18           “(2) STAFF.—There are authorized to be ap-  
19 propriated to provide for the employment of such ad-  
20 ditional staff of FEMA as are necessary to carry out  
21 this section \$400,000 for each of fiscal years 2008  
22 through 2010.

23           “(3) PERIOD OF AVAILABILITY.—Sums appro-  
24 priated pursuant to this section shall remain avail-  
25 able until expended.”.

1 **SEC. 3. RULEMAKING.**

2 (a) **PROPOSED RULEMAKING.**—Not later than 90  
3 days after the date of enactment of this Act, the Director  
4 of the Federal Emergency Management Agency shall issue  
5 a notice of proposed rulemaking regarding the amend-  
6 ments made by section 2 to the National Dam Safety Pro-  
7 gram Act (33 U.S.C. 467 et seq.).

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

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