



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Water, Wildlife and Fisheries Republican Members
From: Subcommittee on Water, Wildlife and Fisheries staff,
Annick Miller (annick.miller@mail.house.gov) and Doug Levine
(doug.levine@mail.house.gov); x5-8331
Date: Tuesday, November 14, 2023
Subject: Legislative Hearing on **H.R. 4219, H.R. 5770, H.R. 6107, and H.R. 6127**

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on: H.R. 4219 (Rep. Graves of Missouri), “*Southwestern Power Administration Fund Establishment Act*”; H.R. 5770 (Rep. Neguse), “*Water Data Improvement Act*”; H.R. 6107 (Rep. Simpson), “*Urban Canal Modernization Act*”; and H.R. 6127 (Rep. Moore of Utah), “*Modernizing Access to Our Public Waters Act*”, **on Tuesday, November 14, 2023, at 10:30 a.m. in 1334 Longworth House Office Building.**

Member offices are requested to notify Thomas Shipman (thomas.shipman@mail.house.gov) by 4:30 p.m. on Monday, November 13, 2023, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- H.R. 6127 would build upon the investments made in the John D. Dingell, Jr. Conservation, Management, and Recreation Act, the Great American Outdoors Act, and the Modernizing Access to Our Public Land Act to help ensure that hunters, anglers, and all Americans can more easily find information and resources to help facilitate access to our public waters.
- H.R. 6107 would help irrigation districts address extraordinary maintenance needs for the Bureau of Reclamation’s (Reclamation) canals that could pose a potential risk to populated areas in the event of a failure.
- H.R. 4219 would establish the Southwestern Power Administration Fund, a permanent, self-financed revolving fund supplied through Southwestern’s power sales receipts – with no annual appropriations.
- H.R. 5770 reauthorizes two U.S. Geological Survey programs, the Federal Priority Streamgage Program and National Groundwater Resources Monitoring Program.

II. WITNESSES

Panel I

- *Members of Congress TBD*

Panel II

- *Mr. Mike Wech*, Administrator, Southwestern Power Administration, Tulsa, OK [H.R. 4219]
- *Mr. Ron Patt*, Chair of the Long-Range Planning Committee, Boise Project Board of Control, Caldwell, ID [H.R. 6107]
- *Ms. Nicki Fuller*, Executive Director, Southwestern Power Resources Association, Tulsa, OK [H.R. 4219]
- *Mr. Taylor Schmitz*, Director of Government Relations, Congressional Sportsmen's Foundation, Washington, D.C. [H.R. 6127]
- *Ms. Amy L. Shallcross, P.E.*, Board Member and Chair of the Water Data and Science Committee for the Interstate Council on Water Policy, West Trenton, NJ [H.R. 5770]

III. BACKGROUND

H.R. 4219 (Rep. Graves of Missouri), “Southwestern Power Administration Fund Establishment Act”

This bill would authorize the Southwestern Power Administration (SWPA) to establish a self-financing model, that includes a revolving Treasury fund, to conduct their operations. SWPA is one of the four regional Power Marketing Administration's (PMA's) that market and deliver (via transmission lines) electricity generated at federal dams and reservoirs operated by Reclamation and U.S. Army Corps of Engineers (Corps). Created in 1943, SWPA markets a combined capacity of 2,194 megawatts of hydroelectric power from 24 multi-purpose dams owned by the Corps.¹

SWPA sells the power to over 100 customers through 1,380 miles of transmission lines, who provide that power to nearly 10 million people in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.² SWPA's Fiscal Year (FY) 2024 budget requests \$189 million in spending, offset by \$178 million in electricity customer receipts. Of the remaining amount, \$11.4 million in appropriations is requested to cover transmission maintenance and upgrades, cybersecurity and other matters.³

The revolving fund created by H.R. 4219 would allow SWPA to place the receipts received from power sales into the fund to pay for its operations, this money would remain available across fiscal years. This would differ from SWPA's existing funding model, which relies on

¹ Department of Energy, Southwestern Power Administration, About. <https://www.energy.gov/swpa/southwestern-power-administration>.

² *Id.*

³ Department of the Energy FY24 Congressional Budget Request. <https://www.energy.gov/sites/default/files/2023-03/doe-fy-2024-budget-vol-3-pmas-v3.pdf>.

appropriations from Congress that are repaid every year through power sales.⁴ Proponents of the revolving fund believe it will ensure “multi-year certainty to support continued infrastructure investments and necessary power replacement funding level for times of extreme weather events or prolonged drought.”⁵

Hydropower, like other renewable sources of energy, is impacted by weather and climate conditions. When drought and dry conditions limit flows of water, the amount of power generated by hydroelectric dams goes down, therefore requiring entities like SWPA to purchase replacement power on the open market to make up for the difference. According to the Southwestern Power Resources Association, who represents SWPA’s customers, SWPA’s funding levels have 40-50% less than what is needed to address replacement power needs from 2018-2023.⁶ By allowing SWPA to have a self-financing revolving fund, as opposed to relying on Congressional appropriations, Congress would be empowering SWPA to improve long-term financial planning and create funding certainty for customers to address replacement power and infrastructure needs.

