

Public Law 108–439  
108th Congress

An Act

To authorize additional appropriations for the Reclamation Safety of Dams Act of 1978.

Dec. 3, 2004  
[S. 1727]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.**

(a) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—Section 4(c) of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508(c)) is amended by striking “(c) With respect to” and all that follows through “2001” and inserting the following:

“(c) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—With respect to the additional amounts authorized to be appropriated by section 5”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

(1) by inserting “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

(2) by striking “\$750,000” and inserting “\$1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes.”.

**SEC. 2. PARTICIPATION BY PROJECT BENEFICIARIES.**

(a) COST CONTAINMENT; MODIFICATION STATUS.—Section 4 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508) is amended by adding at the end the following:

“(e)(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.”.

Notice.

(b) PROJECT BENEFICIARIES.—The Reclamation Safety of Dams Act of 1978 is amended by inserting after section 5 (43 U.S.C. 509) the following:

“SEC. 5A. (a) On identifying a Bureau of Reclamation facility for modification, the Secretary shall provide to the project beneficiaries written notice—

Notice.  
43 USC 509a.

“(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) 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)(1) Prior to submitting the reports required under section 5, the Secretary shall consider any alternative submitted in writing, in accordance with the timeframes established under subsection (b), 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 5.

“(d) The Secretary may waive 1 or more of the requirements of subsections (a), (b), and (c), if the Secretary determines that implementation of the requirement could have an adverse impact on dam safety or security.”.

Approved December 3, 2004.

---

LEGISLATIVE HISTORY—S. 1727 (H.R. 4893):

HOUSE REPORTS: No. 108-757 accompanying H.R. 4893 (Comm. on Resources).

SENATE REPORTS: No. 108-296 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 15, considered and passed Senate.

Nov. 17, considered and passed House.