

103^D CONGRESS
1ST SESSION

H. R. 1566

To amend the wetland conservation provisions of the Food Security Act of 1985, establish a Gulf of Mexico Commission, and establish a Gulf of Mexico Program Office within the Environmental Protection Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 1993

Mr. DE LA GARZA introduced the following bill; which was referred jointly to the Committees on Agriculture and Merchant Marine and Fisheries

SEPTEMBER 17, 1993

Additional sponsors: Mr. STUDDS, Mr. PETE GEREN of Texas, Mr. GONZALEZ, Mr. FROST, Mr. WILSON, Mr. TEJEDA, and Mr. GENE GREEN of Texas

A BILL

To amend the wetland conservation provisions of the Food Security Act of 1985, establish a Gulf of Mexico Commission, and establish a Gulf of Mexico Program Office within the Environmental Protection Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—DEPARTMENT OF AGRICULTURE**

2 **SEC. 101. AMENDMENT OF THE WETLAND CONSERVATION**

3 **PROVISIONS OF THE FOOD SECURITY ACT OF**

4 **1985**

5 Title XII of the Food Security Act of 1985 (16
6 U.S.C. 3801, et seq.) is amended by adding at the end
7 of subtitle C the following new section:

8 **“SEC. 1225. INVENTORY OF LAWS AND REGULATIONS AF-**
9 **FFECTING AGRICULTURAL WETLANDS.**

10 “(a) IN GENERAL.—The Secretary shall collect the
11 information necessary to compile a complete inventory of
12 Federal and State statutes and regulations governing or
13 otherwise affecting the use of wetlands for the production
14 of an agricultural commodity or for any other agricultural
15 purpose.

16 “(b) REPORT.—Not later than 12 months after the
17 date of enactment of this section, the Secretary shall
18 transmit to the Committee on Agriculture of the House
19 of Representatives and the Committee on Agriculture, Nu-
20 trition, and Forestry of the Senate a report including—

21 “(1) the inventory of statutes and regulations
22 described in subsection (a);

23 “(2) the recommendations of the Secretary for
24 clarifying, consolidating, coordinating, harmonizing,
25 and simplifying the statutes and regulations de-

1 scribed in subsection (a) so as to reduce any duplica-
2 tive requirements and to clarify or eliminate any
3 conflicting statutory or regulatory requirements;

4 “(3) such other recommendations as the Sec-
5 retary determines are necessary, and, in particular,
6 such other recommendations regarding wetland reg-
7 ulation as the Secretary determines are necessary to
8 promote the economic and environmental interests of
9 the Gulf of Mexico and its environs, consistent with
10 the prudent use of agricultural lands in the States
11 of Alabama, Florida, Louisiana, Mississippi, and
12 Texas.

13 “(c) GULF OF MEXICO.—

14 “(1) COOPERATION.—The Secretary of Agri-
15 culture and the Soil Conservation Service shall, to
16 the extent practicable, assist the Gulf of Mexico
17 Commission established under title II of the Gulf of
18 Mexico Act of 1993, as provided in section 201(e)(2)
19 of such Act.

20 “(2) REPORT.—The Secretary of Agriculture
21 shall transmit a copy of the report described in sub-
22 section (b) to the Gulf of Mexico Commission and
23 the Gulf of Mexico National Program Office estab-
24 lished under title II and title III, respectively, of the
25 Gulf of Mexico Act of 1993, not later than 7 days

1 after the transmission of such report as required
2 under subsection (b).”.

3 **TITLE II—GULF OF MEXICO COMMISSION**

4 **SEC. 201. GULF OF MEXICO COMMISSION**

5 (a) ESTABLISHMENT.—The President shall establish
6 a Gulf of Mexico Commission for the purpose of promoting
7 the environmental and economic interests of the Gulf of
8 Mexico and its environs by coordinating public authorities
9 and private organizations that are engaged in evaluating
10 and responding to problems relating to the Gulf of Mexico.

