

117TH CONGRESS
2D SESSION

H. R. 8016

To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2022

Mr. NEWHOUSE (for himself, Mrs. RODGERS of Washington, Ms. HERRERA BEUTLER, Mrs. MILLER-MEEKS, Mr. ROSENDALE, Mr. STAUBER, Mr. MULLIN, Mr. FULCHER, Mr. BENTZ, Mr. LAMALFA, and Mr. WESTERMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 The Act may be cited as the “Federal Columbia River
5 Power System Certainty Act”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) FCRPS.—The term “FCRPS” means those
4 portions of the Federal Columbia River Power Sys-
5 tem that are the subject of the Supplemental Opin-
6 ion.

7 (2) SECRETARIES.—The term “Secretaries”
8 means—

9 (A) the Secretary of the Interior, acting
10 through the Bureau of Reclamation;

11 (B) the Secretary of Energy, acting
12 through the Bonneville Power Administration;
13 and

14 (C) the Secretary of the Army, acting
15 through the Army Corps of Engineers.

16 (3) SUPPLEMENTAL OPINION.—The term “Sup-
17 plemental Opinion” means the document titled “Co-
18 lumbia River System Operations Environmental Im-
19 pact Statement Record of Decision”, and dated Sep-
20 tember 2020.

21 **SEC. 3. OPERATION OF FCRPS.**

22 The Secretaries shall operate the FCRPS in a man-
23 ner consistent with the reasonable and prudent alternative
24 set forth in the Supplemental Opinion.

1 **SEC. 4. AMENDMENTS TO SUPPLEMENTAL OPINION.**

2 (a) IN GENERAL.—Notwithstanding section 3, the
3 Secretaries may amend portions of the Supplemental
4 Opinion and operate the FCRPS in accordance with such
5 amendments if all of the Secretaries determine, in the sole
6 discretion of each Secretary, that—

7 (1) the amendment is necessary for public safe-
8 ty or transmission and grid reliability; or

9 (2) the actions, operations, or other require-
10 ments that the amendment would remove are no
11 longer warranted.

12 (b) RESTRICTION ON AMENDMENTS.—The process
13 described in subsection (a) shall be the only method by
14 which the Secretaries may operate the FCRPS in any way
15 that is not consistent with the reasonable and prudent al-
16 ternative set forth in the Supplemental Opinion.

17 **SEC. 5. LIMITATION ON RESTRICTING FCRPS ELECTRICAL**
18 **GENERATION; CLARIFICATION.**

19 (a) RESTRICTING FCRPS ELECTRICAL GENERA-
20 TION.—No structural modification, action, study, or engi-
21 neering plan that restricts electrical generation at any
22 FCRPS hydroelectric dam, or that limits navigation on
23 the Snake River in the State of Washington, Oregon, or
24 Idaho, shall proceed unless such proposal is specifically
25 and expressly authorized by a Federal statute enacted
26 after the date of the enactment of this Act.

1 (b) CLARIFICATION.—Nothing in this section affects
2 or interferes with the authority of the Secretaries to con-
3 duct operation and maintenance activities or make capital
4 improvements necessary to meet authorized project pur-
5 poses of FCRPS facilities.

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