

117TH CONGRESS
2D SESSION

H. R. 9563

To direct the Administrator of the Western Area Power Administration to provide its firm electric service customers with credits from shortfalls in generation from certain Bureau of Reclamation hydroelectric facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2022

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

A BILL

To direct the Administrator of the Western Area Power Administration to provide its firm electric service customers with credits from shortfalls in generation from certain Bureau of Reclamation hydroelectric facilities, and for other purposes.

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. HYDROPOWER DROUGHT MITIGATION.**

4 (a) NOTIFICATION OF POWER AVAILABLE.—Not
5 later than 30 days after the date of the enactment of this
6 section, the Administrator shall notify existing firm elec-
7 tric service customers of certain Bureau of Reclamation

1 Projects of the amount of energy expected to be available
2 for delivery during the 12-month period after such notifi-
3 cation, based on the Bureau of Reclamation's most recent
4 24-month study that is issued each month, from the fol-
5 lowing:

6 (1) Salt Lake City Area Integrated Projects.

7 (2) The Boulder Canyon Project.

8 (3) The Parker-Davis Project.

9 (b) PRO RATA REDUCTION.—

10 (1) SALT LAKE CITY AREA INTEGRATED
11 PROJECTS.—If the annual amount of energy from
12 the Salt Lake City Area Integrated Projects is ex-
13 pected to be less than 4,900,000 MWh, the Adminis-
14 trator shall apply a pro rata credit from the general
15 fund of the Treasury for each firm electric service
16 customer of the Salt Lake City Area Integrated
17 Projects on each monthly invoice for firm electric
18 service until such time as the energy production re-
19 turns to levels equal to or greater than 4,900,000
20 MWh.

21 (2) BOULDER CANYON PROJECT.—If the annual
22 amount of energy from the Boulder Canyon Project
23 is expected to be less than 3,600,000 MWh, the Ad-
24 ministrator shall apply a pro rata credit from the
25 general fund of the Treasury for each firm electric

1 service customer of the Boulder Canyon Project on
2 each monthly invoice for firm electric service until
3 such time as the energy production returns to levels
4 equal to or greater than 3,600,000 MWh.

5 (3) PARKER-DAVIS PROJECT.—If the annual
6 amount of energy from the Parker-Davis Project is
7 expected to be less than 1,400,000 MWh, the Ad-
8 ministrator shall apply a pro rata credit from the
9 general fund of the Treasury for each firm electric
10 service customer of the Parker-Davis Project on
11 each monthly invoice for firm electric service until
12 such time as the energy production returns to levels
13 equal to or greater than 1,400,000 MWh.

14 (c) CREDIT COMPOSITION.—

15 (1) IN GENERAL.—For purposes of calculating
16 a pro rata credit required under subsection (b), the
17 Administrator shall—

18 (A) determine costs for each Project set
19 forth in invoices for firm electric service;

20 (B) calculate a credit based on levels set
21 forth under subsection (b) as compared to the
22 available energy anticipated in the notice set
23 forth under subsection (a); and

24 (C) apply such credit to each firm electric
25 service customer's monthly firm electric service

1 invoice total to reflect decreased hydropower
2 output.

3 (2) OTHER OBLIGATIONS.—Nothing in this sub-
4 section shall preempt obligations of the Adminis-
5 trator to set rates to recover such costs unrelated to
6 hydropower production as may be required by law.

7 (d) COSTS NONREIMBURSABLE.—Any costs incurred
8 by the United States in carrying out the requirements of
9 this section shall be nonreimbursable and nonreturnable
10 to the United States.

11 (e) NO RETROACTIVE RATES.—Notwithstanding any
12 other provision of law, the Administrator shall not recover
13 credits provided pursuant to this section in future rates.

14 (f) EFFECT.—Nothing in this section shall—

15 (1) alter or affect any water rights held by—

16 (A) the United States;

17 (B) any Indian Tribe, band, or community;

18 (C) any State or political subdivision of a
19 State; or

20 (D) any person;

21 (2) be construed or interpreted as authorizing
22 the Secretary of the Interior to change or otherwise
23 modify existing operations at Bureau of Reclamation
24 facilities in the Colorado River basin; or

1 (3) be construed or interpreted to authorize a
2 change in the existing terms of the Second Memo-
3 randum of Agreement Concerning the Upper Colo-
4 rado River Basin Fund.

5 (g) ADMINISTRATOR DEFINED.—In this section, the
6 term “Administrator” means the Administrator of the
7 Western Area Power Administration.

8 (h) TERMINATION.—All authorities provided under
9 this section shall terminate on December 31, 2026.

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