H.R. 4219 is the House companion of S. 1324, which was introduced by Senator Jerry Moran (R-KS) and cosponsored by Senator Roger Marshall (R-KS) and Senator Josh Hawley (R-MO). Last Congress, the Senate Energy and Natural Resources Committee held a hearing on that bill in which Mike Wech, the Administrator and CEO of SWPA, testified in support of the bill.⁷

H.R. 5770 (Rep. Neguse), “Water Monitoring and Tracking Essential Resources (WATER) Data Improvement Act”

H.R. 5770 reauthorizes the Federal Priority Streamgauge Program and the National Groundwater Resources Monitoring Program administered by the U.S. Geological Survey (USGS) through FY 2028 at existing funding levels. The water division under the USGS is charged with monitoring, assessing, conducting targeted research, and delivering information on water resources and conditions. The two programs reauthorized in this bill play a major role in that mission.

The Federal Priority Streamgauge Program administers monitoring stations that track the amount of water in streams and rivers across the country. As of 2021, the USGS operated approximately 3,640 streamgages that were identified as meeting one or more federal priorities and responsibilities, which include:

- Forecasting floods, droughts, and other streamflow;
- Supporting water-quality assessments of major rivers and estuaries;
- Supporting interstate and international compacts, court decrees, treaties, and other border water agreements; and

⁴ “SWPA ‘Revolving Fund’.” Southwestern Power Resources Association.
https://naturalresources.house.gov/uploadedfiles/swpa_revolving_fund_issue_paper.pdf.

⁵ *Id.*

⁶ *Id.*

⁷ Testimony of Mike Wech before the Committee on Energy and Natural Resources, July 28, 2022.
<https://www.energy.senate.gov/services/files/2AC42B21-CE09-4E9B-AF6D-8A188ADE1217>.

- Tracking streamflow in major rivers and contributions from key basins to the next downstream basin, estuary, ocean, or the Great Lakes.⁸

According to USGS, the priority streamgages work in concert with “the larger USGS streamgaging network of 11,531 sites nationwide with over 1,800 Federal, State, tribal, and local agencies or organizations.”⁹ The authorization of appropriations for this program will need to be addressed before the bill is marked up to meet floor protocols, as it is currently a “such sums” authorization.

The National Groundwater Resources Monitoring Program administers a network of 17,665 water-level wells and 4,068 water-quality wells.¹⁰ These wells provide data to the public on the health of groundwater supply and quality in different geographic areas that can be used for planning, managing, and developing groundwater supply needs.¹¹ This information is available to the public via the National Groundwater Monitoring Network Data Portal ([here](#)). The authorization of appropriations for this program will also need to be addressed before the bill is marked up to meet floor protocols, as it is currently a “such sums” authorization.

This bill has one bipartisan cosponsor, Rep. Ciscomani (R-AZ).

[H.R. 6107 \(Rep. Simpson\), “Urban Canal Modernization Act”](#)

Established in 1902, Bureau of Reclamation (Reclamation) projects provide water for agricultural, municipal, and industrial purposes throughout the western United States. Reclamation projects also provide energy produced by hydropower facilities and maintain ecosystems that support fish and wildlife, hunting, fishing, and other recreation, as well as rural economies.¹²

Reclamation has asset management responsibility for a diverse portfolio of water and power related constructed assets, with a number of facilities which are now well over 100 years old.¹³ Reclamation generally operates under a beneficiary-pays model in which federal funds are repaid by the project beneficiaries, such as irrigation districts and municipalities. To address its aging infrastructure needs, Congress authorized Reclamation to fund extraordinary maintenance (XM) work and execute contracts for extended repayment of the reimbursable costs.¹⁴ In 2020, Congress expanded these authorities by establishing the Aging Infrastructure Account (Account), requiring an annual application process and a Congressional reporting requirement on Major Rehabilitation and Replacement (MR&R) long-term capital and repair work, categorization of repair work, and regular reporting of information related to Reclamation’s investments in

⁸ “Federal Priority Streamgages.” U.S. Geological Survey. [Federal Priority Streamgages \(FPS\) | U.S. Geological Survey \(usgs.gov\)](#).

⁹ *Id.*

¹⁰ “National Ground-Water Monitoring Network.” U.S. Geological Survey. [National Ground-Water Monitoring Network \(usgs.gov\)](#).

