



## MEMORANDUM

TO: Water Resources Committee and Alternates, Board of Directors and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: November 4, 2024

RE: Water Resources Committee to Consider Recommendations on Legislation /  
Board of Directors to Consider Same

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### Recommendation

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Recommend to the Board of Directors to adopt the following positions on legislation:

#### Support

- Adopt a position of "Support" on S. 4359 (Padilla), To amend the National Dam Safety Program Act to reauthorize that Act, and for other purposes.

### Federal Legislation

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S. 4359 (Padilla), To amend the National Dam Safety Program Act to reauthorize that Act, and for other purposes.

**RECOMMENDATION:** Support

**OBJECTIVE:** Improve Water Infrastructure Affecting Authority Member Agencies

#### Summary

This bill would reauthorize two programs under the Federal Emergency Management Agency (FEMA) through fiscal year 2029:

- National Dam Safety Program - This partnership of states and the federal government aims to improve safety at the more than 91,000 dams throughout the United States and its territories. Through this program, FEMA provides funding to states for dam safety training, research, and public awareness. The program also funds the National Inventory of Dams (NID), managed by the U.S. Army Corps of Engineers, to catalogue all 91,000+ dams by location, type, size, age, hazard potential, date of last inspection, and more. This is an important database used by federal, state, and local officials to understand the safety conditions at our nation's dams and inform dam safety policies.



- Rehabilitation of High Hazard Potential Dams Program - This grant program provides funding to states for projects that rehabilitate and repair dams classified as “high hazard potential” under the NID. Congress has appropriated roughly \$10M per year for the program since 2016, which was authorized through fiscal year 2026.

Reauthorizing these programs would reauthorize funding for their important functions, although Congress would still need to appropriate that funding.

#### Status

S. 4359 was introduced on May 16, 2024, and was favorably reported to the Senate on May 22, 2024.

#### Importance to the Authority

Improving dam safety is of great concern to member agencies, in particular to Valley Water. All ten Valley Water-managed dams have been classified as “high hazard potential” by dam regulators, indicating the significant potential for harm to life and property in the event of a failure.

While member agencies work to address the structural needs at “high hazard” dams, supporting state dam safety efforts funded by FEMA is critical. The Rehabilitation of High Hazard Potential Dams Program is one of the few sources of federal funding available for upgrading non-federal dams.

## Guidelines for Taking Positions on Legislation

A number of controversial bills are introduced each year in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

### Policy

By Agenda Item 7, dated December 7, 2023, the Board adopted the Fiscal Year 2025 Objectives.

### Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives. The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, and Watch (neutral). The Water Authority’s staff and consultants testify and advocate with legislators and staff through meetings and member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority’s position is provided to the legislator. Nothing in this section should be read to preclude the Executive Director or his or her delegee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with adopted legislative or policy objectives, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair’s designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

### Amendment Development Process

If the Water Authority takes an Oppose Unless Amended or Support if Amended position, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority



staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

### Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.

# **BILL TEXT**

# Calendar No. 404

118TH CONGRESS  
2D SESSION

# S. 4359

To amend the National Dam Safety Program Act to reauthorize that Act,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 16, 2024

Mr. PADILLA (for himself and Mr. CRAMER) introduced the following bill;  
which was read twice and referred to the Committee on Environment and  
Public Works

MAY 22, 2024

Reported by Mr. CARPER, without amendment

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## A BILL

To amend the National Dam Safety Program Act to  
reauthorize that Act, 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. NATIONAL DAM SAFETY PROGRAM ACT.**

4 (a) REHABILITATION OF HIGH HAZARD POTENTIAL  
5 DAMS.—Section 8A(j)(4) of the National Dam Safety  
6 Program Act (33 U.S.C. 467f–2(j)(4)) is amended by  
7 striking “2026” and inserting “2029”.

1           (b) NATIONAL DAM SAFETY PROGRAM.—Section 14  
2 of the National Dam Safety Program Act (33 U.S.C.  
3 467j) is amended by striking “2023” each place it appears  
4 and inserting “2029”.