

106TH CONGRESS  
2D SESSION

# H. R. 1775

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## AN ACT

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.



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## AN ACT

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, 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 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Estuary Restoration  
3 Act of 2000”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are—

6 (1) to promote the restoration of estuary habi-  
7 tat;

8 (2) to develop a national estuary habitat res-  
9 toration strategy for creating and maintaining effec-  
10 tive estuary habitat restoration partnerships among  
11 public agencies at all levels of government and to es-  
12 tablish new partnerships between the public and pri-  
13 vate sectors;

14 (3) to provide Federal assistance for estuary  
15 habitat restoration projects and to promote efficient  
16 financing of such projects; and

17 (4) to develop and enhance monitoring and re-  
18 search capabilities to ensure that estuary habitat  
19 restoration efforts are based on sound scientific un-  
20 derstanding and to create a national database of es-  
21 tuary habitat restoration information.

22 **SEC. 3. DEFINITIONS.**

23 In this Act, the following definitions apply:

24 (1) COUNCIL.—The term “Council” means the  
25 Estuary Habitat Restoration Council established by  
26 section 5.

1           (2) ESTUARY.—The term “estuary” means a  
2 part of a river or stream or other body of water that  
3 has an unimpaired connection with the open sea and  
4 where the sea water is measurably diluted with fresh  
5 water derived from land drainage. The term also in-  
6 cludes near coastal waters and wetlands of the Great  
7 Lakes that are similar in form and function to estu-  
8 aries.

9           (3) ESTUARY HABITAT.—The term “estuary  
10 habitat” means the physical, biological, and chemical  
11 elements associated with an estuary, including the  
12 complex of physical and hydrologic features and liv-  
13 ing organisms within the estuary and associated eco-  
14 systems.

15           (4) ESTUARY HABITAT RESTORATION ACTIV-  
16 ITY.—

17           (A) IN GENERAL.—The term “estuary  
18 habitat restoration activity” means an activity  
19 that results in improving degraded estuaries or  
20 estuary habitat or creating estuary habitat (in-  
21 cluding both physical and functional restora-  
22 tion), with the goal of attaining a self-sus-  
23 taining system integrated into the surrounding  
24 landscape.

1 (B) INCLUDED ACTIVITIES.—The term  
2 “estuary habitat restoration activity”  
3 includes—

4 (i) the reestablishment of chemical,  
5 physical, hydrologic, and biological features  
6 and components associated with an estu-  
7 ary;

8 (ii) except as provided in subpara-  
9 graph (C), the cleanup of pollution for the  
10 benefit of estuary habitat;

11 (iii) the control of nonnative and  
12 invasive species in the estuary;

13 (iv) the reintroduction of species na-  
14 tive to the estuary, including through such  
15 means as planting or promoting natural  
16 succession;

17 (v) the construction of reefs to pro-  
18 mote fish and shellfish production and to  
19 provide estuary habitat for living re-  
20 sources; and

21 (vi) other activities that improve estu-  
22 ary habitat.

23 (C) EXCLUDED ACTIVITIES.—The term  
24 “estuary habitat restoration activity” does not  
25 include an activity that—

1 (i) constitutes mitigation required  
2 under any Federal or State law for the ad-  
3 verse effects of an activity regulated or  
4 otherwise governed by Federal or State  
5 law; or

6 (ii) constitutes restoration for natural  
7 resource damages required under any Fed-  
8 eral or State law.

9 (5) ESTUARY HABITAT RESTORATION  
10 PROJECT.—The term “estuary habitat restoration  
11 project” means a project to carry out an estuary  
12 habitat restoration activity.

13 (6) ESTUARY HABITAT RESTORATION PLAN.—

14 (A) IN GENERAL.—The term “estuary  
15 habitat restoration plan” means any Federal or  
16 State plan for restoration of degraded estuary  
17 habitat that was developed with the substantial  
18 participation of appropriate public and private  
19 stakeholders.

