

118TH CONGRESS
2D SESSION

H. R. 7106

To amend the National Oceans and Coastal Security Act to make improvements to that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2024

Mr. BEYER (for himself and Mrs. GONZÁLEZ-COLÓN) 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 amend the National Oceans and Coastal Security Act to make improvements to that 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 2024”.

1 **SEC. 2. IMPROVEMENTS TO NATIONAL OCEANS AND COAST-**
2 **AL SECURITY ACT.**

3 (a) REFERENCES.—Except as otherwise specifically
4 provided, whenever in this section an amendment or repeal
5 is expressed in terms of an amendment to or a repeal of
6 a provision, the reference shall be considered to be made
7 to a provision of the National Oceans and Coastal Security
8 Act (16 U.S.C. 7501 et seq.).

9 (b) DEFINITIONS.—Section 902 (16 U.S.C. 7501) is
10 amended to read as follows:

11 **“SEC. 902. DEFINITIONS.**

12 “In this title:

13 “(1) ADMINISTRATOR.—Except as otherwise
14 specifically provided, the term ‘Administrator’ means
15 the Under Secretary of Commerce for Oceans and
16 Atmosphere and Administrator of the National Ocea-
17 nic and Atmospheric Administration.

18 “(2) BLUE CARBON BENEFITS.—The term ‘blue
19 carbon benefits’ means the carbon sequestered and
20 stored by coastal and marine ecosystems, including
21 salt marshes, mangroves, and seagrasses.

22 “(3) COASTAL COUNTY.—The term ‘coastal
23 county’ has the meaning given the term by the Na-
24 tional Oceanic and Atmospheric Administration in
25 the document entitled ‘NOAA’s List of Coastal

1 Counties for the Bureau of the Census’ (or similar
2 successor document).

3 “(4) COASTAL INDIAN TRIBE.—The term
4 ‘coastal Indian Tribe’ means an Indian Tribe with
5 respect to which the following is located, in whole or
6 in part, within a coastal State:

7 “(A) Land held by the Indian Tribe—

8 “(i) in fee; or

9 “(ii) subject to restriction against
10 alienation under the laws of the United
11 States.

12 “(B) Land held in trust by the United
13 States for the benefit of the Indian Tribe.

14 “(C) A reservation, pueblo, or rancheria or
15 the Indian Tribe.

16 “(5) COASTAL STATE.—The term ‘coastal
17 State’ has the meaning given the term ‘State’ in sec-
18 tion 103 of the Estuary Restoration Act (33 U.S.C.
19 2902).

20 “(6) FOUNDATION.—The term ‘Foundation’
21 means the National Fish and Wildlife Foundation
22 established by section 2(a) of the National Fish and
23 Wildlife Foundation Establishment Act (16 U.S.C.
24 3701(a)).

1 “(7) FUND.—The term ‘Fund’ means the Na-
2 tional Oceans and Coastal Security Fund established
3 under section 904(a).

4 “(8) INDIAN TRIBE.—The term ‘Indian Tribe’
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 “(9) NATIVE HAWAIIAN ORGANIZATION.—The
9 term ‘Native Hawaiian organization’ has the mean-
10 ing given the term in section 3 of the NATIVE Act
11 (25 U.S.C. 4352).

12 “(10) TIDAL SHORELINE.—The term ‘tidal
13 shoreline’ means a ‘tidal shoreline’ or a ‘Great Lake
14 shoreline’ as such terms are used in section
15 923.110(e)(2)(i) of title 15, Code of Federal Regula-
16 tions, or a similar successor regulation.”.

17 (c) EXPENDITURES.—Section 904(d) (16 U.S.C.
18 7503(d)) is amended to read as follows:

19 “(d) EXPENDITURES.—Of the amounts deposited in,
20 or appropriated or otherwise made available to, the Fund
21 for each fiscal year—

22 “(1) not more than a total of 5 percent may be
23 used by the Administrator and the Foundation for
24 administrative expenses to carry out this title, which
25 such amount shall be divided between the Adminis-

1 trator and the Foundation pursuant to a docu-
2 mented agreement between the Administrator and
3 the Foundation; and

4 “(2) if the total of such amounts is—

5 “(A) \$50,000,000 or less, any remaining
6 amounts may only be used by the Foundation
7 to award grants under section 906(c); or

8 “(B) \$50,000,000 or more—

9 “(i) at least \$50,000,000 shall be
10 used by the Foundation to award grants
11 under section 906(c); and

12 “(ii) of any remaining amounts—

13 “(I) 80 percent of such amounts
14 may be used by the Administrator to
15 award grants under section 906(b);
16 and

17 “(II) 20 percent of such amounts
18 may be used by the Foundation to
19 award grants under section 906(c).”.

