computer information discs that are related to programs or projects of the Bureau; and

''(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

''(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

''(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

''(A) the production or sale of items described in paragraphs (1) and (2); and

''(B) the sale of publications described in paragraph (1).

''SEC. 5. COSTS AND REVENUES.

''(a) COSTS.—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

''(b) REVENUES.—

''(1) USE FOR REPAYMENT OF SALES COSTS.—All revenues collected by the Bureau of Reclamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

''(2) USE FOR REPAYMENT OF CONSTRUCTION COSTS.—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.''

§ 619a. Renewal contracts for power

(a) Offering of contracts by Secretary; total power obligation; conforming of regulations; contract expiration and restrictions

(1) The Secretary of Energy shall offer:

(A) To each contractor for power generated at Hoover Dam a contract for delivery commencing October 1, 2017, of the amount of capacity and firm energy specified for that contractor in the following table:

SCHEDULE A

LONG-TERM SCHEDULE A CONTINGENT CAPACITY AND ASSOCIATED FIRM ENERGY FOR OFFERS OF CONTRACTS TO BOULDER CANYON PROJECT CONTRACTORS

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Metropolitan Water District of Southern California	249,948	859,163	368,212	1,227,375
City of Los Angeles	495,732	464,108	199,175	663,283
Southern California Edison Company	280,245	166,712	71,448	238,160
City of Glendale	18,178	45,028	19,297	64,325
City of Pasadena	11,108	38,622	16,553	55,175
City of Burbank	5,176	14,070	6,030	20,100
Arizona Power Authority	190,869	429,582	184,107	613,689
Colorado River Commission of Nevada	190,869	429,582	184,107	613,689
United States, for Boulder City	20,198	53,200	22,800	76,000
Totals	1,462,323	2,500,067	1,071,729	3,571,796

(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm energy specified for that contractor in the following table:

SCHEDULE B

LONG-TERM SCHEDULE B CONTINGENT CAPACITY AND ASSOCIATED FIRM ENERGY FOR OFFERS OF CONTRACTS TO BOULDER CANYON PROJECT CONTRACTORS

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Glendale	2,020	2,749	1,194	3,943
City of Pasadena	9,089	2,399	1,041	3,440
City of Burbank	15,149	3,604	1,566	5,170
City of Anaheim	40,396	34,442	14,958	49,400
City of Azusa	4,039	3,312	1,438	4,750
City of Banning	2,020	1,324	576	1,900
City of Colton	3,030	2,650	1,150	3,800
City of Riverside	30,296	25,831	11,219	37,050
City of Vernon	22,218	18,546	8,054	26,600
Arizona	189,860	140,600	60,800	201,400
Nevada	189,860	273,600	117,800	391,400
Totals	507,977	509,057	219,796	728,853

(C) To the Arizona Power Authority and the Colorado River Commission of Nevada and to purchasers in the State of California eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act [43 U.S.C. 617d], contracts for delivery commencing October 1, 2017, of such energy generated at Hoover Dam as is available respectively to the States of Arizona, Nevada, and California in excess of 4,501.001 million kilowatthours in any year of operation (hereinafter called excess energy) in accordance with the following table:

SCHEDULE C

EXCESS ENERGY

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year's 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in an amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatthours in each year of operation.	Arizona, Nevada, and California
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, and California

(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this subchapter in 1984 to the amounts shown in Schedule A and Schedule B, as modified by the Hoover Power Allocation Act of 2011, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as ''Schedule D contingent capacity and firm energy''):

SCHEDULE D

LONG-TERM SCHEDULE D RESOURCE POOL OF CONTINGENT CAPACITY AND ASSOCIATED FIRM ENERGY FOR NEW ALLOTTEES

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
New Entities Allocated by the Secretary of Energy ...	69,170	105,637	45,376	151,013
New Entities Allocated by State				
Arizona	11,510	17,580	7,533	25,113
California	11,510	17,580	7,533	25,113
Nevada	11,510	17,580	7,533	25,113
Totals	103,700	158,377	67,975	226,352

(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as ''new allottees'') for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term ''the marketing area for the Boulder City Area Projects'' shall have the same meaning as in appendix A of the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the ''Criteria'').

