



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. (Rep. McMorris Rogers (R-WA))

CONTACT: [Noelani Bonifacio](#), 202-226-9719

FLOOR SCHEDULE:

Scheduled for consideration on April 25, 2017 under a closed [rule](#), with Mr. Bishop's amendment considered as adopted.

TOPLINE SUMMARY:

[H.R. 3144](#) would require the [Federal Columbia River Power System](#) to be operated according to the 2014 [Endangered Species Act Section 7\(a\)\(2\) Supplemental Biological Opinion](#).

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3144 would reduce net direct spending by \$16 million over the 2019-2028 period, so paygo would apply. The bill would not affect revenues or significantly affect spending subject to appropriation.

CONSERVATIVE VIEWPOINTS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 3144 requires the Secretary of Labor, through the Bureau of Reclamation (BOR), the Secretary of Energy, through the Bonneville Power Administration, and the Secretaries of the Army, acting through the Army Corps of Engineers (Corps), to operate the [Federal Columbia River Power System](#) (FCRPS) consistent with the reasonable and prudent alternative outlined in the 2014 [Endangered Species Act Section 7\(a\)\(2\) Supplemental Biological Opinion](#). The secretaries must do so until September 30, 2022, or until a final biological opinion for the FCRPS is issued and in effect, whichever is later. The secretaries may amend portions of the opinion if they collectively decide the amendment is necessary for public safety or transmission and grid reliability, or if the actions or requirements that are to be removed are no longer warranted. The amendment process is the only manner by which the secretaries can operate the FCRPS in a way that is inconsistent with the reasonable and prudent alternative.

According to the committee [report](#), the Federal Columbia River Power System (FCRPS) is comprised of 14 dams that provide power to about 30 percent of the electricity in the Pacific Northwest. The National Marine Fisheries Service (NMFS) is required, through the Endangered Species Act (ESA) of 1973 ([16 U.S.C. 1531 et seq.](#)), to issue a biological opinion issuing a jeopardy or no-jeopardy finding for the FCRPS regarding several species of fish that are listed for protection under the ESA. If NMFS reaches a jeopardy finding, “Reasonable and Prudent Alternatives” are included that, when implemented, would avoid the jeopardy finding. According to the bill’s sponsor, since 1992, five biological opinions have been released, and all five have been litigated. The last full biological opinions were issued in 2008 and 2010, with a supplemental biological opinion issued in 2014. There have been several recent court cases which have questioned the biological opinions and environmental impact statement (EIS), and NMFS has been ordered to complete a new EIS by March 26, 2021. The judge called the 2014 supplemental biological opinion “flawed”, but has allowed it to remain in place. The judge has also ordered spills, which have significantly reduced hydropower generation, and will, in turn, significantly increase electricity prices for consumers in the Pacific Northwest. This bill will prevent these spills by requiring the FCRPS dams to be operated in accordance with the 2014 biological opinion.

An [amendment](#) proposed by Rep. Bishop (R-UT), which clarifies that the bill does not interfere with the secretaries’ authority to conduct operation or maintenance activities or to make necessary capital improvements, was adopted in the rule.

The report accompanying H.R. 3144 (H. Rept. 115-643) can be found [here](#).

COMMITTEE ACTION:

H.R. 3144 was introduced on June 29, 2017 and referred to the committee on Natural Resources. The committee held a mark-up on April 11, 2018, and the bill was reported by a vote of 23-17.

OUTSIDE GROUPS IN SUPPORT:

[Stevens County Commissioners](#)

[Idaho Water Users Association](#)

[Washington State Potato Commission](#)

[National Association of Wheat Growers](#)

[National Rural Electric Cooperative Association](#)

[Port of Pasco](#)

[American Public Power Association](#)

[Your Touchstone Energy Cooperative](#)

[Tidewater Transportation & Terminals](#)

[Northwest River Partners](#)

[United Power Trades Organization](#)

[Inland Ports and Navigation Group](#)

[Cowlitz Public Utility District](#)

[Association of Washington Business](#)

[Tri-City Development Council](#)

[Port Clarkston](#)

[Washington Public Utility Districts Association](#)

[Port of Morrow](#)

[Public Power Council](#)

[Clatskanie People’s Utility District](#)

[Blachly-Lane Electric Co-op](#)

[Port of Whitman County](#)

[United Electric](#)

[Northern Lights](#)

[Washington Association of Wheat Growers](#)

[Salmon River Electric CoOp](#)

[Clearwater Power](#)

[Washington Farm Bureau](#)

[Mason County Public Utility District](#)

[American Farm Bureau Federation](#)

[National Electric Contractors Association](#)

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill’s sponsor: “The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce as enumerated by Article I, Section 8, Clause 3 as applied to waterways for the development of hydroelectric power and flood control.”

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