(A) the tort claims provisions of title 28;

(B) subchapter I of chapter 81 of title 5; and

(C) claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, in which case the provisions of section 3721 of title 31 shall apply.

(3) Volunteers under this Act shall be subject to chapter 11 of title 18, unless the Secretary, with the concurrence of the Director of the Office of Government Ethics, determines in writing published in the Federal Register that the provisions of that chapter, except section 201, shall not apply to the actions of a class or classes of volunteers who carry out only those duties or functions specified in the determination.

(Pub. L. 109–125, § 3, Dec. 7, 2005, 119 Stat. 2544.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b)(2) and (d)(3), is Pub. L. 109–125, Dec. 7, 2005, 119 Stat. 2544, known as the Department of the Interior Volunteer Recruitment Act of 2005, which enacted this section and provisions set out as notes under this section and section 1451 of this title. For complete classification of this Act to the Code, see Short Title of 2005 Amendment note set out under section 1451 of this title and Tables.

PURPOSE

Pub. L. 109–125, § 2, Dec. 7, 2005, 119 Stat. 2544, provided that: ''The purpose of this Act [enacting this section and provisions set out as a note under section 1451 of this title] is to authorize the Secretary of the Interior to recruit and use volunteers to assist with, or facilitate, the programs of the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.''

CHAPTER 32—COLORADO RIVER BASIN PROJECT

SUBCHAPTER I—OBJECTIVES

Sec.
1501. Congressional declaration of purpose and policy.

SUBCHAPTER II—INVESTIGATIONS AND PLANNING

1511. Reconnaissance investigations by Secretary of the Interior; reports; 10-year moratorium on water importation studies.
1511a. Cooperation and participation by Secretary of the Army with Federal, State, and local agencies.
1512. Mexican Water Treaty.
1513. Importation of water; protection of exporting areas.
1514. Authorization of appropriations.

SUBCHAPTER III—AUTHORIZED UNITS; PROTECTION OF EXISTING USES

1521. Central Arizona Project.
1522. Orme Dam and Reservoir.
1523. Power requirements of Central Arizona Project and augmentation of Lower Colorado River Basin Development Fund.
1524. Water furnished from Central Arizona Project.
1525. Cost of main stream water of Colorado River.
1526. Water salvage programs.
1527. Fish and wildlife conservation and development.
1528. Authorization of appropriations.

SUBCHAPTER IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND

1541. Allocation of costs; repayment.
Sec.
1542. Repayment capability of Indian lands.
1543. Lower Colorado River Basin Development Fund.
1544. Annual report to Congress.

SUBCHAPTER V—GENERAL PROVISIONS

1551. Construction of Colorado River Basin Act.
1552. Criteria for long-range operation of reservoirs.
1553. Upper Colorado River Basin; rights to consumptive uses not to be reduced or prejudiced; duties and powers of Commission not impaired.
1554. Federal reclamation laws.
1555. Federal Power Act inapplicable to Colorado River between Hoover Dam and Glen Canyon Dam.
1556. Definitions.

SUBCHAPTER I—OBJECTIVES

§ 1501. Congressional declaration of purpose and policy

(a) It is the object of this chapter to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as in the lower Colorado River Basin. This program is declared to be for the purposes, among others, of regulating the flow of the Colorado River; controlling floods; improving navigation; providing for the storage and delivery of the waters of the Colorado River for reclamation of lands, including supplemental water supplies, and for municipal, industrial, and other beneficial purposes; improving water quality; providing for basic public outdoor recreation facilities; improving conditions for fish and wildlife, and the generation and sale of electrical power as an incident of the foregoing purposes.

(b) It is the policy of the Congress that the Secretary of the Interior (hereinafter referred to the ''Secretary'') shall continue to develop, after consultation with affected States and appropriate Federal agencies, a regional water plan, consistent with the provisions of this chapter and with future authorizations, to serve as the framework under which projects in the Colorado River Basin may be coordinated and constructed with proper timing to the end that an adequate supply of water may be made available for such projects, whether heretofore, herein, or hereafter authorized.

(Pub. L. 90–537, title I, § 102, Sept. 30, 1968, 82 Stat. 886.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE OF REPEAL ON FAILURE OF ENFORCEABILITY DATE

Pub. L. 108–451, title I, § 111, Dec. 10, 2004, 118 Stat. 3499, provided that:

''(a) IN GENERAL.—Except as provided in subsection (b), if the Secretary [of the Interior] does not publish a statement of findings under section 207(c) [118 Stat. 3519] by December 31, 2007 [published Dec. 14, 2007, see 72 F.R. 71143]—

''(1) this title [see Short Title of 2004 Amendment note below] is repealed effective January 1, 2008, and any action taken by the Secretary and any contract entered under any provision of this title shall be void; and

''(2) any amounts appropriated under section 110 [118 Stat. 3498] that remain unexpended shall immediately revert to the general fund of the Treasury.

''(b) EXCEPTION.—No subcontract amendment executed by the Secretary under the notice of June 18, 2003 (67 Fed. Reg. 36578), shall be considered to be a contract entered into by the Secretary for purposes of subsection (a)(1).''

Pub. L. 108–451, title II, §215, Dec. 10, 2004, 118 Stat. 3535, provided that: ''If the Secretary [of the Interior] does not publish a statement of findings under section 207(c) [118 Stat. 3519] by December 31, 2007 [published Dec. 14, 2007, see 72 F.R. 71143]—

''(1) except for section 213(i) [118 Stat. 3532], this title [see Short Title of 2004 Amendment note below] is repealed effective January 1, 2008, and any action taken by the Secretary and any contract entered under any provision of this title shall be void;

''(2) any amounts appropriated under paragraphs (1) through (7) of section 214(a) [118 Stat. 3534, 3535], together with any interest on those amounts, shall immediately revert to the general fund of the Treasury;

''(3) any amounts made available under section 214(b) [118 Stat. 3535] that remain unexpended shall immediately revert to the general fund of the Treasury; and

''(4) any amounts paid by the Salt River Project in accordance with the Gila River agreement shall immediately be returned to the Salt River Project.''

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–451, §1(a), Dec. 10, 2004, 118 Stat. 3478, provided that: ''This Act [amending sections 1524 and 1543 of this title and enacting and repealing provisions set out as notes under this section and section 1543 of this title] may be cited as the 'Arizona Water Settlements Act'.''

Pub. L. 108–451, title I, §101, Dec. 10, 2004, 118 Stat. 3486, provided that: ''This title [amending section 1543 of this title and enacting and repealing provisions set out as notes under this section and section 1543 of this title] may be cited as the 'Central Arizona Project Settlement Act of 2004'.''

Pub. L. 108–451, title II, §201, Dec. 10, 2004, 118 Stat. 3499, provided that: ''This title [amending section 1524 of this title and enacting and repealing provisions set out as notes under this section] may be cited as the 'Gila River Indian Community Water Rights Settlement Act of 2004'.''

SHORT TITLE

Section 101 of Pub. L. 90–537 provided: ''That this Act [enacting this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amending sections 616hh, 620, and 620a of this title, and enacting provisions set out as notes under sections 620, 620k, and 1501 of this title] may be cited as the 'Colorado River Basin Project Act'.''

SUBCHAPTER II—INVESTIGATIONS AND PLANNING

§1511. Reconnaissance investigations by Secretary of the Interior; reports; 10-year moratorium on water importation studies

Pursuant to the authority set out in the Reclamation Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto, and the provisions of the Water Resources Planning Act of July 22, 1965, 79 Stat. 244, as amended [42 U.S.C. 1962 et seq.], with respect to the coordination of studies, investigations and assessments, the Secretary of the Interior shall conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States. Such investigations shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States. Progress reports in connection with these investigations shall be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and to the Congress every two years. The first of such reports shall be submitted on or before June 30, 1971, and a final reconnaissance report shall be submitted not later than June 30, 1977: *Provided*, That for a period of ten years from November 2, 1978, any Federal official shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River.

