

(h) Omitted**(i) Contract provisions**

In each contract of the Administrator that provides for the Administrator to sell electric power, transmission, or related services, and that is in effect after September 30, 1996, the Administrator shall offer to include, or as the case may be, shall offer to amend to include, provisions specifying that after September 30, 1996—

(1) the Administrator shall establish rates and charges on the basis that—

(A) the principal amount of an old capital investment shall be no greater than the new principal amount established under subsection (b);

(B) the interest rate applicable to the unpaid balance of the new principal amount of an old capital investment shall be no greater than the interest rate established under subsection (c);

(C) any payment of principal of an old capital investment shall reduce the outstanding principal balance of the old capital investment in the amount of the payment at the time the payment is tendered; and

(D) any payment of interest on the unpaid balance of the new principal amount of an old capital investment shall be a credit against the appropriate interest account in the amount of the payment at the time the payment is tendered;

(2) apart from charges necessary to repay the new principal amount of an old capital investment as established under subsection (b) and to pay the interest on the principal amount under subsection (c), no amount may be charged for return to the United States Treasury as repayment for or return on an old capital investment, whether by way of rate, rent, lease payment, assessment, user charge, or any other fee;

(3) amounts provided under section 1304 of title 31 shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a breach of the contract provisions required by this Part;¹ and

(4) the contract provisions specified in this Part¹ do not—

(A) preclude the Administrator from recovering, through rates or other means, any tax that is generally imposed on electric utilities in the United States, or

(B) affect the Administrator's authority under applicable law, including section 839e(g) of this title, to—

(i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or

(ii) design rates.

(j) Savings provisions**(1) Repayment**

This section does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to

pay interest on the principal, only from the “Administrator’s net proceeds,” as defined in section 838k(b) of this title.

(2) Payment of capital investment

Except as provided in subsection (e), this section does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

(Pub. L. 104-134, title III, §3201, Apr. 26, 1996, 110 Stat. 1321-350.)

Editorial Notes**CODIFICATION**

Section was enacted as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, and not as part of the Federal Columbia River Transmission System Act which comprises this chapter.

Section is comprised of section 3201 of Pub. L. 104-134. Subsec. (h) of section 3201 of Pub. L. 104-134 amended section 6 of Pub. L. 103-436, which is not classified to the Code.

§838m. Power marketing administration transmission borrowing authority**(a) Borrowing authority****(1) In general**

Subject to paragraph (2), for the purposes of providing funds to assist in the financing of the construction, acquisition, and replacement of the Federal Columbia River Power System and to implement the authority of the Administrator of the Bonneville Power Administration (referred to in this section as the “Administrator”) under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional \$10,000,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any 1 time.

(2) Limitation

The obligation of additional borrowing authority under paragraph (1) shall not exceed \$6,000,000,000 by fiscal year 2028.

(b) Financial plan**(1) In general**

The Administrator shall issue an updated financial plan by the end of fiscal year 2022.

(2) Requirement

As part of the process of issuing an updated financial plan under paragraph (1), the Administrator shall—

(A) consistent with asset management planning and sound business principles, consider projected and planned use and allocation of the borrowing authority of the Administrator across the mission responsibilities of the Bonneville Power Administration; and

(B) before issuing the final updated financial plan—

(i) engage, in a manner determined by the Administrator, with customers with respect to a draft of the updated plan; and

¹ So in original. Probably should be “section;” or “section”.

(ii) consider as a relevant factor any recommendations from customers regarding prioritization of asset investments.

(c) Stakeholder engagement

The Administrator shall—

(1) engage, in a manner determined by the Administrator, with customers and stakeholders with respect to the financial and cost management efforts of the Administrator through periodic program reviews; and

(2) to the maximum extent practicable, implement those policies that would be expected to be consistent with the lowest possible power and transmission rates consistent with sound business principles.

(d) Repayment

Any additional Treasury borrowing authority received under this section shall be fully repaid to the Treasury in a manner consistent with the applicable self-financed Federal budget accounts.

(Pub. L. 117–58, div. D, title I, § 40110, Nov. 15, 2021, 135 Stat. 945.)

Editorial Notes

REFERENCES IN TEXT

The Pacific Northwest Electric Power Planning and Conservation Act, referred to in subsec. (a)(1), is Pub. L. 96–501, Dec. 5, 1980, 94 Stat. 2697, which is classified principally to chapter 12H (§ 839 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 839 of this title and Tables.

The Federal Columbia River Transmission System Act, referred to in subsec. (a)(1), is Pub. L. 93–454, Oct. 18, 1974, 88 Stat. 1376, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 838 of this title and Tables.

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Federal Columbia River Transmission System Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

§ 838n. Columbia Basin power management

(a) Definitions

In this section:

(1) Account

The term “Account” means the account established by subsection (b)(1).

(2) Administrator

The term “Administrator” means the Administrator of the Bonneville Power Administration.

(3) Canadian Entitlement

The term “Canadian Entitlement” means the downstream power benefits that Canada is

entitled to under Article V of the Treaty Relating to Cooperative Development of the Water Resources of the Columbia River Basin, signed at Washington January 17, 1961 (15 UST 1555; TIAS 5638).

(b) Transmission coordination and expansion

(1) Establishment

There is established in the Treasury an account for the purposes of making expenditures to increase bilateral transfers of renewable electric generation between the western United States and Canada.

(2) Criteria

(A) In general

The Administrator may make expenditures from the Account for activities to improve electric power system coordination by constructing electric power transmission facilities within the western United States that directly or indirectly facilitate non-carbon emitting electric power transactions between the western United States and Canada.

(B) Application

Subparagraph (A) shall be effective after the later of—

(i) September 16, 2024; and

(ii) the date on which the Canadian entitlement value calculation is terminated or reduced to the actual electric power value to the United States, as determined by the Administrator.

(3) Consultation

The Administrator shall consult with relevant electric utilities in Canada and appropriate regional transmission planning organizations in considering the construction of transmission activities under this subsection.

(4) Authorization

There is authorized to be appropriated to the Account a nonreimbursable amount equal to the aggregated amount of the Canadian Entitlement during the 5-year period preceding November 15, 2021.

(c) Increased hydroelectric capacity

(1) In general

The Commissioner of Reclamation shall rehabilitate and enhance the John W. Keys III Pump Generating Plant—

(A) to replace obsolete equipment;

(B) to maintain reliability and improve efficiency in system performance and operation;

(C) to create more hydroelectric power capacity in the Pacific Northwest; and

(D) to ensure the availability of water for irrigation in the event that Columbia River water flows from British Columbia into the United States are insufficient after September 16, 2024.

(2) Authorization of appropriations

There is authorized to be appropriated \$100,000,000, which shall be nonreimbursable, to carry out this subsection.

(d) Power coordination study

(1) In general

The Administrator shall conduct a study considering the potential hydroelectric power