

108TH CONGRESS
1ST SESSION

S. 218

To amend the Coastal Zone Management Act.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2003

Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Coastal Zone Management Act.

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 Zone Enhance-
5 ment Reauthorization of 2003”.

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

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-
11 sion, the reference shall be considered to be made to a

1 section or other provision of the Coastal Zone Manage-
2 ment Act of 1972 (16 U.S.C. 1451 et seq.).

3 **SEC. 3. FINDINGS.**

4 Section 302 (16 U.S.C. 1451) is amended—

5 (1) by redesignating paragraphs (a) through
6 (m) as paragraphs (1) through (13);

7 (2) by inserting “ports,” in paragraph (3) (as
8 so redesignated) after “fossil fuels,”;

9 (3) by inserting “including coastal waters and
10 wetlands,” in paragraph (4) (as so redesignated)
11 after “zone,”;

12 (4) by striking “therein,” in paragraph (4) (as
13 so redesignated) and inserting “dependent on that
14 habitat,”;

15 (5) by striking “well-being” in paragraph (5)
16 (as so redesignated) and inserting “quality of life”;

17 (6) by striking paragraph (11) (as so redesi-
18 gnated) and inserting the following:

19 “(11) Land and water uses in the coastal zone
20 and coastal watersheds may significantly affect the
21 quality of coastal waters and habitats, and efforts to
22 control coastal water pollution from activities in
23 these areas must be improved.”; and

24 (7) by adding at the end thereof the following:

1 “(14) There is a need to enhance cooperation
2 and coordination among states and local commu-
3 nities, to encourage local community-based solutions
4 that address the impacts and pressures on coastal
5 resources and on public facilities and public service
6 caused by continued coastal demands, and to in-
7 crease state and local capacity to identify public in-
8 frastructure and open space needs and develop and
9 implement plans which provide for sustainable
10 growth, resource protection and community revital-
11 ization.”.

12 **SEC. 4. POLICY.**

13 Section 303 (16 U.S.C. 1452) is amended—

14 (1) by striking “the states” in paragraph (2)
15 and inserting “state and local governments”;

16 (2) by striking “waters,” each place it appears
17 in paragraph (2)(C) and inserting “waters and habi-
18 tats,”;

19 (3) by striking “agencies and state and wildlife
20 agencies; and” in paragraph (2)(J) and inserting
21 “and wildlife management; and”;

22 (4) by inserting “other countries,” after “agen-
23 cies,” in paragraph (5);

24 (5) by striking “and” at the end of paragraph
25 (5);

1 (6) by striking “zone.” in paragraph (6) and in-
2 serting “zone;”; and

3 (7) by adding at the end thereof the following:

4 “(7) to create and use a National Estuarine
5 Research Reserve System as a Federal, state, and
6 community partnership to support and enhance
7 coastal management and stewardship; and

8 “(8) to encourage the development, application,
9 and transfer of innovative coastal and estuarine en-
10 vironmental technologies and techniques for the
11 long-term conservation of coastal ecosystems.”.

12 **SEC. 5. CHANGES IN DEFINITIONS.**

13 Section 304 (16 U.S.C. 1453) is amended—

14 (1) by striking “and the Trust Territories of
15 the Pacific Islands,” in paragraph (4);

16 (2) by striking paragraph (8) and inserting the
17 following:

18 “(8) The term ‘estuarine reserve’ means a
19 coastal protected area which may include any part
20 or all of an estuary and any island, transitional area,
21 and upland in, adjoining, or adjacent to the estuary,
22 and which constitutes to the extent feasible a nat-
23 ural unit, established to provide long-term opportu-
24 nities for conducting scientific studies and edu-
25 cational and training programs that improve the un-

1 derstanding, stewardship, and management of estu-
2 aries.”; and

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

4 “(19) The term ‘coastal nonpoint pollution con-
5 trol strategies and measures’ means strategies and
6 measures included as part of the coastal nonpoint
7 pollution control program under section 6217 of the
8 Coastal Zone Act Reauthorization Amendments of
9 1990 (16 U.S.C. 1455b).

10 “(20) The term ‘qualified local entity’ means—

11 “(A) any local government;

12 “(B) any areawide agency referred to in
13 section 204(a)(1) of the Demonstration Cities
14 and Metropolitan Development Act of 1966 (42
15 U.S.C. 3334 (a)(1));

16 “(C) any regional agency;

17 “(D) any interstate agency;

18 “(E) any nonprofit organization; or

19 “(F) any reserve established under section
20 315.”.

