

**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(e)(2)(i) of title 15, Code of Federal Regula-
15 tions, 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

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).”.

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

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

9 (2) DEPOSITS.—Section 904(b)(1) of such Act
10 (16 U.S.C. 7503(b)(1)) is amended to read as fol-
11 lows:

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

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

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

20 (3) EXPENDITURES.—Section 904(d) of such
21 Act (16 U.S.C. 7503(d)) is amended to read as fol-
22 lows:

23 “(d) EXPENDITURE.—

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

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

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

10 “(C) no more than 4 percent may be used
11 by the Administrator and the Foundation for
12 administrative expenses to carry out this chap-
13 ter, which amount shall be divided between the
14 Administrator and the Foundation pursuant to
15 an agreement reached and documented by both
16 the Administrator and the Foundation.

17 “(2) Of the amounts deposited into the Fund
18 for each fiscal year, if those funds are less than
19 \$100,000,000, all funds shall be used for the award
20 of grants under subsection (c) of section 906 and no
21 more than 4 percent may be used by the Adminis-
22 trator and the Foundation for administrative ex-
23 penses to carry out this chapter, which amount shall
24 be divided between the Administrator and the Foun-
25 dation pursuant to an agreement reached and docu-

1 mented by both the Administrator and the Founda-
2 tion.”.

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

5 **“SEC. 905. ELIGIBLE USES.**

6 “(a) IN GENERAL.—Amounts in the Fund may be
7 allocated by the Administrator and the Foundation to sup-
8 port programs and activities intended to protect, conserve,
9 restore, better understand, and utilize ocean and coastal
10 resources and coastal infrastructure, including scientific
11 research, resiliency and spatial planning, data-sharing,
12 and other programs and activities carried out in coordina-
13 tion with Federal and State departments or agencies, in-
14 cluding the following:

15 “(1) Ocean, coastal, and Great Lakes restora-
16 tion and protection, including efforts to address po-
17 tential impacts of sea level change, sedimentation,
18 erosion, changes in ocean chemistry, hurricanes and
19 other extreme weather, flooding, and changes in
20 ocean temperature to natural resources, commu-
21 nities, and coastal economies.

22 “(2) Restoration, protection, or maintenance of
23 living ocean, coastal, and Great Lakes resources and
24 their habitats.

1 “(3) Planning for and managing coastal devel-
2 opment to enhance ecosystem and community integ-
3 rity, or to minimize impacts from sea level change,
4 hurricanes and other extreme weather, flooding, and
5 coastal erosion.

6 “(4) Projects to address management, planning,
7 or resiliency and readiness issues which are regional
8 or interstate in scope, such as regional ocean part-
9 nerships or similar bodies.

10 “(5) Efforts that contribute to the under-
11 standing of ecological, economic, societal, and na-
12 tional security threats driven by changes to the
13 oceans, coasts, and Great Lakes.

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

21 “(7) Efforts to assist coastal States in strength-
22 ening, stabilizing, hardening, elevating, modifying,
23 repositioning, or otherwise enhancing the resiliency
24 of critical coastal transportation, emergency re-
25 sponse, water, electrical, and other infrastructure,

1 that are already subject to or face increased future
2 risks of hurricanes, coastal flooding, coastal erosion,
3 or sea level change to ensure the economic security,
4 safety, and ecological well-being of the coasts of the
5 United States.

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

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

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

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

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

21 “(9) Protection and modification of critical
22 coastal public infrastructure affected by erosion,
23 hurricanes or other extreme weather, flooding, or sea
24 level change.

1 “(10) Assistance for small businesses and com-
2 munities that are dependent on coastal tourism as
3 eligible efforts that help coastal economies minimize
4 impacts from sea level rise and disasters.

5 “(11) Projects that reinforce wastewater and
6 stormwater infrastructure as eligible critical infra-
7 structure projects (as compared to just general
8 water infrastructure, which can also include drinking
9 water systems).

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

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

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

19 (d) GRANTS.—

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

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

24 “(B) Selection procedures and criteria for
25 the awarding of grants under this section that

1 require consultation with the Administrator and
2 the Secretary of the Interior.”;

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

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

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

14 (2) GRANTS TO COASTAL STATES.—Section
15 906(b) of such Act (16 U.S.C. 7505(b)) is amended
16 to read as follows:

17 “(b) GRANTS TO COASTAL STATES.—

18 “(1) IN GENERAL.—Subject to section
19 904(d)(1) and paragraphs (3) and (4) of this sub-
20 section, the Administrator and the Foundation shall
21 award grants to eligible coastal States based on the
22 following formula:

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

1 “(B) Twenty-five percent of the funds are
2 allocated on the basis of the ratio of tidal shore-
3 line miles in a coastal State to the tidal shore-
4 line miles of all coastal States.

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

11 “(2) ELIGIBLE COASTAL STATES.—For pur-
12 poses of this subsection, an eligible coastal State is
13 any coastal State as defined in section 1453 of this
14 title.

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

21 “(4) REQUIREMENT TO SUBMIT PLANS.—

22 “(A) IN GENERAL.—To be eligible to re-
23 ceive a grant under this subsection, an eligible
24 coastal State shall submit to the Administrator

1 for review and approval, a 5-year plan, which
2 shall include the following:

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

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

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

20 “(II) a demonstration that such
21 competitive process is consistent with
22 the application and review procedures
23 established by the Administrator and
24 Foundation under subsection (a)(1).

1 “(iii) A process to certify that the
2 project or program and the awarding of a
3 contract for the expenditure of amounts re-
4 ceived under this paragraph are consistent
5 with the standard procurement rules and
6 regulations governing a comparable project
7 or program in that State, including all ap-
8 plicable competitive bidding and audit re-
9 quirements.

10 “(iv) Procedures to make publicly
11 available on the internet a list of all
12 projects supported by the Fund, that in-
13 cludes at a minimum the grant recipient,
14 grant amount, project description, and
15 project status.

16 “(B) UPDATES.—As a condition of receiv-
17 ing a grant under this subsection, a coastal
18 State shall submit to the Administrator, not
19 less frequently than once every 5 years, an up-
20 date to the plan submitted by the coastal State
21 under subparagraph (A) for the 5-year period
22 immediately following the most recent submittal
23 under this paragraph.

24 “(5) OPPORTUNITY FOR PUBLIC COMMENT.—In
25 determining whether to approve a plan or an update

1 to a plan described in subparagraph (A) or (B) of
2 paragraph (5), the Administrator or the Foundation
3 shall provide the opportunity for, and take into con-
4 sideration, public input and comment on the plan.

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

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

19 (3) NATIONAL GRANTS FOR OCEANS, COASTS,
20 AND GREAT LAKES.—Section 906(c)(2) of such Act
21 (16 U.S.C. 7505(c)(2)) is amended—

22 (A) in subparagraph (B)—

23 (i) in clause (ii), by striking “; and”
24 and inserting a semicolon;

1 (ii) by redesignating clause (iii) as
2 clause (iv); and

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

5 “(iii) nongovernmental organizations;
6 and”; and

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

8 “(C) CAP ON STATE FUNDING.—The
9 amount of a grant awarded under this sub-
10 section shall not count toward the cap on fund-
11 ing to States through grants awarded under
12 subsection (b).”.

13 (e) FUNDING.—Section 908 of such Act (16 U.S.C.
14 7507) is amended to read as follows:

15 **“SEC. 908. FUNDING.**

16 “There is authorized to be appropriated
17 \$100,000,000 for this title for fiscal year 2020 and each
18 fiscal year thereafter.”.

