

106TH CONGRESS
1ST SESSION

H. R. 2669

To reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1999

Mr. SAXTON introduced the following bill; which was referred to the Committee on Resources

A BILL

To reauthorize the Coastal Zone Management Act of 1972, 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 “Coastal Community
5 Conservation Act of 1999”.

6 **SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT**
7 **OF 1972.**

8 Except as otherwise expressly provided, whenever in
9 this Act an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
2 section or other provision of the Coastal Zone Manage-
3 ment Act of 1972 (16 U.S.C. 1451 et seq.).

4 **SEC. 3. PROGRAM DEVELOPMENT GRANTS.**

5 Section 305(a) (16 U.S.C. 1454(a)) is amended—

6 (1) by striking "1997, 1998, and 1999" and in-
7 serting "2000, 2001, 2002, and 2003"; and

8 (2) by adding at the end the following: "No
9 grant may be made under this section after Sep-
10 tember 30, 2003."

11 **SEC. 4. COASTAL COMMUNITY CONSERVATION GRANTS.**

12 (a) IN GENERAL.—Section 306A (16 U.S.C. 1455a)
13 is amended by striking so much as precedes subsection
14 (b) and inserting the following:

15 "COASTAL COMMUNITY CONSERVATION GRANTS

16 "SEC. 306A. (a)(1) The Secretary may make grants
17 to any coastal State for the purpose of assisting local com-
18 munities to carry out eligible coastal community conserva-
19 tion projects.

20 "(2) Grants under this section shall be allocated to
21 coastal States in the same manner in which grants under
22 section 306 are allocated under subsection (c) of that sec-
23 tion.

24 "(3) A project shall be an eligible coastal community
25 conservation project under this section if it—

1 “(A) is submitted to the Secretary by the State
2 agency designated by the Governor pursuant to sec-
3 tion 306(d)(6);

4 “(B) would be carried out in the coastal zone;

5 “(C) would achieve at least one of the coastal
6 zone management objectives specified in section
7 303(2);

8 “(D) would achieve at least one of the objec-
9 tives listed in subsection (b); and

10 “(E) is designed and carried out in conjunction
11 with a qualified local entity.”.

12 (b) OBJECTIVES.—Section 306A(b) (16 U.S.C.
13 1455a(b)) is amended—

14 (1) by striking the matter preceding paragraph
15 (1) and inserting the following:

16 “(b) The objectives referred to in subsection
17 (a)(3)(D) are the following:”;

18 (2) in paragraph (2) by inserting “or historic”
19 after “urban”; and

20 (3) by striking paragraph (4) and inserting the
21 following:

22 “(4) The preservation, restoration, enhance-
23 ment, or creation of coastal habitats.

1 “(5) The preparation of plans that promote
2 coastal community revitalization and the goal stated
3 in section 303(1).

4 “(6) The provision of technical assistance and
5 training to the public for the implementation of
6 management measures pursuant to 16 U.S.C.
7 1455b(b)(4), and the implementation of programs
8 for public education, training, and demonstration
9 projects established pursuant to 16 U.S.C.
10 1455b(b)(5).

11 “(7) The provision of access to public beaches,
12 other coastal areas, and coastal waters for individ-
13 uals with disabilities.”.

14 (c) USE.—Section 306A(c)(2) (16 U.S.C.
15 1455a(c)(2)) is amended by striking “and” after the semi-
16 colon at the end of subparagraph (D), striking the period
17 at the end of subparagraph (E) and inserting a semicolon,
18 and adding at the end the following:

19 “(F) purchase and distribution of cultch mate-
20 rial; and

21 “(G) work, resources, or technical support nec-
22 essary to restore, enhance, or create coastal habitat
23 or to prepare plans that promote coastal community
24 revitalization and the goal stated in section
25 303(1).”.

