

the customer's activities are consistent with the applicable integrated resource plan. The surcharge shall be increased to 20 percent if the customer's activities are out of compliance for more than one year and to 30 percent after more than 2 years, except that no surcharge shall be imposed if the customer demonstrates, to the satisfaction of the Administrator, that a good faith effort has been made to comply with the approved plan.

**(3) Reduction in power allocation**

In the case of any customer subject to a surcharge under paragraph (1) or (2), in lieu of imposing such surcharge the Administrator may reduce such customer's power allocation from the Western Area Power Administration by 10 percent. The Administrator shall provide by regulation the terms and conditions under which a power allocation terminated under this subsection may be reinstated.

**(f) Integrated resource planning cooperatives**

With the approval of the Administrator, customers within any State or region may form integrated resource planning cooperatives for the purposes of complying with sections 7275 to 7276c of this title, and such customers shall be allowed an additional 6 months to submit an initial integrated resource plan to the Administrator.

**(g) Customers with more than 1 contract**

If more than one long-term firm power service contract exists between the Administrator and a customer, only one integrated resource plan shall be required for that customer under sections 7275 to 7276c of this title.

**(h) Program review**

Within 1 year after January 1, 1999, and at appropriate intervals thereafter, the Administrator shall initiate a public process to review the program established by this section. The Administrator is authorized at that time to revise the criteria set forth in subsection (b) to reflect changes, if any, in technology, needs, or other developments.

(Pub. L. 98-381, title II, §204, as added Pub. L. 102-486, title I, §114, Oct. 24, 1992, 106 Stat. 2800.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Hoover Power Plant Act of 1984, and not as part of the Department of Energy Organization Act which comprises this chapter.

**§ 7276c. Miscellaneous provisions**

**(a) Environmental impact statement**

The provisions of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] shall apply to actions of the Administrator implementing sections 7275 to 7276c of this title in the same manner and to the same extent as such provisions apply to other major Federal actions significantly affecting the quality of the human environment.

**(b) Annual reports**

The Administrator shall include in the annual report submitted by the Western Area Power

Administration (1) a description of the activities undertaken by the Administrator and by customers under sections 7275 to 7276c of this title and (2) an estimate of the energy savings and renewable resource benefits achieved as a result of such activities.

**(c) State regulated investor-owned utilities**

Any State regulated electric utility (as defined in section 2602(18) of title 16) shall be exempt from the provisions of sections 7275 to 7276c of this title.

**(d) Rural Electrification Administration requirements**

Nothing in sections 7275 to 7276c of this title shall require a customer to take any action inconsistent with a requirement imposed by the Rural Electrification Administration<sup>1</sup>

(Pub. L. 98-381, title II, §205, as added Pub. L. 102-486, title I, §114, Oct. 24, 1992, 106 Stat. 2803.)

**Editorial Notes**

**REFERENCES IN TEXT**

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

**CODIFICATION**

Section was enacted as part of the Hoover Power Plant Act of 1984, and not as part of the Department of Energy Organization Act which comprises this chapter.

**§ 7276d. Property protection program for power marketing administrations**

The Administrators of the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration may each carry out programs to reduce vandalism, theft, and destruction of property that is under their jurisdiction.

(Pub. L. 107-78, §1, Nov. 28, 2001, 115 Stat. 808.)

**Editorial Notes**

**CODIFICATION**

Section was not enacted as part of the Department of Energy Organization Act which comprises this chapter.

**§ 7276e. Provision of rewards**

In carrying out a program under this section and section 7276d of this title, each Administrator referred to in section 7276d of this title is authorized to provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to, or loss of, Federal property under their jurisdiction. The amount of any one such reward paid to any individual may not exceed a value of \$1,000.

(Pub. L. 107-78, §2, Nov. 28, 2001, 115 Stat. 808.)

**Editorial Notes**

**CODIFICATION**

Section was not enacted as part of the Department of Energy Organization Act which comprises this chapter.

<sup>1</sup> So in original. Probably should be followed by a period.

**§ 7276f. Western Area Power Administration; deposit and availability of discretionary offsetting collections**

Notwithstanding section 3302 of title 31, section 825s of title 16, and section 392a of title 43, funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

(Pub. L. 111-85, title III, Oct. 28, 2009, 123 Stat. 2870.)

**Editorial Notes**

REFERENCES IN TEXT

“This account” and “this appropriation”, referred to in text, mean funds appropriated under the heading “CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION” of title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010, Pub. L. 111-85.

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2010, and not as part of the Department of Energy Organization Act which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

PURCHASE POWER AND WHEELING EXPENSES

Pub. L. 113-76, div. D, title III, Jan. 17, 2014, 128 Stat. 171, provided: “That for purposes of this appropriation in this [Act] [div. D of Pub. L. 113-76, see Tables for classification] and subsequent Acts, purchase power and wheeling expenses includes the cost of voluntary purchases of power allowances in compliance with state greenhouse gas programs existing at the time of enactment of this Act [Jan. 17, 2014].”

**§ 7276g. Western Area Power Administration; deposit and availability of funds related to Falcon and Amistad Dams**

Notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and section 3302 of title 31, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

(Pub. L. 111-85, title III, Oct. 28, 2009, 123 Stat. 2871.)

**Editorial Notes**

REFERENCES IN TEXT

Section 2 of the Act of June 18, 1954 (68 Stat. 255), referred to in text, probably means section 2 of act June 18, 1954, ch. 310, 68 Stat. 256, which is not classified to the Code.

“This account” and “this appropriation”, referred to in text, mean funds appropriated under the heading “FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND” of title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010, Pub. L. 111-85.

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2010, and not as part of the Department of Energy Organization Act which comprises this chapter.

**§ 7277. Report concerning review of United States coal imports**

**(a) In general**

The Energy Information Administration shall issue a report quarterly, and provide an annual summary of the quarterly reports to the Congress, on the status of United States coal imports. Such quarterly reports may be published as a part of the Quarterly Coal Report published by the Energy Information Administration.

**(b) Contents**

Each report required by this section shall—

(1) include current and previous year data on the quantity, quality (including heating value, sulfur content, and ash content), and delivered price of all coals imported by domestic electric utility plants that imported more than 10,000 tons during the previous calendar year into the United States;

(2) identify the foreign nations exporting the coal, the domestic electric utility plants receiving coal from each exporting nation, the domestically produced coal supplied to such plants, and the domestic coal production, by State, displaced by the imported coal;

(3) identify (to the extent allowed under disclosure policy), at regional and State levels of aggregation, transportation modes and costs for delivery of imported coal from the exporting country port of origin to the point of consumption in the United States; and

(4) specifically highlight and analyze any significant trends of unusual variations in coal imports.

**(c) Date of reports**

The first report required by this section shall be submitted to Congress in March 1986. Subsequent reports shall be submitted within 90 days after the end of each quarter.

**(d) Limitation**

Information and data required for the purpose of this section shall be subject to the law regarding the collection and disclosure of such data.

(Pub. L. 99-58, title II, §202, July 2, 1985, 99 Stat. 107.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Energy Policy and Conservation Amendments Act of 1985, and also as part