

115TH CONGRESS  
2D SESSION

# H. R. 3144

---

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Received; read twice and referred to the Committee on Environment and  
Public Works

---

## AN ACT

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,*

1 **SECTION 1. 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) Secretaries 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 “En-  
18 dangered Species Act Section 7(a)(2) Supplemental  
19 Biological Opinion”, NOAA Fisheries Log Number  
20 NWR–2013–9562, and dated January 17, 2014,  
21 which supplements, without replacing, the 2008 and  
22 2010 FCRPS Biological Opinions and the Reason-  
23 able and Prudent Alternative contained therein.

24 **SEC. 2. OPERATION OF FCRPS.**

25 The Secretaries shall operate the FCRPS in a man-  
26 ner consistent with the reasonable and prudent alternative

1 set forth in the Supplemental Opinion until the later of  
2 the following dates:

3 (1) September 30, 2022.

4 (2) The date upon which a subsequent final bio-  
5 logical opinion for the FCRPS operations is—

6 (A) issued after completion of the final en-  
7 vironmental impact statement on a record of  
8 decision for a new operations plan for the  
9 FCRPS; and

10 (B) in effect, with no pending further judi-  
11 cial review.

12 **SEC. 3. AMENDMENTS TO SUPPLEMENTAL OPINION.**

13 (a) **IN GENERAL.**—Notwithstanding section 2, the  
14 Secretaries may amend portions of the Supplemental  
15 Opinion and operate the FCRPS in accordance with such  
16 amendments, before the date established under section 2  
17 if all of the Secretaries determine, in the sole discretion  
18 of each Secretary, that—

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

21 (2) the actions, operations, or other require-  
22 ments that the amendment would remove are no  
23 longer warranted.

24 (b) **RESTRICTION ON AMENDMENTS.**—The process  
25 described in subsection (a) shall be the only method by

1 which the Secretaries may operate the FCRPS during the  
2 time period established under section 2 in any way that  
3 is not consistent with the reasonable and prudent alter-  
4 natives set forth in the Supplemental Opinion.

5 **SEC. 4. LIMITATION ON RESTRICTING FCRPS ELECTRICAL**  
6 **GENERATION OR NAVIGATION ON THE SNAKE**  
7 **RIVER.**

8 No structural modification, action, study, or engi-  
9 neering plan that restricts electrical generation at any  
10 FCRPS hydroelectric dam, or that limits navigation on  
11 the Snake River in the State of Washington, Oregon, or  
12 Idaho, shall proceed unless such proposal is specifically  
13 and expressly authorized by an Act of Congress enacted  
14 after the date of the enactment of this Act. Nothing in  
15 this section affects or interferes with the authority of the  
16 Secretaries to conduct operation and maintenance activi-  
17 ties or make capital improvements necessary to meet au-  
18 thorized project purposes of FCRPS facilities.

Passed the House of Representatives April 25, 2018.

Attest:

KAREN L. HAAS,

*Clerk.*