

108TH CONGRESS  
2D SESSION

# H. R. 4686

To revitalize the Mississippi River.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2004

Mr. KIND (for himself and Ms. McCOLLUM) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, 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 revitalize the 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 “Mississippi River Protection and Restoration Act of  
6 2004”.

7 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Secretary defined definition.
- Sec. 4. Environmental management program.
- Sec. 5. Upper Mississippi River trust fund.

- Sec. 6. System maintenance.
- Sec. 7. Lower Mississippi River resource assessment.
- Sec. 8. Flood mitigation.
- Sec. 9. Hazard mitigation.
- Sec. 10. Gulf hypoxia research, coordination, and monitoring.
- Sec. 11. Wetland restoration demonstration projects.

1 **SEC. 2. FINDINGS AND PURPOSES.**

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

3 (1) The Mississippi River is a nationally-signifi-  
4 cant social, cultural, economic, and environmental  
5 resource.

6 (2) Millions of jobs depend upon the economic  
7 and environmental health of the Mississippi River.

8 (3) The Mississippi River is slowly losing wild-  
9 life habitats that support hundreds of wildlife spe-  
10 cies.

11 (4) Hundreds of communities are reconnecting  
12 to the Mississippi River.

13 (5) Direct discharges and runoff into the Mis-  
14 sissippi River are contributing to local and regional  
15 water quality problems.

16 (b) PURPOSES.—The purposes of this Act are the fol-  
17 lowing:

18 (1) To protect and restore the Mississippi  
19 River.

20 (2) To protect and increase the number of jobs  
21 which depend upon the health of the Mississippi  
22 River.

1           (3) To help communities reconnect to the Mis-  
2           sissippi River.

3           (4) To protect and restore habitat.

4           (5) To use science to aid habitat restoration  
5           and water quality enhancement efforts.

6 **SEC. 3. SECRETARY DEFINED.**

7           In this Act, the term “Secretary” means the Sec-  
8           retary of the Army.

9 **SEC. 4. ENVIRONMENTAL MANAGEMENT PROGRAM.**

10          (a) MAINTENANCE.—Section 1103(d)(3) of such Act  
11          is amended by inserting at the end the following: “and  
12          the maintenance of completed projects on Federal lands.”.

13          (b) RANKING SYSTEM.—Section 1103(e)(1) of such  
14          Act is amended—

15                 (1) in subparagraph (B) by striking “technical”  
16                 and inserting “science”;

17                 (2) at the end of subparagraph (B) by inserting  
18                 the following: “The advisory committee shall include  
19                 scientists, hydrologists, and engineers and shall re-  
20                 view and provide public comment on project criteria,  
21                 selection, and sequencing.”; and

22                 (3) by adding at the end the following:

23                         “(C) PROJECT RANKINGS.—The Secretary  
24                         shall, in consultation with the Independent  
25                         Technical Advisory Committee and the National

1 Academy of Sciences, develop a system to rank  
2 proposed projects. The ranking system shall  
3 give greater weight to projects that restore nat-  
4 ural river processes, including dam reforms,  
5 levee modification and removal, and training  
6 structure modification and removal.”.

7 (c) FUNDING LEVELS.—Section 1103(e) of the  
8 Water Resources Development Act of 1986 (33 U.S.C.  
9 652(e)) is amended as follows:

10 (1) In paragraph (3)—

11 (A) by striking “\$22,750,000” and insert-  
12 ing “\$80,000,000”;

13 (B) by inserting at the end the following:

14 “For the purposes of carrying out paragraph  
15 (1)(A) of this subsection, there is authorized to  
16 be appropriated to the Secretary \$35,000,000  
17 per fiscal year, to purchase floodplain land from  
18 willing sellers.”; and

19 (C) by striking “thereafter” and inserting

20 “until the Trust Fund created in section 5 of  
21 the Mississippi River Protection Act of 2004  
22 reaches \$2,500,000,000”.

23 (2) In paragraph (4), by striking  
24 “\$10,420,000” and inserting “\$20,000,000”.

1           (3) By striking paragraph (7)(A) and inserting  
2 the following:

3           “(7)(A) The costs of each project carried out  
4 pursuant to paragraph (1)(A), including the costs of  
5 land acquisition, shall be a Federal responsibility. A  
6 non-Federal sponsor shall share 35 percent of the  
7 cost of projects constructed on private land.”.