20 (B) INCLUDED PLANS AND PROGRAMS.—

21 The term “estuary habitat restoration plan” in-  
22 cludes estuary habitat restoration components  
23 of—

24 (i) a comprehensive conservation and  
25 management plan approved under section

1                   320 of the Federal Water Pollution Con-  
2                   trol Act (33 U.S.C. 1330);

3                   (ii) a lakewide management plan or  
4                   remedial action plan developed under sec-  
5                   tion 118 of the Federal Water Pollution  
6                   Control Act (33 U.S.C. 1268);

7                   (iii) a management plan approved  
8                   under the Coastal Zone Management Act  
9                   of 1972 (16 U.S.C. 1451 et seq.); and

10                  (iv) the interstate management plan  
11                  developed pursuant to the Chesapeake Bay  
12                  program under section 117 of the Federal  
13                  Water Pollution Control Act (33 U.S.C.  
14                  1267).

15                  (8) INDIAN TRIBE.—The term “Indian tribe”  
16                  has the meaning given such term by section 4 of the  
17                  Indian Self-Determination and Education Assistance  
18                  Act (25 U.S.C. 450b).

19                  (9) NON-FEDERAL INTEREST.—The term “non-  
20                  federal interest” means a State, a political subdivi-  
21                  sion of a State, an Indian tribe, a regional or inter-  
22                  state agency, or, as provided in section 4(g)(2), a  
23                  nongovernmental organization.

24                  (10) SECRETARY.—The term “Secretary”  
25                  means the Secretary of the Army.



1           (11) STATE.—The term “State” means the  
2 States of Alabama, Alaska, California, Connecticut,  
3 Delaware, Florida, Georgia, Hawaii, Illinois, Indi-  
4 ana, Louisiana, Maine, Maryland, Massachusetts,  
5 Michigan, Minnesota, Mississippi, New Hampshire,  
6 New Jersey, New York, North Carolina, Ohio, Or-  
7 egon, Pennsylvania, Rhode Island, South Carolina,  
8 Texas, Virginia, Washington, and Wisconsin, the  
9 District of Columbia, the Commonwealth of Puerto  
10 Rico, the Commonwealth of the Northern Mariana  
11 Islands, the United States Virgin Islands, American  
12 Samoa, and Guam.

13 **SEC. 4. ESTUARY HABITAT RESTORATION PROGRAM.**

14       (a) ESTABLISHMENT.—There is established an estu-  
15 ary habitat restoration program under which the Secretary  
16 may carry out estuary habitat restoration projects and  
17 provide technical assistance in accordance with the re-  
18 quirements of this Act.

19       (b) ORIGIN OF PROJECTS.—A proposed estuary habi-  
20 tat restoration project shall originate from a non-Federal  
21 interest consistent with State or local laws.

22       (c) REQUIRED ELEMENTS OF PROJECT PRO-  
23 POSALS.—To be eligible for the estuary habitat restoration  
24 program established under this Act, each proposed estuary  
25 habitat restoration project must—

1           (1) address restoration needs identified in an  
2 estuary habitat restoration plan;

3           (2) be consistent with the estuary habitat res-  
4 toration strategy developed under section 7;

5           (3) be technically feasible;

6           (4) include a monitoring plan that is consistent  
7 with standards for monitoring developed under sec-  
8 tion 8 to ensure that short-term and long-term res-  
9 toration goals are achieved; and

10          (5) include satisfactory assurance from the non-  
11 Federal interests proposing the project that the non-  
12 Federal interests will have adequate personnel, fund-  
13 ing, and authority to carry out and properly main-  
14 tain the project.

15          (d) SELECTION OF PROJECTS.—

16           (1) IN GENERAL.—The Secretary, after consid-  
17 ering the advice and recommendations of the Coun-  
18 cil, shall select estuary habitat restoration projects  
19 taking into account the following factors:

20                   (A) The scientific merit of the project.

21                   (B) Whether the project will encourage in-  
22 creased coordination and cooperation among  
23 Federal, State, and local government agencies.

24                   (C) Whether the project fosters public-pri-  
25 vate partnerships and uses Federal resources to

1 encourage increased private sector involvement,  
2 including consideration of the amount of private  
3 funds or in-kind contributions for an estuary  
4 habitat restoration activity.

