

Colorado River Basin Salinity Control Act

[Public Law 93–320]

[As Amended Through P.L. 118–183, Enacted December 23, 2024]

【Currency: This publication is a compilation of the text of Public Law 93–320. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Colorado River Basin Salinity Control Act”.

【43 U.S.C. 1571 note】

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TITLE II—MEASURES UPSTREAM FROM IMPERIAL DAM

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SEC. 205. [43 U.S.C. 1595] SALINITY CONTROL UNITS; AUTHORITY AND FUNCTIONS OF THE SECRETARY OF THE INTERIOR.

(a) ALLOCATION OF COSTS.—The Secretary shall allocate the total costs (excluding costs borne by non-federal participants) of the on-farm measures authorized by section 202(c), of all measures to replace incidental fish and wildlife values foregone, and of each unit or separable feature thereof authorized by section 202(a) of this title, as follows:

(1) NONREIMBURSABLE COSTS; REIMBURSABLE COSTS.—

(A) NONREIMBURSABLE COSTS.—

(i) IN GENERAL.—In recognition of Federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the land of the Colorado River Basin from which most of the dissolved salts originate, and the policy established in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and except as provided in clause (ii), the following shall be nonreimbursable:

(I) 75 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(1), including 90 percent of—

(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

(II) 75 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(2), including 100 percent of—

(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

(III) 75 percent of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature of a unit authorized by section 202(a)(3), including 75 percent of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

(IV) 70 percent of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature of a unit authorized by paragraphs (4) and (6) of section 202(a), including 70 percent of the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

(V) 70 percent of the total costs of construction and replacement of each unit or separable feature of a unit authorized by section 202(a)(5), including 100 percent of—

(aa) the costs of operation and maintenance of each unit or separable feature of a unit authorized by that section; and

(bb) the total costs of construction, operation, and maintenance of the associated measures to replace incidental fish and wildlife values foregone.

(VI) 85 percent of the total costs of implementation of the on-farm measures authorized by section 202(c), including 85 percent of the total costs of the associated measures to replace incidental fish and wildlife values foregone.

(ii) SPECIAL RULE FOR NONREIMBURSABLE COSTS FOR FISCAL YEARS 2024 AND 2025.—Notwithstanding clause (i), for each of fiscal years 2024 and 2025, the following shall be nonreimbursable:

(I) 75 percent of all costs described in clause

(i)(I).

(II) 75 percent of all costs described in clause

(i)(II).

(III) 70 percent of all costs described in clause

(i)(V).

(IV) The percentages of all costs described in subclauses (III), (IV), and (VI) of clause (i).

(B) REIMBURSABLE COSTS.—The total costs remaining after the allocations under clauses (i) and (ii) of subparagraph (A) shall be reimbursable as provided for in paragraphs (2), (3), (4), and (5).

(2) The reimbursable portion of the total costs shall be allocated between the Upper Colorado River Basin Fund established by section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) and the Lower Colorado River Basin Development Fund established by section 403(a) of the Colorado River Basin Project Act (82 Stat. 895), after consultation with the Advisory Council created in section 204 (a) of this title and consideration of the following items:

(i) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(ii) causes of salinity; and

(iii) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under section 205(d) of this title: Provided, That costs allocated to the Upper Colorado River Basin Fund under section 205(a)(2) of this title shall not exceed 15 per centum of the costs allocated to the Upper Colorado and the Lower Colorado River Basin Development Fund.

(3) Costs of construction and replacement of each unit or separable feature thereof authorized by sections 202(a)(1), (2), and (3)¹ and costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the units authorized by sections 202(a)(1), (2), and (3)¹, allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid within a fifty-year period or within a period equal to the estimated life of the unit, separable feature thereof, or replacement, whichever is less, without interest from the date such unit, separable feature, or replacement is determined by the Secretary to be in operation.

(4)(i) Costs of construction and replacement of each unit or separable feature thereof authorized by paragraphs (4) through (6) of section 202², costs of construction of measures to replace incidental fish and wildlife values foregone, when such measures are a part of the on-farm measures authorized by section 202(c) or of the unit

¹ So in law. Probably should read “paragraphs (1) through (3) of section 202(a)”.

