

(B) an assignment of a categorical rating for each item, consistent with paragraph (3).

(3) Rating requirements

(A) In general

The system for assigning ratings under paragraph (2)(B) shall be—

- (i) consistent with existing uniform categorization systems to inform the annual budget process and agency requirements; and
- (ii) subject to the guidance and instructions issued under subparagraph (B).

(B) Guidance

As soon as practicable after March 12, 2019, the Secretary shall issue guidance that describes the applicability of the rating system applicable under paragraph (2)(B) to Reclamation facilities.

(4) Public availability

Except as provided in paragraph (5), the Secretary shall make publicly available, including on the internet, the Asset Management Report required under subsection (a).

(5) Confidentiality

The Secretary may exclude from the public version of the Asset Management Report made available under paragraph (4) any information that the Secretary identifies as sensitive or classified, but shall make available to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a version of the report containing the sensitive or classified information.

(c) Updates

Not later than 2 years after the date on which the Asset Management Report is submitted under subsection (a) and biennially thereafter, the Secretary shall update the Asset Management Report, subject to the requirements of section 505a-2(b)(2) of this title.

(d) Consultation

To the extent that such consultation would assist the Secretary in preparing the Asset Management Report under subsection (a) and updates to the Asset Management Report under subsection (c), the Secretary shall consult with—

- (1) the Secretary of the Army (acting through the Chief of Engineers); and
- (2) water and power contractors.

(Pub. L. 116-9, title VIII, § 8602, Mar. 12, 2019, 133 Stat. 827.)

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116-9, set out as a note under section 1 of Title 16, Conservation.

§ 505a-2. Asset Management Report enhancements for transferred works

(a) In general

The Secretary shall coordinate with the non-Federal entities responsible for the operation

and maintenance of transferred works in developing reporting requirements for Asset Management Reports with respect to major repair and rehabilitation needs for transferred works that are similar to the reporting requirements described in section 505a-1(b) of this title.

(b) Guidance

(1) In general

After considering input from water and power contractors of the Bureau, the Secretary shall develop and implement a rating system for transferred works that incorporates, to the maximum extent practicable, the rating system for major repair and rehabilitation needs for reserved works developed under section 505a-1(b)(3) of this title.

(2) Updates

The ratings system developed under paragraph (1) shall be included in the updated Asset Management Reports under section 505a-1(c) of this title.

(Pub. L. 116-9, title VIII, § 8603, Mar. 12, 2019, 133 Stat. 828.)

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 116-9, set out as a note under section 1 of Title 16, Conservation.

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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

Pub. L. 95-578, § 1, Nov. 2, 1978, 92 Stat. 2471, 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

Except as provided in section 509b of this title, 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; Pub. L. 114-113, div. D, title II, §203(1), Dec. 18, 2015, 129 Stat. 2406.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-113 substituted “Except as provided in section 509b of this title, construction” for “Construction”.

§ 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 maintenance 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. 4607-12 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. 4607-12 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.)

Editorial Notes

REFERENCES IN TEXT

The \$100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, referred to in