termination may become effective prior to the expiration of such sixty days in any case in which each such committee approves an earlier date and notifies the Secretary in writing, of such approval: *Provided*, That when Congress is not in session the Secretary's determination, if accompanied by a finding by the Secretary that substantial hardship to the water users concerned or substantial further injury to the project works will result, shall become effective when the chairman and ranking minority member of each such committee shall file with the Secretary their written approval of said findings.''

SHORT TITLE

Act Oct. 7, 1949, ch. 650, 63 Stat. 724, which enacted this section and provisions set out below, is popularly known as the ''Rehabilitation and Betterment Act of 1949''.

SUPPLEMENTAL TO FEDERAL RECLAMATION LAWS

Section 2 of act Oct. 7, 1949, provided that: ''This Act [enacting this section] shall be deemed a supplement to the Federal reclamation laws.''

§ 505. Drainage facilities and minor construction in irrigation works; contracts with repayment organizations; limitation on costs; submission of contract to Congress

Funds appropriated for the construction of irrigation works authorized to be undertaken pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Act of August 11, 1939 (53 Stat. 1418), as amended [16 U.S.C. 590y et seq.], or other Acts of Congress may, insofar as such funds are available for the construction of drainage facilities and other minor items, be utilized by the Secretary of the Interior to accomplish such work by contract, by force account or, notwithstanding any other law and subject only to such reasonable terms and conditions as the Secretary shall deem appropriate for the protection of the United States, by contract entered into with the repayment organization concerned whereby said organization shall perform such work: *Provided*, That in the event construction work to be accomplished by any one repayment organization, pursuant to contract with the United States, exceeds a total cost of $200,000, such contract shall not be executed by the Secretary prior to the expiration of sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which it has been submitted to the Speaker of the House and the President of the Senate for reference to the appropriate Committees, except that such contract may be executed prior to expiration of such sixty days in any case in which both such Committees approve said contract and notify the Secretary in writing of such approval.

(June 13, 1956, ch. 382, 70 Stat. 274.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

Act of August 11, 1939, referred to in text, is classified generally to subchapter II (§ 590y et seq.) of chapter 3C of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

SUBCHAPTER XI–A—RECLAMATION SAFETY OF DAMS

§ 506. Authority of Secretary to make modifications

In order to preserve the structural safety of Bureau of Reclamation dams and related facilities the Secretary of the Interior is authorized to perform such modifications as he determines to be reasonably required. Said performance of work shall be in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory or supplementary thereto).

(Pub. L. 95–578, § 2, Nov. 2, 1978, 92 Stat. 2471.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98–404, § 1, Aug. 28, 1984, 98 Stat. 1481, provided in part: ''That this Act [amending sections 508 and 509 of this title] may be cited as 'The Reclamation Safety of Dams Act Amendments of 1984'.''

SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95–578 provided: ''That this Act [enacting this subchapter and amending section 1511 of this title] shall be cited as the 'Reclamation Safety of Dams Act of 1978'.''

FACILITIES INCLUDED WITHIN SCOPE OF RECLAMATION SAFETY OF DAMS ACT OF 1978

Pub. L. 95–578, § 12, as added by Pub. L. 98–404, § 1(4), Aug. 28, 1984, 98 Stat. 1482, provided that: ''Included within the scope of this Act [this subchapter] are Fish Lake, Four Mile, Ochoco, Savage Rapids Diversion and Warm Springs Dams, Oregon; Como Dam, Montana; Little Wood River Dam, Idaho; and related facilities which have been made a part of a Federal reclamation project by previous Acts of Congress. Coolidge Dam, San Carlos Irrigation Project, Arizona, shall also be included within the scope of this Act.''

§ 507. Construction for dam safety

Construction authorized by this subchapter shall be for the purposes of dam safety and not for the specific purposes of providing additional conservation storage capacity or of developing benefits over and above those provided by the original dams and reservoirs. Nothing in this subchapter shall be construed to reduce the amount of project costs allocated to reimbursable purposes heretofore authorized.

(Pub. L. 95–578, § 3, Nov. 2, 1978, 92 Stat. 2471.)