¹¹ *Id.*

¹² Statement of Commissioner Touton, U.S. Bureau of Reclamation, Before the Natural Resources Committee Subcommittee on Water, Wildlife, and Fisheries U.S. House of Representatives on the President’s Fiscal Year 2024 Budget, May 23, 2023. <https://www.doi.gov/ocl/bor-budget-4>.

¹³ “Infrastructure Asset Management Program” U.S. Bureau of Reclamation. <https://www.usbr.gov/assetmanagement/iam.html>

¹⁴ Section 9603 of the Omnibus Lands Act of 2009 (P.L. 111-11).

infrastructure.¹⁵ The latest report was published on March 2023.¹⁶ Importantly, these authorities do not include extended repayment of annual, routine operation, maintenance, and replacement (OM&R) costs.

Reclamation owns over 8,000 miles of canals which are operated and maintained in partnership with irrigation and water districts.¹⁷ In general, which 1,000 miles of canals have been identified as crossing through or in the vicinity of a populated area.¹⁸

H.R. 6107 would recategorize any extraordinary maintenance work on an urban canal of concern as emergency extraordinary maintenance work, thereby allowing the Reclamation to provide non-reimbursable funds to cover 35 percent of project costs. The bill does not authorize new funding as the Infrastructure Investment and Jobs Act (IIJA) authorized and appropriated \$3.2 billion for these activities.¹⁹

This bill has two cosponsors, Representatives Fulcer (R-ID) and Newhouse (R-WA).

H.R. 6127 (Rep. Moore of Utah), “Modernizing Access to Our Public Waters Act”

H.R. 6127 would help enhance access to the nation’s outdoor recreational opportunities by digitizing and standardizing mapping information, such as access points and permissible uses, of federal waters.

Specifically, the bill directs Bureau of Reclamation, National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, and the Forest Service (referred to as the federal land and water management agencies) to jointly develop and adopt interagency standards to ensure compatibility and interoperability among federal databases for the collection and dissemination of outdoor recreation data related to federal waterways. The bill stipulates that maps must be digitized and published with geographic information system (GIS) mapping data that includes:

- Federal restrictions such as watercraft inspection or decontamination requirements, seasonal entries, types of watercraft permitted, anchoring or no wake zones;
- Federal access and navigation information such as the location of boat ramps, portages, and fishing access sites under the authority of the Federal land or water management agency, when these facilities are open or closed and bathymetric information and depth charts; and
- Federal fishing restrictions.

The bill would require biennial updates to the available data and authorizes a total of \$21 million from FY 2024 through FY 2027 for the Department of the Interior and \$14 million from FY 2024 through FY 2027 for the Department of Agriculture to implement the legislation. As written the bill would need to offset these new authorities to meet floor protocols.

¹⁵ John D. Dingell, Jr. Conservation, Management, and Recreation Act, P.L. 116-9, Sections 8601- 8303 (Reclamation Transparency Act).

¹⁶ March 2023 Asset Management Report, <https://www.usbr.gov/infrastructure/mrr/docs/asset-management-report-to-congress2023.pdf>.

¹⁷ “Water Conveyance Program” U.S. Bureau of Reclamation. <https://www.usbr.gov/assetmanagement/Conveyance.html>.

¹⁸ *Id.*

¹⁹ P.L. 117-58.

H.R. 6127 would build upon the investments made in the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9), the Great American Outdoors Act (P.L. 116-152), and the Modernizing access to our Public Land Act (P.L. 117-114) to help ensure that hunters, anglers, and all Americans can more easily find information and resources to help facilitate access to our public waters.

This bill is cosponsored by Rep. Fulcer (R-ID).

IV. MAJOR PROVISIONS & ANALYSIS

[H.R. 4219](#) (Rep. Graves, Missouri), “Southwestern Power Administration Fund Establishment Act”

- Authorizes SWPA to create a revolving Treasury fund to fund its operations.

[H.R. 5770](#) (Rep. Neguse), “Water Monitoring and Tracking Essential Resources (WATER) Data Improvement Act”

- This bill reauthorizes the Federal Priority Streamgange Program and National Groundwater Resources Monitoring Program administered by the U.S. Geological Survey (USGS) through FY 2028 at existing funding levels.

[H.R. 6107](#) (Rep. Simpson), “Urban Canal Modernization Act”

- Recategorize any extraordinary maintenance work on an urban canal of concern as emergency extraordinary maintenance work, thereby allowing the Reclamation to provide non-reimbursable funds to cover 35 percent of project costs.

[H.R. 6127](#) (Rep. Moore of Utah), “Modernizing Access to Our Public Waters Act”

- The bill directs federal land and water management agencies to digitize and make publicly available geographic information system mapping data relating to public access to Federal waterways for outdoor recreation.

V. COST

The Congressional Budget Office has not provided cost estimates for these bills.

VI. EFFECT ON CURRENT LAW

[H.R. 4219](#)

[H.R. 5770](#)

[H.R. 6107](#)