5 (D) Whether the project is cost-effective.

6 (E) Whether the State in which the non-  
7 Federal interest is proposing the project has a  
8 dedicated source of funding to acquire or re-  
9 store estuary habitat, natural areas, and open  
10 spaces for the benefit of estuary habitat res-  
11 toration or protection.

12 (F) Other factors that the Secretary deter-  
13 mines to be reasonable and necessary for con-  
14 sideration.

15 (2) PRIORITY.—In selecting estuary habitat res-  
16 toration projects to be carried out under this Act,  
17 the Secretary shall give priority consideration to a  
18 project if, in addition to meriting selection based on  
19 the factors under paragraph (1)—

20 (A) the project occurs within a watershed  
21 in which there is a program being carried out  
22 that addresses sources of pollution and other  
23 activities that otherwise would re-impair the re-  
24 stored habitat; or

1 (B) the project includes pilot testing or a  
2 demonstration of an innovative technology hav-  
3 ing the potential for improved cost-effectiveness  
4 in estuary habitat restoration.

5 (e) COST SHARING.—

6 (1) FEDERAL SHARE.—The Federal share of  
7 the cost of an estuary habitat restoration project  
8 carried out under this Act shall not exceed 65 per-  
9 cent of such cost.

10 (2) NON-FEDERAL SHARE.—The non-Federal  
11 share of the cost of an estuary habitat restoration  
12 project carried out under this Act shall include  
13 lands, easements, rights-of-way, and relocations and  
14 may include services, or any other form of in-kind  
15 contribution determined by the Secretary to be an  
16 appropriate contribution equivalent to the monetary  
17 amount required for the non-Federal share of the  
18 activity.

19 (f) INTERIM ACTIONS.—

20 (1) IN GENERAL.—Pending completion of the  
21 estuary habitat restoration strategy to be developed  
22 under section 7, the Secretary may take interim ac-  
23 tions to carry out an estuary habitat restoration ac-  
24 tivity.

1           (2) FEDERAL SHARE.—The Federal share of  
2 the cost of an estuary habitat restoration activity be-  
3 fore the completion of the estuary habitat restora-  
4 tion strategy shall not exceed 25 percent of such  
5 cost.

6           (g) COOPERATION OF NON-FEDERAL INTERESTS.—

7           (1) IN GENERAL.—The Secretary shall not se-  
8 lect an estuary habitat restoration project until a  
9 non-Federal interest has entered into a written  
10 agreement with the Secretary in which the non-Fed-  
11 eral interest agrees to—

12                   (A) provide all lands, easements, rights-of-  
13 way, and relocations and any other elements the  
14 Secretary determines appropriate under sub-  
15 section (e)(2); and

16                   (B) provide for maintenance and moni-  
17 toring of the project to the extent the Secretary  
18 determines necessary.

19           (2) NONGOVERNMENTAL ORGANIZATIONS.—  
20 Notwithstanding section 221 of the Flood Control  
21 Act of 1970 (42 U.S.C. 1962d–5b(b)), for any  
22 project undertaken under this Act, the Secretary,  
23 upon the recommendation of the Governor of the  
24 State in which the project is located and in consulta-  
25 tion with appropriate officials of political subdivi-

1 sions of such State, may allow a nongovernmental  
2 organization to serve as the non-Federal interest.

3 (h) DELEGATION OF PROJECT IMPLEMENTATION.—

4 In carrying out this Act, the Secretary may delegate  
5 project implementation to another Federal department or  
6 agency on a reimbursable basis if the Secretary, after con-  
7 sidering the advice and recommendations of the Council,  
8 determines such delegation is appropriate.

9 **SEC. 5. ESTABLISHMENT OF ESTUARY HABITAT RESTORA-**  
10 **TION COUNCIL.**

11 (a) COUNCIL.—There is established a council to be  
12 known as the “Estuary Habitat Restoration Council”.

