

A motion to reconsider was laid on the table.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5340) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Upper Mississippi River Basin Protection Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Reliance on sound science.

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. Reporting requirements.
- Sec. 106. National Research Council assessment.

TITLE II—COMPUTER MODELING AND RESEARCH

- Sec. 201. Computer modeling and research of sediment and nutrient sources.
- Sec. 202. Use of electronic means to distribute information.
- Sec. 203. Reporting requirements.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

- Sec. 301. Authorization of appropriations.
- Sec. 302. Cost-sharing requirements.
- Sec. 303. Sunset.

SEC. 2. DEFINITIONS.

In this Act:

(1) The terms “Upper Mississippi River Basin” and “Basin” mean the watershed portion of the Upper Mississippi River and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri. The designation includes the Kaskaskia watershed along the Illinois River and the Meramec watershed along the Missouri River.

(2) The terms “Upper Mississippi River Stewardship Initiative” and “Initiative” mean the activities authorized or required by this Act to monitor nutrient and sediment loss in the Upper Mississippi River Basin.

(3) The term “sound science” refers to the use of accepted and documented scientific methods to identify and quantify the sources, transport, and fate of nutrients and sediment and to quantify the effect of various treatment methods or conservation measures on nutrient and sediment loss. Sound science requires the use of documented protocols for data collection and data analysis, and peer review of the data, results, and findings.

SEC. 3. RELIANCE ON SOUND SCIENCE.

It is the policy of Congress that Federal investments in the Upper Mississippi River Basin must be guided by sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.

(a) **ESTABLISHMENT.**—As part of the Upper Mississippi River Stewardship Initiative, the Secretary of the Interior shall establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purposes of—

- (1) identifying and evaluating significant sources of sediment and nutrients in the Upper Mississippi River Basin;
- (2) quantifying the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water;
- (3) quantifying the transport of those sediments and nutrients to and through the Upper Mississippi River Basin;
- (4) recording changes to sediment and nutrient loss over time;
- (5) providing coordinated data to be used in computer modeling of the Basin, pursuant to section 201; and
- (6) identifying major sources of sediment and nutrients within the Basin for the purpose of targeting resources to reduce sediment and nutrient loss.

(b) **ROLE OF UNITED STATES GEOLOGICAL SURVEY.**—The Secretary of the Interior shall carry out this title acting through the office of the Director of the United States Geological Survey.

SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.

(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.

(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 hydrologic unit codes. 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.

(c) **PROTECTION OF PRIVACY.**—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin is not subject to the mandatory disclosure provisions of section 552 of title 5, United States Code, but may be released only as provided in subsection (b).

SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.

(a) **INVENTORY.**—To the maximum extent practicable, the Secretary of the Interior shall inventory the sediment and nutrient monitoring efforts, in existence as of the date of the enactment of this Act, of Federal, State, local, and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps and redundancies.

(b) **INTEGRATION.**—On the basis of the inventory, the Secretary of the Interior shall integrate the existing sediment and nutrient monitoring efforts, to the maximum extent practicable, into the sediment and nutrient monitoring network required by section 101.

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

(d) **COORDINATION WITH LONG-TERM ESTUARY ASSESSMENT PROJECT.**—The Secretary of the Interior shall carry out this section in coordination with the long-term estuary assessment project authorized by section 902 of the Estu-

aries and Clean Waters Act of 2000 (Public Law 106–457; 33 U.S.C. 2901 note).

SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRIVATE MONITORING EFFORTS.

To establish the sediment and nutrient monitoring network, the Secretary of the Interior shall collaborate, to the maximum extent practicable, with other Federal, State, tribal, local and private sediment and nutrient monitoring programs that meet guidelines prescribed under section 102(a), as determined by the Secretary.

SEC. 105. REPORTING REQUIREMENTS.

The Secretary of the Interior shall report to Congress not later than 180 days after the date of the enactment of this Act on the development of the sediment and nutrient monitoring network.

SEC. 106. NATIONAL RESEARCH COUNCIL ASSESSMENT.

The National Research Council of the National Academy of Sciences shall conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

TITLE II—COMPUTER MODELING AND RESEARCH

SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDIMENT AND NUTRIENT SOURCES.

(a) **MODELING PROGRAM REQUIRED.**—As part of the Upper Mississippi River Stewardship Initiative, the Director of the United States Geological Survey shall establish a modeling program to identify significant sources of sediment and nutrients in the Upper Mississippi River Basin.

