

with all of the different groups and bringing them together. It is a successful effort.

Music is very important to my hometown of Memphis, which, of course, is the hometown of Elvis Presley, where Sam Phillips put Elvis in the studio at Sun Records and produced the rock and roll that Chuck Berry and Little Richard had been playing but had not really reached a lot of people's ears. It did, and it set the world on fire. It brought a change in music and an appreciation for it.

In Memphis, we have had Isaac Hayes, who did so much; Sam and Dave; David Porter; and many, many Memphians who participated.

But I have personal friends in Warren Zevon, Jackson Browne, and J.D. Souther, who were great songwriters and performers and have not received, necessarily, their financial due as they should, and fairness, and this will get them done.

As Mr. CROWLEY mentioned, it will get engineers and producers payment for their work to help create these musical creations that people love.

Mr. Speaker, I thank all of the sponsors and appreciate the fact that I was able to participate and support it and be a cosponsor.

Mr. GOODLATTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, my hometown of Austin, Texas, is modestly known as the "Live Music Capital of the World." The title is well justified, from the South by Southwest music festival in the spring, to Austin City Limits on a couple of weekends in October. It is a wonderful place for live music.

It is the musicians and those who support them in technical ways—weekday, weekend, and in between—that make this industry so vital and who contribute so much to our local economy.

This piece of legislation is a step in the right direction. There is much more that needs to be done to ensure that our musicians and all who are involved in the creative economy get their fair compensation.

I am pleased this step is taken because these are really not only talented and creative people, but small-business people, and they deserve to have the property that they generate—their talent, their music, that adds so much joy to our lives—fairly compensated. This is a good step forward, and I certainly support the legislation.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore (Mr. LAMBORN). The gentleman from Virginia has 2 minutes remaining.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, this is landmark legislation that has been decades in coming. We have not had a significant review of our music licensing and copyright laws in many, many, many years.

There are many people to be thanked, including the staff of the Judiciary Committee on both sides of the aisle. I particularly want to recognize Joe Keeley, who is the chief counsel of the Courts, Intellectual Property, and the Internet Subcommittee.

I also want to thank the leadership of the committee who have worked for many, many years on intellectual property issues: Shelley Husband, the chief of staff and general counsel; and Branden Ritchie, the chief counsel of the committee.

Time doesn't allow me to recognize everyone, but I especially want to recognize the Courts, Intellectual Property, and the Internet Subcommittee vice chairman, DOUG COLLINS. He and his staff have put literally hundreds and hundreds of hours into aspects of this legislation, and I want to personally thank him for that work as well.

This legislation has very strong, bipartisan support. It is supported by groups that look at intellectual property issues across the ideological spectrum, and it is nearly universally supported by the music industry, the technology companies, and others that provide the platforms on which that music is performed.

It is going to more fairly treat so many sectors of the music industry that it would be a shame not to see this legislation pass the House with a very strong, bipartisan vote, go to the Senate, pass there, and then on to the President's desk, where I have every confidence it will be signed into law.

During the course of many years of review of our copyright laws, we learned that our music licensing laws were no longer working as intended for songwriters, artists, and creators, people behind the scenes for the companies that deliver the music in innovative ways to our consumers.

The Music Modernization Act, a product of the Judiciary Committee's comprehensive copyright review, is a bipartisan bill. I urge my colleagues to join together and pass it and send it to the Senate.

Mr. Speaker, I yield back the balance of my time.

Mrs. TORRES. Mr. Speaker, I rise in support of H.R. 5447, The Music Modernization Act. Mr. Speaker, there is broad, bipartisan agreement that current music licensing laws no longer meet the needs of creators and music providers in the digital age. Southern California has established itself as a leader in the entertainment industry, and supporting our artists and music industry is a job creator for my constituents.

This bill would address the inefficiencies in the music industry's licensing system by establishing uniformity in the licensing process. Licenses will now be managed by one entity which in turn would be paid for by the licensees. In addition to an increase in efficiency, the Music Modernization Act would foster a

more transparent relationship between creators and music platforms. Information regarding music owed royalties would be easily accessible through the database created by the Music Modernization Act. This transparency will surely improve the working relationship between creators and music platforms and aid the music industry's innovation process.

Most importantly, this bill would establish a uniformed rate that would allow song writers and artists to receive fair market pay for their ideas and creations.

As a society, we value the work and products of artists, creators, and the music industry. For years now, creators, and music providers have spoken out about the outdated music licensing process and the issues they repeatedly face because of its flawed system. It is only fair that we address these inefficiencies and bring the music industries' processes in accordance with the digital age.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5447, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1500

#### PROVIDING FOR THE OPERATIONS OF THE FEDERAL COLUMBIA RIVER POWER SYSTEM

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 839, I call up the bill (H.R. 3144) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BYRNE). Pursuant to House Resolution 839, the amendment printed in part B of House Report 115-650 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3144

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DEFINITIONS.

For the purposes of this Act:

(1) FCRPS.—The term "FCRPS" means those portions of the Federal Columbia River Power System that are the subject of the Supplemental Opinion.

(2) SECRETARIES.—The term "Secretaries" means—

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

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

(C) Secretaries of the Army, acting through the Army Corps of Engineers.

(3) SUPPLEMENTAL OPINION.—The term “Supplemental Opinion” means the document titled “Endangered Species Act Section 7(a)(2) Supplemental Biological Opinion”, NOAA Fisheries Log Number NWR-2013-9562, and dated January 17, 2014, which supplements, without replacing, the 2008 and 2010 FCRPS Biological Opinions and the Reasonable and Prudent Alternative contained therein.

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

The Secretaries shall operate the FCRPS in a manner consistent with the reasonable and prudent alternative set forth in the Supplemental Opinion until the later of the following dates:

(1) September 30, 2022.

(2) The date upon which a subsequent final biological opinion for the FCRPS operations is—

(A) issued after completion of the final environmental impact statement on a record of decision for a new operations plan for the FCRPS; and

(B) in effect, with no pending further judicial review.

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

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

(1) the amendment is necessary for public safety or transmission and grid reliability; or

(2) the actions, operations, or other requirements that the amendment would remove are no longer warranted.

(b) RESTRICTION ON AMENDMENTS.—The process described in subsection (a) shall be the only method by which the Secretaries may operate the FCRPS during the time period established under section 2 in any way that is not consistent with the reasonable and prudent alternatives set forth in the Supplemental Opinion.

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

No structural modification, action, study, or engineering plan that restricts electrical generation at any FCRPS hydroelectric dam, or that limits navigation on the Snake River in the State of Washington, Oregon, or Idaho, shall proceed unless such proposal is specifically and expressly authorized by an Act of Congress enacted after the date of enactment of this Act. Nothing in this section affects or interferes with the authority of the Secretaries to conduct operation and maintenance activities or make capital improvements necessary to meet authorized project purposes of FCRPS facilities.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

**GENERAL LEAVE**

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3144.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield 8 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), the sponsor, to introduce this piece of legislation.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I thank Chairman BISHOP for yielding.

Mr. Speaker, Congress created the Bonneville Power Administration, or BPA, in 1937 on the heels of the Great Depression to distribute power generated from the development of two federally authorized dams: Bonneville and Grand Coulee Dam.

Our dams transformed Washington State from what was a barren, dry land into one of the most productive agriculture regions in the world.

These marvels of engineering also provided the Pacific Northwest with the Nation’s cheapest and most reliable energy supply.

During World War II, it was the Federal power supplied by BPA that was instrumental in the ramp-up of the aluminum industry that went into Boeing’s B-17s and B-29s, and powered the production of nearly 750 large ships before the end of the war.

In the words of President Harry Truman: “Without Grand Coulee and Bonneville, it would have been almost impossible to win this war.”

In 1945, Congress authorized the construction of four large dams along the Snake River, Ice Harbor, Lower Monumental, Little Goose, and Lower Granite, to grow what we call today the Federal Columbia River Power System.

These four dams can power up to nearly 2 million homes, or a city the size of Seattle, and are crucial to meet BPA’s peak loads during those hottest days in the summer when the wind doesn’t blow or the coldest days in the winter when we do not have sunlight.

This year, eastern Washington had a harsh winter with many days below freezing. During the coldest days, BPA relied on the ability of these four dams to ramp up production and meet the demand.

Without a reliable base load source, I feared, and BPA confirmed, many in eastern Washington would have lost power.

It is important to look back at history when we think about BPA, the Columbia River system, and the future of energy in our region.

Last week, BPA made its 34th consecutive payment of \$1.3 billion to the U.S. Treasury. They were able to do this because of the value of our region’s low-cost, carbon-free energy, as a result of selling the hydropower production along the Columbia River. In fact, in Washington State, nearly 70 percent of our energy comes from hydropower.

Some argue that these dams in particular have negatively impacted migratory fish, yet these dams average fish survival rates of nearly 97 percent.

And while recent ocean impacts, which scientists call a “blob,” have slowed salmon just the last couple of years, more total salmon have returned this year than before the dams were actually put in place.

More than 600,000 fall Chinook are forecasted this year, many times higher than when they were first listed under the Endangered Species Act.

These record-setting fish passage rates are a result of significant Federal investments in new technologies, like fish-friendly turbines, habitat restoration, and local collaboration.

I mention the local collaboration because I want to quote the Columbia River system Adaptive Management Implementation Plan that was produced by the Department of Interior, BPA, the U.S. Army Corps, and NOAA: “The Obama administration undertook an extensive effort to review the 2008 Biological Opinion” and found “the 2008 BiOp is biologically and legally sound, based on the best available scientific information, and satisfies the ESA jeopardy standard.”

Our river system also functions as a superhighway for agriculture goods. My home State of Washington is the most trade-dependent State in the country, and because of the river system, last year alone, it saved having 160,000 trucks on the roads.

This BiOp is supported by the States, by Tribes, by utilities, ports, irrigation districts, and other Pacific Northwest water users.

The need for this legislation became clear when an unelected judge rejected the collaborative work, claiming that he knows better how to manage the Columbia River than all of the scientists, Tribes, elected officials, and others that are using the river every day.

This Oregon Federal district judge invalidated the BiOp and set a course that will likely put BPA’s future and the yearly investments of hundreds of millions of dollars in jeopardy.

He wants us to start at the beginning and put breaching the dams back on the table.

Electricity rates have gone up nearly 30 percent the last few years, with an average increase of 5.4 percent for 2018 and 2019. Adding unnecessary litigation and additional spill requirements only add to these costs.

For example, Judge Simon granted a spill order on April 3 that will cost an estimated \$40 million to ratepayers in the Pacific Northwest. Mandating spill means that huge amounts of water will go over the dam 24 hours a day 7 days a week, instead of actually producing electricity. This spill order is experimental science that will likely increase power costs, decrease the grid’s reliability, hurt habitat, and actually kill fish.

In 2028, utilities will be renegotiating their contracts, and they are making decisions now. This uncertainty is plaguing the Pacific Northwest and the Columbia River system.

As a result, I am proud of the work that we have done, coming together in

a bipartisan way to support this legislation to provide certainty. This bill will codify the current BiOp until 2022, and prevent unnecessary costs to people and ratepayers all around the Pacific Northwest. It also reasserts Congress' authority over the dams.

A hearing was held in the Natural Resources Committee last fall, and the bill recently passed out of committee with bipartisan support. Technical changes were made to ensure necessary maintenance, and improvements to the Army Corps dams would continue without interruption.

We hear the other side talk about being against the status quo, calling it illegal and an unprecedented assault on the Endangered Species Act.

Unfortunately, this narrative is misleading and it doesn't take into account the whole picture nor the success of the dams.

For example, the Port of Clarkston has seen new business from the American Queen Steamboat Company, tourism that is coming to our communities that is bringing jobs and bringing people.

This bill is a fiscally responsible alternative to the current judicial overreach that doesn't take into account all of the river users. If enacted, the certainty provided will reduce costs on the people of eastern Washington by stopping this \$40 million spill experiment, encourage clean energy, lower carbon emissions, and save taxpayers \$16 million, while saving fish.

Bottom line, dams and fish can coexist. After more than two decades in the courtroom, let's let the scientists, not one judge, manage our river system, and get to work to further improve fish recovery efforts.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the bill we are debating today, I am sorry to say, is yet another attempt by my Republican colleagues to accelerate the extinction of our Nation's fisheries.

H.R. 3144 weakens protections for several runs of wild salmon and steelhead in the Pacific Northwest, which are extremely important to commercial, recreational, and tribal fishing interests.

This is the worst possible time for such an extreme approach. Last year, for the first time, Federal scientists surveying the Pacific Northwest salmon population came up with empty nets, and yet here we are moving a bill that will only worsen the salmon crisis.

While disappointing, I can't say today's bill is entirely surprising. In fact, this bill is just the latest attack by my Republican colleagues in their broader war on salmon and the salmon fishing industry.

We saw these same attacks on salmon when House Republicans jammed H.R. 23, also known as the GROW Act, through the House recently.

This bill sought to eliminate protection for California salmon and put

California's native fisheries on the path to extinction, meaning thousands of job losses across California, Oregon, and Washington State.

House Republicans pushed the bill through even though estimates show that 78 percent of California's native salmon will be extinct this century under current trends.

Instead of trying to counter these trends, House Republicans decided it was more important to help some of their big business buddies who would rather drain our public rivers even further for private profit.

Now we are here today with another bill that harms our wild salmon and the businesses that depend on their existence.

It is no surprise that our committee received numerous letters from businesses and fishing industry groups opposed to H.R. 3144.

The committee also received several letters from guiding and outdoor retail businesses, the food industry, and from many other businesses that depend on functioning ecosystems and the Columbia Basin salmon.

Aside from being bad for many businesses, this bill also represents a troubling attack on our Nation's bedrock environmental laws and the legal process.

Since the early 1990s, Federal courts have found the Federal dam operations at the Federal Columbia River Power System endanger the existence of the Pacific Northwest salmon runs and violate our Nation's laws, including the Endangered Species Act.

As a result, Federal agents have been ordered several times to develop a new dam operation plan to recover the region's dwindling salmon populations.

Instead of requiring Federal dam operations to finally come into compliance with the law and develop a salmon recovery plan that works, H.R. 3144 locks in an outdated, illegal plan until at least 2022 that will cause great harm to wild salmon and struggling fishing communities.

Furthermore, this bill blocks recent court orders requiring additional salmon protection measures at Federal dams. It also bans Federal agencies from even studying the possible changes to dam operations that can improve salmon survival, such as increased spill.

In short, this bill causes great harm to wild salmon and many businesses, Tribes, and communities that depend on it.

Mr. Speaker, for these reasons, I urge my colleagues to vote "no," and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington State (Ms. HERRERA BEUTLER), who lives in this area and knows firsthand what is taking place there.

Ms. HERRERA BEUTLER. Mr. Speaker, I thank Chairman BISHOP for yielding time for me to speak on this important legislation, and for the work

his committee has been doing to support vibrant salmon runs, as well as protect low-cost, renewable, clean energy.

Leading scientists and Federal agencies, Northwest States, sovereign Tribes, and notably, the Obama administration, crafted what is known as the 2014 Biological Opinion on how the Columbia River Federal hydropower system should operate.

The BiOp, as it is called, was developed with the utmost standards of integrity and transparency, and importantly, collaboration. Conservative Republicans and the Obama administration got together and used the best available science.

Under this plan's implementation, we have seen several years of record or near record returns of adult salmon.

The plan is working, so why are we here today?

Unfortunately, in 2016, a U.S. district judge rejected the 2014 BiOp and ordered the Federal agencies start the process over, with a requirement that they look at breaching the four Snake River dams.

Here is the reality. I can't express how important this hydro system is for the entire Northwest. I have heard you couldn't match the energy produced by these dams with six or more coal-fired power plants. None of us want to return to that.

More recently, that same judge who issued the order issued a mandated spill over the Columbia and Snake River dams.

Now, spill occurs when water and young migrating salmon are shot over the dams.

□ 1515

Spill is like medicine. The right dosage can help you, but too much can harm or even kill you. The same is true for salmon.

The judge's ruling lacked scientific backing, as Federal fisheries scientists believe these spill mandates will provide little or no benefits to juvenile salmon or returning adult salmon. And as we have seen, these actions are not only in blatant contradiction to the best available science, they are also a direct attack on ratepayers, the families and small businesses, and the local economies who depend on affordable, clean, reliable energy.

Ratepayers in our region spend almost up to \$1 billion a year, when all is said and done, on protecting these wild runs through science-backed spill that already takes place in other mitigation efforts. But abusive litigation robs hundreds of millions of dollars per year of hard-earned tax money from the pockets of my constituents. The price tag on the judge's spill mandates are estimated to be an additional \$40 million taken from ratepayers this year.

So now we find ourselves here today needing to pass H.R. 3144 for the sake of salmon runs, for the sake of our ratepayers, and for the sake of the environment. Again, this is not a partisan bill; in fact, it is bipartisan, and

it represents restoring the Obama administration-led collaborative plan to responsibly manage our salmon populations and hydroelectric infrastructure.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BISHOP of Utah. Mr. Speaker, I yield the gentlewoman from Washington an additional 30 seconds.

Ms. HERRERA BEUTLER. The exact same opponents of this bill who claim it would “gut” protections—I repeat, the exact same groups—asked the court to keep the 2014 BiOp in place. So, basically, before they opposed it, the bill’s opponents asked to do exactly what our bill does.