(C)(i) Within 36 months of December 20, 2011, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in this section as ''Western''), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are—

(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

(II) federally recognized Indian tribes.

(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

(D) Within 1 year of December 20, 2011, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of—

(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

(E) Each contract offered pursuant to this subsection shall include a provision requiring the new allottee to pay a proportionate share of its State's respective contribution (determined in accordance with each State's applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 (referred to in this section as the ''Implementation Agreement'').

(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October 1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy.

(3) The total obligation of the Secretary of Energy to deliver firm energy pursuant to paragraphs (1)(A), (1)(B), and (2) is 4,527.001 million kilowatthours in each year of operation. To the extent that the actual generation at Hoover Powerplant in each year of operation (less deliveries thereof to Arizona required by its first priority under Schedule C of subsection (a)(1)(C) of this section whenever actual generation in each year of operation is in excess of 4,501.001 million kilowatthours) is less than 4,527.001 million kilowatthours, such deficiency shall be borne by the holders of contracts under said[1] Schedules A, B, and D in the ratio that the sum of the quantities of firm energy to which each contractor is entitled pursuant to said schedules bears to 4,527.001 million kilowatthours. At the request of any such contractor, the Secretary of Energy will purchase energy to meet that contractor's deficiency at such contractor's expense.

(4) Subdivision C of the Criteria shall be deemed to have been modified to conform to this section, as modified by the Hoover Power Allocation Act of 2011. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.

(5) Each contract offered under subsection (a)(1) of this section shall:

(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067;

(B) not restrict use to which the capacity and energy contracted for by the Metropolitan Water District of Southern California may be placed within the State of California: *Provided*, That to the extent practicable and consistent with sound water management and conserva-

[1] So in original. The word ''said'' probably should not appear.

tion practice, the Metropolitan Water District of Southern California shall allocate such capacity and energy to pump available Colorado River water prior to using such capacity and energy to pump California State water project water;

(C) conform to the applicable provisions of subdivison[2] E of the Criteria, commencing at 48 Federal Register 20881, modified as provided in this section. To the extent that said provisions of the Criteria, as so modified, are applicable to contracts entered into under this section, those provisions are hereby ratified;

(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

(E) permit transactions with an independent system operator; and

(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this subchapter and are in existence on December 20, 2011.

(b) Prejudice of rights of contract holders under Boulder Canyon Project Act

Nothing in the Criteria shall be construed to prejudice any rights conferred by the Boulder Canyon Project Act, as amended and supplemented [43 U.S.C. 617 et seq.], on the holder of a contract described in subsection (a) of this section not in default thereunder on September 30, 2067.

(c) Offer of contract to other entities

If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.

(d) Water availability

Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors' allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations.

(e) Congressional exercise of reserved right

The provisions of this section constitute an exercise by the Congress of the right reserved by it in section 5(b) of the Boulder Canyon Project Act, as amended and supplemented [43 U.S.C. 617d(b)], to prescribe terms and conditions for contracts for electrical energy generated at Hoover Dam. This section constitutes the exclusive method for disposing of capacity and energy from Hoover Dam for the period beginning October 1, 2017, and ending September 30, 2067.

(f) Court challenges; disputes and disagreements

(1) Notwithstanding any other provision of law, any claim that the provisions of subsection (a) of this section violates any rights to capacity or energy from the Boulder Canyon project is barred unless the complaint is filed within one year after December 20, 2011, in the United States Court of Federal Claims which shall have exclusive jurisdiction over this action. Any claim that actions taken by any administrative agency of the United States violates any right under this subchapter or the Boulder Canyon Project Act [43 U.S.C. 617 et seq.] or the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.] is barred unless suit asserting such claim is filed in a Federal court of competent jurisdiction within one year after final refusal of such agency to correct the action complained of.

