

116TH CONGRESS
1ST SESSION

H. R. 4093

To improve the National Oceans and Coastal Security Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2019

Mr. BEYER (for himself and Mr. ROONEY of Florida) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Science, Space, and Technology, 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 improve the National Oceans and Coastal Security Act,
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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Oceans and
5 Coastal Security Improvements Act of 2019”.

1 **SEC. 2. IMPROVEMENTS TO THE NATIONAL OCEANS AND**
2 **COASTAL SECURITY ACT.**

3 (a) DEFINITION OF TIDAL SHORELINE REFINED.—
4 Section 902 of the National Oceans and Coastal Security
5 Act (16 U.S.C. 7501) is amended—

6 (1) by amending paragraph (7) to read as fol-
7 lows:

8 “(7) TIDAL SHORELINE.—The term ‘tidal
9 shoreline’ means a ‘tidal shoreline’ or a ‘Great Lake
10 shoreline’ as such terms are used in section
11 923.110(c)(2)(i) of title 15, Code of Federal Regula-
12 tions, or a similar successor regulation.”; and

13 (2) by adding at the end the following:

14 “(8) INDIAN TRIBE.—The term ‘Indian Tribe’
15 has the meaning given that term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 5304).”.

18 (b) IMPROVEMENTS TO NATIONAL OCEANS AND
19 COASTAL SECURITY FUND.—

20 (1) ESTABLISHMENT OF FUND REQUIRED.—
21 Subsection (a) of section 904 of such Act (16 U.S.C.
22 7503) is amended by inserting “and jointly manage”
23 after “establish”.

24 (2) DEPOSITS.—Paragraph (1) of subsection
25 (b) of section 904 is amended to read as follows:

1 “(1) IN GENERAL.—There shall be deposited
2 into the Fund, which shall constitute the assets of
3 the Fund, amounts as follows:

4 “(A) Amounts transferred to the Fund
5 under section 908.

6 “(B) Such other amounts as may be ap-
7 propriated or otherwise made available to carry
8 out this Act.”.

9 (3) EXPENDITURES.—Strike subsection (d) of
10 section 904 and insert the following:

11 “(d) EXPENDITURE.—

12 “(1) Of the amounts deposited into the Fund
13 for each fiscal year, if those funds are equal to or
14 greater than \$100,000,000—

15 “(A) not more than 80 percent may be
16 used for the award of grants under subsection
17 (b) of section 906;

18 “(B) not more than 20 percent may be
19 used for the award of grants under subsection
20 (c) of such section; and

21 “(C) no more than 4 percent may be used
22 by the Administrator and the Foundation for
23 administrative expenses to carry out this chap-
24 ter, which amount shall be divided between the
25 Administrator and the Foundation pursuant to

1 an agreement reached and documented by both
2 the Administrator and the Foundation.

3 “(2) Of the amounts deposited into the Fund
4 for each fiscal year, if those funds are less than
5 \$100,000,000, all funds shall be used for the award
6 of grants under subsection (c) of section 906 and no
7 more than 4 percent may be used by the Adminis-
8 trator and the Foundation for administrative ex-
9 penses to carry out this chapter, which amount shall
10 be divided between the Administrator and the Foun-
11 dation pursuant to an agreement reached and docu-
12 mented by both the Administrator and the Founda-
13 tion.”.

14 (c) ELIGIBLE USES OF THE FUND.—Section 905 of
15 such Act (16 U.S.C. 7504) is amended to read as follows:

16 **“SEC. 905. ELIGIBLE USES.**

17 “(a) IN GENERAL.—Amounts in the Fund may be
18 allocated by the Administrator and the Foundation to sup-
19 port programs and activities intended to protect, conserve,
20 restore, better understand, and utilize ocean and coastal
21 resources and coastal infrastructure, including scientific
22 research, resiliency and spatial planning, data-sharing,
23 and other programs and activities carried out in coordina-
24 tion with Federal and State departments or agencies, in-
25 cluding the following:

1 “(1) Ocean, coastal, and Great Lakes restora-
2 tion and protection, including efforts to address po-
3 tential impacts of sea level change, sedimentation,
4 erosion, changes in ocean chemistry, hurricanes and
5 other extreme weather, flooding, and changes in
6 ocean temperature to natural resources, commu-
7 nities, and coastal economies.

8 “(2) Restoration, protection, or maintenance of
9 living ocean, coastal, and Great Lakes resources and
10 their habitats.

