AMENDMENT TO H.R. ________________ , AS
REPORTED
OFFERED BY MR. BEYER OF VIRGINIA

Add at the end the following:

1 TITLE V—NATIONAL OCEANS
2 AND COASTAL SECURITY IM-
3 PROVEMENTS
4 SEC. 501 IMPROVEMENTS TO THE NATIONAL OCEANS AND
5 COASTAL SECURITY ACT.
6 (a) DEFINITION OF TIDAL SHORELINE REFINED.—
7 Section 902 of the National Oceans and Coastal Security
8 Act (16 U.S.C. 7501) is amended—
9 (1) by amending paragraph (7) to read as fol-
10 lows:
11 “(7) TIDAL SHORELINE.—The term ‘tidal
12 shoreline’ means a ‘tidal shoreline’ or a ‘Great Lake
13 shoreline’ as such terms are used in section
14 923.110(c)(2)(i) of title 15, Code of Federal Regu-
15 lations, or a similar successor regulation.”; and
16 (2) by adding at the end the following:
17 “(8) INDIAN TRIBE.—The term ‘Indian Tribe’
18 has the meaning given that term in section 4 of the
Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).”.

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

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

(2) DEPOSITS.—Section 904(b)(1) of such Act (16 U.S.C. 7503(b)(1)) is amended to read as follows:

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

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

“(B) Such other amounts as may be appropriated or otherwise made available to carry out this Act.”.

(3) EXPENDITURES.—Section 904(d) of such Act (16 U.S.C. 7503(d)) is amended to read as follows:

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

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

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

“(C) no more than 4 percent may be used by the Administrator and the Foundation for administrative expenses to carry out this chapter, which amount shall be divided between the Administrator and the Foundation pursuant to an agreement reached and documented by both the Administrator and the Foundation.

“(2) Of the amounts deposited into the Fund for each fiscal year, if those funds are less than $100,000,000, all funds shall be used for the award of grants under subsection (c) of section 906 and no more than 4 percent may be used by the Administrator and the Foundation for administrative expenses to carry out this chapter, which amount shall be divided between the Administrator and the Foundation pursuant to an agreement reached and docu-
mented by both the Administrator and the Foundation.”.

(c) **Eligible Uses of the Fund.**—Section 905 of such Act (16 U.S.C. 7504) is amended to read as follows:

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“SEC. 905. Eligible Uses.

“(a) **In general.**—Amounts in the Fund may be allocated by the Administrator and the Foundation to support programs and activities intended to protect, conserve, restore, better understand, and utilize ocean and coastal resources and coastal infrastructure, including scientific research, resiliency and spatial planning, data-sharing, and other programs and activities carried out in coordination with Federal and State departments or agencies, including the following:

“(1) Ocean, coastal, and Great Lakes restoration and protection, including efforts to address potential impacts of sea level change, sedimentation, erosion, changes in ocean chemistry, hurricanes and other extreme weather, flooding, and changes in ocean temperature to natural resources, communities, and coastal economies.

“(2) Restoration, protection, or maintenance of living ocean, coastal, and Great Lakes resources and their habitats.
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“(3) Planning for and managing coastal development to enhance ecosystem and community integrity, or to minimize impacts from sea level change, hurricanes and other extreme weather, flooding, and coastal erosion.

“(4) Projects to address management, planning, or resiliency and readiness issues which are regional or interstate in scope, such as regional ocean partnerships or similar bodies.

“(5) Efforts that contribute to the understanding of ecological, economic, societal, and national security threats driven by changes to the oceans, coasts, and Great Lakes.

“(6) Efforts to preserve, protect, and collect data, including but not limited to public ocean and coastal data portals, that would support sustainable water-dependent commercial activities including commercial fishing, recreational fishing businesses, aquaculture, boat building, or other coastal-related businesses.

“(7) Efforts to assist coastal States in strengthening, stabilizing, hardening, elevating, modifying, repositioning, or otherwise enhancing the resiliency of critical coastal transportation, emergency response, water, electrical, and other infrastructure,
that are already subject to or face increased future
risks of hurricanes, coastal flooding, coastal erosion,
or sea level change to ensure the economic security,
safety, and ecological well-being of the coasts of the
United States.

