

(2) identify Corps of Engineers projects in coastal zones for enhancing ocean and coastal ecosystem resiliency based on an assessment of the need and opportunities for, and feasibility of, the projects;

(3) give priority to projects in communities the existence of which is threatened by rising sea level, including projects relating to shoreline restoration, tidal marsh restoration, dunal habitats to protect coastal infrastructure, reduction of future and existing emergency repair costs, and the beneficial reuse of dredged materials;

(4) to the maximum extent practicable, use any existing Corps of Engineers plans and data; and

(5) not later than 365 days after initial appropriations for this section, and every five years thereafter subject to the availability of appropriations, complete a study authorized under subsection (a).

(c) Disposition

(1) In general

The Secretary may carry out a project identified in the study pursuant to subsection (a) in accordance with the criteria for projects carried out under one of the following authorities:

- (A) Section 2330(a)–(d) of this title.
- (B) Section 2309a(a)–(g) and (i) of this title.
- (C) Section 426g(a)–(b) and (c)(1) of this title.
- (D) Section 2326(a)–(f) of this title.

(2) Report

For each project that does not meet the criteria under paragraph (1), the Secretary shall include a recommendation relating to the project in the annual report submitted to Congress by the Secretary in accordance with section 2282d of this title.

(d) Requests for projects

The Secretary may carry out a project for a coastal state under this section only at the request of the Governor or chief executive officer of the coastal state, as appropriate.

(e) Definition

In this section, the terms “coastal zone” and “coastal state” have the meanings given such terms in section 1453 of title 16, as in effect on June 10, 2014.

(Pub. L. 113–121, title IV, § 4014, June 10, 2014, 128 Stat. 1321; Pub. L. 114–322, title I, § 1183(a), Dec. 16, 2016, 130 Stat. 1678.)

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of title V of Pub. L. 92–532, popularly known as the National Coastal Monitoring Act, which comprises this chapter.

AMENDMENTS

2016—Subsec. (b)(1). Pub. L. 114–322, § 1183(a)(1), inserted “Indian tribes,” after “nonprofit organizations,”.

Subsec. (b)(3) to (5). Pub. L. 114–322, § 1183(a)(2), (3), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

§ 2804. Report to Congress

On September 30 of each other year beginning in 1993, the Administrator and the Under Secretary shall jointly submit to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Merchant Marine and Fisheries and the Committee on Public Works and Transportation of the House of Representatives a report describing the condition of the Nation’s coastal ecosystems, including the following:

- (1) an assessment of the status and health of the Nation’s coastal ecosystems;
- (2) an evaluation of environmental trends in coastal ecosystems;
- (3) identification of sources of environmental¹ degradation affecting coastal ecosystems;
- (4) an assessment of the extent to which floatables degrade coastal ecosystems, including trends in the accumulation of floatables and the threat posed by floatables to aquatic life;
- (5) an assessment of the impact of government programs designed to abate the degradation of coastal ecosystems;²
- (6) an evaluation of the adequacy of monitoring programs and identification of any additional program elements which may be needed; and
- (7) a summary of monitoring results in areas monitored under subsection³ 2803(d) of this title.

(Pub. L. 92–532, title V, § 504, as added Pub. L. 102–567, title V, § 501, Oct. 29, 1992, 106 Stat. 4299.)

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. For treatment of references to Committee on Merchant Marine and Fisheries, see section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2805. Authorization of appropriations

(a) NOAA authorization

For development and implementation of programs under this chapter, including financial assistance to non-Federal agencies and institutions to support implementation of intensive monitoring programs under section 2803(d) of this title, there is authorized to be appropriated

¹ So in original. Probably should be “environmental”.

² So in original. Probably should be a semicolon.

³ So in original. Probably should be “section”.

to the Under Secretary amounts not to exceed \$5,000,000 for fiscal year 1993, \$8,000,000 for fiscal year 1994, \$10,000,000 for fiscal year 1995, and \$12,000,000 for fiscal year 1996.

(b) EPA authorization

For development and implementation of programs under this chapter, including financial assistance to non-Federal agencies and institutions to support implementation of intensive monitoring programs under section 2803(d) of this title, there is authorized to be appropriated to the Administrator amounts not to exceed \$5,000,000 for fiscal year 1993, \$8,000,000 for fiscal year 1994, and \$10,000,000 for fiscal year 1995, and \$12,000,000 for fiscal year 1996.