20 (d) ELIGIBLE USES.—Section 905 (16 U.S.C. 7504)

21 is amended to read as follows:

22 **“SEC. 905. ELIGIBLE USES.**

23 “(a) IN GENERAL.—Amounts in the Fund may be
24 used by the Administrator and the Foundation to award
25 grants under subsection (b) or (c) of section 906, respec-

1 tively, to support programs and activities intended to pro-
2 tect, conserve, restore, and better understand and use
3 ocean and coastal resources and coastal infrastructure.

4 “(b) PROGRAMS AND ACTIVITIES.—The programs
5 and activities described in subsection (a) including the fol-
6 lowing:

7 “(1) Ocean, coastal, and Great Lakes restora-
8 tion and protection, including efforts to address po-
9 tential impacts of sea level change, sedimentation,
10 erosion, changes in ocean chemistry, hurricanes and
11 other extreme weather, flooding, tsunamis, and
12 changes in ocean temperature on natural resources,
13 communities, and coastal economies.

14 “(2) Restoration, protection, or maintenance of
15 living ocean, coastal, and Great Lakes resources and
16 their habitats, including habitats and ecosystems
17 that provide blue carbon benefits.

18 “(3) Monitoring, spatial planning, data-sharing,
19 and other efforts that contribute to the under-
20 standing of ecological, economic, and societal threats
21 driven by changes to the oceans, coasts, and Great
22 Lakes.

23 “(4) Projects to assist water-dependent com-
24 mercial activities including commercial fishing, rec-
25 reational fishing businesses, aquaculture, boat build-

1 ing, or other marine-based recreational businesses
2 and tourism, minimize or avoid coastal hazards and
3 adapt to changes to the oceans, coasts, and Great
4 Lakes.

5 “(5) Planning, design, and implementation of
6 climate-resilient natural and nature-based infra-
7 structure projects, including projects to deploy nat-
8 ural or nature-based features to enhance the resil-
9 iency of public infrastructure.

10 “(6) Projects to protect, modify, reposition, or
11 relocate critical coastal transportation, emergency
12 response, drinking water, electrical, and other public
13 infrastructure that are subject to or face increased
14 future risks from coastal hazards.

15 “(7) Planning for and managing coastal devel-
16 opment to enhance ecosystem and community resil-
17 ience and to minimize or avoid the impacts from
18 coastal hazards, including sea level change, hurri-
19 canes and other extreme weather, flooding, and
20 coastal erosion.

21 “(8) Projects to address management, planning,
22 or resiliency and readiness issues that are regional
23 or interstate in scope, including regional ocean part-
24 nerships or similar entities.

1 “(9) Development and regular updates of com-
2 prehensive resilience, adaptation, and mitigation
3 plans, including updating 5-year plans under sub-
4 section (b)(3)(C), which involve robust engagement
5 with community stakeholders.

6 “(10) Community-led strategic relocation ef-
7 forts.

8 “(11) Acquisition of property or an interest in
9 property if—

10 “(A) the property is located within a coast-
11 al county;

12 “(B) such property or interest in property
13 is acquired through purchase, exchange, or do-
14 nation from a willing party;

15 “(C) the head of an agency designated as
16 a lead agency by the coastal State, coastal In-
17 dian Tribe, or Native Hawaiian organization in
18 which the property or interest in property is ac-
19 quired approves of the acquisition; and

20 “(D) such property or interest in property
21 is acquired in a manner that ensures such prop-
22 erty or interest in property will be administered
23 to support the purposes of this title.

1 “(c) PROHIBITION ON USE OF FUNDS FOR LITIGA-
2 TION AND LOBBYING.—No funds made available under
3 this title may be used to fund—

4 “(1) any activity related to litigation; or

5 “(2) any activity the purpose of which is to in-
6 fluence legislation pending before Congress.”.

