

119TH CONGRESS
1ST SESSION

S. 887

To provide for a memorandum of understanding to address the impacts of a certain record of decision on the Upper Colorado River Basin Fund.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2025

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

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.

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 “Basin Fund Preserva-
5 tion Act”.

1 **SEC. 2. MEMORANDUM OF UNDERSTANDING TO ADDRESS**
2 **POTENTIAL IMPACTS OF A CERTAIN RECORD**
3 **OF DECISION ON THE UPPER COLORADO**
4 **RIVER BASIN FUND.**

5 (a) IN GENERAL.—As soon as practicable after the
6 date of enactment of this Act, the Secretary of the Inte-
7 rior, acting through the Commissioner of Reclamation,
8 and the Secretary of Energy, acting through the Adminis-
9 trator of the Western Area Power Administration, in con-
10 sultation with the Glen Canyon Dam Adaptive Manage-
11 ment Work Group, shall enter into a memorandum of un-
12 derstanding to explore and address the impact that the
13 record of decision entitled the “Supplement to the 2016
14 Glen Canyon Dam Long-Term Experimental and Manage-
15 ment Plan Record of Decision” and dated July 2024 (re-
16 ferred to in this section as the “record of decision”) has
17 on the Upper Colorado River Basin Fund (referred to in
18 this section 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 hydropower contracts, in-
22 clude the establishment of a plan to—

23 (1) address the effects that the record of deci-
24 sion may have on Fund obligations including routine
25 operations, maintenance, and replacement of critical
26 infrastructure;

1 (2) address the impact that the record of deci-
2 sion has on hydropower production at Glen Canyon
3 Dam, including costs to replace hydropower re-
4 sources and grid reliability; and

5 (3) identify impacts that the record of decision
6 has had on species listed as a threatened species or
7 an endangered species under section 4 of the Endan-
8 gered Species Act of 1973 (16 U.S.C. 1533).

9 (c) SAVINGS CLAUSE.—Nothing in this Act preempts
10 any rights or obligations under subchapter II of chapter
11 5, and chapter 7, of title 5, United States Code (commonly
12 known as the “Administrative Procedure Act”).

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