

107TH CONGRESS  
1ST SESSION

# H. R. 1664

To authorize the Secretary of the Interior or the Secretary of the Army to waive any restriction on operation of any of certain Bureau of Reclamation facilities or Corps of Engineers facilities, respectively, as necessary to address an emergency electric power shortage declared by the Governor of a State to which power from that facility can be transmitted.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2001

Mr. OSE introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the Secretary of the Interior or the Secretary of the Army to waive any restriction on operation of any of certain Bureau of Reclamation facilities or Corps of Engineers facilities, respectively, as necessary to address an emergency electric power shortage declared by the Governor of a State to which power from that facility can be transmitted.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emergency Power Pro-  
3 duction and Consumer Protection Act of 2001”.

4 **SEC. 2. AUTHORITY TO WAIVE RESTRICTIONS ON OPER-  
5 ATION OF CERTAIN FEDERAL HYDROPOWER  
6 FACILITIES.**

7 (a) IN GENERAL.—The Secretary of the Interior or  
8 the Secretary of the Army may in accordance with this  
9 section waive the application of any restriction under any  
10 Federal law, rule, order, or plan (including any court order  
11 issued before the date of the enactment of this Act pursu-  
12 ant to any Federal law) on the operation of any covered  
13 facility administered by that Secretary, as determined by  
14 the Secretary to be necessary to address an emergency  
15 electric power shortage in a State to which power from  
16 that facility can be transmitted.

17 (b) DECLARATION AND REQUEST BY GOVERNOR RE-  
18 QUIRED.—The relevant Secretary may issue a waiver  
19 under this section only if the Governor of the State de-  
20 clares that there exists in the State an emergency electric  
21 power shortage and submits a request for the waiver to  
22 the Secretary.

23 (c) BALANCING OF INTERESTS.—In issuing a waiver  
24 under this section, the relevant Secretary shall seek to bal-  
25 ance competing interests in water and electric power sup-  
26 plied by the covered facility to which the waiver applies.

1       (d) EFFECTIVE PERIOD.—The relevant Secretary  
2 shall specify the effective period of each waiver under this  
3 section, which shall end not later than December 31,  
4 2001.

5       (e) PROCEDURE.—The procedures specified in this  
6 section are the exclusive procedures that apply to the  
7 issuance of a waiver under this section.

8       (f) NO JUDICIAL REVIEW.—A waiver under this sec-  
9 tion is not subject to judicial review.

10       (g) COVERED FACILITY DEFINED.—In this section  
11 the term “covered facility” means any dam, powerplant,  
12 or other facility—

13           (1) of the Bureau of Reclamation that is lo-  
14 cated in the Pacific Northwest Region, Mid Pacific  
15 Region, or Lower Colorado Region of the Bureau; or

16           (2) of the Corps of Engineers that is located in  
17 the Northwestern Division or South Pacific Division  
18 of the Corps.

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