So scientists, Federal agencies of jurisdiction, and, yes, at one time, even the bill’s opponents have said that the agencies should operate under the 2014 BiOp while a new plan is developed.

This is a vote for listed salmon because it keeps current measures in place, and we know that they are working. This is a vote for the region’s economy, and it avoids wasting millions of dollars. And this is a vote for the environment because we cannot match the clean, renewable energy produced by our hydro system.

I urge a “yes” vote.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS), a member of the Natural Resources Committee.

Ms. TSONGAS. Mr. Speaker, I join Ranking Member GRIJALVA in opposing this legislation and urge my colleagues to vote “no.”

For 45 years, the Endangered Species Act has served as one of our Nation’s bedrock environmental statutes. The bald eagle, the American alligator, and the gray whale are just a few examples of iconic species that have recovered from the brink of extinction thanks to the Endangered Species Act.

Despite its widely recognized success and broad support across State and party lines, today, the House is seeking to pass yet another bill that undermines this bedrock environmental law and causes irreparable harm to salmon and steelhead species, species that are already at great risk of extinction, species that play an irreplaceable role in the Pacific Northwest’s ecosystem. Their presence benefits more than 130 other species, including the critically endangered Southern Resident killer whales, whose existence depends upon healthy salmon runs.

This is not just about the Pacific Northwest. Any effort to undermine the Endangered Species Act and, thereby, its protections for the species and landscapes that make our country uniquely American impacts us all.

Several Federal agencies and courts have determined that dam operations in the Columbia and Snake Rivers cause significant harm to 13 species or populations of salmon and steelhead listed under the Endangered Species Act.

Instead of allowing science-based management practices that protect both endangered species and the many users of these rivers, including hydropower generators, this legislation locks in a failing operation plan that has already been found in violation of the Endangered Species Act. Knowingly endangering the existence of salmon is in direct violation of the law and betrays the long bipartisan tradition of the Endangered Species Act.

Instead of rolling back critical safeguards and recovery efforts, we should reject this legislation and support a transparent stakeholder-driven process that protects endangered species and the many fishermen, businesses, communities, and Tribes who depend on a sustainable Columbia River.

I urge my colleagues to vote “no” on H.R. 3144.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. SCHRADER), another person who lives in this area and realizes that this judicial decision is not necessarily based on science and can actually do harm to the endangered species.

Mr. SCHRADER. Mr. Speaker, I include in the RECORD the following letters from the National Rural Electric Cooperative Association, United Power Trades Organization, and the National Electrical Contractors Association.

NRECA,

Arlington, VA, March 14, 2018.

Hon. ROB BISHOP,  
Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.

Hon. RAÚL GRIJALVA,  
Ranking Member, Committee on Natural Resources,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA: On behalf of America’s electric cooperatives, I write to express strong support for H.R. 3144 to require federal agencies responsible for the management of the Federal Columbia River Power System (FCRPS) to operate the hydropower system in a manner consistent with the current operations plan.

Fifty-four rural electric cooperatives in seven Western states receive reliable federal hydropower from the FCRPS. For this reason, NRECA opposes actions that bring continued uncertainty to the FCRPS and the Bonneville Power Administration’s (BPA) future hydropower operations. For decades, there has been uncertainty over the operations of existing hydropower in the Pacific Northwest due to federal regulations, court orders and other administrative decisions. This continued uncertainty to the FCRPS continues to affect BPA’s future power generation, rates and reliability in the region, and in turn the cooperative systems that depend upon it for reliable and affordable electric service to their communities.

The FCRPS is paramount to power generation in the Pacific Northwest, and to California, Nevada, Wyoming and Montana. The FCRPS is the largest source of clean, renewable electricity in the Pacific Northwest. It encompasses 31 multi-purpose federally-owned dams along the Columbia and Snake Rivers and accounts for nearly 40 percent of total U.S. hydroelectric generation. Its hydropower not only provides energy for base-load needs and peak times, but also serves as a backup generation source for intermittent wind and solar power. This gives the Pacific

Northwest and our cooperatives an environmental edge unmatched elsewhere in the country—as a non-CO<sub>2</sub> emitting resource. But due to the long-standing litigation surrounding the FCRPS for Endangered Species Act-listed salmon and steelhead, there continues to be uncertainty over BPA’s future hydropower operations. Specifically, BPA’s fish and wildlife mitigation program continues to be a significant cost driver which adversely affects our cooperatives’ abilities to provide affordable electricity.

Since 1978, BPA has committed nearly \$15.9 billion to support Northwest fish and wildlife recovery. BPA’s fish and wildlife mitigation program is the largest in the nation, and quite possibly the world. Each year, cooperatives and ratepayers fund BPA’s habitat restoration efforts to open valuable habitat in the Columbia River estuary and tributaries, add water to streams, and support cool water temperatures. In 2012, BPA directly invested more than \$450 million to address the impacts of federal dams. These activities included protecting land and water habitat, implementing projects across the Columbia River Basin, and supporting better fish passage. Specifically, BPA has made huge long-term investments in large-scale structural and operational changes to further improve existing fish passage routes as well as to provide new, safe passage structures to these dams.

Therefore, by upholding the 2014 Supplemental Biological Opinion, H.R. 3144 appropriately balances environmental and economic demands while also protecting existing hydropower resources in the Pacific Northwest. For these and other reasons, NRECA urges support for H.R. 3144 in committee and swift advancement to the House floor.

Sincerely,

JIM MATHESON,  
National Rural Electric  
Cooperative Association.

UNITED POWER  
TRADES ORGANIZATION,  
West Richland, WA, March 22, 2018.

Hon. ROB BISHOP,  
Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.

Hon. RAÚL GRIJALVA,  
Ranking Member, Committee on Natural Resources,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA, I am writing on behalf of the United Power Trades Organization (UPTO) to express our support for H.R. 3144 which requires federal agencies to manage the Federal Columbia River Power System (FCRPS) in accordance with the 2014 Supplemental Biological Opinion (Bi-Op). UPTO represents over 600 blue collar employees that work at the U.S. Army Corps of Engineers dams on the Columbia-Snake River system.

Our organization is made up of not only maintenance personnel, but power plant operators who are responsible for operating the lock and dam facilities in accordance with the Bi-Op. I have been one of those operators for over 30 years and have personally seen the improvements made at our facilities that have greatly improved fish survival. It is very frustrating when outside interests persuade judicial orders that change the way we operate to the detriment of fish survival.

Contrary to misinformation that has been widely reported, spilling water over the dams has not been the primary reason for increases in fish survival through the Columbia-Snake River system. There have been many reasons that fish survival has improved including habitat restoration, better oceanic conditions and summer flow augmentation. But a major reason for improved

fish survival is the transportation program. Fish entering the generating turbine intakes are directed by rotating screens into bypass channels to fish collection facilities where they are loaded on to barges and given a free ride to below Bonneville dam where they are released back in to the river. Fish transported by barge are five times more likely to survive than those that traverse the river.

Spilling water over the dams not only costs the taxpayers millions in lost power generation, but is actually detrimental to fish survival. Fish that pass through the spillgates are not collected for transport by barge, thus less likely to survive than those that are collected. In addition, the more water that is spilled over the dams, the more supersaturation of nitrogen in the water occurs resulting in gas bubble trauma to juvenile fish. More spill just doesn't make sense in that it is costly economically, doesn't help the fish, and can even be detrimental to fish survival.

H.R. 3144 is important in that it continues programs and operating procedures that have been proven extremely successful in migrating fish survival. The Bi-Op is working and making changes make absolutely no sense. Fish returns are higher than what they were prior to the first dam built on the Columbia-Snake river system and, although hatchery fish are returning in large numbers, natural fish returns are up as well too. Fish survival through the Columbia-Snake River dams are at levels that meet or exceed those on rivers that don't have dams. The current Bi-Op is the most science-based, comprehensive and expensive effort to restore an endangered species in the nation. \$1.6 billion have been invested in new technologies and, when operated according to the Bi-Op, have proven that the dams and fish can co-exist.

Continuing to operate the dams according to the Bi-Op is imperative for continued high rate of survival for migrating fish. H.R. 3144 requires that continuity and is therefore imperative to the continued high survival rate of migrating fish. UPTO urges support for H.R. 3144 in committee and swift advancement to the House floor.

Sincerely,

JACK W. HEFFLING,  
*President,*  
*United Power Trades Organization.*

NATIONAL ELECTRICAL  
CONTRACTORS ASSOCIATION,  
*Bethesda, MD, April 21, 2018.*

*House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER RYAN: On behalf of the National Electrical Contractors Association (NECA), I am writing in strong support of pending energy legislation being considering by the House. NECA urges Members to vote yes on H.R. 3144—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, introduced by Representative Cathy McMorris Rodgers.

NECA is the nationally recognized voice of the \$160 billion electrical construction industry that brings power, light, and communication technology to buildings and communities across the U.S. NECA's national office and its 119 local chapters are dedicated to enhancing the industry through continuing education, labor relations, safety codes, standards development, and government relations. NECA is committed to advocating for a comprehensive energy policy that addresses all available opportunities for energy exploration and independence.

The benefits of this legislation are clear: job creation, energy independence, and economic growth. NECA greatly appreciates the

hard work that Representative McMorris Rodgers put into writing this important legislation. This will be included in the NECA Legislative Report Card for the 115th Congress. We urge all members to vote yes.

Thank you for your consideration of our views.

Sincerely,  
MARCO A. GIAMBERARDINO, MPA,  
*Executive Director,*  
*Government Affairs.*

Mr. SCHRADER. Mr. Speaker, it is time to put science back in the decisionmaking process for Oregon and Pacific Northwest salmon recovery strategy. Rather than having the courts dictate the best way to balance Northwest fish recovery and the region's power needs, we should let the experts in U.S. Fish and Wildlife, Bonneville Power, NOAA, and NMFS lead the way. H.R. 3144 allows that to occur.

Rather than having fish policy decided by lawsuit, it simply lets the experts do their job. Quite simply, it will allow the Federal Columbia River Power System to be managed according to the 2014 Obama administration-approved biological opinion until a new BiOp can be completed in 2020.

U.S. Fish and Wildlife, BPA, NOAA, and NMFS have spent years developing recovery plans to restore habitat, encourage fish passage, and manage this fishery. Their hard work was summarily thrown out by the court in favor of continued litigation. In fact, a third—yes, a third—of our power bills in the Northwest is dedicated to fish recovery.

We have been diligent. Bonneville ratepayers have stepped up time and again. We have made strides, despite battling the effects of climate change, ocean acidification, and overfishing by foreign nations. Some things we can control, some things we cannot—like sea lion depredation, we can.

Despite the scientific evidence and warnings from Washington and Oregon Fish and Wildlife biologists that say sea lions likely account for at least 20 percent or more of adult salmon loss in the Columbia River system, we are not doing anything about it. Even our Governors agree we need to address this, and these are Democratic Governors. Let's deal with that instead of one injunction after another demanding more spill over the tops of the dams, which, as we have heard, is not based in good science.

This latest order will cost \$40 million to \$50 million, with the jury out on its effectiveness as to juvenile survival and subsequent adult return. Let's at least get some scientific data to see if this is a good idea. H.R. 3144 would allow that to happen.

BPA is at a crossroads. Natural gas is abundant, very inexpensive, the primary reason a lot of our coal plants are being phased out. But its low cost, coupled with more and more demands for fish mitigation, now threaten to eliminate our clean, renewable hydropower system that accounts for 50 percent of the electricity in the Northwest.

BPA simply cannot absorb more spill requirements with subsequent loss of

power generation and revenue without having to curtail the very fish mitigation recovery programs the litigants want that have been helping to recover our endangered salmon. BPA is becoming quickly uncompetitive due to these escalating costs.

If they go away, what happens? It means more natural gas, more fossil fuels. It makes no sense, if your goal is balancing smart, scientific-based fish recovery with clean renewable energy, to put BPA out of business and eliminate local control that the Pacific Northwest has had on determining its own future.

The entire Northwest delegation, Republican and Democrat, worked together on this. We would like to continue to do so. We need to stop this constant litigation. Let the scientific experts steeped in fish recovery do their job.

I urge my colleagues to vote "yes" on H.R. 3144.

Mr. GRIJALVA. Mr. Speaker, I include in the RECORD a letter of opposition from Governor Kate Brown of Oregon, a letter of opposition to the legislation from Governor Inslee of Washington, 140 undersigned businesses from the region in opposition, the Nez Perce Tribal Executive Committee in opposition to the legislation, and over 22 environmental and outdoor organizations in opposition to the legislation.

JANUARY 22, 2018.

As Governor of the State of Oregon, I write expressing deep concerns with H.R. 3144. I am concerned this legislation would thwart federal court direction to provide additional spill at dams on the lower Columbia and Snake rivers and the collaborative state, tribal and federal process that has worked effectively to develop spill provisions for 2018. These court-ordered collaborative efforts resulted in consensus recommendations from all sovereigns, representing a positive, and unprecedented, step forward in building stronger consensus for recovery actions. H.R. 3144 would negate this progress and our ability to implement and learn from these consensus recommendations.

H.R. 3144 would also derail ongoing collaborative efforts to examine a range of potential future dam operations and salmon management options required by the National Environmental Policy Act (NEPA). The State of Oregon has engaged in good faith as cooperating agencies with federal agency leads for this Columbia Snake River Operations study. This process is vital to secure a sustainable path forward optimizing power, commerce, agriculture and fish recovery within a changing social and environmental landscape.

Through NEPA and the Endangered Species Act, Congress established processes for federal decision-making that are grounded in a robust analysis of alternatives in a systematic and science-based manner. H.R. 3144 contravenes these important principles and would disrupt the regional efforts to engage in a full, accurate and transparent analysis of salmon and dam management.

Washington Governor Inslee has expressed similar opposition to H.R. 3144. Oregonians and Washingtonians share decades of investment in recovering Columbia River salmon, and I join my colleague in asking you to oppose H.R. 3144.

Sincerely,

KATE BROWN,  
*Governor.*

STATE OF WASHINGTON,  
OFFICE OF THE GOVERNOR,  
Olympia, WA, December 5, 2017.

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*  
Hon. DOUG LAMBORN,  
*Chairman, Subcommittee on Water,  
Power and Oceans,  
Committee on Natural Resources,  
House of Representatives, Washington, DC.*  
Hon. RAÚL GRIJALVA,  
*Ranking Member, Committee on Natural Resources,  
House of Representatives, Washington, DC.*  
Hon. JARED HUFFMAN,  
*Ranking Member, Subcommittee on Water,  
Power and Oceans,  
Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR CHAIRMEN BISHOP AND LAMBORN AND RANKING MEMBERS GRIJALVA AND HUFFMAN: As Governor of the State of Washington, I write to express my deep concerns with H.R. 3144, legislation which would freeze in place a 2014 biological opinion (BiOp), or salmon management plan, for the dams composing the Federal Columbia River Power System. While the State of Washington believes the 2014 BiOp represented a step forward for efforts to protect and recover 13 stocks of threatened or endangered Columbia and Snake river salmon and steelhead, H.R. 3144 would thwart constructive ongoing efforts to improve future salmon and dam management. This would not only hurt salmon but also the recreational and commercial fisheries, tribes, and other species (such as Puget Sound's southern resident killer whales) that benefit from healthy salmon runs.

I am committed to preserving the benefits of our hydropower dams in a manner that is in balance with protecting and restoring salmon. While our dams and dam operations have been modified to reduce their impact to salmon and steelhead over the last 20 years, there is evidence that salmon may further benefit from additional modifications to dam operations that would help restore salmon populations. The State of Washington is participating in productive regional discussions about the best way to test the potential benefits of additional "spill," in 2018 and potentially beyond. This discussion and learning opportunity would be blocked by H.R. 3144's prohibition on any studies or actions that restrict electricity generation at any dams in the Federal Columbia River Power System, even by a small amount.

Similarly, several Washington State agencies are engaged as cooperating agencies in the Columbia Snake River Operations study process currently being conducted, pursuant to the National Environmental Policy Act (NEPA). This process promises to provide valuable information on a range of potential future dam operations and salmon management strategies. As with the discussion regarding increased spill over the dams, H.R. 3144 would halt this learning process in its tracks, preventing a constructive dialog among federal and state agencies, tribes, and the public about how best to manage Columbia and Snake river dams in a region that must continually adapt to ongoing changes to its climate, salmon habitat, and energy system.

For these reasons, I encourage the Subcommittee on Water, Power and Oceans, the full Natural Resources Committee, and the full House of Representatives to oppose H.R. 3144.

Thank you for your consideration of my input regarding federal legislation that could have significant impacts on my state.

Very truly yours,

JAY INSLEE,  
*Governor.*

MEMBERS OF CONGRESS,  
*House of Representatives,  
Washington, DC.*

DEAR MEMBERS OF CONGRESS: The 140 undersigned businesses and business associations represent commercial and recreational salmon fishermen and related businesses, guiding and outdoor retail businesses and restaurants and food industries based in the Pacific Northwest. Our businesses and the thousands of jobs that they support regionally are highly dependent on Columbia Basin salmon and steelhead. For this reason we are very concerned about salmon conservation and recovery efforts in the Columbia Basin.

We are writing to inform you of our strong opposition to HR 3144. This bill intentionally circumvents the public processes guiding operations of the Federal Columbia River Power System, application of the Endangered Species Act and recovery of salmon and steelhead resources. HR 3144 would also block recent court orders from the U.S. District Court in Portland (OR) that require additional salmon protection measures at federal dams and reservoirs on the Columbia and Snake rivers.

