

velopment 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.)

#### Editorial Notes

##### 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. 460-12 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.)

#### Editorial Notes

##### 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, which is classified principally to part C (§460-12 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 460-12 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, 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 sub-

chapter III 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 re-

sult 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), 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) and paragraphs (1) and (3) of subsection (c), the portion of revenues derived from the sale of power and energy for use in the State of Arizona pursuant to subsection (c)(2) in excess of the amount necessary to meet the requirements of paragraphs (1) and (2) of subsection (d), 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 obliga-

tion 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 ap-

proved 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 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 non-reimbursable 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 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 au-

thorized by section 4 of the Act of March 4, 1939<sup>1</sup> (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<sup>2</sup> 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 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 in-

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be followed by a comma.

dustrial 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.)

**Editorial Notes**

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, 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), 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 kilowatt-hour 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 kilowatt-hour 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 kilowatt-hour 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).

**Statutory Notes and Related Subsidiaries**

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 pe-

riod 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.)

### Editorial Notes

#### 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, 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, 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, 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 618o 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, 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.