

108TH CONGRESS  
1ST SESSION

# H. R. 1026

To amend the Coastal Zone Management Act of 1972 to reauthorize coastal services, training, education, and technical support programs of the National Oceanic and Atmospheric Administration, to establish a performance evaluation system for such administration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

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

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## A BILL

To amend the Coastal Zone Management Act of 1972 to reauthorize coastal services, training, education, and technical support programs of the National Oceanic and Atmospheric Administration, to establish a performance evaluation system for such administration, 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 Services and  
5 Performance Evaluation Act of 2003”.

1   **SEC. 2. TABLE OF CONTENTS.**

2           The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Amendment of Coastal Zone Management Act of 1972.
- Sec. 4. Policy.
- Sec. 5. Coastal Zone Management Fund.
- Sec. 6. Coastal services.
- Sec. 7. Review of performance.
- Sec. 8. Amendments relating to Walter B. Jones Awards for Excellence in Coastal Zone Management.
- Sec. 9. Reports.
- Sec. 10. Authorization of appropriations.
- Sec. 11. Technical corrections.
- Sec. 12. Coastal zone management outcome indicators and monitoring and performance evaluation system.

3   **SEC. 3. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT**  
 4                                   **OF 1972.**

5           Except as otherwise expressly provided, whenever in  
 6 this Act an amendment or repeal is expressed in terms  
 7 of an amendment to, or repeal of, a section or other provi-  
 8 sion, the reference shall be considered to be made to a  
 9 section or other provision of the Coastal Zone Manage-  
 10 ment Act of 1972 (16 U.S.C. 1451 et seq.).

11   **SEC. 4. POLICY.**

12           Section 303 (16 U.S.C. 1452) is amended in para-  
 13 graph (2)(J) by striking “State” the second place it ap-  
 14 pears and inserting “State and Federal fish”.

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

16           Section 308 (16 U.S.C. 1456a) is amended—

17                   (1) in subsection (a) by striking paragraph (2)  
 18           and inserting the following:

1 “(2) Loan repayments made pursuant to this sub-  
2 section—

3 “(A) shall be retained by the Secretary and  
4 deposited into the Coastal Zone Management  
5 Fund established under subsection (b); and

6 “(B) subject to amounts provided in ap-  
7 propriation Acts, shall be available to the Sec-  
8 retary for purposes of this title and transferred  
9 to the Operations, Research, and Facilities ac-  
10 count to offset the costs of implementing this  
11 title.”; and

12 (2) in subsection (b)—

13 (A) by striking paragraphs (2) and (3);  
14 and

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

17 **SEC. 6. COASTAL SERVICES.**

18 Section 310 (16 U.S.C. 1456c) is amended—

19 (1) by striking so much as precedes subsection  
20 (b) and inserting the following:

21 “COASTAL SERVICES, TRAINING, EDUCATION, AND

22 TECHNICAL SUPPORT

23 “SEC. 310. (a)(1) The Secretary shall conduct a pro-  
24 gram of training, education, technical assistance, tech-  
25 nology transfer, management-oriented research, and other  
26 services to support—

1           “(A) State coastal management programs and  
2       national estuarine reserves designated under this  
3       title; and

4           “(B) other Federal agencies, local governments,  
5       Indian tribes, other persons, and international coop-  
6       erative efforts relating to the comprehensive plan-  
7       ning, conservation, and management of ocean and  
8       coastal resources.

9       “(2) The Secretary may, in implementing this pro-  
10     gram, take into consideration the need to address regional  
11     or local concerns, including the unique needs of island  
12     States and territories, in order to provide effective and ef-  
13     ficient support and develop expertise.

14       “(3) The Secretary shall coordinate the technical as-  
15     sistance, studies, management-oriented research, and  
16     other activities under this section with any other relevant  
17     activities conducted by or subject to the authority of the  
18     Secretary.”;

19           (2) in subsection (b) by inserting “COORDINA-  
20     TION AND CONSULTATION.—” after “(b)”; and

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

22       “(c) ASSISTANCE FROM OTHER AGENCIES AND PER-  
23     SONS.—(1) Each department, agency, and instrumentality  
24     of the executive branch of the Federal Government may  
25     assist the Secretary, on a reimbursable basis or otherwise,

1 in carrying out the purposes of this section, including the  
2 furnishing of information to the extent permitted by law,  
3 the transfer of personnel with their consent and without  
4 prejudice to their position and rating, and the perform-  
5 ance of any research, study, and technical assistance that  
6 does not interfere with the performance of the primary  
7 duties of such department, agency, or instrumentality.