HR 3144 requires Congressional authorization before any additional changes or further study of changing dam operations could be taken to reduce impacts on migrating salmon. This removes the best scientific judgment of regional biologists and engineers and replaces it with a political process taking place in Washington D.C.

If passed into law, HR 3144 would prevent federal managers from operating the dams with additional fish-saving spill. Eliminating the additional spill would have negative impacts on all Columbia Basin salmon, but would put wild Snake River Brun steelhead at immediate risk of extinction; only 362 Brun fish have passed the highest dam so far this year. The additional spill recently ordered by the court is strongly supported by regional salmon biologists. It has been shown to be highly effective in increasing juvenile survival to the Pacific Ocean and the number of adults returning. One can look at the excellent returning runs of fall chinook in 2014 and 2015 and the resulting economic benefits to see why increased spill is critical in the Columbia Basin. We support the use of spill to increase salmon runs. HR 3144 caps spill at levels already determined to be inadequate and detrimental to the recovery salmon in the Columbia Basin.

We close by urging you to oppose HR 3144. Columbia Basin salmon are critical to the health of the coastal and inland economies and communities of the Pacific Northwest—including California and Alaska. Our businesses are committed to participating in processes that affect salmon and eager to work with Northwest sovereigns and stakeholders to craft lawful, science-based salmon strategies that meet the needs of imperiled salmon populations and the communities of our great region.

Thank you for your consideration of our perspective and the effect of your policies on the culture and economy of the Northwest.

Sincerely,

Glen Spain, Northwest Regional Director, Pacific Coast Federation of Fishermen's Association, Eugene, OR; Liz Hamilton, Executive Director, Northwest Sportfishing Industry Association, Oregon City, OR; Jeremy Brown, President, Coastal Trollers Association, Auburn, WA; Jeff Friedman, Co-President, Pacific Northwest Whale Watching Association, Friday Harbor, WA; Greg Mueller, President/Executive Director, Washington Trollers Association, Westport, WA; Mary Wright, President, Salmon River Outfitters Association, Salmon, ID; Scott Gudes, Vice President of Government Affairs, American

APRIL 20, 2018.

Sportfishing Association, Washington, D.C.; Grant Putnam, President, Northwest Guides and Anglers Association, Tillamook, OR; Mike Hubbell, President, Santa Cruz Commercial Fishermen's Association, Santa Cruz, CA; Linda Behnken, Alaska Longline Fishermen's Association, Sitka, AK; Dustin Aherin, President, Idaho River Adventures, Inc., Lewiston and Salmon City, ID; Peter Grubb, Founder, ROW, Inc & Adventure Unbound, Inc., Spokane, WA; Mikki Waddell, Operations Manager, Main Market Co-op, Spokane, WA; Max Newland, Education and Event Coordinator, Moscow Food Co-op, Moscow, ID; Jeff Jerrett, Owner, Jarrett's Guide Service, Orofino, ID.

Tyler Nash, Owner, White Pine Gear Exchange & Guide Service, Moscow, ID; Kurt Hochberg, Owner, F/V Rogue, Crescent City, CA; Kurt Hochberg, Owner, Crescent Seafood Market and Deli, Crescent City, CA; David Blaine, Owner, Central Food, Spokane, WA; Jeremy and Kate Hansen, Owners, Island Pacific Kitchen, Sante, Common Crumb, Biscuit Wizard, Spokane, WA; Ron Richards, Owner, F/V Ocean Dancer, Port Angeles, WA; Bryan Huskey, Owner/Founder, Keep Em Wet Fishing, Boise, ID; Zachary Collier, Owner/Outfitter, Northwest Rafting Co., Hood River, OR; Mary Wright, Co-owner, Silver Cloud Expeditions, Salmon, ID; Steve Bly, Owner, Steve Bly Photography, Boise, ID; Pam Bly, Idaho Master Naturalist, Boise, ID; Jeri Sahlin, Owner, Choice Therapies, Coeur d'Alene, ID; Craig Wolfrom, Owner, Craig Wolfrom Photography, Bellevue, ID; Bonnie Schonefeld, Owner, Lochsa Connection, Kooskia, ID; Evelyn Kaide, Owner, The Guide Shop & Clearwater Drifters, Orofino, ID.

David Denning, Owner, The River Company, Stanley, ID; Dick Pool, Owner, Pro-Troll Fishing Products, Concord, CA; George Cook, President, Angler's Rendezvous, Lacey, WA; Matt Leidecker, Owner, Idaho River Publications, Ketchum, ID; Marla Lacer, Manager, AVEDA Institute, Boise, ID; Link Jackson, Owner Streamtech Boats, Boise, ID; Debbi Woods, Human Resources, Manager Boise Co-op, Boise, ID; Doug Rees, President, The Guide's Forecast, LLP, Portland, OR; Bob Rees, Owner, Bob Rees' Fishing Guide Service, Portland, OR; Paul Fish, President, Mountain Gear, Inc, Spokane Valley, WA; Steve Schmsrik, Chef, Pink Door, Seattle, WA; Jim White, Executive Chef/Food & Beverage Director, Islandwood, Bainbridge Island, WA; Frank Ralph, Owner, Ocean Seafood, LLC, Fox Island, WA; Joel Kawahara, Owner/Fisherman, F/V Karolee, Quilcene, WA; John Delp, Chef/Co-Owner, Mossback Restaurant, Kingston, WA.

Nichole Curry, Owner/Fisherman, F/V Karen L, Bellingham, WA; Diana Clausen, Owner/Fishermen, Clausen Fisheries, Inc, Port Townsend, WA; Wayne Johnson, Executive Corporate Chef, FareStart, Seattle, WA; Joel Brady-Power, Owner/Fisherman, F/V Nerka, Bellingham, WA; Duke Moscrip, CEO, Duke's Seafood & Chowder, Seattle, WA; Buzz Hafford, District Manager, Bon Appétit Management Company, Seattle, WA; Renee Erickson, Chef, Sea Creatures Restaurants, Seattle, WA; Amy Grondin, Owner/Fisherman, Duna Fisheries, LLC, Port Townsend, WA; Rebecca Argo, Owner/Operator, McClure Bay, LLC, Port Townsend, WA; Jeremy Brown, Owner/Fisherman, F/V Barcole, Bellingham, WA; Marja Murray, Chef, Kiddie Academy, Seattle, WA; Michael Clausen, Owner/Fishermen, F/V Carol M, Port Townsend, WA; Paige Bloskey, Head Chef, Farestart, Seattle, WA; Dustin Ronspies, Owner/Chef, Art Of The Table, Seattle, WA; Kirsten Graham, Founder, KGPR, Seattle, WA.

Diane LaVonne, Chef/Owner, Diane's Market Kitchen, Seattle, WA; Greg Friedrichs,

Owner/Fisherman, F/V Armita, Port Townsend, WA; Ozzie Anderson, Owner/Operator, McClure Bay, LLC, Port Townsend, WA; Karen Jurgensen, Chef Instructor, Seattle Culinary Academy/Quillisascut Farm School, Seattle, WA; Blaise Holly, President, Stormbird, LTD. (F/V Alaska), Port Townsend, WA; Tele Aadsen, Owner/Fisherman, Nerka Sea Frozen Salmon, Bellingham, WA; Brad Warren, Executive Director, National Fisheries Conservation Center, Seattle, WA; Andrew Stout, Co-Founder, Full Circle, Seattle, WA; Darren Gertler, Environmental Educator, City of Watonsville, Soquel, CA; Jessica Schuenemann, Co-Owner/President, Alder Wood Bistro, Sequim, WA; Jonathan Moore, Owner/Fisherman, F/V Ocean Belle, Port Townsend, WA; Austin Becker, Co-Chair, Slow Food Seattle, Seattle, WA; Riley Starks, Partner/Fisherman, Lummi Island Wild Co-op, Bellingham, WA; Pam Lanua Petranek, Commercial Fisherman, Cape Cleare, Port Townsend, WA; Rick Oltman, Owner/Fisherman, Cape Cleare Fishery, Port Townsend, WA; Gabriel Schuenemann, Chef/Co-Owner, Alder Wood Bistro, Sequim, WA; Charlie Hawkes, Owner/Fisherman, F/V Shake, Port Townsend, WA; Nelly Hand, Owner/Fisherman, Drifters Fish, Cordova, AK; Don Snow, President/CEO, Ocean Run Seafoods, Inc., Newport, OR; Michael McCorkle, Commercial Fisherman, SCTA, Santa Barbara, CA; Carolyn Faulk, CFO, F/V Aqua Leo, Santa Cruz, CA; Joe Barrett, Owner/Fisherman, F/V Westerner, Sequim, WA; Emily White, Co-Chair, Slow Food Seattle, Seattle, WA; Greg Atkinson, Chef Proprietor, Restaurant Marché, Bainbridge Island, WA; Rob Seitz, Owner/Operator, F/V South Bay/South Bay Wild, Inc., Astoria, OR; Joshua Abel, Owner, Catch Fly Fishing, Imaginary Trout, Spokane WA; Dan Grogan, Owner, Fisherman's Marine & Outdoor, Portland, OR; Ron Hiller, President, Active Outdoors, Tigard, OR; Randy Woolsey, VP, Tom Posey Co., Tigard, OR; Dan Parnel, President, Leisure Sales, Auburn, WA.

Scott Weedman, Owner, 3 Rivers Marine, Woodinville, WA; Jennie Logsdon Martin, Founder, Ifish, Tillamook, OR; Kevin Newell, Total Fisherman Guide Service, Woodland, WA; Lacey DeWeert, Total Fisherman Guide Service, Woodland, WA; Brad Staples, Owner, Western Fishing Adventures Ltd., West Linn, OR; Jarod Higginbotham, Yakima Bait Company, Granger, WA; Steffen Gambill, Principle, Active Outdoors, Tigard, OR; Jim Stewart, Owner, Ironwood Pacific Outdoors, Inc., Tigard, OR; Craig Mostul, Sales, Stevens Marine, Milwaukie, OR; Herman Fleishman, Owner, Northwest Fishing Adventures LLC, Tigard, OR; Harry Bresnahan, Owner, Harry Bresnahan's Guide Service, Woodland, WA; Rich & Susan Basch, Owners, Ollie Damon's, Portland, OR; Jim Elliott, Retired, L.H French Co., Woodland, WA; Michael O'Leary, Owner, Public Purposes LLC, Portland, OR; Mike Borger, President, Catcher Co./Smelly Jelly, Hillsboro, OR.

Steve Grutbo, Sales & Marketing Manager, Smokehouse Products, LLC., Hood River, OR; Trey Carskadon, Director of Marketing, O'Loughlin Trade Shows, Beaverton, OR; Earl Huff, Retired, Eagle Cap Fishing Guides, Joseph, OR; John Kirby, Ancient Mariner Guide Service, Bay City, OR; Michael Glass, Owner, Oregon, Rod, Reel & Tackle, Eugene, OR; Alex Brauer, Brand Director, Fish Marketing, Portland, OR; Greg Hublou, Owner, Bayside Guided Adventures, Tillamook, OR; William Jordan Keesler, Admin, Poulsen Cascade Tackle, Clackamas, OR; Andy Walgamott, Northwest Sportsman Magazine, Tukwila, WA; Tom Posey, Past President NSIA, Retired, Fishing Tackle Manufacturers' Rep for NW and Alaska, Portland, OR; Chris Vertopoulos, Owner, Northwest Angling Experience, Portland,

OR; Levi Strayer, General Manager, Smokehouse Products, LLC, Hood River, OR; Zack Schoonover, Sales Manager, Maxima USA, Hillsboro, OR; Dany Myers, Owner, Northwest Solutions, Sammamish, WA; Skylen Freet, Owner, Skylen Freet Guided Sportfishing LLC, Sandy, OR.

Jack Glass, Owner, Hook Up Guide Service, Sandy, OR; Gerald Wooley, President and COO, Renaissance Marine Group, Inc., Clarkston, WA; Dave Strahan, Territory Sales Manager, Big Rock Sports, Clackamas, OR; Don M. New, Owner, New Landing Design, LLC, West Linn, OR; Matthew Schlecht, Owner, Bob's Sporting Goods, Longview, WA; Bill Monroe Jr., Owner, Bill Monroe Outdoors, LLC, Corbett, OR; Madelynn Sheehan, Author, Fishing in Oregon, Flying Pencil Publications, Scappoose, OR; John Daly, Owner, Fight Club Guided Fishing, Saint Helens, OR; Gabe Miller, Buyer, Far West Sports, Five, WA; Dan Pickthorn, President, D & G Bait, Inc., Clackamas, OR; Cody Clark, Fishing Buyer, Bob's Sporting Goods, Longview, WA; Rob Bignall, Fishing Guide, Its All Good Guide Service, Sherwood, OR; Cody Herman, Owner, Day One Outdoors, LLC, Hillsboro, OR; Brent Hutchings, CEO, North River Boats, Roseburg, OR; Kelsey Marshall, President, Grounds for Change, Poulsbo, WA; Christian Zajac, Owner, F/V Serena May, Santa Cruz, WA.

—  
NEZ PERCE TRIBAL  
EXECUTIVE COMMITTEE,  
*Lapwai, ID, October 11, 2017.*

Nez Perce Tribe's Statement in Opposition to H.R. 3144.

(“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.”)

The Nez Perce Tribe is committed to restoring salmon and steelhead in the mainstem Columbia and lower Snake rivers to healthy, harvestable populations for all citizens of the Northwest and to fairly sharing the conservation burden, consistent with the United States' 1855 Treaty with the Nez Perce.

The Nez Perce Tribe opposes H.R. 3144 because it attempts to short-circuit the federal judiciary and federal appellate process with respect to providing additional spill to protect fish. The Tribe also opposes H.R. 3144 because it attempts to short-circuit the full consideration of all alternatives to redress the impacts of the Federal Columbia River Power System (FCRPS) dams on salmon and steelhead—including breaching the four lower Snake River dams.

Congress, in the National Environmental Policy Act (NEPA) and in the Endangered Species Act (ESA), established federal decision-making that is grounded in a full and complete analysis of all alternatives in an orderly, methodical and science-based process. Both NEPA and the ESA ensure that all the citizens of this Nation will have a full, accurate, and transparent analysis of the importance of salmon and steelhead to the Pacific Northwest and the Nation, the impact the FCRPS dams have on these iconic species, and the legacy we want to leave our future generations. And, both NEPA and the ESA contain mechanisms so that tradeoffs can be considered, investments in local communities impacted by decisions can be planned, and truly informed decisions can be made. H.R. 3144 runs counter to these foundational principles of sound, consistent and sustainable governance.

—  
AUGUST 23, 2017.

DEAR POLICYMAKER: The undersigned conservation, salmon, orca, and clean energy ad-

vocacy organizations and business associations extend our deep gratitude for your decision not to co-sponsor H.R. 3144—recently introduced by several Northwest representatives. In contrast to sponsor claims, this bill, if passed, would thwart efforts to deliver critical near-term protections for endangered wild salmon, derail the court-ordered NEPA environmental review and increase uncertainty for Northwest citizens and businesses. We ask you to actively oppose this harmful legislation to ensure that it does not become law.

Wild salmon and steelhead are a Northwest birthright. They are essential to the culture and economy of our region's Native American Tribes and support tens of thousands of non-tribal fishing jobs in urban and rural communities on the West Coast and in Idaho. Salmon also play an irreplaceable ecological role as an indicator species reflecting the health of our rivers and watersheds. Their presence benefits more than 130 other species, including critically-endangered, prey-deficient Southern Resident Orcas.

H.R. 3144 is based on misinformation, fails to recognize the important role wild salmon and steelhead play for Northwest communities and ecosystems, and would severely undermine ongoing and much-needed protection efforts. If passed into law, H.R. 3144 would reverse the May 2016 U.S. District court decision that found the federal agencies' most recent plan for managing federal dams on the Columbia and Snake Rivers violated the Endangered Species Act and the National Environmental Policy Act and would not protect wild salmon and steelhead from extinction. Three different federal judges have now rejected five consecutive Columbia Basin salmon plans over the past two decades. This failure has cost regional energy consumers and federal taxpayers more than \$10 billion without recovering a single endangered salmon population.

H.R. 3144 would lock in the inadequate and illegal 2014 Columbia Basin Biological Opinion, fatally stifle the court order to complete a full, fair NEPA environmental review, and prevent an increase in spring “spill” (water releases over the tops of dams to improve survival of out-migrating juvenile salmon) beginning in 2018. Ordered by the court earlier this year and being collaboratively planned by the parties to the litigation this summer, spill is widely recognized by experts as our most effective immediate tool to help endangered salmon while our region develops a new, legally valid, scientifically-credible plan.

Salmon and fishing advocates share the frustration of many stakeholders with this history of costly and ineffective plans to revive culturally and economically important salmon populations in the Columbia-Snake Basin. We are ready to work with others in the region to develop a plan that protects and recovers endangered salmon and steelhead while also meeting the needs of affected interests. H.R. 3144, however, will not move our region in that direction; rather it will move us away from a real opportunity to craft a durable, responsible solution.

Thank you again for your decision not to sponsor H.R. 3144. We hope that you will actively oppose it and do everything you can to prevent this bill from becoming law.

