108TH CONGRESS 1ST SESSION

S. 531

To direct the Secretary of the Interior to establish the Missouri River Monitoring and Research Program, to authorize the establishment of the Missouri River Basin Stakeholder Committee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 5, 2003

Mr. Dorgan (for himself and Mr. Johnson) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

- To direct the Secretary of the Interior to establish the Missouri River Monitoring and Research Program, to authorize the establishment of the Missouri River Basin Stakeholder Committee, 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 "Missouri River En-
 - 5 hancement and Monitoring Act of 2003".
 - 6 SEC. 2. DEFINITIONS.
 - 7 In this Act:

1	(1) CENTER.—The term "Center" means the
2	River Studies Center of the Biological Resources Di-
3	vision of the United States Geological Survey, lo-
4	cated in Columbia, Missouri.
5	(2) COMMITTEE.—The term "Committee"
6	means the Missouri River Basin Stakeholder Com-
7	mittee established under section 4(a).
8	(3) Indian tribe.—The term "Indian tribe"
9	has the meaning given the term in section 4 of the
10	Indian Self-Determination and Education Assistance
11	Act (25 U.S.C. 450b).
12	(4) Program.—The term "program" means
13	the Missouri River monitoring and research program
14	established under section 3(a).
15	(5) RIVER.—The term "River" means the Mis-
16	souri River.
17	(6) Secretary.—The term "Secretary" means
18	the Secretary of the Interior, acting through the Bi-
19	ological Resources Division of the United States Ge-
20	ological Survey.
21	(7) State.—The term "State" means—
22	(A) the State of Iowa;
23	(B) the State of Kansas;
24	(C) the State of Missouri;
25	(D) the State of Montana;

1	(E) the State of Nebraska;
2	(F) the State of North Dakota;
3	(G) the State of South Dakota; and
4	(H) the State of Wyoming.
5	(8) STATE AGENCY.—The term "State agency"
6	means an agency of a State that has jurisdiction
7	over fish and wildlife of the River.
8	SEC. 3. MISSOURI RIVER MONITORING AND RESEARCH
9	PROGRAM.
10	(a) Establishment.—Not later than 1 year after
11	the date of enactment of this Act, the Secretary shall es-
12	tablish the Missouri River monitoring and research Pro-
13	gram—
14	(1)(A) to coordinate the collection of informa-
15	tion on the biological and water quality characteris-
16	tics of the River; and
17	(B) to evaluate how those characteristics are af-
18	fected by hydrology;
19	(2) to coordinate the monitoring and assess-
20	ment of biota (including threatened or endangered
21	species) and habitat of the River; and
22	(3) to make recommendations on means to as-
23	sist in restoring the ecosystem of the River.
24	(b) Consultation.—In establishing the program
25	under subsection (a), the Secretary shall consult with—

1	(1) the Biological Resources Division of the
2	United States Geological Survey;
3	(2) the Director of the United States Fish and
4	Wildlife Service;
5	(3) the Chief of Engineers;
6	(4) the Western Area Power Administration;
7	(5) the Administrator of the Environmental
8	Protection Agency;
9	(6) the Governors of the States, acting
10	through—
11	(A) the Missouri River Natural Resources
12	Committee; and
13	(B) the Missouri River Basin Association;
14	and
15	(7) the Indian tribes of the Missouri River
16	Basin.
17	(c) Administration.—The Center shall administer
18	the program.
19	(d) Activities.—In administering the program, the
20	Center shall—
21	(1) establish a baseline of conditions for the
22	River against which future activities may be meas-
23	ured;

1	(2) monitor biota (including threatened or en-
2	dangered species), habitats, and the water quality of
3	the River;
4	(3) if initial monitoring carried out under para-
5	graph (2) indicates that there is a need for addi-
6	tional research, carry out any additional research
7	appropriate to—
8	(A) advance the understanding of the eco-
9	system of the River; and
10	(B) assist in guiding the operation and
11	management of the River;
12	(4) use any scientific information obtained from
13	the monitoring and research to assist in the recovery
14	of the threatened species and endangered species of
15	the River; and
16	(5) establish a scientific database that shall
17	be—
18	(A) coordinated among the States and In-
19	dian tribes of the Missouri River Basin; and
20	(B) readily available to members of the
21	public.
22	(e) Contracts With Indian Tribes.—
23	(1) IN GENERAL.—Notwithstanding any other
24	provision of law, the Secretary shall enter into con-
25	tracts in accordance with section 102 of the Indian

1	Self-Determination Act (25 U.S.C. 450f) with In-
2	dian tribes that have—
3	(A) reservations located along the River;
4	and
5	(B) an interest in monitoring and assess-
6	ing the condition of the River.
7	(2) REQUIREMENTS.—A contract entered into
8	under paragraph (1) shall be for activities that—
9	(A) carry out the purposes of this Act; and
10	(B) complement any activities relating to
11	the River that are carried out by—
12	(i) the Center; or
13	(ii) the States.
14	(f) Monitoring and Recovery of Threatened
15	SPECIES AND ENDANGERED SPECIES.—The Center shall
16	provide financial assistance to the United States Fish and
17	Wildlife Service and State agencies to monitor and recover
18	threatened species and endangered species, including mon-
19	itoring the response of pallid sturgeon to reservoir oper-
20	ations on the mainstem of the River.
21	(g) Grant Program.—
22	(1) IN GENERAL.—The Center shall carry out
23	a competitive grant program under which the Center
24	shall provide grants to States, Indian tribes, re-
25	search institutions, and other eligible entities and in-