1 (d) MISCELLANEOUS PROVISIONS.—Section 306A
2 (16 U.S.C. 1455a) is amended by striking subsections (d),
3 (e), and (f) and inserting the following:

4 “(d)(1) As a condition of providing a grant under this
5 section to a coastal State, the Secretary shall require the
6 coastal State to provide matching funds according to the
7 ratio of Federal-to-State contributions that applies under
8 section 306(a).

9 “(2) If the Secretary finds that a State or qualified
10 local entity is not undertaking the actions it committed
11 to under the terms of a grant under this section, the Sec-
12 retary shall suspend the State or qualified local entity’s
13 eligibility for further funding under this section for at
14 least 1 year.

15 “(e)(1) With the approval of the Secretary, a coastal
16 State may allocate to any qualified local entity amounts
17 received by the State as a grant under this section.

18 “(2) A coastal State shall ensure that amounts allo-
19 cated by the State under paragraph (1) are used by the
20 qualified local entity in furtherance of the State’s ap-
21 proved management program.

22 “(f) The Secretary shall assist eligible coastal States
23 and qualified local entities in those States in identifying
24 and obtaining from other Federal agencies technical and

1 financial assistance in achieving the objectives set forth
2 in subsection (b).

3 “(g) For purposes of this section:

4 “(1) The term ‘qualified local entity’ means—

5 “(A) any local government;

6 “(B) any areawide agency referred to in
7 section 204(a)(1) of the Demonstration Cities
8 and Metropolitan Development Act of 1966 (42
9 U.S.C. 3334(a)(1));

10 “(C) any regional agency;

11 “(D) any interstate agency; and

12 “(E) any reserve established under section
13 315.

14 “(2) The term ‘eligible coastal State’ means a
15 coastal State that for any fiscal year for which a
16 grant is applied for under this section—

17 “(A) has a management program approved
18 under section 306; and

19 “(B) is considered by the Secretary to be
20 making satisfactory progress in activities de-
21 signed to result in significant improvement in
22 achieving the coastal management objectives
23 specified in section 302(2).

24 “(3) The term ‘urban or historic waterfront and
25 port’ means any developed area that is densely popu-

1 lated or historically significant and is being used for,
2 or has been used for, urban residential, recreational,
3 commercial, shipping, or industrial purposes.”.

4 (e) CONFORMING AMENDMENT.—Section 303(2) (16
5 U.S.C. 1452(2)) is amended in the matter preceding sub-
6 paragraph (A) by striking “the states” in the first line
7 and inserting “State and local entities”.

8 **SEC. 5. COASTAL ZONE MANAGEMENT FUND.**

9 (a) IN GENERAL.—Section 308 (16 U.S.C. 1456a)
10 is amended—

11 (1) in subsection (a) by striking paragraph (2)
12 and inserting the following:

13 “(2) Loan repayments made pursuant to this
14 subsection—

15 “(A) shall be retained by the Secretary and de-
16 posited into the Coastal Zone Management Fund es-
17 tablished under subsection (b); and

18 “(B) subject to amounts provided in appropria-
19 tion Acts, shall be available to the Secretary for pur-
20 poses of this title and transferred to the Operations,
21 Research and Facilities account to offset the costs of
22 implementing this title.”; and

23 (2) in subsection (b)—

24 (A) by striking paragraphs (2) and (3);

25 and

1 (B) by striking “(b)(1)” and inserting
2 “(b)”.

3 (b) CONFORMING AMENDMENT.—Section 2(b)(2) of
4 the Coastal Zone Protection Act of 1996 (Public Law
5 104–150; 110 Stat. 1380) is repealed.

6 **SEC. 6. AMENDMENTS RELATING TO COASTAL ZONE EN-**
7 **HANCEMENT GRANTS.**

8 Section 309 (16 U.S.C. 1456b) is amended—

9 (1) in subsection (a) by adding at the end the
10 following:

11 “(10) The development of a coordinated process
12 among State agencies to regulate and issue permits
13 for aquaculture facilities in the coastal zone.

