

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.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

#### Statutory Notes and Related Subsidiaries

##### 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 car-

rying 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.)

#### Statutory Notes and Related Subsidiaries

##### 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.

(July 19, 1940, ch. 643, § 11, 54 Stat. 778.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

#### § 618k. Definitions

The following terms wherever used in this subchapter shall have the following respective meanings:

“Project Act” shall mean the Boulder Canyon Project Act [43 U.S.C. 617 et seq.];

“Project” shall mean the works authorized by the Project Act to be constructed and owned by the United States, exclusive of the main canal and appurtenances mentioned therein, now known as the All-American Canal;

“Secretary” shall mean the Secretary of the Interior of the United States;

“Firm energy” and “allottees” shall have the meaning assigned to such terms in regulations promulgated before July 19, 1940, by the Secretary and in effect on July 19, 1940;

“Replacements” shall mean such replacements as may be necessary to keep the project in good operating condition beginning June 1, 1937, but shall not include (except where used in conjunction with the word “emergency” or the words “however necessitated”) replacements made necessary by any act of God, or of the public enemy, or by any major catastrophe; and

“Year of operation” shall mean the period from and including June 1 of any calendar year