

Calendar No. 358118TH CONGRESS
2^D SESSION**S. 2247****[Report No. 118–167]**

To reauthorize the Bureau of Reclamation to provide cost-shared funding to implement the endangered and threatened fish recovery programs for the Upper Colorado and San Juan River Basins.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2023

Mr. HICKENLOOPER (for himself, Mr. ROMNEY, Mr. LUJÁN, Mr. HEINRICH, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 9, 2024

Reported by Mr. MANCHIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To reauthorize the Bureau of Reclamation to provide cost-shared funding to implement the endangered and threatened fish recovery programs for the Upper Colorado and San Juan River Basins.

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 “Upper Colorado and
3 San Juan River Basins Endangered Fish Recovery Pro-
4 grams Reauthorization Act of 2023”.

5 **SEC. 2. REAUTHORIZATION OF UPPER COLORADO AND SAN**
6 **JUAN RIVER BASINS ENDANGERED FISH AND**
7 **THREATENED FISH RECOVERY IMPLEMENTA-**
8 **TION PROGRAMS.**

9 (a) PURPOSE.—Section 1 of Public Law 106–392
10 (114 Stat. 1602) is amended by inserting “and threat-
11 ened” after “endangered”.

12 (b) DEFINITIONS.—Section 2 of Public Law 106–392
13 (114 Stat. 1602; 116 Stat. 3113) is amended—

14 (1) in paragraph (1), by striking “to implement
15 the Recovery Implementation Program for the En-
16 dangered Fish Species in the Upper Colorado River
17 dated September 29, 1987, and extended by the Ex-
18 tension of the Cooperative Agreement dated Decem-
19 ber 6, 2001, and the 1992 Cooperative Agreement to
20 implement the San Juan River Recovery Implemen-
21 tation Program dated October 21, 1992, and as they
22 may be amended” and inserting “for the Recovery
23 Implementation Program for Endangered Species in
24 the Upper Colorado River Basin dated September
25 29, 1987, and the 1992 Cooperative Agreement for
26 the San Juan River Basin Recovery Implementation

1 Program dated October 21, 1992, as the agreements
2 may be amended and extended”;

3 (2) in paragraph (6)—

4 (A) by inserting “or threatened” after “en-
5 dangered”; and

6 (B) by striking “removal or translocation”
7 and inserting “control”;

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

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

14 (5) in paragraph (9)—

15 (A) by striking “leases and agreements”
16 and inserting “acquisitions”;

17 (B) by inserting “or threatened” after “en-
18 dangered”; and

19 (C) by inserting “, as approved under the
20 Recovery Implementation Programs” after
21 “nonnative fishes”; and

22 (6) in paragraph (10), by inserting “pursuant
23 to the Recovery Implementation Program for En-
24 dangered Species in the Upper Colorado River
25 Basin” after “Service”.

1 (c) AUTHORIZATION TO FUND RECOVERY PRO-
2 GRAMS.—Section 3 of Public Law 106–392 (114 Stat.
3 1603; 116 Stat. 3113; 120 Stat. 290; 123 Stat 1310; 126
4 Stat. 2444; 133 Stat. 809) (as amended by section 101
5 of division CC of the Consolidated Appropriations Act,
6 2023 (Public Law 117–328)) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “(1)
9 There is hereby authorized to be appropriated
10 to the Secretary, \$88,000,000 to undertake
11 capital projects to carry out the purposes of
12 this Act. Such funds” and inserting the fol-
13 lowing:

14 “(1) AUTHORIZATION.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), there is authorized to be appro-
17 priated to the Secretary for use by the Bureau
18 of Reclamation to undertake capital projects to
19 carry out the purposes of this Act \$50,000,000
20 for the period of fiscal years 2024 through
21 2031.

22 “(B) INFLATION ADJUSTMENT.—Each fis-
23 cal year, the amount authorized to be appro-
24 priated under subparagraph (A) shall be ad-
25 justed for inflation from the date of enactment

1 of the Upper Colorado and San Juan River Ba-
2 sins Endangered Fish Recovery Programs Re-
3 authorization Act of 2023 to the beginning of
4 that fiscal year.

5 “(B) ANNUAL ADJUSTMENT.—For each of
6 fiscal years 2025 through 2031, the amount au-
7 thorized to be appropriated under subparagraph
8 (A) shall be annually adjusted to reflect widely
9 available engineering cost indices applicable to
10 relevant construction activities.

