

**Statutory Notes and Related Subsidiaries**

## DEFINITIONS

The definitions in section 371 of this title apply to this section.

**Executive Documents**

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

**§ 377a. Limitation on use of funds where organizations or individuals are in arrears on contract charges**

No funds appropriated to the Bureau of Reclamation for operation and maintenance in this Act or in subsequent Energy and Water Development Appropriations Acts, except those derived from advances by water users, shall on and after October 2, 1992, be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

(Pub. L. 102-377, title II, Oct. 2, 1992, 106 Stat. 1331.)

**Editorial Notes**

## CODIFICATION

Section is from the appropriation act cited as the credit to this section.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

- Pub. L. 102-104, title II, Aug. 17, 1991, 105 Stat. 525.
- Pub. L. 101-514, title II, Nov. 5, 1990, 104 Stat. 2086.
- Pub. L. 101-101, title II, Sept. 29, 1989, 103 Stat. 655.
- Pub. L. 100-371, title II, July 19, 1988, 102 Stat. 865.
- Pub. L. 100-202, §101(d) [title II], Dec. 22, 1987, 101 Stat. 1329-104, 1329-117.
- Pub. L. 99-500, §101(e) [title II], Oct. 18, 1986, 100 Stat. 1783-194, 1783-203, and Pub. L. 99-591, §101(e) [title II], Oct. 30, 1986, 100 Stat. 3341-194, 3341-203.
- Pub. L. 99-141, title II, Nov. 1, 1985, 99 Stat. 570.
- Pub. L. 98-360, title II, July 16, 1984, 98 Stat. 410.
- Pub. L. 98-50, title II, July 14, 1983, 97 Stat. 253.
- Pub. L. 97-88, title II, Dec. 4, 1981, 95 Stat. 1140.
- Pub. L. 96-367, title III, Oct. 1, 1980, 94 Stat. 1342.
- Pub. L. 96-69, title III, Sept. 25, 1979, 93 Stat. 447.
- Pub. L. 95-96, title III, Aug. 7, 1977, 91 Stat. 804.
- Pub. L. 94-355, title III, July 12, 1976, 90 Stat. 896.
- Pub. L. 94-180, title III, Dec. 26, 1975, 89 Stat. 1043.
- Pub. L. 93-393, title III, Aug. 28, 1974, 88 Stat. 788.
- Pub. L. 93-97, title III, Aug. 16, 1973, 87 Stat. 324.
- Pub. L. 92-405, title III, Aug. 25, 1972, 86 Stat. 627.
- Pub. L. 92-134, title III, Oct. 5, 1971, 85 Stat. 371.
- Pub. L. 91-349, title III, Oct. 7, 1970, 84 Stat. 899.
- Pub. L. 91-144, title III, Dec. 11, 1969, 83 Stat. 332.
- Pub. L. 90-479, title II, Aug. 12, 1968, 82 Stat. 711.
- Pub. L. 90-147, title II, Nov. 20, 1967, 81 Stat. 478.
- Pub. L. 89-689, title II, Oct. 15, 1966, 80 Stat. 1009.
- Pub. L. 89-299, title II, Oct. 28, 1965, 79 Stat. 1104.
- Pub. L. 88-511, title II, Aug. 30, 1964, 78 Stat. 689.

- Pub. L. 88-257, title II, Dec. 31, 1963, 77 Stat. 850.
- Pub. L. 87-880, title II, Oct. 24, 1962, 76 Stat. 1222.
- Pub. L. 87-330, title II, Sept. 30, 1961, 75 Stat. 727.
- Pub. L. 86-700, title II, Sept. 2, 1960, 74 Stat. 748.
- Pub. L. 86-254, title II, Sept. 10, 1959, 73 Stat. 497.
- Pub. L. 85-863, title II, Sept. 2, 1958, 72 Stat. 1577.
- Pub. L. 85-167, title II, Aug. 26, 1957, 71 Stat. 421.
- July 2, 1956, ch. 490, title II, 70 Stat. 478.
- July 15, 1955, ch. 370, title II, 69 Stat. 359.
- July 1, 1954, ch. 446, title I, 68 Stat. 368.
- July 31, 1953, ch. 298, title I, 67 Stat. 268.
- July 9, 1952, ch. 597, title I, 66 Stat. 453.
- Aug. 31, 1951, ch. 375, title I, 65 Stat. 258.
- Sept. 6, 1950, ch. 896, Ch. VII, title I, 64 Stat. 688.

**§ 377b. Availability of appropriations for Bureau of Reclamation**

Appropriations for the Bureau of Reclamation in this Act or in subsequent Energy and Water Development Appropriations Acts shall on and after October 2, 1992, be available for payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation, not to exceed \$5,000,000 for each causal event giving rise to a claim or claims; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; services as authorized by section 3109 of title 5, in total not to exceed \$500,000 per year; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act<sup>1</sup> 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in chapters 3125 and 3201 of title 54: *Provided*, That on and after October 2, 1992, no part of any appropriation made in this Act or in subsequent Energy and Water Development Appropriations Acts shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses", amounts provided for plan formulation investigations under the head "General Investigations", and amounts provided for science and technology under the head "Construction Program".

