119TH CONGRESS
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HOUSE OF REPRESENTATIVES

REPORT
119–278

# LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM AMENDMENT ACT OF 2025

SEPTEMBER 15, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources, submitted the following

# R E P O R T

[To accompany H.R. 831]

The Committee on Natural Resources, to whom was referred the bill (H.R. 831) to establish an interest-bearing account for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Lower Colorado River Multi-Species Conservation Program Amendment Act of 2025".

**SEC. 2. INTEREST-BEARING FUND.**

Section 9402 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1328) is amended by adding at the end the following:

"(c) INTEREST-BEARING ACCOUNT FOR NON-FEDERAL CONTRIBUTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) AGREEMENT.—The term 'Agreement' means the agreement entitled the 'Lower Colorado River Multi-Species Conservation Program Funding and Management Agreement' and dated April 4, 2005.

"(B) FUND.—The term 'Fund' means the Non-Federal Funding Account for the Lower Colorado River Multi-Species Conservation Program established by paragraph (2).

"(C) NON-FEDERAL CONTRIBUTION.—The term 'non-Federal contribution' means an amount contributed by a State Party for the non-Federal cost share described in section 8 of the Agreement.

"(D) STATE PARTY.—The term 'State Party' has the meaning given the term in section 3 of the Agreement.

"(2) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'Non-Federal Funding Account for the Lower Colorado River Multi-Species Conservation Program', consisting of—

"(A) any amounts deposited in the Fund under paragraph (3); and

"(B) any interest earned on investment of amounts in the Fund under paragraph (4).

"(3) DEPOSITS TO FUND.—

"(A) IN GENERAL.—Pursuant to section 8.4 of the Agreement, the Secretary of the Treasury shall deposit in the Fund—

"(i) any unexpended non-Federal contributions provided before the date of enactment of this subsection; and

"(ii) any non-Federal contributions provided on or after the date of enactment of this subsection.

"(B) AVAILABILITY OF AMOUNTS.—

"(i) EXPENDITURE.—Amounts deposited in the Fund under subparagraph (A) shall be made available to the Secretary, without further appropriation, for expenditure—

"(I) as provided in the Program Documents; and

"(II) in accordance with this section.

"(ii) INTEREST.—Amounts derived from interest earned on amounts in the Fund under subparagraph (A) shall be made available, subject to the availability of appropriations, to the Secretary for expenditure—

"(I) as provided in the Program Documents; and

"(II) in accordance with this section.

"(4) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury may invest any portion of the Fund that is not, as determined by the Secretary, required to meet the current needs of the Fund.

"(B) REQUIREMENT.—Investments under subparagraph (A) may be made only in interest-bearing obligations of the United States.

"(5) TRANSFERS OF AMOUNTS.—

"(A) TRANSFER OF PREVIOUSLY CONTRIBUTED FUNDS.—The amounts required to be deposited in the Fund under paragraph (3)(A)(i) shall be transferred from the general fund of the Treasury to the Fund not later than 90 days after the date of enactment of this subsection.

"(B) TRANSFER OF FUTURE CONTRIBUTED FUNDS.—As soon as practicable after the date on which amounts described in paragraph (3)(A)(ii) are contributed, those amounts shall be transferred to the Fund.

"(C) RESPONSIBILITY OF STATE PARTIES.—In accordance with the Agreement, on deposit of amounts in the Fund under paragraph (3), the State Parties shall not be responsible for any losses due to investment of those amounts the Fund.".

## PURPOSE OF THE LEGISLATION

The purpose of H.R. 831 is to establish an interest-bearing account for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 831 would establish an interest-bearing account within the U.S. Department of the Treasury for unexpended, non-federal contributions to the Lower Colorado River Multi-Species Conservation Program. The Lower Colorado River Multi-Species Conservation Program was authorized by Congress in 2009 and aims to protect native fish populations and increase habitat for migratory birds.[1] The program's budget for the 50-year term of its authorization was $626 million, with the federal government contributing 50 percent of the funding and the three lower Colorado River Basin states providing the remainder (with California paying 25 percent, and Arizona and Nevada each paying 12.5 percent).[2]

[1] "Reps. Calvert and Napolitano Introduce Bill to Support the Lower Colorado River Multi-Species Conservation Program." The Office of Representative Ken Calvert. September 10, 2024. https://calvert.house.gov/media/press-releases/reps-calvert-and-napolitano-introduce-bill-support-lower-colorado-river-multi.