(2) Any contract entered into pursuant to this section or section 107 of this Act [42 U.S.C. 7133 note] shall contain provisions by which any dispute or disagreement as to interpretation or performance of the provisions of this subchapter or of applicable regulations or of the contract may be determined by arbitration or court proceedings. The Secretary of Energy or the Secretary of the Interior, as the case may be, if authorized to act for the United States in such arbitration or court proceedings and, except as provided in paragraph (1) of this subsection, jurisdiction is conferred upon any district court of the United States of proper venue to determine the dispute.

(g) Congressional declaration of purpose

It is the purpose of this subchapter to ensure that the rights of contractors for capacity and energy from the Boulder Canyon project for the period beginning October 1, 2017, and ending September 30, 2067, will vest with certainty and finality.

(Pub. L. 98–381, title I, §105, Aug. 17, 1984, 98 Stat. 1335; Pub. L. 102–572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 112–72, §2, Dec. 20, 2011, 125 Stat. 777.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a)(2)(A), (5)(F), (f), and (g), was in the original ''this Act'', meaning Pub. L. 98–381, Aug. 17, 1984, 98 Stat. 1333, which enacted this subchapter and sections 7274 and 7275 of Title 42, and amended sections 617a, 617b, 618, 618a, 618e, 618k, and 1543 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 619 of this title and Tables.

The Hoover Power Allocation Act of 2011, referred to in subsec. (a)(2)(A) and (4), is Pub. L. 112–72, Dec. 20,

[2] So in original. Probably should be ''subdivision''.

2011, 125 Stat. 777, which amended this section and enacted provisions set out as a note under section 619 of this title. For complete classification of this Act to the Code, see Short Title of 2011 Amendment note set out under section 619 of this title and Tables.

The Boulder Canyon Project Act, referred to in subsecs. (b) and (f)(1), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, which is classified generally to subchapter I (§ 617 et seq.) of this chapter. For complete classification of this Act to the Code, see section 617t of this title and Tables.

The Boulder Canyon Project Adjustment Act, referred to in subsec. (f)(1), is act July 19, 1940, ch. 643, 54 Stat. 774, which is classified generally to subchapter II (§ 618 et seq.) of this chapter. For complete classification of this Act to the Code, see section 618*o* of this title and Tables.

Section 107 of this Act, referred to in subsec. (f)(2), is section 107 of Pub. L. 98–381, which is set out as a note under section 7133 of Title 42, The Public Health and Welfare.

AMENDMENTS

2011—Subsec. (a)(1)(A). Pub. L. 112–72, § 2(a), substituted ''contract for delivery commencing October 1, 2017'' for ''renewal contract for delivery commencing June 1, 1987'', inserted Schedule A, and struck out former Schedule A relating to long term contingent capacity and associated firm energy reserved for renewal contract offers to current Boulder Canyon project contractors.

Subsec. (a)(1)(B). Pub. L. 112–72, § 2(b), amended subpar. (B) generally. Prior to amendment, subpar. (B) related to contract offers to purchasers in Arizona, Nevada, and California eligible to enter into such contracts under 43 U.S.C. 617d, for delivery commencing June 1, 1987, of capacity resulting from the uprating program and associated firm energy as provided in former Schedule B with certain provisos.

Subsec. (a)(1)(C). Pub. L. 112–72, § 2(c), substituted ''October 1, 2017'' for ''June 1, 1987'', inserted Schedule C, and struck out former Schedule C relating to excess energy.

