

107TH CONGRESS  
1ST SESSION

# H. R. 1800

To establish the Upper Mississippi River Stewardship Initiative to monitor and reduce sediment and nutrient loss in the Upper Mississippi River.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2001

Mr. KIND (for himself, Mr. LEACH, Mr. GILCHREST, Mr. EVANS, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. DINGELL, Mr. BLUMENAUER, Mr. KILDEE, Ms. BALDWIN, Mr. SMITH of Washington, Mr. PALLONE, Mr. LUTHER, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. DEFazio, Mr. MANZULLO, Mr. TANNER, Mr. PETRI, and Mr. FORD) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the Upper Mississippi River Stewardship Initiative to monitor and reduce sediment and nutrient loss in the Upper Mississippi River.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Upper Mississippi River Basin Conservation Act of  
6 2001”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings, purposes, and reliance on sound science.
- Sec. 3. Definitions.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

- Sec. 101. Establishment of monitoring network.
- Sec. 102. Data collection and storage responsibilities.
- Sec. 103. Relationship to existing sediment and nutrient monitoring.
- Sec. 104. Collaboration with other public and private monitoring efforts.
- Sec. 105. Cost share requirements.
- Sec. 106. Reporting requirements.
- Sec. 107. Assessment of water resource and water quality management.

TITLE II—INITIATIVE GRANT, DEMONSTRATION, AND OUTREACH PROGRAMS

- Sec. 201. Computer modeling of sediment and nutrient sources.
- Sec. 202. Research regarding best management practices and sediment and nutrient loss.
- Sec. 203. Demonstration projects regarding new best management practices to reduce sediment and nutrient loss.
- Sec. 204. Use of electronic means to distribute information.
- Sec. 205. Reporting requirements.

TITLE III—PROTECTION OF PERSONAL DATA

- Sec. 301. Privacy of personal data received by Department of Agriculture and data gathering locations.

TITLE IV—ADVISORY COUNCIL ON THE UPPER MISSISSIPPI RIVER STEWARDSHIP INITIATIVE

- Sec. 401. Establishment of Advisory Council.
- Sec. 402. Responsibilities of Advisory Council.
- Sec. 403. Advisory nature of Council.

TITLE V—FEDERAL INTERAGENCY WORKING GROUP

- Sec. 501. Establishment of Interagency Working Group.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

- Sec. 601. Authorization of appropriations.

3 **SEC. 2. FINDINGS, PURPOSES, AND RELIANCE ON SOUND**  
 4 **SCIENCE.**

5 (a) FINDINGS.—Congress finds the following:

1           (1) The Upper Mississippi River and its tribu-  
2           taries are an important source of municipal and in-  
3           dustrial water supplies for many of the region's  
4           more than 24,000,000 residents.

5           (2) The Upper Mississippi River Basin supports  
6           many economic activities of regional and national  
7           importance and is an important element of the na-  
8           tional transportation infrastructure, enabling ship-  
9           ment of agricultural, petroleum, coal, and many  
10          other products.

11          (3) Millions of tourists annually visit the Upper  
12          Mississippi River Basin to fish, hunt, swim, boat,  
13          and camp, as well as to visit the region's many his-  
14          toric towns and archaeological sites.

15          (4) The sediments and nutrients that inadvert-  
16          ently enter streams, and ultimately the Mississippi  
17          River, result in—

18                 (A) a reduction in the quality and quantity  
19                 of farm crops and thereby a reduction in farm  
20                 income;

21                 (B) an increase in channel maintenance  
22                 costs;

23                 (C) a threat to drinking water supplies;  
24                 and

1 (D) the filling of side channels used by  
2 river wildlife.

3 (5) The public and private costs associated with  
4 sediment and nutrient loss in the Upper Mississippi  
5 River Basin are significant:

6 (A) Farmers lose more than \$300,000,000  
7 worth of applied nitrogen annually.

8 (B) Dredging costs exceed \$100,000,000  
9 annually.

10 (C) The cost of habitat restoration efforts  
11 along the main stem of the Upper Mississippi  
12 River will soon reach \$33,000,000 annually.

13 (6) Although there are more than 75 local,  
14 State, tribal, and Federal public and private pro-  
15 grams designed to address sediment and nutrient  
16 loss in the Upper Mississippi River Basin, there is  
17 a lack of collaboration by resource managers to iden-  
18 tify and address significant sources of sediment and  
19 nutrient loss, monitor results, share information, or  
20 set priorities. Consequently, programs often overlap,  
21 gaps are left unfilled, and scarce resources are not  
22 used efficiently.