13 (b) DUTIES.—The Council shall be responsible for—

14 (1) soliciting, reviewing, and evaluating project  
15 proposals and making recommendations concerning  
16 such proposals based on the factors specified in sec-  
17 tion 4(d)(1), including recommendations as to a pri-  
18 ority order for carrying out such projects and as to  
19 whether a project should be carried out by the Sec-  
20 retary or by another Federal department or agency  
21 under section 4(h);

22 (2) developing and transmitting to Congress a  
23 national strategy for restoration of estuary habitat;

24 (3) periodically reviewing the effectiveness of  
25 the national strategy in meeting the purposes of this

1 Act and, as necessary, updating the national strat-  
2 egy; and

3 (4) providing advice on the development of the  
4 database, monitoring standards, and report required  
5 under sections 8 and 9.

6 (c) MEMBERSHIP.—The Council shall be composed of  
7 the following members:

8 (1) The Secretary (or the Secretary’s designee).

9 (2) The Under Secretary for Oceans and At-  
10 mosphere of the Department of Commerce (or the  
11 Under Secretary’s designee).

12 (3) The Administrator of the Environmental  
13 Protection Agency (or the Administrator’s designee).

14 (4) The Secretary of the Interior, acting  
15 through the Director of the United States Fish and  
16 Wildlife Service (or such Secretary’s designee).

17 (5) The Secretary of Agriculture (or such Sec-  
18 retary’s designee).

19 (6) The head of any other Federal agency des-  
20 igned by the President to serve as an ex officio  
21 member of the Council.

22 (d) PROHIBITION OF COMPENSATION.—Members of  
23 the Council may not receive compensation for their service  
24 as members of the Council.

1 (e) CHAIRPERSON.—The chairperson shall be elected  
2 by the Council from among its members for a 3-year term,  
3 except that the first elected chairperson may serve a term  
4 of fewer than 3 years.

5 (f) CONVENING OF COUNCIL.—

6 (1) FIRST MEETING.—The Secretary shall con-  
7 vene the first meeting of the Council not later than  
8 60 days after the date of the enactment of this Act  
9 for the purpose of electing a chairperson.

10 (2) ADDITIONAL MEETINGS.—The chairperson  
11 shall convene additional meetings of the Council as  
12 often as appropriate to ensure that this Act is fully  
13 carried out, but not less often than annually.

14 (g) COUNCIL PROCEDURES.—The Council shall es-  
15 tablish procedures for voting, the conduct of meetings, and  
16 other matters, as necessary.

17 (h) PUBLIC PARTICIPATION.—Meetings of the Coun-  
18 cil shall be open to the public. The Council shall provide  
19 notice to the public of such meetings.

20 **SEC. 6. ADVISORY BOARD.**

21 (a) IN GENERAL.—The Council shall establish an ad-  
22 visory board (in this subsection referred to as the  
23 “board”).

24 (b) DUTIES.—The board shall provide advice and rec-  
25 ommendations to the Council—



1           (1) on the strategy developed pursuant to sec-  
2           tion 7; and

3           (2) on the Council's consideration of proposed  
4           estuary habitat restoration projects and the Coun-  
5           cil's recommendations to the Secretary pursuant to  
6           section 5(b)(1), including advice on the scientific  
7           merit, technical merit, and feasibility of a project.

8           (c) MEMBERS.—The Council shall appoint members  
9           of the board representing diverse public and private inter-  
10          ests. Members of the board shall be selected such that the  
11          board consists of—

12           (1) three members with recognized academic  
13           scientific expertise in estuary or estuary habitat res-  
14           toration;

15           (2) three members representing State agencies  
16           with expertise in estuary or estuary habitat restora-  
17           tion;

18           (3) two members representing local or regional  
19           government agencies with expertise in estuary or es-  
20           tuary habitat restoration;

21           (4) two members representing nongovernmental  
22           organizations with expertise in estuary or estuary  
23           habitat restoration;

24           (5) two members representing fishing interests;

1           (6) two members representing estuary users  
2 other than fishing interests;

3           (7) two members representing agricultural in-  
4 terests; and

5           (8) two members representing Indian tribes.