8 “(2) The Secretary may enter into contracts or other  
9 arrangements with other Federal agencies and any other  
10 qualified person for the purposes of carrying out this sec-  
11 tion.”.

12 **SEC. 7. REVIEW OF PERFORMANCE.**

13 Section 312 (16 U.S.C. 1458) is amended by striking  
14 “SEC. 312.” and all that follows through subsection (a)  
15 and inserting the following:

16 “SEC. 312. (a) REVIEW.—No less than every 5 years,  
17 the Secretary shall conduct a review of the performance  
18 of a coastal State’s management program. Each review  
19 shall include a written evaluation with an assessment and  
20 detailed findings concerning the extent to which the State  
21 has implemented and enforced the program approved by  
22 the Secretary, addressed the coastal management needs  
23 identified in section 303(2)(A) through (K), met any out-  
24 come indicators established by the Secretary under section  
25 12 of the Coastal Services and Performance Evaluation

1 Act of 2003, and adhered to the terms of any grant, loan,  
2 or cooperative agreement funded under this title.”.

3 **SEC. 8. AMENDMENTS RELATING TO WALTER B. JONES**  
4 **AWARDS FOR EXCELLENCE IN COASTAL**  
5 **ZONE MANAGEMENT.**

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

7 (1) by amending subsection (a) to read as fol-  
8 lows:

9 “(a) AUTHORIZATION OF PROGRAM.—(1) The Sec-  
10 retary may implement a program to promote excellence  
11 in coastal zone management by identifying and making  
12 awards acknowledging outstanding accomplishments in  
13 the field of coastal zone management. An award under this  
14 section shall be known as a ‘Walter B. Jones Award’.

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

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

19 “(B) research grants; and

20 “(C) public ceremonies to acknowledge accom-  
21 plishments in the field of coastal zone manage-  
22 ment.”;

23 (2) in subsection (b) in the matter preceding  
24 paragraph (1), by striking “shall elect annually” and

1        inserting “may select annually for an award under  
2        this section”; and

3                (3) by repealing subsection (e).

4    **SEC. 9. REPORTS.**

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

6                (1) in subsection (a)—

7                        (A) by striking “to the President for trans-  
8                        mittal”; and

9                        (B) in clause (10) by striking “and an  
10                        evaluation of the effectiveness of financial as-  
11                        sistance under section 308 in dealing with such  
12                        consequences”; and

13                (2) by amending subsection (c) to read as fol-  
14        lows:

15        “(c) STATE OF THE COAST REPORT.—Not less than  
16        24 months after the date of the enactment of this sub-  
17        section, and not less than every 24 months thereafter, the  
18        Secretary shall provide a coastal status report to the Con-  
19        gress that includes the following:

20                “(1) An assessment of the ecological status and  
21        trends of United States marine resources.

22                “(2) An identification and analysis of the  
23        changes in those status and trends since the pre-  
24        vious report.

1           “(3) An identification and assessment of Gov-  
 2           ernment performance measures that track the status  
 3           and trends of United States marine resources.

4           “(4) An evaluation of the adequacy of marine  
 5           resource monitoring and assessment programs.”.

6   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

8           (1) in paragraph (1) by striking “and” after  
 9           the semicolon at the end;

10          (2) in paragraph (2) by striking the period at  
 11          the end and inserting “; and”; and

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

13           “(3) to carry out section 310 and for awards  
 14          under section 314—

15                   “(A) \$28,000,000 for fiscal year 2004;

16                   “(B) \$29,000,000 for fiscal year 2005; and

17                   “(C) \$30,000,000 for each of fiscal years  
 18          2006 through 2008.”.

