

103^D CONGRESS
1ST SESSION

H. R. 1426

To provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1993

Mr. RICHARDSON introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

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 “Indian Dams Safety
5 Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the Secretary of the Interior (hereafter in
9 this Act referred to as the “Secretary”) has identi-

1 fied 53 dams on Indian lands that present a high
2 hazard to human life in the event of a failure;

3 (2) because of inadequate attention in the past
4 to regular maintenance requirements for dams oper-
5 ated by the Bureau of Indian Affairs (hereafter in
6 this Act referred to as the “Bureau”), unsafe Bu-
7 reau dams continue to pose an imminent threat to
8 people and property;

9 (3) many Bureau dams have operation and
10 maintenance deficiencies regardless of their current
11 safety condition classification and the deficiencies
12 must be corrected to avoid future threats to human
13 life and property;

14 (4) safe working dams on Indian lands are nec-
15 essary to supply irrigation water, to provide flood
16 control, to provide water for municipal, industrial,
17 domestic, livestock, and recreation uses, and for fish
18 and wildlife habitats; and

19 (5) it is necessary to institute a regular dam
20 maintenance program, utilizing the expertise in the
21 Bureau, Indian tribes, and other Federal agencies.

22 **SEC. 3. DAM SAFETY OPERATION AND MAINTENANCE PRO-**
23 **GRAM.**

24 (a) ESTABLISHMENT.—The Secretary shall establish
25 a dam safety operation and maintenance program within

1 the Bureau to ensure maintenance and monitoring of the
2 condition of each dam identified pursuant to subsection
3 (c) necessary to maintain the dam in a satisfactory condi-
4 tion on a long-term basis.

5 (b) REHABILITATION.—The Secretary shall perform
6 such rehabilitation work as is necessary to bring the dams
7 identified pursuant to subsection (c) to a satisfactory con-
8 dition. Upon the completion of rehabilitation work on each
9 dam, the dam shall be placed under the dam safety oper-
10 ation and maintenance program established pursuant to
11 subsection (a) and shall be regularly maintained under the
12 guidelines of such program.

13 (c) IDENTIFICATION OF DAMS.—

14 (1) DEVELOPMENT OF LIST.—The Secretary
15 shall develop a comprehensive list of dams located on
16 Indian lands that describes the dam safety condition
17 classification of each dam, as specified in paragraph
18 (2).

19 (2) DAM SAFETY CONDITION CLASSIFICA-
20 TIONS.—The dam safety condition classification re-
21 ferred to in paragraph (1) is one of the following
22 classifications:

23 (A) SATISFACTORY.—No existing or poten-
24 tial dam safety deficiencies are recognized. Safe

1 performance is expected under all anticipated
2 conditions.

3 (B) FAIR.—No existing dam safety defi-
4 ciencies are recognized for normal loading con-
5 ditions. Infrequent hydrologic or seismic events
6 would probably result in a dam safety defi-
7 ciency.

8 (C) CONDITIONALLY POOR.—A potential
9 dam safety deficiency is recognized for unusual
10 loading conditions that may realistically occur
11 during the expected life of the structure.

12 (D) POOR.—A potential dam safety defi-
13 ciency is clearly recognized for normal loading
14 conditions. Immediate actions to resolve the de-
15 ficiency are recommended; reservoir restrictions
16 may be necessary until resolution of the prob-
17 lem.

18 (E) UNSATISFACTORY.—A dam safety de-
19 ficiency exists for normal loading conditions.
20 Immediate remedial action is required for reso-
21 lution of the problem.

22 (d) LIMITATION ON PROGRAM AUTHORIZATION.—
23 Work authorized by this Act shall be for the purposes of
24 dam safety operation and maintenance and not for the
25 purposes of providing additional conservation storage ca-

1 pacity or developing benefits beyond those provided by the
2 original dams and reservoirs.

3 (e) TECHNICAL ASSISTANCE.—To carry out the pur-
4 poses of this Act, the Secretary may obtain technical as-
5 sistance from other departments and agencies. Notwith-
6 standing any such technical assistance, the dam safety
7 program (established by the Secretary by order dated Feb-
8 ruary 28, 1980, to prevent dam failure and the resulting
9 loss of life or serious property damage) and the dam safety
10 operation and maintenance program established under
11 subsection (a) shall be under the direction and control of
12 the Bureau.

13 (f) CONTRACT AUTHORITY.—In addition to any other
14 authority established by law, the Secretary is authorized
15 to contract with appropriate Indian tribes (as defined in
16 section 4(e) of the Indian Self-Determination and Edu-
17 cation Assistance Act (25 U.S.C. 450b(e))) to carry out
18 the dam safety operation and maintenance program estab-
19 lished under subsection (a).

20 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated such sums as
22 may be necessary to carry out this Act.

○