

unforeseen and unavoidable cause, the revenues, for any year of operation, after making provision for costs of operation, maintenance, and the amount to be set aside for said year for replacements, should be insufficient to make the payments to the States of Arizona and Nevada and the transfers to the Colorado River Development Fund in this subchapter provided for, such payments and transfers shall be proportionately reduced, as the Secretary may find to be necessary by reason thereof.

(July 19, 1940, ch. 643, §3, 54 Stat. 776.)

**§ 618c. Charges as retroactive; adjustment of accounts**

(a) Upon the taking effect of this subchapter, pursuant to section 618i of this title, the charges, or the basis of computation thereof, promulgated under this subchapter, shall be applicable as from June 1, 1937, and adjustments of accounts by reason thereof, including charges by and against the United States, shall be made so that the United States and all parties that have contracted for energy, or for the privilege of generating energy, at the project, shall be placed in the same position, as nearly as may be, as determined by the Secretary, that they would have occupied had such charges, or the basis of computation thereof, and the method of operation which may be provided for under section 618h of this title, been effective on June 1, 1937: *Provided*, That such adjustments with contractors shall not be made in cash, but shall be made by means of credits extended over such period as the Secretary may determine.

(b) In the event payments to the States of Arizona and Nevada, or either of them, under section 618a(c) of this title, shall be reduced by reason of the collection of taxes mentioned in said section, adjustments shall be made, from time to time, with each allottee which shall have paid any such taxes, by credits or otherwise, for that proportion of the amount of such reductions which the amount of the payments of such taxes by such allottee bears to the total amount of such taxes collected.

(July 19, 1940, ch. 643, §4, 54 Stat. 776.)

**§ 618d. Readvances from Treasury where Dam Fund is insufficient to meet cost of replacements**

If at any time there shall be insufficient sums in the Colorado River Dam Fund to meet the cost of replacements, however necessitated, in addition to meeting the other requirements of this subchapter, or of regulations authorized hereby and promulgated by the Secretary, the Secretary of the Treasury, upon request of the Secretary of the Interior, shall readvance to the said fund, in amounts not exceeding, in the aggregate, moneys repaid to the Treasury pursuant to section 618a(b) of this title, the amount required for replacements, however necessitated, in excess of the amount currently available therefor in said Colorado River Dam Fund. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not exceeding said aggregate amount, as may be necessary to permit the Sec-

retary of the Treasury to make such readvances. All such readvances shall bear interest.

(July 19, 1940, ch. 643, §5, 54 Stat. 777.)

**READVANCES TO COLORADO RIVER DAM FUND; INTEREST RATE ON READVANCES**

Pub. L. 103-316, title II, Aug. 26, 1994, 108 Stat. 1713, which provided in part that amounts required for replacement work on the Boulder Canyon Project that would require readvances to the Colorado River Dam Fund from the total appropriated for operation and maintenance of reclamation projects were to be so readvanced pursuant to this section, and that readvances after Oct. 1, 1984, were to bear a prescribed interest rate, was from the Energy and Water Development Appropriations Act, 1995, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 103-126, title II, Oct. 28, 1993, 107 Stat. 1323.  
 Pub. L. 102-377, title II, Oct. 2, 1992, 106 Stat. 1328.  
 Pub. L. 102-104, title II, Aug. 17, 1991, 105 Stat. 523.  
 Pub. L. 101-514, title II, Nov. 5, 1990, 104 Stat. 2084.  
 Pub. L. 101-101, title II, Sept. 29, 1989, 103 Stat. 653.  
 Pub. L. 100-371, title II, July 19, 1988, 102 Stat. 863.  
 Pub. L. 100-202, §101(d) [title II], Dec. 22, 1987, 101 Stat. 1329-104, 1329-115.

Pub. L. 99-500, §101(e) [title II], Oct. 18, 1986, 100 Stat. 1783-194, 1783-201, and Pub. L. 99-591, §101(e) [title II], Oct. 30, 1986, 100 Stat. 3341-194, 3341-201.

Pub. L. 99-141, title II, Nov. 1, 1985, 99 Stat. 568.

**§ 618e. Interest payments; rate**

Whenever by the terms of the Project Act [43 U.S.C. 617 et seq.] or this subchapter payment of interest is provided for, and whenever interest shall enter into any computation thereunder, such interest shall be computed at the rate of 3 per centum per annum, compounded annually: *Provided*, That the respective rates of interest on appropriated funds advanced for the visitor facilities program, as described in section 619(a) of this title, shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the program during the month preceding the fiscal year in which the costs of the program are incurred. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish for repayment purposes an interest rate at a weighted average of the rates so determined.

(July 19, 1940, ch. 643, §6, 54 Stat. 777; Pub. L. 98-381, title I, §104(a)(5), Aug. 17, 1984, 98 Stat. 1335.)

**REFERENCES IN TEXT**

The Project Act, referred to in text, is defined in section 618k of this title.

**AMENDMENTS**

1984—Pub. L. 98-381 inserted proviso relating to rates of interest on appropriated funds advanced for visitors' facilities program.

