



SD
Federal Emergency Management Agency

Washington, D.C. 20472

OCT 29 1992

Mr. G. Edward Dickey
Acting Assistant Secretary of the Army
(Civil Works)
Department of the Army
Washington, D.C. 20310-0103

Dear Mr. Dickey:

Attached please find one signed copy of the MOA titled Memorandum of Agreement Between the Department of the Army and the Federal Emergency Management Agency to Provide Funding for National Dam Safety Program Activities.

Thank you for your cooperation in this effort and for your continued active interest and participation in National dam safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant C. Peterson", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Grant C. Peterson
Associate Director
State and Local Programs
and Support Directorate

Enclosure:
Signed MOA

MEMORANDUM OF AGREEMENT
BETWEEN THE
DEPARTMENT OF THE ARMY
AND THE
FEDERAL EMERGENCY MANAGEMENT AGENCY
TO
PROVIDE FUNDING
FOR
NATIONAL DAM SAFETY PROGRAM ACTIVITIES

*Non-reim b (21)
CE rein FEMA \$20k (annually)
Sep 92*

ARTICLE I. PURPOSE AND AUTHORITY

This Memorandum of Agreement (MOA) is entered into by the Department of the Army (DA) and the Federal Emergency Management Agency (FEMA) for the purposes of establishing a mutual understanding of the responsibilities of the above parties for delivering management and administration assistance in implementing the National Dam Safety Program. This MOA is entered into pursuant to the Economy in Government Act, 31 U.S.C. 1535.

ARTICLE II. BACKGROUND

The parties recognize that:

Dams in the United States must be constructed, operated and maintained in accordance with sound engineering principles to avoid potential loss of life and destruction of property in the event of dam failure.

FEMA was designated as lead agency for efforts to enhance National dam safety by Executive Order 12148 and Presidential Directive.

Historically, a systematic and planned approach to dam safety activities has been difficult because of project-by-project funding by FEMA and/or member agencies of the Interagency Committee on Dam Safety (ICODS). 50 F.R. 3412, Aug. 28, 1985.

Allocation of funds to FEMA from Federal agencies on a cooperative annual basis rather than on an optional project-by-project basis would allow the development of a more systematic approach to the promotion of National dam safety.

Publications, services and information provided by the FEMA are in furtherance of the DA's performance of its responsibilities under the dam safety provisions of the Water Resources Development Act of 1986, Public Law 33 U.S.C. 467g, 467j, 467k.

The Department of the Army is the coordinating representative for the other services (Air Force and Navy) on matters relating to National Dam Safety Program Activities.

ARTICLE III. INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communications between the DA and the FEMA, the DA and the FEMA shall each appoint representatives in writing to discuss and consider activities that may be pursued under this MOA.

The DA and the FEMA representatives shall coordinate all requests for assistance under this MOA in writing and shall serve as the points of contact between the DA and the FEMA on matters relating to this MOA.

For the Department of the Army:

Primary:

Mr. Paul Barber
Chief, Engineering Division
CECW-E
Directorate of Civil Works

Alternate:

Mr. Arthur H. Walz, Jr.
Chief, Dam Safety
CECW-EG-D
Engineering Division

Address:

US Army Corps of Engineers
20 Massachusetts Avenue
Washington, DC 20314-1000

For the Federal Emergency Management Agency:

Primary:

Mr. William S. Bivins
Chief, Program Design and Development
Division
Office of Earthquakes and Natural
Hazards

Alternate:

Mr. Harold W. Andress, Jr.
Emergency Management Specialist
Program Design and Development Division
Office of Earthquakes and Natural Hazards

Address:

ATTN: SL/EN/PD
500 C Street, S.W.
Washington, DC 20472

ARTICLE IV. PROVISION OF ASSISTANCE

Nothing in this MOA is intended to affect ongoing arrangements between the parties. Nothing in this MOA can be or should be construed to require the DA to use the services of the FEMA.

A. Responsibilities of the Department of the Army:

The DA shall provide, beginning the Fiscal Year 1992 or as soon as possible thereafter, subject to the availability of appropriations, the sum of twenty thousand dollars (\$20,000) annually to the FEMA for activities relating to National Dam Safety.

B. Responsibilities of the Federal Emergency Management Agency:

The FEMA shall allocate such funds for activities designed to support National Dam Safety. Activities for which such funding will be used include, but are limited to the following: development of Federal guidelines, public awareness, publications, training materials, and workshops. The FEMA shall return to the DA any unused portion of the funds provided by DA under this MOA.

ARTICLE V. APPLICABLE LAWS AND REGULATIONS

The FEMA shall furnish all assistance under this MOA in accordance with U.S. laws and regulations. Unless otherwise required by law, all contract work undertaken by the FEMA shall be performed in accordance with Federal procurement and claims policies and procedures.

ARTICLE VI. RECORDS AND REPORTS

The FEMA shall establish and maintain records and receipts of the expenditure of all funds provided by the DA. Records shall be maintained in sufficient detail to permit identification of the nature of expenditures made by the FEMA and shall be made available for inspection by officials of the DA upon request. The FEMA shall provide quarterly financial reports to the DA on the status of each approved activity.

ARTICLE VII. LIMITATIONS

A. No member of, or delegate to Congress shall be admitted to any share or part of this MOA, or any benefits that may arise therefrom.

B. No portion of the funds provided by the DA shall be used to finance the activities of the ICODS except to the extent necessary to pay for the publications, services and information provided by the FEMA, as described in Article IV(B) of this MOA.

ARTICLE VIII. EFFECTIVE DATE, AMENDMENT AND TERMINATION

This MOA is effective upon the date of the last signature of the parties.

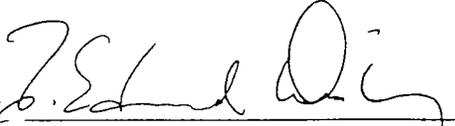
This MOA may be amended by mutual consent of all the parties. Such amendments shall be in writing and signed by all the parties to this MOA. Upon request by any of the parties, the parties shall review this MOA to assure that it continues to reflect the appropriate understandings and procedures necessary for current needs and capabilities. A mandatory review shall be required three (3) years from the date of the signing of this MOA to reexamine the content of the MOA. This MOA may be terminated within 90 calendar days written notice to both parties by any party. Termination shall not affect the parties' liability for any previously existing obligations, except as agreed by mutual consent.

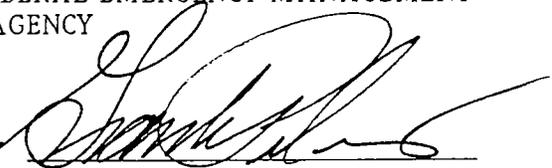
ARTICLE IX. SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this MOA as of the day and year indicated below.

DEPARTMENT OF THE ARMY

FEDERAL EMERGENCY MANAGEMENT
AGENCY

BY 

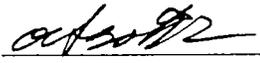
BY 

for NANCY P. DORN
Assistant Secretary for the
Army (Civil Works)

GRANT C. PETERSON
Associate Director
State and Local Programs
and Support Directorate

29 SEP 1992

DATE _____

DATE  _____