

108TH CONGRESS
1ST SESSION

S. 212

To authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2003

Mr. BINGAMAN (for himself, Mr. BROWNBACK, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, 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. SHORT TITLE.**

4 This Act may be cited as the “High Plains Aquifer
5 Hydrogeologic Characterization, Mapping, Modeling and
6 Monitoring Act”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) ASSOCIATION.—The term “Association”
4 means the Association of American State Geologists.

5 (2) COUNCIL.—The term “Council” means the
6 Western States Water Council.

7 (3) DIRECTOR.—The term “Director” means
8 the Director of the United States Geological Survey.

9 (4) FEDERAL COMPONENT.—The term “Fed-
10 eral component” means the Federal component of
11 the High Plains Aquifer Comprehensive
12 Hydrogeologic Characterization, Mapping, Modeling
13 and Monitoring Program described in section 3(c).

14 (5) HIGH PLAINS AQUIFER.—The term “High
15 Plains Aquifer” is the groundwater reserve depicted
16 as Figure 1 in the United States Geological Survey
17 Professional Paper 1400-B, titled “Geohydrology of
18 the High Plains Aquifer in Parts of Colorado, Kan-
19 sas, Nebraska, New Mexico, Oklahoma, South Da-
20 kota, Texas, and Wyoming.”.

21 (6) HIGH PLAINS AQUIFER STATES.—The term
22 “High Plains Aquifer States” means the States of
23 Colorado, Kansas, Nebraska, New Mexico, Okla-
24 homa, South Dakota, Texas, and Wyoming.

25 (7) SECRETARY.—The term “Secretary” means
26 the Secretary of the Interior.

1 (8) STATE COMPONENT.—The term “State
2 component” means the State component of the High
3 Plains Aquifer Comprehensive Hydrogeologic Char-
4 acterization, Mapping, Modeling and Monitoring
5 Program described in section 3(d).

6 **SEC. 3. ESTABLISHMENT.**

7 (a) PROGRAM.—The Secretary, working through the
8 United States Geological Survey, and in cooperation with
9 participating State geological surveys and water manage-
10 ment agencies of the High Plains Aquifer States, shall es-
11 tablish and carry out the High Plains Aquifer Comprehen-
12 sive Hydrogeologic Characterization, Mapping, Modeling
13 and Monitoring Program, for the purposes of the charac-
14 terization, mapping, modeling, and monitoring of the High
15 Plains Aquifer. The Program shall undertake on a county-
16 by-county level or at the largest scales and most detailed
17 levels determined to be appropriate on a state-by-state and
18 regional basis—

19 (1) mapping of the hydrogeological configura-
20 tion of the High Plains Aquifer; and

21 (2) with respect to the High Plains Aquifer,
22 analyses of the current and past rates at which
23 groundwater is being withdrawn and recharged, the
24 net rate of decrease or increase in High Plains Aquifer
25 storage, the factors controlling the rate of hori-

1 zontal and vertical migration of water within the
2 High Plains Aquifer, and the current and past rate
3 of change of saturated thickness within the High
4 Plains Aquifer.

5 The Program shall also develop, as recommended by the
6 State panels referred to in subsection (d)(1), regional data
7 bases and groundwater flow models.

8 (b) FUNDING.—The Secretary shall make available
9 fifty percent of the funds available pursuant to this title
10 for use in carrying out the State component of the Pro-
11 gram, as provided for by subsection (d).

12 (c) FEDERAL PROGRAM COMPONENT.—

13 (1) PRIORITIES.—The Program shall include a
14 Federal component, developed in consultation with
15 the Federal Review Panel provided for by subsection
16 (e), which shall have as its priorities—

17 (A) coordinating Federal, State, and local,
18 data, maps, and models into an integrated
19 physical characterization of the High Plains Aquifer;
20

21 (B) supporting State and local activities
22 with scientific and technical specialists; and

23 (C) undertaking activities and providing
24 technical capabilities not available at the State
25 and local levels.

1 (2) INTERDISCIPLINARY STUDIES.—The Fed-
2 eral component shall include interdisciplinary studies
3 that add value to hydrogeologic characterization,
4 mapping, modeling and monitoring for the High
5 Plains Aquifer.

6 (d) STATE PROGRAM COMPONENT.—

7 (1) PRIORITIES.—Upon election by a High
8 Plains Aquifer State, the State may participate in
9 the State component of the Program which shall
10 have as its priorities hydrogeologic characterization,
11 mapping, modeling, and monitoring activities in
12 areas of the High Plains Aquifer that will assist in
13 addressing issues relating to groundwater depletion
14 and resource assessment of the Aquifer. As a condi-
15 tion of participating in the State component of the
16 Program, the Governor or Governor's designee shall
17 appoint a State panel representing a broad range of
18 users of, and persons knowledgeable regarding,
19 hydrogeologic data and information, which shall be
20 appointed by the Governor of the State or the Gov-
21 ernor's designee. Priorities under the State compo-
22 nent shall be based upon the recommendations of
23 the State panel.