§ 508. Costs incurred in the modification of structures

(a) Costs resulting from age and normal deterioration or lack of maintenance of structures

Costs heretofore or hereafter incurred in the modification of structures under this subchapter, the cause of which results from age and normal deterioration of the structure or from nonperformance of reasonable and normal main-

tenance of the structure by the operating entity shall be considered as project costs and will be allocated to the purposes for which the structure was authorized initially to be constructed and will be reimbursable as provided by existing law.

(b) Nonreimbursable costs resulting from new hydrologic or seismic data or changes in criteria

With respect to the $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978 [43 U.S.C. 509], costs heretofore or hereafter incurred in the modification of structures under this subchapter, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes shall be nonreimbursable and nonreturnable under the Federal Reclamation law.

(c) Reimbursement of certain modification costs

With respect to the additional amounts authorized to be appropriated by section 509 of this title, costs incurred in the modification of structures under this subchapter, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art criteria deemed necessary for safety purposes, shall be reimbursed to the extent provided in this subsection.

(1) Fifteen percent of such costs shall be allocated to the authorized purposes of the structure, except that in the case of Jackson Lake Dam, Minidoka Project, Idaho-Wyoming, such costs shall be allocated in accordance with the allocation of operation and maintenance charges.

(2) Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within 50 years of the year in which the work undertaken pursuant to this subchapter is substantially complete. Costs allocated to irrigation water service which are beyond the water users' ability to pay shall be reimbursed in accordance with existing law.

(3) Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended [16 U.S.C. 460*l*–12 et seq.].

(4) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable under the Federal Water Project Recreation Act [16 U.S.C. 460*l*–12 et seq.], shall be repaid within 50 years with interest. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursement period during the month preceding the fiscal year in which the costs are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

(d) Contracts for return of costs

The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs under this subchapter: *Provided*, *however*, That no contract entered into pursuant to this subchapter shall be deemed to be a new or amended contract for the purposes of section 390cc(a) of this title.

(e) Cost containment; modification status

(1) During the construction of the modification, the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on a modification.

(2) The Secretary shall provide to project beneficiaries on a periodic basis notice regarding the costs and status of the modification.

(Pub. L. 95–578, § 4, Nov. 2, 1978, 92 Stat. 2471; Pub. L. 98–404, § 1(1), (2), Aug. 28, 1984, 98 Stat. 1481; Pub. L. 106–377, § 1(a)(2) [title II], Oct. 27, 2000, 114 Stat. 1441, 1441A–67; Pub. L. 107–117, div. B, § 503(1), Jan. 10, 2002, 115 Stat. 2308; Pub. L. 108–439, §§ 1(a), 2(a), Dec. 3, 2004, 118 Stat. 2627.)

REFERENCES IN TEXT

The $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, referred to in subsec. (b), probably refers to the authorization originally contained in section 509 of this title. See 1984 Amendment note set out under section 509 of this title.

The Federal Reclamation law, referred to in subsec. (b), probably means act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto. See section 506 of this title. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

The Federal Water Project Recreation Act, referred to in subsec. (c)(3), (4), is Pub. L. 89–72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 460*l*–12 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–12 of Title 16 and Tables.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108–439, § 1(a), inserted "Reimbursement of certain modification costs" as heading and substituted "With respect to the additional amounts authorized to be appropriated by section 509 of this title" for "With respect to the additional $650,000,000 authorized to be appropriated in The Reclamation Safety of Dams Act Amendments of 1984, and the additional $95,000,000 further authorized to be appropriated by amendments to that Act in 2000, and the additional $32,000,000 further authorized to be appropriated by amendments to the Act in 2001" in introductory provisions.

Subsec. (e). Pub. L. 108–439, § 2(a), added subsec. (e).

2002—Subsec. (c). Pub. L. 107–117 inserted "and the additional $32,000,000 further authorized to be appropriated by amendments to the Act in 2001," after "2000," in introductory provisions.

2000—Subsec. (c). Pub. L. 106–377 inserted "and the additional $95,000,000 further authorized to be appropriated by amendments to that Act in 2000," after "1984," in introductory provisions.

1984—Subsec. (b). Pub. L. 98–404, § 1(1), substituted "With respect to the $100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, costs" for "Costs".

Subsecs. (c), (d). Pub. L. 98–404, § 1(2), added subsecs. (c) and (d).