21 **SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM**

22 **DEVELOPMENT GRANTS.**

23 Section 305 (16 U.S.C. 1454) is amended to read as
24 follows:

1 **“SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT**
2 **GRANTS.**

3 “(a) STATES WITHOUT PROGRAMS.—In fiscal years
4 2004 and 2005, the Secretary may make a grant annually
5 to any coastal state without an approved program if the
6 coastal state demonstrates to the satisfaction of the Sec-
7 retary that the grant will be used to develop a manage-
8 ment program consistent with the requirements set forth
9 in section 306. The amount of any such grant shall not
10 exceed \$200,000 in any fiscal year, and shall require State
11 matching funds according to a 4-to-1 ratio of Federal-to-
12 State contributions. After an initial grant is made to a
13 coastal state under this subsection, no subsequent grant
14 may be made to that coastal state under this subsection
15 unless the Secretary finds that the coastal state is satis-
16 factorily developing its management program. No coastal
17 state is eligible to receive more than 4 grants under this
18 subsection.

19 “(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A
20 coastal state that has completed the development of its
21 management program shall submit the program to the
22 Secretary for review and approval under section 306.”.

23 **SEC. 7. ADMINISTRATIVE GRANTS.**

24 (a) PURPOSES.—Section 306(a) (16 U.S.C. 1455(a))
25 is amended by inserting “including developing and imple-

1 menting coastal nonpoint pollution control program com-
2 ponents,” after “program,”.

3 (b) **EQUITABLE ALLOCATION OF FUNDING.**—Section
4 306(c) (16 U.S.C. 1455(c)) is amended by adding at the
5 end thereof “In promoting equity, the Secretary shall con-
6 sider the overall change in grant funding under this sec-
7 tion from the preceding fiscal year and minimize the rel-
8 ative increases or decreases among all the eligible States.
9 The Secretary shall ensure that each eligible State receives
10 increased funding under this section in any fiscal year for
11 which the total amount appropriated to carry out this sec-
12 tion is greater than the total amount appropriated to carry
13 out this section for the preceding fiscal year.

14 (c) **ACQUISITION CRITERIA.**—Section 306(d)(10)(B)
15 (16 U.S.C. 1455(d)(10)(B)) is amended by striking “less
16 than fee simple” and inserting “other”.

17 **SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

18 Section 306A (16 U.S.C. 1455a) is amended—

19 (1) by inserting “or other important coastal
20 habitats” in subsection (b)(1)(A) after “306(d)(9)”;

21 (2) by inserting “or historic” in subsection
22 (b)(2) after “urban”;

23 (3) by adding at the end of subsection (b) the
24 following:

1 “(5) The coordination and implementation of
2 approved coastal nonpoint pollution control plans.

3 “(6) The preservation, restoration, enhance-
4 ment or creation of coastal habitats.”;

5 (4) by striking “and” after the semicolon in
6 subsection (c)(2)(D);

7 (5) by striking “section.” in subsection
8 (c)(2)(E) and inserting “section;”;

9 (6) by adding at the end of subsection (c)(2)
10 the following:

11 “(F) work, resources, or technical support
12 necessary to preserve, restore, enhance, or cre-
13 ate coastal habitats; and

14 “(G) the coordination and implementation
15 of approved coastal nonpoint pollution control
16 plans.”; and

17 (7) by striking subsections (d), (e), and (f) and
18 inserting after subsection (c) the following:

19 “(d) SOURCE OF FEDERAL GRANTS; STATE MATCH-
20 ING CONTRIBUTIONS.—

21 “(1) IN GENERAL.—If a coastal state chooses
22 to fund a project under this section, then—

23 “(A) it shall submit to the Secretary a
24 combined application for grants under this sec-
25 tion and section 306;

1 “(B) it shall match the combined amount
2 of such grants in the ratio required by section
3 306(a) for grants under that section; and

4 “(C) the Federal funding for the project
5 shall be a portion of that state’s annual alloca-
6 tion under section 306(a).

7 “(2) USE OF FUNDS.—Grants provided under
8 this section may be used to pay a coastal state’s
9 share of costs required under any other Federal pro-
10 gram that is consistent with the purposes of this
11 section.