11 “(3) Planning for and managing coastal devel-
12 opment to enhance ecosystem and community integ-
13 rity, or to minimize impacts from sea level change,
14 hurricanes and other extreme weather, flooding, and
15 coastal erosion.

16 “(4) Projects to address management, planning,
17 or resiliency and readiness issues which are regional
18 or interstate in scope, such as regional ocean part-
19 nerships or similar bodies.

20 “(5) Efforts that contribute to the under-
21 standing of ecological, economic, societal, and na-
22 tional security threats driven by changes to the
23 oceans, coasts, and Great Lakes.

24 “(6) Efforts to preserve, protect, and collect
25 data, including but not limited to public ocean and

1 coastal data portals, that would support sustainable
2 water-dependent commercial activities including
3 commercial fishing, recreational fishing businesses,
4 aquaculture, boat building, or other coastal-related
5 businesses.

6 “(7) Efforts to assist coastal States in strength-
7 ening, stabilizing, hardening, elevating, modifying,
8 repositioning, or otherwise enhancing the resiliency
9 of critical coastal transportation, emergency re-
10 sponse, water, electrical, and other infrastructure,
11 that are already subject to or face increased future
12 risks of hurricanes, coastal flooding, coastal erosion,
13 or sea level change to ensure the economic security,
14 safety, and ecological well-being of the coasts of the
15 United States.

16 “(8) Acquiring property or interests in property
17 if—

18 “(A) the area is located within a coastal
19 county or adjacent county;

20 “(B) the funds made available under this
21 subtitle are used to acquire land or interest in
22 land by purchase, exchange, or donation from a
23 willing seller;

1 “(C) the Governor of the State in which
2 the property or interests in property are ac-
3 quired approves of the acquisition; and

4 “(D) such property or interest is acquired
5 in a manner that will ensure such property or
6 interest will be administered to support the pur-
7 poses of this Act.

8 “(9) Protection and modification of critical
9 coastal public infrastructure affected by erosion,
10 hurricanes or other extreme weather, flooding, or sea
11 level change.

12 “(10) Assistance for small businesses and com-
13 munities that are dependent on coastal tourism as
14 eligible efforts that help coastal economies minimize
15 impacts from sea level rise and disasters.

16 “(11) Projects that reinforce wastewater and
17 stormwater infrastructure as eligible critical infra-
18 structure projects (as compared to just general
19 water infrastructure, which can also include drinking
20 water systems).

21 “(12) Technical assistance to help develop com-
22 prehensive resilience and mitigation plans as an eli-
23 gible funding effort.

1 “(b) MATCHING REQUIREMENT.—The Administrator
2 and the Foundation shall require a non-Federal match for
3 all awards made under section 906(c) from the Fund.

4 “(c) PROHIBITION ON USE OF FUNDS FOR LITIGA-
5 TION.—No funds made available under this Act may be
6 used to fund litigation against the Federal Government.”.

7 (d) GRANTS.—

8 (1) ADMINISTRATION.—Subsection (a)(1) of
9 section 906 of such Act (16 U.S.C. 7505) is amend-
10 ed—

11 (A) by amending subparagraph (B) to read
12 as follows:

13 “(B) Selection procedures and criteria for
14 the awarding of grants under this section that
15 require consultation with the Administrator and
16 the Secretary of the Interior.”;

17 (B) by amending subparagraph (C)(ii) to
18 read as follows:

19 “(ii) under subsection (c) to entities
20 including States, local governments, re-
21 gional and interstate collaboratives, asso-
22 ciations, nonprofit and for-profit private
23 entities, public-private partnerships, aca-
24 demic institutions, and Indian Tribes.”;

1 (C) in subparagraph (F), by striking “year
2 if grants have been awarded in that year” and
3 inserting “five years”.

4 (2) GRANTS TO COASTAL STATES.—Subsection
5 (b) of section 906 is amended to read as follows:

6 “(b) GRANTS TO COASTAL STATES.—

7 “(1) IN GENERAL.—Subject to section
8 904(d)(1) and paragraphs (3) and (4) of this sub-
9 section, the Administrator and the Foundation shall
10 award grants to eligible coastal States based on the
11 following formula:

12 “(A) Fifty percent of the funds are allo-
13 cated equally among such coastal States.

14 “(B) Twenty-five percent of the funds are
15 allocated on the basis of the ratio of tidal shore-
16 line miles in a coastal State to the tidal shore-
17 line miles of all coastal States.

18 “(C) Twenty-five percent of the funds are
19 allocated on the basis of the ratio of population
20 density of the coastal counties of a coastal
21 State to the average population density of all
22 coastal counties based on the most recent data
23 available by the U.S. Census Bureau.

