

117TH CONGRESS  
1ST SESSION

# H. R. 3892

To direct the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. BEYER (for himself and Mr. MAST) 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

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## A BILL

To direct the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Ocean and  
3 Coastal Security Improvements Act of 2021”.

4 **SEC. 2. 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 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 such in section 4 of the In-  
19 dian Self-Determination and Education Assistance  
20 Act.

21 “(9) **BLUE CARBON.**—The term ‘blue carbon’  
22 means the ability of an ocean or coastal ecosystem,  
23 habitat, or other natural resource to absorb, capture,  
24 and contain atmospheric carbon dioxide.”.

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

1 “(d) EXPENDITURE.—

2 “(1) AMOUNTS TO REMAIN AVAILABLE.—

3 Amounts in the Fund shall remain available until  
4 extended to carry out the purposes of the Fund.

5 “(2) DISTRIBUTION.—Of the amounts in the  
6 Fund, in each fiscal year—

7 “(A) not less than \$150,000,000 shall be  
8 used for the award of grants under section  
9 906(b);

10 “(B) not less than \$50,000,000 shall be  
11 used for the award of grants under section  
12 906(c);

13 “(C) any amounts in excess of  
14 \$200,000,000 shall be distributed such that—

15 “(i) 80 percent of such amounts shall  
16 be used for the award of grants under sec-  
17 tion 906(b); and

18 “(ii) 20 percent of such amounts shall  
19 be used for the award of grants under sec-  
20 tion 906(c).

21 “(D) Of amounts provided in this sub-  
22 section, not more than 4 percent may be used  
23 by the Administrator and the National Fish  
24 and Wildlife Foundation for direct costs to  
25 carry out this chapter.”.

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

3 **“SEC. 905. ELIGIBLE USES.**

4 “(a) IN GENERAL.—Amounts in the Fund may be  
5 allocated by the Administrator and the Foundation for  
6 grants under section 906(c) to support programs and ac-  
7 tivities intended to protect, conserve, restore, better under-  
8 stand, and use ocean and coastal resources and coastal  
9 infrastructure, including, if appropriate, scientific re-  
10 search, resiliency planning, implementation, and moni-  
11 toring and spatial planning, data-sharing, and other pro-  
12 grams and activities carried out in coordination with Fed-  
13 eral and State departments or agencies, including the fol-  
14 lowing:

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, including habitats and ecosystems  
25 that provide blue carbon benefits.

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 public ocean and coastal data por-  
16          tals, that would support sustainable water-dependent  
17          commercial activities including commercial fishing,  
18          recreational fishing businesses, aquaculture, boat  
19          building, or other coastal-related businesses.

20          “(7) Efforts to assist coastal States in repo-  
21          sitioning, relocating or deploying natural or nature-  
22          based features to enhance the resiliency of critical  
23          coastal transportation, emergency response, water,  
24          electrical, and other infrastructure, that are already  
25          subject to or face increased future risks of hurri-

1 canes, coastal flooding, coastal erosion, or sea level  
2 change to ensure the economic security, safety, and  
3 ecological well-being of the coasts of the United  
4 States.

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

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

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

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

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

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

24 “(10) Assistance for small businesses and com-  
25 munities that are dependent on coastal tourism as

1 eligible efforts that help coastal economies minimize  
2 impacts from sea level rise and disasters.

3 “(11) Projects that use natural and nature-  
4 based approaches for enhancing the resiliency of  
5 wastewater and stormwater infrastructure as eligible  
6 critical infrastructure projects (as compared to just  
7 general water infrastructure, which can also include  
8 drinking water systems).

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

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

15 (d) GRANTS.—

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

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

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

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

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

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

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

11           “(I) A method to give special consideration  
12           in reviewing proposals to projects with either di-  
13           rect or indirect coastal or marine blue carbon  
14           benefits and an accounting methodology to  
15           quantify these benefits for the purposes of the  
16           annual report required under section 907.”.

17           (2) GRANTS TO COASTAL STATES.—Section  
18           906(b) of such Act (16 U.S.C. 7505(b)) is amended  
19           to read as follows:

20           “(b) GRANTS TO COASTAL STATES.—

21           “(1) IN GENERAL.—Subject to paragraphs (3)  
22           and (4), the Administrator shall award grants to eli-  
23           gible coastal States based on the following formula:

24           “(A) 50 of the funds are allocated equally  
25           among eligible coastal States.



1           “(B) 25 percent of the funds are allocated  
2           on the basis of the ratio of tidal shoreline miles  
3           in a coastal State to the tidal shoreline miles of  
4           all coastal States.