11 (b) MEMBERSHIP.—

12 (1) IN GENERAL.—The Commission shall be
13 composed of—

14 (A) the Governor of each Gulf State, or a
15 representative of the Governor;

16 (B) a representative of the State agency of
17 each Gulf State with jurisdiction over coastal
18 zone management;

19 (C) the President of the Senate of each
20 Gulf State legislature (or the equivalent official
21 of the State), or a designee of the President of
22 the Senate of the State (or equivalent official of
23 the State);

24 (D) the speaker of the House of Rep-
25 resentatives of each Gulf State legislature (or

1 the equivalent official of the State), or a des-
2 ignee of the Speaker (or the equivalent official
3 of the State);

4 (E) two individual residents of each Gulf
5 State who shall be appointed by the Governor
6 of that State for a term of 2 years or until the
7 Governor leaves office, whichever is shorter; and

8 (F) one official each from the Department
9 of Agriculture, the Department of Commerce,
10 the Department of the Interior, the Coast
11 Guard, the Environmental Protection Agency,
12 and the Army Corps of Engineers.

13 (2) CHAIRPERSON AND VICE CHAIRPERSON.—
14 The Commission shall annually elect a Chairperson
15 and Vice Chairperson from among its members.

16 (c) FUNCTIONS.—

17 (1) REVIEW AND RECOMMENDATIONS.—The
18 Commission shall review and make recommendations
19 regarding—

20 (A) agreements, mutual arrangements, and
21 cooperative efforts between and among the Gulf
22 States, the Federal Government, private groups
23 and organizations, and other interested parties;

1 (B) laws, regulations, and ordinances of
2 the Gulf States, the Federal Government, and
3 other jurisdictions;

4 (C) the current management system and
5 the overall transportation infrastructure of the
6 Gulf of Mexico;

7 (D) the productivity of the various indus-
8 tries doing business in the Gulf of Mexico;

9 (E) plans developed pursuant to section
10 301(b)(4);

11 (F) the current and projected funding re-
12 quests for the activities described in subpara-
13 graphs (A) through (E); and

14 (G) any other factors;

15 that the Commission determines may affect the or-
16 derly, integrated, and balanced development, use,
17 and conservation of the resources of the Gulf of
18 Mexico or the promotion of the economic interests of
19 the Gulf of Mexico and its environs.

20 (2) ANNUAL REPORT.—The Commission shall
21 submit an annual report to the President, the Con-
22 gress, and the Gulf States containing the results of
23 its review and recommendations.

24 (d) AUTHORITY OF COMMISSION.—The Commission
25 shall have the power to—

1 (1) conduct studies (directly or through con-
2 tracts, grants, or other indirect means) and compile,
3 analyze, and report on technical and other data re-
4 garding the resources and existing or potential prob-
5 lems relating to the Gulf of Mexico and its environs;

6 (2) hold hearings, take testimony, receive evi-
7 dence, and publish and distribute reports and infor-
8 mation relating to the activities and recommenda-
9 tions of the Commission as the Commission consid-
10 ers appropriate to carry out this Act;

11 (3) at the request of the President, assist in the
12 negotiation and formulation of any agreement re-
13 garding the Gulf of Mexico and its environs; and

14 (4) pursue such grants and other financial as-
15 sistance as may be provided by public and private
16 sources to facilitate any purpose of this Act.

17 (e) ADMINISTRATION.—

18 (1) IN GENERAL.—For the purpose of carrying
19 out this Act, the Commission may—

20 (A) adopt bylaws governing the conduct of
21 the activities and meetings of the Commission;

22 (B) acquire, furnish, and equip such office
23 space as may be necessary;

1 (C) employ and compensate an executive
2 director and such other personnel as the Com-
3 mission determines appropriate;

4 (D) incur such necessary expenses and ex-
5 ercise such powers as are reasonably required to
6 perform the functions of the Commission under
7 this Act.

8 (2) ASSISTANCE.—At the request of the Com-
9 mission, the heads of Federal and State departments
10 and agencies may furnish information, personnel,
11 and other assistance in support of the functions of
12 the Commission.

13 (3) COMPENSATION.—Members of the Commis-
14 sion shall serve without compensation, but shall be
15 reimbursed for travel or transportation expenses
16 under subchapter I of chapter 57 of title 5, United
17 States Code, while away from their homes or regular
18 places of business in performance of services for the
19 Commission.

