

project at Shasta Dam, Central Valley project, California, at a cost not to exceed \$5,500,000. The purpose of the demonstration project is to determine the effectiveness of the temperature control curtain in controlling the temperature of water releases from Shasta Dam, so as to protect and enhance anadromous fisheries in the Sacramento River and San Francisco Bay/Sacramento-San Joaquin Delta and Estuary[.]

“PART 3—AUTHORIZATION AND SAVINGS CLAUSE

“SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

“(a) There are authorized to be appropriated a total amount not to exceed \$25,000,000 for section 412(1)(B) and section 414 of this subtitle.

“(b) Unless otherwise specified, there are authorized to be appropriated such sums as may be necessary to carry out the remaining provisions of this subtitle.

“SEC. 432. SAVINGS CLAUSE.

“Nothing in this subtitle shall be construed as limiting or restricting the power and authority of the United States or—

“(1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on public lands;

“(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

“(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two States and the Federal Government;

“(4) as superseding, modifying, or repealing, except as specifically set forth in this subtitle, existing law applicable to the various Federal agencies; or

“(5) as modifying the terms of any interstate compact.”

USE OF WESTERN AREA POWER ADMINISTRATION CONTINUING FUND TO PAY FOR PURCHASE POWER AND WHEELING EXPENSES TO MEET CONTRACTUAL OBLIGATIONS DURING PERIODS OF BELOW-AVERAGE HYDRO-POWER GENERATION

Pub. L. 101-101, title III, Sept. 29, 1989, 103 Stat. 661, provided: “That, the continuing fund established in Public Law 98-50 [July 14, 1983, 97 Stat. 247, 257] shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-normal hydro-power generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the continuing fund shall occur within twelve months of the month in which the funds were first expended.”

EMERGENCY FUND

Provisions relating to appropriations for the emergency fund to assure continuous operation of projects and project facilities governed by Federal reclamation law were contained in the following appropriation acts:

Pub. L. 103-316, title II, Aug. 26, 1994, 108 Stat. 1714.

Pub. L. 103-126, title II, Oct. 28, 1993, 107 Stat. 1324.

Pub. L. 102-377, title II, Oct. 2, 1992, 106 Stat. 1329.

Pub. L. 102-104, title II, Aug. 17, 1991, 105 Stat. 524.

Pub. L. 101-514, title II, Nov. 5, 1990, 104 Stat. 2085.

Pub. L. 101-101, title II, Sept. 29, 1989, 103 Stat. 654.

Pub. L. 100-371, title II, July 19, 1988, 102 Stat. 864.

Pub. L. 100-202, §101(d) [title II], Dec. 22, 1987, 101 Stat. 1329-104, 1329-116.

Pub. L. 99-500, §101(e) [title II], Oct. 18, 1986, 100 Stat. 1783-194, 1783-202, and Pub. L. 99-591, §101(e) [title II], Oct. 30, 1986, 100 Stat. 3341-194, 3341-202.

Pub. L. 99-141, title II, title III, Nov. 1, 1985, 99 Stat. 569, 575.

Pub. L. 98-360, title II, title III, July 16, 1984, 98 Stat. 409, 416.

Pub. L. 98-50, title II, title III, July 14, 1983, 97 Stat. 252, 257.

Pub. L. 97-88, title III, Dec. 4, 1981, 95 Stat. 1145.

Pub. L. 96-367, title I, Oct. 1, 1980, 94 Stat. 1335.

Pub. L. 96-69, title I, Sept. 25, 1979, 93 Stat. 440.

Pub. L. 94-355, title III, July 12, 1976, 89 Stat. 895.

Pub. L. 93-393, title III, Aug. 28, 1974, 88 Stat. 787.

Pub. L. 93-97, title III, Aug. 16, 1973, 87 Stat. 321.

Pub. L. 92-134, title III, Oct. 5, 1971, 85 Stat. 370.

Pub. L. 91-144, title III, Dec. 11, 1969, 83 Stat. 331.

Pub. L. 89-689, title II, Oct. 15, 1966, 80 Stat. 1008.

Pub. L. 88-511, title II, Aug. 30, 1964, 78 Stat. 687.

Pub. L. 87-880, title II, Oct. 24, 1962, 76 Stat. 1221.