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

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

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

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

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

“(9) Protection and modification of critical
coastal public infrastructure affected by erosion,
hurricanes or other extreme weather, flooding, or sea
level change.
“(10) Assistance for small businesses and communities that are dependent on coastal tourism as eligible efforts that help coastal economies minimize impacts from sea level rise and disasters.

“(11) Projects that reinforce wastewater and stormwater infrastructure as eligible critical infrastructure projects (as compared to just general water infrastructure, which can also include drinking water systems).

“(12) Technical assistance to help develop comprehensive resilience and mitigation plans as an eligible funding effort.

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

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

(d) GRANTS.—

(1) ADMINISTRATION.—Section 906(a)(1) of such Act (16 U.S.C. 7505(a)(1)) is amended—

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

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

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

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

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

(2) GRANTS TO COASTAL STATES.—Section
906(b) of such Act (16 U.S.C. 7505(b)) is amended
to read as follows:

“(b) GRANTS TO COASTAL STATES.—

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

“(A) Fifty percent of the funds are allo-
cated equally among such coastal States.
“(B) Twenty-five percent of the funds are allocated on the basis of the ratio of tidal shore-
line miles in a coastal State to the tidal shore-
line miles of all coastal States.

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

“(2) ELIGIBLE COASTAL STATES.—For purposes of this subsection, an eligible coastal State is any coastal State as defined in section 1453 of this title.

“(3) MAXIMUM ALLOCATION TO STATES.—Notwithstanding paragraph (1), not more than 5 percent of the total funds distributed under this subsection may be allocated to any single State. Any amount exceeding this limit shall be redistributed equally among the remaining eligible coastal States.

“(4) REQUIREMENT TO SUBMIT PLANS.—

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

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

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

“(I) a description of the relative
roles in the State competitive process
of the State coastal zone management
program approved under the Coastal
Zone Management Act of 1972 (16
U.S.C. 1451 et seq.), if the coastal
State has such a plan, and any State
Sea Grant Program, if the state has
such program; and

“(II) a demonstration that such
competitive process is consistent with
the application and review procedures
established by the Administrator and
Foundation under subsection (a)(1).
“(iii) A process to certify that the project or program and the awarding of a contract for the expenditure of amounts received under this paragraph are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements.

“(iv) Procedures to make publicly available on the internet a list of all projects supported by the Fund, that includes at a minimum the grant recipient, grant amount, project description, and project status.

“(B) Updates.—As a condition of receiving a grant under this subsection, a coastal State shall submit to the Administrator, not less frequently than once every 5 years, an update to the plan submitted by the coastal State under subparagraph (A) for the 5-year period immediately following the most recent submittal under this paragraph.

“(5) Opportunity for Public Comment.—In determining whether to approve a plan or an update
to a plan described in subparagraph (A) or (B) of paragraph (5), the Administrator or the Foundation shall provide the opportunity for, and take into consideration, public input and comment on the plan.

“(6) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian Tribes in the State are eligible to participate in the competitive process described in the State’s plan under paragraph (5)(A)(ii).

“(7) NONPARTICIPATION BY A STATE.—In any year, if an eligible coastal State or geographic area described in paragraph (4)(B) does not submit the plan required by paragraph (5) or declines the funds distributed under this subsection, the funds that would have been allocated to the State or area shall be redistributed equally among the remaining eligible coastal States and geographic areas.”.

(3) NATIONAL GRANTS FOR OCEANS, COASTS, AND GREAT LAKES.—Section 906(c)(2) of such Act (16 U.S.C. 7505(c)(2)) is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by striking “; and” and inserting a semicolon;
(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

“(iii) nongovernmental organizations; and”;

(B) by adding at the end the following:

“(C) Cap on State Funding.—The amount of a grant awarded under this subsection shall not count toward the cap on funding to States through grants awarded under subsection (b).”.

(e) Funding.—Section 908 of such Act (16 U.S.C. 7507) is amended to read as follows:

“SEC. 908. FUNDING.

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