

prove 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) the¹ 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

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§ 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;

¹ So in original. The word “the” probably should not appear.

(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.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in provision preceding par. (1) and in par. (5), was in the original "this Act", meaning Pub. L. 96-501, Dec. 5, 1980, 94 Stat. 2697, known as the Pacific Northwest Electric Power Planning and Conservation Act, which enacted this chapter, amended sections 837, 838i, and 838k of this title, and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 96-501, §11, Dec. 5, 1980, 94 Stat. 2735, provided that: "This Act [enacting this chapter, amending sec-

tions 837, 838i, and 838k of this title, and enacting provisions set out as notes under this section] shall be effective on the date of enactment [Dec. 5, 1980], or October 1, 1980, whichever is later. For purposes of this Act, the term 'date of the enactment of this Act' means such date of enactment [Dec. 5, 1980] or October 1, 1980, whichever is later."

SHORT TITLE

Pub. L. 96-501, §1, Dec. 5, 1980, 94 Stat. 2697, provided in part that: "This Act [enacting this chapter, amending sections 837, 838i, and 838k of this title, and enacting provisions set out as notes under this section] may be cited as the 'Pacific Northwest Electric Power Planning and Conservation Act'."

§ 839a. Definitions

As used in this chapter, the term—

(1) "Acquire" and "acquisition" shall not be construed as authorizing the Administrator to construct, or have ownership of, under this chapter or any other law, any electric generating facility.

(2) "Administrator" means the Administrator of the Bonneville Power Administration.

(3) "Conservation" means any reduction in electric power consumption as a result of increases in the efficiency of energy use, production, or distribution.

(4)(A) "Cost-effective", when applied to any measure or resource referred to in this chapter, means that such measure or resource must be forecast—

(i) to be reliable and available within the time it is needed, and

(ii) to meet or reduce the electric power demand, as determined by the Council or the Administrator, as appropriate, of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.

(B) For purposes of this paragraph, the term "system cost" means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as the Administrator determines, on the basis of a methodology developed by the Council as part of the plan, or in the absence of the plan by the Administrator, are directly attributable to such measure or resource.

(C) In determining the amount of power that a conservation measure or other resource may be expected to save or to produce, the Council or the Administrator, as the case may be, shall take into account projected realization factors and plant factors, including appropriate historical experience with similar measures or resources.

(D) For purposes of this paragraph, the "estimated incremental system cost" of any conservation measure or resource shall not be treated as greater than that of any nonconservation measure or resource unless the incremental system cost of such conservation