(Pub. L. 90–537, title II, §201, Sept. 30, 1968, 82 Stat. 886; Pub. L. 95–578, §10, Nov. 2, 1978, 92 Stat. 2472; Pub. L. 96–375, §10, Oct. 3, 1980, 94 Stat. 1507.)

REFERENCES IN TEXT

The Reclamation Act of June 17, 1902, 32 Stat. 388, referred to in text, is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Water Resources Planning Act, as amended, referred to in text, is Pub. L. 89–80, July 22, 1965, 79 Stat. 244, as amended, which is classified generally to chapter 19B (§1962 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1962 of Title 42 and Tables.

AMENDMENTS

1980—Pub. L. 96–375 substituted ''any Federal official'' for ''the Secretary'' in proviso.

1978—Pub. L. 95–578 substituted ''November 2, 1978'' for ''September 30, 1968''.

TERMINATION OF NATIONAL WATER COMMISSION

National Water Commission, established by Pub. L. 90–515, Sept. 26, 1968, 82 Stat. 868, terminated Sept. 26, 1973.

§1511a. Cooperation and participation by Secretary of the Army with Federal, State, and local agencies

The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate and participate with concerned Federal, State, and local agencies in preparing the general plan for the development of the water resources of the western United States authorized by the Colorado River Basin Project Act [43 U.S.C. 1501 et seq.].

(Pub. L. 91–611, title II, §203, Dec. 31, 1970, 84 Stat. 1828.)

REFERENCES IN TEXT

The Colorado River Basin Project Act, referred to in text, is Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Colorado River Basin Project Act which comprises this chapter.

§ 1512. Mexican Water Treaty

The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 1511 of this title and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty: *Provided*, That the satisfaction of the requirements of the Mexican Water Treaty (Treaty Series 994, 59 Stat. 1219), shall be from the waters of the Colorado River pursuant to the treaties, laws, and compacts presently relating thereto, until such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet shall be authorized by the Congress and is in operation as provided in this chapter.

(Pub. L. 90–537, title II, § 202, Sept. 30, 1968, 82 Stat. 887.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

§ 1513. Importation of water; protection of exporting areas

(a) In the event that the Secretary shall, pursuant to section 1511 of this title, plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in this chapter, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this chapter shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement.

(Pub. L. 90–537, title II, § 203, Sept. 30, 1968, 82 Stat. 887.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

§ 1514. Authorization of appropriations

There are authorized to be appropriated such sums as are required to carry out the purposes of this subchapter.

(Pub. L. 90–537, title II, § 204, Sept. 30, 1968, 82 Stat. 887.)

SUBCHAPTER III—AUTHORIZED UNITS; PROTECTION OF EXISTING USES

§ 1521. Central Arizona Project

(a) Construction and operation; Hayden-Rhodes Aqueduct and pumping plants; Orme Dam and Reservoir; Buttes Dam and Reservoir; Hooker Dam and Reservoir; Charleston Dam and Reservoir; Tucson aqueducts and pumping plants; Fannin-McFarland Aqueduct; related and appurtenant works

For the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and western New Mexico through direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, enhancement of recreation opportunities, and for other purposes, the Secretary shall construct, operate, and maintain the Central Arizona Project, consisting of the following principal works: (1) a system of main conduits and canals, including a main canal and pumping plants (Hayden-Rhodes Aqueduct and pumping plants), for diverting and carrying water from Lake Havasu to Orme Dam or suitable alternative, which system may have a capacity of 3,000 cubic feet per second or whatever lesser capacity is found to be feasible: *Provided*, That any capacity in the Hayden-Rhodes Aqueduct in excess of 2,500 cubic feet per second shall be utilized for the conveyance of Colorado River water only when Lake Powell is full or releases of water are made from Lake Powell to prevent the reservoir from exceeding elevation 3,700 feet above mean sea level or when releases are made pursuant to the proviso in section

1552(a)(3) of this title: *Provided further*, That the costs of providing any capacity in excess of 2,500 cubic feet per second shall be repaid by those funds available to Arizona pursuant to the provision of section 1543(f) of this title, or by funds from sources other than the development fund; (2) Orme Dam and Reservoir and power pumping plant or suitable alternative; (3) Buttes Dam and Reservoir, which shall be so operated as not to prejudice the rights of any user in and to the waters of the Gila River as those rights are set forth in the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59); (4) Hooker Dam and Reservoir or suitable alternative, which shall be constructed in such a manner as to give effect to the provisions of subsection (f) of section 1524 of this title; (5) Charleston Dam and Reservoir; (6) Tucson aqueducts and pumping plants; (7) Fannin-McFarland Aqueduct; (8) related canals, regulating facilities, hydroelectric powerplants, and electric transmission facilities required for the operation of said principal works; (9) related water distribution and drainage works; and (10) appurtenant works.

(b) Limitation on water diversions in years of insufficient main stream Colorado River water

Article II(B)(3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection. This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.

(c) Augmentation of water supply of Colorado River system

The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

(Pub. L. 90–537, title III, § 301, Sept. 30, 1968, 82 Stat. 887; Pub. L. 100–345, § 2(b), June 24, 1988, 102 Stat. 643; Pub. L. 102–575, title XIII, § 1302, Oct. 30, 1992, 106 Stat. 4662.)

AMENDMENTS

1992—Subsec. (a)(7). Pub. L. 102–575 substituted ''Fannin-McFarland Aqueduct'' for ''Salt-Gila aqueducts''.

1988—Subsec. (a)(1). Pub. L. 100–345 substituted ''Hayden-Rhodes Aqueduct'' for ''Granite Reef aqueduct'' in two places.

DESIGNATION OF SALT-GILA AQUEDUCT AS FANNIN-MCFARLAND AQUEDUCT

Sections 1301 and 1302 of Pub. L. 102–575 provided that:

''SEC. 1301. DESIGNATION.

''The Salt-Gila Aqueduct of the Central Arizona Project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the 'Fannin-McFarland Aqueduct'.

''SEC. 1302. REFERENCES.

''Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in section 1301 hereby is deemed to be a reference to the 'Fannin-McFarland Aqueduct'.''

DESIGNATION OF GRANITE REEF AQUEDUCT AS HAYDEN-RHODES AQUEDUCT

Section 2 of Pub. L. 100–345 provided that:

''(a) The Granite Reef Aqueduct of the Central Arizona project, constructed, operated, and maintained under section 301(a)(1) of the Colorado River Basin [Project] Act (43 U.S.C. 1521(a)(1)), hereafter shall be known and designated as the 'Hayden-Rhodes Aqueduct'.

''(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the 'Hayden-Rhodes Aqueduct'.''

§ 1522. Orme Dam and Reservoir

(a) Acquisition of lands of Salt River Pima-Maricopa Indian Community and Fort McDowell-Apache Indian Community; relocation; eminent domain

The Secretary shall designate the lands of the Salt River Pima-Maricopa Indian Community, Arizona, and the Fort McDowell-Apache Indian Community, Arizona, or interests therein, and any allotted lands or interests therein within said communities which he determines are necessary for use and occupancy by the United States for the construction, operation, and maintenance of Orme Dam and Reservoir, or alternative. The Secretary shall offer to pay the fair market value of the lands and interests designated, inclusive of improvements. In addition, the Secretary shall offer to pay toward the cost of relocating or replacing such improvements not to exceed $500,000 in the aggregate, and the amount offered for the actual relocation or replacement of a residence shall not exceed the difference between the fair market value of the residence and $8,000. Each community and each affected allottee shall have six months in which to accept or reject the Secretary's offer. If the Secretary's offer is rejected, the United States may proceed to acquire the property interests involved through eminent domain proceedings in the United States District Court for the District of Arizona under sections 3113 and 3114(a)

to (d) of title 40. Upon acceptance in writing of the Secretary's offer, or upon the filing of a declaration of taking in eminent domain proceedings, title to the lands or interests involved, and the right to possession thereof, shall vest in the United States. Upon a determination by the Secretary that all or any part of such lands or interests are no longer necessary for the purpose for which acquired, title to such lands or interests shall be restored to the appropriate community upon repayment to the Federal Government of the amounts paid by it for such lands.

