

117TH CONGRESS
2D SESSION

S. 4232

To address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2022

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

A BILL

To address the recovery of certain costs with respect to certain Reclamation facilities in the Colorado River Basin, 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,*

3 **SECTION 1. RECOVERY OF CERTAIN COSTS WITH RESPECT**
4 **TO CERTAIN COLORADO RIVER BASIN REC-**
5 **LAMATION FACILITIES.**

6 (a) IN GENERAL.—With respect to hydropower pro-
7 duction from any Reclamation facility in the Colorado
8 River Basin with hydropower as an authorized project
9 purpose, the Secretary of the Interior shall not—

1 (1) allocate to preference hydropower contrac-
2 tors who receive power from the applicable Reclama-
3 tion facility any operations and maintenance costs
4 for any period during which the applicable facility is
5 not able to generate hydropower as a result of dry
6 hydrologic conditions; or

7 (2) recover from preference hydropower con-
8 tractors construction costs for the Reclamation facil-
9 ity for any water year during which, for a period of
10 more than 180 days, no power is produced by the
11 applicable facility.

12 (b) NONREIMBURSABLE COSTS.—Any costs incurred
13 by the United States under subsection (a) shall be nonre-
14 imbursable to the United States.

15 (c) EFFECT.—Nothing in this section alters or affects
16 any water right with respect to—

17 (1) the United States;

18 (2) any Indian Tribe, band, or community;

19 (3) any State or political subdivision of a State;

20 or

21 (4) any person.

22 (d) FUNDING.—In addition to amounts otherwise
23 available, there is appropriated to the Secretary of the In-
24 terior and the Administrator of the Western Area Power
25 Administration for each fiscal year, out of any funds in

1 the Treasury not otherwise appropriated, such sums as are
2 necessary for the Secretary of the Interior and the Admin-
3 istrator of the Western Area Power Administration, re-
4 spectively, to carry out authorized activities and obliga-
5 tions that would otherwise be carried out using amounts
6 collected from preference hydropower contractors as pay-
7 ments for the costs described in subsection (a).

○