12 “(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL
13 ENTITY.—With the approval of the Secretary, the eligible
14 coastal state may allocate to a qualified local entity a por-
15 tion of any grant made under this section for the purpose
16 of carrying out this section; except that such an allocation
17 shall not relieve that state of the responsibility for ensur-
18 ing that any funds so allocated are applied in furtherance
19 of the state’s approved management program.

20 “(f) ASSISTANCE.—The Secretary shall assist eligible
21 coastal states in identifying and obtaining from other Fed-
22 eral agencies technical and financial assistance in achiev-
23 ing the objectives set forth in subsection (b).”.

1 **SEC. 9. COASTAL ZONE MANAGEMENT FUND.**

2 (a) TREATMENT OF LOAN REPAYMENTS.—Section
3 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as
4 follows:

5 “(2) Loan repayments made under this sub-
6 section—

7 “(A) shall be retained by the Secretary and
8 deposited into the Coastal Zone Management
9 Fund established under subsection (b); and

10 “(B) subject to amounts provided in Ap-
11 propriations Acts, shall be available to the Sec-
12 retary for purposes of this title and transferred
13 to the Operations, Research, and Facilities ac-
14 count of the National Oceanic and Atmospheric
15 Administration to offset the costs of imple-
16 menting this title.”.

17 (b) USE OF AMOUNTS IN FUND.—Section 308(b) (16
18 U.S.C. 1456a(b)) is amended by striking paragraphs (2)
19 and (3) and inserting the following:

20 “(2) Subject to Appropriation Acts, amounts in
21 the Fund shall be available to the Secretary to carry
22 out the provisions of this Act.”.

23 **SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.**

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

25 (1) by striking subsection (a)(1) and inserting
26 the following:

1 “(1) Protection, restoration, enhancement, or
2 creation of coastal habitats, including wetlands,
3 coral reefs, marshes, and barrier islands.”;

4 (2) by inserting “and removal” after “entry” in
5 subsection (a)(4);

6 (3) by striking “on various individual uses or
7 activities on resources, such as coastal wetlands and
8 fishery resources.” in subsection (a)(5) and inserting
9 “of various individual uses or activities on coastal
10 waters, habitats, and resources, including sources of
11 polluted runoff.”;

12 (4) by adding at the end of subsection (a) the
13 following:

14 “(10) Development and enhancement of coastal
15 nonpoint pollution control program components, in-
16 cluding the satisfaction of conditions placed on such
17 programs as part of the Secretary’s approval of the
18 programs.

19 “(11) Significant emerging coastal issues as
20 identified by coastal states, in consultation with the
21 Secretary and qualified local entities.”;

22 (5) by striking “proposals, taking into account
23 the criteria established by the Secretary under sub-
24 section (d).” in subsection (c) and inserting “pro-
25 posals.”;

1 (6) by striking subsection (d) and redesignating
2 subsection (e) as subsection (d);

3 (7) by striking “section, up to a maximum of
4 \$10,000,000 annually” in subsection (f) and insert-
5 ing “section.”; and

6 (8) by redesignating subsections (f) and (g) as
7 subsections (e) and (f), respectively.

8 **SEC. 11. COASTAL COMMUNITY PROGRAM.**

9 The Act is amended by inserting after section 309
10 the following:

11 **“SEC. 309A. COASTAL COMMUNITY PROGRAM.**

12 “(a) COASTAL COMMUNITY GRANTS.—The Secretary
13 may make grants to any coastal state that is eligible under
14 subsection (b)—

15 “(1) to assist coastal communities in assessing
16 and managing growth, public infrastructure, and
17 open space needs in order to provide for sustainable
18 growth, resource protection and community revital-
19 ization;

20 “(2) to provide management-oriented research
21 and technical assistance in developing and imple-
22 menting community-based growth management and
23 resource protection strategies in qualified local enti-
24 ties;

1 “(3) to fund demonstration projects which have
2 high potential for improving coastal zone manage-
3 ment at the local level;

4 “(4) to assist in the adoption of plans, strate-
5 gies, policies, or procedures to support local commu-
6 nity-based environmentally-protective solutions to
7 the impacts and pressures on coastal uses and re-
8 sources caused by development and sprawl that
9 will—

10 “(A) revitalize previously developed areas;

11 “(B) undertake conservation activities and
12 projects in undeveloped and environmentally
13 sensitive areas;

14 “(C) emphasize water-dependent uses; and

15 “(D) protect coastal waters and habitats;

16 and

17 “(5) to assist coastal communities to coordinate
18 and implement approved coastal nonpoint pollution
19 control strategies and measures that reduce the
20 causes and impacts of polluted runoff on coastal wa-
21 ters and habitats.