Sincerely,

Tom France, Pacific Regional Executive Director, National Wildlife Federation, Missoula, Montana; Giulia Good Stefani, Staff Attorney for the Marine Mammal Protection Project, National Resources Defense Council, Mosier, Oregon; Robb Krehbiel, Washington State Representative, Defenders of Wildlife, Seattle, Washington; Wendy Gerlitz, Policy Director, NW Energy Coalition, Portland, Oregon; Ben Enticknap, Pacific Campaign

Manager & Senior Scientist, Oceana, Portland, Oregon; Bill Arthur, Columbia-Snake River Salmon Caucus Chair, Sierra Club, Seattle, Washington; Julian Matthews, Enrolled Nez Perce Tribal member and Treasurer, Nimpuu Protecting the Environment, Pullman, Washington; Liz Hamilton, Executive Director, Northwest Sportfishing Industry Association, Oregon City, Oregon; Jeremy Brown, President Coastal Trollers Association, Bellingham, Washington; Thomas O'Keefe, Ph.D, Pacific Northwest Stewardship Director, American Whitewater, Seattle, Washington; Wendy McDermott, Rivers of Puget Sound-Columbia Basin Director, American Rivers, Bellingham, Washington; Noah Oppenheim, Executive Director, Pacific Coast Federation of Fishermen's Associations, San Francisco, California.

Howard Garrett and Susan Berta, Directors, Orca Network, Whidbey Island, Washington State; Aaron Tam, Pacific Northwest Organizer, Endangered Species Coalition, Washington, D.C; Joseph Bogaard, executive director, Save Our wild Salmon Coalition, Seattle, Washington; Kevin Lewis, Executive Director, Idaho Rivers United, Boise, Idaho; Justin Hayes, Program Director, Idaho Conservation League, Boise, Idaho; Rich Simms, President, Wild Steelhead Coalition, Seattle, Washington; Greg Haller, Conservation Director, Pacific Rivers, Portland, Oregon; Mike Petersen, Executive Director, The Lands Council, Spokane, Washington; Tom VanderPlaat, President, Association of Northwest Steelheaders, Milwaukie, Oregon, John DeVoe, Executive Director, WaterWatch of Oregon, Portland Oregon; Ed Chaney, Director, Northwest Resource Information Center, Eagle, Idaho; Brian Brooks, Executive Director, Idaho Wildlife Federation, Boise, Idaho.

Colleen Weiler, Rekos Fellow for Orca Conservation, Whale and Dolphin Conservation, Corvallis, Oregon; Trish Rolfe, Executive Director, Center for Environmental Law & Policy, Seattle, Washington; Brett VandenHeuvel, Executive Director, Columbia Riverkeeper, Hood River, Oregon; Grant Putnam, President, Northwest Guides and Anglers Association, Clackamas, Oregon; Andrea Matzke, Executive Director, Wild Washington Rivers, Index, Washington; Miyoko Sakashita, Oceans Director, Senior Counsel, Center for Biological Diversity, Oakland, California; Bert Bowler, Director, Snake River Salmon Solutions, Boise, Idaho; Gary MacFarlane, Ecosystem Defense Director, Friends of the Clearwater, Moscow, Idaho; Bob Sallinger, Conservation Director, Audubon Society of Portland, Portland, Oregon; Michael Wells, President, Clearwater-Snake Rivers Trout Unlimited, Moscow, Idaho; Darilyn Parry Brown, Greater Hells Canyon Council, La Grande, Oregon; Chris Wilke, Executive Director, Puget Soundkeeper Alliance, Seattle, WA; Whitney Neugebauer, Director, Whale Scout, Bothell, Washington.

Mr. GRIJALVA. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this and the elements that he just put into the RECORD. These are tough issues.

The Bonneville Dam, one of the elements here, is in my district. I have been involved with these issues, literally, for decades. I have watched the give-and-take.

Part of what we are facing today is the legacy of our moving in to create the Bonneville system without really knowing what we were doing when we

started. There was a rich fisheries existence. Rumor had it that you could actually—people claimed you could walk across the backs of the salmon when they were spawning.

The dams implemented, good for producing energy, not good for the fishery system, both in terms of the river and the marine ecosystem that depends on it.

And it is not just the commitment to the Endangered Species Act and the environment. We are dealing here with commitments to Native Americans who have been ill-served with their treaty rights. That is one of the reasons why we have litigated this for years, because they had valid treaty rights as a sovereign people, and the United States violated them; and only recently, under the pressure of litigation, were we responsive to their needs and some changes were made.

Now, it is not just the current Federal judge. We have had objections through the Judiciary looking at some of the compromises that people have made. I understand the political pressures. I watch it in terms of the economy, in terms of transportation, in terms of Native Americans, in terms of fish and wildlife, in terms of agricultural interests.

These are difficult and troublesome efforts, and there is no good response because we have made more commitments than the mighty Columbia River can deliver on. We treat it like a machine, and we have difficulty reconciling it.

The judge in the case has found that the plan was wanting and has put in place a system for the new BiOp. This legislation is not going to stop litigation. If it passes, I will guarantee you, we will be back in court, and I think there is a very strong likelihood that, rather than moving it forward, it will delay it.

Look at the record in terms of the opponents to approaches like this on how they have fared in court. It is not a good record.

Now, I would suggest strongly that we are better served by allowing this process to go forward. Respect NEPA; respect the Endangered Species Act; respect the process that is put in place; and look at all the options.

Now, I am not saying tomorrow we are going to tear down Snake River dams, but there are lots of options short of dam removal. When we start taking things off the table, we limit our ability to meet our responsibilities under the law and under our treaty obligations and, candidly, in what is going to be in the best interest of solving a very complex issue.

I would hope that we would reject this legislation not only because I think it is ill-advised—I think it undercuts the environment, our obligations to the Native Americans, that it will delay it rather than accelerate it—but I think it provides a precedent that we don't want to have. I don't think we want to have Congress intervening in the midst of these processes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRIJALVA. I yield the gentleman from Oregon an additional 1 minute.

Mr. BLUMENAUER. Mr. Speaker, when I look at what this Congress—particularly, under Republican rule—has done trying to intervene to supersede science, to have political decisions on things that really deserve balance with the environment, with treaty rights, dealing with the long-term perspective, it is not a very encouraging record.

I strongly urge that we side with environmentalist groups, with our two Governors, with a number of us in the delegation to allow this process to work and not undercut it and put us back in court. If so, I will guarantee that we will be back here next year and the year after that with things worse rather than better.

□ 1530

Mr. BISHOP of Utah. Mr. Speaker, as one of the eight Tribes that endorse this bill said: The BiOp exceeds requirements established by the courts and by the ESA, and yet plaintiffs want more. The court should uphold the 2008 BiOp.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. NEWHOUSE), speaking on behalf of the eight Tribes that endorse this in his area.

Mr. NEWHOUSE. Mr. Speaker, I thank the chairman of the Natural Resources Committee for yielding time to me.

Mr. Speaker, earlier this afternoon, I had the opportunity during debate on the rule to rise and speak about this bill, as well as the great coalition of constituents and stakeholders who have collaborated to support H.R. 3144.

Some of the strongest voices are that of our local public utility districts and rural electric cooperatives across the Pacific Northwest, who have been immensely helpful in their advocacy and engagement of this legislation.

Mr. Speaker, I include in the RECORD a stack of letters and resolutions of support from these groups in Oregon, Idaho, and also my home State of Washington. I would like to express my sincere gratitude for their support as well.

BLACHLY-LANE ELECTRIC CO-OP,  
Eugene, OR, March 1, 2018.  
Re Support H.R. 3144 to Protect the Northwest's Economy, Environment, and ESA-Listed Salmon.

DEAR MEMBERS OF THE NORTHWEST CONGRESSIONAL DELEGATION: Blachly-Lane Electric Cooperative joins Northwest RiverPartners and our fellow northwest electric cooperatives in thanking you for your bipartisan opposition to misguided components of the President's FY19 budget proposal related to the Bonneville Power Administration's transmission assets and rates. We value that the delegation recognizes BPA's transmission and power generation assets as a pillar of the Northwest economy and critical to our region's carbon-free electric energy production, and your united concern for constituents in the region.

Your bipartisan commitment to protecting BPA's statutory mission and the longevity of the Federal Columbia River Power System allows us to ask you for support of H.R. 3144. The bill will protect the region's access to renewable, carbon free, and reliable federal hydropower while mitigating hydropower impacts and protecting Endangered Species Act listed salmon.

H.R. 3144 would allow the NEPA process to continue as the Court has ordered, with a comprehensive and transparent review of federal hydrosystem operations, while postponing costly and potentially harmful experimental spill and hydro operations in the interim.

BPA faces uncertainty as escalating fish and wildlife costs and related litigation negatively impact its power rates. Keeping BPA sound and competitive serves to shield the agency from political attacks coming from outside the region. H.R. 3144 provides vital near-term certainty by temporarily retaining the federal hydrosystem operations plan supported by both the Bush and Obama Administrations that was extensively vetted by independent scientists, *only* until an ongoing NEPA review process concludes in 2021.

BPA estimates the Court-ordered spill experiment could cost its power customers an estimated \$40 million this year. NOAA Fisheries' Science Center modeling shows this additional spill would provide little or no added benefits to protected juvenile salmon or returning adults. The costs of this experiment to our electric cooperative members are far too great, and the outcome to fish far too negative.

If that isn't enough, the spill operations will add 840,000 metric tons of carbon emissions by removing 815 megawatts of carbon-free federal hydrosystem generation and replacing it with fossil fuels. This large loss of hydroelectric generation simply can't be replaced by increasing efficiency, intermittent wind or solar resources. The Court-ordered spill undermines Oregon and Washington's progress toward our carbon-reduction goals.

Your support of H.R. 3144 will keep scientifically recognized ESA-listed salmon protection measures in place while allowing a rational, deliberative NEPA process to generate credible data for future potential dam operations and salmon-management strategies. H.R. 3144, contrary to critics' statements, will simply allow for a much-needed "time out" from over 20 years of litigation and allow the federal agencies to focus their limited resources on conducting the best NEPA process possible to comply with the court's order.

Also know that the region is not in agreement on the Court-ordered 2018 spill operations. The federal Action Agencies (BPA, Army Corps, and Bureau of Reclamation), RiverPartners, Idaho, Montana, Confederated Tribes of the Colville, the Kootenai Tribe of Idaho, and the Salish-Kootenai tribe, have appealed the ruling to the Ninth Circuit. The Court-ordered spill would abandon federal agencies' best science and expertise in favor of dictating from the bench an operational "experiment" for the complex and crucial federal hydrosystem. That is not a proper role for any Court.

We urge members of the delegation to support this commonsense bill with a continued bipartisan spirit. Your leadership is imperative to keep BPA's hydropower generation assets affordable and to improve the agency's competitiveness as quickly as possible. Without a competitive product to transmit over the wires, BPA will be challenged to meet its important statutory obligations of providing power and protecting fish and wildlife.

Passage of H.R. 3144 is critical to help avoid BPA's current perilous trajectory and

further harm to the fisheries. Modest, practical action now will help BPA avoid the economic cliff it faces. To wait and later bail out the agency could impose enormous costs on regional ratepayers and taxpayers.

Thank you for your time and thoughtful consideration of one of the most crucial issues facing the Northwest in years.

Sincerely,

JOE JARVIS,  
General Manager.

NORTHERN LIGHTS, INC.,  
Sagle, ID, March 9, 2018.

DEAR SENATOR RISCH: Northern Lights, Inc. strongly supports H.R. 3144, bipartisan legislation that protects the Northwest's access to renewable, clean and reliable federal hydropower while mitigating hydropower impacts and protecting ESA listed salmon. We urge you to advance H.R. 3144 as part of the Fiscal Year 2018 appropriations bill or any other legislation considered this Congress.

BPA is in a precarious financial situation with a rate trajectory that is unsustainable. If this unsettling trend continues, BPA will not be competitive with alternative power supply choices in the region when it seeks customer contract renewal in 2028. While we greatly value the carbon free, flexible hydropower resources that BPA provides, as an electric cooperative, we have a responsibility to deliver power to our members at an affordable rate whether that comes from BPA or elsewhere.

Although BPA's power rates are influenced by a variety of cost-drivers, one of the largest variables is fish and wildlife program costs. Along these lines, we are particularly concerned about ESA-driven litigation over federal hydro system operations that has plagued our region for almost 20 years. Most recently, as a result of legal proceedings in the U.S. District Court for the District of Oregon, a federal judge has ordered a spill experiment that could cost BPA power customers an estimated \$40 million just this year. Yet federal modeling shows that this additional spill would provide little or no added benefit to protected juvenile salmon or returning adults. This is particularly troubling to a consumer-owned power community that remains committed to funding the largest mitigation for threatened species in the nation.

As stewards of the Columbia River, it is our collective responsibility to get off the sidelines and identify practical solutions to tough problems. H.R. 3144 is just that, it would provide much needed relief from the endless litigation by temporarily keeping in place a 2014 biological opinion built on the best available science from two consecutive Administrations (Bush and Obama). We are pleased that this biological opinion has resulted in improved salmon survival at dams due to changes in operations and the installation of new fish passage technologies. Retaining the 2014 biological opinion also allows the federal agencies to focus on the court-ordered NEPA environmental review process without being distracted by litigation.

Let's take a time out from the courtroom and rally around a practical solution. On behalf of Northern Lights, Inc. we urge you to support H.R. 3144.

Sincerely,

ANNIE TERRACCIANO,  
General Manager,  
Northern Lights, Inc.

SALMON RIVER  
ELECTRIC COOPERATIVE, INC.,  
Challis, ID, August 25, 2015.

DEAR MEMBERS OF THE NORTHWEST CONGRESSIONAL DELEGATION: This letter is sub-

mitted by Salmon River Electric Cooperative, Inc. We are a small rural electric cooperative located in central Idaho. We distribute electricity to 2700 electric accounts over eight hundred miles of distribution lines. Our economy is made up of ranching and agriculture, mining, recreation and tourism, and public land management. Ninety-eight percent of the lands around us are public lands. This leaves very little tax base to operate our local economies. Low cost, clean, environmentally safe and carbon free, and reliable electricity has been and will remain critical to the lives of our member owners. We were pleased to see the congressional delegation recently join together in a bipartisan manner to oppose ill-advised components of the President's FY19 budget proposal related to the Bonneville Power Administration's ("BPA") transmission assets and rates. At a time defined by partisan rancor, it is refreshing that our elected officials are able to unite to protect constituents in the region and recognize that BPA's transmission and power generation assets are the backbone of the Northwest economy and the mainstay of our region's carbon-free electric energy production.

This ongoing bipartisan commitment to protecting BPA's statutory mission and the longevity of the Federal Columbia River Power System ("FCRPS") is why we are asking you to support legislation introduced in the House (H.R. 3144) that would protect the region's access to renewable, carbon free, and reliable federal hydropower while mitigating hydropower impacts and protecting Endangered Species Act ("ESA") listed salmon. This commonsense legislation temporarily keeps in place a federal hydrosystem operations plan supported by both the Bush and Obama Administrations, and was extensively vetted by independent scientists, only until an ongoing NEPA review process is concluded in 2021. H.R. 3144 would allow the NEPA process to continue as the Court has ordered, with a comprehensive and transparent review of federal hydrosystem operations, while postponing costly and potentially harmful experimental spill and hydro operations in the interim.

Sincerely,

KEN DIZES.

BENTON PUD,  
March 13, 2018.

Re Support H.R. 3144.

DEAR MEMBERS OF THE WASHINGTON STATE CONGRESSIONAL DELEGATION: On behalf of Benton PUD customers, we urge you to support H.R. 3144 that protects the hydro system and the benefits it brings to the region through clean, renewable and affordable power.

H.R. 3144 provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the current Biological Opinion that has been vetted and supported by previous presidential administration's top scientists and resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies.

Over the years of the operation of the Federal Columbia River Power System (FCRPS), Northwest electric ratepayers have invested over \$16 billion on infrastructure and fish enhancement efforts. We are appreciative of the countless efforts that have already been made within the FCRPS operations to improve juvenile fish passage survival.

H.R. 3144 allows the court ordered NEPA process to continue with a comprehensive and transparent review of federal hydrosystem operations, while postponing costly and potentially harmful experimental spill operations in the interim.

As Commissioners of public utilities located in the heart of the Northwest, we strongly believe that we can achieve our goal to balance the needs of healthy salmon and steelhead populations with the imperative to preserve a valuable hydropower system that is integral to our region's quality of life. To do so, we must provide stability and certainty to management of the FCRPS and fish recovery efforts.

The legislation is needed to protect the Snake River dams and the renewable, carbon-free, affordable and reliable hydropower provided to our customers and the customers across the region.

Sincerely,

COMMISSIONER BARRY BUSH.  
COMMISSIONER LORI SANDERS.  
COMMISSIONER JEFF HALL.