(Pub. L. 92-532, title V, §505, as added Pub. L. 102-567, title V, §501, Oct. 29, 1992, 106 Stat. 4299.)

CHAPTER 42—ESTUARY RESTORATION

Sec.	
2901.	Purposes.
2902.	Definitions.
2903.	Estuary habitat restoration program.
2904.	Establishment of Estuary Habitat Restoration Council.
2905.	Estuary habitat restoration strategy.
2906.	Monitoring of estuary habitat restoration projects.
2907.	Reporting.
2908.	Funding.
2909.	General provisions.

§ 2901. Purposes

The purposes of this chapter are—

(1) to promote the restoration of estuary habitat by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage;

(2) to develop and implement a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects through cooperative agreements and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities through the use of the environmental technology innovation program associated with the National Estuarine Research Reserve System established by section 1461 of title 16 to ensure that estuary habitat restoration efforts are based on sound scientific understanding and innovative technologies.

(Pub. L. 106-457, title I, §102, Nov. 7, 2000, 114 Stat. 1958; Pub. L. 110-114, title V, §5017(a), Nov. 8, 2007, 121 Stat. 1197.)

AMENDMENTS

2007—Par. (1). Pub. L. 110-114, §5017(a)(1), inserted “by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage” before semicolon at end.

Par. (2). Pub. L. 110-114, §5017(a)(2), inserted “and implement” after “to develop”.

Par. (3). Pub. L. 110-114, §5017(a)(3), inserted “through cooperative agreements” after “restoration projects”.

SHORT TITLE

Pub. L. 106-457, §1(a), Nov. 7, 2000, 114 Stat. 1957, provided that: “This Act [enacting this chapter, sections 1273 and 1300 of this title, and sections 277d-43 to 277d-46 of Title 22, Foreign Relations and Intercourse, amending sections 1263a, 1267, 1269, 1324, and 1330 of this title, and enacting provisions set out as notes under this section, sections 1251 and 1267 of this title, and section 277d-43 of Title 22] may be cited as the ‘Estuaries and Clean Waters Act of 2000’.”

Pub. L. 106-457, title I, §101, Nov. 7, 2000, 114 Stat. 1958, provided that: “This title [enacting this chapter] may be cited as the ‘Estuary Restoration Act of 2000’.”

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

Pub. L. 106-457, title IX, §901, Nov. 7, 2000, 114 Stat. 1981, provided that:

“(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act [see Short Title note above] should be American made.

“(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—The head of each Federal Agency [sic] providing financial assistance under this Act, to the extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).”

LONG-TERM ESTUARY ASSESSMENT

Pub. L. 106-457, title IX, §902, Nov. 7, 2000, 114 Stat. 1981, provided that:

“(a) IN GENERAL.—The Secretary of Commerce (acting through the Under Secretary for Oceans and Atmosphere) and the Secretary of the Interior (acting through the Director of the Geological Survey) may carry out a long-term estuary assessment project (in this section referred to as the ‘project’) in accordance with the requirements of this section.

“(b) PURPOSE.—The purpose of the project shall be to establish a network of strategic environmental assessment and monitoring projects for the Mississippi River south of Vicksburg, Mississippi, and the Gulf of Mexico, in order to develop advanced long-term assessment and monitoring systems and models relating to the Mississippi River and other aquatic ecosystems, including developing equipment and techniques necessary to implement the project.

“(c) MANAGEMENT AGREEMENT.—To establish, operate, and implement the project, the Secretary of Commerce and the Secretary of the Interior may enter into a management agreement with a university-based consortium.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

“(1) \$1,000,000 for fiscal year 2001 to develop the management agreement under subsection (c); and

“(2) \$4,000,000 for each of fiscal years 2002, 2003, 2004, and 2005 to carry out the project.

Such sums shall remain available until expended.”

§ 2902. Definitions

In this chapter, the following definitions apply:

(1) Council

The term “Council” means the Estuary Habitat Restoration Council established by section 2904 of this title.

(2) Estuary

The term “estuary” means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and