(b) Rights of former owners to use or lease land

Title to any land or easement acquired pursuant to this section shall be subject to the right of the former owner to use or lease the land for purposes not inconsistent with the construction, operation, and maintenance of the project, as determined by, and under terms and conditions prescribed by, the Secretary. Such right shall include the right to extract and dispose of minerals. The determination of fair market value under subsection (a) of this section shall reflect the right to extract and dispose of minerals and all other uses permitted by this section.

(c) Addition of land to Fort McDowell Indian Reservation

In view of the fact that a substantial portion of the lands of the Fort McDowell Mohave-Apache Indian Community will be required for Orme Dam and Reservoir, or alternative, the Secretary shall, in addition to the compensation provided for in subsection (a) of this section, designate and add to the Fort McDowell Indian Reservation twenty-five hundred acres of suitable lands in the vicinity of the reservation that are under the jurisdiction of the Department of the Interior in township 4 north, range 7 east; township 5 north, range 7 east; and township 3 north, range 7 east, Gila and Salt River base meridian, Arizona. Title to lands so added to the reservation shall be held by the United States in trust for the Fort McDowell Mohave-Apache Indian Community.

(d) Recreational facilities developed and operated by Indian communities along Orme Reservoir shoreline

Each community shall have a right, in accordance with plans approved by the Secretary, to develop and operate recreational facilities along the part of the shoreline of the Orme Reservoir located on or adjacent to its reservation, including land added to the Fort McDowell Reservation as provided in subsection (b) of this section, subject to rules and regulations prescribed by the Secretary governing the recreation development of the reservoir. Recreation development of the entire reservoir and federally owned lands under the jurisdiction of the Secretary adjacent thereto shall be in accordance with a master recreation plan approved by the Secretary. The members of each community shall have nonexclusive personal rights to hunt and fish on or in the reservoir without charge to the same extent they are now authorized to hunt and fish, but no community shall have the right to exclude others from the reservoir except by control of access through its reservation or any right to require payment by members of the public except for the use of community lands or facilities.

(e) Exemption of funds from State and Federal income taxes

All funds paid pursuant to this section, and any per capita distribution thereof, shall be exempt from all forms of State and Federal income taxes.

(Pub. L. 90–537, title III, § 302, Sept. 30, 1968, 82 Stat. 888.)

CODIFICATION

In subsec. (a), ''sections 3113 and 3114(a) to (d) of title 40'' substituted for ''40 U.S.C., sections 257 and 258a'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

INAPPLICABILITY OF SUBSECTION (a) TO FORT MCDOWELL INDIAN COMMUNITY

Pub. L. 101–628, title IV, § 411(e), Nov. 28, 1990, 104 Stat. 4491, provided that: ''As of the date the authorizations contained in section 409(b) of this Act become effective [see section 412 of Pub. L. 101–628, 104 Stat. 4491], section 302(a) of the Colorado River Basin Project Act (43 U.S.C. 1522(a)) shall no longer apply to the Community [Fort McDowell Indian Community].''

INAPPLICABILITY TO SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Pub. L. 100–512, § 11(c), Oct. 20, 1988, 102 Stat. 2558, provided that: ''Upon the effective date of this Act as set forth in section 12 [102 Stat. 2559], section 302 of the Colorado River Basin Project Act (43 U.S.C. 1522) shall no longer apply to the Community [Salt River Pima-Maricopa Indian Community].''

§ 1523. Power requirements of Central Arizona Project and augmentation of Lower Colorado River Basin Development Fund

(a) Engineering and economic studies

The Secretary is authorized and directed to continue to a conclusion appropriate engineering and economic studies and to recommend the most feasible plan for the construction and operation of hydroelectric generating and transmission facilities, the purchase of electrical energy, the purchase of entitlement to electrical plant capacity, or any combination thereof, including participation, operation, or construction by non-Federal entities, for the purpose of supplying the power requirements of the Central Arizona Project and augmenting the Lower Colorado River Basin Development Fund: *Provided*, That nothing in this section or in this chapter contained shall be construed to authorize the study or construction of any dams on the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam.

(b) Construction of thermal generating powerplants; agreements for acquisition by United States of portions of plant capacity

If included as a part of the recommended plan, the Secretary may enter into agreements with non-Federal interests proposing to construct thermal generating powerplants whereby the United States shall acquire the right to such portions of their capacity, including delivery of power and energy over appurtenant transmission facilities to mutually agreed upon delivery points, as he determines is required in con-

nection with the operation of the Central Arizona Project. When not required for the Central Arizona Project, the power and energy acquired by such agreements may be disposed of intermittently by the Secretary for other purposes at such prices as he may determine, including its marketing in conjunction with the sale of power and energy from Federal powerplants in the Colorado River system so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates. The agreements shall provide among other things, that—

(1) the United States shall pay not more than that portion of the total construction cost, exclusive of interest during construction, of the powerplants, and of any switchyards and transmission facilities serving the United States, as is represented by the ratios of the respective capacities to be provided for the United States therein to the total capacities of such facilities. The Secretary shall make the Federal portion of such costs available to the non-Federal interests during the construction period, including the period of preparation of designs and specifications, in such installments as will facilitate a timely construction schedule, but no funds other than for preconstruction activities shall be made available by the Secretary until he determines that adequate contractual arrangements have been entered into between all the affected parties covering land, water, fuel supplies, power (its availability and use), rights-of-way, transmission facilities and all other necessary matters for the thermal generating powerplants;

(2) annual operation and maintenance costs shall be apportioned between the United States and the non-Federal interests on an equitable basis taking into account the ratios determined in accordance with the foregoing clause (1): *Provided, however*, That the United States shall share on the foregoing basis in the depreciation component of such costs only to the extent of provision for depreciation on replacements financed by the non-Federal interests;

(3) the United States shall be given appropriate credit for any interests in Federal lands administered by the Department of the Interior that are made available for the power plants and appurtenances;

(4) costs to be borne by the United States under clauses (1) and (2) shall not include (a) interest and interest during construction, (b) financing charges, (c) franchise fees, and (d) such other costs as shall be specified in the agreement.

(c) Recommended plan; submission to Congress

No later than one year from September 30, 1968, the Secretary shall submit his recommended plan to the Congress. Except as authorized by subsection (b) of this section, such plan shall not become effective until approved by the Congress.

(d) Apportionment of water for Arizona plants diverted above Lee Ferry

If any thermal generating plant referred to in subsection (b) of this section is located in Arizona, and if it is served by water diverted from the drainage area of the Colorado River system above Lee Ferry, other provisions of existing law to the contrary notwithstanding, such consumptive use of water shall be a part of the fifty thousand acre-feet per annum apportioned to the State of Arizona by article III(a) of the Upper Colorado River Basin Compact (63 Stat. 31).

(Pub. L. 90–537, title III, § 303, Sept. 30, 1968, 82 Stat. 889.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this Act'', meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

§ 1524. Water furnished from Central Arizona Project

(a) Restriction on use of water for irrigation

Unless and until otherwise provided by Congress, water from the Central Arizona Project shall not be made available directly or indirectly for the irrigation of lands not having a recent irrigation history as determined by the Secretary, except in the case of Indian lands, national wildlife refuges, and, with the approval of the Secretary, State-administered wildlife management areas.

(b) Contracts with municipal and industrial users

(1) Irrigation and municipal and industrial water supply under the Central Arizona Project within the State of Arizona may, in the event the Secretary determines that it is necessary to effect repayment, be pursuant to master contracts with organizations which have power to levy assessments against all taxable real property within their boundaries. The terms and conditions of contracts or other arrangements whereby each such organization makes water from the Central Arizona Project available to users within its boundaries shall be subject to the Secretary's approval, and the United States shall, if the Secretary determines such action is desirable to facilitate carrying out the provisions of this chapter, have the right to require that it be a party to such contracts or that contracts subsidiary to the master contracts be entered into between the United States and any user. The provisions of this clause (1) shall not apply to the supplying of water to an Indian tribe for use within the boundaries of an Indian reservation.

