

**DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
NATIONAL DAM SAFETY REVIEW BOARD**

***I: Official Designation***

The name of this organization is the National Dam Safety Review Board, hereafter referred to as "the Board."

***II: Authority***

Pursuant to the National Dam Safety Program Act, Public Law 92-367 § 8, as added October 12, 1996, Public Law 104-303, Title II, § 215(c)(8), as amended, hereafter referred to as "the Act," this charter establishes the National Dam Safety Review Board. See 33 U.S.C. § 467f (f). The Board is established under the Act as an advisory board to the Federal Emergency Management Agency, a component of the U.S. Department of Homeland Security

***III. Purpose***

The purpose of the advisory Board is as follows:

- To monitor the safety of dams in the United States;
- To monitor State implementation of the National Dam Safety Program;
- To advise the Administrator of the Federal Emergency Management Agency (FEMA) on national dam safety policy.

***IV: Objectives and Scope of Activities***

Generally, the Board's duties are to encourage the establishment and maintenance of effective programs, policies, and guidelines to enhance dam safety for the protection of human life and property throughout the United States and to encourage coordination and information exchange among Federal and State dam safety agencies. Specifically, the Board is:

To monitor state implementation of the assistance program by (1) reviewing state progress toward meeting all of the criteria pursuant to Section 8(e)(2) of the Act; (2) assisting FEMA in the periodic review of state dam safety programs (the Board will notify FEMA of its finding of any state program that fails to reasonably protect life and property); and (3) making recommendations as to the reasonable costs of implementing a state dam safety program pursuant to Section 13(a)(2)(B) of the Act to assist FEMA in determining the amount allocated to States, as requested. To recommend technical and archival research needs to FEMA, and upon FEMA's request, to identify and recommend training needs for state dam safety programs and to make recommendations to the Administrator on national dam safety policy and other issues affecting dam safety.

***V: Membership***

Section 1: The membership of the Board shall consist of 11 voting members selected by and serving at the pleasure of the Administrator of FEMA for expertise in dam safety, of whom:

- a. One member shall represent the United States Department of Agriculture;
- b. One member shall represent the Department of Defense;
- c. One member shall represent the Department of the Interior;
- d. One member shall represent FEMA;

- e. One member shall represent the Federal Energy Regulatory Commission;
- f. Five members shall be selected by the Administrator of FEMA from among state dam safety officials; and
- g. One member shall be selected by the Administrator to represent the private sector.

The non-Federal members in f., above, will serve as Special Government Employees (SGE)s as defined in Title 18, United States Code, section 202(a). SGE members provide temporary service to the Government, not to exceed 130 days during any period of 365 days. SGEs provide outside expertise or perspectives that might not be available among an agency's regular employees and they do not solely represent one organization or type of entity. SGE members must:

- a. Read and acknowledge receipt of the "Standards of Ethical Conduct for Employees of the Executive Branch" and
- b. Accurately complete and submit the Confidential Financial Disclosure Form (OGE Form 450) on an annual basis.

The private sector member in g., above, is a representative member and is appointed to represent the perspective of their particular constituent group. This member communicates the views of their organization or industry. The representative member is not considered an employee of the Federal government, as defined in Title 18, United States Code, section 202(a). The private sector representative may be required to provide information to meet FEMA's reporting requirements.

Appointments are personal to the member and cannot be transferred to another individual. Members may not designate someone to attend in their stead or vote on their behalf; however, members may send a subject matter expert to Board meetings to participate in discussions.

Section 2: The Administrator, in consultation with the Board, may invite a representative from the National Laboratories of the Department of Energy (DOE), and may invite representatives from Federal or State agencies, representatives from nongovernmental organizations, or dam safety experts, as needed, to participate in Board meetings as non-voting members.

Section 3: Each voting member of the Board will serve a two-year term (terms will begin on April 1 and will conclude on March 31). At the Administrator of FEMA's invitation, federal board members may serve more than one term. To ensure a balance of perspective, SGEs and the private sector member will not serve more than three consecutive terms.

Section 4: Any vacancy on the Board shall be filled by FEMA. The appointee will serve the unexpired term of the member whose position became vacant.

#### ***VI: Leadership***

The FEMA Administrator or the Administrator's Agency delegate acts as Chair, provides leadership to the Board, and works with FEMA's program officials to establish priorities, identify issues which must be addressed, and serves as the focal point for the Board's

membership.

