

112TH CONGRESS
2D SESSION

S. 499

AN ACT

To authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bonneville Unit Clean
3 Hydropower Facilitation Act”.

4 **SEC. 2. DIAMOND FORK SYSTEM DEFINED.**

5 For the purposes of this Act, the term “Diamond
6 Fork System” means the facilities described in chapter 4
7 of the October 2004 Supplement to the 1988 Definite
8 Plan Report for the Bonneville Unit.

9 **SEC. 3. COST ALLOCATIONS.**

10 Notwithstanding any other provision of law, in order
11 to facilitate hydropower development on the Diamond
12 Fork System, the amount of reimbursable costs allocated
13 to project power in Chapter 6 of the Power Appendix in
14 the October 2004 Supplement to the 1988 Bonneville Unit
15 Definite Plan Report, with regard to power development
16 within the Diamond Fork System, shall be considered final
17 costs as well as costs in excess of the total maximum re-
18 payment obligation as defined in section 211 of the Cen-
19 tral Utah Project Completion Act of 1992 (Public Law
20 102–575), and shall be subject to the same terms and con-
21 ditions.

22 **SEC. 4. NO PURCHASE OR MARKET OBLIGATION; NO COSTS**
23 **ASSIGNED TO POWER.**

24 Nothing in this Act shall obligate the Western Area
25 Power Administration to purchase or market any of the
26 power produced by the Diamond Fork power plant and

1 none of the costs associated with development of trans-
 2 mission facilities to transmit power from the Diamond
 3 Fork power plant shall be assigned to power for the pur-
 4 pose of Colorado River Storage Project ratemaking.

5 **SEC. 5. PROHIBITION ON TAX-EXEMPT FINANCING.**

6 No facility for the generation or transmission of hy-
 7 droelectric power on the Diamond Fork System may be
 8 financed or refinanced, in whole or in part, with proceeds
 9 of any obligation—

10 (1) the interest on which is exempt from the
 11 tax imposed under chapter 1 of the Internal Rev-
 12 enue Code of 1986, or

13 (2) with respect to which credit is allowable
 14 under subpart I or J of part IV of subchapter A of
 15 chapter 1 of such Code.

16 **SEC. 6. REPORTING REQUIREMENT.**

17 If, 24 months after the date of the enactment of this
 18 Act, hydropower production on the Diamond Fork System
 19 has not commenced, the Secretary of the Interior shall
 20 submit a report to the Committee on Natural Resources
 21 of the House of Representatives and the Committee on
 22 Energy and Natural Resources of the Senate stating this
 23 fact, the reasons such production has not yet commenced,
 24 and a detailed timeline for future hydropower production.

1 **SEC. 7. PAYGO.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

10 **SEC. 8. LIMITATION ON THE USE OF FUNDS.**

11 The authority under the provisions of section 301 of
12 the Hoover Power Plant Act of 1984 (Public Law 98–381;
13 42 U.S.C. 16421a) shall not be used to fund any study
14 or construction of transmission facilities developed as a
15 result of this Act.

Passed the Senate December 30, 2012.

Attest:

Secretary.

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