(b) **ROLE.**—Computer modeling shall be used to identify subwatersheds which are significant sources of sediment and nutrient loss and shall be made available for the purposes of targeting public and private sediment and nutrient reduction efforts.

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

- (1) Models to relate nutrient loss to landscape, land use, and land management practices.
- (2) Models to relate sediment loss to landscape, land use, and land management practices.
- (3) Models to define river channel nutrient transformation processes.

(d) **COLLECTION OF ANCILLARY INFORMATION.**—Ancillary information shall be collected in a GIS format to support modeling and management use of modeling results, including the following:

- (1) Land use data.
- (2) Soils data.
- (3) Elevation data.
- (4) Information on sediment and nutrient reduction improvement activities.
- (5) Remotely sense data.

SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE INFORMATION.

Not later than 90 days after the date of the enactment of this Act, the Director of the United States Geological Survey shall establish a system that uses the telecommunications medium known as the Internet to provide information regarding the following:

- (1) Public and private programs designed to reduce sediment and nutrient loss in the Upper Mississippi River Basin.
- (2) Information on sediment and nutrient levels in the Upper Mississippi River and its tributaries.
- (3) Successful sediment and nutrient reduction projects.

SEC. 203. REPORTING REQUIREMENTS.

(a) **MONITORING ACTIVITIES.**—Commencing one year after the date of the enactment of this Act, the Director of the United States Geological Survey shall provide to Congress and make available to the public an annual report regarding monitoring activities conducted in the Upper Mississippi River Basin.

(b) *MODELING ACTIVITIES.*—Every three years, the Director of the United States Geological Survey shall provide to Congress and make available to the public a progress report regarding modeling activities.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) *UNITED STATES GEOLOGICAL SURVEY ACTIVITIES.*—There is authorized to be appropriated to the United States Geological Survey \$6,250,000 each fiscal year to carry out this Act (other than section 106). Of the amounts appropriated for a fiscal year pursuant to this authorization of appropriations, one-third shall be made available for the United States Geological Survey Cooperative Water Program and the remainder shall be made available for the United States Geological Survey Hydrologic Networks and Analysis Program.

(b) *WATER RESOURCE AND WATER QUALITY MANAGEMENT ASSESSMENT.*—There is authorized to be appropriated \$650,000 to allow the National Research Council to perform the assessment required by section 106.

SEC. 302. COST-SHARING REQUIREMENTS.

Funds made available for the United States Geological Survey Cooperative Water Program under section 301(a) shall be subject to the same cost sharing requirements as specified in the last proviso under the heading "UNITED STATES GEOLOGICAL SURVEY—SURVEYS, INVESTIGATIONS, AND RESEARCH" of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 510; 43 U.S.C. 50).

SEC. 303. SUNSET.

The authority of the Secretary of the Interior to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, under H.R. 5340, the U.S. Geological Survey will supplement, coordinate and manage data collection on sediments and nutrients in the Upper Mississippi River Basin. The data would be used to provide the baseline data and modeling tools needed to make the scientifically sound and cost-effective river management decisions.

The House passed a similar version of this bill in the 108th Congress, and I urge my colleagues to support the bill at this time.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield such myself such time as may consume.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Madam Speaker, I want to thank the majority for their support for this legislation this evening. This is legislation that I drafted and supported over the last couple of years with the support of many my colleagues in a bipartisan fashion. I want to commend the colleagues who have been active participants in the bipartisan Mississippi River Caucus.

This bill, the Upper Mississippi River Basin Protection Act, would develop a coordinated public-private approach to reducing nutrient and sediment flows in the Upper Mississippi River Basin.

The Mississippi River, Madam Speaker, is one of the great national treasures that we have and one of the great diverse ecosystems that flows right through the heart of America. It is North America's largest migratory route, with 40 percent of the water fowl species using this corridor during their annual migration every year. It is also the bread basket of America, which provides a lot of fertile acres are for the agricultural lands that we enjoy in the Midwest. It is also the primary drinking source to close to 30 million Americans.

But its greatest risk and challenge today is the amount of nutrients and sediments that are flowing into the basin area. The problem is multiple. Soil erosion reduces the long-term sustainability and the income of the typical farmer in middle America. Collectively, farmers annually lose more than \$300 million of applied nitrogen due to runoff which ultimately enters the basin area.