² So in law. Probably should be “section 202(a)”.

authorized by paragraphs (4) through (6) of section 202, and costs of implementation of the on-farm measures authorized by section 202(c) allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid as provided in subparagraphs (ii) and (iii), respectively, of this paragraph.

(ii) Costs allocated to the upper basin shall be repaid with interest within a fifty-year period, or within a period equal to the estimated life of the unit, separable feature thereof, replacement, or on-farm measure, whichever is less, from the date such unit, separable feature thereof, replacement, or on-farm measure is determined by the Secretary or the Secretary of Agriculture to be in operation.

(iii) Costs allocated to the lower basin shall be repaid without interest as such costs are incurred to the extent that money is available from the Lower Colorado River Basin development fund to repay costs allocated to the lower basin. If in any fiscal year the money available from the Lower Colorado River Basin development fund for such repayment is insufficient to repay the costs allocated to the lower basin, as provided in the preceding sentence, the deficiency shall be repaid with interest as soon as money becomes available in the fund for repayment of those costs.

(iv) The interest rates used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period during the month preceding the date of enactment of the Act entitled “An Act to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title I1 of such Act, and for other purposes” for costs outstanding at that date, or, in the case of costs incurred subsequent to enactment of such Act, during the month preceding the fiscal year in which the costs are incurred.

(5) Costs of operation and maintenance of each unit or separable feature thereof authorized by section 202(a) and of measures to replace incidental fish and wildlife values foregone allocated to the upper basin and to the lower basin under section 205(a)(2) of this title shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such costs are incurred. In the event that revenues are not available to repay the portion of operation and maintenance costs allocated to the Upper Colorado River Basin fund and to the Lower Colorado River Basin development fund in the year next succeeding the fiscal year in which such costs are incurred, the deficiency shall be repaid³ with interest calculated in the same manner as provided in section 205(a)(4)(iv). Any reimbursement due non-Federal entities pursuant to section 202(b)(2) shall be repaid without interest in the fiscal year next succeeding the fiscal year in which such operation and maintenance costs are incurred.

(b) COSTS PAYABLE FROM LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—

³ So in law. Probably should read “repaid”.

(1) IN GENERAL.—Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 202(a), costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 202(c) allocated for repayment by the lower basin under section 205(a)(2) of this title shall be paid in accordance with subsection 205(b)(2) of this title, from the Lower Colorado River Basin Development Fund.

(2) **[Omitted—Amends other Act]**

(c) COSTS PAYABLE FROM UPPER COLORADO RIVER BASIN FUND.—Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof authorized by section 202(a), costs of construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and costs of implementation of the on-farm measures authorized by section 202(c) allocated for repayment by the upper basin under section 205 (a) (2) of this title shall be paid in accordance with section 205(d) of this title from the Upper Colorado River Basin Fund within the limit of the funds made available under section 205(e) of this title.

(d) **[Omitted—Amends other Act]**

(e) UPWARD ADJUSTMENT OF RATES FOR ELECTRICAL ENERGY.—The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105, 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs allocated to the Upper Colorado River Basin Fund under section 205(a)(2) and in conformity with section 205(a)(3), section 205(a)(4) and section 205(a)(5) of this title: Prozyided, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units, for the construction, operation, and maintenance of measures to replace incidental fish and wildlife values foregone, and for the implementation of on-farm measures in the Colorado River Basin herein authorized.

(f) UP-FRONT COST SHARE.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, subject to paragraph (3), the cost share obligations required by this section shall be met through an up-front cost share from the Basin Funds, in the same proportions as the cost allocations required under subsection (a), as provided in paragraph (2).

(2) BASIN STATES PROGRAM.—The Secretary shall expend the required cost share funds described in paragraph (1) through the Basin States Program for salinity control activities established under section 202(a)(7).

(3) EXISTING SALINITY CONTROL ACTIVITIES.—The cost share contribution required by this section shall continue to be met through repayment in a manner consistent with this sec-

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tion for all salinity control activities for which repayment was
commenced prior to the date of enactment of this paragraph.

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