6       (d) TERMS.—

7           (1) IN GENERAL.—Except as provided by sub-  
8 paragraph (B), members of the board shall be ap-  
9 pointed for a term of 3 years.

10          (2) INITIAL MEMBERS.—As designated by the  
11 chairperson of the Council at the time of appoint-  
12 ment, of the members first appointed—

13           (A) nine shall be appointed for a term of  
14 1 year; and

15           (B) nine shall be appointed for a term of  
16 2 years.

17       (e) VACANCIES.—Whenever a vacancy occurs among  
18 members of the board, the Council shall appoint an appro-  
19 priate individual to fill that vacancy for the remainder of  
20 the applicable term.

21       (f) BOARD LEADERSHIP.—The board shall elect from  
22 among its members a chairperson of the board to rep-  
23 resent the board in matters related to its duties under this  
24 Act.

1           (g) COMPENSATION.—Members of the board shall not  
2 be considered to be employees of the United States and  
3 may not receive compensation for their service as members  
4 of the board, except that while engaged in the performance  
5 of their duties while away from their homes or regular  
6 place of business, members of the board may be allowed  
7 necessary travel expenses as authorized by section 5703  
8 of title 5, United States Code.

9           (h) TECHNICAL SUPPORT.—Technical support may  
10 be provided to the board by regional and field staff of the  
11 Corps of Engineers, the Environmental Protection Agen-  
12 cy, the National Oceanic and Atmospheric Administration,  
13 the United States Fish and Wildlife Service, and the De-  
14 partment of Agriculture. The Secretary shall coordinate  
15 the provision of such assistance.

16           (i) ADMINISTRATIVE SUPPORT SERVICES.—Upon the  
17 request of the board, the Secretary may provide to the  
18 board the administrative support services necessary for  
19 the board to carry out its responsibilities under this Act.

20           (j) FUNDING.—From amounts appropriated for that  
21 purpose under section 10, the Secretary shall provide  
22 funding for the board to carry out its duties under this  
23 Act.

1 **SEC. 7. ESTUARY HABITAT RESTORATION STRATEGY.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of the enactment of this Act, the Council, in consulta-  
4 tion with the advisory board established under section 6,  
5 shall develop an estuary habitat restoration strategy de-  
6 signed to ensure a comprehensive approach to maximize  
7 benefits derived from estuary habitat restoration projects  
8 and to foster the coordination of Federal and non-Federal  
9 activities related to restoration of estuary habitat.

10 (b) GOAL.—The goal of the strategy shall be the res-  
11 toration of 1,000,000 acres of estuary habitat by the year  
12 2010.

13 (c) INTEGRATION OF ESTUARY HABITAT RESTORA-  
14 TION PLANS, PROGRAMS, AND PARTNERSHIPS.—In devel-  
15 oping the estuary habitat restoration strategy, the Council  
16 shall—

17 (1) conduct a review of estuary management or  
18 habitat restoration plans and Federal programs es-  
19 tablished under other laws that authorize funding  
20 for estuary habitat restoration activities; and

21 (2) ensure that the estuary habitat restoration  
22 strategy is developed in a manner that is consistent  
23 with the estuary management or habitat restoration  
24 plans.

1 (d) ELEMENTS OF THE STRATEGY.—The estuary  
2 habitat restoration strategy shall include proposals, meth-  
3 ods, and guidance on—

4 (1) maximizing the incentives for the creation  
5 of new public-private partnerships to carry out estu-  
6 ary habitat restoration projects and the use Federal  
7 resources to encourage increased private sector in-  
8 volvement in estuary habitat restoration activities;

9 (2) ensuring that the estuary habitat restora-  
10 tion strategy will be implemented in a manner that  
11 is consistent with the estuary management or habi-  
12 tat restoration plans;

13 (3) promoting estuary habitat restoration  
14 projects to—

15 (A) provide healthy ecosystems in order to  
16 support—

17 (i) wildlife, including endangered and  
18 threatened species, migratory birds, and  
19 resident species of an estuary watershed;  
20 and

21 (ii) fish and shellfish, including com-  
22 mercial and recreational fisheries;