Subsec. (a)(2). Pub. L. 112–72, § 2(d)(2), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 112–72, § 2(d)(1), (e), redesignated par. (2) as (3), in first sentence, substituted ''paragraphs (1)(A), (1)(B), and (2)'' for ''schedule A of subsection (a)(1)(A) of this section and schedule B of subsection (a)(1)(B) of this section'', and, in second sentence, substituted ''each year of operation'' for ''any year of operation'' in two places, ''Schedule C'' for ''schedule C'', and ''Schedules A, B, and D'' for ''schedules A and B''. Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 112–72, § 2(d)(1), (f), redesignated par. (3) as (4) and amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''Subdivision E of the 'General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects' published in the Federal Register May 9, 1983 (48 Federal Register commencing at 20881), hereinafter referred to as the 'Criteria' or as the 'Regulations' shall be deemed to have been modified to conform to this section. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of said Regulations to such modifications.'' Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 112–72, § 2(d)(1), redesignated par. (4) as (5).

Subsec. (a)(5)(A). Pub. L. 112–72, § 2(g)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: ''expire September 30, 2017;''.

Subsec. (a)(5)(B). Pub. L. 112–72, § 2(g)(2), substituted ''shall allocate'' for ''shall use'' and struck out ''and'' after semicolon.

Subsec. (a)(5)(D) to (F). Pub. L. 112–72, § 2(g)(3), (4), added subpars. (D) to (F).

Subsec. (b). Pub. L. 112–72, § 2(h), substituted ''2067'' for ''2017''.

Subsec. (c). Pub. L. 112–72, § 2(i), amended subsec. (c) generally. Prior to amendment, subsec. (c) related to execution of contract with parties to certain litigation and offer of contract to other entities.

Subsec. (d). Pub. L. 112–72, § 2(j), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''The uprating program authorized under section 619(a) of this title shall be undertaken with funds advanced under contracts made with the Secretary of the Interior by non-Federal purchasers described in subsection (a)(1)(B) of this section. Funding provided by non-Federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.''

Subsec. (e). Pub. L. 112–72, § 2(*l*), struck out ''the renewal of'' before ''contracts for electrical energy'' in first sentence and substituted ''October 1, 2017, and ending September 30, 2067'' for ''June 1, 1987, and ending September 30, 2017'' in second sentence.

Pub. L. 112–72, § 2(k), redesignated subsec. (g) as (e) and struck out former subsec. (e) which read as follows: ''Notwithstanding any other provisions of the law, funds advanced by non-Federal purchasers for use in the uprating program shall be deposited in the Colorado River Dam Fund and shall be available for the uprating program.''

Subsec. (f). Pub. L. 112–72, § 2(k), redesignated subsec. (h) as (f) and struck out former subsec. (f) which read as follows: ''Those amounts advanced by non-Federal purchasers shall be financially integrated as capital costs with other project costs for rate-setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the uprating program.''

Subsec. (f)(1). Pub. L. 112–72, § 2(m), substituted ''December 20, 2011'' for ''August 17, 1984'' in first sentence.

Subsec. (g). Pub. L. 112–72, § 2(n), substituted ''this subchapter'' for ''subsections (c), (g), and (h) of this section'' and ''October 1, 2017, and ending September 30, 2067'' for ''June 1, 1987, and ending September 30, 2017''.

Pub. L. 112–72, § 2(k)(2), redesignated subsec. (i) as (g). Former subsec. (g) redesignated (e).

Subsecs. (h), (i). Pub. L. 112–72, § 2(k)(2), redesignated subsecs. (h) and (i) as (f) and (g), respectively.

1992—Subsec. (h)(1). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§ 619b. Reimbursement of funds advanced by non-Federal purchasers; uprating program; repayment requirement; visitor facilities program

Reimbursement of funds advanced by non-Federal purchasers for the uprating program shall be a repayment requirement of the Boulder Canyon project beginning with the first day of the month following completion of each segment thereof. The cost of the visitor facilities program as defined in section 619(a) of this title shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

(Pub. L. 98–381, title I, § 106, Aug. 17, 1984, 98 Stat. 1339.)