

1 **SEC. ____.** **MISSOURI RIVER RECOVERY, IOWA, KANSAS, MIS-**
2 **SOURI, MONTANA, NEBRASKA, NORTH DA-**
3 **KOTA, SOUTH DAKOTA, AND WYOMING.**

4 (a) **STUDY.**—The Secretary, in consultation with the
5 Missouri River Recovery and Implementation Committee
6 established by subsection (c)(1), shall conduct a study of
7 the Missouri River—

8 (1) to determine the amount and type of aquat-
9 ic and terrestrial habitat needed by the interior least
10 tern, piping plover, and pallid sturgeon, each of
11 which is a federally listed species under the Endan-
12 gered Species Act (16 U.S.C. 1531 et seq.);

13 (2) to determine efforts necessary to mitigate
14 any losses of the aquatic and terrestrial habitat of
15 the species referred to in paragraph (1);

16 (3) to determine efforts necessary to recover the
17 species referred to in paragraph (1);

18 (4) to determine efforts necessary to minimize
19 or eliminate damaging impacts on public and private
20 lands, businesses, and communities along the Mis-
21 souri River resulting from adaptive management,
22 mitigation, and recovery efforts for the species re-
23 ferred to in paragraph (1);

1 (5) to develop recovery goals and targets for the
2 species referred to in paragraph (1);

3 (6) to develop means to measure the success
4 and failure of actions taken in an effort to recover
5 the species referred to in paragraph (1); and

6 (7) to make recommendations to modify the
7 2003 Amendment to the 2000 Biological Opinion on
8 the Operation of the Missouri River Main Stem Res-
9 ervoir System, Operation and Maintenance of the
10 Missouri River Bank Stabilization and Navigation
11 Project and Operation of the Kansas Reservoir Sys-
12 tem, whenever necessary as new science becomes
13 available for the species referred to in paragraph
14 (1).

15 (b) PROGRESS REPORTS.—

16 (1) IN GENERAL.—The Secretary and the Mis-
17 souri River Recovery and Implementation Committee
18 established by subsection (c)(1) shall prepare
19 progress reports on the study at least annually. The
20 reports shall contain a full description of scientific
21 findings, methodologies, and preliminary rec-
22 ommendations developed in carrying out the study.

23 (2) PUBLIC DISSEMINATION OF SCIENTIFIC IN-
24 FORMATION.—Reports prepared under paragraph

1 (1) shall be released in a timely manner and be
2 readily available to the public.

3 (c) MISSOURI RIVER RECOVERY IMPLEMENTATION
4 COMMITTEE.—

5 (1) ESTABLISHMENT.—Not later than 30 days
6 after the date of enactment of this Act, the Sec-
7 retary shall establish a committee to be known as
8 the “Missouri River Recovery Implementation Com-
9 mittee” (in this section referred to as the “Com-
10 mittee”).

11 (2) MEMBERSHIP.—The Committee shall be
12 composed of the following members, to be appointed
13 by the Secretary:

14 (A) One member representing each of the
15 States of North Dakota, South Dakota, Mon-
16 tana, and Wyoming (in this section referred to
17 as the “Upper Basin States”) and 1 represent-
18 ative from each of the States of Iowa, Ne-
19 braska, Kansas, and Missouri (in this section
20 referred to as the “Lower Basin States”).

21 (B) One member representing each of the
22 Indian tribes located adjacent to the Missouri
23 River.

24 (C) One member representing each of the
25 States of Illinois, Arkansas, and Tennessee.

1 (D) Four members with expertise in flood
2 control issues (1 of whom shall be a representa-
3 tive of an Upper Basin State and 3 of whom
4 shall be representatives of Lower Basin States).

5 (E) Three members with expertise in irri-
6 gation issues (2 of whom shall be representa-
7 tives of Upper Basin States and 1 of whom
8 shall be a representative of a Lower Basin
9 State).

10 (F) Four members with expertise in power
11 and hydropower issues (2 of whom shall be rep-
12 resentatives of Upper Basin States and 2 of
13 whom shall be representatives of Lower Basin
14 States).

15 (G) Four members with expertise in water
16 supply and quality issues (2 of whom shall be
17 representatives of Upper Basin States and 2 of
18 whom shall be representatives of Lower Basin
19 States).

20 (H) Three members with expertise in navi-
21 gation and terminals issues (2 of whom shall be
22 representatives of the Missouri River Basin and
23 1 of whom shall be a representative of the Mis-
24 sissippi River Basin).

1 (I) Four members with expertise in fish,
2 wildlife, and endangered species issues (2 of
3 whom shall be representatives of Upper Basin
4 States and 2 of whom shall be representatives
5 of Lower Basin States).

6 (J) Three members with expertise in recre-
7 ation issues (2 of whom shall be representatives
8 of Upper Basin States and 1 of whom shall be
9 a representative of a Lower Basin State).

10 (K) Four members with expertise in socio-
11 economic development issues (2 of whom shall
12 be representatives of Upper Basin States and 2
13 of whom shall be representatives of Lower
14 Basin States).