20 (4) RECORDS.—The Commission shall keep ac-
21 curate records of all receipts and disbursements. The
22 accounts shall be audited at least annually in accord-
23 ance with generally accepted auditing standards by
24 independent certified or licensed public accountants.
25 A report of the audit shall be included in, and be-

1 come a part of, the annual report of the Commis-
2 sion.

3 (5) REVIEW.—The records of the Commission
4 referred to in paragraph (4) shall be open at all rea-
5 sonable times for inspection by representatives of the
6 jurisdictions and agencies that make appropriations,
7 donations, or grants to the Commission.

8 (6) TERMINATION.—The President shall termi-
9 nate the Commission after receipt of a written re-
10 quest signed by the Governor of each Gulf State.

11 **TITLE III—ENVIRONMENTAL PROTECTION**

12 **AGENCY**

13 **SEC. 301. GULF OF MEXICO PROGRAM OFFICE.**

14 (a) GULF OF MEXICO NATIONAL PROGRAM OF-
15 FICE.—The Gulf of Mexico National Program Office is es-
16 tablished within the Agency to be located in one of the
17 Gulf States and headed by a Director to be selected by
18 the Administrator. The Director shall have expertise in
19 technical and management issues related to environmental
20 quality in the Gulf of Mexico.

21 (b) GULF OF MEXICO ENVIRONMENTAL MANAGE-
22 MENT.—

23 (1) FUNCTIONS OF PROGRAM OFFICE.—The Di-
24 rector of the Program Office shall—

1 (A) create a database of research on Gulf
2 of Mexico environmental quality issues for use
3 by university, government, and private institu-
4 tions:

5 (B) establish a Gulf-wide network com-
6 prised of Federal, State, and local authorities
7 and private institutions to monitor environ-
8 mental quality in the Gulf of Mexico;

9 (C) develop and implement policies de-
10 signed to improve environmental quality in the
11 Gulf in conjunction with Federal, State, and
12 local authorities and private institutions;

13 (D) coordinate activities within the Agen-
14 cy, including those of regional and headquarters
15 offices with responsibilities for the Gulf of Mex-
16 ico, aimed at improving environmental quality
17 in the Gulf of Mexico; and

18 (E) coordinate activities of the Agency
19 with the actions of the Commission, other Fed-
20 eral agencies, and State and local authorities,
21 to ensure the participation of the agencies and
22 authorities in the development and implementa-
23 tion of policies to improve environmental quality
24 in the Gulf of Mexico.

25 (2) GULF OF MEXICO RESEARCH.—

1 (A) INVENTORY.—The Director of the Pro-
2 gram Office shall establish a Gulf of Mexico re-
3 search inventory and database to provide a
4 comprehensive source of environmental studies,
5 data, and other information related to environ-
6 mental quality in the Gulf of Mexico.

7 (B) UPDATES.—The Director of the Pro-
8 gram Office shall update the inventory every 5
9 years.

10 (3) MONITORING NETWORK.—

11 (A) ESTABLISHMENT.—The Administrator
12 shall establish a Gulf-wide monitoring network
13 not later than May 1, 1994, in consultation
14 with the Commission and Federal, State and
15 local agencies, to develop data that can be used
16 to gauge the effectiveness of Agency policies re-
17 lated to the Gulf.

18 (B) COORDINATOR.—The Administrator
19 shall review, and, to the extent feasible, incor-
20 porate into the network, monitoring efforts in
21 the Gulf at the Federal, State, and local levels,
22 existing on the date of enactment of this Act;

23 (C) PURPOSES.—The network shall be
24 structured to produce data to support the devel-
25 opment of the Gulf of Mexico Management Plan

1 and to describe the environmental quality of the
2 Gulf of Mexico.