(2) Any obligation assumed pursuant to section 485h(d) of this title with respect to any project contract unit or irrigation block shall be repaid over a basic period of not more than fifty years; any water service provided pursuant to section 485h(e) of this title may be on the basis of delivery of water for a period of fifty years and for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the

main canals and conduits and from such other points of delivery as the Secretary may designate; and long-term contracts relating to irrigation water supply shall provide that water made available thereunder may be made available by the Secretary for municipal or industrial purposes if and to the extent that such water is not required by the contractor for irrigation purposes.

(3) Contracts relating to municipal and industrial water supply under the Central Arizona Project may be made without regard to the limitations of the last sentence of section 485h(c) of this title; may provide for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits; and may provide for repayment over a period of fifty years if made pursuant to clause (1) of said section and for the delivery of water over a period of fifty years if made pursuant to clause (2) thereof.

(c) Water conservation

Each contract under which water is provided under the Central Arizona Project shall require that (1) there be in effect measures, adequate in the judgment of the Secretary, to control expansion of irrigation from aquifers affected by the irrigation in the contract service area; (2) the canals and distribution systems through which water is conveyed after its delivery by the United States to the contractors shall be provided and maintained with linings adequate in his judgment to prevent excessive conveyance losses; and (3) [Repealed. Pub. L. 102–575, title XXXVII, § 3710(k), Oct. 30, 1992, 106 Stat. 4751]. Such contracts shall be subordinate at all times to the satisfaction of all existing contracts between the Secretary and users in Arizona heretofore made pursuant to the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.].

(d) Water exchanges

The Secretary may require in any contract under which water is provided from the Central Arizona Project that the contractor agree to accept main stream water in exchange for or in replacement of existing supplies from sources other than the main stream. The Secretary shall so require in the case of users in Arizona who also use water from the Gila River system to the extent necessary to make available to users of water from the Gila River system in New Mexico additional quantities of water as provided in and under the conditions specified in subsection (f) of this section: *Provided*, That such exchanges and replacements shall be accomplished without economic injury or cost to such Arizona contractors.

(e) Water shortage priorities

In times of shortage or reduction of main stream Colorado River water for the Central Arizona Project, as determined by the Secretary, users which have yielded water from other sources in exchange for main stream water supplied by that project shall have a first priority to receive main stream water, as against other users supplied by that project which have not so yielded water from other sources, but only in quantities adequate to replace the water so yielded.

(f) New Mexico users; water exchange contracts

(1) In the operation of the Central Arizona Project, the Secretary shall offer to contract with water users in the State of New Mexico, with the approval of its Interstate Stream Commission, or with the State of New Mexico, through its Interstate Stream Commission, for water from the Gila River, its tributaries and underground water sources in amounts that will permit consumptive use of water in New Mexico of not to exceed an annual average in any period of 10 consecutive years of 14,000 acre-feet, including reservoir evaporation, over and above the consumptive uses provided for by article IV of the decree of the Supreme Court of the United States in Arizona v. California (376 U.S. 340). Such increased consumptive uses shall continue only so long as delivery of Colorado River water to downstream Gila River users in Arizona is being accomplished in accordance with this chapter, in quantities sufficient to replace any diminution of their supply resulting from such diversion from the Gila River, its tributaries and underground water sources. In determining the amount required for this purpose, full consideration shall be given to any differences in the quality of the water involved.

(2) All additional consumptive uses provided for in clauses (1) and (2)[1] of this subsection shall be subject to all rights in New Mexico and Arizona as established by the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59) and to all other rights existing on September 30, 1968, in New Mexico and Arizona to water from the Gila River, its tributaries, and underground water sources, and shall be junior thereto and shall be made only to the extent possible without economic injury or cost to the holders of such rights.

(Pub. L. 90–537, title III, § 304, Sept. 30, 1968, 82 Stat. 891; Pub. L. 102–575, title XXXVII, § 3710(k), Oct. 30, 1992, 106 Stat. 4751; Pub. L. 108–451, title II, § 212(d), Dec. 10, 2004, 118 Stat. 3528.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1), (f)(1), was in the original ''this Act'', meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

The Boulder Canyon Project Act, referred to in subsec. (c), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables.

CODIFICATION

Subsec. (g) of this section, which restricted the use of water from the projects authorized by this chapter for

[1] So in original.

the production of basic agricultural commodities on newly irrigated lands for a period of ten years from Sept. 30, 1968, was omitted.

AMENDMENTS

2004—Subsec. (f)(1). Pub. L. 108–451, § 212(d)(1), added par. (1) and struck out former par. (1) which read as follows: ''In the operation of the Central Arizona Project, the Secretary shall offer to contract with water users in New Mexico for water from the Gila River, its tributaries and underground water sources in amounts that will permit consumptive use of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of eighteen thousand acre-feet, including reservoir evaporation, over and above the consumptive uses provided for by article IV of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340). Such increased consumptive uses shall not begin until, and shall continue only so long as, delivery of Colorado River water to downstream Gila River users in Arizona is being accomplished in accordance with this chapter, in quantities sufficient to replace any diminution of their supply resulting from such diversion from the Gila River, its tributaries and underground water sources. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.''

Subsec. (f)(2), (3). Pub. L. 108–451, § 212(d)(2), (3), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: ''The Secretary shall further offer to contract with water users in New Mexico for water from the Gila River, its tributaries, and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of an additional thirty thousand acre-feet, including reservoir evaporation. Such further increases in consumptive use shall not begin until, and shall continue only so long as, works capable of augmenting the water supply of the Colorado River system have been completed and water sufficiently in excess of two million eight hundred thousand acre-feet per annum is available from the main stream of the Colorado River for consumptive use in Arizona to provide water for the exchanges herein authorized and provided. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.''

1992—Subsec. (c)(3). Pub. L. 102–575 repealed cl. (3) which read as follows: ''neither the contractor nor the Secretary shall pump or permit others to pump ground water from within the exterior boundaries of the service area of a contractor receiving water from the Central Arizona Project for any use outside said contractor's service area unless the Secretary and such contractor shall agree, or shall have previously agreed, that a surplus of ground water exists and that drainage is or was required.''

TRANSPORTATION OF WATER PUMPED WITHIN BOUNDARY

Section 3710(k) of Pub. L. 102–575 provided in part that: ''This subsection [amending this section] does not authorize transportation of water pumped within the exterior boundary of a Federal reclamation project established prior to September 30, 1968, pursuant to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391) [see Short Title note set out under section 371 of this title], as amended and supplemented, across project boundaries.''

§ 1525. Cost of main stream water of Colorado River

To the extent that the flow of the main stream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b)(1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shall make such water available to users of main stream water in those States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 1543 of this title) and on the same terms as would be applicable if main stream water were available for release in the quantities required to supply such consumptive use.

(Pub. L. 90–537, title III, § 305, Sept. 30, 1968, 82 Stat. 893.)

§ 1526. Water salvage programs

The Secretary shall undertake programs for water salvage and ground water recovery along and adjacent to the main stream of the Colorado River. Such programs shall be consistent with maintenance of a reasonable degree of undistributed habitat for fish and wildlife in the area, as determined by the Secretary.

(Pub. L. 90–537, title III, § 306, Sept. 30, 1968, 82 Stat. 893.)

§ 1527. Fish and wildlife conservation and development

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the project works authorized pursuant to this subchapter shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213) [16 U.S.C. 460*l*–12 et seq.], except as provided in section 1522 of this title.

(Pub. L. 90–537, title III, § 308, Sept. 30, 1968, 82 Stat. 893.)

