

§ 7408. International cooperation and assistance**(a) Assistance to developing nations and international organizations**

Consistent with existing authority and the availability of funds, the Secretary shall provide appropriate assistance to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the Agreement.

(b) Personnel, services, equipment, and facilities

In carrying out subsection (a), the Secretary may, by agreement, on a reimbursable or non-reimbursable basis, utilize the personnel, services, equipment, and facilities of any Federal, State, local, or foreign government or any entity of any such government.

(Pub. L. 114–81, title III, §309, Nov. 5, 2015, 129 Stat. 669.)

§ 7409. Relationship to other laws**(a) In general**

Nothing in this chapter shall be construed to displace any requirements imposed by the customs laws of the United States or any other laws or regulations enforced or administered by the Secretary of Homeland Security. Where more stringent requirements regarding port entry or access to port services exist under other Federal law, those more stringent requirements shall apply. Nothing in this chapter shall affect a vessel's entry into port, in accordance with international law, for reasons of force majeure or distress.

(b) United States obligations under international law

This chapter shall be interpreted and applied in accordance with United States obligations under international law.

(Pub. L. 114–81, title III, §310, Nov. 5, 2015, 129 Stat. 669.)

CHAPTER 94—NATIONAL OCEANS AND COASTAL SECURITY

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§ 7501. Definitions

In this chapter:

(1) Coastal county

The term “coastal county” has the meaning given the term by the National Oceanic and Atmospheric Administration in the document entitled “NOAA’s List of Coastal Counties for the Bureau of the Census” (or similar successor document).

(2) Coastal State

The term “coastal State” has the meaning given the term “coastal state” in section 1453 of this title.

(3) Foundation

The term “Foundation” means the National Fish and Wildlife Foundation established by section 3701(a) of this title.

(4) Fund

The term “Fund” means the National Oceans and Coastal Security Fund established under section 7503(a) of this title.

(5) Indian tribe

The term “Indian tribe” means any federally recognized Indian tribe.

(6) Administrator

Except as otherwise specifically provided, the term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(7) Tidal shoreline

The term “tidal shoreline” has the meaning given that term pursuant to section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

(Pub. L. 114–113, div. O, title IX, §902, Dec. 18, 2015, 129 Stat. 3031.)

SHORT TITLE

Pub. L. 114–113, div. O, title IX, §901, Dec. 18, 2015, 129 Stat. 3031, provided that: “This title [enacting this chapter] may be cited as the ‘National Oceans and Coastal Security Act.’”

§ 7502. Purposes and agreements**(a) Purposes**

The purposes of this chapter are to better understand and utilize the oceans, coasts, and Great Lakes of the United States, and ensure present and future generations will benefit from the full range of ecological, economic, social, and recreational opportunities, security, and services these resources are capable of providing.

(b) Agreements

The Administrator and the Foundation may enter into such agreements as may be necessary to carry out the purposes of this chapter.

(Pub. L. 114–113, div. O, title IX, §903, Dec. 18, 2015, 129 Stat. 3031.)

§ 7503. National Oceans and Coastal Security Fund**(a) Establishment**

The Administrator and the Foundation are authorized to establish the National Oceans and Coastal Security Fund as a tax exempt fund to further the purposes of this chapter.

(b) Deposits**(1) In general**

There shall be deposited into the Fund amounts appropriated or otherwise made available to carry out this chapter.

(2) Prohibitions on donations from foreign governments

No amounts donated by a foreign government, as defined in section 7342 of title 5, may be deposited into the Fund.

(c) Requirements

Any amounts received by the Foundation pursuant to this chapter shall be subject to the pro-

visions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of—

- (1) section 4(e)(1)(B) of that Act (16 U.S.C. 3703(e)(1)(B)); and
- (2) section 10(a) of that Act (16 U.S.C. 3709(a)).

(d) Expenditure

Of the amounts deposited into the Fund for each fiscal year—

- (1) funds may be used by the Foundation to award grants to coastal States under section 7505(b) of this title;
- (2) funds may be used by the Foundation to award grants under section 7505(c) of this title;
- (3) no more than 2 percent may be used by the Administrator and the Foundation for administrative expenses to carry out this chapter, which amount shall be divided between the Administrator and the Foundation pursuant to an agreement reached and documented by both the Administrator and the Foundation.

(e) Recovery of payments

After notice and an opportunity for a hearing, the Administrator is authorized to recover any Federal payments under this section if the Foundation—

- (1) makes a withdrawal or expenditure from the Fund that is not consistent with the requirements of section 7504 of this title; or
- (2) fails to comply with a procedure, measure, method, or standard established under section 7505(a)(1) of this title.

(Pub. L. 114–113, div. O, title IX, §904, Dec. 18, 2015, 129 Stat. 3031.)

REFERENCES IN TEXT

The National Fish and Wildlife Foundation Establishment Act, referred to in subsec. (c), is Pub. L. 98–244, Mar. 26, 1984, 98 Stat. 107, which is classified generally to chapter 57 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

§ 7504. Eligible uses

(a) In general

Amounts in the Fund may be allocated by the Foundation to support programs and activities intended to better understand and utilize ocean and coastal resources and coastal infrastructure, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies.

(b) Prohibition on use of funds for litigation or other purposes

No funds made available under this chapter may be used to—

- (1) fund litigation against the Federal Government; or
- (2) fund the creation of national marine monuments and marine protected areas, marine spatial planning, or the National Ocean Policy.

(Pub. L. 114–113, div. O, title IX, §905, Dec. 18, 2015, 129 Stat. 3032.)

§ 7505. Grants

(a) Administration of grants

(1) In general

Not later than 90 days after funds are deposited into the Fund and made available to the Foundation for administrative purposes, the Foundation shall establish the following:

(A) Application and review procedures for the awarding of grants under this section, including requirements ensuring that any amounts awarded under such subsections may only be used for an eligible use described under section 7504 of this title.

(B) Selection procedures and criteria for the awarding of grants under this section that—

- (i) require consultation with the Administrator and the Secretary of the Interior; and
- (ii) prioritize the projects or activities where non-Federal partners have committed to share the cost of the project.

(C) Eligibility criteria for awarding grants—

- (i) under subsection (b) to coastal States; and
- (ii) under subsection (c) to—

(I) entities including States, local governments, and Indian tribes; and

(II) the research and restoration work of associations, nongovernmental organizations, public-private partnerships, and academic institutions.

(D) Performance accountability and monitoring measures for programs and activities funded by a grant awarded under subsection (b) or (c).

(E) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under this section, including standards of recordkeeping.

(F) Procedures to carry out audits of the Fund as necessary, but not less frequently than once every year if grants have been awarded in that year.

(G) Procedures to carry out audits of the recipients of grants under this section.

(H) Procedures to make publicly available on the Internet a list of all projects funded by the Fund, that includes at a minimum the grant recipient, grant amount, project description, and project status.

(2) Approval

The Foundation shall submit to the Administrator for approval each procedure, measure, method, and standard established under paragraph (1).

(b) Grants to coastal States

(1) In general

The Administrator and the Foundation may award grants according to the procedures established in subsection (a) to coastal States and United States territories to support activities consistent with section 7503¹ of this title. In determining distribution of grants, the Foundation may—

- (A) consider for each State—

¹ See References in Text note below.