

118TH CONGRESS  
1ST SESSION

# H. R. 6841

To amend the Coastal Zone Management Act of 1972 to allow the Secretary of Commerce to establish a Coastal and Estuarine Resilience and Restoration Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2023

Mr. LEVIN (for himself, Mr. MAST, Ms. BONAMICI, Mrs. KIGGANS of Virginia, Mr. HUFFMAN, Mrs. GONZÁLEZ-COLÓN, Mr. KILMER, and Mr. VAN DREW) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Coastal Zone Management Act of 1972 to allow the Secretary of Commerce to establish a Coastal and Estuarine Resilience and Restoration Program, 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. COASTAL AND ESTUARINE RESILIENCE AND**  
4 **RESTORATION PROGRAM.**

5 Section 307A of the Coastal Zone Management Act  
6 of 1972 (16 U.S.C. 1456–1) is amended—

1           (1) by striking the heading and inserting  
2           “COASTAL AND ESTUARINE RESILIENCE AND RES-  
3           TORATION PROGRAM”;

4           (2) by amending subsection (a) to read as fol-  
5           lows:

6           “(a) IN GENERAL.—The Secretary may conduct a  
7           Coastal and Estuarine Resilience and Restoration Pro-  
8           gram, in cooperation with State, regional, and other units  
9           of government, the National Estuarine Research Reserves,  
10          and non-governmental organizations for the purposes of—

11           “(1) protecting important coastal and estuarine  
12          areas that—

13           “(A) have significant conservation, rec-  
14          reational, coastal access, ecological, historical,  
15          community protection, or aesthetic value;

16           “(B) are threatened by conversion from  
17          their natural, undeveloped, or recreational state  
18          to other uses; or

19           “(C) could be managed or restored to ef-  
20          fectively conserve, enhance, or restore ecological  
21          function or mitigate climate change; and

22           “(2) restoring developed property in vulnerable  
23          coastal and estuarine areas to a natural state to re-  
24          store ecological function, allow for shoreline migra-  
25          tion, and protect coastal communities.”;

1           (3) in subsection (b), by striking “or National  
2           Estuarine Research Reserve units” and inserting “,  
3           National Estuarine Research Reserves, or non-gov-  
4           ernmental organizations that meet the requirements  
5           of subsection (k)”;

6           (4) in subsection (c)—

7           (A) by striking “or National Estuarine Re-  
8           search Reserves” and inserting “, National Es-  
9           tuarine Research Reserves, or non-governmental  
10          organizations”;

11          (B) in paragraph (2), by striking “shall  
12          identify” and inserting “may identify”;

13          (C) by amending paragraph (7) to read as  
14          follows:

15          “(7)(A) Priority shall be given to lands that—

16               “(i) can be effectively managed and pro-  
17               tected and are described in subsection  
18               (a)(1)(A);

19               “(ii) to the maximum extent practicable,  
20               benefit communities that may not have ade-  
21               quate resources to prepare for or respond to  
22               coastal hazards or to access coastline, including  
23               low-income communities; or

24               “(iii)(I) are under an imminent threat of  
25               conversion to a use that will degrade or other-

1 wise diminish their natural, undeveloped, or rec-  
2 reational state;

3 “(II) serve to mitigate the adverse impacts  
4 caused by coastal population growth on the  
5 coastal environment;

6 “(III) are within or adjacent to a National  
7 Estuarine Research Reserve designated under  
8 section 315, a national wildlife refuge, or a na-  
9 tional estuary program, or are proposed for des-  
10 ignation as such a reserve or other such pro-  
11 tected area; or

12 “(IV) are under threat due to climate  
13 change or may serve to mitigate the adverse ef-  
14 fects of climate change, including through long-  
15 term carbon storage, and to facilitate inland  
16 migration of coastal ecosystems in response to  
17 sea level rise.