Sums appropriated in this Act or in subsequent Energy and Water Development Appropriations Acts which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act, in any prior Act, or in subsequent Energy and Water Development Appropriations Acts which represents

<sup>1</sup> So in original. Probably should be followed by a comma.

amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 1341 of title 31.

None of the funds made available by this or any other Act or by any subsequent Act shall on and after October 2, 1992, be used by the Bureau of Reclamation for contracts for surveying and mapping services unless such contracts for which a solicitation is issued after the date of this Act<sup>2</sup> are awarded in accordance with title IX of the Federal Property and Administrative Service<sup>3</sup> Act of 1949.<sup>2</sup>

(Pub. L. 102-377, title II, Oct. 2, 1992, 106 Stat. 1330, 1331; Pub. L. 108-137, title II, §206, Dec. 1, 2003, 117 Stat. 1849; Pub. L. 113-287, §5(l)(1), Dec. 19, 2014, 128 Stat. 3270.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Interior Department Appropriations Act 1945, referred to in text, is act June 28, 1944, ch. 298, 58 Stat. 463, which is not classified to the Code. The heading "Operation and maintenance administration" appears at 58 Stat. 487 following the heading "Bureau of Reclamation" which appears at 58 Stat. 486.

Act of April 19, 1945 (43 U.S.C. 377), referred to in text, is act April 19, 1945, ch. 80, 59 Stat. 54, which amended section 377 of this title. For complete classification of this Act to the Code, see Tables.

The date of this Act, referred to in text, probably means the date of enactment of Pub. L. 102-377, which enacted this section, and which was approved Oct. 2, 1992.

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Title IX of the Act, which was classified generally to subchapter VI (§541 et seq.) of chapter 10 of former Title 40, Public Buildings, Property, and Works, was repealed and reenacted by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapter 11 (§1101 et seq.) of Title 40, Public Buildings, Property, and Works. For disposition of sections of former Title 40 to revised Title 40, see Table preceding section 101 of Title 40. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section is comprised of the second, third, fourth, and sixth undesignated pars. under headings "BUREAU OF RECLAMATION" and "ADMINISTRATIVE PROVISIONS" in title II of Pub. L. 102-377, Oct. 2, 1992, 106 Stat. 1330, 1331.

##### AMENDMENTS

2014—Pub. L. 113-287, which directed that the second paragraph under the heading "administrative provisions" under the heading "Bureau of Reclamation" (43 U.S.C. 377b), be amended by substituting "chapters 3125 and 3201 of title 54" for "the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27 1960 (16 U.S.C. 469)" without specifying a public law, was executed by making the substitution for "the Acts of August 21, 1935 (16 U.S.C. 461-467) and June 27, 1960 (16 U.S.C. 469)" in the first paragraph of this section, which is the second undesignated par. under the headings "BUREAU OF RECLAMATION" and "ADMINISTRATIVE PROVISIONS" in title II of Pub. L. 102-377, Oct. 2, 1992, 106 Stat. 1330, to reflect the

<sup>2</sup> See References in Text note below.

<sup>3</sup> So in original. Probably should be "Services".

probable intent of Congress. See Codification note above.

2003—Pub. L. 108-137 inserted in first par. "not to exceed \$5,000,000 for each causal event giving rise to a claim or claims" after "activities of the Bureau of Reclamation".

#### Statutory Notes and Related Subsidiaries

##### OPERATIONS AND MAINTENANCE COSTS OF CERTAIN BUREAU OF RECLAMATION DIKES

Pub. L. 115-270, title IV, §4309, Oct. 23, 2018, 132 Stat. 3889, provided that:

"(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), effective beginning on the date of enactment of this section [Oct. 23, 2018], the Federal share of the operations and maintenance costs of a dike described in subsection (b) shall be 100 percent.

"(b) DESCRIPTION OF DIKES.—A dike referred to in subsection (a) is a dike—

"(1) that is owned by the Bureau of Reclamation on the date of enactment of this section;

"(2) the construction of which was completed not later than December 31, 1945;

"(3) a corrective action study for which was completed not later than December 31, 2015; and

"(4) the construction of which was authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795)."

#### § 378. Omitted

##### Editorial Notes

##### CODIFICATION

Section, act June 30, 1906, ch. 3912, 34 Stat. 663, authorized Secretary of the Interior to contract for office accommodations for Bureau of Reclamation in city of Washington. Construction of a building to afford office space for the bureau was authorized by act Mar. 4, 1913, ch. 147, §9, 37 Stat. 880.

#### § 379. Purchase of scientific books, law books, etc.

The Secretary of the Interior may authorize the purchase of such law books, books of reference, periodicals, engineering and statistical publications as are needed in carrying out the surveys and examinations authorized by the Act of June seventeenth, nineteen hundred and two, entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories for the construction of irrigation works for the reclamation of arid lands."

(May 27, 1908, ch. 200, 35 Stat. 350.)

##### Editorial Notes

##### REFERENCES IN TEXT

Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

#### § 380. Repealed. Dec. 16, 1930, ch. 14, § 1, 46 Stat. 1029

Section, act July 1, 1918, ch. 113, 40 Stat. 675, authorized purchases and procurement of services without advertising and formal contract.