RESOLUTION NO. 2413  
(July 25, 2017)

SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING THE FEDERAL COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

Whereas, Customers of Public Utility District No. 1 of Benton County, Washington, hereinafter referred to as "the District", receive 77 percent of their electricity from the Federal Columbia River Power System (FCRPS); and

Whereas, Hydropower provides 70 percent of Washington State's renewable, affordable and reliable electricity and 60 percent of the Pacific Northwest's electricity with the majority of the power produced by the FCRPS; and

Whereas, Hydroelectric dams also provide many benefits to the region, including flood control, navigation, irrigation, and recreation; and

Whereas, Federal legislation requires the federal agencies responsible for the management of the FCRPS (Bonneville Power Administration (BPA), Army Corps of Engineers, Bureau of Reclamation) to operate the hydro system in compliance with the Biological Opinion (BiOp) approved by NOAA Fisheries in 2008/2010 and supplemented in 2014; and

Whereas, The FCRPS BiOp has successfully improved fish runs including 97 percent of young salmon successfully making it past the dams proving that both dams and fish can coexist; and

Whereas, BPA has spent \$15.28 billion in total spending on infrastructure and fish mitigation projects since 1978; and

Whereas, Despite the success of the current FCRPS BiOp, in March 2017, the United States District Court for the District of Oregon (Court) directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one or more of the four lower Snake River dams; and

Whereas, H.R. 3144, "To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time", was introduced in the United States House of Representatives to ensure the FCRPS BiOp remains in effect until 2022;

Whereas, The federal legislation would continue federal hydro operations through September 30, 2022, or until the court-ordered, comprehensive environmental NEPA process concludes, a new BiOp is in place, and judicial review is complete; and

Whereas, The federal legislation would prohibit studies, plans or structural modifications at the dams which would impair hydro-

electric power generation or navigation on the Columbia River.

Now, therefore be it hereby resolved That the Commission of Public Utility District No. 1 of Benton County, Washington, ("District") supports federal legislation H.R. 3144 introduced to "provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time";

Be it further resolved that the District supports this legislation as it:

1. Offers a creative solution that is good for both listed salmon and the economy of the Northwest and Benton County.

2. Provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the current federal salmon plan, known as the 2014 Supplemental BiOp. This BiOp was vetted and supported by the previous presidential administrations' top scientists and has resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies.

3. Provides time for the federal agencies to complete the court-ordered NEPA environmental review process analyzing federal hydro system operations and focuses the general agencies limited resources on getting that process right. Without the legislation, the agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review.

4. Avoids experiments or spill tests at the eight Columbia and Snake River dams, and studies and modifications at the dams which would restrict electrical generation, which would create uncertainties in BPA's power costs and supply and raise Northwest electric customers' rates.

Adopted at an open meeting as required by law this 25th day of July, 2017.

UNITED ELECTRIC CO-OP INC.,  
Washington, DC, February 27, 2018.

Re H.R. 3144 To provide for operations of the Federal Columbia Power System pursuant to a certain operation plan for a specified period of time, and for other purposes.

DEAR SENATOR RISCH: On behalf of the membership of United Electric Co-op, Inc. (United Electric), I am once again writing to seek your support to help pro-actively preserve the economic value of the Federal Columbia River Power System and its multiple uses: flood control, power generation, irrigation, navigation and commerce and recreation. United Electric serves 6,400 meters in portions of Minidoka and Cassia counties in Southern Idaho and purchases its wholesale power supply from the Bonneville Power Administration.

As you know, the Bonneville Power Administration has been plagued by litigation over the biological opinion which has been vetted through three administrations and was updated in 2014 by the Obama Administration, referred to as the 2014 Supplemental Biological Opinion. Judges in Oregon have ignored science, the experts in the industry, and NOAA's top scientists in what appears to be agenda driven rulings.

This common sense legislation temporarily keeps in place the 2014 Biological Opinion's hydro system operations and allows the court ordered NEPA process to continue with a comprehensive and transparent review, while postponing costly and potentially harmful experimental spill operations in the interim.

Please see the attached Resolution adopted by the Board of Directors of United Electric in support of H.R. 3144. United Electric sup-

ports the proposed legislation and encourages you to join the bipartisan effort. H.R. 3144 is very important legislation to the Pacific Northwest's public power, agriculture, inland port and business communities.

Thank you,

JO ELG,  
General Manager.

RESOLUTION  
(October 23, 2017)

SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING FEDERAL COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

Whereas, Members of United Electric Co-op, Inc., Idaho, receive 94% percent of their electricity from the Federal Columbia River Power System (FCRPS); and

Whereas, Hydropower provides 60 percent of the Pacific Northwest's renewable, affordable and reliable electricity which the majority of it is produced by the FCRPS; and

Whereas, hydroelectric dams also provide many benefits to the region, including irrigation, flood control, navigation, and recreation; and

Whereas, federal legislation requires the federal agencies responsible for the management of the FCRPS (Bonneville Power Administration (BPA), Army Corps of Engineers, Bureau of Reclamation) to operate the hydro system in compliance with the FCRPS Biological Opinion (BiOp) approved by NOAA Fisheries in 2008/2010 and supplemented in 2014; and

Whereas, The FCRPS BiOp has successfully improved fish runs including 97% of young salmon successfully making it past the dams proving that both dams and fish can coexist; and

Whereas, BPA has spent \$15.28 billion in total spending on infrastructure and fish mitigation projects since 1978; and

Whereas, Despite the success of the current FCRPS BiOp, in March 2017, the United States District Court for the District of Oregon (Court) directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one or more of the four lower Snake River dams; and

Whereas, H.R. 3144, "To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time", was introduced in the United States House of Representatives to ensure the FCRPS BiOp remains in effect until 2022; and

Whereas, The federal legislation would continue federal hydro operations through September 30, 2022 or until the court-ordered, comprehensive environmental NEPA process concludes, a new Biological Opinion is in place and judicial review is complete; and

Whereas, The federal legislation would prohibit studies, plans or structural modifications at the dams which would impair hydroelectric power generation or navigation on the Columbia and Snake Rivers; and

Now, therefore be it hereby resolved by the Board of Directors of United Electric Co-op, Inc., Idaho, supports the federal legislation identified as H.R. 3144 which was introduced to provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time;

Be it further resolved that United Electric supports this legislation as it:

1. Offers a creative solution that is good for both listed, salmon and the economy of the Northwest and Cassia and Minidoka Counties.

2. Provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the

current federal salmon plan, known as the 2014 Supplemental BiOp. This BiOp was vetted and supported by the Obama Administration's top scientists and has resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies.

3. Provides time for the federal agencies to complete the court-ordered NEPA environmental review process analyzing federal hydro system operations and focuses the general agencies limited resources on getting that process right. Without the legislation, the agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review.

4. Avoids experiments or spill tests at the eight Columbia and Snake dams, and studies and modifications at the dams which would restrict electrical generation, which would create uncertainties in BPA's power costs and supply and raise Pacific Northwest electric customers' rates.

Adopted as a non-binding Resolution for the purposes recited herein at a regularly scheduled meeting of the Board of Directors this 23rd day of October, 2017.

Mr. NEWHOUSE. Mr. Speaker, many advocates for the environmental lobby claim to be pro-science, but it is clear that far too often they only rely on that science when it is convenient.

The spill order mandated by this judge could have harmful effects on the very fish species the BiOp was created to protect, and yet my colleagues in opposition to this bill say that we are the ones trying to hurt the fish.

Federal agencies and scientific experts warn of the risks these spill mandates can place on the fish. We should listen to these experts. We should support science. Now is not the time to be pushing ideology. Now is the time to be pushing pro-science pragmatism to both save our salmon and save our dams.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LOWENTHAL), the ranking member of the Natural Resources Committee.

Mr. LOWENTHAL. Mr. Speaker, endangered salmon are not the only species that H.R. 3144 puts at risk. By removing critical protections for salmon runs, this bill would also push one of our most treasured whale species closer to extinction.

As pointed out by Congresswoman TSONGAS, the Southern Resident killer whales are critically endangered. In fact, there are only 76 of them that are left. These whales depend upon healthy and abundant salmon populations for survival. More than 50 percent of their diet comes from Chinook salmon in the Columbia River basin. Without access to these wild salmon populations, Southern Resident killer whales are literally starving to death.

In order to save both of these iconic species, we cannot undermine important habitat restoration efforts or improvements in dam operations, both of which are essential to promoting survival in the river systems where these salmon spawn. Unfortunately, H.R. 3144 would do just the opposite.

In addition, the Southern Resident killer whales provide immense eco-

nomics benefits to the Pacific Northwest. Whale watching is a major tourist attraction in Washington and has contributed an additional \$65 million to the State's economy each year.

Losing these killer whales would not only have an irreversible effect on the marine ecosystem, it would be a huge blow to the tourism industry and to the local businesses that rely on their survival.

H.R. 3144 may be known as the Salmon Extinction Act, but, frankly, we should tack on Southern Resident killer whales to that name. Without access to waters beyond the Snake River dams, salmon populations will continue to plummet, and without salmon, the Southern Resident killer whales will die.

The fate of both these species rests in our hands. I urge my colleagues to stand with me and stand with the whales and vote against H.R. 3144.

Mr. BISHOP of Utah. Mr. Speaker, unfortunately, NOAA did a study which simply said that the hatchery production of salmon in this area more than offsets any loss that comes from the dams. So even though we have this issue of an endangered species trying to eat another endangered species, which one are we going to support.

I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who is a member of our committee who understands this particular issue.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Utah for his leadership.

Mr. Speaker, H.R. 3144, introduced by Mrs. McMORRIS RODGERS of Washington, was considered by the subcommittee I chair, Water, Power, and Oceans. It looks to provide certainty and reliability to the Federal Columbia River Power System in the Pacific Northwest. This system includes four large dams in the lower Snake River in Washington State that provide the region with a number of benefits, including renewable emission-free hydro-power.

Despite all of these benefits, the power system has been mired in third-party litigation for decades. Some litigious groups have focused their efforts on removing the four dams in the Lower Snake under the false assumption that it will improve endangered species. In reality, however, these dams already have survival rates for salmon in the upper 90th percentile.

Most recently, a Federal court ordered round-the-clock spillover of the Columbia and Snake River dams that went into effect last week. These additional spills will do little to help the fish species, and in reality, do nothing more than leave the region's ratepayers to foot a spill surcharge estimated to cost up to \$40 million per year.

This bill ensures that the power system is operated in accordance with the current operations plans until certain reasonable targets are met. It was found to be legally and scientifically

sound by the Obama administration, and has resounding support among stakeholders in the region.

We need to ensure that science is guiding the operations of the power system and not judicial orders and special interest ideologies. We need a consensus approach by local stakeholders, not a mandate imposed by judicial fiat.

This bipartisan bill is supported by trade unions, the Farm Bureau, regional stakeholders, and a number of public utility districts.

Mr. Speaker, I urge my colleagues to support this good piece of legislation.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUFFMAN), vice ranking member of the Natural Resources Committee.

Mr. HUFFMAN. Mr. Speaker, I thank the gentleman from Arizona for yielding me time.

Mr. Speaker, today we are being asked to pass yet another bill that undermines the Endangered Species Act and accelerates the extinction of our Nation's fish and wildlife.

Specifically, H.R. 3144, the Salmon Extinction Act, undermines protections for several runs of wild salmon and steelhead in the Pacific Northwest.

The Northwest's iconic salmon runs are extremely important to commercial, recreational, and Tribal fishing interests across the country.

My Republican colleagues are pushing this bill even though the region's salmon runs are currently at crisis levels.

Recently, we have even seen reporting that, for the first time, Federal scientists who were surveying Northwest salmon populations came up with empty nets.

And yet, here we are today, advancing a bill that will do nothing but accelerate our Nation's existing salmon declines.

The bill also represents a troubling attack on the legal process. If enacted, it would overturn legally sound court decisions simply because the bill's sponsors don't like them.

Instead of following the law, this bill forcibly mandates the use of an outdated illegal salmon recovery plan for the Federal Columbia River Power System.

The recovery plan in question has clearly been found by the courts to violate the law and the Endangered Species Act. It is illegal, and Congress, through this bill, would be saying: Do it anyway.

I should note that this bill also undermines one of our Nation's other bedrock environmental laws, the National Environmental Policy Act, or NEPA, by barring a host of actions that could potentially recover this region's salmon runs, which are currently, again, on the brink of extinction.

The sponsor of this bill and I do agree on one thing, however. When talking about this bill, Representative McMORRIS RODGERS recently said that dams and fish can coexist, and I too think that is possible.

The debate here is not about dams versus no dams. The debate is about striking the appropriate balance between responsible hydropower development and sound fisheries protection.

For too long, there has been an imbalance when we consider these issues. Our country built thousands of dams in the 20th century before we even realized the harm that can be caused to our Nation's fisheries.

So today, we are left with many legacy, low-value dams that don't justify their cost and their impacts to our Nation's fishery and natural resources.

So as we consider what to do about these older, low-value dams, our decision making must be guided by the best available science and a consideration of all available options, not what politicians in Congress want.

Unfortunately, this bill takes us in the wrong direction by blocking responsive science-based fisheries management. It would actually lock in a disastrous status quo until at least the year 2022; a status quo that is expensive, illegal, and inadequate; an approach that causes great harm to wild salmon, struggling fishing communities, Tribes, and energy consumers. The status quo is not working.

This bill says: Keep doing it anyway.

It is time for Federal agencies to pursue new, innovative solutions that are better for both fisheries and hydropower generation. This bill pushes a one-sided divisive approach that will only cause further harm.

That is why it is opposed by the Governors of both Washington and Oregon, by Tribal interests, by hundreds of businesses that depend on healthy salmon runs, and also by numerous conservation organizations.

Mr. Speaker, I urge my colleagues to vote "no."

Mr. BISHOP of Utah. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I rise in support of the bill offered by Congresswoman MCMORRIS RODGERS.

This is a great piece of legislation that supports smart hydroelectric operation, a stable and integrated energy grid, and above all, reinforces that the United States Congress has a vested interest in ensuring it, Congress, rather than the judiciary, promulgates Federal policy.

H.R. 3144 keeps in place the operational plan, developed by consensus through multiple agency processes and based in the best available science, for four dams in Washington State which have wrongfully come under siege recently due to an arbitrary court order by a judge in Oregon.

In general, continuing to lean on hydropower as a long-term component of our Nation's electrical grid is an absolute no-brainer. Hydropower is a clean source of energy, and its reliability and cost effectiveness are just a few of the reasons it enjoys the stature it has today.

It needs to maintain that stature, including the requirement of careful

science-based policy crafting when changes to hydroelectric policy are in question if we are to guarantee a reliable energy future for our country.

But if overzealous special interest groups have their way, we would immediately begin deconstructing and destroying all our dams across the country. To their mindset, dams are not natural parts of the landscape and, therefore, represent a most serious threat to the planet. To them, changes to the natural landscape are anathema, despite the fact that the only real constant on our planet and in the environment is change itself.

The judges's order in this case in question is, unfortunately, in keeping with this very same mindset. This is not a stretch to say because he, in fact, fails to rely on the only available and complete science that informed past decisions concerning the Federal Columbia River Power System.

These past decisions, keep in mind, included the Obama administration's green-lighting of the current operation plan in 2014 that the judge seeks to overturn with his spill order.

What the judge did in this case was to take it upon himself to depart from agency consensus based on sound science and ordered changes to the operation plan of the power system just because he wanted to.

He ordered this major policy change first, which will cost electricity customers in the region \$40 million annually, by the way, and pegged future changes to the outcome of a NEPA review which is just getting underway.

But the only grounds for so radical a policy change would be if the NEPA review in question called for those changes when it is finally finished. The judge doesn't know what the outcome of the NEPA review will be, obviously, because it is still being conducted.

□ 1545

He made his decision without basis, and now the country is supposed to pay for it. Some of my colleagues on the other side of the aisle constantly rail about how they oppose bills and proposals and prevent the National Environmental Policy Act review process from being carried out.

H.R. 3144 also allows continuation of a court-ordered national NEPA review process. If my colleagues practice what they preach, then they would support this bill as it allows the NEPA review process to be carried out. Congress has an obligation to remind everyone involved that we are the constitutionally authorized policymakers and that we choose to make policy and require agency decisionmaking on the basis of sound science.

This bill will keep the current operation plan in place until 2022, unless the NEPA process review finishes first, at which point the NEPA-supported plan would commence. This bill abides by the proper statutory NEPA process, even though the judge's order fails to do that.

As stated by the Public Power Council, H.R. 3144 allows a court-ordered NEPA process to continue without avoiding a costly and potentially harmful spill experiment. The fear is that without this legislation, a spill regime will be put in place that increases regional power costs while providing no apparent benefit to the fish it purports to help.

What is perhaps most crucial to keep in mind during this whole debate is the broader significance of this bill to any Member who has a major public works infrastructure operating in their district. Without this bill, it is possible that this judge's terrible precedent could stand. At that point, nothing stands in the way of an activist judge across the country waking up one day and deciding to put a halt to a whole slew of public works infrastructures which makes this country tick.

H.R. 3144 is absolutely necessary to establish congressional intent. Sound process must win the day over the capriciousness of any given activist judge or his political leanings.

Mr. Speaker, I include in the RECORD letters of support from the local public utility districts on behalf of H.R. 3144.

PEND OREILLE COUNTY

PUBLIC UTILITY DISTRICT,

Newport, WA, April 24, 2018.

Hon. CATHY MCMORRIS-RODGERS,

Hon. DAN NEWHOUSE,

House of Representatives, Washington, DC.