24 (2) AWARDS.—

1 (A) Twenty percent of the Federal funds
2 available under the State component shall be
3 equally divided among the State geological sur-
4 veys of the High Plains Aquifer States to carry
5 out the purposes of the Program provided for
6 by this title. In the event that the State geologi-
7 cal survey is unable to utilize the funding for
8 such purposes, the Secretary may, upon the pe-
9 tition of the Governor of the State, direct the
10 funding to some other agency of the State to
11 carry out the purposes of the Program.

12 (B) In the case of a High Plains Aquifer
13 State that has elected to participate in the
14 State component of the Program, the remaining
15 funds under the State component shall be com-
16 petitively awarded to State or local agencies or
17 entities in the High Plains Aquifer States, in-
18 cluding State geological surveys, State water
19 management agencies, institutions of higher
20 education, or consortia of such agencies or enti-
21 ties. A State may submit a proposal for the
22 United States Geological Survey to undertake
23 activities and provide technical capabilities not
24 available at the State and local levels. Such
25 funds shall be awarded by the Director only for

1 proposals that have been recommended by the
2 State panels referred to in subsection (d)(1),
3 subjected to independent peer review, and given
4 final prioritization and recommendation by the
5 Federal Review Panel established under sub-
6 section (e). Proposals for multistate activities
7 must be recommended by the State panel of at
8 least one of the affected States.

9 (e) FEDERAL REVIEW PANEL.—

10 (1) ESTABLISHMENT.—There shall be estab-
11 lished a Federal Review Panel to evaluate the pro-
12 posals submitted for funding under the State compo-
13 nent under subsection (d)(2)(B) and to recommend
14 approvals and levels of funding. In addition, the
15 Federal Review Panel shall review and coordinate
16 the Federal component priorities under subsection
17 (c)(1), Federal interdisciplinary studies under sub-
18 section (c)(2), and the State component priorities
19 under subsection (d)(1).

20 (2) COMPOSITION AND SUPPORT.—Not later
21 than 3 months after the date of enactment of this
22 title, the Secretary shall appoint to the Federal Re-
23 view Panel: (1) three representatives of the United
24 States Geological Survey, at least one of which shall
25 be a hydrologist or hydrogeologist; and (2) four rep-

1 representatives of the geological surveys and water
2 management agencies of the High Plains Aquifer
3 States from lists of nominees provided by the Asso-
4 ciation and the Council, so that there are two rep-
5 resentatives of the State geological surveys and two
6 representatives of the State water management
7 agencies. Appointment to the Panel shall be for a
8 term of 3 years. The Director shall provide technical
9 and administrative support to the Federal Review
10 Panel. Expenses for the Federal Review Panel shall
11 be paid from funds available under the Federal com-
12 ponent of the Program.

13 (f) LIMITATION.—The United States Geological Sur-
14 vey shall not use any of the Federal funds to be made
15 available under the State component for any fiscal year
16 to pay indirect, servicing, or Program management
17 charges. Recipients of awards granted under subsection
18 (d)(2)(B) shall not use more than 18 percent of the Fed-
19 eral award amount for any fiscal year for indirect, serv-
20 icing, or Program management charges. The Federal
21 share of the costs of an activity funded under subsection
22 (d)(2)(B) shall be no more than 50 percent of the total
23 cost of that activity. The Secretary may apply the value
24 of in-kind contributions of property and services to the
25 non-Federal share of the costs of the activity.

1 **SEC. 4. PLAN.**

2 The Secretary, acting through the Director, shall, in
3 consultation with the Association, the Council, the Federal
4 Review Panel, and the State panels, prepare a plan for
5 the High Plains Aquifer Comprehensive Hydrogeologic
6 Characterization, Mapping, Modeling and Monitoring Pro-
7 gram. The plan shall address overall priorities for the Pro-
8 gram and a management structure and Program oper-
9 ations, including the role and responsibilities of the United
10 States Geological Survey and the States in the Program,
11 and mechanisms for identifying priorities for the Federal
12 component and the State component.

13 **SEC. 5. REPORTING REQUIREMENTS.**

14 (a) REPORT ON PROGRAM IMPLEMENTATION.—One
15 year after the date of enactment of this Act, and every
16 2 years thereafter through fiscal year 2011, the Secretary
17 shall submit a report on the status of implementation of
18 the Program established by this Act to the Committee on
19 Energy and Natural Resources of the Senate, the Com-
20 mittee on Resources of the House of Representatives, and
21 the Governors of the High Plains Aquifer States. The ini-
22 tial report submitted by the Secretary shall contain the
23 plan required by section 4.

24 (b) REPORT ON HIGH PLAINS AQUIFER.—One year
25 after the date of enactment of this Act and every year
26 thereafter through fiscal year 2011, the Secretary shall

1 submit a report to the Committee on Energy and Natural
2 Resources of the Senate, the Committee on Resources of
3 the House of Representatives, and the Governors of the
4 High Plains Aquifer States on the status of the High
5 Plains Aquifer, including aquifer recharge rates, extrac-
6 tion rates, saturated thickness, and water table levels.

7 (c) **ROLE OF FEDERAL REVIEW PANEL.**—The Fed-
8 eral Review Panel shall be given an opportunity to review
9 and comment on the reports required by this section.

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums
12 as may be necessary for each of the fiscal years 2003
13 through 2011 to carry out this Act .

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