

118TH CONGRESS
1ST SESSION

S. 2247

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

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 2023”.

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) INFLATION ADJUSTMENT.—Each fis-
20 cal year, the amount authorized to be appro-
21 priated under subparagraph (A) shall be ad-
22 justed for inflation from the date of enactment
23 of the Upper Colorado and San Juan River Ba-
24 sins Endangered Fish Recovery Programs Re-

1 authorization Act of 2023 to the beginning of
2 that fiscal year.

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

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

11 (C) by striking paragraph (3);

12 (2) by striking subsections (b) and (c) and in-
13 serting the following:

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

23 (3) by redesignating subsections (d) through (j)
24 as subsections (c) through (i), respectively;

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

1 (A) in paragraph (1)(A), by striking
 2 “\$10,000,000 for each of fiscal years 2020
 3 through 2024” and inserting “\$92,040,000 for
 4 the period of fiscal years 2024 through 2031”;

5 (B) in paragraph (2)—

6 (i) in the first sentence, by striking
 7 “\$4,000,000 per year” and inserting
 8 “\$61,100,000 for the period of fiscal years
 9 2024 through 2031”;

10 (ii) in the second sentence—

11 (I) by inserting “Basin” after
 12 “San Juan River”; and

13 (II) by striking “\$2,000,000 per
 14 year” and inserting “\$30,940,000 for
 15 the period of fiscal years 2024
 16 through 2031”; and

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

22 (C) by striking paragraph (3) and insert-
 23 ing the following:

24 “(3) FEDERAL CONTRIBUTIONS TO ANNUAL
 25 BASE FUNDING.—

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

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

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

18 “(D) TREATMENT OF POWER REVE-
19 NUES.—Any power revenues accepted under
20 subparagraph (A) shall be treated as having
21 been repaid and returned to the general fund of
22 the Treasury.

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”.

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

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