23 (7) Results of research conducted in the Mis-  
24 sissippi River Basin by the Mississippi River Basin/  
25 Gulf of Mexico Watershed Nutrient Task Force call

1 for a cooperative, interagency, adaptive management  
2 approach to natural resource management at the  
3 basin level.

4 (8) Congress and the executive branch recog-  
5 nize the need to focus Federal investment in natural  
6 resources management and stewardship in the  
7 Upper Mississippi River Basin in a manner that is  
8 coordinated, efficient, and effective to meet local,  
9 State, tribal, Basin-wide, and national goals for agri-  
10 culture and environmental health and sustainability.

11 (9) An approach to natural resource manage-  
12 ment at the basin level, which is region-specific and  
13 coordinates existing Federal, State and local pro-  
14 grams, is essential to attain common water quality  
15 goals while reducing duplication. Involving advisory  
16 groups of local, State, and tribal residents, in con-  
17 cert with Federal agencies with appropriate natural  
18 resource authorities, is the most effective means to  
19 ensure that Federal investments accomplish desired  
20 results at the local, State, tribal, and Basin-wide lev-  
21 els. This would ensure that conservation activities  
22 would contribute to similar national goals.

23 (10) A public-private approach to natural re-  
24 source management in the Upper Mississippi River  
25 Basin would ensure that all voices would be heard

1 and all interested persons would be able to con-  
2 tribute to a process of meeting complimentary and  
3 overlapping resource management and environmental  
4 goals.

5 (b) PURPOSES.—The purposes of this Act are—

6 (1) to adopt a coordinated public-private ap-  
7 proach in the Upper Mississippi River Basin to take  
8 action to control nutrient and sediment loss, to mon-  
9 itor the results of such actions, share information,  
10 and make adjustments to further reduce nutrient  
11 and sediment loss;

12 (2) to identify major sources of sediment and  
13 nutrients that wash into rivers and streams of the  
14 Upper Mississippi River Basin;

15 (3) to use computer models in conjunction with  
16 monitoring data to track, over the short- and long-  
17 term, the quantity, transport, and fate of sediments  
18 and nutrients that enter the Upper Mississippi River  
19 Basin;

20 (4) to increase and target technical and finan-  
21 cial assistance to reduce nutrient and sediment loss  
22 in the Upper Mississippi River Basin;

23 (5) to develop innovative ways to reduce sedi-  
24 ment and nutrient loss;

25 (6) to expand efforts to share information; and

1           (7) to coordinate public and private programs  
2           to collaboratively set and meet priorities.

3           (c) RELIANCE ON SOUND SCIENCE AND ADAPTIVE  
4 MANAGEMENT.—It is the policy of Congress that Federal  
5 investments in the Upper Mississippi River Basin must  
6 be guided by sound science and management actions  
7 should be guided by an adaptive management framework.

8           (d) DEPARTMENT OF AGRICULTURE USE OF COL-  
9 LLECTED DATA.—The Secretary of Agriculture may use  
10 the scientific data collected from the monitoring and mod-  
11 eling network established pursuant to section 101 to tar-  
12 get conservation programs, including, but not limited to,  
13 the following:

14           (1) The Environmental Quality Incentives Pro-  
15 gram.

16           (2) The Wetland Reserve Program.

17           (3) The Conservation Reserve Program.

18 **SEC. 3. DEFINITIONS.**

19           In this Act:

20           (1) The term “Advisory Council” means the  
21 Advisory Council on the Upper Mississippi River  
22 Stewardship Initiative established by title IV.

23           (2) The terms “Upper Mississippi River Basin”  
24 and “Basin” mean the watershed portion of the  
25 Upper Mississippi River and Illinois River basins,

1 from Cairo, Illinois to the headwaters of the Mis-  
2 sissippi River. The designation includes the  
3 Kaskaskia watershed along the Illinois River, and  
4 the Meramec watershed along the Missouri River.

5 (3) The terms “Upper Mississippi River Stew-  
6 ardsip Initiative” and “Initiative” mean the activi-  
7 ties authorized or required by this Act to monitor  
8 and reduce nutrient and sediment loss in the Upper  
9 Mississippi River Basin.

