

118TH CONGRESS  
1ST SESSION

# H. R. 3918

To reauthorize the Upper Colorado and San Juan River Basin endangered fish and threatened fish recovery implementation programs.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2023

Mr. NEGUSE introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To reauthorize the Upper Colorado and San Juan River Basin endangered fish and threatened fish recovery implementation programs.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Upper Colorado and  
5 San Juan River Basin Endangered Fish Recovery Pro-  
6 grams Reauthorization Act of 2023”.

1 **SEC. 2. REAUTHORIZATION OF UPPER COLORADO AND SAN**  
2 **JUAN RIVER BASIN ENDANGERED FISH AND**  
3 **THREATENED FISH RECOVERY IMPLEMENTA-**  
4 **TION PROGRAMS.**

5 (a) PURPOSE.—Section 1 of Public Law 106–392  
6 (114 Stat. 1602) is amended by inserting “and threat-  
7 ened” after “endangered”.

8 (b) DEFINITIONS.—Section 2 of Public Law 106–392  
9 (114 Stat. 1602; 116 Stat. 3113) is amended—

10 (1) in paragraph (1), by striking “to implement  
11 the Recovery Implementation Program for the En-  
12 dangered Fish Species in the Upper Colorado River  
13 dated September 29, 1987, and extended by the Ex-  
14 tension of the Cooperative Agreement dated Decem-  
15 ber 6, 2001, and the 1992 Cooperative Agreement to  
16 implement the San Juan River Recovery Implemen-  
17 tation Program dated October 21, 1992, and as they  
18 may be amended” and inserting “for the Recovery  
19 Implementation Program for Endangered Species in  
20 the Upper Colorado River Basin dated September  
21 29, 1987, and the 1992 Cooperative Agreement for  
22 the San Juan River Basin Recovery Implementation  
23 Program dated October 21, 1992, as the agreements  
24 may be amended and extended”;

25 (2) in paragraph (6)—

1 (A) by inserting “or threatened” after “en-  
2 dangered”; and

3 (B) by striking “removal or translocation”  
4 and inserting “control”;

5 (3) in paragraph (7), by striking “long-term”  
6 each place it appears;

7 (4) in paragraph (8), in the second sentence, by  
8 striking “1988 Cooperative Agreement and the 1992  
9 Cooperative Agreement” and inserting “Recovery  
10 Implementation Programs”;

11 (5) in paragraph (9)—

12 (A) by striking “leases and agreements”  
13 and inserting “acquisitions”;

14 (B) by inserting “or threatened” after “en-  
15 dangered”; and

16 (C) by inserting “, as approved under the  
17 Recovery Implementation Programs” after  
18 “nonnative fishes”; and

19 (6) in paragraph (10), by inserting “pursuant  
20 to the Recovery Implementation Programs for En-  
21 dangered Species in the Upper Colorado River  
22 Basin” after “Service”.

23 (c) AUTHORIZATION TO FUND RECOVERY PRO-  
24 GRAMS.—Section 3 of Public Law 106–392 (114 Stat.  
25 1603; 116 Stat. 3113; 120 Stat. 290; 123 Stat. 1310; 126

1 Stat. 2444; 133 Stat. 809) (as amended by section 101  
2 of division CC of the Consolidated Appropriations Act,  
3 2023 (Public Law 117–328)) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), at the end, insert the  
6 following:

7 “(4) INFLATION ADJUSTMENT.—Each fiscal  
8 year, the total amount authorized to be appropriated  
9 under paragraph (1) shall be adjusted for inflation  
10 from the date of enactment of the Upper Colorado  
11 and San Juan River Basin Endangered Fish Recov-  
12 ery Programs Reauthorization Act of 2023 to the  
13 beginning of that fiscal year.

14 “(5) NONREIMBURSABLE FUNDS.—Amounts  
15 made pursuant to paragraph (1)”;

16 (B) in paragraph (2), by striking “for En-  
17 dangered Fish Species in the Upper Colorado  
18 River Basin shall expire in fiscal year 2024”  
19 and inserting “shall expire in fiscal year 2031”;  
20 and

21 (C) by striking paragraph (3);

22 (2) by striking subsections (b) and (c) and in-  
23 serting the following:

24 “(b) NON-FEDERAL CONTRIBUTIONS TO CAPITAL  
25 PROJECTS.—The Secretary, acting through the Bureau of

