

106TH CONGRESS
2D SESSION

H. R. 5535

To enhance and restore the coastal resources of the United States.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2000

Mr. ROHRABACHER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, and 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

A BILL

To enhance and restore the coastal resources of the United States.

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.**

4 This Act may be cited as the “Coastal Resources En-
5 hancement and Restoration Act of 2000”.

1 **SEC. 2. NATIONAL SCIENCE FOUNDATION RESEARCH**
2 **GRANTS FOR COASTAL ENGINEERING AND**
3 **SHORELINE PROTECTION.**

4 Section 3 of the National Science Foundation Act of
5 1950 (42 U.S.C. 1862) is amended by adding at the end
6 the following:

7 “(h) Beginning in fiscal year 2001, not less than 10
8 percent of the amounts appropriated for a fiscal year for
9 making grants for engineering research under subsection
10 (a)(1) shall be used by the Foundation for making grants
11 for coastal engineering and coastline protection research.”.

12 **SEC. 3. SUPPLEMENTAL ENVIRONMENTAL PROGRAMS IN**
13 **COASTAL AREAS.**

14 Section 313 of the Federal Water Pollution Control
15 Act (33 U.S.C. 1323) is amended by adding at the end
16 the following:

17 “(c) **ARTIFICIAL REEFS AND AQUATIC HABITAT**
18 **RESTORATION PROJECTS.**—A department, agency, or in-
19 strumentality of the Federal Government that is found to
20 have violated this Act in connection with the discharge or
21 runoff of pollutants into coastal waters of the United
22 States and that, as a result of the violation, is ordered
23 to undertake a supplemental environmental program in
24 lieu of paying fines shall be given the option of con-
25 structing artificial reefs and undertaking aquatic habitat
26 restoration projects.”.

1 **SEC. 4. ACCESS TO PUBLICLY OWNED SHORES.**

2 (a) **ELIGIBILITY OF SHORELINE PROTECTION**
3 **PROJECTS.**—Subsection (d) of the first section of the Act
4 entitled “An Act authorizing Federal participation in the
5 cost of protecting the shores of publicly owned property”,
6 approved August 13, 1946 (33 U.S.C. 426d), is amended
7 by adding at the end the following: “In making determina-
8 tions under this subsection, the Secretary shall consider
9 a publicly owned shore with insufficient public access (as
10 determined in accordance with rules issued by the Sec-
11 retary) to be a privately owned shore.”.

12 (b) **COST SHARING.**—Section 103(d) of the Water
13 Resources Development Act of 1986 (33 U.S.C. 2213(d))
14 is amended by adding at the end the following:

15 “(3) **PRIVATELY OWNED SHORES DEFINED.**—In
16 this subsection, the term ‘privately owned shores’ in-
17 cludes a publicly owned shore with insufficient public
18 access, as determined in accordance with rules
19 issued by the Secretary.”.

20 (c) **RULES.**—The Secretary of the Army shall issue
21 rules to carry out the amendments made by this sub-
22 section. In issuing such rules, the Secretary shall seek to
23 ensure public access to every one-half mile of publicly
24 owned shore for which assistance is provided by the Sec-
25 retary. The Secretary may allow for exceptions to such ac-

1 cess requirements in cases of shores located in areas of
2 extreme environmental sensitivity.

3 **SEC. 5. BEACH NOURISHMENT ACCOUNT.**

4 (a) ESTABLISHMENT.—There is established in the
5 Treasury a separate account to be known as the Beach
6 Nourishment Account (in this section referred to as the
7 “account”), which shall consist of such funds as may be
8 deposited or credited to the account under this section.

9 (b) SOURCE OF FUNDS FOR ACCOUNT.—For fiscal
10 year 2001 and each fiscal year thereafter, the Secretary
11 of the Treasury shall periodically transfer to the account
12 amounts equivalent to 2 percent of the funds deposited
13 in the general fund of the Treasury under section 9 of
14 the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

15 (c) USE OF ACCOUNT.—Funds in the account shall
16 be available without further appropriation—

17 (1) in the amounts specified in section 6, to the
18 Secretary of Commerce and the Administrator of the
19 National Aeronautics and Space Administration to
20 carry out the pilot program authorized by section 6;
21 and

22 (2) in the amounts remaining after funds are
23 made available under paragraph (1), to the Sec-
24 retary of the Army to carry out projects for beach

1 nourishment, shore protection, and beach erosion
2 control;

3 Funds in the account shall remain available until ex-
4 pended.

5 (d) APPLICABILITY OF REQUIREMENTS.—The Sec-
6 retary of the Army shall carry out beach nourishment,
7 shore protection, and beach erosion control projects using
8 amounts in the account in accordance with the cost-shar-
9 ing requirements under section 103 of the Water Re-
10 sources Development Act of 1986 (33 U.S.C. 2213) and
11 other requirements applicable to such projects.