23 (B) improve surface and ground water  
24 quality and quantity, and flood control;

1 (C) provide outdoor recreation and other  
2 direct and indirect values; and

3 (D) address other areas of concern that  
4 the Council determines to be appropriate for  
5 consideration;

6 (4) addressing the estimated historic losses, es-  
7 timated current rate of loss, and extent of the threat  
8 of future loss or degradation of each type of estuary  
9 habitat;

10 (5) measuring the rate of change for each type  
11 of estuary habitat;

12 (6) selecting a balance of smaller and larger es-  
13 tuary habitat restoration projects; and

14 (7) ensuring equitable geographic distribution  
15 of projects funded under this Act.

16 (e) PUBLIC REVIEW AND COMMENT.—Before the  
17 Council adopts a final or revised estuary habitat restora-  
18 tion strategy, the Secretary shall publish in the Federal  
19 Register a draft of the estuary habitat restoration strategy  
20 and provide an opportunity for public review and com-  
21 ment.

22 (f) PERIODIC REVISION.—Using data and informa-  
23 tion developed through project monitoring and manage-  
24 ment, and other relevant information, the Council may pe-

1 riodically review and update, as necessary, the estuary  
2 habitat restoration strategy.

3 **SEC. 8. MONITORING OF ESTUARY HABITAT RESTORATION**  
4 **PROJECTS.**

5 (a) UNDER SECRETARY.—In this section, the term  
6 “Under Secretary” means the Under Secretary for Oceans  
7 and Atmosphere of the Department of Commerce.

8 (b) DATABASE OF RESTORATION PROJECT INFORMA-  
9 TION.—The Under Secretary, in consultation with the  
10 Council, shall develop and maintain an appropriate data-  
11 base of information concerning estuary habitat restoration  
12 projects carried out under this Act, including information  
13 on project techniques, project completion, monitoring  
14 data, and other relevant information.

15 (c) MONITORING DATA STANDARDS.—The Under  
16 Secretary, in consultation with the Council, shall develop  
17 standard data formats for monitoring projects, along with  
18 requirements for types of data collected and frequency of  
19 monitoring.

20 (d) COORDINATION OF DATA.—The Under Secretary  
21 shall compile information that pertains to estuary habitat  
22 restoration projects from other Federal, State, and local  
23 sources and that meets the quality control requirements  
24 and data standards established under this section.

1 (e) USE OF EXISTING PROGRAMS.—The Under Sec-  
2 retary shall use existing programs within the National  
3 Oceanic and Atmospheric Administration to create and  
4 maintain the database required under this section.

5 (f) PUBLIC AVAILABILITY.—The Under Secretary  
6 shall make the information collected and maintained under  
7 this section available to the public.

8 **SEC. 9. REPORTING.**

9 (a) IN GENERAL.—At the end of the third and fifth  
10 fiscal years following the date of the enactment of this  
11 Act, the Secretary, after considering the advice and rec-  
12 ommendations of the Council, shall transmit to Congress  
13 a report on the results of activities carried out under this  
14 Act.

15 (b) CONTENTS OF REPORT.—A report under sub-  
16 section (a) shall include—

17 (1) data on the number of acres of estuary  
18 habitat restored under this Act, including descrip-  
19 tions of, and partners involved with, projects se-  
20 lected, in progress, and completed under this Act  
21 that comprise those acres;

22 (2) information from the database established  
23 under section 8(b) related to ongoing monitoring of  
24 projects to ensure that short-term and long-term  
25 restoration goals are achieved;



1           (3) an estimate of the long-term success of  
2           varying restoration techniques used in carrying out  
3           estuary habitat restoration projects;

4           (4) a review of how the information described  
5           in paragraphs (1) through (3) has been incorporated  
6           in the selection and implementation of estuary habi-  
7           tat restoration projects;

8           (5) a review of efforts made to maintain an ap-  
9           propriate database of restoration projects carried out  
10          under this Act; and

11          (6) a review of the measures taken to provide  
12          the information described in paragraphs (1) through  
13          (3) to persons with responsibility for assisting in the  
14          restoration of estuary habitat.