[2] *Id.*

For Fiscal Year 2024, the program budget calls for funding of $38.8 million, with the state participants paying $19.4 million.[3] Currently, $60 million remains available for the program. However, the pace of funding has exceeded the pace of work, meaning the available funding is unable to be effectively used. This legislation would allow the non-federal portion of the available funds to be placed into an interest-bearing account. The Bureau of Reclamation does not have the authority, absent further congressional direction, to place this funding in an interest-bearing account. Placing these funds into an interest-bearing account could provide approximately $2 million annually that would otherwise be the burden of the lower basin states.[4]

As drafted, H.R. 831 is identical to H.R. 9515 from the 118th Congress. An amendment was adopted to make the interest earned subject to appropriations.

## COMMITTEE ACTION

H.R. 831 was introduced on January 31, 2025, by Representative Ken Calvert (R–CA). The bill was referred to the Committee on Natural Resources. On July 15, 2025, the Committee on Natural Resources met to consider the bill. Chairman Bruce Westerman (R–AR) offered an amendment designated Westerman #1. The amendment was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

## HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing in the 118th Congress by the Subcommittee on Water, Wildlife and Fisheries held on November 20, 2024.

## SECTION-BY-SECTION ANALYSIS

### *Section 1. Short title*

Section 1 establishes the short title of this act as the "Lower Colorado River Multi-Species Conservation Program Amendment Act of 2025."

### *Section 2. Interest-bearing fund*

Section 2 amends the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1328) to establish an interest-bearing account for non-federal contributions to the Lower Colorado River Multi-Species Conservation Program.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on

[3] "Lower Colorado River Multi-Species Conservation Program." *Final Implementation Report, Fiscal Year 2024 Work Plan and Budget, Fiscal Year 2022 Accomplishment Report.* U.S. Bureau of Reclamation. June 2023. https://naturalresources.house.gov/uploadedfiles/imp_20241.pdf.

[4] E-mail from U.S. Bureau of Reclamation Congressional Affairs Liaison to House Natural Resources Committee Majority Staff. November 12, 2024. (On file with Committee on Natural Resources.)

Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish an interest-bearing account for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program, and for other purposes.

## EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

## UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

## EXISTING PROGRAMS

*Directed Rule Making.* This bill does not contain any directed rule makings.

*Duplication of Existing Programs.* This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

## SECTION 9402 OF THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

**SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.**

(a) IMPLEMENTATION.—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

*(c) INTEREST-BEARING ACCOUNT FOR NON-FEDERAL CONTRIBUTIONS.—*

*(1) DEFINITIONS.—In this subsection:*

*(A) AGREEMENT.—The term "Agreement" means the agreement entitled the "Lower Colorado River Multi-Species Conservation Program Funding and Management Agreement" and dated April 4, 2005.*

*(B) FUND.—The term "Fund" means the Non-Federal Funding Account for the Lower Colorado River Multi-Species Conservation Program established by paragraph (2).*

*(C) NON-FEDERAL CONTRIBUTION.—The term "non-Federal contribution" means an amount contributed by a State Party for the non-Federal cost share described in section 8 of the Agreement.*

*(D) STATE PARTY.—The term "State Party" has the meaning given the term in section 3 of the Agreement.*

*(2) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Non-Federal Funding Account for the Lower Colorado River Multi-Species Conservation Program", consisting of—*

*(A) any amounts deposited in the Fund under paragraph (3); and*

*(B) any interest earned on investment of amounts in the Fund under paragraph (4).*

*(3) DEPOSITS TO FUND.—*

*(A) IN GENERAL.—Pursuant to section 8.4 of the Agreement, the Secretary of the Treasury shall deposit in the Fund—*

*(i) any unexpended non-Federal contributions provided before the date of enactment of this subsection; and*

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*(B) AVAILABILITY OF AMOUNTS.—*

*(i) EXPENDITURE.—Amounts deposited in the Fund under subparagraph (A) shall be made available to the Secretary, without further appropriation, for expenditure—*

*(I) as provided in the Program Documents; and*

*(II) in accordance with this section.*

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