

**§ 825s-1. Southwestern area sale and transmission of electric power; disposition of receipts; creation of continuing fund; use of fund**

All receipts from the transmission and sale of electric power and energy under the provisions of section 825s of this title, generated or purchased in the southwestern power area, shall be covered into the Treasury of the United States as miscellaneous receipts, except that the Treasury shall set up and maintain from such receipts a continuing fund of \$300,000, including the sum of \$100,000 in the continuing fund established under the Administrator of the Southwestern Power Administration in the First Supplemental National Defense Appropriation Act, 1944 (57 Stat. 621), which shall be transferred to the fund established; and said fund of \$300,000 shall be placed to the credit of the Secretary and shall be subject to check by him to defray emergency expenses necessary to insure continuity of electric service and continuous operation of the facilities, and to cover all costs in connection with the purchase of electric power and energy and rentals for the use of facilities for the transmission and distribution of electric power and energy to public bodies, cooperatives, and privately owned companies: *Provided*, That expenditures from this fund to cover such costs in connection with the purchase of electric power and energy and rentals for the use of facilities are to be made only in such amounts as may be approved annually in appropriation Acts.

(Oct. 12, 1949, ch. 680, title I, §101, 63 Stat. 767; Aug. 31, 1951, ch. 375, title I, §101, 65 Stat. 249.)

REFERENCES IN TEXT

The First Supplemental National Defense Appropriation Act, 1944, referred to in text, was act Dec. 23, 1943, ch. 380, title I, §101, 57 Stat. 621, which was not classified to the Code.

CODIFICATION

Section was not enacted as part of the Federal Power Act which generally comprises this chapter.

Section as originally enacted contained a provision relating to maximum expenditures for the fiscal year 1952.

AMENDMENTS

1951—Act Aug. 31, 1951, inserted proviso.

**USE OF FUND TO PAY FOR PURCHASE POWER AND WHEELING EXPENSES TO MEET CONTRACTUAL OBLIGATIONS DURING PERIODS OF BELOW-AVERAGE HYDRO-POWER GENERATION**

Pub. L. 101-101, title III, Sept. 29, 1989, 103 Stat. 660, provided: "That the continuing fund established by the Act of October 12, 1949, c. 680, title I, section 101, as amended [16 U.S.C. 825s-1], shall also be available on an ongoing basis for paying for purchase power and wheeling expenses when the Administrator determines that such expenditures are necessary to meet contractual obligations for the sale and delivery of power during periods of below-average hydropower generation. Payments from the continuing fund shall be limited to the amount required to replace the generation deficiency, and only for the project where the deficiency occurred. Replenishment of the fund shall occur within twelve months of the month in which the funds were first expended."

**§ 825s-2. Southeastern area sale and transmission of electric power; disposition of receipts; creation of continuing funds; use of fund**

All receipts from the transmission and sale of electric power and energy under the provisions of section 825s of this title, generated or purchased in the southeastern power area, shall be covered into the Treasury of the United States as miscellaneous receipts, except that the Treasury shall set up and maintain from such receipts a continuing fund of \$50,000, and said fund shall be placed to the credit of the Secretary, and shall be subject to check by him to defray emergency expenses necessary to insure continuity of electric service and continuous operation of Government facilities in said area.

(Aug. 31, 1951, ch. 375, title I, §101, 65 Stat. 249.)

CODIFICATION

Section was not enacted as part of the Federal Power Act which generally comprises this chapter.

**§ 825s-3. Southwestern area sale at uniform systemwide rates of electric power over transmission lines constructed with appropriated funds or used under contractual arrangements**

Power and energy marketed by the Southwestern Power Administration pursuant to section 825s of this title, shall be sold at uniform systemwide rates, without discrimination between customers to whom the Southwestern Power Administration delivers such power and energy by means of transmission lines or facilities constructed with appropriated funds, and customers to whom the Southwestern Power Administration delivers such power and energy by means of transmission lines or facilities, the use of which is acquired by lease, wheeling, or other contractual arrangements.

(Pub. L. 95-456, §1, Oct. 13, 1978, 92 Stat. 1230.)

CODIFICATION

Section was not enacted as part of the Federal Power Act which generally comprises this chapter.

