

(ii) consider as a relevant factor any recommendations from customers regarding prioritization of asset investments.

**(c) Stakeholder engagement**

The Administrator shall—

(1) engage, in a manner determined by the Administrator, with customers and stakeholders with respect to the financial and cost management efforts of the Administrator through periodic program reviews; and

(2) to the maximum extent practicable, implement those policies that would be expected to be consistent with the lowest possible power and transmission rates consistent with sound business principles.

**(d) Repayment**

Any additional Treasury borrowing authority received under this section shall be fully repaid to the Treasury in a manner consistent with the applicable self-financed Federal budget accounts.

(Pub. L. 117–58, div. D, title I, § 40110, Nov. 15, 2021, 135 Stat. 945.)

**Editorial Notes**

REFERENCES IN TEXT

The Pacific Northwest Electric Power Planning and Conservation Act, referred to in subsec. (a)(1), is Pub. L. 96–501, Dec. 5, 1980, 94 Stat. 2697, which is classified principally to chapter 12H (§ 839 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 839 of this title and Tables.

The Federal Columbia River Transmission System Act, referred to in subsec. (a)(1), is Pub. L. 93–454, Oct. 18, 1974, 88 Stat. 1376, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 838 of this title and Tables.

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Federal Columbia River Transmission System Act which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

**§ 838n. Columbia Basin power management**

**(a) Definitions**

In this section:

**(1) Account**

The term “Account” means the account established by subsection (b)(1).

**(2) Administrator**

The term “Administrator” means the Administrator of the Bonneville Power Administration.

**(3) Canadian Entitlement**

The term “Canadian Entitlement” means the downstream power benefits that Canada is

entitled to under Article V of the Treaty Relating to Cooperative Development of the Water Resources of the Columbia River Basin, signed at Washington January 17, 1961 (15 UST 1555; TIAS 5638).

**(b) Transmission coordination and expansion**

**(1) Establishment**

There is established in the Treasury an account for the purposes of making expenditures to increase bilateral transfers of renewable electric generation between the western United States and Canada.

**(2) Criteria**

**(A) In general**

The Administrator may make expenditures from the Account for activities to improve electric power system coordination by constructing electric power transmission facilities within the western United States that directly or indirectly facilitate non-carbon emitting electric power transactions between the western United States and Canada.

**(B) Application**

Subparagraph (A) shall be effective after the later of—

(i) September 16, 2024; and

(ii) the date on which the Canadian entitlement value calculation is terminated or reduced to the actual electric power value to the United States, as determined by the Administrator.

**(3) Consultation**

The Administrator shall consult with relevant electric utilities in Canada and appropriate regional transmission planning organizations in considering the construction of transmission activities under this subsection.

**(4) Authorization**

There is authorized to be appropriated to the Account a nonreimbursable amount equal to the aggregated amount of the Canadian Entitlement during the 5-year period preceding November 15, 2021.

**(c) Increased hydroelectric capacity**

**(1) In general**

The Commissioner of Reclamation shall rehabilitate and enhance the John W. Keys III Pump Generating Plant—

(A) to replace obsolete equipment;

(B) to maintain reliability and improve efficiency in system performance and operation;

(C) to create more hydroelectric power capacity in the Pacific Northwest; and

(D) to ensure the availability of water for irrigation in the event that Columbia River water flows from British Columbia into the United States are insufficient after September 16, 2024.

**(2) Authorization of appropriations**

There is authorized to be appropriated \$100,000,000, which shall be nonreimbursable, to carry out this subsection.

**(d) Power coordination study**

**(1) In general**

The Administrator shall conduct a study considering the potential hydroelectric power

value to the Pacific Northwest of increasing the coordination of the operation of hydroelectric and water storage facilities on rivers located in the United States and Canada.

**(2) Criteria**

The study conducted under paragraph (1) shall analyze—

- (A) projected changes to the Pacific Northwest electricity supply;
- (B) potential reductions in greenhouse gas emissions;
- (C) any potential need to increase transmission capacity; and
- (D) any other factor the Administrator considers to be relevant for increasing bilateral coordination.

**(3) Coordination**

In conducting the study under paragraph (1), the Administrator shall coordinate, to the extent practicable, with—

- (A) the<sup>1</sup> British Columbia or a crown corporation owned by British Columbia;
- (B) the Assistant Secretary;
- (C) the Commissioner of Reclamation; and
- (D) any public utility districts that operate hydroelectric projects on the mainstem of the Columbia River.

**(4) Authorization of appropriations**

There is authorized to be appropriated \$10,000,000, which shall be nonreimbursable, to carry out this subsection.

(Pub. L. 117-58, div. D, title I, §40113, Nov. 15, 2021, 135 Stat. 947.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Federal Columbia River Transmission System Act which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

**CHAPTER 12H—PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION**

Sec.	
839.	Congressional declaration of purpose.
839a.	Definitions.
839b.	Regional planning and participation.
839c.	Sale of power.
839d.	Conservation and resource acquisition.
839d-1.	Federal projects in Pacific Northwest.
839e.	Rates.
839f.	Administrative provisions.
839g.	Savings provisions.
839h.	Separability.

**§ 839. Congressional declaration of purpose**

The purposes of this chapter, together with the provisions of other laws applicable to the

Federal Columbia River Power System, are all intended to be construed in a consistent manner. Such purposes are also intended to be construed in a manner consistent with applicable environmental laws. Such purposes are:

(1) to encourage, through the unique opportunity provided by the Federal Columbia River Power System—

- (A) conservation and efficiency in the use of electric power, and
- (B) the development of renewable resources within the Pacific Northwest;

(2) to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply;

(3) to provide for the participation and consultation of the Pacific Northwest States, local governments, consumers, customers, users of the Columbia River System (including Federal and State fish and wildlife agencies and appropriate Indian tribes), and the public at large within the region in—

- (A) the development of regional plans and programs related to energy conservation, renewable resources, other resources, and protecting, mitigating and enhancing fish and wildlife resources,
- (B) facilitating the orderly planning of the region's power system, and
- (C) providing environmental quality;

(4) to provide that the customers of the Bonneville Power Administration and their consumers continue to pay all costs necessary to produce, transmit, and conserve resources to meet the region's electric power requirements, including the amortization on a current basis of the Federal investment in the Federal Columbia River Power System;

(5) to insure, subject to the provisions of this chapter—

(A) that the authorities and responsibilities of State and local governments, electric utility systems, water management agencies, and other non-Federal entities for the regulation, planning, conservation, supply, distribution, and use of electric power shall be construed to be maintained, and

(B) that Congress intends that this chapter not be construed to limit or restrict the ability of customers to take actions in accordance with other applicable provisions of Federal or State law, including, but not limited to, actions to plan, develop, and operate resources and to achieve conservation, without regard to this chapter; and

(6) to protect, mitigate and enhance the fish and wildlife, including related spawning grounds and habitat, of the Columbia River and its tributaries, particularly anadromous fish which are of significant importance to the social and economic well-being of the Pacific Northwest and the Nation and which are dependent on suitable environmental conditions substantially obtainable from the management and operation of the Federal Columbia River Power System and other power generating facilities on the Columbia River and its tributaries.

(Pub. L. 96-501, §2, Dec. 5, 1980, 94 Stat. 2697.)

<sup>1</sup> So in original. The word "the" probably should not appear.