

§ 835j. Projects marketing commercial power and energy; consolidated financial statement to President and Congress; adjustment of rates to assure return of reimbursable construction costs within prescribed period

The Secretary of the Interior shall prepare, maintain, and present annually to the President and the Congress a consolidated financial statement for all projects heretofore or hereafter authorized, including the third powerplant at Grand Coulee Dam, from or by means of which commercial power and energy is marketed through the facilities of the Federal Columbia River power system and for all other projects associated therewith to the extent that the costs of these projects are required by law to be charged to and returned from net revenues derived from the power and energy, or any power and energy, so marketed, and he shall, if said consolidated statement indicates that the reimbursable construction costs of the projects, or any of the projects, covered thereby which are chargeable to and returnable from the commercial power and energy so marketed are likely not to be returned within the period prescribed by law, take prompt action to adjust the rates charged for such power and energy to the extent necessary to assure such return.

(Pub. L. 89-448, §2(a), formerly §2, June 14, 1966, 80 Stat. 200, renumbered Pub. L. 89-561, §6(1), Sept. 7, 1966, 80 Stat. 714.)

CODIFICATION

Section is comprised of first sentence of first par. of section 2(a) of Pub. L. 89-448, as so designated by Pub. L. 89-561. Second sentence of the first par. repealed section 832h(c) of this title; second par. of such section 2(a) is classified to section 835k of this title; subsecs. (b) and (c) of section 2 are classified to sections 835l and 835m of this title, respectively.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of this section requiring annual presentation to Congress of a consolidated financial statement, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 11th item on page 86 of House Document No. 103-7.

TRANSFER OF FUNCTIONS

Power marketing functions of Bureau of Reclamation, including construction, operation, and maintenance of transmission lines and attendant facilities, transferred to Secretary of Energy by section 7152(a)(1)(E), (3) of Title 42, The Public Health and Welfare, and are to be exercised by Secretary through a separate Administration within Department of Energy.

EX. ORD. NO. 8526. COORDINATING THE ELECTRICAL FACILITIES OF GRAND COULEE DAM PROJECT AND BONNEVILLE PROJECT

Ex. Ord. No. 8526, Aug. 26, 1940, 5 F.R. 3390, as amended by Ex. Ord. No. 12038, §3(a), Feb. 3, 1978, 43 F.R. 4957, provided:

WHEREAS the Bureau of Reclamation is constructing the Grand Coulee Dam Project [now Columbia Basin Project] pursuant to authority delegated under section 2 of the act of August 30, 1935, 49 Stat. 1028, 1039, and in connection therewith will operate and maintain facilities for the generation of electrical power and energy; and

WHEREAS the Bonneville Power Administrator is now disposing of power and energy generated at the Bonneville Project; and

WHEREAS integration and coordination of the electrical facilities of the two projects will be facilitated by a mutual exchange of the electrical power and energy generated at the Bonneville Project and the Grand Coulee Dam Project and by marketing the power and energy from both projects through a single agency:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by section 2 of the act of August 30, 1935, *supra*, and supplementing my letter of January 29, 1936, to the Secretary of the Interior, it is hereby ordered as follows:

1. The Bonneville Power Administrator is hereby designated, under the supervision and direction of the Secretary of Energy, as agent for the sale and distribution of electrical power and energy generated at the Grand Coulee Dam Project and not required for operation of that Project, including its irrigation features.

2. The Administrator shall construct, operate, and maintain the transmission lines and substations and appurtenant structures and facilities necessary for marketing the power and energy delivered to him from the Grand Coulee Dam Project; except that the Bureau of Reclamation may construct, operate, or maintain such transmission facilities as the Secretary of the Interior, in his discretion, deems necessary or desirable. The Bureau of Reclamation and the Administrator, with the approval of the Secretary of the Interior, shall agree upon and schedule the installation of additional generators at the Grand Coulee Dam Project.

3. The Bureau of Reclamation, with the approval of the Secretary of the Interior, shall provide the Administrator with a basic schedule of the power and energy to be available to him from the Grand Coulee Dam Project. The Bureau, with the Secretary's approval, may revise the schedule from time to time, except that no revision decreasing the amount of power and energy available under an existing schedule shall be effective unless agreed to by the Administrator. The Bureau will make power and energy from the Grand Coulee Dam Project available to the Administrator in accordance with these schedules.

4. The Administrator shall market the power and energy delivered to him from the Grand Coulee Dam Project at rates to be fixed by the Secretary of Energy consistently with all applicable provisions of law and allocations of cost determined as provided thereunder. From time to time the Secretary of Energy, consistently with all applicable provisions of law and allocations of cost made pursuant thereto, shall determine the basis on which the Administrator and the Bureau shall compute the returns to be made to the Bureau for power and energy delivered to the Administrator from the Grand Coulee Dam Project pursuant to this order. All receipts collected by the Administrator from transmission and sale of power and energy shall be deposited with the Treasurer of the United States for credit to a special account, subject to allocation by the Secretary of Energy in accordance with the computations above provided for. Upon certification by the Secretary of Energy, the amounts of receipts properly allocable to the Bonneville Project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts subject to the provisions of section 2 of the act of August 20, 1937, 50 Stat. 731, 732 [16 U.S.C. 832a]. The amounts certified by the Secretary of Energy as being allocable to the Grand Coulee Dam Project shall be covered into the Treasury for credit to the Reclamation Fund to the extent authorized by law.