19   **SEC. 11. TECHNICAL CORRECTIONS.**

20          The Coastal Zone Management Act of 1972 is  
 21          amended—

22          (1) in section 304(5) (16 U.S.C. 1453(5)) by  
 23          striking the semicolon and inserting a colon;



1 (2) in section 306(a), as redesignated by this  
 2 Act, in paragraph (10)(A) by inserting a comma  
 3 after “development”;

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

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

8 (5) by striking “coastal state’s” each place it  
 9 appears and inserting “coastal State’s”;

10 (6) by striking the term “state” each place it  
 11 appears in reference to a State of the United States  
 12 (other than in the term “coastal state”) and insert-  
 13 ing “State”;

14 (7) by striking the term “states” each place it  
 15 appears in reference to States of the United States  
 16 (other than in the term “coastal states”) and insert-  
 17 ing “States”; and

18 (8) by striking the term “state’s” each place it  
 19 appears in reference to a State of the United States  
 20 (other than in the term “coastal state’s”) and in-  
 21 serting “State’s”.

22 **SEC. 12. COASTAL ZONE MANAGEMENT OUTCOME INDICA-**  
 23 **TORS AND MONITORING AND PERFORMANCE**  
 24 **EVALUATION SYSTEM.**

25 (a) IN GENERAL.—

1           (1) PERFORMANCE GUIDELINES AND EVALUA-  
2           TION.—The Secretary of Commerce shall, by not  
3           later than 1 year after the date of enactment of this  
4           Act, submit to the Committee on Resources of the  
5           House of Representatives a report identifying a com-  
6           mon set of measurable outcome indicators to evalu-  
7           ate the performance of State coastal zone manage-  
8           ment programs in furthering the goals and objec-  
9           tives identified in the States’ approved coastal man-  
10          agement programs, and in the achievement of the  
11          national policy declared in section 303 of the Coastal  
12          Zone Management Act of 1972 (16 U.S.C. 1452).

13          (2) ASSESSMENT OF COASTAL AND MARINE  
14          MONITORING, ASSESSMENT, AND OTHER INFORMA-  
15          TION.—The Secretary shall, by not later than 2  
16          years after the date of enactment of this Act, submit  
17          to the Committee on Resources of the House of Rep-  
18          resentatives a report providing—

19                (A) an assessment of the adequacy of  
20                coastal and marine monitoring, assessment, and  
21                other information necessary to establish a  
22                coastal zone management outcome monitoring  
23                and performance evaluation system; and

1 (B) recommendations for improving the  
2 availability of such information, including fund-  
3 ing needs.

4 (3) OUTCOME MONITORING AND PERFORMANCE  
5 EVALUATION SYSTEM.—The Secretary shall, by not  
6 later than 3 years after the date of the enactment  
7 of this Act, establish a national coastal zone man-  
8 agement outcome monitoring and performance eval-  
9 uation system that uses the common set of indica-  
10 tors identified in the report under paragraph (1).

11 (b) CONSULTATION.—

12 (1) STATE CONSULTATION.—In preparing each  
13 of the reports under subsection (a), the Secretary  
14 shall consult with and provide a copy of the draft re-  
15 port to each coastal State, through the Governor of  
16 the State or the head of the State agency designated  
17 by such Governor pursuant to section 310(d)(6) of  
18 the Coastal Zone Management Act of 1972 (16  
19 U.S.C. 1455(d)(6)).

20 (2) PUBLIC COMMENT AND PARTICIPATION.—  
21 The Secretary shall also implement a public process  
22 to solicit the views and comments of Federal agen-  
23 cies, local governments, regional organizations, port  
24 authorities, and other interested public and private  
25 persons regarding such reports, and shall make

1       available to such persons copies of each draft of such  
2       reports for review and comment.

3           (3) RESPONSE TO COMMENTS.—The Secretary  
4       shall include in each final report under subsection  
5       (a)—

6           (A) any comments on each draft of the re-  
7       port received from a Governor or the head of  
8       such a designated State agency, and the Sec-  
9       retary's responses to such comments; and

10          (B) a summary of other public comments  
11       regarding the report, and the Secretary's re-  
12       sponse to those comments.

13       (c) AUTHORIZATION OF APPROPRIATIONS.—To carry  
14       out this section, there are authorized to be appropriated  
15       to the Secretary \$1,000,000 for each of the fiscal years  
16       2004, 2005, and 2006.

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