

(Aug. 20, 1937, ch. 720, §10, 50 Stat. 736; Oct. 23, 1945, ch. 433, §5, 59 Stat. 547; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Pub. L. 95-91, title III, §§301(b), 302(a)(1)(D), (2), Aug. 4, 1977, 91 Stat. 578.)

#### CODIFICATION

In subsecs. (a) and (b), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Provisions of the second and fourth sentences of subsec. (b) which authorized the Administrator to fix the compensation of laborers, mechanics and workmen without regard to the Classification Act of 1923, and any other laws, rules, or regulations relating to the payment of employees of the United States and which authorized the Administrator, the Secretary of the Army and the Secretary of Energy to fix the compensation of experts without regard to the Classification Act of 1923, were omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exceptions contained in this subsection because of section 1106(b) which provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). [But see *Abell v. United States*, 1975, 518 F.2d 1369, cert. denied 429 U.S. 817, and *Columbia Power Trades Council v. United States Department of Energy*, 1980, 496 F.Supp. 186.] The Classification Act of 1949 was repealed by Act Sept. 6, 1966, Pub. L. 89-554, §8(a), 80 Stat. 632 (the first section of which revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

#### AMENDMENTS

1949—Subsecs. (a) and (b). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

1945—Act Oct. 23, 1945, added subsecs. (a) and (c), designated existing provisions as subsec. (b), and amended such provisions generally.

#### REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

#### TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted for “Secretary of the Interior” in subsec. (a) pursuant to Pub. L. 95-91, §302(a)(1)(D), (2), which is classified to section 7152(a)(1)(D), (2) of Title 42, The Public Health and Welfare, which transferred functions of Secretary of the Interior with respect to Bonneville Power Administration

to Secretary of Energy, with Bonneville Power Administration to be preserved as a distinct organizational entity within Department of Energy and headed by an Administrator.

“Secretary of Energy” substituted for “Federal Power Commission” in subsec. (b) pursuant to Pub. L. 95-91, §301(b), which is classified to section 7151(b) of Title 42.

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42.

Executive and administrative functions of Federal Power Commission, with certain reservations, transferred to Chairman of such Commission, with authority vested in him to authorize their performance by any officer, employee, or administrative unit under his jurisdiction, by Reorg. Plan No. 9 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3175, 64 Stat. 1265, set out as a note under section 792 of this title.

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 832j. Deposit of receipts; authorization of appropriations

All receipts from transmission and sale of electric energy generated at the Bonneville project shall be covered into the Treasury of the United States to the credit of miscellaneous receipts, save and except that the Treasury shall set up and maintain from such receipts a continuing fund of \$500,000, to the credit of the administrator and subject to check by him, to defray emergency expenses and to insure continuous operation. There is authorized to be appropriated from time to time, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this chapter, including installation of equipment and machinery for the generation of electric energy and facilities for its transmission and sale.

(Aug. 20, 1937, ch. 720, §11, 50 Stat. 736.)

#### 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.

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7193 of Title 42.

#### § 832k. Authority of Administrator

##### (a) Settlement, compromise, and payment of claims; limitations; conclusiveness of settlements; restoration of damage

The Administrator is authorized to determine, settle, compromise, and pay claims and demands against the United States which are not in excess of \$1,000 and are presented to the Adminis-

trator in writing within one year from the date of accrual thereof, for any losses, injuries, or damages to persons or property, or for the death of persons, resulting from acts or omissions of employees acting within the scope of their employment pursuant to this chapter. The Administrator is also authorized to determine, compromise, and settle any claims and demands of the United States for any losses, injuries, or damages to property under the Administrator's control, against other persons or public or private corporations. The Administrator's determination, compromise, settlement, or payment of any of the claims referred to in this subsection shall be final and conclusive upon all officers of the Government, notwithstanding the provisions of any other Act to the contrary. When claims presented to the Administrator under this subsection arise, in whole or in part, out of any damage done to private property, the Administrator may repair all or any part of such damage in lieu of making such payments.

**(b) Authorization to bring legal proceedings; representation; supervision by Attorney General**

The Administrator may, in the name of the United States, under the supervision of the Attorney General, bring such suits at law or in equity as in his judgment may be necessary to carry out the purposes of this chapter; and he shall be represented in the prosecution and defense of all litigation, affecting the status or operation of Bonneville project by the United States attorneys for the districts, respectively, in which such litigation may arise, or by such attorney or attorneys as the Attorney General may designate as authorized by law, in conjunction with the regularly employed attorneys of the Administrator.

(Aug. 20, 1937, ch. 720, §12, 50 Stat. 736; Oct. 23, 1945, ch. 433, §6, 59 Stat. 547; July 26, 1946, ch. 673, 60 Stat. 701.)

AMENDMENTS

1946—Subsec. (b). Act July 26, 1946, took from the Administrator the authority to make settlement of suits.

1945—Act Oct. 23, 1945, added subsec. (a), designated existing provisions as subsec. (b), and amended such provisions generally.

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.

**§ 832I. Separability**

If any provision of this chapter or the application of such provision to any person or circumstance shall be held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(Aug. 20, 1937, ch. 720, §13, 50 Stat. 736.)

**§ 832m. Sale of excess Federal power; fish and wildlife conservation within Federal Columbia River Power System; residential exchange; personnel flexibility**

**(a) Definitions**

In this section:

**(1) Administrator**

The term "Administrator" means the Administrator of the Bonneville Power Administration.

**(2) Council**

The term "Council" means the Northwest Power and Conservation Planning Council.

**(3) Excess Federal power**

The term "excess Federal power" means such electric power that has become surplus to the firm contractual obligations of the Administrator under section 839c(f) of this title due to either—

(A) any reduction in the quantity of electric power that the Administrator is contractually required to supply under subsections (b) and (d) of section 839c of this title, due to the election by customers of the Bonneville Power Administration to purchase electric power from other suppliers, as compared to the quantity of electric power that the Administrator was contractually required to supply as of January 1, 1995; or

(B) those operations of the Federal Columbia River Power System that are primarily for the benefit of fish and wildlife affected by the development, operation, or management of the System.

**(b) Sale of excess Federal power**

Notwithstanding section 837a of this title, subsections (a), (b), and (c) of section 837b of this title, and section 837f of this title, and section 839f(c) of this title, the Administrator may, as permitted by otherwise applicable law, sell or otherwise dispose of excess Federal power—

(1) outside the Pacific Northwest on a firm basis for a contract term of not to exceed 7 years, if the excess Federal power is first offered for a reasonable period of time and under the same essential rate, terms and conditions to those Pacific Northwest public body, cooperative and investor-owned utilities and those direct service industrial customers identified in subsection (b) or (d)(1)(A) of section 839c of this title; and

(2) in any region without the prohibition on resale established by the second sentence of section 832d(a) of this title.

**(c) Study by Council**

(1)<sup>1</sup> Within 180 days of November 13, 1995, the Council shall review and report to Congress regarding the most appropriate governance structure to allow more effective regional control over efforts to conserve and enhance anadromous and resident fish and wildlife within the Federal Columbia River Power System.

**(d) Corps of Engineers procurement**

The Assistant Secretary of the Army for Civil Works, acting through the North Pacific Divi-

<sup>1</sup> So in original. No par. (2) has been enacted.