
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.

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


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

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¹ Department of Energy, Southwestern Power Administration, About. [https://www.energy.gov/swpa/southwestern-power-administration](https://www.energy.gov/swpa/southwestern-power-administration).
² *Id.*
appropriations from Congress that are repaid every year through power sales. 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.”

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. 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.


H.R. 5770 reauthorizes the Federal Priority Streamgage 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 Streamgage 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

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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](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.  

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.” 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. 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. This information is available
to the public via the National Groundwater Monitoring Network Date 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).


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.

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. 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. 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

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9 Id.
11 Id.
12 Statement of Commissioner Touton, U.S. Bureau of Reclamation, Before the Natural Resources Committee Subcommittee on
infrastructure.\textsuperscript{15} The latest report was published on March 2023.\textsuperscript{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.\textsuperscript{17} In general, which 1,000 miles of canals have been identified as crossing through or in the vicinity of a populated area.\textsuperscript{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.\textsuperscript{19}

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


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.

\textsuperscript{15} John D. Dingell, Jr. Conservation, Management, and Recreation Act, P.L. 116-9, Sections 8601-8303 (Reclamation Transparency Act).
\textsuperscript{17} “Water Conveyance Program” U.S. Bureau of Reclamation. \url{https://www.usbr.gov/assetmanagement/Conveyance.html}.
\textsuperscript{18} Id.
\textsuperscript{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. Fulcher (R-ID).

IV. MAJOR PROVISIONS & ANALYSIS

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

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

- 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 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**