8           (d) RECREATIONAL PROJECTS.—Section 1103(f)(2)  
9 of such Act is amended—

10           (1) by striking “\$500,000” and inserting  
11 “\$10,000,000”;

12           (2) by adding at the end the following: “The  
13 Secretary may share the cost of riverfront projects,  
14 including trails, parks, interpretive sites, and green-  
15 ways.”; and

16           (3) by striking “thereafter” and inserting “until  
17 the trust fund created in section 5 of the Mississippi  
18 River Protection and Restoration Act of 2004  
19 reaches \$2,500,000,000”.

20           (e) RESERVATION.—Section 1103 of such Act is  
21 amended by adding at the end the following:

22           “(k) FUNDING.—One-half of the funds annually ap-  
23 propriated to operate and maintain the Upper Mississippi  
24 River and Illinois Waterway under section 102 of the  
25 Water Resources Development Act of 1986 shall be re-

1 served to carry out subsections (e), (f), and (h) of section  
2 1103 of such Act.”.

3 **SEC. 5. UPPER MISSISSIPPI RIVER TRUST FUND.**

4 (a) ESTABLISHMENT.—There is established in the  
5 Treasury of the United States a fund to be known as the  
6 “Upper Mississippi River Trust Fund” (referred to in this  
7 section as the “Fund”).

8 (b) FEDERAL FUNDING.—Until the aggregate  
9 amount deposited in the Fund under this subsection is  
10 equal to at least \$2,500,000,000, the Secretary of the  
11 Treasury shall transfer \$100,000,000 from the general  
12 treasury to the Fund for fiscal year 2005 and each fiscal  
13 year thereafter.

14 (c) NON-FEDERAL FUNDING.—Non-federal funding  
15 may also be contributed to the Fund established in sub-  
16 section (a).

17 (d) CREATION OF A NON-PROFIT CORPORATION.—

18 (1) IN GENERAL.—There is established a chari-  
19 table and non-profit corporation to administer the  
20 funds provided by this section, and to encourage, ac-  
21 cept, and administer private gifts for the purpose of  
22 protecting and restoring the natural resources of the  
23 Upper Mississippi River and its floodplain.

1           (2) MEMBERS OF BOARD OF TRUSTEES.—The  
2 Board of Trustees shall be made up of 11 members  
3 appointed by the President and shall include:

4           (A) One representative from each of the  
5 States of Minnesota, Wisconsin, Illinois, Iowa,  
6 and Missouri.

7           (B) Six representatives of non profit orga-  
8 nizations dedicated to the protection and res-  
9 toration of the environment or other persons  
10 who have demonstrated commitment to the en-  
11 vironmental health and expertise related to the  
12 Upper Mississippi River.

13           (C) The chairman shall be elected by the  
14 trustees from its members for a 1-year term.

15           (D) A majority of the current membership  
16 of the Trustees shall constitute a quorum for  
17 the transaction of business.

18           (E) One ex-officio representative of the  
19 U.S. Fish and Wildlife Service.

20           (F) One ex-officio representative of the  
21 U.S. Army Corps of Engineers.

22           (G) One ex-officio representative of the  
23 U.S. Environmental Protection Agency.

1           (H) One ex-officio representative of the  
2           Natural Resources Conservation Service of the  
3           U.S. Department of Agriculture.

4           (3) TERM.—A member of the Board of Trust-  
5           ees shall serve a 5 year, nonrenewable term.

6           (4) GENERAL POWERS.—The Board of Trustees  
7           shall meet semi-annually to—

8                   (A) allocate the funds annually provided by  
9                   subparagraph (f);

10                   (B) solicit, accept, and use any gift or real  
11                   or personal property or any income or interest  
12                   therefrom;

13                   (C) acquire by purchase or exchange any  
14                   real or personal property or interest therein;

15                   (D) enter into contracts as may be nec-  
16                   essary to carry out its functions; and

17                   (E) appoint officers and employees, adopt  
18                   bylaws, and undertake other such acts as may  
19                   be necessary to carry out the provisions of this  
20                   section.

21           (e) INVESTMENTS.—

22                   (1) IN GENERAL.—The Secretary of the Treas-  
23                   ury shall invest the amounts deposited under sub-  
24                   sections (b) and (c) only in interest bearing obliga-  
25                   tions of the United States or in obligations guaran-

1 teed by the United States as to both principal and  
2 interest.