10 (4) The term “sound science” means a sci-  
11 entific method that uses the best available technical  
12 and scientific information and techniques to identify  
13 and understand natural resource management needs  
14 and appropriate treatments, to implement conserva-  
15 tion measures, and to assess the results of treat-  
16 ments on natural resource health and sustainability  
17 in the Upper Mississippi River Basin.

18 (5) The term “adaptive management frame-  
19 work” refers to a comprehensive management pro-  
20 gram that combines planning, monitoring, modeling,  
21 and research to improve scientific knowledge, make  
22 adjustments in management practices based upon  
23 new information, and target actions within water-  
24 sheds where the actions will be most effective.

1 **TITLE I—SEDIMENT AND NUTRI-**  
2 **ENT MONITORING NETWORK**

3 **SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.**

4 (a) ESTABLISHMENT.—As part of the Upper Mis-  
5 sissippi River Stewardship Initiative, the Secretary of the  
6 Interior shall establish a sediment and nutrient moni-  
7 toring network for the Upper Mississippi River Basin for  
8 the purpose of—

9 (1) monitoring sediment and nutrient loss into  
10 Upper Mississippi River Basin;

11 (2) recording changes to sediment and nutrient  
12 loss over time;

13 (3) providing coordinated data to be used in  
14 computer modeling of the Basin, pursuant to section  
15 201; and

16 (4) identifying major sources of sediment and  
17 nutrients within the Basin for the purpose of tar-  
18 geting resources to reduce sediment and nutrient  
19 loss.

20 (b) ROLE OF UNITED STATES GEOLOGICAL SUR-  
21 VEY.—The Secretary of the Interior shall carry out this  
22 title acting through the office of the Director of the United  
23 States Geological Survey.

24 (c) HEADQUARTERS.—Sediment and nutrient moni-  
25 toring information shall be headquartered at the Upper

1 Midwest Environmental Sciences Center in La Crosse,  
2 Wisconsin.

3 **SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.**  
4

5 (a) **GUIDELINES FOR DATA COLLECTION AND STORAGE.**—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

12 (b) **RELEASE OF DATA.**—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and location coordinates. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

19 (c) **CONSULTATION.**—The Secretary of the Interior shall establish the guidelines under subsection (a) in consultation with the Secretary of Agriculture and all entities known to be conducting sediment and nutrient monitoring in the Upper Mississippi River Basin.

1 **SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NU-**  
2 **TRIENT MONITORING.**

3 (a) INVENTORY.—To the maximum extent prac-  
4 ticable, the Secretary of the Interior shall inventory the  
5 sediment and nutrient monitoring efforts, in existence as  
6 of the date of the enactment of this Act, of Federal, State,  
7 local, and nongovernmental entities for the purpose of cre-  
8 ating a baseline understanding of overlap, data gaps and  
9 redundancies.

10 (b) INTEGRATION.—On the basis of the inventory,  
11 the Secretary of the Interior shall integrate the existing  
12 sediment and nutrient monitoring efforts, to the maximum  
13 extent practicable, into the sediment and nutrient moni-  
14 toring network required by section 101.

15 (c) CONSULTATION AND USE OF EXISTING DATA.—  
16 In carrying out this section, the Secretary of the Interior  
17 shall make maximum use of data in existence as of the  
18 date of the enactment of this Act and of ongoing programs  
19 and efforts of Federal, State, tribal, local, and nongovern-  
20 mental entities in developing the sediment and nutrient  
21 monitoring network required by section 101.

22 **SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRI-**  
23 **VATE MONITORING EFFORTS.**

24 To establish the sediment and nutrient monitoring  
25 network, the Secretary of the Interior shall collaborate,  
26 to the maximum extent practicable, with other Federal,

1 State, tribal, local and private sediment and nutrient mon-  
2 itoring programs that meet guidelines prescribed under  
3 section 102(a), as determined by the Secretary of the Inte-  
4 rior.

5 **SEC. 105. COST SHARE REQUIREMENTS.**

6 (a) **REQUIRED COST SHARING.**—The non-Federal  
7 sponsors of the sediment and nutrient monitoring network  
8 shall be responsible for not less than 25 percent of the  
9 costs of maintaining the network.

10 (b) **IN-KIND CONTRIBUTIONS.**—Up to 80 percent of  
11 the non-Federal share may be provided through in-kind  
12 contributions.