14 “(11) Addressing any issue that is identified by
15 a coastal State, in consultation with the Secretary
16 and relevant qualified local entities (as that term is
17 defined in section 306A), to be a significant emerg-
18 ing coastal issue.”; and

19 (2) by striking subsections (e) through (g) and
20 inserting the following:

21 “(e) As a condition of providing a grant under this
22 section to a coastal State, the Secretary shall require the
23 State to provide matching funds according to a 1-to-1
24 ratio of Federal-to-State contributions.

1 “(d) Grants under this section shall be allocated to
2 coastal States in the same manner in which grants under
3 section 306 are allocated under subsection (c) of that sec-
4 tion.

5 “(e) If the Secretary finds that a coastal State is not
6 taking actions committed to by the State under the terms
7 of a grant to the State under this section, the Secretary
8 shall suspend the eligibility of the State for further fund-
9 ing under this section for at least one year.”.

10 **SEC. 7. AMENDMENTS RELATING TO WALTER B. JONES**

11 **AWARDS FOR EXCELLENCE IN COASTAL**
12 **ZONE MANAGEMENT.**

13 Section 314 (16 U.S.C. 1460) is amended—

14 (1) by amending subsection (a) to read as fol-
15 lows:

16 “(a)(1) The Secretary may implement a program to
17 promote excellence in coastal zone management by identi-
18 fying and making awards acknowledging outstanding ac-
19 complishments in the field of coastal zone management.
20 An award under this section shall be known as a ‘Walter
21 B. Jones Award’.

22 “(2) Awards under this section may include, subject
23 to the availability of appropriations—

24 “(A) cash awards of not more than \$5,000
25 each;

1 “(B) research grants; and

2 “(C) public ceremonies to acknowledge accom-
3 plishments in the field of coastal zone manage-
4 ment.”;

5 (2) in subsection (b) in the matter preceding
6 paragraph (1), by striking “shall elect annually” and
7 inserting “may select annually for an award under
8 this section”; and

9 (3) by repealing subsection (e).

10 **SEC. 8. REPORTS.**

11 Section 316 (16 U.S.C. 1462) is amended—

12 (1) by striking “to the President for trans-
13 mittal”; and

14 (2) by striking clause (10) and redesignating
15 clauses (11), (12), and (13) in order as clauses (10),
16 (11), and (12).

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—Section 318(a) (16 U.S.C.
19 1464(a)) is amended by striking “SEC. 318” and all that
20 follows through subsection (a) and inserting the following:

21 “SEC. 318. (a) There are authorized to be appro-
22 priated to the Secretary, to remain available until
23 expended—

24 “(1) for grants under section 305—

25 “(A) \$400,000 for fiscal year 2000; and

1 “(B) \$200,000 for each of fiscal years
2 2001, 2002, and 2003;

3 “(2) for grants under sections 306 and 309—

4 “(A) \$55,000,000 for fiscal year 2000;

5 “(B) \$56,000,000 for fiscal year 2001;

6 “(C) \$57,000,000 for fiscal year 2002;

7 “(D) \$58,000,000 for fiscal year 2003;

8 and

9 “(E) \$59,000,000 for fiscal year 2004;

10 “(3) for grants under section 306A—

11 “(A) \$30,000,000 for fiscal year 2000;

12 “(B) \$32,500,000 for fiscal year 2001;

13 “(C) \$35,000,000 for fiscal year 2002;

14 “(D) \$40,000,000 for fiscal year 2003;

15 and

16 “(E) \$45,000,000 for fiscal year 2004; and

17 “(4) for expenses incidental to the administra-
18 tion of this title and for awards under section 314,
19 \$6,500,000 for each of fiscal years 2000, 2001,
20 2002, 2003, and 2004.”.

