

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 Division of the Corps of Engineers, is authorized to place orders for goods and services related to facilities for electric power generation and fish and wildlife mitigation associated with the Federal Columbia River Power System with and through the Administrator using the authorities available to the Administrator.

**(e) Residential exchange**

Notwithstanding the establishment, confirmation and approval of rates pursuant to section 839e of this title, and notwithstanding the provisions of section 839c(c) of this title, the cost benefits of eligible utilities' total purchase and exchange sales under section 839c(c)(1) of this title shall be \$145,000,000 for fiscal year 1997, and the net benefits paid to each eligible electric utility shall be \$145,000,000 multiplied by the percentage of the total of such net benefits paid by the Administrator to such utility for fiscal year 1995.

**(f) Personnel flexibility**

The Administrator may offer employees voluntary separation incentives as deemed necessary which shall not exceed \$25,000. Recipients who accept employment with the United States within five years after separation shall repay the entire amount to the Bonneville Power Administration.

**(g) Savings**

Unless superseded by an Act of Congress, the authority provided by this section is expressly intended to extend beyond the fiscal year.

(Pub. L. 104-46, title V, § 508, Nov. 13, 1995, 109 Stat. 419.)

CODIFICATION

Section was enacted as part of the Energy and Water Development Appropriations Act, 1996, and not as part of the Bonneville Project Act of 1937 which comprises this chapter.

VOLUNTARY SEPARATION INCENTIVES TO EMPLOYEES

Pub. L. 104-206, title V, § 511, Sept. 30, 1996, 110 Stat. 3004, provided that: "The Administrator may offer employees voluntary separation incentives as deemed nec-

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

essary which shall not exceed \$25,000. Recipients who accept employment with the United States within five years after separation shall repay the entire amount to the Bonneville Power Administration. This authority shall expire September 30, 2000."

**CHAPTER 12C—FORT PECK PROJECT**

- Sec. 833. Completion and maintenance of project; generation of electricity.
- 833a. Administration of project.
  - (a) Disposal of energy; temporary administration; installation and maintenance of equipment.
  - (b) Construction and maintenance of electric transmission lines, substations, and interconnections.
  - (c) Acquisition of real and personal property.
  - (d) Acquisition of any property or property rights.
  - (e) Disposal of real and personal property.
  - (f) Contracts by Bureau.
- 833b. Definitions.
- 833c. Preference to public bodies and cooperatives.
- 833d. Rate schedules; preparation, approval, and uniformity.
- 833e. Factors in determining rate schedules.
- 833f. Purchase of supplies and services.
- 833g. Miscellaneous administrative provisions.
  - (a) Accounts.
  - (b) Expenditures.
- 833h. Personnel; appointment and compensation.
- 833i. Deposit of receipts; establishment of continuing fund; authorization of appropriations.
- 833j. Suits for and against project; legal representation.
- 833k. Separability.
- 833l. Acquisition of Indian lands.
- 833m. Determination of compensation for acquisition of Indian lands; funds payable from; disposition of moneys.
- 833n. Use of deposits by allottees; nontaxability of lands.
- 833o. Authority of Secretary of the Interior for acquisition of Indian land.
- 833p. Reversion of title.
- 833q. Educational costs of dependents of employees; payments to school districts; reimbursement from continuing fund.

**§ 833. Completion and maintenance of project; generation of electricity**

For the purpose of improving navigation on the Missouri River, and for other purposes incidental thereto, the dam and appurtenant works now under construction at Fort Peck, Montana, and a suitable power plant for the production of hydroelectric power (which dam, power plant, and appurtenant works are hereinafter called Fort Peck project), shall be completed, maintained, and operated under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, subject to the provisions of this chapter relating to the powers and duties of the Bureau of Reclamation (hereinafter called the Bureau), as provided for in section 833a(a) of this title, respecting the transmission and sale of electric energy generated at said project. The Secretary of the Army shall provide, construct, operate, maintain, and improve at Fort Peck project such machinery, equipment, and facilities for the generation of electric energy as the Bureau may deem necessary to develop such electric energy as rapidly as markets may be