

[APPENDIX 21]

AMENDMENTS SUBMITTED TO
THE BOULDER CANYON PROJECT
ACT BUT NOT FINALLY ADOPTED

(Tabulation prepared by the California Colorado River
Commission; the figures in the footnotes refer to the Con-
gressional Record ("CR"), 70th Congress, first or second
sessions (CR1, CR2) and the page number)

AMENDMENTS SUBMITTED BUT NOT FINALLY ADOPTED

NOTES BY CALIFORNIA COLORADO RIVER COMMISSION

The following is a list of amendments submitted or considered during consideration of the bill by the Seventieth Congress, but which either failed of passage or were eliminated by subsequent proceedings. In the debate before Congress during consideration of the bill amendments were usually introduced by reference to a printed bill then before either the Senate or the House. In the prints of the bill in its various forms the pages and line numbers changed, and in tracing the amendments it would be almost impossible to identify the location by page and line number unless the particular form of the bill at that moment in print were in front of the investigator. To eliminate this difficulty reference is made simply to the section or subsection of the final bill having to do with the matter under discussion. If exact information is desired regarding the phraseology of the bill under discussion at the time the particular amendments were introduced it will be necessary to refer to the Congressional Record and to check against a copy of the printed bill then before the legislative body. The bill was printed in numerous forms, with and without amendments, during various stages of the debates and it is impossible to give all of the various prints in a pamphlet of this size. Effort is made here to give the actual text of the amendments as offered and sufficient information to enable the reader to understand and identify the points raised and the effect of the various changes proposed.

AMENDMENTS SUBMITTED OR CONSIDERED BUT ELIMINATED BY SUBSEQUENT PROCEEDINGS

1. Senator Ashurst (CR2-546). Section 10, insert after "district," "and the express consent of the Yuma County Water Users' Association." Withdrawn, CR2-596.

2. (CR1-7695). After section 1, insert, "*Provided*, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States of Wyoming, Colorado, Utah, New Mexico, Nevada, California, and Arizona, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Arizona or the residents or the people thereof, touching any matter, or thing, or property, or property interests relative to the construction of the Colorado River Boulder Dam project." *

3. (CR1-10606). In section 1, strike out "navigation" and insert "interstate commerce." *

4. (CR1-10608). Section 1 after "compact" insert "and the supplementary compact." *

* Where this mark appears after an amendment the amendment was submitted and ordered printed in the Record but was either later withdrawn or was not called up to be acted on.

5. Section 1 after "dam" insert "which shall not exceed 550 feet in height." *

6. (CR1-10608). In section 1 after "at" strike out "Black Canyon or Boulder Canyon" and insert "at a site to be selected by a board of competent engineers to be appointed by the President; *Provided*, That none of such engineers shall have been previously employed by the Department of the Interior." *

7. Section 1 after "water" insert "and which shall be operated as a unit in a comprehensive plan of development of the Colorado River which will insure the maximum water for domestic and irrigation use and for the development of the maximum amount of power." *

8. Section 1, after "California," insert "to utilize waters apportioned to California by said compacts, the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law: *Provided*, That in the event of a treaty between the United States of America and the United States of Mexico said canal and structures may be partially located in Mexico". *

9. Section 1, after "for" strike out "water or for use", and after "storage" strike out "or". *

10. Section 1, after "or" strike out "delivery", and after "irrigation" strike out "or water for potable purposes". *

11. Section 2 (b), after "\$125,000,000" strike out the period and insert ": *Provided*, That the sum of \$30,000,000 thereof shall be allocated to flood control, and shall not be reimbursable to the United States". *

12. (CR1-10608). Section 2 (c) after "and" insert "for" and after "upon" insert "such of". *

13. Section 2 (c) after "advanced" insert "as are subject to an interest charge". *

14. Section 2 (d), after "interest" insert "authorized by this act", and after "advanced" insert "which by the terms of this act, are made subject to the payment of interest". *

15. Section 2 (e), after "interest" insert "and other payments required by this act". *

16. Section 3, after "\$125,000,000" insert ", of which the sum of \$30,000,000 shall be assigned to flood control, and shall not be reimbursable to the United States". *

16a. Strike out section 4 (a) and insert "Section 4. (a) This act shall take effect, and be in full force, when the Colorado River compact referred to and ratified in section 12 of this act shall have been unconditionally ratified by the States of Arizona, California, Colorado Nevada, New Mexico, Utah, and Wyoming, and the President, by public proclamation, shall have so declared, and the States of California, Nevada, and Arizona shall have approved a supplemental compact apportioning among said States the waters of the Colorado River system allocated to the States of the lower basin by said Colorado River compact, or otherwise available for use in said States.

"No work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by any others to initiate or perfect any claims to the use of water pertinent to such works or structures

* Where this mark appears after an amendment the amendment was admitted and ordered printed in the Record but was either later withdrawn or was not called up to be acted on.

except as herein expressly provided in section 17 until said Colorado River compact and the supplementary compact shall have been ratified and such ratification proclaimed as provided in this act."