11 “(C) NONREIMBURSABLE FUNDS.—
12 Amounts made available pursuant to subpara-
13 graph (A)”;

14 (B) in paragraph (2), by striking “Pro-
15 gram for Endangered Fish Species in the
16 Upper Colorado River Basin shall expire in fis-
17 cal year 2024” and inserting “Programs shall
18 expire in fiscal year 2031”; and

19 (C) by striking paragraph (3);

20 (2) by striking subsections (b) and (c) and in-
21 serting the following:

22 “(b) NON-FEDERAL CONTRIBUTIONS TO CAPITAL
23 PROJECTS.—The Secretary, acting through the Bureau of
24 Reclamation, may accept contributed funds, interests in
25 land and water, or other contributions from the Upper Di-

1 vision States, political subdivisions of the Upper Division
 2 States, or individuals, entities, or organizations within the
 3 Upper Division States, pursuant to agreements that pro-
 4 vide for the contributions to be used for capital projects
 5 costs.”;

6 (3) by redesignating subsections (d) through (j)
 7 as subsections (c) through (i), respectively;

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

9 (A) in paragraph (1)(A), by striking
 10 “\$10,000,000 for each of fiscal years 2020
 11 through 2024” and inserting “\$92,040,000 for
 12 the period of fiscal years 2024 through 2031”;

13 (B) in paragraph (2)—

14 (i) in the first sentence, by striking
 15 “\$4,000,000 per year” and inserting
 16 “\$61,100,000 for the period of fiscal years
 17 2024 through 2031”;

18 (ii) in the second sentence—

19 (I) by inserting “Basin” after
 20 “San Juan River”; and

21 (II) by striking “\$2,000,000 per
 22 year” and inserting “\$30,940,000 for
 23 the period of fiscal years 2024
 24 through 2031”; and

1 (iii) in the third sentence, by striking
2 “in fiscal years commencing after the en-
3 actment of this Act” and inserting “for fis-
4 cal year 2024 and each fiscal year there-
5 after”; and

6 (C) by striking paragraph (3) and insert-
7 ing the following:

8 “(3) FEDERAL CONTRIBUTIONS TO ANNUAL
9 BASE FUNDING.—

10 “(A) IN GENERAL.—For each of fiscal
11 years 2024 through 2031, the Secretary, acting
12 through the Bureau of Reclamation, may accept
13 funds from other Federal agencies, including
14 power revenues collected pursuant to the Act of
15 April 11, 1956 (commonly known as the “Colo-
16 rado River Storage Project Act”) (43 U.S.C.
17 620 et seq.).

18 “(B) AVAILABILITY OF FUNDS.—Funds
19 made available under subparagraph (A) shall be
20 available for expenditure by the Secretary, as
21 determined by the contributing agency in con-
22 sultation with the Secretary.

23 “(C) TREATMENT OF FUNDS.—Funds
24 made available under subparagraph (A) shall be

1 treated as nonreimbursable Federal expendi-
2 tures.

3 “(D) TREATMENT OF POWER REVE-
4 NUES.—Any power revenues accepted under
5 subparagraph (A) shall be treated as having
6 been repaid and returned to the general fund of
7 the Treasury.

8 “(4) NON-FEDERAL CONTRIBUTIONS TO AN-
9 NUAL BASE FUNDING.—The Secretary, acting
10 through the Bureau of Reclamation, may accept con-
11 tributed funds from the Upper Division States, polit-
12 ical subdivisions of the Upper Division States, or in-
13 dividuals, entities, or organizations within the Upper
14 Division States, pursuant to agreements that provide
15 for the contributions to be used for annual base
16 funding.

17 “(5) REPLACEMENT POWER.—Contributions of
18 funds made pursuant to this subsection shall not in-
19 clude the cost of replacement power purchased to
20 offset modifications to the operation of the Colorado
21 River Storage Project to benefit threatened or en-
22 dangered fish species under the Recovery Implemen-
23 tation Programs.”;

1 (5) in subsection (f) (as so redesignated), in the
2 first sentence, by inserting “or threatened” after
3 “endangered”;

4 (6) in subsection (g) (as so redesignated), by
5 striking “unless the time period for the respective
6 Cooperative Agreement is extended to conform with
7 this Act” and inserting “, as amended or extended”;

8 (7) in subsection (h) (as so redesignated), in
9 the first sentence, by striking “Upper Colorado
10 River Endangered Fish Recovery Program or the
11 San Juan River Basin Recovery Implementation
12 Program” and inserting “Recovery Implementation
13 Programs”; and

14 (8) in subsection (i)(1) (as so redesignated)—

15 (A) by striking “2022” each place it ap-
16 pears and inserting “2030”;

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

19 (C) in subparagraph (C)(ii)(III), by strik-
20 ing “contributions by the States, power cus-
21 tomers, Tribes, water users, and environmental
22 organizations” and inserting “non-Federal con-
23 tributions”.

1 (d) REPEAL OF LIMITATION ON TRAVEL FOR ADVO-
2 CACY PURPOSES.—Section 5 of Public Law 106-392 (114
3 Stat. 1602; 126 Stat. 2445) is repealed.

Calendar No. 358

118TH CONGRESS
2^D SESSION

S. 2247

[Report No. 118-167]

A BILL

To reauthorize the Bureau of Reclamation to provide cost-shared funding to implement the endangered and threatened fish recovery programs for the Upper Colorado and San Juan River Basins.

APRIL 9, 2024

Reported with amendments