13 (c) **TREATMENT OF EXISTING EFFORTS.**—A State or  
14 local monitoring effort, in existence as of the date of the  
15 enactment of this Act, that the Secretary of the Interior  
16 finds adheres to the guidelines prescribed under section  
17 102(a) shall be deemed to satisfy the cost share require-  
18 ments of this section.

19 **SEC. 106. REPORTING REQUIREMENTS.**

20 The Secretary of the Interior shall report to Congress  
21 not later than 180 days after the date of the enactment  
22 of this Act on the development of the sediment and nutri-  
23 ent monitoring network.

1 **SEC. 107. ASSESSMENT OF WATER RESOURCE AND WATER**  
2 **QUALITY MANAGEMENT.**

3 The National Research Council of the National Acad-  
4 emy of Sciences shall conduct a comprehensive assessment  
5 of the water resource and water quality management with-  
6 in the Upper Mississippi River Basin for the purpose of  
7 reviewing nonpoint source water quality issues and pro-  
8 viding scientific and policy advice for addressing water  
9 quality and associated watershed problems.

10 **TITLE II—INITIATIVE GRANT,**  
11 **DEMONSTRATION, AND OUT-**  
12 **REACH PROGRAMS**

13 **SEC. 201. COMPUTER MODELING OF SEDIMENT AND NUTRI-**  
14 **ENT SOURCES.**

15 (a) MODELING PROGRAM REQUIRED.—As part of the  
16 Upper Mississippi River Stewardship Initiative, the Direc-  
17 tor of the United States Geological Survey, in collabora-  
18 tion with the Chief of the Natural Resources Conservation  
19 Service, shall establish a modeling program to identify sig-  
20 nificant sources of sediment and nutrients in the Upper  
21 Mississippi River Basin.

22 (b) ROLE.—Computer modeling shall be used to iden-  
23 tify subwatersheds which are significant sources of sedi-  
24 ment and nutrient loss and shall be made available for  
25 the purposes of targeting public and private sediment and  
26 nutrient reduction efforts.

1 (c) COMPONENTS.—Sediment and nutrient models  
2 for the Upper Mississippi River Basin shall include the  
3 following:

4 (1) Models of processes affecting field sediment  
5 and nutrient losses.

6 (2) Models of watersheds.

7 (3) Models of main river channels.

8 (4) Models that relate sediment and nutrient  
9 yields from large basins to sources, land uses, and  
10 management practices.

11 (d) COLLECTION OF ANCILLARY INFORMATION.—  
12 Ancillary information shall be collected in a GIS format  
13 to support modeling and management use of modeling re-  
14 sults, including the following:

15 (1) Land use data.

16 (2) Soils data.

17 (3) Elevation data.

18 (4) Information on sediment and nutrient re-  
19 duction improvement actions.

20 (5) Remotely sense data.

21 (e) HEADQUARTERS.—Information developed by  
22 computer modeling shall be headquartered at the Upper  
23 Midwest Environmental Sciences Center in La Crosse,  
24 Wisconsin.

1 **SEC. 202. RESEARCH REGARDING BEST MANAGEMENT**  
2 **PRACTICES AND SEDIMENT AND NUTRIENT**  
3 **LOSS.**

4 (a) IN GENERAL.—The Secretary of Agriculture shall  
5 evaluate the benefits and costs of best management prac-  
6 tices designed to reduce sediment and nutrient loss.

7 (b) EVALUATION PRACTICES.—The Secretary of Ag-  
8 riculture shall work with other partnering agencies, wheth-  
9 er Federal, State, tribal, and local, and with other public  
10 and nonpublic agencies to evaluate the benefits of best  
11 management practices designed to reduce nutrient and  
12 sediment loss.

13 (c) ECONOMIC RISK ASSESSMENT.—The Secretary of  
14 Agriculture shall assess the economic risks associated with  
15 new best management practices designed to reduce sedi-  
16 ment and nutrient loss.

17 **SEC. 203. DEMONSTRATION PROJECTS REGARDING NEW**  
18 **BEST MANAGEMENT PRACTICES TO REDUCE**  
19 **SEDIMENT AND NUTRIENT LOSS.**

20 The Secretary of Agriculture shall administer a grant  
21 program to supplement non-Federal funds being used by  
22 State, tribal, local, and private projects to demonstrate  
23 new best management practices designed to reduce sedi-  
24 ment and nutrient loss in the Upper Mississippi River  
25 Basin.