REFERENCES IN TEXT

The Federal Water Project Recreation Act, referred to in text, is Pub. L. 89–72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 460*l*–12 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–12 of Title 16 and Tables.

§ 1528. Authorization of appropriations

(a) There is hereby authorized to be appropriated for construction of the Central Arizona Project, including prepayment for power generation and transmission facilities but exclusive of distribution and drainage facilities for non-Indian lands, $832,180,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein and, in addition thereto, such sums as may be required for operation and maintenance of the project.

(b) There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indices applicable to the types of construction involved therein from September 30, 1968: *Provided*, That the Secretary shall enter into agreements with non-Federal interests to provide not less than 20 per centum of the total cost of such facilities during the construction of such facilities. Notwithstanding the provisions of section 1543 of this title, neither appropriations made pursuant to the authorization contained in this subsection nor revenues collected in connection with the operation of such facilities shall be credited to the Lower Colorado River Basin Development Fund and payments shall not be made from that fund to the general fund of the Treasury to return any part of the costs of construction, operation, and maintenance of such facilities.

(Pub. L. 90–537, title III, § 309, Sept. 30, 1968, 82 Stat. 893; Pub. L. 97–373, Dec. 20, 1982, 96 Stat. 1817.)

AMENDMENTS

1983—Subsec. (b). Pub. L. 97–373 substituted ''There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indices applicable to the types of construction involved therein from September 30, 1968: *Provided*, That the Secretary shall enter into agreements with non-Federal interests to provide not less than 20 per centum of the total cost of such facilities during the construction of such facilities'' for ''There is also authorized to be appropriated $100,000,000 for construction of distribution and drainage facilities for non-Indian lands''.

SUBCHAPTER IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND

§ 1541. Allocation of costs; repayment

Upon completion of each lower basin unit of the project herein or hereafter authorized, or separate feature thereof, the Secretary shall allocate the total costs of constructing said unit or features to (1) commercial power, (2) irrigation, (3) municipal and industrial water supply, (4) flood control, (5) navigation, (6) water quality control, (7) recreation, (8) fish and wildlife, (9) the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), and (10) any other purposes authorized under the Federal reclamation laws. Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable: *Provided*, That the nonreimbursable allocation shall be made on a pro rata basis to be determined by the ratio between the amount of water required to comply with the Mexican Water Treaty and the total amount of water by which the Colorado River is augmented pursuant to the investigations authorized subchapter II of this chapter and any future Congressional authorization. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213) [16 U.S.C. 460*l*–12 et seq.]: *Provided*, That all of the separable and joint costs allocated to recreation and fish and wildlife enhancement as a part of the Dixie project, Utah, shall be nonreimbursable. Costs allocated to nonreimbursable purposes shall be nonreturnable under the provisions of this chapter.

(Pub. L. 90–537, title IV, § 401, Sept. 30, 1968, 82 Stat. 894.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in par. (10), are identified in section 1554 of this title.

The Federal Water Project Recreation Act, referred to in text, is Pub. L. 89–72, July 9, 1965, 79 Stat. 213, as amended, which is classified principally to part C (§ 460*l*–12 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–12 of Title 16 and Tables.

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

§ 1542. Repayment capability of Indian lands

The Secretary shall determine the repayment capability of Indian lands within, under, or served by any unit of the project. Construction costs allocated to irrigation of Indian lands (including provision of water for incidental domestic and stock water uses) and within the repayment capability of such lands shall be subject to section 386a of title 25, and such costs that are beyond repayment capability of such lands shall be nonreimbursable.

(Pub. L. 90–537, title IV, § 402, Sept. 30, 1968, 82 Stat. 894.)

§ 1543. Lower Colorado River Basin Development Fund

(a) Establishment

There is hereby established a separate fund in the Treasury of the United States to be known as the Lower Colorado River Basin Development Fund (hereafter called the ''development fund''), which shall remain available until expended as hereafter provided.

(b) Appropriations

(1) All appropriations made for the purpose of carrying out the provisions of subchapter III of this chapter shall be credited to the development fund as advances from the general fund of

the Treasury, and shall be available for such purpose.

(2) Except as provided in section 1528(b) of this title, sums advanced by non-Federal entities for the purpose of carrying out the provisions of subchapter III of this chapter shall be credited to the development fund and shall be available without further appropriation for such purpose.

(c) Revenues credited to fund

There shall also be credited to the development fund—

(1) all revenues collected in connection with the operation of facilities authorized in subchapter III of this chapter in furtherance of the purposes of this chapter (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona project;

(2) any Federal revenues from the Boulder Canyon and Parker-Davis projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects: *Provided, however*, That for the Boulder Canyon project commencing June 1, 1987, and for the Parker-Davis project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona project described in section 1521(a) of this title, the Secretary of Energy shall provide for surplus revenues by including the equivalent of 4½ mills per kilowatthour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent 2½ mills per kilowatthour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided further*, That after the repayment period for said Central Arizona project, the equivalent of 2½ mills per kilowatthour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California, and Nevada to provide revenues for application to the purposes of said subsection (g) of this section: *Provided, however*, That the Secretary is authorized and directed to continue the in-lieu-of-tax payments to the States of Arizona and Nevada provided for in section 618a(c) of this title so long as revenues accrue from the operation of the Boulder Canyon project; and

(3) any Federal revenues from that portion of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona which, after completion of repayment requirements of the said part of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said portion of the Pacific Northwest-Pacific Southwest intertie and related facilities.

(d) Use of revenue funds

All moneys collected and credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section shall be available, without further appropriation, for—

(1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the projects, within such separate limitations as may be included in annual appropriation Acts; and

(2) payments to reimburse water users in the State of Arizona for losses sustained as a result of diminution of the production of hydroelectric power at Coolidge Dam, Arizona, resulting from exchanges of water between users in the States of Arizona and New Mexico as set forth in section 1524(f) of this title.

(e) Appropriation by Congress required for construction of works

Except as provided in subsection (f) of this section, revenues credited to the development fund shall not be available for construction of the works comprised within any unit of the project herein or hereafter authorized except upon appropriation by the Congress.

(f) Additional uses of revenue funds

(1) Crediting against Central Arizona Water Conservation District payments

Funds credited to the development fund pursuant to subsection (b) of this section and paragraphs (1) and (3) of subsection (c) of this section, the portion of revenues derived from the sale of power and energy for use in the State of Arizona pursuant to subsection (c)(2) of this section in excess of the amount necessary to meet the requirements of paragraphs (1) and (2) of subsection (d) of this section, and any annual payment by the Central Arizona Water Conservation District to effect repayment of reimbursable Central Arizona Project construction costs, shall be credited annually against the annual payment owed by the Central Arizona Water Conservation District to the United States for the Central Arizona Project.

(2) Further use of revenue funds credited against payments of Central Arizona Water Conservation District

After being credited in accordance with paragraph (1), the funds and portion of revenues described in that paragraph shall be available annually, without further appropriation, in order of priority—

(A) to pay annually the fixed operation, maintenance, and replacement charges associated with the delivery of Central Arizona Project water held under long-term contracts for use by Arizona Indian tribes (as defined in section 2 of the Arizona Water Settlements Act) in accordance with clause 8(d)(i)(1)(i) of the Repayment Stipulation (as defined in section 2 of the Arizona Water Settlements Act);

(B) to make deposits, totaling $53,000,000 in the aggregate, in the Gila River Indian Community Water OM&R Trust Fund established by section 208 of the Arizona Water Settlements Act;

(C) to pay $147,000,000 for the rehabilitation of the San Carlos Irrigation Project, of which not more than $25,000,000 shall be available annually consistent with attachment 6.5.1 of exhibit 20.1 of the Gila River agreement, except that the total amount of $147,000,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations since January 1, 2000, in construction cost indices applicable to the types of construction involved in the rehabilitation;

(D) in addition to amounts made available for the purpose through annual appropriations, as reasonably allocated by the Secretary without regard to any trust obligation on the part of the Secretary to allocate the funding under any particular priority and without regard to priority (except that payments required by clause (i) shall be made first)—