FEMA's designated voting representative selected by the Administrator or the Administrator's Agency delegate for expertise in dam safety acts as FEMA Chair at meetings of the Board when so directed by the Administrator or the Administrator's Agency delegate.

Designated Federal Officer (DFO): FEMA's designated federal officer serves as the government's agent for all matters related to the Board's activities, including but not limited to, to approve or call the meeting of the board; approve agendas; attend all meetings; adjourn the meetings, chair meetings of the Board or act for FEMA's designated representative when so directed by the Administrator, the Administrator's Agency delegate, or the FEMA voting representative.

#### ***VII: Meetings***

The Board will meet at least twice each year, as determined by the Chair, in consultation with the DFO. Other meetings may be called by the Chair, in consultation with the DFO, subject to available resources. No meeting of any advisory committee shall be held except at the call of, or with the advance approval of, the DFO and with an agenda approved by such official.

#### ***VIII: Voting***

When a decision or recommendation of the Board is required, the Chair will request a motion for a vote. Any member, including the Chair, may make a motion for a vote. No second after a proper motion will be required to bring any issue to vote. Voting must be conducted in person or by telephone.

#### ***IX: Quorum***

A quorum of the Board is the presence of fifty percent plus one of the Board members currently appointed. In the event a quorum is not present, the Board may conduct business that does not require a vote or decision among members. Votes will be deferred until such time as a quorum is present.

#### ***X: Minutes***

FEMA shall prepare and maintain minutes of the Board meetings. Draft minutes shall be transmitted to the Board members for review and comment no later than 30 days after each meeting. The Board members will have 30 days to return comments on the minutes to FEMA. Final approval of the minutes will be obtained by majority vote of the Board members at the next meeting of the Board.

#### ***XI: Compensation***

Each member of the Board who is an officer or employee of the United States will serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States. Each member of the Board who is not an officer or employee of the United States will serve without additional compensation. As specified in the Act, each non-Federal member of the Board or a Work Group established by the Administrator will be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under Subchapter 1 of Chapter 57 of Title 5, United States Code. Expenditures of any kind must be approved in advance by the Designated Federal Officer.

**XII: Work Groups**

The Administrator or the Administrator's Agency delegate may establish work groups under the Board and will select the work group members from the Board and other individuals. 33 U.S.C. § 467f (f)(6). The Administrator or the Administrator's Agency delegate determines the duration of a work group.

The work group Chairs and members may serve for two years, subject to the Administrator or the Administrator's delegate's appointment, and with the approval of the DFO. The work groups may meet at the call of their Chairs, with the approval of the DFO, but will meet at least once each fiscal year. A verbal report for the work groups shall be presented at each Board meeting and the work group Chairs shall submit an annual report to the Board each fiscal year.

The Administrator, or the Administrator's Agency delegate, in consultation with the DFO, may establish work groups under the Board of short-term, limited duration (hereinafter "Task Groups") to address specific issues that arise related to the National Dam Safety Program. The Board may make recommendations for task group membership to the Chair for the Administrator's, or the Administrator's Agency delegate, selection of members and chair. The task group will meet at the call of the Chair, with the approval of the DFO. A written and verbal report for the task group shall be presented at each Board meeting and the task group Chair shall submit a report to the Board on completion of the work of the task group.

Work groups and task groups may not work independently of the chartered Board and must present their work to the Board for full deliberation and discussion. Work groups and task groups have no authority to make decisions on behalf of the Board and may not report directly to the Federal government or any other entity.

**XIII: Applicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board. 33 U.S.C. § 467f(f)(9).

**XIV: Conflict of Interest**

Members of the Board work groups, or task groups shall not (1) be part of any transaction in which they have a direct or indirect personal financial interest; (2) obtain an economic benefit as a result of their service to the Board, Work Group, or Task Group; or (3) enter into a relationship with vendors for pay in matters that are currently being considered by the Board, Work Group, or Task Group.

**XV: Charter Renewal**

The Charter will be updated when appropriate.

**XVI: Charter Approval**

  
\_\_\_\_\_  
Douglas A. Bellomo, Administrator's Agency Delegate  
Federal Emergency Management Agency

Date approved:

01/20/15