1 **SEC. 204. USE OF ELECTRONIC MEANS TO DISTRIBUTE IN-**  
2 **FORMATION.**

3 (a) ESTABLISHMENT OF SYSTEM.—Not later than 90  
4 days after the date of the enactment of this Act, the Direc-  
5 tor of the United States Geological Survey shall establish  
6 a system that uses the telecommunications medium known  
7 as the Internet to provide information regarding the fol-  
8 lowing:

9 (1) Public and private programs designed to re-  
10 duce sediment and nutrient loss in the Upper Mis-  
11 sissippi River Basin.

12 (2) Information on sediment and nutrient levels  
13 in the Upper Mississippi River and its tributaries.

14 (3) Successful sediment and nutrient reduction  
15 projects.

16 (b) COOPERATION.—The Director of the United  
17 States Geological Survey shall establish the system in co-  
18 operation with the Natural Resources Conservation Serv-  
19 ice.

20 **SEC. 205. REPORTING REQUIREMENTS.**

21 (a) MONITORING ACTIVITIES.—Commencing one  
22 year after the date of the enactment of this Act, the Direc-  
23 tor of the United States Geological Survey shall provide  
24 to Congress and make available to the public an annual  
25 report regarding monitoring activities conducted in the  
26 Upper Mississippi River Basin.

1 (b) MODELING ACTIVITIES.—Every three years, the  
2 Director of the United States Geological Survey shall pro-  
3 vide to Congress and make available to the public a  
4 progress report regarding modeling activities.

5 **TITLE III—PROTECTION OF**  
6 **PERSONAL DATA**

7 **SEC. 301. PRIVACY OF PERSONAL DATA RECEIVED BY DE-**  
8 **PARTMENT OF AGRICULTURE AND DATA**  
9 **GATHERING LOCATIONS.**

10 The Food Security Act of 1985 is amended by insert-  
11 ing after section 1243 (16 U.S.C. 3843) the following new  
12 section:

13 **“SEC. 1244. PRIVACY OF PERSONAL DATA RELATING TO**  
14 **NATURAL RESOURCES CONSERVATION PRO-**  
15 **GRAMS.**

16 “(a) INFORMATION AND DATA RECEIVED FOR TECH-  
17 NICAL AND FINANCIAL ASSISTANCE.—Notwithstanding  
18 any other provision of law and except as provided in sub-  
19 section (c), information and data provided to, or developed  
20 by, the Secretary of Agriculture (including a contractor  
21 of the Secretary) for the purpose of providing technical  
22 or financial assistance to a landowner or operator with re-  
23 spect to any natural resources conservation program ad-  
24 ministered by the Natural Resources Conservation Service  
25 or the Farm Service Agency shall not be released or dis-

1 closed (including release or disclosure pursuant to section  
2 552 of title 5, United States Code) to any agency or per-  
3 son outside the Department of Agriculture.

4 “(b) INVENTORY, MONITORING, AND SITE SPECIFIC  
5 DATA.—Notwithstanding any other provision of law and  
6 except as provided in subsection (c), in order to maintain  
7 the personal privacy, confidentiality, and cooperation of  
8 landowners and operators, and to maintain the integrity  
9 of sample sites, the specific geographic locations of the  
10 National Resources Inventory of the Department of Agri-  
11 culture data gathering sites and the information and data  
12 generated by such sites are not public information and  
13 shall not be subject to the mandatory disclosure provisions  
14 of section 552 of title 5, United States Code, or released  
15 to any local, tribal, State, or Federal agency outside the  
16 Department of Agriculture.

17 “(c) EXCEPTIONS.—

18 “(1) RELEASE AND DISCLOSURE FOR ENFORCE-  
19 MENT.—The Secretary of Agriculture may release or  
20 disclose information or data covered by subsection  
21 (a) or (b) to the extent necessary to enforce the nat-  
22 ural resources conservation programs referred to in  
23 subsection (a).

24 “(2) LIMITED DISCLOSURE TO COOPERATING  
25 PERSONS AND AGENCIES.—The Secretary may re-

1        lease or disclose information or data covered by sub-  
2        section (a) or (b) to a person or a local, tribal,  
3        State, or Federal agency working in cooperation  
4        with the Secretary of Agriculture in providing tech-  
5        nical and financial assistance described in subsection  
6        (a) or collecting information and data from National  
7        Resources Inventory data gathering sites. However,  
8        the person or local, tribal, State, or Federal agency  
9        that receives the information or data may release the  
10       information or data only for the purpose of assisting  
11       the Secretary in providing the requested technical or  
12       financial assistance or in collecting information and  
13       data from National Resources Inventory data gath-  
14       ering sites.