(i) to make deposits totaling $66,000,000, adjusted to reflect changes since January 1, 2004, in the construction cost indices applicable to the types of construction involved in construction of the New Mexico Unit, into the New Mexico Unit Fund as provided by section 212(i) of the Arizona Water Settlements Act in 10 equal annual payments beginning in 2012;

(ii) upon satisfaction of the conditions set forth in subsections (j) and (k) of section 212, to pay certain of the costs associated with construction of the New Mexico Unit, in addition to any amounts that may be expended from the New Mexico Unit Fund, in a minimum amount of $34,000,000 and a maximum amount of $62,000,000, as provided in section 212 of the Arizona Water Settlements Act, as adjusted to reflect changes since January 1, 2004, in the construction cost indices applicable to the types of construction involved in construction of the New Mexico Unit;

(iii) to pay the costs associated with the construction of distribution systems required to implement the provisions of—

(I) the contract entered into between the United States and the Gila River Indian Community, numbered 6–07–03–W0345, and dated July 20, 1998;

(II) section 3707(a)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4747); and

(III) section 304 of the Southern Arizona Water Rights Settlement Amendments Act of 2004;

(iv) to pay $52,396,000 for the rehabilitation of the San Carlos Irrigation Project as provided in section 203(d)(4) of the Arizona Water Settlements Act, of which not more than $9,000,000 shall be available annually, except that the total amount of $52,396,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations since January 1, 2000, in construction cost indices applicable to the types of construction involved in the rehabilitation;

(v) to pay other costs specifically identified under—

(I) sections 213(g)(1) and 214 of the Arizona Water Settlements Act; and

(II) the Southern Arizona Water Rights Settlement Amendments Act of 2004;

(vi) to pay a total of not more than $250,000,000 to the credit of the Future Indian Water Settlement Subaccount of the Lower Colorado Basin Development Fund, for use for Indian water rights settlements in Arizona approved by Congress after the date of enactment of this Act, subject to the requirement that, notwithstanding any other provision of this chapter, any funds credited to the Future Indian Water Settlement Subaccount that are not used in furtherance of a congressionally approved Indian water rights settlement in Arizona by December 31, 2030, shall be returned to the main Lower Colorado Basin Development Fund for expenditure on authorized uses pursuant to this chapter, provided that any interest earned on funds held in the Future Indian Water Settlement Subaccount shall remain in such subaccount until disbursed or returned in accordance with this section;

(vii) to pay costs associated with the installation of gages on the Gila River and its tributaries to measure the water level of the Gila River and its tributaries for purposes of the New Mexico Consumptive Use and Forbearance Agreement in an amount not to exceed $500,000; and

(viii) to pay the Secretary's costs of implementing the Central Arizona Project Settlement Act of 2004;

(E) in addition to amounts made available for the purpose through annual appropriations—

(i) to pay the costs associated with the construction of on-reservation Central Arizona Project distribution systems for the Yavapai Apache (Camp Verde), Tohono O'odham Nation (Sif Oidak District), Pascua Yaqui, and Tonto Apache tribes; and

(ii) to make payments to those tribes in accordance with paragraph 8(d)(i)(1)(iv) of the repayment stipulation (as defined in section 2 of the Arizona Water Settlements Act), except that if a water rights settlement Act of Congress authorizes such construction, payments to those tribes shall be made from funds in the Future Indian Water Settlement Subaccount; and

(F) if any amounts remain in the development fund at the end of a fiscal year, to be carried over to the following fiscal year for use for the purposes described in subparagraphs (A) through (E).

(3) Revenue funds in excess of revenue funds credited against Central Arizona Water Conservation District payments

The funds and portion of revenues described in paragraph (1) that are in excess of amounts credited under paragraph (1) shall be available, on an annual basis, without further appropriation, in order of priority—

(A) to pay annually the fixed operation, maintenance and replacement charges associated with the delivery of Central Arizona

Project water under long-term contracts held by Arizona Indian tribes (as defined in section 2 of the Arizona Water Settlements Act);

(B) to make the final outstanding annual payment for the costs of each unit of the projects authorized under subchapter III of this chapter that are to be repaid by the Central Arizona Water Conservation District;

(C) to reimburse the general fund of the Treasury for fixed operation, maintenance, and replacement charges previously paid under paragraph (2)(A);

(D) to reimburse the general fund of the Treasury for costs previously paid under subparagraphs (B) through (E) of paragraph (2);

(E) to pay to the general fund of the Treasury the annual installment on any debt relating to the Central Arizona Project under section 485h(d) of this title, made nonreimbursable under section 106(b) of the Arizona Water Settlements Act;

(F) to pay to the general fund of the Treasury the difference between—

(i) the costs of each unit of the projects authorized under subchapter III of this chapter that are repayable by the Central Arizona Water Conservation District; and

(ii) any costs allocated to reimbursable functions under any Central Arizona Project cost allocation undertaken by the United States; and

(G) for deposit in the general fund of the Treasury.

(4) Investment of amounts

(A) In general

The Secretary of the Treasury shall invest such portion of the development fund as is not, in the judgment of the Secretary of the Interior, required to meet current needs of the development fund.

(B) Permitted investments

(i) In general

Notwithstanding any other provision of law, including any provision requiring the consent or concurrence of any party, the investments referred to in subparagraph (A) shall include 1 or more of the following:

(I) Any investments referred to in the Act of June 24, 1938 (25 U.S.C. 162a).

(II) Investments in obligations of government corporations and government-sponsored entities whose charter statutes provide that their obligations are lawful investments for federally managed funds.

(III) The obligations referred to in section 401 of title 42.

(ii) Lawful investments

For purposes of clause (i), obligations of government corporations and government-sponsored entities whose charter statutes provide that their obligations are lawful investments for federally managed funds includes any of the following securities or securities with comparable language concerning the investment of federally managed funds:

(I) Obligations of the United States Postal Service as authorized by section 2005 of title 39.

(II) Bonds and other obligations of the Tennessee Valley Authority as authorized by section 831n–4 of title 16.

(III) Mortgages, obligations, or other securities of the Federal Home Loan Mortgage Corporation as authorized by section 1452 of title 12.

(IV) Bonds, notes, or debentures of the Commodity Credit Corporation as authorized by section 4 of the Act of March 4, 1939[1] (15 U.S.C. 713a–4).

(C) Acquisition of obligations

For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) Sale of obligations

Any obligation acquired by the development fund may be sold by the Secretary of the Treasury at the market price.

(E) Credits to fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the development fund shall be credited to and form a part of the development fund.

(5) Amounts not available for certain Federal obligations

None of the provisions of this section, including paragraphs (2)(A) and (3)(A), shall be construed to make any of the funds referred to in this section available for the fulfillment of any Federal obligation relating to the payment of OM&R charges if such obligation is undertaken pursuant to Public Law 95–328, Public Law 98–530, or any settlement agreement with the United States (or amendments thereto) approved by or pursuant to either of those acts.

(g) Repayment of costs

All revenues credited to the development fund in accordance with subsection (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be available (1) to make payments, if any, as required by sections 616aa–1 and 620d–1 of this title, (2) for repayment to the general fund of the Treasury the costs of each salinity control unit or separable feature thereof[2] the costs of measures to replace incidental fish and wildlife values foregone, and the costs of on-farm measures payable from the Lower Colorado River Basin Development Fund in accordance with sections

[1] See References in Text note below.

[2] So in original. Probably should be followed by a comma.

1595(a)(2), 1595(a)(3), and 1595(b) of this title and (3) upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to sections 1511 and 1513(a) of this title.

(h) Interest rate

The interest rate applicable to those portions of the reimbursable costs of each unit of the project which are properly allocated to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the first advance is made for initiating construction of such unit, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issue.

(i) Annual budgets; submission to Congress

Business-type budgets shall be submitted to the Congress annually for all operations financed by the development fund.