5. In aid of this delegation of authority to the Secretary of the Interior and the Secretary of Energy, the Commissioner of the Bureau of Reclamation and the Bonneville Power Administrator shall, subject to the approval of the Secretary of the Interior and the Secretary of Energy, and the terms of this order, enter into any and all agreements that are necessary for the interconnection of the Bonneville Project and the Grand Coulee Dam Project and to carry out the provisions of this order.

§ 835k. Return of construction costs from marketing revenues in event of inability of irrigation water users to repay within repayment period and lack of other sources of revenue

Subject to the provisions of section 835l of this title, that portion of the construction cost of any project hereafter authorized to be constructed, operated, and maintained by the Secretary of the Interior under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) within the Pacific Northwest which, though allocated to irrigation, is beyond the ability of the irrigation water users to repay within the repayment period prescribed by law for that project and cannot be returned within the same period from other project sources of revenue shall be charged to and returned within that period from net revenues derived from the marketing of commercial power and energy through the Federal Columbia River power system, unless otherwise provided by law. As used in this section, the term "Pacific Northwest" has the meaning ascribed to it in section 837 of this title.

(Pub. L. 89-448, §2(a), formerly §2, June 14, 1966, 80 Stat. 200, renumbered and amended Pub. L. 89-561, §6(1), (2), Sept. 7, 1966, 80 Stat. 714.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

CODIFICATION

Section is comprised of second par. of section 2(a) of Pub. L. 89-448, as so designated by Pub. L. 89-561. First sentence of first par. of such section 2(a) is classified to section 835j of this title; second sentence of such first par. repealed section 832h(c) of this title; subsecs. (b) and (c) of section 2 are classified to sections 835l and 835m of this title, respectively.

AMENDMENTS

1966—Pub. L. 89-561, §6(2), substituted "Subject to the provisions of section 835l of this title, that" for "That".

TRANSFER OF FUNCTIONS

Power marketing functions of Bureau of Reclamation, including construction, operation, and maintenance of transmission lines and attendant facilities, transferred to Secretary of Energy by section 7152(a)(1)(E), (3) of Title 42, The Public Health and Welfare, and are to be exercised by Secretary through a separate Administration within Department of Energy.

§ 835l. Congressional declaration of financial policy; limitations on assistance; analyses and studies; "net revenues" defined

It is declared to be the policy of the Congress that reclamation projects hereafter authorized in the Pacific Northwest to receive financial assistance from the Federal Columbia River power system shall receive such assistance only from the net revenues of that system as provided in this section, and that their construction shall be so scheduled that such assistance, together with similar assistance for previously authorized rec-

lamation projects (including projects not now receiving such assistance for which the Congress may hereafter authorize financial assistance) will not cause increases in the rates and charges of the Bonneville Power Administration. It is further declared to be the policy of the Congress that the total assistance to all irrigation projects, both existing and future, in the Pacific Northwest shall not average more than \$30,000,000 annually in any period of twenty consecutive years. Any analyses and studies authorized by the Congress for reclamation projects in the Pacific Northwest shall be prepared in accordance with the provisions of sections 835j to 835m of this title. As used in sections 835j to 835m of this title, the term "net revenues" means revenues as determined from time to time which are not required for the repayment of (1) all costs allocated to power at projects in the Pacific Northwest then existing or authorized, including the cost of acquiring power by purchase or exchange, and (2) presently authorized assistance from power to irrigation at projects in the Pacific Northwest existing and authorized prior to September 7, 1966.

(Pub. L. 89-448, §2(b), as added Pub. L. 89-561, §6(3), Sept. 7, 1966, 80 Stat. 714.)

CODIFICATION

Section is comprised of subsec. (b) of section 2 of Pub. L. 89-448, as added by Pub. L. 89-561. Subsecs. (a) and (c) of section 2 are classified to sections 835j and 835k, and 835m of this title, respectively.

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.

§ 835m. Recommendations for changes in limitations on financial assistance; time and frequency of submission

On December 20, 1974, and thereafter at intervals coinciding with anniversary dates of Federal Energy Regulatory Commission general review of the rates and charges of the Bonneville Power Administration, the Secretary of the Interior shall recommend to the Congress any changes in the dollar limitations herein placed upon financial assistance to Pacific Northwest reclamation projects that he believes justified by changes in the cost-price levels existing on July 1, 1966, or by other relevant changes of circumstances.

(Pub. L. 89-448, §2(c), as added Pub. L. 89-561, §6(3), Sept. 7, 1966, 80 Stat. 715; amended Pub. L. 95-91, title IV, §402(a)(1)(B), Aug. 4, 1977, 91 Stat. 583.)

CODIFICATION

Section is comprised of subsec. (c) of section 2 of Pub. L. 89-448, as added by Pub. L. 89-561. Subsecs. (a) and (b) of section 2 are classified to sections 835j and 835k, and 835l of this title, respectively.

TRANSFER OF FUNCTIONS

"Federal Energy Regulatory Commission" substituted in text for "Federal Power Commission" pur-