

Public Law 98-404
98th Congress

An Act

To amend the Reclamation Safety of Dams Act of 1978, and for other purposes.

Aug. 28, 1984
[H.R. 1652]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Reclamation Safety of Dams Act Amendments of 1984" and that the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471, 43 U.S.C. 506, et seq.) is amended as follows:

The Reclamation
Safety of Dams
Act
Amendments of
1984.

(1) In subsection 4(b), strike "Costs" and insert the following in lieu thereof: "With respect to the \$100,000,000 authorized to be appropriated in the Reclamation Safety of Dams Act of 1978, costs".

43 USC 506 note.
43 USC 508.
43 USC 506 note.

(2) After section 4(b), add the following new subsections:

"(c) With respect to the additional \$650,000,000 authorized to be appropriated in The Reclamation Safety of Dams Act Amendments of 1984, costs incurred in the modification of structures under this Act, 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.

Supra.

"(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 Act 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.

43 USC 506 note.

"(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 USC 4601-12
note.

"(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, 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.

Contracts with U.S.

“(d) The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs under this Act: *Provided, however*, That no contract entered into pursuant to this Act shall be deemed to be a new or amended contract for the purposes of section 203(a) of Public Law 97-293.”.

43 USC 506 note.
43 USC 390 cc.
43 USC 509.

(3) In the first sentence of section 5 strike the comma and all that follows through “*Provided, That no funds*” and insert in lieu thereof: “and, effective October 1, 1983, not to exceed an additional \$650,000,000 (October 1, 1983, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this Act to remain available until expended if so provided by the appropriations Act: *Provided, That no funds exceeding \$750,000*”.

43 USC 506 note.

(4) After section 11, insert the following new sections 12 and 13:
“SEC. 12. Included within the scope of this Act 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.

“SEC. 13. The cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes, Texas, and Foss Dam, Oklahoma, shall be nonreimbursable and nonreturnable under Federal reclamation law.”.

Approved August 28, 1984.

LEGISLATIVE HISTORY—H.R. 1652 (S. 672) (S. Res. 234):

- HOUSE REPORT No. 98-168 (Comm. on Interior and Insular Affairs).
- SENATE REPORT No. 98-258 accompanying S. 672 (Comm. on Energy and Natural Resources).
- CONGRESSIONAL RECORD, Vol. 130 (1984):
 - Mar. 20, considered and passed House.
 - Aug. 9, considered and passed Senate, amended.
 - Aug. 10, House concurred in Senate amendments.