(Pub. L. 90–537, title IV, § 403, Sept. 30, 1968, 82 Stat. 894; Pub. L. 93–320, title II, § 205(b)(2), June 24, 1974, 88 Stat. 273; Pub. L. 98–381, title I, § 102, Aug. 17, 1984, 98 Stat. 1333; Pub. L. 98–569, § 4(f)(2), Oct. 30, 1984, 98 Stat. 2939; Pub. L. 108–451, title I, § 107(a), (c), Dec. 10, 2004, 118 Stat. 3493, 3498.)

REFERENCES IN TEXT

Sections 2, 106, 203, 208, 213, and 214 of the Arizona Water Settlements Act, referred to in subsec. (f)(2), (3), are sections 2 and 106 of title I, and sections 203, 208, 213, and 214 of title II, of Pub. L. 108–451, Dec. 10, 2004, 118 Stat. 3479, 3492, 3499, 3521, 3531, 3534, which are not classified to the Code.

Section 212 of the Arizona Water Settlements Act, referred to in subsec. (f)(2)(D)(i), (ii), is section 212 of Pub. L. 108–451, title II, Dec. 10, 2004, 118 Stat. 3527, which is not classified to the Code except for section 212(d), which amended section 1524 of this title.

Section 3707(a)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992, referred to in subsec. (f)(2)(D)(iii)(II), is section 3707(a)(1) of title XXXVII of Pub. L. 102–575, Oct. 30, 1992, 106 Stat. 4747, which is not classified to the Code.

The Southern Arizona Water Rights Settlement Amendments Act of 2004, referred to in subsec. (f)(2)(D)(iii)(III), (v)(II), is title III of Pub. L. 108–451, Dec. 10, 2004, 118 Stat. 3535, which is not classified to the Code.

The date of enactment of this Act, referred to in subsec. (f)(2)(D)(vi), probably means the date of enactment of Pub. L. 108–451, which enacted a new subsec. (f) of this section and was approved Dec. 10, 2004.

The Central Arizona Project Settlement Act of 2004, referred to in subsec. (f)(2)(D)(viii), is title I of Pub. L. 108–451, Dec. 10, 2004, 118 Stat. 3486. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 1501 of this title and Tables.

Act of June 24, 1938, referred to in subsec. (f)(4)(B)(i)(I), is act June 24, 1938, ch. 648, 52 Stat. 1037, as amended, which enacted section 162a of Title 25, Indians, repealed section 162 of Title 25, and enacted provisions set out as a note under section 162a of Title 25. For complete classification of this Act to the Code, see Tables.

Section 4 of the Act of March 4, 1939, referred to in subsec. (f)(4)(B)(ii)(IV), probably should be a reference to section 4 of act March 8, 1938, as amended by act March 4, 1939, which is classified to section 713a–4 of Title 15, Commerce and Trade.

Public Law 95–328, referred to in subsec. (f)(5), is Pub. L. 95–328, July 28, 1978, 92 Stat. 409, which is not classified to the Code.

Public Law 98–530, referred to in subsec. (f)(5), is Pub. L. 98–530, Oct. 19, 1984, 98 Stat. 2698, which is not classified to the Code.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108–451, § 107(c)(2), substituted ''Except as provided in subsection (f) of this section, revenues'' for ''Revenues''.

Subsec. (f). Pub. L. 108–451, § 107(a), inserted heading and text and struck out former text relating to return of costs and interest.

Subsec. (g). Pub. L. 108–451, § 107(c)(1), substituted ''subsection (c)(2)'' for ''clause (c)(2)''.

1984—Subsec. (b). Pub. L. 98–381, § 102(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (c)(1). Pub. L. 98–381, § 102(b), substituted '', until completion of repayment requirements of the Central Arizona project.'' for ''including revenues which, after completion of payout of the Central Arizona Project as required herein are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said project;''.

Subsec. (c)(2). Pub. L. 98–381, § 102(c), inserted two provisos, the first relating to the inclusion of the equivalent of 4½ mills per kilowatthour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and to the inclusion of the equivalent 2½ mills per kilowatthour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented, and the second providing that, after the repayment period for said Central Arizona project, the equivalent of 2½ mills per kilowatthour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California, and Nevada to provide revenues for application to the purposes of said subsection (g) of this section.

Subsec. (g). Pub. L. 98–569 inserted ''the costs of measures to replace incidental fish and wildlife values foregone, and the costs of on-farm measures'' before ''payable from''.

1974—Subsec. (g). Pub. L. 93–320 added cl. (2). Existing cl. (2), authorizing the use of revenues to assist in the repayment of reimbursable costs incurred in connection with units constructed after Sept. 30, 1968, to provide for the augmentation of water supplies of the Colorado River for use below Lee Ferry, redesignated (3).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–569 effective Oct. 30, 1984, see section 6 of Pub. L. 98–569, set out as a note under section 1591 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under subsec. (i) of this section is listed as the 7th item on page 114), see section 3003 of Pub. L. 104–66, as amended, and section 1(a)(4) [div. A, § 1402(1)] of Pub. L. 106–554, set out as notes under section 1113 of Title 31, Money and Finance.

LIMITATION ON FUNDS

Pub. L. 108–451, title I, § 107(b), Dec. 10, 2004, 118 Stat. 3498, provided that: ''Amounts made available under the amendment made by subsection (a) [amending this section]—

''(1) shall be identified and retained in the Lower Colorado River Basin Development Fund established

by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543); and

''(2) shall not be expended or withdrawn from that fund until the later of—

''(A) the date on which the findings described in section 207(c) [118 Stat. 3519] are published in the Federal Register; or

''(B) January 1, 2010.''

PAYMENT FROM DEVELOPMENT FUND TO GENERAL FUND OF TREASURY

Pub. L. 108–447, div. C, title II, § 203, Dec. 8, 2004, 118 Stat. 2948, provided that:

''(a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States District Court on April 24, 2003, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)), and any amendment or revision thereof, is met.

''(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is 10 years after the date of enactment of this Act [Dec. 8, 2004], payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

''(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–137, title II, § 205, Dec. 1, 2003, 117 Stat. 1849.

Pub. L. 107–66, title II, § 204, Nov. 12, 2001, 115 Stat. 500.

§ 1544. Annual report to Congress

On January 1 of each year the Secretary shall report to the Congress, beginning with the fiscal year ending June 30, 1969, upon the status of the revenues from and the cost of constructing, operating, and maintaining each lower basin unit of the project for the preceding fiscal year. The report of the Secretary shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

(Pub. L. 90–537, title IV, § 404, Sept. 30, 1968, 82 Stat. 896.)

SUBCHAPTER V—GENERAL PROVISIONS

§ 1551. Construction of Colorado River Basin Act

(a) Effect on other laws

Nothing in this chapter shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057) [43 U.S.C. 617 et seq.], the Boulder Canyon Project Adjustment Act (54 Stat. 774), [43 U.S.C. 618 et seq.], or the Colorado River Storage Project Act (70 Stat. 105) [43 U.S.C. 620 et seq.].

(b) Reports to Congress

The Secretary is directed to—

(1) make reports as to the annual consumptive uses and losses of water from the Colorado River system after each successive five-year period, beginning with the five-year period starting on October 1, 1970. Such reports shall include a detailed breakdown of the beneficial consumptive use of water on a State-by-State basis. Specific figures on quantities consumptively used from the major tributary streams flowing into the Colorado River shall also be included on a State-by-State basis. Such reports shall be prepared in consultation with the States of the lower basin individually and with the Upper Colorado River Commission, and shall be transmitted to the President, the Congress, and to the Governors of each State signatory to the Colorado River Compact; and

(2) condition all contracts for the delivery of water originating in the drainage basin of the Colorado River system upon the availability of water under the Colorado River Compact.