7 (e) GRANTS.—

8 (1) ADMINISTRATION.—Section 906(a)(1) (16
9 U.S.C. 7505(a)(1)) is amended—

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

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

16 (B) in subparagraph (C)—

17 (i) in clause (i), by inserting “, coastal
18 Indian Tribes, and Native Hawaiian orga-
19 nizations” after “coastal States”; and

20 (ii) by amending clause (ii) to read as
21 follows:

22 “(ii) under subsection (c), as appro-
23 priate, to entities including States, local
24 governments, Indian Tribes, regional and
25 interstate collaboratives, associations, non-

1 profit and for-profit private entities, pub-
2 lic-private partnerships, academic institu-
3 tions, Indigenous communities, and Native
4 Hawaiian organizations.”;

5 (C) in subparagraph (F), by striking “year
6 if grants have been awarded in that year” and
7 inserting “5 years”; and

8 (D) by adding at the end the following:

9 “(I) Procedures and accounting method-
10 ology to quantify blue carbon benefits for the
11 purposes of the annual report required under
12 section 907.”.

13 (2) COASTAL GRANTS.—Section 906(b) (16
14 U.S.C. 7505(b)) is amended to read as follows:

15 “(b) COASTAL GRANTS.—

16 “(1) IN GENERAL.—The Administrator, in con-
17 sultation with the Foundation, shall award grants to
18 each eligible coastal State, coastal Indian Tribe, and
19 Native Hawaiian organization from the amount
20 made available under section 904(d) in accordance
21 with the following:

22 “(A) 35 percent of such amount shall be
23 allocated equally among coastal States.

24 “(B) 30 percent of such amount shall be
25 allocated to coastal States on the basis of the

1 ratio of the tidal shoreline miles of a coastal
2 State to the tidal shoreline miles of all coastal
3 States.

4 “(C) 20 percent of such amount shall be
5 allocated to coastal States on the basis of the
6 ratio of the population of the coastal counties of
7 a coastal State to the total population of the
8 coastal counties of all coastal States, based on
9 the most recent data available from the United
10 States Census Bureau.

11 “(D) 15 percent of such amount shall be
12 allocated equally among coastal Indian Tribes
13 and Native Hawaiian organizations.

14 “(2) MAXIMUM ALLOCATION TO COASTAL
15 STATES.—

16 “(A) IN GENERAL.—Notwithstanding sub-
17 paragraphs (A) through (C) of paragraph (1),
18 not more than 5 percent of the total amount
19 awarded under this subsection may be allocated
20 to any one coastal State.

21 “(B) REDISTRIBUTION.—The Adminis-
22 trator shall develop guidelines regarding the re-
23 distribution of any amount greater than the
24 maximum allocation described in subparagraph
25 (A).

1 “(3) APPLICATION.—

2 “(A) IN GENERAL.—To be eligible for a
3 grant under this subsection, a coastal State,
4 coastal Indian Tribe, or Native Hawaiian orga-
5 nization shall submit to the Administrator an
6 application in such form, at such time, and con-
7 taining such information as the Administrator
8 determines appropriate.

9 “(B) ELIGIBILITY.—To be eligible for a
10 grant under this subsection, a coastal State,
11 coastal Indian Tribe, or Native Hawaiian orga-
12 nization shall have 1 of the following:

13 “(i) A Coastal Zone Management Pro-
14 gram approved under section 306 of the
15 Coastal Zone Management Act of 1972 (16
16 U.S.C. 1455).

17 “(ii) A 5-year plan approved under
18 paragraph (4).

19 “(C) UPDATES.—As a condition of being
20 awarded a grant under this subsection, a coast-
21 al State, coastal Indian Tribe, or Native Hawai-
22 ian organization that is eligible for a grant
23 under this subsection pursuant to subparagraph
24 (B)(ii) shall submit to the Administrator not
25 less frequently than once every 5 years an up-

1 date to the 5-year plan submitted by such
2 coastal State, coastal Indian Tribe, or Native
3 Hawaiian organization for the 5-year period im-
4 mediately following the most recent submission
5 under this paragraph.

6 “(D) CONTINUED ELIGIBILITY.—If the
7 Administrator, in consultation with the Founda-
8 tion, approves the application of a coastal
9 State, coastal Indian Tribe, or Native Hawaiian
10 organization submitted under this paragraph,
11 such coastal State, coastal Indian Tribe, or Na-
12 tive Hawaiian organization shall remain eligible
13 for a grant under this subsection if such coastal
14 State, coastal Indian Tribe, or Native Hawaiian
15 organization complies with subparagraphs (B)
16 and (C).

