§ 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