EFFECTIVE DATE

Pub. L. 95-456, §2, Oct. 13, 1978, 92 Stat. 1230, provided that: "This Act [enacting this section] shall not become effective until Contract No. 14-02-00001-1002, effective August 1, 1962, between the United States of America and Associated Electric Cooperative, Inc., Springfield, Missouri, has been amended in a manner mutually agreeable to the parties thereto."

**§ 825s-4. Southwestern Power Administration; deposit and availability of advance payments**

Notwithstanding section 3302 of title 31, beginning in fiscal year 2005 and thereafter, such funds as are received by the Southwestern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with Southwestern's transmission facilities, consistent with that authorized in section 825s of this title, shall be credited to this account and be available until expended.

(Pub. L. 108-447, div. C, title III, Dec. 8, 2004, 118 Stat. 2956.)

## CODIFICATION

Section was enacted as part of the Energy and Water Development Appropriations Act, 2005, and also as part of the Consolidated Appropriations Act, 2005, and not as part of the Federal Power Act which generally comprises this chapter. Section is based on the proviso in the paragraph under the headings “POWER MARKETING ADMINISTRATIONS” and “OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION” in title III of div. C of Pub. L. 108-447.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:  
Pub. L. 108-137, title III, Dec. 1, 2003, 117 Stat. 1858.

**§ 825s-5. Southeastern Power Administration; deposit and availability of advance payments**

Notwithstanding the provisions of section 3302 of title 31, beginning in fiscal year 2008 and thereafter, such funds as are received by the Southeastern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with Southeastern's Operations and Maintenance, consistent with that authorized in section 825s of this title, shall be credited to this account and be available until expended.

(Pub. L. 110-161, div. C, title III, Dec. 26, 2007, 121 Stat. 1965.)

## CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2008, and also as part of the Consolidated Appropriations Act, 2008, and not as part of the Federal Power Act which generally comprises this chapter.

**§ 825s-6. Southeastern Power Administration; deposit and availability of discretionary offsetting collections**

Notwithstanding the provisions of section 3302 of title 31 and section 825s of this title, all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

(Pub. L. 111-85, title III, Oct. 28, 2009, 123 Stat. 2869.)

## REFERENCES IN TEXT

This fiscal year, referred to in text, is the fiscal year ending Sept. 30, 2010.

## CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2010, and not as part of the Federal Power Act which generally comprises this chapter.

**§ 825s-7. Southwestern Power Administration; deposit and availability of discretionary offsetting collections**

Notwithstanding section 3302 of title 31 and section 825s of this title, all funds collected by

the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

(Pub. L. 111-85, title III, Oct. 28, 2009, 123 Stat. 2869.)

## REFERENCES IN TEXT

This fiscal year, referred to in text, is the fiscal year ending Sept. 30, 2010.

## CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2010, and not as part of the Federal Power Act which generally comprises this chapter.

**§ 825t. Utilization of power revenues**

No power revenues on any project shall be distributed as profits, before or after retirement of the project debt, and nothing contained in any previous appropriation Act shall be deemed to have authorized such distribution: *Provided*, That the application of such revenues to the cost of operation, maintenance, and debt service of the irrigation system of the project, or to other purposes in aid of such irrigation system, shall not be construed to be such a distribution.

(July 1, 1946, ch. 529, § 1, 60 Stat. 366.)

## CODIFICATION

Section was not enacted as part of the Federal Power Act which generally comprises this chapter.

**§ 825u. Interest rate on power bonds held by Administrator of General Services**

The Administrator of General Services or his successor in interest is authorized to reduce the rate of interest to 2½ per centum on all power bonds held by such Agency issued by States, public authorities, counties, municipalities, and other subdivisions of State governments for power projects financed by the Public Works Administration.

(July 31, 1946, ch. 710, § 6, 60 Stat. 744; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

## CODIFICATION

This section was not enacted as part of the Federal Power Act which generally comprises this chapter.

## TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, transferred to Administrator of General Services by section 103(a) of act June 30, 1949. Both Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of said act. See Historical and Revision Notes under section 303(b) of Title 40, Public Buildings, Property, and Works. Transfer of functions of Federal Works Agency effective July 1, 1949, see section 605, formerly § 505, of act June 30, 1949, ch. 288, 63 Stat. 403; renumbered by act Sept. 5, 1950, ch.