17 “(4) 5-YEAR PLAN.—A coastal State, coastal
18 Indian Tribe, or Native Hawaiian organization may
19 submit to the Administrator for approval under this
20 paragraph a 5-year plan, which shall include the fol-
21 lowing:

22 “(A) A description of stakeholder involve-
23 ment and public engagement with the develop-
24 ment of such 5-year plan.

1 “(B) A description of the process the
2 coastal State, coastal Indian Tribe, or Native
3 Hawaiian organization will use to allocate
4 amounts awarded to the coastal State, coastal
5 Indian Tribe, or Native Hawaiian organization
6 under paragraph (1), which shall include an af-
7 firmation that such process is consistent with
8 the application and review procedures estab-
9 lished by the Administrator and Foundation
10 under subsection (a)(1).

11 “(C) Criteria to determine which entities
12 are eligible to participate in the process of the
13 coastal State, coastal Indian Tribe, or Native
14 Hawaiian organization described in subpara-
15 graph (B).

16 “(D) A process to certify that each project
17 or program funded under this subsection with
18 respect to the coastal State, coastal Indian
19 Tribe, or Native Hawaiian organization and
20 each contract awarded pursuant to each such
21 project or program is consistent with the stand-
22 ard procurement rules and regulations gov-
23 erning a comparable project or program of the
24 coastal State, coastal Indian Tribe, or Native

1 Hawaiian organization, including all applicable
2 competitive bidding and audit requirements.

3 “(E) Procedures to make publicly available
4 on the internet a list of each project or program
5 funded under this subsection with respect to the
6 coastal State, coastal Indian Tribe, or Native
7 Hawaiian organization, including, at a min-
8 imum, the recipient, amount, project descrip-
9 tion, and project status.

10 “(5) DEADLINE.—

11 “(A) IN GENERAL.—Not later than 60
12 days after the date on which the Administrator
13 receives an application for a grant under this
14 subsection, the Administrator, in consultation
15 with the Foundation, shall approve or deny
16 such application.

17 “(B) DENIAL.—If the Administrator de-
18 nies an application for a grant under this sub-
19 section, the Administrator, in consultation with
20 the Foundation, shall provide to the relevant
21 coastal State, coastal Indian Tribe, or Native
22 Hawaiian organization feedback regarding such
23 denial.

24 “(6) NONPARTICIPATION.—In any fiscal year, if
25 an eligible coastal State, coastal Indian Tribe, or

1 Native Hawaiian organization declines a grant
2 award under this subsection, the amount that would
3 have been allocated to the coastal State, coastal In-
4 dian Tribe, or Native Hawaiian organization shall be
5 reallocated to award grants under subsection (c).”.

6 (3) NATIONAL GRANTS FOR OCEANS, COASTS,
7 AND GREAT LAKES.—Section 906(c) (16 U.S.C.
8 7505(e)) is amended—

9 (A) in paragraph (1), by striking “The Ad-
10 ministrator and the Foundation” and inserting
11 “The Foundation, in consultation with the Ad-
12 ministrator,”; and

13 (B) in paragraph (2)—

14 (i) in subparagraph (B)—

15 (I) in clause (ii), by striking
16 “and” at the end;

17 (II) by redesignating clause (iii)
18 as clause (v); and

19 (III) by inserting after clause (ii)
20 the following:

21 “(iii) nonprofit organizations;

22 “(iv) Indian Tribes, Indigenous com-
23 munities, and Native Hawaiian organiza-
24 tions; and”;

1 (ii) by adding at the end the fol-
2 lowing:

3 “(C) CAP ON FUNDING.—The amount of a
4 grant awarded under this subsection shall not
5 count toward the cap on funding to coastal
6 States, coastal Indian Tribes, or Native Hawai-
7 ian organizations through grants awarded
8 under subsection (b).”.

9 (f) ANNUAL REPORT.—Section 907 (16 U.S.C. 7506)
10 is amended—

11 (1) in subsection (a), by striking “Subject to
12 subsection (c), beginning” and inserting “Begin-
13 ning”; and

14 (2) in subsection (b)—

15 (A) in paragraph (2), by striking “and” at
16 the end;

17 (B) in paragraph (3), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(4) an estimate of blue carbon benefits.”.

21 (g) FUNDING.—Section 908 (16 U.S.C. 7507) is
22 amended by striking “such sums as are necessary for fis-
23 cal years 2017, 2018, and 2019 for this title” and insert-

1 ing “\$200,000,000 to carry out this title for each of fiscal
2 years 2025 through 2029”.

○