15            “(3) LIMITED EXCEPTION FOR STATISTICAL  
16        AND AGGREGATE DATA.—The Secretary may release  
17        information or data covered by subsection (b), if the  
18        information or data has been transformed into a sta-  
19        tistical or aggregate form that does not allow identi-  
20        fication of the individual landowner, operator, or  
21        specific data gathering site.

22            “(d) VIOLATIONS.—Section 1770(c) of the Food Se-  
23        curity Act of 1985 (7 U.S.C. 2276) shall apply to any  
24        person who releases or causes to be released information  
25        or data in violation of this section.”.

1 **TITLE IV—ADVISORY COUNCIL**  
2 **ON THE UPPER MISSISSIPPI**  
3 **RIVER STEWARDSHIP INITIA-**  
4 **TIVE**

5 **SEC. 401. ESTABLISHMENT OF ADVISORY COUNCIL.**

6 (a) ESTABLISHMENT.—The Secretary of Agriculture,  
7 in consultation with the governors specified in subsection  
8 (c), shall establish an advisory body, to be known as the  
9 Advisory Council on the Upper Mississippi River Steward-  
10 ship Initiative, to provide guidance regarding the Initia-  
11 tive.

12 (b) MEMBERSHIP.—

13 (1) VOTING MEMBERS.—The Advisory Council  
14 shall consist of a total of 15 voting members.

15 (2) CHAIRPERSON.—Voting members shall elect  
16 one member appointed under subparagraph (c) to  
17 serve as chairperson for the Advisory Council. The  
18 chairperson shall serve for a term lasting no more  
19 than one year.

20 (c) APPOINTMENT.—The governors of the States of  
21 Minnesota, Wisconsin, Illinois, Iowa, and Missouri shall  
22 each appoint two voting members of the Advisory Council,  
23 to be selected from nongovernmental agriculture, natural  
24 resources, recreational, and environmental groups and  
25 other persons with interests in the sustainability and

1 health of the natural resources of the Upper Mississippi  
2 River Basin.

3 (d) STATE TECHNICAL COMMITTEE REPRESENTA-  
4 TION.—The five remaining voting members of the Advi-  
5 sory Council shall be drawn from the State Technical  
6 Committees established by the Secretary of Agriculture  
7 under section 1261 of the Food Security Act of 1985 (16  
8 U.S.C. 3861) for the States of Minnesota, Wisconsin, Illi-  
9 nois, Iowa, and Missouri. The Secretary of Agriculture  
10 shall select one member from each of these State Tech-  
11 nical Committees.

12 (e) NONVOTING MEMBERS.—The governors referred  
13 to in subsection (c) shall also each appoint one nonvoting  
14 member for the Advisory Council who will serve as rep-  
15 resentatives of the governors.

16 (f) PER DIEM.—Members of the Advisory Council,  
17 including members appointed pursuant to subsection (e),  
18 shall receive the Federal per diem for transportation and  
19 lodging associated with meetings and other activities of  
20 the Advisory Council.

21 **SEC. 402. RESPONSIBILITIES OF ADVISORY COUNCIL.**

22 (a) COORDINATION AND COMMUNICATION.—The Ad-  
23 visory Council shall serve as a means for coordination,  
24 communication, and information sharing regarding such  
25 issues in the Upper Mississippi River Basin as follows:

1           (1) Science and technology concerning conserva-  
2           tion practices.

3           (2) Monitoring and modeling needs.

4           (3) Strategies for implementing conservation  
5           assistance and programs.

6           (4) Performance assessment.

7           (5) Evaluation and reporting.

8           (b) ANNUAL REPORT ON REDUCTION EFFORTS.—

9           (1) PREPARATION.—The Advisory Council shall  
10          prepare an annual report regarding publicly-financed  
11          efforts to reduce sediment and nutrient loss in the  
12          Upper Mississippi River Basin. In the case of any  
13          such report, output data shall conform to the stand-  
14          ards established pursuant to section 1244 of the  
15          Food Security Act of 1985, as added by section 301.

