

To the office of U.S. Representative Jeff Hurd

Re: HR 3857 (119th Congress), Snow Water Supply Forecasting Program Reauthorization Act of 2026 · Latest action (2026-09-17): Placed on Senate Legislative Calendar under General Orders. Calendar No. 661.

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Office of record (Congress.gov): 1641 Longworth House Office Building, Washington, DC · (202) 225-4676

Improved Snow Forecasts with Capped Funding and State Protections

The measure, as described from the official record: Improve snowpack measurement and water supply forecasts in western states so water managers can respond to changing weather and watershed conditions.

THE PROPOSAL

Congress can fund better snow forecasts for federal reclamation projects, but it cannot use forecasts to take over state water allocation. That limit controls this proposal. Spending power and authority over federal property and interstate commerce support data collection for federal projects, while the Tenth Amendment leaves water rights and allocation decisions to the states and existing contracts.

The Snow Forecast Improvement and Accountability Act would reauthorize the Bureau of Reclamation Snow Water Supply Forecasting Program through fiscal year 2031. The program would support better snowpack measurement and integrated modeling in western river basins served by federal reclamation projects. The goal is timely and complete forecast information that helps managers plan deliveries with greater accuracy.

The bill would direct Reclamation to use integrated measurement and modeling tools where practicable when preparing water supply forecasts. It would give priority to real-time tools, basins where new data can improve management choices, and work that helps program partners adopt new methods. Forecasts would remain advisory inputs to decisions made under existing contracts and state water law.

The strongest objection is that federal forecast data could quietly dictate cuts to contractors or override state water rights. The proposal answers that risk directly: improved forecast data alone would not change contract quantities or state water rights, and any change to deliveries would follow existing contract terms with written notice and an opportunity to respond.

Funding would be capped and drawn from existing Bureau of Reclamation appropriations, with no new fee. Annual public reports would show methods used, accuracy gains, and costs by basin. The Government Accountability Office would review results before 2031, and Congress would then decide whether to extend, revise, or end the program based on measured performance.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Date of enactment, with program authority through September 30, 2031
Enforcement Mechanism	Bureau of Reclamation uses improved snow data only for forecasts tied to federal projects; allocation changes follow existing contracts and administrative review, with annual public reporting
Funding Amount	Cap of \$15 million total over the authorization period, subject to annual appropriations
Funding Source	Existing Bureau of Reclamation Water and Related Resources appropriations, with no new tax or fee
Oversight Body	Bureau of Reclamation with annual report to Congress and review by the Government Accountability Office before reauthorization
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1
- Article I, Section 8, Clause 3
- Article IV, Section 3, Clause 2
- Tenth Amendment
- Fifth Amendment Due Process

Concerns with the measure as written:

- Federal water forecasting must rest on enumerated authority over federal reclamation projects and interstate waters, not a general power over intrastate water allocation which the Tenth Amendment reserves to the states.
 - Directing forecasts or allocations to federal contractors must preserve Fifth Amendment Due Process and existing contract rights, with notice and a chance to contest data-driven allocation changes.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses the concrete gain for Democrats or progressives as more reliable and timely snow and water supply forecasts for western farms, cities, and ecosystems facing changing weather, with priority for basins where better data can guide management. VFA assesses the concrete gain for Republicans or conservatives as a capped reauthorization with a firm sunset, funding from existing appropriations with no new fee, respect for state water law and existing contracts, and forecasts kept as advisory inputs rather than new federal control over allocations.

Strongest objection, and the answer: The strongest objection is that federal forecast data could quietly dictate cuts to contractors or override state water rights. The proposal answers that risk directly: improved forecast data alone would not change contract quantities or state water rights, and any change to deliveries would follow existing contract terms with written notice and an opportunity to respond.

CHECK BEFORE RELYING ON THIS

Basis: The Congress.gov summary of H.R. 3857 states the bill would reauthorize the Snow Water Supply Forecasting Program through FY2031 and direct use of integrated snowpack measurement and modeling for forecasts in certain western states.

The full bill text and current law were not included in the official summary reviewed here. Readers should verify at Congress.gov the covered states, partner eligibility, cost effects, and any appeal rights before relying on allocation or funding details.

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