

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 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.”

Statutory Notes and Related Subsidiaries

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.)

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.

Act of August 11, 1939, referred to in text, is classified generally to subchapter II (§590y et seq.) of chapter 3C of Title 16, Conservation. For complete classification of this Act to the Code, see Tables.

§ 505a. Definitions

In sections 505a to 505a-2 of this title:

(1) Asset

(A) In general

The term “asset” means any of the following assets that are used to achieve the mission of the Bureau to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the people of the United States:

(i) Capitalized facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters.

(ii) Capitalized and noncapitalized heavy equipment and other installed equipment.

(B) Inclusions

The term “asset” includes assets described in subparagraph (A) that are considered to be mission critical.

(2) Asset Management Report

The term “Asset Management Report” means—

(A) the annual plan prepared by the Bureau known as the “Asset Management Plan”; and

(B) any publicly available information relating to the plan described in subparagraph (A) that summarizes the efforts of the Bureau to evaluate and manage infrastructure assets of the Bureau.

(3) Major repair and rehabilitation need

The term “major repair and rehabilitation need” means major nonrecurring maintenance at a Reclamation facility, including maintenance related to the safety of dams, extraordinary maintenance of dams, deferred major maintenance activities, and all other significant repairs and extraordinary maintenance.

(Pub. L. 116-9, title VIII, §8601, Mar. 12, 2019, 133 Stat. 827.)

Editorial Notes

REFERENCES IN TEXT

Sections 505a to 505a-2 of this title, referred to in text, was in the original “this part”, which was translated as reading “this subtitle”, meaning subtitle G of title VIII of Pub. L. 116-9, which is classified generally to sections 505a to 505a-2 of this title, to reflect the probable intent of Congress. Subtitle G of title VIII of Pub. L. 116-9 does not contain parts.

§ 505a-1. Asset Management Report enhancements for reserved works

(a) In general

Not later than 2 years after March 12, 2019, the Secretary shall submit to Congress an Asset Management Report that—

(1) describes the efforts of the Bureau—

(A) to maintain in a reliable manner all reserved works at Reclamation facilities; and

(B) to standardize and streamline data reporting and processes across regions and areas for the purpose of maintaining reserved works at Reclamation facilities; and

(2) expands on the information otherwise provided in an Asset Management Report, in accordance with subsection (b).

(b) Infrastructure maintenance needs assessment

(1) In general

The Asset Management Report submitted under subsection (a) shall include—

(A) a detailed assessment of major repair and rehabilitation needs for all reserved works at all Reclamation projects; and

(B) to the maximum extent practicable, an itemized list of major repair and rehabilitation needs of individual Reclamation facilities at each Reclamation project.

(2) Inclusions

To the maximum extent practicable, the itemized list of major repair and rehabilitation needs under paragraph (1)(B) shall include—

(A) a budget level cost estimate of the appropriations needed to complete each item; and

(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.