DEAR REPRESENTATIVES MCMORRIS-RODGERS AND NEWHOUSE: On behalf of the Public Utility District No. 1 of Pend Oreille County we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), the plan has been rejected with a ruling that all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over \$15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The "spill test" ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

This is particularly important for Pend Oreille PUD as our largest industrial customer Ponderay Newsprint is a large consumer of BPA power for its operations. The

unnecessary spending and additional mitigation costs continue to put jobs at stake in our rural communities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

F. COLIN WILLENBROCK,  
*General Manager.*

—  
WAHAKIACUM PUD,  
*Cathlamet, WA, April 23, 2018.*

Hon. DAN NEWHOUSE,  
*House of Representatives,*  
*Washington, DC.*

DEAR REPRESENTATIVE NEWHOUSE: On behalf of the Public Utility District No. 1 of Wahkiakum County we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over \$15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The “spill test” ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

DAVID R. TRAMBLE,  
*General Manager.*

—  
DOUGLAS COUNTY PUBLIC  
UTILITY DISTRICT,  
*East Wenatchee, WA, April 24, 2018.*

Hon. DAN NEWHOUSE,  
*House of Representatives,*  
*Washington, DC.*

DEAR REPRESENTATIVE NEWHOUSE: On behalf of Douglas County PUD we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The cur-

rent BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over \$15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The “spill test” ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

GARY R. IVORY,  
*General Manager.*

—  
REPRESENTATIVE NEWHOUSE: I wanted to reiterate to you one more time how important the bill you co-sponsored, H.R. 3144, is to Franklin PUD and our customers. We hope the bill gains positive traction this week and advances to the House Floor.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over \$15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. For Franklin PUD customers, their bills are already higher by at least 15-18 percent for fish mitigation programs. The “spill test” ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families, businesses, and Franklin PUD customers, and is likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead. Thanks again for coming to the Tri-Cities this month to hear our customers issues regarding ag, irrigation and fish, that are all impacted by the continuance of this spill that is not required.

DEBBIE BONE-HARRIS,  
*Sr. Manager, Public Affairs,*  
*Franklin PUD.*

#### RESOLUTION NO. 8860

A RESOLUTION SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

#### Recitals

1. The state of Washington is the leading U.S. producer of hydropower, routinely contributing more than one-fourth of the nation's total net hydroelectric generation;

2. Hydropower accounts for between two-thirds and four-fifths of Washington's electricity generation, providing renewable and inexpensive electricity to the region's farms, homes, businesses, schools and industries;

3. The Bonneville Power Administration (BPA), U.S. Army Corps of Engineers and the

Bureau of Reclamation are responsible for the management of the Federal Columbia River Power System (FCRPS) in compliance with the Biological Opinion (BiOp) approved by NOAA Fisheries in 2008/2010 and supplemented in 2014;

4. The FCRPS BiOp has helped to improve fish runs, including 97% of young salmon successfully making it past the federal dams, demonstrating that both renewable hydropower and fish can coexist;

5. Despite the success of the current FCRPS BiOp, in March 2017, the United States Court for the District of Oregon directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one of more of the four lower Snake River hydropower dams;

6. Bipartisan legislation, H.R. 3144, provides a creative solution to the endless litigation over federal hydro system operations by directing the federal agencies to implement the current federal salmon plan, known as the 2014 Supplemental BiOp. That plan:

a. Was vetted and supported by the Obama Administration's top scientists;

b. Has resulted in improved young salmon survival at the federal dams due to changes in operations and the installation of new fish passage technologies;

c. Restored thousands of acres of habitat in rivers, the estuary and floodplains for salmon spawning and rearing; and

d. Would allow federal hydropower operations to continue through September 30, 2022 or until the court-ordered, comprehensive environmental NEPA process concludes, a new BiOp is in place and judicial review is complete.

7. Without the legislation, the federal agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review; and

8. H.R. 3144 was introduced by Rep. Cathy McMorris Rodgers (R-WA) and co-sponsored by Rep. Dan Newhouse (R-WA), Rep. Jaime Herrera Beutler (R-WA), Rep. Kurt Schrader (D-OR) and Rep. Greg Walden (R-OR).

Now therefore, be it resolved by the Commission of Public Utility District No. 2 of Grant County, Washington, that Grant PUP supports H.R. 3144, and applauds the co-sponsors of this bipartisan legislation as it:

Offers a creative solution that is good for both salmon, renewable hydropower and the economy of the Northwest.

Provides relief in the endless litigation of the federal hydro system.

Provides time for the federal agencies to complete the court-ordered NEPA environmental review process.

Avoids experiments, modifications or spill tests at the eight federal Columbia and Snake River dams, which could have the potential to unnecessarily restrict renewable electric generation, create uncertainties in BPA's power costs and supply, and raise Northwest customers' electric rates.

Passed and approved by the Commission of Public Utility District No. 2 of Grant County, Washington this 24 day of October 2017.

#### RESOLUTION OF THE BENTON REA BOARD OF TRUSTEES

SUPPORTING H.R. 3144 FEDERAL LEGISLATION ADDRESSING THE FEDERAL COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION

Whereas, Members of Benton Rural Electric Association receive 86 percent of their electricity from the Federal Columbia River Power System (FCRPS); and

Whereas, Hydropower provides 70 percent of Washington state's clean affordable and reliable electricity and 60 percent of the Pacific Northwest's electricity with the majority of the power produced by the FCRPS; and

Whereas, Hydroelectric dams also provide many benefits to the region, including flood control, navigation, irrigation, and recreation; and

Whereas, Federal legislation requires the federal agencies responsible for the management of the FCRPS to operate the hydro system in compliance with the Biological Opinion (BiOp) approved by National Oceanic and Atmospheric Administration (NOAA) Fisheries in 2008/2010 and supplemented in 2014, and

Whereas, This BiOp was vetted and supported by the previous presidential administrations' top scientists and has resulted in wild salmon numbers trending significantly upward due to changes in operations and the installation of new passage technologies, and

Whereas, The FCRPS BiOp has successfully improved fish runs including 97% of young salmon successfully making it past the dams proving that both dams and fish can coexist; and

Whereas, Bonneville Power Administration (BPA) has spent \$15.28 billion in total spending on infrastructure and fish mitigation projects since 1978; and

Whereas, Despite the success of the current FCRPS BiOp, in March 2017, the United States District Court for the District of Oregon directed the federal agencies to undertake a comprehensive review of hydro operations under the National Environmental Policy Act (NEPA) and strongly urged the federal agencies to include analysis of the removal, bypass or breaching one or more of the four lower Snake River dams; and

Whereas, H.R. 3144, "To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time", was introduced in the United States House of Representatives, and

Whereas, The federal legislation would continue federal hydro operations through September 30, 2022 or until the court-ordered, comprehensive environmental NEPA process concludes, a new BiOp is in place, and judicial review is complete, and

Whereas, The federal legislation would prohibit studies, plans or structural modifications at the dams which would impair hydroelectric power generation or navigation on the Columbia River; and

Whereas, The federal legislation offers a creative solution that is good for both listed salmon and the economy of the communities served by Benton Rural Electric Association, and provides relief in the endless litigation of federal hydro system operations by directing the federal agencies to implement the current federal salmon plan, known as the 2014 Supplemental BiOp; and

Whereas, The federal legislation provides time for the federal agencies to complete the court-ordered NEPA environmental review process analyzing federal hydro system operations and focuses the general agencies limited resources on getting that process right.

Whereas, without the legislation, the agencies would be compelled to author a new 2018 BiOp without the benefit of the new science and public input provided by the comprehensive NEPA review, and avoids experiments or spill tests at the eight Columbia and Snake dams, and studies and modifications at the dams which would restrict electrical generation, which would create uncertainties in BPA's power costs and supply and raise Northwest electric customers' rates.

Now, therefore be it resolved that the Board of Trustees of Benton Rural Electric Association supports the passage of H.R. 3144 this July 26, 2017.

WASHINGTON PUBLIC UTILITY DISTRICTS ASSOCIATION,  
*Olympia, WA.*

Hon. DAN NEWHOUSE,  
*House of Representatives,  
Washington, DC.*

DEAR REPRESENTATIVE NEWHOUSE: On behalf of the Washington PUD Association we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of—H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over \$15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The "spill test" ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

GEORGE CAAN,  
*Executive Director.*

Mr. GRIJALVA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to speak to another problem and issue with this bill that one of my colleagues brought up in his statement, and that is the great harm it will cause to the Tribal interests in the Pacific Northwest.

Native people of the Pacific Northwest ceded most of their ancestral homeland to the United States in exchange for the right to catch salmon and steelhead at accustomed places.

The Federal Government has a long history of failing to protect these fishing rights. If enacted, H.R. 3144 would further harm Tribal fisheries which are a critically important source of food. They are of great cultural and religious significance to the Tribes. Just this week, the Nez Perce Tribe contacted our committee to urge us to reject H.R. 3144. I think Congress should heed this call and reject this piece of legislation.

Mr. Speaker, the concerns have been laid out by the people who have spoken against this legislation. Essentially, this legislation, H.R. 3144, violates bedrock environmental laws. Those concerns have been stated by Members who have spoken against the legisla-

tion. It harms businesses. It hurts the Tribes in the Northwest. It is an attack on the legal process, and, in the long term, it will hurt ratepayers.

Mr. Speaker, I urge a "no" vote on H.R. 3144, and I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very happy to be here to present this particular bill, or at least sum up on this, especially as our good friend Mr. Todd Ungerecht has done so much for this particular bill and it is going to be his last time on the floor with us. So I appreciate all of his help on this. He is returning back to his native State of Washington where he clearly realizes how important this bill is.

Mr. Speaker, this bill has support via policy from Washington, total support for the bill from Idaho and Montana, as well as eight other Tribes that live in this area, as well as the National Association of Counties, the American Farm Bureau Federation, United Power Trades Organization, National Rural Electric Cooperative Association, National Electrical Contractors Association, Public Power Council, Washington Association of Wheat Growers, and scores of other individuals.

I include in the RECORD a complete list of organizations that support this bill as well as letters that support this legislation.

SUPPORT FOR H.R. 3144

National Water Resources Association, National Associations of Counties, United Power Trades Organization, National Association of Wheat Growers, American Farm Bureau Federation, American Public Power Association, National Electrical Contractors Association, National Rural Electric Cooperative Association, Grand Canyon State Electric Cooperative Association, Americans for Limited Government, Arizona Farm Bureau, Arizona Liberty, Arizona Pork Council, Asotin County Public Utility District, Association of Washington Business, Benton Public Utility District, Blachly-Lane Electric Co-op, Clatskanie People's Utility District.

Clearwater Power, Concerned Citizens for America (Sedona), Cowlitz Public Utility District, Douglas County Public Utility District, Franklin Public Utility District, Grant County Public Utility District, Idaho Water Users Association, Inland Ports and Navigation Group, Kittitas County Public Utility District, Lewis County Public Utility District, Mason County Public Utility District, New Mexico Cattle Growers' Association, New Mexico Wool Growers Inc., Northern Lights, Northwest River Partners, Pend Oreille Public Utility District, Port Clarkston, Port of Morrow.

Port of Pasco, Port of Whitman County, Public Power Council, Salmon River Electric CoOp, Stevens County Commissioners, Sulphur Springs Valley Electric Cooperative, Tidewater Transportation & Terminals, Tri-City Development Council, United Electric, Wahkiakum County Public Utility District, Washington Association of Wheat Growers, Washington Farm Bureau, Washington Public Utility Districts Association, Washington State Potato Commission, Yuvapai County Supervisor Thomas Thurman, Your Touchstone Energy Cooperative.

## PUBLIC POWER COUNCIL

March 16, 2018

Re Support for H.R. 3144—To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified time.

DEAR MEMBERS OF THE NORTHWEST CONGRESSIONAL DELEGATION: The Public Power Council (PPC) is a not for profit association that represents about 100 consumer-owned electric utilities in the Pacific Northwest on issues regarding the Federal Columbia River Power System (FCRPS). As purchasers of power from the Bonneville Power Administration (BPA), PPC members and their customers pay for a large share of the region's fish and wildlife mitigation costs. I write today in support of H.R. 3144, a bill that would stabilize a portion of these costs while the administrative process proceeds in the region.

BPA is on the precipice of a serious financial struggle created by consistent increases in its power rates over the past decade combined with a simultaneous drop in the market price of other power options in the West. As utilities begin to choose lesser-cost options elsewhere, BPA will not have the requisite customer base to fund all its statutory obligations, including regional fish and wildlife efforts. Without serious action to stabilize rates, BPA will struggle in the near future to recover its costs, putting all of its programs at risk.

An important part of the challenge facing BPA is the volatility of the costs of meeting its fish and wildlife-related obligations. H.R. 3144 would offer important assistance in this respect by temporarily keeping in place a federal hydro operations plan (approved by multiple Administrations) through the 2021 completion of an ongoing review under the National Environmental Policy Act (NEPA). Upon completion of the NEPA process, it is expected that the legislation would effectively expire and the NEPA-supported plan for the federal hydro system would commence.

H.R. 3144 allows the court-ordered NEPA process to continue while avoiding a costly and potentially harmful spill experiment. In addition to its estimated \$40 million annual cost to regional electricity customers, NOAA Fisheries' Science Center modeling does not show appreciable benefits to salmon and steelhead from this operation. Higher levels of spill can harm fish from increased gas saturation in the water. The fear is that, without this legislation, a spill regime will be put in place that increases regional power costs while providing no apparent benefit to the fish it purports to help.

Another threatening aspect to the proposed spill experiment is that it would further limit the operational flexibility of the hydropower system that is essential to reliably meet electricity demand in the region and integrate other renewable power resources. Further, it is expected that much of the carbon-free generation eliminated by this experiment will be replaced by fossil fuels, greatly increasing regional carbon emissions, running counter to carbon-reduction goals.

Your support for this bill can help keep the region's hydropower affordable and can assist in stabilizing BPA during precarious times. Urgent action on H.R. 3144 will resonate for years in maintaining a renewable, flexible, and carbon-free energy resource that serves as the region's economic backbone. Thank you for your consideration.

Sincerely,

SCOTT CORWIN,  
Executive Director.

## MASON COUNTY

PUBLIC UTILITY DISTRICT 3,

Shelton, WA, April 23, 2018.

Hon. DAN NEWHOUSE,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN NEWHOUSE: Thank you for your support of federal, state and local agencies that provide cost-based, carbon free energy to customers throughout the Pacific Northwest. Specifically, we thank you for your strong defense of the Bonneville Power Administration and its partners in the Federal Base System.

We at Mason PUD 3 applaud your efforts, and those of others, who introduced HR 3144 to protect the viability and value of the Columbia River hydropower system.

We're pleased that HR 3144 affirms the jurisdiction of the 2014 Federal Biological Opinion for a balanced approach to managing the Columbia for fish and hydropower. We are concerned, as are others who depend on the river for their livelihoods, about the increased role of the courts in controlling this mighty resource. Management of the river by appointed judges is precedent-setting. It bypasses science, the experts who collaboratively wrote the Biological Opinion, and is not in the best interests of our customers.

PUD 3 is disappointed in a federal court ruling earlier this month that will result in an experimental water spill program at Columbia and Snake River dams. This costly experiment is aimed at determining if sending more water through dam spillways, instead of using it for power generation, will help the passage of salmon in the Columbia River Basin.

The Northwest Power & Conservation Council notes in its "2016 Columbia River Basin Fish and Wildlife Program Costs Report" that public power customers in the Pacific Northwest paid \$621.5 million for recovery and restoration efforts. Just over \$7 million of that came from customers of Mason PUD 3 (based on our proportionate share of the Federal Base System).

To further burden our customers, and other public power customers in the region, with the cost of an experimental spill which has uncertain results, is an unjust judicial abuse of those who we strive to protect.

Your bill, HR 3144, will give much needed relief to public power customers in a region that, through its wholesale power rates, fully pays its way for the operation of the Federal Base System. Further, through the directed use of the 2014 Federal Biological Opinion, it places management of the river in the realm of science, not speculation.

We thank you for your support and protection of the natural resources of the Pacific Northwest. If you wish to communicate with us on this matter, please contact us at any time.

Sincerely,

ANNETTE CREEKPAUM,  
Manager, Mason PUD 3.

ASOTIN COUNTY  
PUBLIC UTILITY DISTRICT,  
Clarkston, WA.

Hon. DAN NEWHOUSE,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: We are writing to thank you for your support of hydropower and the Federal Columbia River Power System (FCRPS) with the recent introduction of—H.R. 3144. As an electric utility whose customers are dependent upon reliable and affordable power, this bill supports the hydro system and the many benefits it brings to the region as a renewable resource.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement

the current BiOp as adopted in 2014. The current BiOp is based on the best available science and has been vetted by stakeholders. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

Despite the success of the current FCRPS BiOp, the judge's ruling rejecting the plan will add costs to the over \$15 billion the Bonneville Power Administration has spent on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills and the "spill test" ordered by the judge will be an additional cost that will result in higher electric bills for everyone.

Your legislation will bring an end to the wasteful activities and we appreciate your leadership on this issue with the introduction of H.R. 3144.

Sincerely, Asotin County PUD Board of Commissioners:

DON NUXOLL,  
President.  
JUDY RIDGE,  
Vice-President.  
GREG MCCALL,  
Secretary.

—  
COWLITZ PUD,  
Longview, WA, April 23, 2018.

Re: H.R. 3144.

Hon. DAN NEWHOUSE,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: This letter is submitted by Cowlitz PUD, serving roughly 50,000 electric customers located on or near the mighty Columbia River. The District purchases approximately 90% of its power supply from BPA, which is sourced primarily from the Federal Columbia River Power System (FCRPS).

We believe the 2014 BiOp is the best solution and we believe H.R. 3144 puts that solution in place.

We appreciate your leadership on H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

STEVEN D. KERN,  
General Manager,  
Cowlitz PUD.

