

§ 401. Amounts collected from defaulting contractors and their sureties

Any amounts collected from defaulting contractors or their sureties, including collections heretofore made, in connection with contracts entered into under the reclamation law, either collected in cash or by deduction from amounts otherwise due such contractors, shall be covered into the reclamation fund and shall be credited to the project or operation for or on account of which such contract was made.

(June 6, 1930, ch. 410, 46 Stat. 522.)

§ 402. Omitted

CODIFICATION

Section, acts Apr. 1, 1932, ch. 95, §10, 47 Stat. 78; Mar. 3, 1933, ch. 200, §2, 47 Stat. 1427, related to repayment of advances under sections 391a and 397 of this title. See section 391a-1 of this title.

§§ 403, 404. Repealed. June 30, 1947, ch. 166, title II, §206(c), 61 Stat. 208

Section 403, acts May 12, 1933, ch. 25, title II, §36, 48 Stat. 49; June 16, 1933, ch. 101, §19, 48 Stat. 308; June 19, 1934, ch. 653, §11, 48 Stat. 1110; June 27, 1934, ch. 851, 48 Stat. 1269, related to refinancing agricultural improvement districts.

Section 404, act May 12, 1933, ch. 25, title II, §37, 48 Stat. 50, related to advances by the former Reconstruction Finance Corporation.

SUBCHAPTER II-A—RECLAMATION WATER SETTLEMENTS FUND

§ 407. Reclamation Water Settlements Fund

(a) Establishment

There is established in the Treasury of the United States a fund, to be known as the “Reclamation Water Settlements Fund”, consisting of—

- (1) such amounts as are deposited to the Fund under subsection (b); and
- (2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) Deposits to Fund

(1) In general

For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, \$120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by section 391 of this title.

(2) Availability of amounts

Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

- (A) without further appropriation; and
- (B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) Expenditures from Fund

(1) In general

(A) Expenditures

Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued

in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) Additional expenditures

The Secretary may expend more than \$120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching \$120,000,000 for prior fiscal years.

(2) Authority

The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

- (A) water supply infrastructure; or
- (B) a project—
 - (i) to rehabilitate a water delivery system to conserve water; or
 - (ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on March 30, 2009.

(3) Use for completion of project and other settlements

(A) Priorities

(i) First priority

(I) In general

The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) Reserved amounts

The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) Other purposes

Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) Completion of project

(i) Navajo-Gallup water supply project

(I) In general

Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix)¹ is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a),¹ the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the

¹ See References in Text note below.