3 (4) GULF OF MEXICO MANAGEMENT PLAN.—

4 (A) PUBLICATION OF THE PROPOSED
5 PLAN.—Not later than May 1, 1995, the Ad-
6 ministrator, after consultation with the Com-
7 mission and representatives of other Federal,
8 State, and local agencies, shall publish for pub-
9 lic comment a proposed Gulf of Mexico Manage-
10 ment Plan. The Plan shall—

11 (i) summarize existing data describing
12 the environmental quality of the Gulf of
13 Mexico, including information pertaining to
14 the status of fisheries, shellfish growing
15 areas, wetlands, and beaches;

16 (ii) describe the monitoring network
17 and the Program Office research inventory;

18 (iii) describe significant sources of
19 pollution and assess associated environ-
20 mental risks;

21 (iv) describe on-going and planned ac-
22 tivities intended to identify, evaluate, and
23 preserve wetlands and other critical habi-
24 tats;

1 (v) report on pollution prevention and
2 other abatement and remedial measures
3 underway on the date the report is pre-
4 pared;

5 (vi) recommend measures to be under-
6 taken by Federal, State, and local agencies
7 and private interests to ensure the protec-
8 tion and restoration of the Gulf of Mexico
9 ecosystem;

10 (vii) address the economic impact of
11 any additional measures on development in
12 the Gulf of Mexico region, particularly
13 measures affecting agriculture, fishing,
14 recreational activities, and oil and gas ac-
15 tivities; and

16 (viii) recommend the Federal, State,
17 and local agencies to be charged with im-
18 plementing the Plan.

19 (B) PUBLIC COMMENT AND PUBLICATION
20 OF FINAL PLAN.—The Administrator shall pro-
21 vide a period of 60 days for public comment on
22 the proposed Plan. The Administrator shall
23 publish the final Plan not later than 180 days
24 after the expiration of the public comment pe-
25 riod.

1 (C) ANNUAL REPORT TO CONGRESS.—Be-
2 ginning with fiscal year 1996, within 90 days
3 after the end of each fiscal year, the Adminis-
4 trator, after consultation with the Commission,
5 and Federal, State, and local agencies, shall
6 submit a comprehensive report to Congress
7 that—

8 (i) updates the status of environ-
9 mental quality in the Gulf of Mexico;

10 (ii) describes any modifications in the
11 monitoring network or research inventory;

12 (iii) describes the achievements in the
13 preceding year in implementing measures
14 recommended in the Plan;

15 (iv) describes the designation of any
16 critical habitats in the previous year; and

17 (v) describes the long-term prospects
18 for improving the environmental quality in
19 the Gulf of Mexico.

20 (5) GRANT PROGRAM.—

21 (A) IN GENERAL.—The Administrator
22 may, upon approval of an application submitted
23 by a Gulf State or a group of Gulf States, make
24 a grant to the Gulf State or group of Gulf
25 States for the purpose of furthering the devel-

1 opment or implementation of the monitoring
2 network or Plan.

3 (B) PURPOSES.—A State or group of
4 States receiving a grant under this paragraph
5 may provide funds to other State and local
6 agencies, universities, institutions, organiza-
7 tions, and individuals for the purpose of assist-
8 ing the State or States in developing or imple-
9 menting the monitoring network or Plan.

10 (C) SUBMISSION OF APPLICATION.—An
11 application submitted under this paragraph
12 shall describe in detail the activities the grant
13 will fund and, in the case of a grant to be used
14 for implementation measures, the proposed
15 abatement or conservation action and the result
16 the proposed action is expected to achieve.

17 (D) FEDERAL SHARE.—

18 (i) IN GENERAL.—The Federal grant
19 under this paragraph shall not exceed 50
20 percent of the amount of the funds nec-
21 essary to carry out the activities for which
22 the grant is awarded.

23 (ii) WAIVER.—The Administrator may
24 waive the 50 percent limitation on the
25 Federal share if the Administrator deter-

1 mines in a particular case that overriding
2 national, international, or regional inter-
3 ests justify a larger Federal share. The
4 Administrator shall report on the number
5 of waivers issued under this subparagraph
6 at the time the Administrator submits a
7 budget proposal to the President for inclu-
8 sion in the annual budget of the United
9 States Government submitted by the Presi-
10 dent to Congress.

11 (E) ADMINISTRATIVE EXPENSES.—Not
12 more than 10 percent of the amount of any
13 grant awarded under this paragraph may be
14 used for administrative expenses.

15 (F) REPORTS.—Any Gulf State or group
16 of Gulf States that receives a grant under this
17 paragraph shall submit to the Administrator a
18 report at the end of each fiscal year describing
19 the progress the State has made in taking the
20 actions proposed in the grant application and
21 the amount of grant funds expended.

