

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

# S. 2735

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

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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”.

6 **SEC. 2. DEFINITIONS.**

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

1           (1) by redesignating paragraph (13) as para-  
2           graph (14); and

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

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

9   **SEC. 3. INSPECTION OF DAMS.**

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

15   **SEC. 4. NATIONAL DAM INVENTORY.**

16          Section 6 of the National Dam Safety Program Act  
17   (33 U.S.C. 467d) is amended to read as follows:

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

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

23          “(b) REQUIREMENT.—The inventory of dams de-  
24   scribed in subsection (a) shall include an assessment of

1 each dam based on inspections completed by either a Fed-  
2 eral agency or a State dam safety agency.”.

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

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

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

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

14 (2) by striking clause (iv) and inserting the fol-  
15 lowing:

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

23 “(II) authority to require or perform  
24 the inspection, at least once every 5 years,  
25 of those dams and reservoirs that pose a

1                   significant threat to human life and prop-  
2                   erty; and

3                   ““(III) a procedure for more detailed  
4                   and frequent safety inspections;””; and

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

7   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

8                   Section 13 of the National Dam Safety Program Act  
9   (33 U.S.C. 467j) is amended to read as follows:

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

11                   “(a) NATIONAL DAM SAFETY PROGRAM.—

12                   ““(1) ANNUAL AMOUNTS.—There are authorized  
13                   to be appropriated to FEMA to carry out sections  
14                   7, 8, and 11 (in addition to any amounts made  
15                   available for similar purposes included in any other  
16                   Act and amounts made available under subsections  
17                   (b) through (e)) \$8,000,000 for each of fiscal years  
18                   2007 through 2011, to remain available until ex-  
19                   pended.

20                   “(2) ALLOCATION.—

21                   ““(A) IN GENERAL.—Subject to subpara-  
22                   graphs (B) and (C), for each fiscal year,  
23                   amounts made available under this subsection  
24                   to carry out section 8 shall be allocated among  
25                   the States as follows:

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

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

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

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

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

20                   “(C) DETERMINATION.—The Director and  
21 the Board shall determine the amount allocated  
22 to States.

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

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

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

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

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

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