

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 618o 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.)

**CHAPTER 12B—COLORADO RIVER STORAGE PROJECT**

- Sec.  
620. Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Wayne N. Aspinall unit contingent upon certification; participating projects; Rainbow Bridge National Monument.
- 620a. Priority to planning reports of certain additional participating projects; reports to States; San Juan-Chama project; Juniper project.
- 620a-1. Construction of participating projects to be concurrent with Central Arizona Project.
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- 620d-1. Reimbursement of Fund from Colorado River Development Fund; operation of Hoover Dam.
- 620e. Cost allocations; Indian lands; report to Congress.
- 620f. Powerplant operations.
- 620g. Recreational and fish and wildlife facilities.
- 620h. Saving provisions.
- 620i. Expenditures; units excepted from soil survey and land classification requirements.
- 620j. Court decree; effectivity and approval.
- 620k. Authorization of appropriations.
- 620l. Net power revenues.
- 620m. Compliance with law required in operation of facilities; enforcement of provisions.
- 620n. Water quality study and reports.
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- 620o. Definitions.

**§ 620. Upper Colorado River Basin; purpose of development of water resources; initial units; construction of Wayne N. Aspinall unit contingent upon certification; participating projects; Rainbow Bridge National Monument**

In order to initiate the comprehensive development of the water resources of the Upper Colorado River Basin, for the purposes, among others, of regulating the flow of the Colorado River, storing water for beneficial consumptive use, making it possible for the States of the Upper Basin to utilize, consistently with the provisions of the Colorado River Compact, the apportionments made to and among them in the Colorado River Compact and the Upper Colorado River Basin Compact, respectively, providing for the reclamation of arid and semiarid land, for the control of floods, and for the generation of hydroelectric power, as an incident of the foregoing purposes, the Secretary of the Interior is authorized (1) to construct, operate, and maintain the following initial units of the Colorado River storage project, consisting of dams, reservoirs, powerplants, transmission facilities and appurtenant works: Wayne N. Aspinall, Flaming Gorge, Navajo (dam and reservoir only), and Glen Canyon: *Provided*, That the Wayne N.

Aspinall Dam shall be constructed to a height which will impound not less than nine hundred and forty thousand acre-feet of water or will create a reservoir of such greater capacity as can be obtained by a high waterline located at seven thousand five hundred and twenty feet above mean sea level, and that construction thereof shall not be undertaken until the Secretary has, on the basis of further engineering and economic investigations, reexamined the economic justification of such unit and, accompanied by appropriate documentation in the form of a supplemental report, has certified to the Congress and to the President that, in his judgment, the benefits of such unit will exceed its costs; and (2) to construct, operate, and maintain the following additional reclamation projects (including power-generating and transmission facilities related thereto), hereinafter referred to as participating projects: Central Utah (initial phase and the Uintah unit), San Juan-Chama (initial stage), Emery County, Florida, Hammond, La Barge, Lyman, Navajo Indian, Paonia (including the Minnesota unit, a dam and reservoir on Muddy Creek just above its confluence with the North Fork of the Gunnison River, and other necessary works), Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel, Seedskadee, Savery-Pot Hook, Bostwick Park, Fruitland Mesa, the Navajo-Gallup Water Supply Project, Silt and Smith Fork: *Provided further*, That as part of the Glen Canyon Unit the Secretary of the Interior shall take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument.

(Apr. 11, 1956, ch. 203, §1, 70 Stat. 105; Pub. L. 87-483, §18, June 13, 1962, 76 Stat. 102; Pub. L. 88-568, §1, Sept. 2, 1964, 78 Stat. 852; Pub. L. 90-537, title V, §501(a), Sept. 30, 1968, 82 Stat. 896; Pub. L. 96-375, §7, Oct. 3, 1980, 94 Stat. 1507; Pub. L. 96-470, title I, §108(c), Oct. 19, 1980, 94 Stat. 2239; Pub. L. 111-11, title X, §10401(a), Mar. 30, 2009, 123 Stat. 1371.)

AMENDMENT OF SECTION

*For termination of amendment by section 10701(e)(2) of Pub. L. 111-11, see Termination Date of 2009 Amendment note below.*

CODIFICATION

The provisions of subsec. (a) of section 501 of Pub. L. 90-537 which amended this section are only a part of said subsec. (a). The remainder of said subsec. (a) amended section 620a of this title and enacted provisions set out as notes under this section and section 620k of this title.

AMENDMENTS

2009—Pub. L. 111-11, §§10401(a), 10701(e)(2), temporarily inserted “the Navajo-Gallup Water Supply Project,” after “Fruitland Mesa,” in cl. (2). See Termination Date of 2009 Amendment note below.

1980—Pub. L. 96-470 struck out proviso that construction of Uintah unit of Central Utah project not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted it to Congress, along with his certification that, in his judgment, the benefits of such unit or segment will exceed the cost and that such unit is physically and financially feasible, and that the Congress has authorized appropriations for construction thereof.

Pub. L. 96-375 substituted “Wayne N. Aspinall” for “Curecanti”.