22 “(b) ELIGIBILITY.—To be eligible for a grant under
23 this section for a fiscal year, a coastal state shall—

24 “(1) have a management program approved
25 under section 306; and

1 “(2) in the judgment of the Secretary, be mak-
2 ing satisfactory progress in activities designed to re-
3 sult in significant improvement in achieving the
4 coastal management objectives specified in section
5 303(2)(A) through (K).

6 “(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS;
7 STATE MATCHING CONTRIBUTIONS.—

8 “(1) ALLOCATION.—Grants under this section
9 shall be allocated to coastal states as provided in
10 section 306(c).

11 “(2) APPLICATION; MATCHING.—If a coastal
12 state chooses to fund a project under this section,
13 then—

14 “(A) it shall submit to the Secretary a
15 combined application for grants under this sec-
16 tion and section 306; and

17 “(B) it shall match the amount of the
18 grant under this section on the basis of a total
19 contribution of section 306, 306A, and this sec-
20 tion so that, in aggregate, the match is 1:1.

21 “(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL
22 ENTITY.—

23 “(1) IN GENERAL.—With the approval of the
24 Secretary, the eligible coastal state may allocate to

1 a qualified local entity amounts received by the state
2 under this section.

3 “(2) ASSURANCES.—A coastal state shall en-
4 sure that amounts allocated by the state under para-
5 graph (1) are used by the qualified local entity in
6 furtherance of the state’s approved management
7 program, specifically furtherance of the coastal man-
8 agement objectives specified in section 303(2).

9 “(e) ASSISTANCE.—The Secretary shall assist eligible
10 coastal states and qualified local entities in identifying and
11 obtaining from other Federal agencies technical and finan-
12 cial assistance in achieving the objectives set forth in sub-
13 section (a).”.

14 **SEC. 12. TECHNICAL ASSISTANCE.**

15 Section 310(b) (16 U.S.C. 1456c(b)) is amended by
16 adding at the end thereof the following:

17 “(4) The Secretary may conduct a program to
18 develop and apply innovative coastal and estuarine
19 environmental technology and methodology through
20 a cooperative program. The Secretary may make ex-
21 tramural grants in carrying out the purpose of this
22 subsection.”.

1 **SEC. 13. PERFORMANCE REVIEW.**

2 Section 312(a) (16 U.S.C. 1458(a)) is amended by
3 inserting “coordinated with National Estuarine Research
4 Reserves in the state” after “303(2)(A) through (K),”.

5 **SEC. 14. WALTER B. JONES AWARDS.**

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

7 (1) by striking “shall, using sums in the Coast-
8 al Zone Management Fund established under section
9 308” in subsection (a) and inserting “may, using
10 sums available under this Act”;

11 (2) by striking “field.” in subsection (a) and in-
12 sserting the following: “field of coastal zone manage-
13 ment. These awards, to be known as the ‘Walter B.
14 Jones Awards’, may include—

15 “(1) cash awards in an amount not to exceed
16 \$5,000 each;

17 “(2) research grants; and

18 “(3) public ceremonies to acknowledge such
19 awards.”;

20 (3) by striking “shall elect annually—” in sub-
21 section (b) and inserting “may select annually if
22 funds are available under subsection (a)—”; and

23 (4) by striking subsection (e).

1 **SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**
2 **TEM.**

3 (a) Section 315(a) (16 U.S.C. 1461(a)) is amended
4 by striking “consists of—” and inserting “is a network
5 of areas protected by Federal, state, and community part-
6 nerships which promotes informed management of the Na-
7 tion’s estuarine and coastal areas through interconnected
8 programs in resource stewardship, education and training,
9 and scientific understanding consisting of—”.

10 (b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C))
11 is amended by striking “public education and interpreta-
12 tion; and”; and inserting “education, interpretation, train-
13 ing, and demonstration projects; and”.