12 (e) REPORTING OF TRANSACTIONS.—Receipts, obli-
13 gations, and expenditures of funds in the account shall
14 be reported in annual estimates submitted to Congress by
15 the Secretary of the Army.

16 (f) INVESTMENT.—

17 (1) IN GENERAL.—The Secretary of the Treas-
18 ury shall invest such portion of the account estab-
19 lished by subsection (a) as is not, in the judgment
20 of the Secretary, required to meet current with-
21 drawals. Such investments may be made only in in-
22 terest-bearing obligations of the United States. For
23 such purpose, such obligations may be acquired—

24 (A) on original issue at the issue price; or

1 (B) by purchase of outstanding obligations
2 at the market price.

3 (2) SALE OF OBLIGATIONS.—Any obligation ac-
4 quired by the account may be sold at the market
5 price.

6 (3) INTEREST ON CERTAIN PROCEEDS.—The
7 interest on, and the proceeds from the sale or re-
8 demption of, any obligations held in the account
9 shall be credited to and form part of the account.

10 **SEC. 6. COMPREHENSIVE OCEAN OBSERVING SYSTEM**
11 **PILOT PROGRAM.**

12 (a) IN GENERAL.—The Secretary of Commerce (act-
13 ing through the Under Secretary for Oceans and Atmos-
14 phere) and the Administrator of the National Aeronautics
15 and Space Administration shall jointly carry out a pilot
16 program to institute the mission of the Global Ocean Ob-
17 serving System in the United States by establishing a
18 comprehensive monitoring network of ocean conditions.

19 (b) PARTNERSHIPS.—In carrying out the pilot pro-
20 gram, the Secretary and the Administrator shall enter into
21 partnerships with local and regional interests to monitor
22 and collect the widest range of data possible about the
23 coastal oceans and inland waterways in order to make
24 such information available to interested persons in real
25 time or near real time.

1 (c) INFORMATION TO BE COLLECTED.—Information
2 collected under the pilot program shall include the fol-
3 lowing:

4 (1) Wave heights, periods, swell direction and
5 water temperature.

6 (2) Coastal currents and their directions.

7 (3) Large mammal movement via implanted
8 sensors.

9 (4) Sewage outfall movement.

10 (5) Water quality, such as bacteria counts, sedi-
11 ment movement, and red tides.

12 (6) Beaconed fishing boat tracking (for track-
13 ing illegal foreign whalers).

14 (7) Oil spill tracking.

15 (8) Beach erosion data.

16 (9) Weather.

17 (10) River mouth outflow sediment observation.

18 (11) Global Information System coastal map-
19 ping.

20 (d) FEDERAL COOPERATION.—The Secretary and
21 the Administrator shall carry out the pilot project in co-
22 operation with the Geological Survey, the Navy, and the
23 Environmental Protection Agency.

24 (e) REGIONAL TEST PROJECTS.—In carrying out the
25 pilot program, the Secretary and the Administrator shall

1 establish 2 regional test projects. One of the test projects
2 shall be located at the Southern California Bight from
3 Encinitas, Mexico, to Point Dume, California, with Or-
4 ange County, California, serving as the focal point. The
5 second test project shall be carried out at a location to
6 be determined by the Secretary and the Administrator.

7 (f) COORDINATION OF EXISTING EFFORTS.—In car-
8 rying out the pilot program, the Secretary and the Admin-
9 istrator shall not replace or duplicate existing efforts of
10 Federal, State, and local entities in monitoring ocean con-
11 ditions, but shall seek to coordinate such efforts and to
12 obtain information that is not currently collected.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There shall be available
15 from the Beach Nourishment Account established by
16 section 5 \$4,000,000 for each of fiscal years 2001
17 through 2006 to carry out this section.

18 (2) ALLOCATION.—Of the amounts made avail-
19 able under paragraph (1), \$2,000,000 per fiscal year
20 shall be available for carrying out each of the 2 re-
21 gional test projects referred to in subsection (e).

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