SEC. ___. REPEAL OF THE MISSOURI RIVER TASK FORCE – SOUTH DAKOTA.

Section 905 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2709) is repealed.

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal repeals the language authorizing the Missouri River (South Dakota) Task Force ("the South Dakota Task Force"), authorized under section 905 of the Water Resources Development Act of 2000 (Public Law 106-541). The objective of the South Dakota Task Force was to advise the Secretary of the Army on a plan to reduce Missouri River siltation in South Dakota and assist the Government in meeting the objectives of the Pick-Sloan program (formerly called the Missouri River Basin Project) which approved the plan for the conservation, control, and use of water resources in the Missouri River Basin. The South Dakota Task Force was to develop and recommend, to the Secretary of the Army, critical restoration projects that promoted conservation practices in the Missouri River watershed, the general control and removal of sediment from the Missouri River, the protection of recreation on the Missouri River from sedimentation, the protection of Native American and non-Native American historical and cultural sites along the Missouri River from erosion, erosion control along the Missouri River, or any combination of these activities.

The sense of Congress, as identified in the Federal Advisory Committee Act (Public Law 92-463), is that "advisory committees should be terminated when they are no longer carrying out the purposes for which they are established."

Since its establishment, the South Dakota Task Force has not had a sufficient number of members appointed by the Governor of South Dakota to reach quorum and, thus, has not held a single meeting. It has submitted zero recommendations to the Department of Defense (DoD), including the required report and plan. The lack of work by the South Dakota Task Force has made its objectives obsolete by the passage of time. Therefore, the DoD, in consultation with the General Services Administration, administratively suspended the South Dakota Task Force on October 7, 2016, due to inactivity.

Terminating the South Dakota Task Force removes any administrative burden from DoD for this administratively suspended advisory committee. Termination of the South Dakota Task Force does not eliminate Government work on protecting the Missouri River, as the Army Corps of Engineers and Department of Interior continue to hold these vital conversations in an agency-to-agency working group and work directly with State, local, tribal, and territorial members to enable engagement.

Budget Implications: This proposal has no significant budgetary impact. Incidental costs or savings are accounted for within the Fiscal Year 2021 President's Budget.

Changes to Existing Law: This proposal would amend the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2709) as follows:

~~SEC. 905. MISSOURI RIVER TASK FORCE.~~

~~(a) ESTABLISHMENT.—There is established the Missouri River Task Force.~~

~~(b) MEMBERSHIP.—The Task Force shall be composed of—(1) the Secretary (or a designee), who shall serve as Chairperson;~~

~~(2) the Secretary of Agriculture (or a designee);~~

~~(3) the Secretary of Energy (or a designee);~~

~~(4) the Secretary of the Interior (or a designee); and~~

~~(5) the Trust.~~

~~(c) DUTIES.—The Task Force shall—~~

~~(1) meet at least twice each year;~~

~~(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;~~

~~(3) review projects to meet the goals of the plan; and~~

~~(4) recommend to the Secretary critical projects for implementation.~~

~~(d) ASSESSMENT.—~~

~~(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—~~

~~(A) the impact of the siltation of the Missouri River in the State, including the impact on—~~

~~(i) the Federal, State, and regional economies;~~

~~(ii) recreation;~~

~~(iii) hydropower generation;~~

~~(iv) fish and wildlife; and~~

~~(v) flood control;~~

~~(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;~~

~~(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and~~

~~(D) other issues, as requested by the Task Force.~~

~~(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—~~

~~(A) the Secretary of Energy;~~

~~(B) the Secretary of the Interior;~~

~~(C) the Secretary of Agriculture;~~

~~(D) the State; and~~

~~(E) Indian tribes in the State.~~

~~(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—~~

~~(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.~~

~~(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—~~

~~(A) conservation practices in the Missouri River watershed;~~

~~(B) the general control and removal of sediment from the Missouri River;~~

~~(C) the protection of recreation on the Missouri River from sedimentation;~~

~~(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;~~

~~(E) erosion control along the Missouri River; or~~

~~(F) any combination of the activities described in subparagraphs (A) through (E).~~

~~(3) PLAN REVIEW AND REVISION.—(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.~~

~~(B) REVISION OF PLAN.—~~

~~(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.~~

~~(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.~~

~~(f) CRITICAL RESTORATION PROJECTS.—~~

~~(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.~~

~~(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.~~

~~(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—~~

~~(A) within the boundary of an Indian reservation; or~~

~~(B) administered by an Indian tribe.~~

~~(g) COST SHARING.—~~

~~(1) ASSESSMENT.—~~

~~(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.~~

~~(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment may be provided in the form of services, materials, or other in-kind contributions.~~

~~(2) PLAN.—~~

~~(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.~~

~~(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan may be provided in the form of services, materials, or other in-kind contributions.~~

~~(3) CRITICAL RESTORATION PROJECTS.—~~

~~(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.~~

~~(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.~~

~~(C) NON-FEDERAL SHARE.—(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.~~

~~(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any project described in subparagraph (B), the nonFederal interest shall—(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;~~

~~(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and~~

~~(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.~~

~~(iii) CREDIT.—The Secretary shall credit the nonFederal interest for all contributions provided under clause (ii)(I).~~