—  
COWLITZ PUD,  
Longview, WA, April 23, 2018.

Re: H.R. 3144.

Hon. DAN NEWHOUSE,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: I write you this letter individually supporting H.R. 3144.

The 50,000 customers I represent continue to be impacted by interests other than their own. The Federal Columbia River Power System (FCRPS) has been bought and paid for by electric customers but is now being run from the bench of our 9th District court rather than the labs and control rooms of scientists and system operators. Experimental spill operations and targeted political outcomes have no place in the river system that powers our homes, underpins our economy, and funds our fish recovery.

I appreciate your leadership.

Sincerely,

DENA DIAMOND-OTT,  
Cowlitz PUD Commissioner—District #1.

KITTITAS COUNTY,  
PUBLIC UTILITY DISTRICT No. 1,  
Ellensburg, WA, April 23, 2018.

Hon. DAN NEWHOUSE,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: On behalf of Kittitas PUD No. 1 we greatly appreciate the support you have shown for hydropower and, more specifically, the Federal Columbia River Power System (FCRPS) with the recent introduction of H.R. 3144. This bill supports the hydro system and the many benefits it brings to the region through renewable, reliable and affordable power.

Despite the success of the current FCRPS Biological Opinion (BiOp), Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014. The current BiOp is based on the best available science, has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies.

The Bonneville Power Administration has spent over \$15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already higher by at least 15 percent for fish mitigation programs. The "spill test" ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful. Your legislation will bring an end to the wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

MATTHEW BOAST,  
General Manager.

LEWIS COUNTY,  
PUBLIC UTILITY DISTRICT,  
Chehalis, WA, April 24, 2018.

Hon. DAN NEWHOUSE,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE NEWHOUSE: On behalf of Public Utility District No. 1 of Lewis County, we appreciate your support for hydropower and the Federal Columbia River Power System (FCRPS). The recent introduction of H.R. 3144 supports the hydro systems many benefits to the region by providing renewable, reliable and affordable power.

The current FCRPS Biological Opinion (BiOp) is based on the best available science and has been vetted by stakeholders and was formally approved by the Obama administration. Implementation of the BiOp has successfully increased salmon runs due to operational requirements within, and the installation of new fish passage technologies. Despite the success of the current BiOp, Judge Simon, U.S. Western District, Court of Oregon, rejected the plan and ruled all options need to be reviewed including breaching or removing one or more of the four Snake River dams.

The Bonneville Power Administration has already spent over \$15 billion on infrastructure and fish mitigation projects since 1978. These improvements and mitigation measures are paid for by our customers through their electric bills. Their bills are already

higher by at least 15 percent for fish mitigation programs. The "spill test" ordered by the judge will be an additional cost that will result in higher electric bills for Northwest families and businesses and likely to be more detrimental to the fish runs than helpful.

Your bill provides relief to the endless litigation of federal hydro system operations by directing the federal agencies to implement the current BiOp as adopted in 2014 and your legislation will bring an end to wasteful activities.

We appreciate your leadership on this issue with the introduction of H.R. 3144 and urge other legislators to follow your lead.

Sincerely,

COMMISSIONER DEAN  
DAHLIN.  
COMMISSIONER BEN  
KOSTICK.  
COMMISSIONER TIM  
COURNYER.

Mr. BISHOP of Utah. Mr. Speaker, here is the bottom line for this particular piece of legislation:

States agree to it. There are nine Tribes in this area. Eight of them totally support this particular bill. The Obama administration created a biological opinion which endorsed the ESA and was legal with the ESA. A judge decided to change all of that and ordered a spill with no apparent rationale to it.

Mr. Speaker, there is no one over here who hates salmon. We are not trying to kill them all. Heaven knows, the only way I would like to kill salmon is if I am consuming them myself. However, in 2011, another spill took place on this particular river which had the process of actually killing this endangered species that was there.

This judge's order, without any kind of rationale to it, could indeed be one of the situations that actually sterilizes this river and the species rather than protecting the river and the species.

Let's allow river operators to operate the river. Let's allow scientists to conduct the science and let judges go back to granting divorces. Allowing a judge with no background in these issues to dictate river operations and subvert the science is totally irresponsible on our part.

This is a piece of legislation that clearly is a win for the ratepayers to a tune of \$40 million that they would have to do if this decision by the judge stands. It is also a win for taxpayers to the tune of about \$16 million. It is a win for the fish by preventing a potentially deadly environmental decision that has no basis in actual science. And, once again, it was the last administration that created the pattern in which we are going.

Let's go back to that and do it. Now, if another science or biological opinion needs to be done, let it happen, but don't allow the judge to change what the river operators are saying is the wisest policy until you do that. That is the basis of this particular bill. It helps the power. It helps the fish. It helps all of us. And let's face it, if you are not using that hydropower, you are going to have to pick up fossil fuel power to

make up the difference—see which one actually is healthier for the environment.

Mr. Speaker, I commend my colleagues for doing this, and I urge all in the House to support this legislation which is a bipartisan bill that has bipartisan support.

Mr. Speaker, I thank Chairman SHUSTER for agreeing to help expedite consideration of this bill today.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, April 12, 2018.

Hon. BILL SHUSTER,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC

DEAR MR. CHAIRMAN: I write regarding H.R. 3144, 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. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Transportation and Infrastructure.

I ask that you allow the Committee on Transportation and Infrastructure to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,

ROB BISHOP,  
Chairman.

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,  
Washington, DC, April 16, 2018.

Hon. ROB BISHOP,  
Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR CHAIRMAN BISHOP: Thank you for your letter concerning H.R. 3144, 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. As noted, the Committee on Transportation and Infrastructure received an additional referral on this legislation.

In order to expedite floor consideration of H.R. 3144, the Committee on Transportation and Infrastructure agrees to forgo action on this bill. However, as you noted, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. Further, it is our understanding that mutually agreed upon changes to the legislation will be incorporated into the bill via an amendment. Should a conference on the bill be necessary, I appreciate your agreement to support my request to have the Committee represented on the conference committee.

Thank you for your cooperation on this matter and for agreeing to place a copy of this letter and your response acknowledging our jurisdictional interest into the bill report and the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,  
*Chairman.*

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

Ms. BONAMICI. Mr. Speaker, I rise today in opposition to H.R. 3144, a bill that would require the implementation of a specific Federal Columbia River Power System operation plan. I am committed to increasing consumer access to affordable and reliable electricity, but this must be done without jeopardizing our region's ecosystem. I cannot support this bill because it would undermine longstanding environmental protections, including the Endangered Species Act, harm salmon and steelhead populations, and threaten the recreational and commercial fisheries, tribes, and species that benefit from healthy salmon runs.

The Endangered Species Act and National Environmental Policy Act require the federal operators of the Federal Columbia River Power System to consult with the National Marine Fisheries Service on how the System's hydroelectric dams could affect several salmon and steelhead stocks that are listed as threatened or endangered. Unfortunately, instead of responding in a systematic manner using the best available science, this bill would disrupt regional salmon and dam management efforts, jeopardize the existence of salmon and steelhead, and damage this vulnerable ecosystem.

In addition to the troubling effects on the region's ecosystem, implementation of this bill could also harm tribal fisheries. Native Americans have lived and fished along the banks of the Columbia River for centuries. Despite signing treaties with the tribes to preserve their rights to fish, hunt, and gather at their accustomed places, the federal government has a long history of failing to protect these tribal fishing rights. Tribes have a right and a deep cultural and historical connection to the fish populations threatened by this bill.

Oregon's economic vitality is dependent on the health of the Pacific Ocean and the Columbia River. We rely on the natural resources in our region to support a significant portion of our economy, and we are very vulnerable to changes to our ecosystem. This bill could harm the businesses that are dependent on healthy salmon and steelhead runs, including the commercial and recreational fishing industry, guiding and outdoor retail businesses, restaurants, and coastal communities that benefit from tourism.

The Pacific Northwest's social and environmental landscape is changing. We need to find a sustainable path forward that supports renewable power, commerce, and habitat conservation for salmon and steelhead populations. In addition to supporting the responsible use of hydropower that does not put salmon populations at risk, I also support investments in additional renewable energy sources like solar, wind, and wave energy. Through diversifying our investments in renewable resources, we can protect our environment and support new industries, jobs, and innovative businesses.

In short, we can—and should—address the energy needs of our region without furthering

policies that will harm our ecosystem. I urge my colleagues to work together to develop a more appropriate solution that will protect salmon and steelhead and provide affordable and reliable electricity to consumers in the Pacific Northwest.

I note for the record that my husband, Judge Michael H. Simon, wrote the judicial opinion that was discussed in the debate about this bill. Before voting, I checked with the House Ethics office and was assured that there is no conflict of interest under the House Rules because the bill does not benefit my spouse's or my personal interest or finances.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 839, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Ms. JAYAPAL. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JAYAPAL. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Jayapal moves to recommit the bill H.R. 3144 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At end of the bill, add the following:

#### SEC. 5. LOWER COSTS FOR ELECTRICITY CONSUMERS.

Nothing in this Act shall prohibit the sale of electric power generated by the Federal Columbia River Power System at the lowest possible rate consistent with sound business practices and other factors as required by current law.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington is recognized for 5 minutes in support of her motion.

Ms. JAYAPAL. Mr. Speaker, this is the final amendment to the bill which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, I make this motion today in order to ensure that the millions of Americans who rely on public power can continue receiving affordable power. President Trump, in his latest budget, has proposed charging millions of Americans more for their electricity.

The President wants to charge Americans what he calls market-based rates, which means that millions of Americans who rely on public power will pay more than what they pay now. This proposal has rightly provoked bipartisan opposition, and I hope my Republican colleagues will join me in rejecting this ill-advised proposal which will result in higher bills for millions of our constituents.

Mr. Speaker, I should also add that the underlying bill is based on a false

premise that rates can be lowered by shirking our responsibilities to protect our environment, restore our salmon populations, and follow the law. After all, restoring our region's salmon populations will reduce our costs in the long run.

This underlying bill takes us in the wrong direction, and it is important to include some context on this complicated issue.

Starting in the 1930s, the Federal Government began the construction of 31 hydroelectric dams on the Columbia River. These dams which make up the Federal Columbia River Power System, or the FCRPS, provide public power throughout the Pacific Northwest.

However, it has become clear that they have operated in ways that pose serious threats to our region's salmon runs and violate our environmental laws. Several courts, including the Ninth Circuit Court of Appeals and the Oregon U.S. District Court, have ruled as such. The courts ordered a new biological opinion, as well as a NEPA review, in order to bring the plans in alignment with Federal law.

Rather than letting this critical process continue, H.R. 3144 aims to circumvent our court system and the law by blocking legally ordered salmon protection measures. Congress should not be in the business of closing the door on legal and regulatory review processes simply because some Members don't like them.

Some claim that the court process will make it more expensive for ratepayers due to decisions like the one to increase spill over the dams, which this bill would illegally block. This process, which is meant to release additional water over the tops of the dams to ensure that juvenile salmon can migrate out, is a critical step in increasing salmon recovery rates. It is currently up for debate whether or not ratepayers will see an increase of any sort in the costs in the short term, but the long-term benefits of changes like this one are indisputable.

The 13 species of steelhead and salmon that are threatened by these dams are crucial to our region, and our fishing industry relies on them for its survival.

In 2011, Mr. Speaker, 34,500 jobs were provided by a healthy sport fishing industry which contributed more than \$3.8 billion to the economy in Washington, Oregon, and Idaho. And according to a recent poll in Washington State, a strong majority of voters are actually willing to pay up to \$7 a month in additional costs in order to save our wild salmon and improve water quality because they know how incredibly important it is to all of our economies and our communities.

Whether or not the increase spill will raise costs, that is not clear, but what is clear is that conserving these critical populations is a priority for the people in the Pacific Northwest.

The irony, Mr. Speaker, is that H.R. 3144 will ultimately cost our ratepayers

even more money in the long term. Protecting our salmon populations is 100 percent necessary. It is our obligation under the Endangered Species Act. So simply closing our eyes and hoping this all goes away is not an option.

Additionally, the Native peoples of the Pacific Northwest have the undeniable treaty rights to catch these salmon and steelhead at accustomed places, meaning that these populations have to be maintained. We can't continue to fail to uphold our end of this deal, and this bill will move us further away from where we need to be.

This issue has been addressed, and the review process mandated by the courts is doing just that. By denying the opportunity to implement the necessary science-based changes required to bring the FCRPS in line with Federal law, H.R. 3144 will cost ratepayers more down the line. Restoring the salmon population will be incredibly expensive, and gutting fisheries protections and kicking the can down the road does not serve our ratepayers well.

We must move forward with the ongoing biological opinion review and the NEPA process, but we also have to ensure that we are continuing to be mindful of our ratepayers in the region. This bill will ultimately cost ratepayers more, not less.

Mr. Speaker, it is possible to find a solution that works.

I yield back the balance of my time.

□ 1600

Mr. BISHOP of Utah. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I do appreciate the commitment of the gentlewoman from Washington, the effort to solve some problems, and many of the issues that were brought up. Unfortunately, many of the issues that were addressed simply are not covered in the motion to recommit at the same time—great speeches, but not necessarily really relating directly to the motion.

If you actually look at what the motion will do, ultimately, it is very clear that it will ensure that rates actually do go up; carbon emissions will go up; and farmers, families, union members, and small businesses will all have to eventually pay for it.

The underlying bipartisan legislation, though, and not some poorly worded gimmick that cedes more authority to courts and lawyers will protect ratepayers and endangered salmon and the whales and the taxpayers at the same time.

In all due respect, I actually feel happy that I was here when we saw a display of the Senate actually passing something. So I would suggest, in all humility to the other side, if they actually want to do something which would encourage my commitment and my approval of an MTR, it would be to

realize and recognize something that happened 107 years ago this Friday, in which the socialist Member from Milwaukee, Wisconsin, 107 years ago, Friday, introduced a resolution to dissolve the Senate.

Now, if that were a motion to recommit, that I would firmly endorse. That would actually help us move forward. Unfortunately, that is not the motion to recommit in front of us. The motion to recommit does not help us move forward.

Mr. Speaker, I ask for a "no" vote on the motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. JAYAPAL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of H.R. 3144, if ordered; and Suspending the rules and passing H.R. 5447.

The vote was taken by electronic device, and there were—yeas 190, nays 226, not voting 12, as follows:

[Roll No. 152]

YEAS—190

|                 |                |                |
|-----------------|----------------|----------------|
| Adams           | DeLauro        | Khanna         |
| Aguilar         | DelBene        | Kihuen         |
| Barragan        | Demings        | Kildee         |
| Bass            | DeSaulnier     | Kilmer         |
| Beatty          | Deutch         | Kind           |
| Bera            | Dingell        | Krishnamoorthi |
| Beyer           | Doggett        | Lamb           |
| Bishop (GA)     | Doyle, Michael | Langevin       |
| Blumenauer      | F.             | Larsen (WA)    |
| Blunt Rochester | Ellison        | Larson (CT)    |
| Bonamici        | Engel          | Lawrence       |
| Boyle, Brendan  | Eshoo          | Lawson (FL)    |
| F.              | Espaillet      | Lee            |
| Brady (PA)      | Esty (CT)      | Levin          |
| Brown (MD)      | Evans          | Lewis (GA)     |
| Brownley (CA)   | Foster         | Lieu, Ted      |
| Bustos          | Frankel (FL)   | Lipinski       |
| Butterfield     | Fudge          | Loeb           |
| Capuano         | Gabbard        | Lofgren        |
| Carbajal        | Gallego        | Lowenthal      |
| Carson (IN)     | Garamendi      | Lowey          |
| Cartwright      | Gohmert        | Lujan Grisham, |
| Castor (FL)     | Gomez          | M.             |
| Castro (TX)     | Gonzalez (TX)  | Lujan, Ben Ray |
| Chu, Judy       | Gottheimer     | Lynch          |
| Cicilline       | Green, Al      | Maloney,       |
| Clark (MA)      | Green, Gene    | Carolyn B.     |
| Clarke (NY)     | Grijalva       | Maloney, Sean  |
| Clay            | Gutiérrez      | Matsui         |
| Cleaver         | Hanabusa       | McCollum       |
| Clyburn         | Hastings       | McEachin       |
| Cohen           | Heck           | McGovern       |
| Connolly        | Higgins (NY)   | McNerney       |
| Cooper          | Himes          | Meeks          |
| Correa          | Hoyer          | Meng           |
| Costa           | Huffman        | Moore          |
| Courtney        | Jackson Lee    | Moulton        |
| Crist           | Jayapal        | Murphy (FL)    |
| Crowley         | Jeffries       | Nadler         |
| Cuellar         | Johnson (GA)   | Napolitano     |
| Cummings        | Johnson, E. B. | Neal           |
| Davis (CA)      | Jones          | Nolan          |
| Davis, Danny    | Kaptur         | Norcross       |
| DeFazio         | Keating        | O'Halleran     |
| DeGette         | Kelly (IL)     | O'Rourke       |
| Delaney         | Kennedy        | Pallone        |

|               |               |                |
|---------------|---------------|----------------|
| Panetta       | Rush          | Thompson (CA)  |
| Pascrell      | Ryan (OH)     | Thompson (MS)  |
| Payne         | Sánchez       | Titus          |
| Pelosi        | Sarbanes      | Tonko          |
| Perlmutter    | Schakowsky    | Torres         |
| Peters        | Schiff        | Tsongas        |
| Peterson      | Schneider     | Vargas         |
| Pingree       | Scott (VA)    | Veasey         |
| Pocan         | Scott, David  | Vela           |
| Polis         | Serrano       | Velázquez      |
| Price (NC)    | Shea-Porter   | Visclosky      |
| Quigley       | Sherman       | Walz           |
| Raskin        | Sinema        | Wasserman      |
| Rice (NY)     | Smith (WA)    | Schultz        |
| Richmond      | Soto          | Waters, Maxine |
| Rosen         | Speier        | Watson Coleman |
| Roybal-Allard | Suozzi        | Welch          |
| Ruiz          | Swalwell (CA) | Wilson (FL)    |
| Ruppersberger | Takano        | Yarmuth        |