1	dividuals to conduct research on the impacts of the
2	operation and maintenance of the mainstem res-
3	ervoirs on the River on the health of fish and wild-
4	life of the River, including an analysis of any ad-
5	verse social and economic impacts that result from
6	reoperation measures on the River.
7	(2) REQUIREMENTS.—On an annual basis, the
8	Center, the Director of the United States Fish and
9	Wildlife Service, the Director of the United States
10	Geological Survey, and the Missouri River Natural
11	Resources Committee, shall—
12	(A) prioritize research needs for the River;
13	(B) issue a request for grant proposals;
14	and
15	(C) award grants to the entities and indi-
16	viduals eligible for assistance under paragraph
17	(1).
18	(h) Allocation of Funds.—
19	(1) Center.—Of amounts made available to
20	carry out this section, the Secretary shall make the
21	following percentages of funds available to the Cen-
22	ter:
23	(A) 35 percent for fiscal year 2004.
24	(B) 40 percent for fiscal year 2005.

1	(C) 50 percent for each of fiscal years
2	2006 through 2018.
3	(2) States and indian tribes.—Of amounts
4	made available to carry out this section, the Sec-
5	retary shall use the following percentages of funds to
6	provide assistance to States or Indian tribes of the
7	Missouri River Basin to carry out activities under
8	subsection (d):
9	(A) 65 percent for fiscal year 2004.
10	(B) 60 percent for fiscal year 2005.
11	(C) 50 percent for each of fiscal years
12	2006 through 2018.
13	(3) Use of allocations.—
14	(A) IN GENERAL.—Of the amount made
15	available to the Center for a fiscal year under
16	paragraph (1)(C), not less than—
17	(i) 20 percent of the amount shall be
18	made available to provide financial assist-
19	ance under subsection (f); and
20	(ii) 33 percent of the amount shall be
21	made available to provide grants under
22	subsection (g).
23	(B) Administrative and other ex-
24	PENSES.—Any amount remaining after applica-

1	tion of subparagraph (A) shall be used to pay
2	the costs of—
3	(i) administering the program;
4	(ii) collecting additional information
5	relating to the River, as appropriate;
6	(iii) analyzing and presenting the in-
7	formation collected under clause (ii); and
8	(iv) preparing any appropriate re-
9	ports, including the report required by sub-
10	section (i).
11	(i) Report.—Not later than 3 years after the date
12	on which the program is established under subsection (a),
13	and not less often than every 3 years thereafter, the Sec-
14	retary, in cooperation with the individuals and agencies
15	referred to in subsection (b), shall—
16	(1) review the program;
17	(2) establish and revise the purposes of the pro-
18	gram, as the Secretary determines to be appropriate;
19	and
20	(3) submit to the appropriate committees of
21	Congress a report on the environmental health of
22	the River, including—
23	(A) recommendations on means to assist in
24	the comprehensive restoration of the River; and

1	(B) an analysis of any adverse social and
2	economic impacts on the River, in accordance
3	with subsection $(g)(1)$.
4	SEC. 4. MISSOURI RIVER BASIN STAKEHOLDER COM-
5	MITTEE.
6	(a) Establishment.—Not later than 1 year after
7	the date of enactment of this Act, the Governors of the
8	States and the governing bodies of the Indian tribes of
9	the Missouri River Basin shall establish a committee to
10	be known as the "Missouri River Basin Stakeholder Com-
11	mittee" to make recommendations to the Federal agencies
12	with jurisdiction over the River on means of restoring the
13	ecosystem of the River.
14	(b) Membership.—The Governors of the States and
15	governing bodies of the Indian tribes of the Missouri River
16	Basin shall appoint to the Committee—
17	(1) representatives of—
18	(A) the States; and
19	(B) Indian tribes of the Missouri River
20	Basin;
21	(2) individuals in the States with an interest in
22	or expertise relating to the River; and
23	(3) such other individuals as the Governors of
24	the States and governing bodies of the Indian tribes

1	of the Missouri River Basin determine to be appro-
2	priate.
3	SEC. 5. AUTHORIZATION OF APPROPRIATIONS.
4	There are authorized to be appropriated to the Sec-
5	retary—
6	(1) to carry out section 3—
7	(A) \$6,500,000 for fiscal year 2004;
8	(B) $\$8,500,000$ for fiscal year 2005; and
9	(C) \$15,100,000 for each of fiscal years
10	2006 through 2018; and
11	(2) to carry out section 4, \$150,000 for fiscal
12	year 2004.

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