3 (2) INTEREST RATE.—The Secretary of the  
4 Treasury shall invest the amounts in the fund in ob-  
5 ligation that carry the highest rate of interest among  
6 available obligations of the required maturity.

7 (f) PAYMENTS.—All amounts annually credited as in-  
8 terest under subsection (e) shall be available, without fis-  
9 cal year limitation, to the trust established under sub-  
10 section (d) after the Fund has been fully capitalized.

11 (g) USE OF FUNDS.—The trust established in sub-  
12 section (d) may use funds transferred under subsection  
13 (f) for the following:

14 (1) Aquatic habitat restoration.

15 (2) Floodplain habitat restoration, including the  
16 acquisition of land in fee title from willing sellers.

17 (3) Not less than 5 percent of the funds gen-  
18 erated under subsection (f) shall be used to revitalize  
19 riverfronts.

20 (4) Such sums as are necessary to administer  
21 the Fund, including professional staff and the reim-  
22 bursement of the expenses of Trustees.

23 (h) SCIENCE ADVISORY BOARD.—The Science Advi-  
24 sory Board established by section 509(a) of the Water Re-  
25 sources Development Act of 1999 shall annually review

1 and comment on the projects proposed by the Board of  
2 Trustees.

3 (i) CONSISTENCY.—Nothing in this section shall con-  
4 fer any new regulatory authority on any Federal or non-  
5 Federal entity, and the funds used pursuant to subsection  
6 (g) shall be subject to all applicable laws and regulations.

7 **SEC. 6. SYSTEM MAINTENANCE.**

8 (a) IN GENERAL.—The Secretary shall use the funds  
9 provided by section 102 of Public Law 99–662 (33 U.S.C.  
10 2212) to conduct maintenance activities consistent with  
11 the needs of the environment, including the following:

- 12 (1) Water level management.
- 13 (2) Gate adjustments.
- 14 (3) Wingdam/dike field modifications.
- 15 (4) Spillway modifications.
- 16 (5) Abandoned barge removal.
- 17 (6) Mooring buoys.
- 18 (7) Forestry management.
- 19 (8) Systemic fleeting plan.
- 20 (9) Fish passage.
- 21 (10) Other measures that the Secretary deter-  
22 mines will reduce the impacts of waterway manage-  
23 ment and barge movements on aquatic and flood-  
24 plain habitat.

1 (b) WATER LEVEL MANAGEMENT.—Section 102 of  
2 Public Law 99–662 (33 U.S.C. 2212) is amended by in-  
3 serting the following: “The Secretary shall provide 100  
4 percent of the cost of dredging required to manage water  
5 levels to improve the environment.”.

6 (c) DREDGED MATERIAL PLACEMENT.—Section 204  
7 of Public Law 102–580 is amended by inserting the fol-  
8 lowing: “The Secretary shall develop and implement at full  
9 Federal expense a plan to dispose or reuse dredged mate-  
10 rial from the Upper Mississippi River to eliminate all  
11 harmful impacts on floodplain and aquatic habitat.”.

12 (d) WATER LEVEL MANAGEMENT STUDY.—Not later  
13 than 6 months after the date of enactment of this Act,  
14 the Secretary shall assess the opportunities for water level  
15 management that benefits fish and wildlife consistent with  
16 commercial navigation.

17 **SEC. 7. LOWER MISSISSIPPI RIVER RESOURCE ASSESS-**  
18 **MENT.**

19 Section 402 of the Water Resources Development Act  
20 of 2000 (114 Stat. 2633) is amended—

21 (1) by striking subsection (b) and (c) and in-  
22 serting the following:

23 “(b) ASSESSMENTS.—Not later than June 30, 2004,  
24 the Secretary shall submit the assessments described in  
25 subsection (a) to the appropriate committees of Congress,

1 including planning, construction, and enhancement meas-  
2 ures needed to meet habitat needs.

3 “(c) DEMONSTRATION PROJECTS.—To assist in the  
4 assessment, the Secretary may implement the following  
5 demonstration projects at Federal expense prior to the  
6 completion of the report under subsection (b).”

7 (2) by striking subsection (e) and inserting the  
8 following:

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
10 is authorized to be appropriated—

11 “(1) \$2,000,000 for the assessment described in  
12 subsection (b); and

13 “(2) \$15,000,000 for the demonstration  
14 projects described in subsection (c).”.