14 (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

15 (1) by striking “RESEARCH” in the subsection
16 caption and inserting “RESEARCH, EDUCATION, AND
17 RESOURCE STEWARDSHIP”;

18 (2) by striking “conduct of research” and in-
19 serting “conduct of research, education, and re-
20 source stewardship”;

21 (3) by striking “coordinated research” in para-
22 graph (1)) and inserting “coordinated research, edu-
23 cation, and resource stewardship”;

24 (4) by striking “research” before “principles”
25 in paragraph (2);

1 (5) by striking “research programs” in para-
2 graph (2) and inserting “research, education, and
3 resource stewardship programs”;

4 (6) by striking “research” before “methodolo-
5 gies” in paragraph (3);

6 (7) by striking “data,” in paragraph (3) and in-
7 serting “information,”;

8 (8) by striking “research” before “results” in
9 paragraph (3);

10 (9) by striking “research purposes;” in para-
11 graph (3) and inserting “research, education, and
12 resource stewardship purposes;”;

13 (10) by striking “research efforts” in para-
14 graph (4) and inserting “research, education, and
15 resource stewardship efforts”;

16 (11) by striking “research” in paragraph (5)
17 and inserting “research, education, and resource
18 stewardship”; and

19 (12) by striking “research” in the last sentence.

20 (d) Section 315(d) (16 U.S.C. 1461(d)) is amend-
21 ed—

22 (1) by striking “ESTUARINE RESEARCH.—” in
23 the subsection caption and inserting “ESTUARINE
24 RESEARCH, EDUCATION, AND RESOURCE STEWARD-
25 SHIP.—”;

1 (2) by striking “research purposes” and insert-
2 ing “research, education, and resource stewardship
3 purposes”;

4 (3) by striking paragraph (1) and inserting the
5 following:

6 “(1) giving reasonable priority to research, edu-
7 cation, and stewardship activities that use the Sys-
8 tem in conducting or supporting activities relating to
9 estuaries; and”;

10 (4) by striking “research.” in paragraph (2)
11 and inserting “research, education, and resource
12 stewardship activities.”; and

13 (5) by adding at the end thereof the following:

14 “(3) establishing partnerships with other Fed-
15 eral and state estuarine management programs to
16 coordinate and collaborate on estuarine research.”.

17 (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

18 (1) by striking “reserve,” in paragraph
19 (1)(A)(i) and inserting “reserve; and”;

20 (2) by striking “and constructing appropriate
21 reserve facilities, or” in paragraph (1)(A)(ii) and in-
22 serting “including resource stewardship activities
23 and constructing reserve facilities; and”;

24 (3) by striking paragraph (1)(A)(iii);

1 (4) by striking paragraph (1)(B) and inserting
2 the following:

3 “(B) to any coastal state or public or pri-
4 vate person for purposes of—

5 “(i) supporting research and moni-
6 toring associated with a national estuarine
7 reserve that are consistent with the re-
8 search guidelines developed under sub-
9 section (c); or

10 “(ii) conducting educational, interpre-
11 tive, or training activities for a national es-
12 tuarine reserve that are consistent with the
13 education guidelines developed under sub-
14 section (c).”;

15 (5) by striking “therein or \$5,000,000, which-
16 ever amount is less.” in paragraph (3)(A) and in-
17 serting “therein. Non-Federal costs associated with
18 the purchase of any lands and waters, or interests
19 therein, which are incorporated into the boundaries
20 of a reserve up to 5 years after the costs are in-
21 curred, may be used to match the Federal share.”;

22 (6) by striking “and (iii)” in paragraph (3)(B);

23 (7) by striking “paragraph (1)(A)(iii)” in para-
24 graph (3)(B) and inserting “paragraph (1)(B)”;

1 (8) by striking “entire System.” in paragraph
2 (3)(B) and inserting “System as a whole.”; and

3 (9) by adding at the end thereof the following:

4 “(4) The Secretary may—

5 “(A) enter into cooperative agreements, fi-
6 nancial agreements, grants, contracts, or other
7 agreements with any nonprofit organization, au-
8 thorizing the organization to solicit donations to
9 carry out the purposes and policies of this sec-
10 tion, other than general administration of re-
11 serves or the System and which are consistent
12 with the purposes and policies of this section;
13 and

14 “(B) accept donations of funds and serv-
15 ices for use in carrying out the purposes and
16 policies of this section, other than general ad-
17 ministration of reserves or the System and
18 which are consistent with the purposes and poli-
19 cies of this section.

20 Donations accepted under this section shall be con-
21 sidered as a gift or bequest to or for the use of the
22 United States for the purpose of carrying out this
23 section.”.

24 (f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is
25 amended by inserting “coordination with other state pro-

1 grams established under sections 306 and 309A,” after
2 “including”.