21 (b) REVERSION OF GRANTS; PURCHASES FROM GOV-
22 ERNMENT.—Section 318 (16 U.S.C. 1464) is amended by
23 striking subsection (c) and inserting the following:

24 “(c) The amount of any grant, or portion of a grant,
25 made to a State under any section of this title that is not

1 obligated by the State within 3 years after the date it is
2 first authorized to be obligated by the State shall revert
3 to the Secretary. The Secretary shall add such reverted
4 amount to the funds available for grants to States under
5 this title.

6 “(d) Federal funds allocated under this title may be
7 used by grantees to purchase Federal products and serv-
8 ices not otherwise available.

9 “(e) Of the amounts appropriated under subsection
10 (a)(2), no less than 10 percent and no more than 15 per-
11 cent may be used to carry out section 309.”.

12 (c) GRANTS FOR ACCESS FOR PHYSICALLY DIS-
13 ABLED.—Section 318 (16 U.S.C. 1464) is further amend-
14 ed by adding at the end the following:

15 “(f) In addition to amounts otherwise authorized by
16 this title, there are authorized to be appropriated to the
17 Secretary \$1,000,000 for each of fiscal years 2000, 2001,
18 2002, and 2003 for grants under section 306A for eligible
19 coastal community conservation projects that would
20 achieve the objective set forth in section 306A(b)(7).”.

21 (d) SET-ASIDE FOR PUBLIC EDUCATION, TRAINING,
22 AND DEMONSTRATION PROJECTS.—Section 318 (16
23 U.S.C. 1464) is further amended by adding at the end
24 the following:

1 “(g) Of amounts available each fiscal year for grants
2 under section 306A, \$10,000,000, or 35 percent, which-
3 ever is less, shall be for grants for eligible coastal commu-
4 nity conservation projects that would achieve the objective
5 set forth in section 306A(b)(6).”.

6 (e) RESTRICTION ON USE OF AMOUNTS FOR PRO-
7 GRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Section
8 318 (16 U.S.C. 1464) is further amended by adding at
9 the end the following:

10 “(h) Except for funds appropriated under paragraph
11 (4) of subsection (a), amounts appropriated under this
12 section shall be available only for grants to States and
13 shall not be available for other program, administrative,
14 or overhead costs of the National Oceanic and Atmos-
15 pheric Administration or the Department of Commerce.”.

16 (f) BARNEGAT BAY TASK FORCE.—Section 318 (16
17 U.S.C. 1464) is further amended by adding at the end
18 the following:

19 “(i) In addition to the amounts otherwise authorized
20 by this title, there are authorized to be appropriated to
21 the Secretary \$500,000 for each of fiscal years 2000,
22 2001, 2002, 2003, and 2004 to provide financial assist-
23 ance to the Barnegat Bay Personal Watercraft Task
24 Force.”.

1 **SEC. 10. TECHNICAL CORRECTIONS.**

2 The Coastal Zone Management Act of 1972 is
3 amended—

4 (1) in section 302(f) (16 U.S.C. 1451(f)) by
5 striking the semicolon at the end and inserting a pe-
6 riod;

7 (2) in section 303(2) (16 U.S.C. 1452(2))—

8 (A) in subparagraph (B) by striking the
9 period at the end and inserting a comma; and

10 (B) in subparagraph (J) by striking “agen-
11 cies and State and wildlife” and inserting “and
12 wildlife management”;

13 (3) in section 304 (16 U.S.C. 1453) by striking
14 the semicolon and inserting a colon;

15 (4) in section 306(d)(10)(A) (16 U.S.C.
16 1455(d)(10)(A)) by inserting a comma after “devel-
17 opment”;

18 (5) by striking “coastal state” each place it ap-
19 pears and inserting “coastal State”;

20 (6) by striking “coastal states” each place it
21 appears and inserting “coastal States”;

22 (7) by striking “coastal state’s” each place it
23 appears and inserting “coastal State’s”;

24 (8) by striking the term “state” each place it
25 appears in reference to a State of the United States

1 (other than in the term “coastal state”) and insert-
2 ing “State”;

3 (9) by striking the term “states” each place it
4 appears in reference to States of the United States
5 (other than in the term “coastal states”) and insert-
6 ing “States”; and

7 (10) by striking the term “state’s” each place
8 it appears in reference to a State of the United
9 States (other than in the term “coastal state’s”) and
10 inserting “State’s”.

