

107TH CONGRESS  
2D SESSION

# S. 2853

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.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

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

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## 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 2002”.

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  
 13 Program—

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-

dividuals to conduct research on the impacts of the operation and maintenance of the mainstem reservoirs on the River on the health of fish and wildlife of the River, including an analysis of any adverse social and economic impacts that result from reoperation measures on the River.

(2) REQUIREMENTS.—On an annual basis, the Center, the Director of the United States Fish and Wildlife Service, the Director of the United States Geological Survey, and the Missouri River Natural Resources Committee, shall—

(A) prioritize research needs for the River;

(B) issue a request for grant proposals;

and

(C) award grants to the entities and individuals eligible for assistance under paragraph (1).

(h) ALLOCATION OF FUNDS.—

(1) CENTER.—Of amounts made available to carry out this section, the Secretary shall make the following percentages of funds available to the Center:

(A) 35 percent for fiscal year 2003.

(B) 40 percent for fiscal year 2004.

1 (C) 50 percent for each of fiscal years  
 2 2005 through 2017.

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 2003.

10 (B) 60 percent for fiscal year 2004.

11 (C) 50 percent for each of fiscal years  
 12 2005 through 2017.

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 (i) 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  
5 Secretary—

6 (1) to carry out section 3—

7 (A) \$6,500,000 for fiscal year 2003;

8 (B) \$8,500,000 for fiscal year 2004; and

9 (C) \$15,100,000 for each of fiscal years  
10 2005 through 2017; and

11 (2) to carry out section 4, \$150,000 for fiscal  
12 year 2003.

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