

Calendar No. 639118TH CONGRESS
2D SESSION**S. 5000**

To prohibit the use of amounts from the Upper Colorado River Basin Fund to implement a certain record of decision, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2024

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To prohibit the use of amounts from the Upper Colorado River Basin Fund to implement a certain record of decision, and for other purposes.

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. PROHIBITION OF USE OF AMOUNTS FROM THE**
2 **UPPER COLORADO RIVER BASIN FUND FOR**
3 **CERTAIN PURPOSES.**

4 (a) PROHIBITION.—No amounts from the Upper Col-
5 orado River Basin Fund established by section 5(a) of the
6 Act of April 11, 1956 (commonly known as the “Colorado
7 River Storage Project Act”) (70 Stat. 107, chapter 203;
8 43 U.S.C. 620d(a)), shall be used to implement the record
9 of decision entitled the “Record of Decision for the Glen
10 Canyon Dam Long-Term Experimental and Management
11 Plan Final Environmental Impact Statement” and dated
12 December 2016, as supplemented by the record of decision
13 entitled “Supplement to the 2016 Glen Canyon Dam
14 Long-Term Experimental and Management Plan Record
15 of Decision” and dated July 2024, to address the threat
16 of nonnative fish in the Colorado River below Glen Canyon
17 Dam.

18 (b) TREATMENT OF FUNDS.—Any Federal funds
19 made available for the purpose described in subsection (a)
20 shall be nonreimbursable and nonreturnable to the United
21 States.

1 **SECTION 1. MEMORANDUM OF UNDERSTANDING TO AD-**
2 **DRESS POTENTIAL IMPACTS OF A CERTAIN**
3 **RECORD OF DECISION ON THE UPPER COLO-**
4 **RADO RIVER BASIN FUND.**

5 (a) *IN GENERAL.*—As soon as practicable after the
6 date of enactment of this Act, the Secretary of the Interior,
7 acting through the Commissioner of Reclamation, and the
8 Secretary of Energy, acting through the Administrator of
9 the Western Area Power Administration, in consultation
10 with the Glen Canyon Dam Adaptive Management Working
11 Group, shall enter into a memorandum of understanding
12 to explore and address the potential impact that the record
13 of decision entitled the “Supplement to the 2016 Glen Can-
14 yon Dam Long-Term Experimental and Management Plan
15 Record of Decision” and dated July 2024 (referred to in
16 this section as the “record of decision”) may have on the
17 Upper Colorado River Basin Fund (referred to in this sec-
18 tion as the “Fund”).

19 (b) *REQUIRED PLAN.*—The memorandum of under-
20 standing entered into under subsection (a) shall, using in-
21 formation derived from existing contracts, include the estab-
22 lishment of a plan—

23 (1) to explore and address the effects that the
24 record of decision may have on the contents of the
25 Fund;

1 (2) *to analyze and address the longer-term im-*
2 *pect that the record of decision may have on hydro-*
3 *power production at Glen Canyon Dam; and*

4 (3) *to protect the Colorado River Basin and any*
5 *species listed as a threatened species or an endangered*
6 *species under section 4 of the Endangered Species Act*
7 *of 1973 (16 U.S.C. 1533) in the Colorado River Basin*
8 *from the effects of invasive species and sustained*
9 *drought.*

Amend the title so as to read: “A bill to provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.”.

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