

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. BOOZMAN, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 3362. A bill to reauthorize the National Dam Safety Program Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to reauthorize the National Dam Safety Program managed by the Federal Emergency Management Agency, FEMA. I thank Senators BOOZMAN, WHITEHOUSE, and CRAPO for joining me in sponsoring this bill that will help promote public safety and prevent the destruction caused by dam failures. This fiscally responsible legislation will help states do more to protect communities and avoid costly dam incidents without increasing funding above the most recent authorization level.

With more than 84,000 dams listed in the National Inventory of Dams, dams are a critical and ubiquitous part of our nation's infrastructure. In Hawaii, 142 State-regulated dams are located across our islands from Kekaha on Kauai to Paauilo on Hawaii Island. These dams are owned by non-profit organizations, private companies, individuals, and Federal, State, and local governments. While they go largely unseen, dams benefit our lives every day. They provide drinking water, hydroelectric power, irrigation water, flood control, and recreational opportunities.

However, dams also pose a significant risk to public safety, local economies, and the environment. Our nation's dams received a grade of "D" from the American Society of Civil Engineers 2009 Report Card for America's Infrastructure, which cited more than 4,000 deficient dams, including more than 1,800 that would result in loss of life if they failed. Unfortunately, we know that this risk is not just hypothetical. In 2006, the Ka Loko Dam on Kauai collapsed killing seven people, and dozens of other dam failures have occurred across the nation since that time. While we cannot avoid all dam incidents, this legislation will help prevent dam disasters and better prepare Americans for when they do happen.

The National Dam Safety Program is the foundation of prevention efforts nationally. The program helps states to check for deteriorating conditions at dams. This is important so that repairs can be made in order to safeguard against incidents that result in loss of life and property. The program also helps ensure that states have the technical assistance, training, and procedures needed to prevent dams from reaching a condition that puts communities in danger.

I very much appreciate the involvement of experts in dam safety, including FEMA, the Army Corps of Engineers, Hawaii Department of Land and Natural Resources, the American Society of Civil Engineers, and the Associa-

tion of State Dam Safety Officials, in developing this legislation. I urge my colleagues to support his measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dam Safety Act of 2012".

SEC. 2. PURPOSE.

The purpose of this Act and the amendments made by this Act is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

SEC. 3. ADMINISTRATOR.

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator".

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

- (1) by striking paragraph (3);
- (2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and
- (3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency."

SEC. 4. INSPECTION OF DAMS.

Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking "or maintenance" and inserting "maintenance, condition, or provisions for emergency operations".

SEC. 5. NATIONAL DAM SAFETY PROGRAM.

(1) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

"(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;"

(2) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting ", representatives from nongovernmental organizations," after "State agencies".

SEC. 6. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

- (1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and
- (2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

"SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

"The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents."

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

- (1) NATIONAL DAM SAFETY PROGRAM.—

(A) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking "\$6,500,000" and all that follows through "2011" and inserting "\$9,200,000 for each of fiscal years 2012 through 2016".

(B) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

- (i) by striking "The amount" and inserting the following:

"(i) IN GENERAL.—The amount"; and

- (ii) by adding at the end the following:

"(ii) FISCAL YEAR 2013 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2013 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities."

(2) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking "\$650,000" and all that follows through "2011" and inserting "\$500,000 for each of fiscal years 2012 through 2016".

(3) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

- (A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

- (B) by inserting after subsection (b) the following:

"(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 \$1,000,000 for each of fiscal years 2012 through 2016."

(4) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking "\$1,600,000" and all that follows through "2011" and inserting "\$1,450,000 for each of fiscal years 2012 through 2016".

(5) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking "\$550,000" and all that follows through "2011" and inserting "\$750,000 for each of fiscal years 2012 through 2016".

(6) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking "\$700,000" and all that follows through "2011" and inserting "\$1,000,000 for each of fiscal years 2012 through 2016".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 516—EX-
PRESSING THE SENSE OF THE
SENATE ON THE RESTITUTION
OF OR COMPENSATION FOR
PROPERTY SEIZED DURING THE
NAZI AND COMMUNIST ERAS

Mr. NELSON of Florida (for himself and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 516

Whereas protecting and respecting private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas Nazi or Communist regimes dominated many Eastern European countries without the consent of their people for parts of the 20th century;

Whereas the authoritarian and totalitarian regimes that emerged in Eastern Europe