16          (2) SUBMISSION.—The annual report shall be  
17          submitted—

18                 (A) to the State legislatures of the States  
19                 of Wisconsin, Minnesota, Iowa, Illinois, Mis-  
20                 souri, Kentucky, Tennessee, Arkansas, Lou-  
21                 isiana, and Mississippi;

22                 (B) to the Upper Mississippi River Basin  
23                 Association; and

24                 (C) to the Congress.

1           (c) SPECIAL TASK FORCES.—For the purpose of  
2 maximizing and diversifying the involvement of people in  
3 the activities of the Advisory Council and addressing spe-  
4 cific issues referred to in subsection (a), the Advisory  
5 Council shall create issue specific task forces as necessary  
6 to effectively carry out the responsibilities of the Advisory  
7 Council. The Advisory Council shall consult with the Inter-  
8 agency Working Group and appropriate State agencies in  
9 establishing any such task force and before dissolving any  
10 such task force when it becomes obsolete.

11           (d) PUBLIC MEETINGS.—As part of its responsibil-  
12 ities under this section, the Advisory Council shall hold  
13 annual public meetings in each of the States of Wisconsin,  
14 Minnesota, Iowa, Illinois, and Missouri to formulate rec-  
15 ommendations and seek public input regarding methods  
16 and priorities to reduce sediment and nutrient loss in the  
17 Upper Mississippi River Basin. To qualify as the annual  
18 meeting in a State, at least two of the three members of  
19 the Advisory Council from that State must be present at  
20 the meeting.

21           (e) STAFF DIRECTOR.—The Secretary of Agriculture  
22 shall appoint an employee of the Natural Resources Con-  
23 servation Service of the Department of Agriculture to act  
24 as staff director for the Advisory Council. The staff direc-  
25 tor shall work in conjunction with the chairperson of the

1 Advisory Council to assist in coordinating the activities of  
2 the Advisory Council.

3 **SEC. 403. ADVISORY NATURE OF COUNCIL.**

4 (a) IN GENERAL.—The Advisory Council is purely  
5 advisory and shall have no implementation or enforcement  
6 authority. However, the Secretary of Agriculture and the  
7 heads of the other Federal agencies in the Interagency  
8 Working Group established under section 501 shall give  
9 strong consideration to the recommendations of the Advi-  
10 sory Council in administering natural resources programs  
11 of the Upper Mississippi River Basin.

12 (b) PUBLIC OUTREACH.—The Secretary of Agri-  
13 culture shall work with the Advisory Council to coordinate  
14 outreach activities in the Upper Mississippi River Basin  
15 related to technologies and other methods to reduce sedi-  
16 ment and nutrient loss.

17 **TITLE V—FEDERAL**  
18 **INTERAGENCY WORKING GROUP**

19 **SEC. 501. ESTABLISHMENT OF INTERAGENCY WORKING**  
20 **GROUP.**

21 (a) ESTABLISHMENT.—The Secretary of Agriculture  
22 and the Secretary of the Department of the Interior shall  
23 establish an Interagency Working Group to coordinate  
24 Federal nutrient and sediment reduction efforts in the  
25 Upper Mississippi River Basin under the Initiative.

1 (b) PARTICIPATION.—The Interagency Working  
2 Group shall include the following:

3 (1) The Secretary of Agriculture, or the des-  
4 ignee of the Secretary.

5 (2) The Secretary of the Interior, or the des-  
6 ignee of the Secretary.

7 (c) CHAIRPERSON; ADDITIONAL INPUT AND PARTICI-  
8 PATION.—The Secretary of Agriculture (or the designee  
9 of the Secretary) shall serve as chairperson of the Inter-  
10 agency Working Group and may solicit input and partici-  
11 pation by other Federal agencies engaged in sediment and  
12 nutrient reduction efforts in the Upper Mississippi River  
13 Basin.

14 (d) ANNUAL WORK PLAN AND BUDGET.—The Inter-  
15 agency Working Group shall annually develop a coordi-  
16 nated work plan and budget for the Federal agencies par-  
17 ticipating in the Initiative—

18 (1) to better coordinate Federal efforts to ad-  
19 dress sediment and nutrient reduction in the Upper  
20 Mississippi River Basin;

21 (2) to encourage Federal agencies responsible  
22 for sediment and nutrient reduction efforts to lever-  
23 age local, State, and Federal resources;

24 (3) to identify gaps and overlapping programs;  
25 and