Strike out section 4 (b) and insert "(b) Before any money is appropriated for the dam at Black Canyon or Boulder Canyon, or for the hydroelectric plant at or near said dam authorized by this act, or any construction work thereon done or contracted for, the Secretary of the Interior shall make provision by contract, in accordance with the provisions of this act, for the right to the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, and/or for the sale of a sufficient amount of the electrical energy to be developed at the plant aforesaid, and for the storage of water for irrigation and domestic purposes, adequate in his judgment to insure payment of all expenses of operation and maintenance of said dam and power plant and incidental works incurred by the United States and the repayment within 50 years from the date of the completion of such works of all amounts advanced for such purposes to the fund under subdivision (b) of section 2, together with interest thereon reimbursable under this act; and before any money is appropriated for the canals and appurtenant structures authorized by this act or any construction work thereon done or contracted for the said Secretary shall make provision for revenues, by contracts conforming to the provisions of the reclamation law, adequate in his judgment to insure payment of all expenses of operation and maintenance of said canal and appurtenant structures incurred by the United States and the repayment, under the terms and provisions of the reclamation law, of all amounts advanced for such purposes to the fund under said subdivision (b) of section 2. If the Secretary of the Interior shall receive revenues during the period of amortization in excess of the amount necessary to meet the periodical payments to the United States, as provided in the contract or contracts, executed in accordance with the requirements of this act, then he shall, immediately after the settlement of such periodical payments, divide and pay any excess revenues as follows, to wit: To the State of Arizona, 40 per cent; to the State of Nevada, 40 per cent; and the remaining 20 per cent of such excess revenues shall be held by the Secretary as a reserve fund to meet emergencies or to be applied on successive contractual payments to the United States as in his discretion may be considered proper. After the United States has been fully paid in accordance with this act, and the contracts executed thereunder, then all net revenues shall be divided as follows, to wit: To Arizona, 45 per cent; to Nevada, 45 per cent; and to the contractee or contractees, 10 per cent." *

17. (CR1-10609). Before section 5, after "revenue" insert "*Provided, however,* That after investments made by the Government shall have been returned, the plants for the generation of electric power, if constructed by the United States, together with appurtenant water rights, equipment, and structures, exclusive of the dam, shall pass to the States of Arizona and Nevada jointly, to be managed and controlled by them as they may decide at the time of transfer; operations to be conducted subject to the provisions of the Colorado River compact." *

* Where this mark appears after an amendment the amendment was submitted and ordered printed in the Record but was either later withdrawn or was not called up to be acted on.

18. (CR1-10609). Section 5, after "section 4" strike out all down to and including the word "service." *

19. (CR1-10609). In section 5, near the end of first paragraph after "stored" insert "behind said dam at Black or Boulder Canyon," and after "except" insert "upon compliance with the water laws of the States wherein such water is made available, nor except." *

20. (CR1-10609). At the end of first paragraph of section 5, after "stated" insert "and no such contract shall provide for the delivery or permit the diversion of said stored water in any State in excess of the respective amounts set forth in this act or as may be agreed upon in any compact entered into and ratified as provided by this act." *

21. (CR1-10609). Section 5 after "stated" insert "*Provided, That* the Secretary of the Interior in the delivery of water shall limit the amounts used in Arizona and California so that neither of said States shall use in excess of one-half of the water available in the lower basin out of the main Colorado River after 300,000 acre-feet has been deducted for use within the State of Nevada." *

22. (CR1-10609). Second paragraph of section 5 after "interest" strike out all down to and including the word "Congress" and insert "shall have been made, the plants for the generation of electric power if constructed by the United States, together with appurtenant water rights, equipment, and structures, exclusive of the dam, shall pass to the States of Arizona and Nevada, jointly, to be managed and controlled by them as they may decide at the time of transfer; operations to be conducted subject to the provisions of the Colorado River compact." *

23. (CR1-10609). Strike out all of second paragraph of section 5.*

24. (CR1-10609). Before subsection (b) of section 5, insert "Each of the States of Arizona, California, and Nevada may designate a commissioner by legislative enactment who shall act in an advisory capacity to the Secretary of the Interior in the exercise of any authority conferred upon him by this act, and each of such commissions shall have at all times access to records of all Federal agencies empowered to act under this act and shall be entitled to have copies of said records on request." *

25. (CR1-10609). Subsection (b) of section 5 after "conditions" insert "as are authorized by the Federal power act or." *

26. (CR1-10609). Subsection (b) of section 5 after "regulations" insert a period and strike out the remainder of the subsection.*

27. (CR1-10609). Subsection (c) of section 5 after "license" insert "That preference to applicants for the use of water and appurtenant works and privileges necessary for the generation and distribution of hydroelectric energy, or for delivery at the switchboard of a hydroelectric plant, shall be given, first, to a State; second, to a political subdivision of a State; third, to citizens of the United States or any association of such citizens, or any corporation organized under the laws of the United States or any State thereof. The States of Arizona, California, and Nevada shall have preference, and upon an equality with regard to such preferential rights, and shall be given equal opportunity as such applicants." *

* Where this mark appears after an amendment the amendment was submitted and ordered printed in the Record but was either later withdrawn or was not called up to be acted on.