

108TH CONGRESS  
1ST SESSION

# H. R. 3373

To direct the Secretary of the Interior to monitor the health of the Missouri River and measure biological, chemical, and physical responses to changes in river management and other significant variables.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2003

Mr. BEREUTER introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To direct the Secretary of the Interior to monitor the health of the Missouri River and measure biological, chemical, and physical responses to changes in river management and other significant variables.

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 2004”.

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) INDIAN TRIBE.—The term “Indian tribe”  
6 has the meaning given that term in section 4 of the  
7 Indian Self-Determination and Education Assistance  
8 Act (25 U.S.C. 450b).

9           (3) RIVER.—The term “River” means the Mis-  
10 souri River.

11           (4) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Interior, acting through the Bi-  
13 ological Resources Division of the United States Ge-  
14 ological Survey.

15           (5) STATE.—The term “State” means—

16                   (A) the State of Iowa;

17                   (B) the State of Kansas;

18                   (C) the State of Missouri;

19                   (D) the State of Montana;

20                   (E) the State of Nebraska;

21                   (F) the State of North Dakota;

22                   (G) the State of South Dakota; and

23                   (H) the State of Wyoming.

1 **SEC. 3. LONG-TERM MONITORING PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 2 years after  
3 the date of the enactment of this Act, the Secretary of  
4 the Interior, in consultation with the Director of the  
5 United States Geological Survey, shall establish a program  
6 at the Center—

7 (1) to determine and monitor the biological and  
8 chemical characteristics of the River;

9 (2) to determine and monitor the interrelation-  
10 ship of those characteristics with the hydrology and  
11 geomorphology of the river; and

12 (3) to monitor and assess the biota, including  
13 threatened or endangered species, habitats, and  
14 water quality of the River.

15 (b) DEVELOPMENT.—To develop the program, the  
16 Secretary of the Interior and the Director of the United  
17 States Geological Survey shall consult with—

18 (1) the Governors of affected States, acting  
19 through—

20 (A) the Missouri River Natural Resources  
21 Committee; and

22 (B) the Missouri River Basin Association;  
23 and

24 (2) the Secretary of Agriculture;

25 (3) the Secretary of the Army;

26 (4) the Western Area Power Administration;

1 (5) the Fish and Wildlife Service;

2 (6) the Administrator of the Environmental  
3 Protection Agency; and

4 (7) the Missouri River Basin Indian Tribes.

5 (c) ACTIVITIES.—The program described in sub-  
6 section (a) shall provide scientific information to—

7 (1) guide the operation and management of the  
8 River;

9 (2) measure and model the impact of manage-  
10 ment alternatives through—

11 (A) monitoring of biota, including threat-  
12 ened or endangered species, habitats, and water  
13 quality;

14 (B) focused investigations of cause and ef-  
15 fect relationships; and

16 (C) identification and evaluation of meth-  
17 ods to conserve fish and wildlife, including  
18 threatened and endangered species; and

19 (3) make recommendations on means to restore  
20 or enhance the ecosystem of the River.

21 (d) BASELINE.—The program described in subsection  
22 (a) shall establish a baseline of conditions against which  
23 future activities can be measured.

24 (e) DATABASE.—The Secretary of the Interior  
25 shall—

1           (1) establish a database on River biota, includ-  
2           ing threatened or endangered species, habitats, and  
3           water quality; and

4           (2) make the database readily available to the  
5           entities listed in subsection (b) and the public.

6           (f) REPORT.—Not later than 3 years after the date  
7           of establishment of the program described in subsection  
8           (a), and not less frequently than every 3 years thereafter,  
9           the Secretary of the Interior, acting through the Director  
10          of the United States Geological Survey, shall—

11           (1) review the program;

12           (2) as necessary, establish and revise the objec-  
13           tives of the program; and

14           (3) submit to Congress a report on the environ-  
15           mental health of the River.

16          (g) INDIAN TRIBES.—Notwithstanding any other  
17          provision of law, the Secretary of the Interior may enter  
18          into contracts, pursuant to the Indian Self Determination  
19          Act (title I of the Indian Self Determination and Edu-  
20          cation Assistance Act; 25 U.S.C. chapter 14, subchapter  
21          II, part A (25 U.S.C. 450f et seq.)) with Tribes whose  
22          Reservations are located along the River and have an in-  
23          terest in environmental restoration. The tasks to be con-  
24          tracted shall assist in the implementation of the research  
25          and monitoring program elements set forth in this section

1 and shall complement the activities undertaken by the Sec-  
2 retary of the Interior and the affected State Governments.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be  
5 appropriated to the Secretary of the Interior to  
6 carry out this section—

7 (A) \$6,500,000 for fiscal year 2005;

8 (B) \$8,500,000 for fiscal year 2006; and

9 (C) \$15,100,000 for each of fiscal years  
10 2007 through 2020.

11 (2) ALLOCATION OF FUNDS.—Funding of the  
12 program shall be implemented in the following man-  
13 ner:

14 (A) Not more than the following percent-  
15 age of the funds available shall be directed to  
16 the Center:

17 (i) 25 percent in fiscal year 2005.

18 (ii) 40 percent in fiscal year 2006.

19 (iii) 65 percent in fiscal years after  
20 2007.

21 At least 50 percent of such funds shall be di-  
22 rected to the Center in fiscal years after 2007.

23 (B) The remaining funds shall be made  
24 available by the Secretary, in consultation with  
25 the Director of the Center, to State hydrology,

1 environmental quality, natural resource, and  
2 fish and wildlife agencies in the River basin in  
3 order to collect field data, provide field oper-  
4 ational support for monitoring, and conduct  
5 monitoring activities that are designed to en-  
6 hance and supplement existing scientific knowl-  
7 edge of the River system.

8 (3) THREATENED AND ENDANGERED SPE-  
9 CIES.—Of the amounts made available under para-  
10 graph (1) for each fiscal year, \$1,500,000 shall be  
11 made available to the Secretary of the Interior and  
12 the State agencies with jurisdiction for River fish  
13 and wildlife to monitor and conduct focused inves-  
14 tigations of endangered fish, including the response  
15 of the pallid sturgeon to main stem reservoir oper-  
16 ations.

17 (4) FUNDING OF FOCUSED INVESTIGATIONS.—  
18 The focused investigations component of the pro-  
19 gram established under paragraph (3) shall be fund-  
20 ed using a competitive process. Each year, the direc-  
21 tors of the State fish and game agencies with juris-  
22 diction for River fish and wildlife, in consultation  
23 with the Secretary of the Interior, and the entities  
24 listed under subsection (b)(1), shall prioritize infor-  
25 mation needs and issue a request for proposals to

1 State, Federal, for-profit, and not-for-profit organi-  
2 zations with River interest and expertise. The direc-  
3 tors and the Secretary shall review and select those  
4 proposals to be funded.

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