15 **SEC. 8. FLOOD MITIGATION.**

16 (a) Section 212(i)(1) of the Water Resources Devel-  
17 opment Act of 1999 (33 U.S.C. 2332(i)(1); 113 Stat. 291)  
18 is amended to read as follows:

19 “(1) IN GENERAL.—There is authorized to be  
20 appropriated \$100,000,000 to carry out this section  
21 for fiscal years 2005 through 2014.”.

22 **SEC. 9. HAZARD MITIGATION.**

23 (a) INCREASED FEDERAL SHARE.—Section  
24 322(e)(1) of the Robert T. Stafford Disaster Relief and  
25 Emergency Assistance Act (42 U.S.C. 5165(e)(1)) is

1 amended by striking “20 percent” and inserting “30 per-  
2 cent.”.

3 (b) **LIMITATION ON TOTAL AMOUNT OF FEDERAL**  
4 **CONTRIBUTIONS.**—Section 404(a) of the Robert T. Staf-  
5 ford Disaster Relief and Emergency Assistance Act (42  
6 U.S.C. 5170c(a)) is amended by striking “15 percent of  
7 the estimated aggregate amount of grants to be made (less  
8 any associated administrative costs)” and inserting “25  
9 percent of the estimated aggregate amount of grants to  
10 be made”.

11 **SEC. 10. GULF HYPOXIA RESEARCH, COORDINATION, AND**  
12 **MONITORING.**

13 (a) **ESTABLISHMENT.**—To implement the rec-  
14 ommendations of the Mississippi River/Gulf of Mexico Wa-  
15 tershed Nutrient Task Force, the Secretary shall establish  
16 at the Waterways Experiment Station in Vicksburg, Mis-  
17 sissippi, a program to coordinate monitoring and research  
18 in the Mississippi River basin.

19 (b) **MONITORING COORDINATION.**—The Secretary  
20 shall administer and coordinate programs to identify the  
21 sources of nutrients in the Gulf of Mexico, including the  
22 programs authorized by sections 16 and 17 of this title  
23 and the program authorized by section 304 of the Water  
24 Resources Development Act of 2000 and other programs

1 authorized to monitor sediment and nutrient loadings into  
2 the Mississippi River.

3 (c) RESEARCH COORDINATION.—The Secretary, in  
4 collaboration with the Secretary of Commerce, shall ad-  
5 minister and coordinate research efforts.

6 (d) SUB-BASIN NUTRIENT MONITORING AND MOD-  
7 ELING.—Pursuant to section 403 of the Water Resources  
8 Development Act of 2000, the Secretary shall develop sedi-  
9 ment and nutrient studies for the following sub-basins of  
10 the Mississippi River basin:

- 11 (1) Missouri River basin.
- 12 (2) Ohio River basin.
- 13 (3) Tennessee River basin.
- 14 (4) Arkansas River basin.
- 15 (5) Lower Mississippi River basin.

16 (e) SUB-BASIN COLLABORATION.—The Secretary  
17 shall establish and coordinate sub-basin commissions in  
18 each of the following sub-basins to develop and implement  
19 long-term nutrient reduction strategies:

- 20 (1) Missouri River basin.
- 21 (2) Upper Mississippi River basin.
- 22 (3) Ohio River basin.
- 23 (4) Tennessee River basin.
- 24 (5) Arkansas River basin.
- 25 (6) Lower Mississippi River basin.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated \$250,000,000 for each  
3 of fiscal years 2003 through 2012 to carry out this sec-  
4 tion.

5 **SEC. 11. WETLAND RESTORATION DEMONSTRATION**  
6 **PROJECTS.**

7 (a) ESTABLISHMENT.—The Secretary shall establish  
8 a consortium of universities from States throughout the  
9 Mississippi River Basin to demonstrate the full range of  
10 wetland values and functions, including floodplain wet-  
11 lands in the Lower Mississippi River floodplain, to reduce  
12 nutrient loadings to the Gulf of Mexico and to sequester  
13 carbon.

14 (b) REPORT.—The Secretary shall annually report on  
15 the success of demonstration projects undertaken pursu-  
16 ant to this section.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated \$10,000,000 for each  
19 of the fiscal years 2004 through 2012 to carry out this  
20 section.

○