15 **SEC. 10. FUNDING.**

16          (a) AUTHORIZATION OF APPROPRIATIONS.—

17                  (1) ESTUARY HABITAT RESTORATION  
18                  PROJECTS.—There is authorized to be appropriated  
19                  to the Secretary for carrying out and providing tech-  
20                  nical assistance for estuary habitat restoration  
21                  projects—

22                                  (A) \$30,000,000 for fiscal year 2001;

23                                  (B) \$35,000,000 for fiscal year 2002; and

24                                  (C) \$45,000,000 for each of fiscal years

25                                  2003 through 2005.

1 Such amounts shall remain available until expended.

2 (2) MONITORING.—There is authorized to be  
3 appropriated to the Under Secretary for Oceans and  
4 Atmosphere of the Department of Commerce for the  
5 acquisition, maintenance, and management of moni-  
6 toring data on restoration projects carried out under  
7 this Act, \$1,500,000 for each of fiscal years 2001  
8 through 2005. Such amounts shall remain available  
9 until expended.

10 (b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF  
11 THE COUNCIL AND ADVISORY BOARD.—Not to exceed 3  
12 percent of the amounts appropriated for a fiscal year  
13 under subsection (a)(1) or \$1,500,000, whichever is great-  
14 er, may be used by the Secretary for administration and  
15 operation of the Council and the advisory board estab-  
16 lished under section 6.

17 **SEC. 11. GENERAL PROVISIONS.**

18 (a) AGENCY CONSULTATION AND COORDINATION.—  
19 In carrying out this Act, the Secretary shall, as necessary,  
20 consult with, cooperate with, and coordinate its activities  
21 with the activities of other Federal departments and agen-  
22 cies.

23 (b) COOPERATIVE AGREEMENTS; MEMORANDA OF  
24 UNDERSTANDING.—In carrying out this Act, the Sec-  
25 retary may—

1           (1) enter into cooperative agreements with Fed-  
2           eral, State, and local government agencies and other  
3           entities; and

4           (2) execute such memoranda of understanding  
5           as are necessary to reflect the agreements.

6           (c) FEDERAL AGENCY FACILITIES AND PER-  
7           SONNEL.—Federal agencies may cooperate in carrying out  
8           scientific and other programs necessary to carry out this  
9           Act, and may provide facilities and personnel, for the pur-  
10          pose of assisting the Council in carrying out its duties  
11          under this Act.

12          (d) IDENTIFICATION AND MAPPING OF DREDGED  
13          MATERIAL DISPOSAL SITES.—In consultation with appro-  
14          priate Federal and non-Federal public entities, the Sec-  
15          retary shall undertake, and update as warranted by  
16          changed conditions, surveys to identify and map sites ap-  
17          propriate for beneficial uses of dredged material for the  
18          protection, restoration, and creation of aquatic and eco-  
19          logically related habitats, including wetlands, in order to  
20          further the purposes of this Act.

21          (e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

22                 (1) IN GENERAL.—Not later than 180 days  
23                 after the date of the enactment of this Act, the Ad-  
24                 ministrator of the Environmental Protection Agency,  
25                 with the full participation of the estuarine scientific

1 community, shall begin a 2-year study on the effi-  
2 cacy of bioremediation products.

3 (2) REQUIREMENTS.—The study shall—

4 (A) evaluate and assess bioremediation  
5 technology—

6 (i) on low-level petroleum hydrocarbon  
7 contamination from recreational boat  
8 bilges;

9 (ii) on low-level petroleum hydro-  
10 carbon contamination from stormwater dis-  
11 charges;

12 (iii) on nonpoint petroleum hydro-  
13 carbon discharges; and

14 (iv) as a first response tool for petro-  
15 leum hydrocarbon spills; and

16 (B) recommend management actions to op-  
17 timize the return of a healthy and balanced eco-  
18 system and make improvements in the quality  
19 and character of estuarine waters.

Passed the House of Representatives September 12,  
2000.

Attest:

*Clerk.*