15 (L) Four at-large members representing
16 Upper Basin and Lower Basin States (2 of
17 whom shall be representatives of Upper Basin
18 States and 2 of whom shall be representatives
19 of Lower Basin States).

20 (M) One member with expertise in historic
21 properties, cultural resources, and burial sites.

22 (3) LIMITATION.—A representative of a State
23 agency or Indian tribe shall not be eligible to fill any
24 of the membership positions described in subpara-
25 graphs (D) through (M) of paragraph (2)

1 (4) CONFLICTS OF INTEREST.—A representa-
2 tive of an organization, agency, or other entity re-
3 ceiving Federal funds from the Missouri River recov-
4 ery and mitigation program to do scientific inves-
5 tigations related to the Missouri River or receiving
6 Federal funds from the Committee shall not be eligi-
7 ble to serve as a member of the Committee.

8 (5) FEDERAL AGENCIES.—At the request of the
9 Secretary, a representative of a Federal agency may
10 participate as an advisor in the activities of the
11 Committee. To the extent practicable, any such rep-
12 resentative shall be a deputy director of the agency
13 or employed in an equivalent position.

14 (6) TERMS.—Members appointed to the Com-
15 mittee shall serve for a term of 4 years.

16 (7) CHAIRMAN.—The chairperson of the Com-
17 mittee shall be selected by the Committee from
18 among its members. The term of the chairperson
19 shall be 2 years.

20 (8) DECISIONMAKING.—Recommendations of
21 the Committee to the Secretary shall be supported
22 by all voting members, other than those members
23 not in attendance or choosing to abstain from the
24 vote. The recommendations shall include a cost-ben-

1 efit analysis of all impacts, including socioeconomic
2 impacts.

3 (9) DUTIES.—The Committee shall—

4 (A) with respect to the study to be con-
5 ducted under subsection (a), provide guidance
6 to the Secretary and any other affected Federal
7 agency, State agency, or Indian tribe;

8 (B) provide guidance to the Secretary with
9 respect to the Missouri River recovery and miti-
10 gation program in existence on the date of en-
11 actment of this Act, including recommendations
12 relating to—

13 (I) changes to the implementation
14 strategy from the use of adaptive manage-
15 ment;

16 (ii) the coordination of the develop-
17 ment of consistent policies, strategies,
18 plans, programs, projects, activities, and
19 priorities for the program;

20 (iii) flood protection for private prop-
21 erty, businesses, and communities;

22 (iv) maintaining the integrity of the
23 navigation and flood control system as
24 originally designed by avoiding recovery ac-
25 tions that negatively affect either; and

1 (v) habitat for the species referred to
2 in subsection (a)(1) on the Missouri River
3 and elsewhere so that advice is available on
4 national recovery rather than single basin
5 recovery;

6 (C) exchange information regarding pro-
7 grams, projects, and activities of the agencies
8 and entities represented on the Committee to
9 promote the goals of the Missouri River recov-
10 ery and mitigation program;

11 (D) establish such working groups as the
12 Committee determines to be necessary to assist
13 in carrying out the duties of the Committee, in-
14 cluding duties relating to public policy, eco-
15 nomic impacts, and scientific issues;

16 (E) facilitate the resolution of interagency
17 and intergovernmental conflicts between entities
18 represented on the Committee associated with
19 the Missouri River recovery and mitigation pro-
20 gram;

21 (F) coordinate scientific, economic, and
22 other research associated with the Missouri
23 River recovery and mitigation program;

24 (G) develop and consider socioeconomic im-
25 pacts of all proposed actions;

1 (H) act as a clearinghouse for the collec-
2 tion and dissemination of all scientific informa-
3 tion available from State and Federal agencies
4 pertinent to recovery of the species referred to
5 in subsection (a)(1); and

6 (I) annually prepare a work plan and asso-
7 ciated budget requests for Missouri River recov-
8 ery and mitigation activities.

9 (10) RELATION TO OTHER ORGANIZATIONS.—
10 The guidance provided by the Committee to the Sec-
11 retary under this section shall take precedence over
12 guidance provided by an official or unofficial com-
13 mittee or organization previously tasked with duties
14 related to Missouri River management decisions.

15 (11) COMPENSATION; TRAVEL EXPENSES.—

16 (A) COMPENSATION.—Members of the
17 Committee shall receive compensation for car-
18 rying out the duties of the Committee in ac-
19 cordance with guidelines developed under the
20 Federal Advisory Committee Act (5 U.S.C.
21 App.) .

22 (B) TRAVEL EXPENSES.—Travel expenses
23 incurred by a member of the Committee in car-
24 rying out the duties of the Committee under
25 this section shall be paid in accordance with

1 guidelines developed under the Federal Advisory
2 Committee Act.

3 (d) APPLICABILITY OF FEDERAL ADVISORY COM-
4 MITTEE ACT.—The Federal Advisory Committee Act shall
5 apply to the Committee.

6 (e) TERMINATION.—The Committee shall terminate
7 on a date designated by the Secretary as the date on which
8 the work of the Committee has been completed.