

**Calendar No. 615**108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1727****[Report No. 108-296]**

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 14, 2003

Mr. DOMENICI introduced the following bill; which was read twice and referred  
to the Committee on Energy and Natural Resources

JULY 7, 2004

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

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

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIA-**  
 2 **TIONS FOR THE RECLAMATION SAFETY OF**  
 3 **DAMS ACT OF 1978.**

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

9 “(e) **REIMBURSEMENT OF CERTAIN MODIFICATION**  
 10 **COSTS.**—With respect to the additional amounts author-  
 11 ized to be appropriated by section 5”.

12 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
 13 5 of the Reclamation Safety of Dams Act of 1978 (43  
 14 U.S.C. 509) is amended in the first sentence—

15 (1) by striking “and effective October 1, 2001”  
 16 and inserting “effective October 1, 2001”;

17 (2) by inserting “and, effective October 1,  
 18 2003, not to exceed an additional \$540,000,000 (Oc-  
 19 tober 1, 2003, price levels),” after “(October 1,  
 20 2001, price levels),”; and

21 (3) by striking “\$750,000” and inserting  
 22 “\$1,250,000 (October 1, 2003, price levels), as ad-  
 23 justed to reflect any ordinary fluctuations in con-  
 24 struction costs indicated by applicable engineering  
 25 cost indexes”.

1 **SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIA-**  
 2 **TIONS FOR THE RECLAMATION SAFETY OF**  
 3 **DAMS ACT OF 1978.**

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

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

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

15 (1) by inserting “and, effective October 1, 2003,  
 16 not to exceed an additional \$540,000,000 (October 1,  
 17 2003, price levels),” after “(October 1, 2001, price lev-  
 18 els),”; and

19 (2) by striking “\$750,000” and inserting  
 20 “\$1,250,000 (October 1, 2003, price levels), as ad-  
 21 justed to reflect any ordinary fluctuations in con-  
 22 struction costs indicated by applicable engineering  
 23 cost indexes.”.

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

25 (a) *COST CONTAINMENT; MODIFICATION STATUS.*—  
 26 Section 4 of the Reclamation Safety of Dams Act of 1978

1 *(43 U.S.C. 508) is amended by adding at the end the fol-*  
2 *lowing:*

3       “(e)(1) *During the construction of the modification,*  
4 *the Secretary shall consider cost containment measures rec-*  
5 *ommended by a project beneficiary that has elected to con-*  
6 *sult with the Bureau of Reclamation on a modification.*

7       “(2) *The Secretary shall provide to project bene-*  
8 *ficiaries on a periodic basis notice regarding the costs and*  
9 *status of the modification.”.*

10       ***(b) PROJECT BENEFICIARIES.—****The Reclamation Safe-*  
11 *ty of Dams Act of 1978 is amended by inserting after sec-*  
12 *tion 5 (43 U.S.C. 509) the following:*

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

16               “(1) *describing the need for the modification and*  
17 *the process for identifying and implementing the*  
18 *modification; and*

19               “(2) *summarizing the administrative and legal*  
20 *requirements relating to the modification.*

21       “(b) *The Secretary shall—*

22               “(1) *provide project beneficiaries an opportunity*  
23 *to consult with the Bureau of Reclamation on the*  
24 *planning, design, and construction of the proposed*  
25 *modification; and*

1           “(2) *in consultation with project beneficiaries,*  
2           *develop and provide timeframes for the consultation*  
3           *described in paragraph (1).*

4           “(c)(1) *Prior to submitting the reports required under*  
5           *section 5, the Secretary shall consider any alternative sub-*  
6           *mitted in writing, in accordance with the timeframes estab-*  
7           *lished under subsection (b), by a project beneficiary that*  
8           *has elected to consult with the Bureau of Reclamation on*  
9           *a modification.*

10          “(2) *The Secretary shall provide to the project bene-*  
11          *ficiary a timely written response describing proposed ac-*  
12          *tions, if any, to address the recommendation.*

13          “(3) *The response of the Secretary shall be included*  
14          *in the reports required by section 5.*

15          “(d) *The Secretary may waive 1 or more of the re-*  
16          *quirements of subsections (a), (b), and (c), if the Secretary*  
17          *determines that implementation of the requirement could*  
18          *have an adverse impact on dam safety or security.”.*

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