

of implementing the monitoring program; and

(I) describe the methods to assess periodically the success of the monitoring program in meeting its goals and objectives, and the manner in which the program may be modified from time-to-time.

**(5) Criteria for monitoring Massachusetts and Cape Cod Bays**

In addition to the criteria listed in paragraph (4), the intensive monitoring program for Massachusetts and Cape Cod Bays shall establish baseline data on environmental phenomena (such as quantity of bacteria and quality of indigenous species, and swimmability) and determine the ecological impacts resulting from major point source discharges.

**(6) Memorandum of Understanding**

Prior to implementing any intensive coastal water quality monitoring program under this subsection, the Administrator and the Under Secretary shall enter into a Memorandum of Understanding to implement the intensive coastal water quality monitoring programs and may extend the memorandum<sup>3</sup> of Understanding to include other appropriate Federal agencies. The Memorandum of Understanding shall identify the monitoring and reporting responsibilities of each agency and shall encourage the coordination of monitoring activities.

**(7) Implementation**

(A) The Administrator, the Under Secretary, and the Governor of each State having waters subject to an intensive coastal water quality monitoring program developed pursuant to this subsection shall ensure compliance with that program.

(B) The Administrator and the Under Secretary are authorized to enter into cooperative agreements to provide financial assistance to non-Federal agencies and institutions to support implementation of intensive monitoring programs under this subsection. Federal financial assistance may only be provided on the condition that not less than fifty percent of the costs of the monitoring to be conducted by a non-Federal agency or institution is provided from non-Federal funds.

**(e) Comprehensive Implementation Strategy**

**(1) In general**

Within 1 year after October 29, 1992, the Administrator and the Under Secretary shall jointly submit to Congress a Comprehensive Implementation Strategy identifying the current and planned activities to implement the Comprehensive Coastal Monitoring Program pursuant to this section.

**(2) Consultation**

The Administrator and the Under Secretary shall consult with the National Academy of Sciences, the Director of the United States Fish and Wildlife Service, the Director of the Minerals Management Service, the Commandant of the Coast Guard, the Secretary of the Navy, the Secretary of Agriculture, the

heads of any other relevant Federal or regional agencies, and the Governors of coastal States in developing the Strategy.

**(3) Public comment**

Not less than 3 months before submitting the Strategy to Congress, the Administrator and the Under Secretary shall jointly publish a draft version of the Strategy in the Federal Register and shall solicit public comments regarding the Strategy.

**(4) Memorandum of Understanding**

Within 1 year after submission of the Strategy under paragraph (1), the Administrator and the Under Secretary shall enter into a Memorandum of Understanding with appropriate Federal agencies necessary to effect the coordination of Federal coastal monitoring programs. The Memorandum of Understanding shall identify the monitoring and reporting responsibilities of each agency and shall encourage the coordination of monitoring activities where possible.

(Pub. L. 92-532, title V, §503, as added Pub. L. 102-567, title V, §501, Oct. 29, 1992, 106 Stat. 4294.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec. (b)(1), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816. Title III of the Act is classified generally to subchapter III (§1311 et seq.) of chapter 26 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

Title IV of this Act, referred to in subsec. (d)(3)(B), is title IV of Pub. L. 92-532 which is classified generally to chapter 32A (§1447 et seq.) of Title 16, Conservation.

TRANSFER OF FUNCTIONS

The Minerals Management Service was abolished and functions divided among the Office of Natural Resources Revenue, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement. See Secretary of the Interior Orders No. 3299 of May 19, 2010, and No. 3302 of June 18, 2010, and chapters II, V, and XII of title 30, Code of Federal Regulations, as revised by final rules of the Department of the Interior at 75 F.R. 61051 and 76 F.R. 64432.

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 2803a. Ocean and coastal resiliency**

**(a) In general**

The Secretary shall conduct studies to determine the feasibility of carrying out Corps of Engineers projects in coastal zones to enhance ocean and coastal ecosystem resiliency.

**(b) Study**

In carrying out the study under subsection (a), the Secretary shall—

(1) as appropriate, coordinate with the heads of other appropriate Federal agencies, the Governors and other chief executive officers of the coastal states, nonprofit organizations, Indian tribes, and other interested parties;

<sup>3</sup>So in original. Probably should be capitalized.

(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 environmental<sup>1</sup> 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;<sup>2</sup>

(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 subsection<sup>3</sup> 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

<sup>1</sup> So in original. Probably should be “environmental”.

<sup>2</sup> So in original. Probably should be a semicolon.

<sup>3</sup> So in original. Probably should be “section”.