11 **SEC. 11. COASTAL ZONE MANAGEMENT OUTCOME INDICA-**
12 **TORS.**

13 (a) REPORT.—Not later than 24 months after the
14 date of the enactment of this Act, the Secretary of Com-
15 merce shall submit a report to the Committee on Re-
16 sources of the House of Representatives that contains rec-
17 ommendations for a common set of measurable outcome
18 indicators that would provide a mechanism to evaluate the
19 effectiveness of State coastal zone management programs
20 in the achievement of the coastal management objectives
21 specified in section 303(2)(A) through (J) of the Coastal
22 Zone Management Act of 1972 (16 U.S.C. 1451(2)(A)–
23 (J)). In preparing the report the Secretary shall consult
24 with and provide a copy of the draft report to the Gov-
25 ernors of coastal States or the heads of State agencies des-

1 ignited by such Governors pursuant to section 306(d)(6)
2 of that Act. The Secretary shall include in the final report
3 any State comments on the draft report.

4 (b) DRAFT LEGISLATION.—Not later than 48 months
5 after the date of the enactment of this Act, the Secretary
6 of Commerce shall submit to the Committee on Resources
7 of the House of Representatives draft legislation that
8 would authorize a national coastal zone management out-
9 come monitoring and performance evaluation system.

10 **SEC. 12. PERSONAL WATERCRAFT STUDY.**

11 (a) GRANTS TO STUDY PERSONAL WATERCRAFT IM-
12 PACTS ON COASTAL HABITAT.—Subject to the availability
13 of appropriations, the Secretary shall award grants to sup-
14 port peer-reviewed research to study the impacts of per-
15 sonal watercraft on coastal and marine habitats within the
16 boundaries of the coastal zone of any State (as identified
17 in the management program of the State pursuant to sec-
18 tion 306(d)(2)(A) of the Coastal Zone Management Act
19 of 1972 (16 U.S.C. 1455(d)(2)(A)). The Secretary shall
20 consider geographic and habitat diversity when selecting
21 research projects. The Secretary shall require that each
22 study funded under this section consider the impacts of
23 personal watercraft, including noise and uncombusted
24 fuel, on the following:

1 (1) Wildlife, including feeding, wading, nesting,
2 or roosting birds, marine mammals, reptiles, am-
3 phibians, fish, and aquatic invertebrates.

4 (2) Aquatic vegetation.

5 (3) Suspended sediments.

6 (4) Shoreline erosion.

7 (b) REPORT.—Not later than 48 months after the
8 date of enactment of this Act, the Secretary shall submit
9 a final report to the Committee on Resources of the House
10 of Representatives that contains—

11 (1) summaries of the research funded under
12 this subsection;

13 (2) recommendations for managing the impacts
14 of personal watercraft in coastal and marine habi-
15 tats; and

16 (3) summaries of public comments received sub-
17 sequent to publication of a draft report in the Fed-
18 eral Register.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary
21 \$2,000,000 for each of fiscal years 2000, 2001, and 2002
22 for grants under this section. The Secretary may use up
23 to 10 percent of the funds appropriated to administer this
24 section.

25 (d) DEFINITIONS.—In this section:

1 (1) PERSONAL WATERCRAFT.—The term “per-
2 sonal watercraft” means a motor vessel that—

3 (A) uses an inboard motor powering a
4 water jet pump or a caged propeller as its pri-
5 mary source of motive power; and

6 (B) is designed to be operated by a person
7 standing on, kneeling on, or sitting astride the
8 vessel.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Commerce.

○