18 “(B) Of the projects that are given priority  
19 under subparagraph (A), priority shall be given to  
20 lands that reflect conservation priorities identified  
21 pursuant to paragraphs (1) through (4).”; and

22 (D) in paragraph (10), by striking “tri-  
23 ennially” and inserting “every 5 years”;

24 (5) in subsection (f)—

1 (A) in paragraph (2)(B), by inserting “for  
2 any territory of the United States that is un-  
3 able to provide such match,” after “commu-  
4 nity,”; and

5 (B) in paragraph (4)—

6 (i) in subparagraph (A)(i), by striking  
7 “the land meets the criteria set forth in  
8 section 2(b) and” and inserting “such use  
9 will further the goals set forth in sub-  
10 section (b) and such land interest”;

11 (ii) by striking subparagraph (B) and  
12 redesignating subparagraph (C) as sub-  
13 paragraph (B);

14 (iii) in subparagraph (B) (as so reded-  
15 icated), by striking “described in (A)”  
16 and inserting “described in subparagraph  
17 (A)”;

18 (iv) by inserting at the end the fol-  
19 lowing new subparagraph:

20 “(C) The value of ecosystem services that  
21 such interest in land provides, including as a  
22 buffer for storm surge, as a habitat for eco-  
23 nomically valuable species, and as a long-term  
24 carbon store.”;

1           (6) in subsection (g), by striking “15” and in-  
2           serting “20”;

3           (7) by redesignating subsections (k) and (l) as  
4           subsections (l) and (m), respectively;

5           (8) by inserting after subsection (j) the fol-  
6           lowing:

7           “(k) NON-GOVERNMENTAL ORGANIZATIONS.—

8           “(1) IN GENERAL.—A non-governmental orga-  
9           nization that applies for a grant under this section  
10          may only be awarded a grant under subsection (b)  
11          to acquire property or an interest in property if such  
12          organization, with respect to the property or interest  
13          in property—

14                 “(A) provides such documentation as the  
15                 Secretary determines appropriate to dem-  
16                 onstrate that the agency that is primarily re-  
17                 sponsible for managing coastal and estuarine  
18                 land of the State in which the property or inter-  
19                 est in property is located has provided public  
20                 notice of the support of such agency for the  
21                 grant application of such organization;

22                 “(B) either—

23                         “(i) ensures that the property or in-  
24                         terest in property is, or will be made, ac-  
25                         cessible to the public; or

1                   “(ii) provides documentation showing  
2                   that public access to the property or inter-  
3                   est in property is required to be restricted  
4                   to maintain the biological integrity, biologi-  
5                   cal diversity, or environmental health of  
6                   the property or interest in property; and

7                   “(C) includes in the deed for the property  
8                   or interest in property a clear statement regard-  
9                   ing how the property or interest in property will  
10                  be disposed of if such organization becomes  
11                  nonviable after the date such organization ac-  
12                  quires such property or interest in property.

13                  “(2) COMPLIANCE.—The Secretary shall de-  
14                  velop objective measures that each non-governmental  
15                  organization that applies for a grant under this sec-  
16                  tion shall use to demonstrate the compliance of such  
17                  organization with the requirements of paragraph  
18                  (1).”; and

19                  (9) in subsection (m), as so redesignated, by  
20                  striking “fiscal years 2009 through 2013” and in-  
21                  serting “fiscal years 2024 through 2028”.

22 **SEC. 2. AMENDMENTS TO NATIONAL ESTUARINE RE-**  
23 **SEARCH RESERVE SYSTEM PROGRAM.**

24                  (a) DESIGNATION OF ADDITIONAL RESERVES.—

1           (1) IN GENERAL.—Not later than 5 years after  
2           the date of the enactment of this section, the Sec-  
3           retary shall designate not less than 5 new national  
4           estuarine reserves in the System.

5           (2) PRIORITIZATION.—In making each designa-  
6           tion under paragraph (1), the Secretary shall  
7           prioritize nominated sites that will promote the fol-  
8           lowing with respect to the System:

9                   (A) The presence of a National Estuarine  
10                  Research Reserve in each coastal State.

11                   (B) Full representation of biogeographic  
12                  regions to ensure research in areas with distinct  
13                  biodiversity or estuarine geography.

14           (b)           FINANCIAL           ASSISTANCE.—Section  
15           315(e)(1)(A)(ii) of the Coastal Zone Management Act of  
16           1972 (16 U.S.C. 1461(f)(1)(A)(ii)) is amended by insert-  
17           ing “and maintaining” after “constructing”.

