112TH CONGRESS
1ST SESSION

H. R. 460

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. CHAFFETZ (for himself, Mr. MATHESON, and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Bonneville Unit Clean

5 Hydropower Facilitation Act".

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

7   For the purposes of this Act, the term "Diamond

8 Fork System" means the facilities described in chapter 4

1 of the October 2004 Supplement to the 1988 Definite
2 Plan Report for the Bonneville Unit.

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

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

16 **SEC. 4. NO PURCHASE OR MARKET OBLIGATION; NO COSTS**
17   **ASSIGNED TO POWER.**

18 Nothing in this Act shall obligate the Western Area
19 Power Administration to purchase or market any of the
20 power produced by the Diamond Fork power plant and
21 none of the costs associated with development of trans-
22 mission facilities to transmit power from the Diamond
23 Fork power plant shall be assigned to power for the pur-
24 pose of Colorado River Storage Project ratemaking.

SEC. 5. PROHIBITION ON TAX-EXEMPT FINANCING.

No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

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

SEC. 6. REPORTING REQUIREMENT.

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

SEC. 7. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record

1 by the Chairman of the House Budget Committee, pro-

2 vided that such statement has been submitted prior to the

3 vote on passage.

SEC. 8. LIMITATION ON THE USE OF FUNDS.

5 The authority under the provisions of section 301 of

6 the Hoover Power Plant Act of 1984 (Public Law 98–381;

7 42 U.S.C. 16421a) shall not be used to fund any study

8 or construction of transmission facilities developed as a

9 result of this Act.

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