(c) Compliance of Federal officers and agencies

All Federal officers and agencies are directed to comply with the applicable provisions of this chapter, and of the laws, treaty, compacts, and decree referred to in subsection (a) of this section, in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary, and in the operation and maintenance of all works which may be authorized hereafter for the augmentation of the water supply of the Colorado River system. In the event of failure of any such officer or agency to so comply, any affected State may maintain an action to enforce the provisions of this section in the Supreme Court of the United States and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise.

(Pub. L. 90–537, title VI, § 601, Sept. 30, 1968, 82 Stat. 899.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original ''this Act'', meaning Pub. L. 90–537, Sept. 30, 1968, 82 Stat. 885, as amended, known as the Colorado River Basin Project Act, which enacted this chapter and sections 616aa–1, 620a–1, 620a–2, 620c–1, and 620d–1 of this title, amended sections 616hh, 620, and 620a of this title, and enacted provisions set out as notes under sections 620, 620k, and 1501 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

The Boulder Canyon Project Act, referred to in subsec. (a), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. 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. (a), is act July 19, 1940, ch. 643, 54

Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618*o* of this title and Tables.

The Colorado River Storage Project Act, referred to in subsec. (a), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b)(1) of this section relating to the requirement that the Secretary transmit a report to Congress every five years, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 9th item on page 114 of House Document No. 103–7.

§ 1552. Criteria for long-range operation of reservoirs

(a) Promulgation by Secretary; order of priorities

In order to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Secretary shall propose criteria for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River Storage Project Act [43 U.S.C. 620 et seq.], the Boulder Canyon Project Act [43 U.S.C. 617 et seq.], and the Boulder Canyon Project Adjustment Act [43 U.S.C. 618 et seq.]. To effect in part the purposes expressed in this paragraph, the criteria shall make provision for the storage of water in storage units of the Colorado River storage project and releases of water form Lake Powell in the following listed order of priority:

(1) releases to supply one-half the deficiency described in article III(c) of the Colorado River Compact, if any such deficiency exists and is chargeable to the States of the Upper Division, but in any event such releases, if any, shall not be required in any year that the Secretary makes the determination and issues the proclamation specified in section 1512 of this title;

(2) releases to comply with article III(d) of the Colorado River Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division from other sources; and

(3) storage of water not required for the releases specified in clauses (1) and (2) of this subsection to the extent that the Secretary, after consultation with the Upper Colorado River Commission and representatives of the three Lower Division States and taking into consideration all relevant factors (including, but not limited to, historic stream-flows, the most critical period of record, and probabilities of water supply), shall find this to be reasonably necessary to assure deliveries under clauses (1) and (2) without impairment of annual consumptive uses in the upper basin pursuant to the Colorado River Compact: *Provided*, That water not so required to be stored shall be released from Lake Powell: (i) to the extent it can be reasonably applied in the States of the Lower Division to the uses specified in article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead, (ii) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and (iii) to avoid anticipated spills from Lake Powell.

(b) Submittal of criteria for review and comment; publication; report to Congress

Not later than January 1, 1970, the criteria proposed in accordance with the foregoing subsection (a) of this section shall be submitted to the Governors of the seven Colorado River Basin States and to such other parties and agencies as the Secretary may deem appropriate for their review and comment. After receipt of comments on the proposed criteria, but not later than July 1, 1970, the Secretary shall adopt appropriate criteria in accordance with this section and publish the same in the Federal Register. Beginning January 1, 1972, and yearly thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected operation for the current year. As a result of actual operating experience or unforeseen circumstances, the Secretary may thereafter modify the criteria to better achieve the purposes specified in subsection (a) of this section, but only after correspondence with the Governors of the seven Colorado River Basin States and appropriate consultation with such State representatives as each Governor may designate.

(c) Powerplant operations

Section 7 of the Colorado River Storage Project Act [43 U.S.C. 620f] shall be administered in accordance with the foregoing criteria.

(Pub. L. 90–537, title VI, § 602, Sept. 30, 1968, 82 Stat. 900.)

REFERENCES IN TEXT

The Colorado River Storage Project Act, referred to in subsec. (a), is act Apr. 11, 1956, ch. 203, 70 Stat. 105, as amended, which is classified generally to chapter 12B (§ 620 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 620 of this title and Tables.

The Boulder Canyon Project Act, referred to in subsec. (a), is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§ 617 et seq.) of chapter 12A of this title. 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. (a), is act July 19, 1940, ch. 643, 54 Stat. 774, as amended, which is classified generally to subchapter II (§ 618 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 618*o* of this title and Tables.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b) of this section relating to the requirement that the Secretary transmit an annual report to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 3rd item on page 113 of House Document No. 103–7.

§ 1553. Upper Colorado River Basin; rights to consumptive uses not to be reduced or prejudiced; duties and powers of Commission not impaired

(a) Rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin.

(b) Nothing in this chapter shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(Pub. L. 90–537, title VI, § 603, Sept. 30, 1968, 82 Stat. 901.)

§ 1554. Federal reclamation laws

Except as otherwise provided in this chapter, in constructing, operating, and maintaining the units of the projects herein and hereafter authorized, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) to which laws this chapter shall be deemed a supplement.

(Pub. L. 90–537, title VI, § 604, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is popularly known as the Reclamation Act, which is classified generally to chapter 12 (§ 371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

§ 1555. Federal Power Act inapplicable to Colorado River between Hoover Dam and Glen Canyon Dam

Part I of the Federal Power Act [16 U.S.C. 791a et seq.] shall not be applicable to the reaches of the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam until and unless otherwise provided by Congress.

(Pub. L. 90–537, title VI, § 605, Sept. 30, 1968, 82 Stat. 901.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended. Part I of the Federal Power Act is classified generally to subchapter I (§ 791a et seq.) of chapter 12 of Title 16, Conservation. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

§ 1556. Definitions

As used in this chapter, (a) all terms which are defined in the Colorado River Compact shall have the meanings therein defined;

(b) ''Main stream'' means the main stream of the Colorado River downstream from Lee Ferry within the United States, including the reservoirs thereon;

(c) ''User'' or ''water user'' in relation to main stream water in the lower basin means the United States or any person or legal entity entitled under the decree of the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), to use main stream water when available thereunder;

(d) ''Active storage'' means that amount of water in reservoir storage, exclusive of bank storage, which can be released through the existing reservoir outlet works;

(e) ''Colorado River Basin States'' means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(f) ''Western United States'' means those States lying wholly or in part west of the Continental Divide; and

(g) ''Augment'' or ''augmentation'', when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system.

(Pub. L. 90–537, title VI, § 606, Sept. 30, 1968, 82 Stat. 901.)

CHAPTER 32A—COLORADO RIVER BASIN SALINITY CONTROL

SUBCHAPTER I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

Sec.
1571. Water quality improvement.
1572. Canal or canal lining.
1573. Construction and maintenance of well fields; land acquisition; land replacement; nonreimbursable costs.
1574. Modification of projects.
1575. Contract authority.
1575a. Administration and disposition of lands and constructed facilities; revenues credited to general fund of Treasury.
1576. Interagency cooperation.
1577. Existing Federal laws not modified.
1578. Authorization of appropriations.
1579. Fish and wildlife habitat; mitigation of losses.
1580. Definitions.

SUBCHAPTER II—MEASURES UPSTREAM FROM IMPERIAL DAM

1591. Salinity control policy.
1592. Authorization to construct, operate, and maintain salinity control units and salinity control programs.
1593. Planning reports; research and demonstration projects.
1594. Colorado River Basin Salinity Control Advisory Council.
1595. Salinity control units; authority and functions of Secretary of the Interior.
1596. Biennial report to President, Congress, and Advisory Council.
1597. Construction of provisions of subchapter.
1598. Achieving project objectives.
1599. Definitions.

SUBCHAPTER I—PROGRAMS DOWNSTREAM FROM IMPERIAL DAM

§ 1571. Water quality improvement

(a) Authority to proceed with program

The Secretary of the Interior, hereinafter referred to as the ''Secretary'', is authorized and directed to proceed with a program of works of improvement for the enhancement and protection of the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United