1 Reclamation, may accept contributed funds, interests in  
2 land and water, or other contributions from the Upper Di-  
3 vision States, political subdivisions of the Upper Division  
4 States, or individuals, entities, or organizations within the  
5 Upper Division States, pursuant to agreements that pro-  
6 vide for the contributions to be used for capital projects  
7 costs.”;

8 (3) by redesignating subsections (d) through (j)  
9 as subsections (c) through (i), respectively;

10 (4) in subsection (c) (as so redesignated)—

11 (A) in paragraph (2)—

12 (i) in the first sentence, by striking  
13 “2024” and inserting “2031”;

14 (ii) in the second sentence—

15 (I) by inserting “Basin” after  
16 “San Juan River”; and

17 (II) by striking “2024” and in-  
18 serting “2031”; and

19 (iii) in the third sentence, by striking  
20 “in fiscal years commencing after the en-  
21 actment of this Act” and inserting “for fis-  
22 cal year 2024 and each fiscal year there-  
23 after”; and

24 (B) by striking paragraph (3) and insert-  
25 ing the following:

1           “(3) FEDERAL CONTRIBUTIONS TO ANNUAL  
2 BASE FUNDING.—

3           “(A) IN GENERAL.—For each of fiscal  
4 years 2024 through 2031, the Secretary, acting  
5 through the Bureau of Reclamation, may accept  
6 funds from other Federal agencies, including  
7 power revenues collected pursuant to the Act of  
8 April 11, 1956 (commonly known as the “Colo-  
9 rado River Storage Project Act”) (43 U.S.C.  
10 620 et seq.).

11           “(B) AVAILABILITY OF FUNDS.—Funds  
12 made available under subparagraph (A) shall be  
13 available for expenditure by the Secretary, as  
14 determined by the contributing agency and in  
15 consultation with the Secretary.

16           “(C) TREATMENT OF POWER REVE-  
17 NUES.—Any power revenues provided under  
18 subparagraph (A) shall be treated as nonreim-  
19 bursable Federal expenditures and as having  
20 been repaid and returned to the general fund of  
21 the Treasury. Funds provided by other Federal  
22 agencies shall be considered as nonreimbursable  
23 Federal expenditures.

24           “(4) NON-FEDERAL CONTRIBUTIONS TO AN-  
25 NUAL BASE FUNDING.—The Secretary, acting

1 through the Bureau of Reclamation, may accept con-  
2 tributed funds from the Upper Division States, polit-  
3 ical subdivisions of the Upper Division States, or in-  
4 dividuals, entities, or organizations within the Upper  
5 Division States, pursuant to agreements that provide  
6 for the contributions to be used for annual base  
7 funding.

8 “(5) REPLACEMENT POWER.—Contributions of  
9 funds made pursuant to this subsection shall not in-  
10 clude the cost of replacement power purchased to  
11 offset modifications to the operation of the Colorado  
12 River Storage Project to benefit threatened or en-  
13 dangered fish species under the Recovery Implemen-  
14 tation Programs.”;

15 (5) in subsection (d) (as so redesignated)—

16 (A) in the first sentence, by striking  
17 “funds for” and inserting “or contributed funds  
18 for base funding or”; and

19 (B) in the second sentence, by inserting  
20 “and base funded” after “capital”;

21 (6) in subsection (f) (as so redesignated), in the  
22 first sentence, by inserting “or threatened” after  
23 “endangered”;

24 (7) in subsection (g) (as so redesignated), by  
25 striking “unless the time period for the respective

1 Cooperative Agreement is extended to conform with  
2 this Act” and inserting “, as amended or extended”;

3 (8) in subsection (h) (as so redesignated), in  
4 the first sentence, by striking “Upper Colorado  
5 River Endangered Fish Recovery Program or the  
6 San Juan River Basin Recovery Implementation  
7 Program” and inserting “Recovery Implementation  
8 Programs”; and

9 (9) in subsection (i)(1) (as so redesignated)—

10 (A) by striking “2022” each place it ap-  
11 pears and inserting “2031”;

12 (B) by striking “2024” each place it ap-  
13 pears and inserting “2031”; and

14 (C) in subparagraph (C)(ii)(III), by strik-  
15 ing “contributions by the States, power cus-  
16 tomers, Tribes, water users, and environmental  
17 organizations” and inserting “non-Federal con-  
18 tributions”.

19 (d) REPEAL OF LIMITATION ON TRAVEL FOR ADVO-  
20 CACY PURPOSES.—Section 5 of Public Law 106–392 (126  
21 Stat. 2444) is repealed.

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