

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> 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.

○

HR 1566 SC—2