

108TH CONGRESS
1ST SESSION

S. 1378

To transfer to the Secretary of the Interior authority to revise the Missouri River Master Water Control Manual.

IN THE SENATE OF THE UNITED STATES

JULY 8, 2003

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To transfer to the Secretary of the Interior authority to revise the Missouri River Master Water Control Manual.

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. MISSOURI RIVER MASTER WATER CONTROL**
4 **MANUAL.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the original study for the revision of the op-
7 erating plan under the Missouri River Master Water
8 Control Manual was begun in November 1989 and
9 was scheduled to be completed 6 months later;

1 (2) the Corps of Engineers has missed that
2 deadline by more than 13 years and has consistently
3 missed every other deadline set in the interim;

4 (3) the Corps of Engineers is unable or unwill-
5 ing to move the process forward to revise the Man-
6 ual, despite legal requirements, direction from Con-
7 gress, scientific evidence, and various lawsuits from
8 affected parties;

9 (4) in report number RCED-92-4 in January
10 1992, the Comptroller General of the United States
11 concluded that there is no statutory or regulatory
12 basis for any contention by the Corps of Engineers
13 that the Corps is bound to give higher priority to
14 navigation interests than to recreation interests af-
15 fected by the operation of dams on the Missouri
16 River;

17 (5) the Missouri River yields more than 10
18 times the economic benefit for recreation and tour-
19 ism in upstream States than it does for shipping in-
20 terests in the downstream States; and

21 (6) it appears that the Corps of Engineers is
22 unable to provide the leadership necessary to finalize
23 revisions to the Manual.

24 (b) DEFINITIONS.—In this section:

1 (1) SECRETARY OF THE ARMY.—The term
2 “Secretary of the Army” means the Secretary of the
3 Army, acting through the Chief of Engineers.

4 (2) SECRETARY OF THE INTERIOR.—The term
5 “Secretary of the Interior” means the Secretary of
6 the Interior, acting through the Commissioner of
7 Reclamation.

8 (3) MANUAL.—The term “Manual” means the
9 Missouri River Master Water Control Manual.

10 (c) TRANSFER OF AUTHORITY.—There is transferred
11 from the Secretary of the Army to the Secretary of the
12 Interior all authority of the Secretary of the Army to—

13 (1) revise the Manual; and

14 (2) operate the dams the operation of which is
15 governed by the Manual.

16 (d) COMPLETION OF CURRENT REVISION.—The Sec-
17 retary of the Interior shall, to the maximum extent prac-
18 ticable, complete the revision of the Manual begun by the
19 Secretary of the Army before the date of enactment of
20 this Act not later than the date set for completion by the
21 Secretary of the Army.

22 (e) MANAGEMENT OF WATER RESOURCE
23 PROJECTS.—After the Secretary of the Interior revises the
24 Manual, the Secretary of the Interior shall manage water

- 1 resource projects formerly operated by the Corps of Engi-
- 2 neers in accordance with the revised Manual.

