

Suspend the Rules and Pass the Bill, H.R. 4596, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

118TH CONGRESS
1ST SESSION

H. R. 4596

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 HOUSE OF REPRESENTATIVES

JULY 13, 2023

Mrs. BOEBERT (for herself, Ms. HAGEMAN, Mr. LAMBORN, Mr. BUCK, Mr. DUARTE, Mr. GOSAR, and Mr. NEHLS) introduced the following bill; which was referred to the Committee on Natural Resources

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Upper Colorado and
5 San Juan River Basins Endangered Fish Recovery Pro-
6 grams Reauthorization Act of 2024”.

1 **SEC. 2. REAUTHORIZATION OF UPPER COLORADO AND SAN**
2 **JUAN RIVER BASINS 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 Program 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), by striking “(1)
6 There is hereby authorized to be appropriated
7 to the Secretary, \$88,000,000 to undertake
8 capital projects to carry out the purposes of
9 this Act. Such funds” and inserting the fol-
10 lowing:

11 “(1) AUTHORIZATION.—

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

19 “(B) ANNUAL ADJUSTMENT.—For each of
20 fiscal years 2025 through 2031, the amount au-
21 thorized to be appropriated under subparagraph
22 (A) shall be annually adjusted to reflect widely
23 available engineering cost indices applicable to
24 relevant construction activities.

1 “(C) NONREIMBURSABLE FUNDS.—
2 Amounts made available pursuant to subpara-
3 graph (A)”;

4 (B) in paragraph (2), by striking “Pro-
5 gram for Endangered Fish Species in the
6 Upper Colorado River Basin shall expire in fis-
7 cal year 2024” and inserting “Programs shall
8 expire in fiscal year 2031”; and

9 (C) by striking paragraph (3);
10 (2) by striking subsections (b) and (c) and in-
11 serting the following:

12 “(b) NON-FEDERAL CONTRIBUTIONS TO CAPITAL
13 PROJECTS.—The Secretary, acting through the Bureau of
14 Reclamation, may accept contributed funds, interests in
15 land and water, or other contributions from the Upper Di-
16 vision States, political subdivisions of the Upper Division
17 States, or individuals, entities, or organizations within the
18 Upper Division States, pursuant to agreements that pro-
19 vide for the contributions to be used for capital projects
20 costs.”;

21 (3) by redesignating subsections (d) through (j)
22 as subsections (c) through (i), respectively;

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

24 (A) in paragraph (1)(A), by striking
25 “\$10,000,000 for each of fiscal years 2020

1 through 2024” and inserting “\$80,000,000 for
2 the period of fiscal years 2024 through 2031”;

3 (B) in paragraph (2)—

4 (i) in the first sentence, by striking
5 “\$4,000,000 per year” and inserting
6 “\$52,914,285 for the period of fiscal years
7 2024 through 2031”;

8 (ii) in the second sentence—

9 (I) by inserting “Basin” after
10 “San Juan River”; and

11 (II) by striking “\$2,000,000 per
12 year” and inserting “\$27,085,715 for
13 the period of fiscal years 2024
14 through 2031”; and

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

20 (C) by striking paragraph (3) and insert-
21 ing the following:

22 “(3) FEDERAL CONTRIBUTIONS TO ANNUAL
23 BASE FUNDING.—

24 “(A) IN GENERAL.—For each of fiscal
25 years 2024 through 2031, the Secretary, acting

1 through the Bureau of Reclamation, may accept
2 funds from other Federal agencies, including
3 power revenues collected pursuant to the Act of
4 April 11, 1956 (commonly known as the ‘Colo-
5 rado River Storage Project Act’) (43 U.S.C.
6 620 et seq.).

7 “(B) AVAILABILITY OF FUNDS.—Funds
8 made available under subparagraph (A) shall be
9 available for expenditure by the Secretary, as
10 determined by the contributing agency in con-
11 sultation with the Secretary.

12 “(C) TREATMENT OF FUNDS.—Funds
13 made available under subparagraph (A) shall be
14 treated as nonreimbursable Federal expendi-
15 tures.

16 “(D) TREATMENT OF POWER REVE-
17 NUES.—Not more than \$499,000 in power reve-
18 nues over the period of fiscal years 2024
19 through 2031 shall be accepted under subpara-
20 graph (A) and treated as having been repaid
21 and returned to the general fund of the Treas-
22 ury.

23 “(4) NON-FEDERAL CONTRIBUTIONS TO AN-
24 NUAL BASE FUNDING.—The Secretary, acting
25 through the Bureau of Reclamation, may accept con-

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

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

14 (5) in subsection (f) (as so redesignated), in the
15 first sentence, by inserting “or threatened” after
16 “endangered”;

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

21 (7) in subsection (h) (as so redesignated), in
22 the first sentence, by striking “Upper Colorado
23 River Endangered Fish Recovery Program or the
24 San Juan River Basin Recovery Implementation

1 Program” and inserting “Recovery Implementation
2 Programs”; and

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

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

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

8 (C) in subparagraph (C)(ii)(III), by strik-
9 ing “contributions by the States, power cus-
10 tomers, Tribes, water users, and environmental
11 organizations” and inserting “non-Federal con-
12 tributions”.