NAYS—226

|               |                 |                 |
|---------------|-----------------|-----------------|
| Abraham       | Goodlatte       | Palmer          |
| Aderholt      | Gosar           | Paulsen         |
| Allen         | Granger         | Pearce          |
| Amash         | Graves (GA)     | Perry           |
| Amodei        | Graves (LA)     | Pittenger       |
| Arrington     | Graves (MO)     | Poe (TX)        |
| Babin         | Griffith        | Poliquin        |
| Bacon         | Guthrie         | Posey           |
| Banks (IN)    | Handel          | Ratcliffe       |
| Barletta      | Harper          | Reed            |
| Barr          | Harris          | Reichert        |
| Barton        | Hartzler        | Rice (SC)       |
| Bergman       | Hensarling      | Roby            |
| Biggs         | Herrera Beutler | Roe (TN)        |
| Bilirakis     | Hice, Jody B.   | Rogers (AL)     |
| Bishop (MI)   | Higgins (LA)    | Rogers (KY)     |
| Bishop (UT)   | Hill            | Rohrabacher     |
| Blackburn     | Holding         | Rokita          |
| Blum          | Hollingsworth   | Rooney, Francis |
| Bost          | Hudson          | Rooney, Thomas  |
| Brady (TX)    | Huizenga        | J.              |
| Brat          | Hultgren        | Ros-Lehtinen    |
| Brooks (AL)   | Hunter          | Roskam          |
| Brooks (IN)   | Hurd            | Ross            |
| Buchanan      | Jenkins (KS)    | Rothfus         |
| Buck          | Johnson (LA)    | Rouzer          |
| Bucshon       | Johnson (OH)    | Royce (CA)      |
| Budd          | Johnson, Sam    | Russell         |
| Burgess       | Jordan          | Rutherford      |
| Byrne         | Joyce (OH)      | Sanford         |
| Calvert       | Katko           | Scalise         |
| Carter (GA)   | Kelly (MS)      | Schrader        |
| Carter (TX)   | Kelly (PA)      | Schweikert      |
| Chabot        | King (IA)       | Scott, Austin   |
| Cheney        | King (NY)       | Sensenbrenner   |
| Coffman       | Kinzinger       | Sessions        |
| Cole          | Knight          | Shimkus         |
| Coleman       | Kustoff (TN)    | Shuster         |
| Collins (GA)  | LaHood          | Simpson         |
| Collins (NY)  | LaMalfa         | Smith (MO)      |
| Comer         | Lamborn         | Smith (NE)      |
| Comstock      | Lance           | Smith (NJ)      |
| Conaway       | Latta           | Smith (TX)      |
| Cook          | Lewis (MN)      | Smucker         |
| Costello (PA) | LoBiondo        | Stefanik        |
| Cramer        | Long            | Stewart         |
| Crawford      | Loudermilk      | Stivers         |
| Culberson     | Love            | Taylor          |
| Curbelo (FL)  | Lucas           | Tenney          |
| Curtis        | Luetkemeyer     | Thompson (PA)   |
| Davidson      | MacArthur       | Thornberry      |
| Davis, Rodney | Marchant        | Tipton          |
| Denham        | Marino          | Trott           |
| Dent          | Marshall        | Turner          |
| DeSantis      | Massie          | Upton           |
| DesJarlais    | Mast            | Valadao         |
| Diaz-Balart   | McCarthy        | Wagner          |
| Donovan       | McCaul          | Walberg         |
| Duffy         | McClintock      | Walden          |
| Duncan (SC)   | McHenry         | Walker          |
| Duncan (TN)   | McKinley        | Walorski        |
| Dunn          | McMorris        | Walters, Mimi   |
| Emmer         | Rodgers         | Weber (TX)      |
| Estes (KS)    | Faso            | Webster (FL)    |
| Ferguson      | Meadows         | Wenstrup        |
| Fitzpatrick   | Meehan          | Westerman       |
| Fleischmann   | Messer          | Williams        |
| Flores        | Mitchell        | Wilson (SC)     |
| Fortenberry   | Moolenaar       | Wittman         |
| Fox           | Mooney (WV)     | Womack          |
| Frelinghuysen | Mullin          | Woodall         |
| Gaetz         | Newhouse        | Yoder           |
| Gallagher     | Norman          | Yoho            |
| Garrett       | Nunes           | Young (AK)      |
| Gianforte     | Olson           | Young (IA)      |
| Gibbs         | Palazzo         | Zeldin          |

## NOT VOTING—12

|          |              |             |
|----------|--------------|-------------|
| Black    | Issa         | Noem        |
| Cárdenas | Jenkins (WV) | Renacci     |
| Gowdy    | Kuster (NH)  | Sewell (AL) |
| Grothman | Labrador     | Sires       |

□ 1628

Messrs. ABRAHAM, AMASH, NUNES, WEBSTER of Florida, JOHN-SON of Ohio, Mrs. LOVE, Messrs. WITTMAN, MESSER, LUETKEMEYER, MCCARTHY, and Mrs. McMORRIS RODGERS changed their vote from “yea” to “nay.”

Mr. RUPPERSBERGER, Mses. TITUS, MAXINE WATERS of California, Mr. ESPAILLAT, Ms. ESTY of Connecticut, Messrs. CROWLEY, WELCH, Ms. GABBARD, and Mr. GONZALEZ of Texas changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 189, not voting 14, as follows:

[Roll No. 153]

YEAS—225

|               |                 |               |
|---------------|-----------------|---------------|
| Abraham       | Cuellar         | Holding       |
| Aderholt      | Culberson       | Hollingsworth |
| Allen         | Curtis          | Hudson        |
| Amodei        | Davidson        | Huizenga      |
| Arrington     | Davis, Rodney   | Hultgren      |
| Babin         | DeGette         | Hunter        |
| Bacon         | Denham          | Hurd          |
| Banks (IN)    | Dent            | Jenkins (KS)  |
| Barletta      | DeSantis        | Johnson (LA)  |
| Barr          | DesJarlais      | Johnson (OH)  |
| Barton        | Diaz-Balart     | Johnson, Sam  |
| Bergman       | Donovan         | Jones         |
| Biggs         | Duffy           | Jordan        |
| Bilirakis     | Duncan (SC)     | Joyce (OH)    |
| Bishop (GA)   | Duncan (TN)     | Katko         |
| Bishop (MI)   | Dunn            | Kelly (MS)    |
| Bishop (UT)   | Emmer           | Kelly (PA)    |
| Blackburn     | Estes (KS)      | King (IA)     |
| Blum          | Faso            | King (NY)     |
| Bost          | Ferguson        | Kinzinger     |
| Brady (TX)    | Fleischmann     | Knight        |
| Brat          | Flores          | Kustoff (TN)  |
| Brooks (AL)   | Fortenberry     | LaHood        |
| Brooks (IN)   | Fox             | LaMalfa       |
| Buchanan      | Gaetz           | Lamborn       |
| Buck          | Gallagher       | Latta         |
| Bucshon       | Garrett         | Lewis (MN)    |
| Budd          | Gianforte       | Long          |
| Burgess       | Gibbs           | Love          |
| Byrne         | Gohmert         | Lucas         |
| Calvert       | Goodlatte       | Luetkemeyer   |
| Carter (GA)   | Gosar           | MacArthur     |
| Carter (TX)   | Granger         | Marchant      |
| Chabot        | Graves (GA)     | Marino        |
| Cheney        | Graves (LA)     | Marshall      |
| Coffman       | Graves (MO)     | Massie        |
| Cole          | Green, Gene     | Mast          |
| Collins (GA)  | Griffith        | McCarthy      |
| Collins (NY)  | Guthrie         | McCaul        |
| Comer         | Handel          | McClintock    |
| Comstock      | Harper          | McHenry       |
| Conaway       | Harris          | McKinley      |
| Cook          | Hartzler        | McMorris      |
| Correa        | Hensarling      | Rodgers       |
| Costa         | Herrera Beutler | McSally       |
| Costello (PA) | Hice, Jody B.   | Meadows       |
| Cramer        | Higgins (LA)    | Meehan        |
| Crawford      | Hill            | Messer        |

|                |                 |               |
|----------------|-----------------|---------------|
| Mitchell       | Rooney, Francis | Thompson (PA) |
| Moolenaar      | Rooney, Thomas  | Thornberry    |
| Mooney (WV)    | J.              | Tipton        |
| Mullin         | Roskam          | Trott         |
| Newhouse       | Ross            | Turner        |
| Norman         | Rothfus         | Upton         |
| Nunes          | Rouzer          | Valadao       |
| Olson          | Royce (CA)      | Wagner        |
| Palazzo        | Russell         | Walberg       |
| Palmer         | Rutherford      | Walden        |
| Paulsen        | Scalise         | Walker        |
| Pearce         | Schrader        | Walorski      |
| Perry          | Schweikert      | Walters, Mimi |
| Peterson       | Scott, Austin   | Weber (TX)    |
| Pittenger      | Sensenbrenner   | Webster (FL)  |
| Poe (TX)       | Sessions        | Wenstrup      |
| Poliquin       | Shimkus         | Westerman     |
| Posey          | Shuster         | Williams      |
| Ruppertsberger | Simpson         | Wilson (SC)   |
| Reed           | Smith (MO)      | Wittman       |
| Reichert       | Smith (NE)      | Womack        |
| Rice (SC)      | Smith (TX)      | Woodall       |
| Roby           | Smucker         | Yoder         |
| Roe (TN)       | Stefanik        | Yoho          |
| Rogers (AL)    | Stewart         | Young (AK)    |
| Rogers (KY)    | Stivers         | Young (IA)    |
| Rohrabacher    | Taylor          | Zeldin        |
| Rokita         | Tenney          |               |

NAYS—189

|                 |                |                |
|-----------------|----------------|----------------|
| Adams           | Gomez          | Nolan          |
| Aguilar         | Gonzalez (TX)  | Norcross       |
| Amash           | Gotthaimer     | O'Halleran     |
| Barragán        | Green, Al      | O'Rourke       |
| Bass            | Grijalva       | Pallone        |
| Beatty          | Gutiérrez      | Panetta        |
| Bera            | Hanabusa       | Pascarell      |
| Beyer           | Hastings       | Payne          |
| Blumenauer      | Heck           | Pelosi         |
| Blunt Rochester | Higgins (NY)   | Perlmutter     |
| Bonamici        | Himes          | Peters         |
| Boyle, Brendan  | Hoyer          | Pingree        |
| F.              | Huffman        | Pocan          |
| Brady (PA)      | Jackson Lee    | Polis          |
| Brown (MD)      | Jayapal        | Price (NC)     |
| Brownley (CA)   | Jeffries       | Quigley        |
| Bustos          | Johnson (GA)   | Raskin         |
| Butterfield     | Johnson, E. B. | Rice (NY)      |
| Capuano         | Kaptur         | Richmond       |
| Carbajal        | Keating        | Ros-Lehtinen   |
| Carson (IN)     | Kelly (IL)     | Rosen          |
| Cartwright      | Kennedy        | Roybal-Allard  |
| Castor (FL)     | Khanna         | Ruiz           |
| Castro (TX)     | Kihuen         | Ruppersberger  |
| Chu, Judy       | Kildee         | Rush           |
| Cicilline       | Kilmer         | Ryan (OH)      |
| Clark (MA)      | Kind           | Sanchez        |
| Clarke (NY)     | Krishnamoorthi | Sanford        |
| Clay            | Lamb           | Sarbanes       |
| Cleaver         | Lance          | Schakowsky     |
| Clyburn         | Langevin       | Schiff         |
| Cohen           | Larsen (WA)    | Schneider      |
| Connolly        | Larson (CT)    | Scott (VA)     |
| Cooper          | Lawrence       | Scott, David   |
| Courtney        | Lawson (FL)    | Serrano        |
| Crist           | Lee            | Shea-Porter    |
| Crowley         | Levin          | Sherman        |
| Cummings        | Lewis (GA)     | Sinema         |
| Curbelo (FL)    | Lieu, Ted      | Smith (NJ)     |
| Davis (CA)      | Lipinski       | Smith (WA)     |
| Davis, Danny    | LoBiondo       | Soto           |
| DeFazio         | Loeb sack      | Speier         |
| Delaney         | Loftgren       | Suozy          |
| DeLauro         | Lowenthal      | Swalwell (CA)  |
| DelBene         | Lujan Grisham, | Takano         |
| Demings         | M.             | Thompson (CA)  |
| DeSaulnier      | Luján, Ben Ray | Thompson (MS)  |
| Deutch          | Lynch          | Titus          |
| Dingell         | Maloney,       | Tonko          |
| Doggett         | Carolyn B.     | Torres         |
| Doyle, Michael  | Maloney, Sean  | Tsongas        |
| F.              | Matsui         | Vargas         |
| Ellison         | McCollum       | Veasey         |
| Engel           | Eshoo          | Vela           |
| Esty (CT)       | Espaillat      | Velázquez      |
| Evans           | Esty (CT)      | Visclosky      |
| Fitzpatrick     | Evans          | Walz           |
| Foster          | Fitzpatrick    | Wasserman      |
| Frankel (FL)    | Foster         | Schultz        |
| Fudge           | Frankel (FL)   | Waters, Maxine |
| Gabbard         | Fudge          | Watson Coleman |
| Gallego         | Gabbaro        | Welch          |
| Garamendi       | Gallego        | Wilson (FL)    |
|                 | Garamendi      | Yarmuth        |
|                 | Neal           |                |

NOT VOTING—14

|          |               |          |
|----------|---------------|----------|
| Black    | Frelinghuysen | Grothman |
| Cárdenas | Gowdy         | Issa     |

|              |            |             |
|--------------|------------|-------------|
| Jenkins (WV) | Loudermilk | Sewell (AL) |
| Kuster (NH)  | Noem       | Sires       |
| Labrador     | Renacci    |             |

ANNOUNCEMENT BY THE ACTING CHAIR

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1635

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. DEGETTE. Mr. Speaker, during rollcall vote No. 153 on H.R. 3144, I mistakenly recorded my vote as “yea” when I should have voted “nay.”

## MUSIC MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5447) to modernize copyright law, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 13, as follows:

[Roll No. 154]

YEAS—415

|                 |               |                |
|-----------------|---------------|----------------|
| Abraham         | Butterfield   | Davis, Danny   |
| Adams           | Byrne         | Davis, Rodney  |
| Aderholt        | Calvert       | DeFazio        |
| Aguilar         | Capuano       | DeGette        |
| Allen           | Carbajal      | Delaney        |
| Amash           | Carson (IN)   | DeLauro        |
| Amodei          | Carter (GA)   | DeBene         |
| Arrington       | Carter (TX)   | Demings        |
| Babin           | Cartwright    | Denham         |
| Bacon           | Castor (FL)   | Dent           |
| Banks (IN)      | Castro (TX)   | DeSantis       |
| Barletta        | Chabot        | DeSaulnier     |
| Barr            | Cheney        | DesJarlais     |
| Barragán        | Chu, Judy     | Deutch         |
| Barton          | Cicilline     | Diaz-Balart    |
| Bass            | Clark (MA)    | Dingell        |
| Beatty          | Clarke (NY)   | Doggett        |
| Bera            | Clay          | Donovan        |
| Bergman         | Cleaver       | Doyle, Michael |
| Beyer           | Clyburn       | F.             |
| Biggs           | Coffman       | Duffy          |
| Bilirakis       | Cohen         | Duncan (SC)    |
| Bishop (GA)     | Cole          | Duncan (TN)    |
| Bishop (MI)     | Collins (GA)  | Dunn           |
| Bishop (UT)     | Collins (NY)  | Ellison        |
| Blackburn       | Comer         | Emmer          |
| Blum            | Comstock      | Engel          |
| Blumenauer      | Conaway       | Eshoo          |
| Blunt Rochester | Connolly      | Espaillat      |
| Bonamici        | Cook          | Esty (CT)      |
| Bost            | Cooper        | Evans          |
| Boyle, Brendan  | Correa        | Faso           |
| F.              | Costa         | Ferguson       |
| Brady (PA)      | Costello (PA) | Fitzpatrick    |
| Brady (TX)      | Courtney      | Fleischmann    |
| Brat            | Cramer        | Flores         |
| Brooks (AL)     | Crawford      | Fortenberry    |
| Brooks (IN)     | Crist         | Foster         |
| Brown (MD)      | Crowley       | Fox            |
| Brownley (CA)   | Cuellar       | Frankel (FL)   |
| Buchanan        | Culberson     | Frelinghuysen  |
| Buck            | Cummings      | Fudge          |
| Bucshon         | Curbelo (FL)  | Gabbard        |
| Budd            | Gaetz         | Gallagher      |
| Burgess         | Davidson      | Gallego        |
| Bustos          | Davis (CA)    |                |