22 (G) LIABILITY.—Grants made under this
23 section may not be used for the purpose of re-
24 lieving from liability any person who may other-
25 wise be liable under Federal or State law for

1 damages, response costs, natural resource dam-
2 ages, restitution, equitable relief, or any other
3 relief.

4 (c) BUDGET ITEM.—The Administrator shall, in the
5 annual budget submission of the Agency to Congress, in-
6 clude a funding request for the Program Office as a sepa-
7 rate line item.

8 (d) MEMORANDA OF UNDERSTANDING WITH OTHER
9 FEDERAL AGENCIES.—

10 (1) AUTHORIZATION.—The Administrator is author-
11 ized to negotiate and execute memoranda of understand-
12 ing with other Federal agencies with jurisdiction over the
13 Gulf of Mexico and its environs.

14 (2) PURPOSES.—A memorandum executed
15 under paragraph (1) shall set out the various re-
16 sponsibilities of each agency that is a party to it.
17 The memorandum shall clearly delineate the juris-
18 diction and activities to be undertaken by each
19 party.

20 **SEC. 302. STUDY OF INTERNATIONAL ISSUES.**

21 Not later than December 31, 1994, the Administrator
22 shall conduct and make available to the public the results
23 of a study to assess the nature and extent of environ-
24 mental problems in the Gulf of Mexico and Wider Carib-

1 bean Region, including areas beyond the Exclusive Eco-
2 nomic Zone of the United States.

3 **TITLE IV—ADMINISTRATIVE AND OTHER**
4 **PROVISIONS**

5 **SEC. 401. SHORT TITLE.**

6 This Act may be cited as the “Gulf of Mexico Act
7 of 1993”.

8 **SEC. 402. DEFINITIONS.**

9 As used in this Act:

10 (1) AGENCY.—The term “Agency” means the
11 Environmental Protection Agency.

12 (2) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Environ-
14 mental Protection Agency.

15 (3) FEDERAL AGENCY.—The term “Federal
16 Agency” means the Department of Agriculture, the
17 Environmental Protection Agency, the Department
18 of Commerce, the Department of the Interior, the
19 Department of the Army, and the Department of
20 Transportation.

21 (4) COMMISSION.—The term “Commission”
22 means the Gulf of Mexico Commission established
23 under title II.

1 (5) GULF STATES.—The term “Gulf States”
2 means Alabama, Florida, Louisiana, Mississippi, and
3 Texas.

4 (6) PLAN.—The term “Plan” means the Gulf
5 of Mexico Management Plan required under section
6 301(b)(4).

7 (7) PROGRAM OFFICE.—The term “Program
8 Office” means the Gulf of Mexico National Program
9 Office established under section 301(a).

10 (8) WIDER CARIBBEAN REGION.—The term
11 “Wider Caribbean Region” means the Caribbean
12 Sea, including the Gulf of Mexico, and areas of the
13 Atlantic Ocean adjacent to the Caribbean Sea.

14 **SEC. 403. RELATIONSHIP TO EXISTING FEDERAL AND**
15 **STATE LAWS AND INTERNATIONAL TREATIES.**

16 (a) IN GENERAL.—Nothing in this Act shall be con-
17 strued to affect the jurisdiction, powers, or prerogatives
18 of any department, agency, officer, or program of the Fed-
19 eral Government, or any State government or tribe.

20 (b) INTERNATIONAL BODIES.—Nothing in this Act
21 shall be construed to affect the jurisdiction, powers, or
22 prerogatives of any international body created by a treaty,
23 to which the United States is a party, with authority relat-
24 ing to the Gulf of Mexico.

1 (c) RELATIONSHIP TO INTERNATIONAL LAW.—Any
2 action taken pursuant to this Act shall be consistent with
3 relevant international law. Any action taken pursuant to
4 this Act that relates to the waters under the jurisdiction
5 of a foreign country shall be undertaken only in coopera-
6 tion with representatives of the affected foreign country.

7 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

8 There are hereby authorized to be appropriated such
9 sums as may be necessary to carry out titles II and III
10 of this Act. The amounts authorized to be appropriated
11 and made available under this section shall be used to sup-
12 plement and not supplant other funds made available to
13 the Environmental Protection Agency and shall remain
14 available until expended.

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HR 1566 SC—2