24 “(2) ELIGIBLE COASTAL STATES.—For pur-
25 poses of this subsection, an eligible coastal State is

1 any coastal State as defined in section 1453 of this
2 title.

3 “(3) MAXIMUM ALLOCATION TO STATES.—Not-
4 withstanding paragraph (1), not more than 5 per-
5 cent of the total funds distributed under this sub-
6 section may be allocated to any single State. Any
7 amount exceeding this limit shall be redistributed
8 equally among the remaining eligible coastal States.

9 “(4) REQUIREMENT TO SUBMIT PLANS.—

10 “(A) IN GENERAL.—To be eligible to re-
11 ceive a grant under this subsection, an eligible
12 coastal State shall submit to the Administrator
13 for review and approval, a 5-year plan, which
14 shall include the following:

15 “(i) Criteria to determine eligibility
16 for entities which may receive grants under
17 this subsection.

18 “(ii) A description of the competitive
19 process the coastal State will use in allo-
20 cating funds received from the Fund, ex-
21 cept in the case of allocating funds under
22 paragraph (7), which shall include—

23 “(I) a description of the relative
24 roles in the State competitive process
25 of the State coastal zone management

1 program approved under the Coastal
2 Zone Management Act of 1972 (16
3 U.S.C. 1451 et seq.), if the coastal
4 State has such a plan, and any State
5 Sea Grant Program, if the state has
6 such program; and

7 “(II) a demonstration that such
8 competitive process is consistent with
9 the application and review procedures
10 established by the Administrator and
11 Foundation under subsection (a)(1).

12 “(iii) A process to certify that the
13 project or program and the awarding of a
14 contract for the expenditure of amounts re-
15 ceived under this paragraph are consistent
16 with the standard procurement rules and
17 regulations governing a comparable project
18 or program in that State, including all ap-
19 plicable competitive bidding and audit re-
20 quirements.

21 “(iv) Procedures to make publicly
22 available on the internet a list of all
23 projects supported by the Fund, that in-
24 cludes at a minimum the grant recipient,

1 grant amount, project description, and
2 project status.

3 “(B) UPDATES.—As a condition of receiv-
4 ing a grant under this subsection, a coastal
5 State shall submit to the Administrator, not
6 less frequently than once every 5 years, an up-
7 date to the plan submitted by the coastal State
8 under subparagraph (A) for the 5-year period
9 immediately following the most recent submittal
10 under this paragraph.

11 “(5) OPPORTUNITY FOR PUBLIC COMMENT.—In
12 determining whether to approve a plan or an update
13 to a plan described in subparagraph (A) or (B) of
14 paragraph (5), the Administrator or the Foundation
15 shall provide the opportunity for, and take into con-
16 sideration, public input and comment on the plan.

17 “(6) INDIAN TRIBES.—As a condition on receipt
18 of a grant under this subsection, a State that re-
19 ceives a grant under this subsection shall ensure
20 that Indian Tribes in the State are eligible to par-
21 ticipate in the competitive process described in the
22 State’s plan under paragraph (5)(A)(ii).

23 “(7) NONPARTICIPATION BY A STATE.—In any
24 year, if an eligible coastal State or geographic area
25 described in paragraph (4)(B) does not submit the

1 plan required by paragraph (5) or declines the funds
2 distributed under this subsection, the funds that
3 would have been allocated to the State or area shall
4 be redistributed equally among the remaining eligible
5 coastal States and geographic areas.”.

6 (3) NATIONAL GRANTS FOR OCEANS, COASTS,
7 AND GREAT LAKES.—Subsection (c)(2) of such sec-
8 tion is amended—

9 (A) in subparagraph (B)—

10 (i) in clause (ii), by striking “; and”

11 and inserting a semicolon;

12 (ii) by redesignating clause (iii) as

13 clause (iv); and

14 (iii) by inserting after clause (ii) the

15 following:

16 “(iii) nongovernmental organizations;

17 and”;

18 (B) by adding at the end the following:

19 “(C) CAP ON STATE FUNDING.—The

20 amount of a grant awarded under this sub-

21 section shall not count toward the cap on fund-

22 ing to States through grants awarded under

23 subsection (b).”.

24 (e) FUNDING.—Section 908 of such Act (16 U.S.C.

25 7507) is amended to read as follows:

1 **“SEC. 908. FUNDING.**

2 “There is authorized to be appropriated
3 \$100,000,000 for this title for fiscal year 2020 and each
4 fiscal year thereafter.”.

○