§ 509. Authorization of appropriations; report to Congress

There are hereby authorized to be appropriated for fiscal year 1979 and ensuing fiscal years such sums as may be necessary and, effective October 1, 1983, not to exceed an additional $650,000,000 (October 1, 1983, price levels), and, effective October 1, 2000, not to exceed an additional $95,000,000 (October 1, 2000, price levels), and, effective October 1, 2001, not to exceed an additional $32,000,000 (October 1, 2001, price levels), and, effective October 1, 2003, not to exceed an additional $540,000,000 (October 1, 2003, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this subchapter to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds exceeding $1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes, shall be obligated for carrying out actual construction to modify an existing dam under authority of this subchapter prior to 30 calendar days from the date that the Secretary has transmitted a report on such existing dam to the Congress. The report required to be submitted by this section will consist of a finding by the Secretary of the Interior to the effect that modifications are required to be made to insure the safety of an existing dam. Such finding shall be accompanied by a technical report containing information on the need for structural modification, the corrective action deemed to be required, alternative solutions to structural modification that were considered, the estimated cost of needed modifications, and environmental impacts if any resulting from the implementation of the recommended plan of modification.

(Pub. L. 95–578, § 5, Nov. 2, 1978, 92 Stat. 2471; Pub. L. 98–404, § 1(3), Aug. 28, 1984, 98 Stat. 1482; Pub. L. 106–377, § 1(a)(2) [title II], Oct. 27, 2000, 114 Stat. 1441, 1441A–67; Pub. L. 107–117, div. B, § 503(2), Jan. 10, 2002, 115 Stat. 2308; Pub. L. 108–439, § 1(b), Dec. 3, 2004, 118 Stat. 2627.)

AMENDMENTS

2004—Pub. L. 108–439 inserted ''and, effective October 1, 2003, not to exceed an additional $540,000,000 (October 1, 2003, price levels),'' after ''(October 1, 2001, price levels),'' and substituted ''$1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes,'' for ''$750,000''.

2002—Pub. L. 107–117 inserted ''and, effective October 1, 2001, not to exceed an additional $32,000,000 (October 1, 2001, price levels),'' after ''(October 1, 2000, price levels),''.

2000—Pub. L. 106–377 inserted ''and, effective October 1, 2000, not to exceed an additional $95,000,000 (October 1, 2000, price levels),'' after ''(October 1, 1983, price levels),'' and substituted ''30 calendar days'' for ''sixty days (which sixty days shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain)''.

1984—Pub. L. 98–404 substituted ''and, effective October 1, 1983, not to exceed an additional $650,000,000 (October 1, 1983, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this subchapter to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds exceeding $750,000'' for '', but not to exceed $100,000,000, to carry out the provisions of this subchapter of this title to remain available until expended if so provided by the appropriations Act: *Provided*, That no funds''.

§ 509a. Project beneficiaries

(a) Notice of modification

On identifying a Bureau of Reclamation facility for modification, the Secretary shall provide to the project beneficiaries written notice—

(1) describing the need for the modification and the process for identifying and implementing the modification; and

(2) summarizing the administrative and legal requirements relating to the modification.

(b) Consultation

The Secretary shall—

(1) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the proposed modification; and

(2) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in paragraph (1).

(c) Alternatives

(1) Prior to submitting the reports required under section 509 of this title, the Secretary shall consider any alternative submitted in writing, in accordance with the timeframes established under subsection (b) of this section, by a project beneficiary that has elected to consult with the Bureau of Reclamation on a modification.

(2) The Secretary shall provide to the project beneficiary a timely written response describing proposed actions, if any, to address the recommendation.

(3) The response of the Secretary shall be included in the reports required by section 509 of this title.

(d) Waiver

The Secretary may waive 1 or more of the requirements of subsections (a), (b), and (c) of this section, if the Secretary determines that implementation of the requirement could have an adverse impact on dam safety or security.

(Pub. L. 95–578, § 5A, as added Pub. L. 108–439, § 2(b), Dec. 3, 2004, 118 Stat. 2627.)

SUBCHAPTER XII—CONTRACTS WITH STATE IRRIGATION DISTRICTS FOR PAYMENT OF CHARGES

§ 511. Authority to contract with irrigation district

In carrying out the purposes of the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto and known as the reclamation law, the Secretary of the Interior may enter into contract with any legally