**§ 618f. Repayment of advances for flood control**

The first \$25,000,000 of advances made to the Colorado River Dam Fund for the project shall be deemed to be the sum allocated to flood control by section 617a(b) of this title and repayment thereof shall be deferred without interest

until June 1, 1987, after which time such advances so allocated to flood control shall be repayable to the Treasury as the Congress shall determine.

(July 19, 1940, ch. 643, § 7, 54 Stat. 777.)

**§ 618g. Regulations; contracts; modification of allotments of energy**

The Secretary is authorized from time to time to promulgate such regulations and enter into such contracts as he may find necessary or appropriate for carrying out the purposes of this subchapter and the Project Act [43 U.S.C. 617 et seq.], as modified hereby, and, by mutual consent, to terminate or modify any such contract: *Provided, however,* That no allotment of energy to any allottee made by any rule or regulation heretofore promulgated shall be modified or changed without the consent of such allottee.

(July 19, 1940, ch. 643, § 8, 54 Stat. 777.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title.

**§ 618h. Termination of existing lease of Hoover Power Plant; lessees as agents of United States; termination of agency**

The Secretary is authorized to negotiate for and enter into a contract for the termination of the existing lease of the Hoover Power Plant made pursuant to the Project Act [43 U.S.C. 617 et seq.], and in the event of such termination the operation and maintenance, and the making of replacements, however necessitated, of the Hoover Power Plant by the United States, directly or through such agent or agents as the Secretary may designate, is authorized. The powers, duties, and rights of such agent or agents shall be provided by contract, which may include provision that questions relating to the interpretation or performance thereof may be determined, to the extent provided therein, by arbitration or court proceedings. The Secretary in consideration of such termination of such existing lease is authorized to agree (a) that the lessees therein named shall be designated as the agents of the United States for the operation of said power plant; (b) that (except by mutual consent or in accordance with such provisions for termination for default as may be specified therein) such agency contract shall not be revocable or terminable; and (c) that suits or proceedings to restrain the termination of any such agency contract, otherwise than as therein provided, or for other appropriate equitable relief or remedies, may be maintained against the Secretary. Suits or other court proceedings pursuant to the foregoing provisions may be maintained in, and jurisdiction to hear and determine such suits or proceedings and to grant such relief or remedies is conferred upon, the United States District Court for the District of Columbia, with the like right of appeal or review as in other like suits or proceedings in said court. The Secretary is authorized to act for the United States in such arbitration proceedings.

(July 19, 1940, ch. 643, § 9, 54 Stat. 777; Apr. 30, 1947, ch. 46, 61 Stat. 56; June 25, 1948, ch. 646,

§ 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107.)

REFERENCES IN TEXT

The Project Act, referred to in text, is defined in section 618k of this title.

CHANGE OF NAME

“United States District Court for the District of Columbia” substituted in text for “the district court of the United States for the District of Columbia” on authority of act June 25, 1948, as amended by act May 24, 1949.

“Hoover Power Plant” substituted for “Boulder Power Plant” on authority of act Apr. 30, 1947, which changed name of Boulder Dam to Hoover Dam.

**§ 618i. Effective date**

This subchapter shall be effective immediately for the purpose of the promulgation of charges, or the basis of computation thereof, and the execution of contracts authorized by the terms of this subchapter, but neither such charges, nor the basis of computation thereof, nor any such contract, shall be effective unless and until this subchapter shall be effective for all purposes. This subchapter shall take effect for all purposes when, but not before, the Secretary shall have found that provision has been made for the termination of the existing lease of the Hoover Power Plant and for the operation thereof as authorized by section 618h of this title, and that allottees obligated under contracts in force on July 19, 1940 to pay for at least 90 per centum of the firm energy shall have entered into contracts (1) consenting to such operation, and (2) containing such other provisions as the Secretary may deem necessary or proper for carrying out the purposes of this subchapter. For purposes of this section such 90 per centum shall be computed as of the end of the absorption periods provided for in regulations heretofore promulgated by the Secretary and in effect on July 19, 1940.

If contracts in accordance with the requirements of this section shall not have been entered into prior to June 1, 1941, this subchapter shall cease to be operative and shall be of no further force or effect.

(July 19, 1940, ch. 643, § 10, 54 Stat. 778; Apr. 30, 1947, ch. 46, 61 Stat. 56.)

CHANGE OF NAME

“Hoover Power Plant” substituted in text for “Boulder Power Plant” on authority of act Apr. 30, 1947, which changed name of Boulder Dam to Hoover Dam.

**§ 618j. Effect of refusal to modify existing contracts**

Any contractor for energy from the project failing or refusing to execute a contract modifying its existing contract to conform to this subchapter shall continue to pay the rates and charges provided for in its existing contract, subject to such periodic readjustments as are therein provided, in all respects as if this subchapter had not been passed, and so far as necessary to support such existing contract all of the provisions of the Project Act [43 U.S.C. 617 et seq.] shall remain in effect, anything in this subchapter inconsistent therewith notwithstanding.