

## Calendar No. 545

118TH CONGRESS  
2D SESSION**H. R. 4596**

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Received; read twice and placed on the calendar

---

**AN ACT**

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”.

Passed the House of Representatives September 24,  
2024.

Attest: KEVIN F. MCCUMBER,  
*Clerk.*

Calendar No. 545

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4596**

---

---

**AN ACT**

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.

---

---

SEPTEMBER 25, 2024

Received; read twice and placed on the calendar