3 **SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.**

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

5 (1) by striking “to the President for trans-
6 mittal” in subsection (a);

7 (2) by striking “zone and an evaluation of the
8 effectiveness of financial assistance under section
9 308 in dealing with such consequences;” and insert-
10 ing “zone;” in the provision designated as (10) in
11 subsection (a);

12 (3) by inserting “education,” after the “stud-
13 ies,” in the provision designated as (12) in sub-
14 section (a);

15 (4) by striking “Secretary” in the first sentence
16 of subsection (c)(1) and inserting “Secretary, in con-
17 sultation with coastal states, and with the participa-
18 tion of affected Federal agencies,”;

19 (5) by striking the second sentence of sub-
20 section (c)(1) and inserting the following: “The Sec-
21 retary, in conducting such a review, shall coordinate
22 with, and obtain the views of, appropriate Federal
23 agencies.”;

24 (6) by striking “shall promptly” in subsection
25 (c)(2) and inserting “shall, within 4 years after the

1 date of enactment of the Coastal Zone Management
2 Act of 2001,”; and

3 (7) by adding at the end of subsection (c)(2)
4 the following: “If sufficient funds and resources are
5 not available to conduct such a review, the Secretary
6 shall so notify the Congress.”.

7 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 318 (16 U.S.C. 1464) is amended—

9 (1) by striking paragraphs (1) and (2) of sub-
10 section (a) and inserting the following:

11 “(1) for grants under sections 306, 306A, and
12 309—

13 “(A) \$83,500,000 for fiscal year 2004;

14 “(B) \$87,000,000 for fiscal year 2005;

15 “(C) \$90,500,000 for fiscal year 2006;

16 “(D) \$94,000,000 for fiscal year 2007;

17 and

18 “(E) \$97,500,000 for fiscal year 2008;

19 “(2) for grants under section 309A—

20 “(A) \$27,000,000 for fiscal year 2004;

21 “(B) \$28,000,000 for fiscal year 2005;

22 “(C) \$29,000,000 for fiscal year 2006;

23 “(D) \$30,000,000 for fiscal year 2007;

24 and

25 “(E) \$30,000,000 for fiscal year 2008;

1 of which \$10,000,000, or 35 percent, whichever is
2 less, shall be for purposes set forth in section
3 309A(a)(5);

4 “(3) for grants under section 315—

5 “(A) \$13,000,000 for fiscal year 2004;

6 “(B) \$14,000,000 for fiscal year 2005;

7 “(C) \$15,000,000 for fiscal year 2006;

8 “(D) \$16,000,000 for fiscal year 2007;

9 and

10 “(E) \$17,000,000 for fiscal year 2008;

11 “(4) for grants to fund construction projects at
12 estuarine reserves designated under section 315,
13 \$12,000,000 for each of fiscal years 2004, 2005,
14 2006, 2007, and 2008; and

15 “(5) for costs associated with administering this
16 title, \$6,500,000 for fiscal year 2004 and such sums
17 as are necessary for fiscal years 2005–2008.”;

18 (2) by striking “306 or 309.” in subsection (b)
19 and inserting “306.”;

20 (3) by striking “during the fiscal year, or dur-
21 ing the second fiscal year after the fiscal year, for
22 which” in subsection (c) and inserting “within 3
23 years from when”;

24 (4) by striking “under the section for such re-
25 verted amount was originally made available.” in

1 subsection (c) and inserting “to states under this
2 Act.”; and

3 (5) by adding at the end thereof the following:

4 “(d) PURCHASE OF OTHERWISE UNAVAILABLE FED-
5 ERAL PRODUCTS AND SERVICES.—Federal funds allo-
6 cated under this title may be used by grantees to purchase
7 Federal products and services not otherwise available.

8 “(e) RESTRICTION ON USE OF AMOUNTS FOR PRO-
9 GRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except
10 for funds appropriated under subsection (a)(5), amounts
11 appropriated under this section shall be available only for
12 grants to states and shall not be available for other pro-
13 gram, administrative, or overhead costs of the National
14 Oceanic and Atmospheric Administration or the Depart-
15 ment of Commerce.”.

16 **SEC. 18. SENSE OF CONGRESS.**

17 It is the sense of Congress that the Undersecretary
18 for Oceans and Atmosphere should re-evaluate the calcula-
19 tion of shoreline mileage used in the distribution of fund-
20 ing under the Coastal Zone Management Program to en-
21 sure equitable treatment of all regions of the coastal zone,
22 including the Southeastern States and the Great Lakes
23 States.

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