Sediment fills the main shipping channel of the Mississippi River, costing the taxpayers roughly \$100 million each year in dredging costs just to maintain the safe shipping channels for the navigation industry that takes and delivers many of the products to market.

Sediment fills in these valuable wetlands along the Mississippi River Basin, reducing wildlife habitat, affecting and destroying numerous acres of wetlands every year.

The loss of side channel habitat threaten the River's \$1.2 recreation and \$6.6 billion tourism industry impact in the Upper Mississippi River region alone. And there is inadequate scientific data on the amounts and sources of sediments and nutrients flowing into the Upper Mississippi River Basin at scales useful to land manager.

So what this legislation is attempting to do is put the science in place, allow the USGS to be the lead agency where they have developed competence in water quality and monitoring, set up a sub-basin monitoring system and develop computer models so we can do a better job of tracking the sediment and nutrient flows that enter the basin area, identify the hot spots, and better target the limited resources and voluntary and incentive-based land and water conservation programs to hopefully reduce that impact in the river basin.

What we are proposing is entirely consistent with the hypoxia study that took place in the Gulf of Mexico with the recommendations that they submitted to the Congress back in January of 2001. In fact, 40 percent of the nutrients that ultimately flow into the Gulf of Mexico creating this so-called dead zone or oxygen depletion zone,

which is growing every year, has their origin in the Upper Mississippi River Basin.

This has received wide bipartisan support, both in Congress and at home. The five Upper Mississippi State governors have endorsed this proposal, along with the legislatures, and there have been countless public and private entities that have endorsed this approach too of trying to get the science in place so we can start the long-term data collection and establish the baseline so we know how to react to this great challenge that is affecting the great treasure that we know as the Mississippi River.

I want to especially commend the staff on committee for their help with this legislation, and my own staff, who has devoted countless hours on this project. I want to thank the support of the administration that has supported the legislation, along with numerous private entities throughout the Upper Midwest that have supported it and offered recommendations on how we can make this work for private landowners and public entities alike.

I want to especially thank Barry Drazkowski, who teaches at St. Mary's University at Winona, Minnesota, for the work he has done on water quality issues and for many of the ideas we have incorporated in this legislation.

Hopefully the third time is a charm. Hopefully we will get cooperation in the Senate to move this vitally important piece of legislation, because, again, the greatest threat that the Mississippi River Basin is facing today are the amount of sediments and nutrients that are flowing in, and I think there is a lot that we can do by maximizing the investment that we can make based on the science we are trying to put in place with this legislation here tonight in order to maintain the preservation and the protection of this great natural resource.

Again, I want to thank my colleague and the support we received on the Resources Committee, and encourage my colleagues to adoption this legislation this evening.

Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last week we witnessed Mr. KIND from Wisconsin as the quarterback of the Congressional team run and pass doing amazing feats on the football field, and now we have seen him run with this legislation, and I urge my colleagues to help him pass this bill.

Mr. NUSSLE. Madam Speaker, I rise today in support of the Upper Mississippi River Basin Protection Act. This legislation takes a commonsense approach to reduce nutrient and sediment loss in the Upper Mississippi watershed by coordinating existing public and private water monitoring initiatives. I believe that such a partnership promotes the river's health and is beneficial the communities and people of eastern Iowa.

Most of the farm families I represent live and make their living either along the Mississippi, or its many tributaries. Soil erosion is a problem for farmers by reducing long-term sustainability and income potential of their acres. It is my understanding that farmers in the Upper Mississippi River Basin lose more than \$300 million annually in applied nitrogen to soil erosion. In addition, sediment fills the main shipping channel of the Mississippi that family farmers depend on to get their commodities to markets.

Farmers live close to the land, and are committed to being good stewards. This legislation helps farmers and local conservation groups assess where problems are occurring in their watershed, and how to efficiently and effectively solve the problem.

I believe this legislation is beneficial in mending our environment along the river, and better protecting it in the future. Sediment is a threat to the Mississippi's fish, birds, and other wildlife by filling wetlands. Sediment reduces wetlands' ability to be an adequate water filter and provide habitat to the creatures that live all along the Mississippi River. It is estimated that the Upper Mississippi contributes 31 percent of the nitrogen that impairs the water quality of the Lower Mississippi basin.

Part of the Upper Mississippi Wildlife Refuge is in my district. I believe this refuge is an important treasure for Iowa. What makes this area special is, of course, the unique wildlife that lives there. This legislation helps promote wildlife by monitoring and computer modeling data to ensure scientifically sound and cost-effective decisions in promoting water quality.

