

## TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior with respect to Bonneville Power Administration transferred to Secretary of Energy by section 7152(a)(1)(D), (2) of Title 42, The Public Health and Welfare, with Bonneville Power Administration to be preserved as a distinct organizational entity within Department of Energy and headed by an Administrator.

**§ 832l. Separability**

If any provision of this chapter or the application of such provision to any person or circumstance shall be held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(Aug. 20, 1937, ch. 720, § 13, 50 Stat. 736.)

**§ 832m. Sale of excess Federal power; fish and wildlife conservation within Federal Columbia River Power System; residential exchange; personnel flexibility****(a) Definitions**

In this section:

**(1) Administrator**

The term "Administrator" means the Administrator of the Bonneville Power Administration.

**(2) Council**

The term "Council" means the Northwest Power and Conservation Planning Council.

**(3) Excess Federal power**

The term "excess Federal power" means such electric power that has become surplus to the firm contractual obligations of the Administrator under section 839c(f) of this title due to either—

(A) any reduction in the quantity of electric power that the Administrator is contractually required to supply under subsections (b) and (d) of section 839c of this title, due to the election by customers of the Bonneville Power Administration to purchase electric power from other suppliers, as compared to the quantity of electric power that the Administrator was contractually required to supply as of January 1, 1995; or

(B) those operations of the Federal Columbia River Power System that are primarily for the benefit of fish and wildlife affected by the development, operation, or management of the System.

**(b) Sale of excess Federal power**

Notwithstanding section 837a of this title, subsections (a), (b), and (c) of section 837b of this title, and section 837f of this title, and section 839f(c) of this title, the Administrator may, as permitted by otherwise applicable law, sell or otherwise dispose of excess Federal power—

(1) outside the Pacific Northwest on a firm basis for a contract term of not to exceed 7 years, if the excess Federal power is first offered for a reasonable period of time and under the same essential rate, terms and conditions to those Pacific Northwest public body, cooperative and investor-owned utilities and those

direct service industrial customers identified in subsection (b) or (d)(1)(A) of section 839c of this title; and

(2) in any region without the prohibition on resale established by the second sentence of section 832d(a) of this title.

**(c) Study by Council**

(1)<sup>1</sup> Within 180 days of November 13, 1995, the Council shall review and report to Congress regarding the most appropriate governance structure to allow more effective regional control over efforts to conserve and enhance anadromous and resident fish and wildlife within the Federal Columbia River Power System.

**(d) Corps of Engineers procurement**

The Assistant Secretary of the Army for Civil Works, acting through the North Pacific Division of the Corps of Engineers, is authorized to place orders for goods and services related to facilities for electric power generation and fish and wildlife mitigation associated with the Federal Columbia River Power System with and through the Administrator using the authorities available to the Administrator.

**(e) Residential exchange**

Notwithstanding the establishment, confirmation and approval of rates pursuant to section 839e of this title, and notwithstanding the provisions of section 839c(c) of this title, the cost benefits of eligible utilities' total purchase and exchange sales under section 839c(c)(1) of this title shall be \$145,000,000 for fiscal year 1997, and the net benefits paid to each eligible electric utility shall be \$145,000,000 multiplied by the percentage of the total of such net benefits paid by the Administrator to such utility for fiscal year 1995.

**(f) Personnel flexibility**

The Administrator may offer employees voluntary separation incentives as deemed necessary which shall not exceed \$25,000. Recipients who accept employment with the United States within five years after separation shall repay the entire amount to the Bonneville Power Administration.

**(g) Savings**

Unless superseded by an Act of Congress, the authority provided by this section is expressly intended to extend beyond the fiscal year.

(Pub. L. 104-46, title V, § 508, Nov. 13, 1995, 109 Stat. 419.)

## CODIFICATION

Section was enacted as part of the Energy and Water Development Appropriations Act, 1996, and not as part of the Bonneville Project Act of 1937 which comprises this chapter.

## VOLUNTARY SEPARATION INCENTIVES TO EMPLOYEES

Pub. L. 104-206, title V, § 511, Sept. 30, 1996, 110 Stat. 3004, as amended by Pub. L. 106-377, § 1(a)(2) [title III], Oct. 27, 2000, 114 Stat. 1441, 1441A-76, provided that: "The Administrator may offer employees voluntary separation incentives as deemed necessary which shall not exceed \$25,000. Recipients who accept employment with the United States within five years after separation shall repay the entire amount to the Bonneville

<sup>1</sup> So in original. No par. (2) has been enacted.