18           (c) GUIDELINES FOR TRACKING AND MODELING THE  
19           IMPACTS OF CLIMATE CHANGE.—Section 315(c) of the  
20           Coastal Zone Management Act of 1972 (16 U.S.C.  
21           1461(c)) is amended—

22                   (1) by redesignating paragraphs (3) through  
23                   (5) as paragraphs (4) through (6), respectively; and

24                   (2) by inserting after paragraph (2) the fol-  
25                  lowing:



1           “(3) the establishment of coordinated long-term  
2 data monitoring and methods throughout the Sys-  
3 tem for tracking and modeling the impacts of cli-  
4 mate change on estuarine systems, including impacts  
5 on lake levels and sea levels;”.

6           (d) PROGRAM ELEMENTS.—Section 315 of the  
7 Coastal Zone Management Act of 1972 (16 U.S.C. 1461)  
8 is amended by adding at the end the following:

9           “(h) SYSTEMWIDE ELEMENTS OF THE NATIONAL  
10 ESTUARINE RESEARCH RESERVE SYSTEM.—The Sec-  
11 retary shall coordinate systemwide programs and activities  
12 in the System including—

13           “(1) the centralized management and dissemi-  
14 nation of data from System observation and moni-  
15 toring networks;

16           “(2) a grant program employing the collabo-  
17 rative research model on coastal research and man-  
18 agement priorities to be conducted at research re-  
19 serve sites focused on the priorities determined by  
20 the Secretary;

21           “(3) using National Estuarine Research Re-  
22 serves as living laboratories and as preferred place-  
23 ments for fellowship and research positions for the  
24 National Oceanic and Atmospheric Administration;  
25 and

1           “(4) establishing the Margaret A. Davidson  
2 Graduate Research Fellowship Program to address  
3 key coastal management questions and the coastal  
4 research and management priorities of the System  
5 and its place-based sites to help scientists and com-  
6 munities understand the coastal challenges that may  
7 influence future policy and management strategies.

8           “(i) PLACE-BASED PROGRAM ELEMENTS OF THE  
9 NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.—  
10 Each National Estuarine Research Reserve shall establish  
11 and maintain place-based program elements that in-  
12 clude—

13           “(1) a research, monitoring, and observation  
14 network that detects environmental change and in-  
15 forms suitable adaptation and mitigation strategies  
16 to coastal hazards;

17           “(2) identifying and monitoring sentinel sites  
18 that provide an opportunity to develop and test tech-  
19 niques for adapting to and mitigating the harmful  
20 effects of climate change;

21           “(3) education, outreach, training, and inter-  
22 preative programs that communicate the value and  
23 changing dynamics of coastal systems;

24           “(4) stewardship programs that provide science-  
25 based tools, habitat management, and restoration

1 and that provide resources and information to in-  
2 form coastal management;

3 “(5) coastal training programs that provide  
4 technical assistance to coastal communities, resource  
5 managers, and coastal decisionmakers;

6 “(6) identifying priority land for acquisition to  
7 enhance ecosystem and community resilience to the  
8 negative effects of climate change; and

9 “(7) the lands and facilities that support such  
10 accessible research, monitoring, stewardship, edu-  
11 cation, and coastal training activities.

12 “(j) EXISTING USES.—Except as otherwise explicitly  
13 provided in a management plan of a National Estuarine  
14 Research Reserve, each Reserve shall permit existing uses  
15 of System lands and waters, including (as applicable)—

16 “(1) commercial and recreational fishing;

17 “(2) hunting; and

18 “(3) cultural uses.

19 “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to the Secretary  
21 \$47,000,000 for each of fiscal years 2024 through 2028  
22 to provide financial assistance under this section.”.

23 (e) DEFINITIONS.—In this section:

24 (1) COASTAL STATE.—The term “coastal  
25 State” has the meaning given the term “coastal

1 state” in section 304 of title III of the Coastal Zone  
2 Management Act of 1972 (16 U.S.C. 1453), as ap-  
3 plicable to such title.

4 (2) SECRETARY.—The term “Secretary” has  
5 the meaning given the term in section 304 of the  
6 Coastal Zone Management Act of 1972 (16 U.S.C.  
7 1453).

8 (3) SYSTEM.—The term “System” means the  
9 National Estuarine Research Reserve System estab-  
10 lished under section 315 of the Coastal Zone Man-  
11 agement Act of 1972 (16 U.S.C. 1461).

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