5           “(C) 25 percent of the funds are allocated  
6           on the basis of the ratio of population density  
7           of the coastal counties of a coastal State to the  
8           average population density of all coastal coun-  
9           ties based on the most recent data available by  
10          the Census Bureau.

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

17          “(3) REQUIREMENT TO SUBMIT PLANS.—

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

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

1           “(ii) A description of the competitive  
2 process the coastal State will use in allo-  
3 cating funds received from the Fund, ex-  
4 cept in the case of allocating funds under  
5 paragraph (6), which shall include—

6                   “(I) a description of the relative  
7 roles of and consistency with the  
8 State coastal zone management pro-  
9 gram approved under the Coastal  
10 Zone Management Act of 1972, if the  
11 coastal State has such a plan, and  
12 any State Sea Grant Program, if the  
13 State has such program; and

14                   “(II) a demonstration that such  
15 competitive process is consistent with  
16 the application and review procedures  
17 established by the Administrator and  
18 Foundation under subsection (a)(1).

19           “(iii) A process to certify that the  
20 project or program and the awarding of a  
21 contract for the expenditure of amounts re-  
22 ceived under this paragraph are consistent  
23 with the standard procurement rules and  
24 regulations governing a comparable project  
25 or program in that State, including all ap-

1           pllicable competitive bidding and audit re-  
2           quirements.

3           “(iv) Procedures to make publicly  
4           available on the internet a list of all  
5           projects supported by the Fund, that in-  
6           cludes at a minimum the grant recipient,  
7           grant amount, project description, and  
8           project status.

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

17          “(4) OPPORTUNITY FOR PUBLIC COMMENT.—In  
18          determining whether to approve a plan or an update  
19          to a plan described paragraph (3), the Administrator  
20          or the Foundation shall provide the opportunity for,  
21          and take into consideration, public input and com-  
22          ment on the plan.

23          “(5) INDIAN TRIBES.—As a condition on receipt  
24          of a grant under this subsection, a State that re-  
25          ceives a grant under this subsection shall ensure

1 that Indian Tribes in the State are eligible to par-  
2 ticipate in the competitive process described in the  
3 State’s plan under paragraph (3)(A)(ii).

4 “(6) NONPARTICIPATION BY A STATE.—In any  
5 fiscal year, if an eligible coastal State does not sub-  
6 mit the plan required by paragraph (3) or declines  
7 the funds distributed under this subsection, the  
8 funds allocable to such State or area shall be allo-  
9 cated to the national grant program under sub-  
10 section (c).

11 “(7) ELIGIBLE COASTAL STATE DEFINED.—In  
12 this subsection, the term ‘eligible coastal State’ has  
13 the meaning given the term ‘coastal state’ in section  
14 304 of the Coastal Zone Management Act of 1972.”.

15 (3) NATIONAL GRANTS FOR OCEANS, COASTS,  
16 AND GREAT LAKES.—Section 906(c)(2) of such Act  
17 (16 U.S.C. 7505(c)(2)) is amended—

18 (A) in subparagraph (B)—

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

21 (ii) by redesignating clause (iii) as  
22 clause (iv); and

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

1                   “(iii) nongovernmental organizations;  
2                   and”;

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

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

9                   (e) ANNUAL REPORT.—Section 907 of the National  
10                  Oceans and Coastal Security Act (16 U.S.C. 7506) is  
11                  amended—

12                  (1) by amending subsection (b)(3) to read as  
13                  follows:

14                  “(3) a description of the expenditures made  
15                  from the Fund for the fiscal year, including the pur-  
16                  pose of the expenditures; and”;

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

18                  “(4) an estimate of blue carbon benefits, in  
19                  tons of carbon dioxide-equivalent emissions, expected  
20                  through grants awarded to projects that received  
21                  special consideration under section 906 due to the  
22                  blue carbon potential of such projects.”.

23                  (f) FUNDING.—Section 908 of such Act (16 U.S.C.  
24                  7507) is amended to read as follows:

1 **“SEC. 908. FUNDING.**

2       “There is appropriated \$200,000,000 for each of fis-  
3 cal years 2021 through 2030 to the Fund, to remain avail-  
4 able until expended.”.

5 **SEC. 3. INCREASING FUNDING FOR COASTAL CONSERVA-**  
6 **TION AND RESILIENCE.**

7       Section 8(p)(2) of the Outer Continental Shelf Lands  
8 Act (43 U.S.C. 1337(p)(2)) is amended by adding at the  
9 end the following:

10               “(C) With respect to any lease under this  
11 subsection for the production of wind energy,  
12 30 percent of the revenue from such lease shall  
13 be deposited in the National Oceans and Coast-  
14 al Security Fund established by section 904 of  
15 the National Oceans and Coastal Security  
16 Act.”.

○