TEMPORARY AUTHORITY OF SECRETARY OF THE INTERIOR TO FACILITATE EMERGENCY ACTIONS WITH REGARD TO 1976-1977 DROUGHT

Pub. L. 95-18, Apr. 7, 1977, 91 Stat. 36, as amended by Pub. L. 95-107, Aug. 17, 1977, 91 Stat. 870; Pub. L. 95-226, Feb. 7, 1978, 92 Stat. 10, directed Secretary of the Interior to undertake construction, management and conservation activities designed to mitigate losses and damages to Federal reclamation projects and Indian irrigation projects resulting from 1976-1977 drought, to assist willing buyers in purchasing available water supplies from willing sellers, and to undertake studies of potential facilities to mitigate effects of a recurrence of drought and make recommendations to President and Congress evaluating potential undertakings, authorized Secretary to defer, without penalty, the 1977 installment payments on charges owed the United States and to make loans to irrigators for construction, management, conservation activities, or acquisition and transportation of water, appropriated \$100,000,000 to carry out provisions of this Act and specified the availability of such funds for expenditures, directed Secretary, not later than May 1, 1978, to provide President and Congress a complete report on expenditures and accomplishments, and provided that authorities conferred by this Act terminate on Nov. 30, 1977.

§ 503. “Unusual or emergency conditions” defined

The term “unusual or emergency conditions”, as used in section 502 of this title, shall be construed to mean canal bank failures, generator failures, damage to transmission lines; or other physical failures or damage, or acts of God, or of the public enemy, fires, floods, drought, epidemics, strikes, or freight embargoes, or conditions, causing or threatening to cause interruption in water or power service.

(June 26, 1948, ch. 676, §2, 62 Stat. 1052.)

§ 504. Rehabilitation and betterment of Federal reclamation projects, including small reclamation projects; return of costs; interest; definitions; performance of work

Expenditures of funds hereafter specifically appropriated for rehabilitation and betterment of any project constructed under authority of the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof and supplementary thereto) [43 U.S.C. 422a et seq.] and of irrigation systems on projects governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), shall be made only after the organizations concerned shall have obligated themselves for the return thereof, in installments fixed in accordance with their ability to pay, as determined by the Secretary of the Interior in the light of their outstanding repayment obligations, and which shall, to the fullest practicable extent, be sched-

uled for return with their construction charge installments or otherwise scheduled as he shall determine: *Provided*, That repayment of such loans made for small reclamation projects shall include interest in accordance with the provisions of said Small Reclamation Projects Act. No such determination of the Secretary of the Interior shall become effective until the expiration of sixty days after it has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; except that, any such determination 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. The term "rehabilitation and betterment", as used in this section, shall mean maintenance, including replacements, which cannot be financed currently, as otherwise contemplated by the Federal reclamation laws in the case of operation and maintenance costs, but shall not include construction, the costs of which are returnable, in whole or in part, through "construction charges" as that term is defined in section 485a(d) of this title. Such rehabilitation and betterment work may be performed by contract, by force-account, or, notwithstanding any other law and subject to such reasonable terms and conditions as the Secretary of the Interior shall deem appropriate for the protection of the United States, by contract entered into with the organization concerned whereby such organization shall perform such work.

(Oct. 7, 1949, ch. 650, §1, 63 Stat. 724; Mar. 3, 1950, ch. 47, 64 Stat. 11; Pub. L. 94-102, Oct. 3, 1975, 89 Stat. 485; Pub. L. 103-437, §16(c), Nov. 2, 1994, 108 Stat. 4594.)

#### REFERENCES IN TEXT

The Small Reclamation Projects Act, referred to in text, probably means the Small Reclamation Projects Act of 1956, act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of this chapter. For complete classification of this Act to the Code, see section 422k of this title and Tables.

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.

#### AMENDMENTS

1994—Pub. L. 103-437 substituted "Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House" for "Committee on Interior and Insular Affairs of the Senate and the Committee on Public Lands of the House".

1975—Pub. L. 94-102 required return of costs for small reclamation projects including interest payments.

1950—Act Mar. 3, 1950, struck out period at end of second sentence and inserted "; except that, any such de-

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

Act Oct. 7, 1949, ch. 650, §2, 63 Stat. 725, 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