Additionally, a healthy Mississippi River is very important to the communities of eastern Iowa. The Mississippi is recognized throughout the United States and abroad as "America's River". The Quad Cities area is a popular destination of international travelers who want to see and touch the water. For the residents of the Quad Cities area, the riverfront is the center of social life, with a historic district, baseball diamond, and several annually held festivals.

The City of Dubuque boasts over one million visitors thanks to the Mississippi. This community has chosen to make its story of the river the cornerstone of its urban renewal with a million dollar investment in the revitalization of the riverfront. The America's River project and historic Port of Dubuque represent the community's dedication to growing its tourism industry.

Madam Speaker, the Upper Mississippi's health and water quality essential to growing the economies of the larger river cities of Bettendorf, Davenport, Clinton, and Dubuque, and the picturesque river towns of Guttenberg, LeClair, Bellevue, and Marquette. All of these communities, along with farmers and conservationists, have invested much time and effort in promoting a clean river. I believe this legislation helps to insure these investments by coordinating the many interests of those living in the Upper Mississippi River Basin. Accordingly, I am a proud sponsor of this bill, and I urge my colleagues to join me in supporting this legislation.

Mr. GOHMERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the

rules and pass the bill, H.R. 5340, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RIO ARRIBA COUNTY LAND CONVEYANCE ACT

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 213) to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico.

The Clerk read as follows:

S. 213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rio Arriba County Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term "County" means the County of Rio Arriba, New Mexico.

(2) MAP.—The term "map" means the map entitled "Alcalde Proposed Land Transfer" and dated September 23, 2004.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF LAND TO RIO ARRIBA COUNTY, NEW MEXICO.

(a) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the land (including any improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 171 acres of land located on the Sebastian Martin Land Grant in the vicinity of Alcalde, Rio Arriba County, New Mexico, as depicted on the map.

(c) REVERSION.—If any portion of the land conveyed under subsection (a) ceases to be used for public purposes the land shall, at the option of the Secretary, revert to the United States.

(d) CONDITIONS ON SALES.—If the County sells any portion of the land conveyed to the County under subsection (a)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the County shall pay to the Secretary an amount equal to the gross proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of New Mexico, without further appropriation.

(e) COSTS.—The County shall pay any costs associated with the conveyance of land under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 213 would convey 171 acres of Bureau of Land Management lands located on the Sebastian Martin Land Grant to Rio Arriba Coun-

ty. The land is needed for county facilities, a cemetery for a local parish and a new public school.

Representative HEATHER WILSON, as well as the two Senators from New Mexico, are also supportive of this bill. I urge the passage of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield such time as he may consume to the champion of this legislation, my good friend from the State of New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I thank the gentleman from Wisconsin.

Madam Speaker, I rise today to urge the passage of S. 213, the Rio Arriba County Land Conveyance Act. S. 213 will convey to the County of Rio Arriba approximately 171 acres of Bureau of Land Management land. The county intends to use this land for a new public school, county facilities and a cemetery for the local parish.

Rio Arriba County in northern New Mexico is a vast, beautiful county with significant amounts of Federal land. The growing population of Rio Arriba has led to an increased demand for public services but no municipal lands on which to site them.

Under most circumstances, this sort of transfer would be conducted administratively under the provisions of the Recreation and Public Purposes Act and authorizing legislation would not be required. This bill is before us today only because these lands are located on the Sebastian Martin Land Grant and were acquired by the Federal Government under the Bankhead-Jones Act. The Recreation and Public Lands Act does not apply to acquired lands, but the legislation is in keeping with provisions of that act.

The Rio Arriba County Manager, Lorenzo Valdez, and members of the Rio Arriba Board of County Supervisors worked hard on this and diligently. School Board Chairman Joe Guillen and School Board members Leroy Salazar, Ralph Medina and Isaac Medina worked tirelessly to raise the money necessary to construct the new school.

Father Terry Brennan, the Pastor of San Juan Pueblo Parish, helped on this effort in order to ensure that his parish would have the land necessary for a cemetery.

Madam Speaker, I urge my colleagues to support this bill.

Mr. KIND. Madam Speaker, we encourage adoption of this legislation, and yield back the remainder of our time.

Mr. GOHMERT. Madam Speaker, I have no additional speakers. We urge adoption and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the Senate bill, S. 213.

The question was taken; and (two-thirds having voted in favor thereof)