

119TH CONGRESS  
1ST SESSION

# H. R. 1874

To amend the Coastal Zone Management Act of 1972 to establish a conclusive presumption that a State concurs to certain activities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2025

Mr. KILEY of California introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Coastal Zone Management Act of 1972 to establish a conclusive presumption that a State concurs to certain activities, 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. CONCLUSIVE PRESUMPTION FOR CERTAIN AC-**  
4 **TIVITIES.**

5 Section 307 of the Coastal Zone Management Act of  
6 1972 (16 U.S.C. 1456) is amended by adding at the end:

7 “(j) CONCLUSIVE PRESUMPTION FOR CERTAIN AC-  
8 TIVITIES.—

9 “(1) IN GENERAL.—Except as provided in para-  
10 graph (3), with respect to a covered activity, a coast-

1 al state shall be conclusively presumed to concur  
2 with—

3 “(A) a consistency determination provided  
4 to the coastal state by a Federal agency under  
5 subsection (c)(1)(C);

6 “(B) a determination or other finding of a  
7 Federal agency under subsection (c)(2) that a  
8 development project in the coastal zone of the  
9 coastal state is consistent with the enforceable  
10 policies of the approved state management pro-  
11 gram of the coastal state;

12 “(C) a certification provided to the coastal  
13 state by an applicant under subsection  
14 (c)(3)(A) or person under subsection (c)(3)(B);  
15 and

16 “(D) a determination or other finding of a  
17 State or local government under subsection (d)  
18 that an application for Federal assistance sub-  
19 mitted by such State or local government is  
20 consistent with the enforceable policies of the  
21 approved state management program of the  
22 coastal state.

23 “(2) LIMITATION ON OBJECTION.—An objection  
24 or other challenge by a coastal state to an activity  
25 subject to a conclusive presumption of concurrence

1 under paragraph (1) may not delay or otherwise pre-  
2 vent the activity from proceeding.

3 “(3) REVIEW OF PRESUMPTIVE CONCUR-  
4 RENCE.—

5 “(A) IN GENERAL.—Not later than 30  
6 days after the Secretary receives a consistency  
7 determination, certification, or other relevant  
8 finding under this section, the Secretary may  
9 issue a written determination with respect to an  
10 activity subject to a conclusive presumption of  
11 concurrence under paragraph (1) that nullifies  
12 the conclusive presumption of concurrence if the  
13 Secretary finds that the activity is not a cov-  
14 ered activity.

15 “(B) PRESUMPTION OF FINALITY.—If the  
16 Secretary does not issue a written determina-  
17 tion under subparagraph (A) with respect to an  
18 activity subject to a conclusive presumption of  
19 concurrence under paragraph (1) within the  
20 time period described in that subparagraph, the  
21 conclusive presumption of concurrence shall be  
22 final and binding.

23 “(4) DEFINITIONS.—In this subsection:

24 “(A) ACTIVITY WITH A SIGNIFICANT NA-  
25 TIONAL OR REGIONAL ECONOMIC IMPACT.—The

1 term ‘activity with a significant national or re-  
2 gional economic impact’ means an activity—

3 “(i) that is authorized or funded in  
4 whole or in part by the Federal Govern-  
5 ment; and

6 “(ii) that is carried out in—

7 “(I) an area with a low per cap-  
8 ita income; or

9 “(II) an area with a high unem-  
10 ployment rate.

11 “(B) AREA WITH A HIGH UNEMPLOYMENT  
12 RATE.—The term ‘area with a high unemploy-  
13 ment rate’ means an area where the unemploy-  
14 ment rate, for the most recent 24-month period  
15 for which data is available, is at least 1 percent-  
16 age point higher than the national average un-  
17 employment rate for such period, as determined  
18 by the Secretary using the most recent data  
19 available from—

20 “(i) the Bureau of Economic Analysis  
21 of the Department of Commerce;

22 “(ii) the Bureau of Labor Statistics of  
23 the Department of Labor;

24 “(iii) another Federal source the Sec-  
25 retary determines appropriate; or

1           “(iv) if no recent Federal data is  
2           available, data from the State agencies of  
3           such area the Secretary determines appro-  
4           priate.

5           “(C) AREA WITH A LOW PER CAPITA IN-  
6           COME.—The term ‘area with low per capita in-  
7           come’ means an area where the per capita in-  
8           come is not more than 20 percent less than the  
9           national average per capita income, as deter-  
10          mined by the Secretary using the most recent  
11          data available from—

12                   “(i) the Bureau of Economic Analysis  
13                   of the Department of Commerce; or

14                   “(ii) another Federal source the Sec-  
15                   retary determines appropriate.

16          “(D) COVERED ACTIVITY.—The term ‘cov-  
17          ered activity’ means—

18                   “(i) a national security activity;

19                   “(ii) a critical infrastructure project;

20                   “(iii) a disaster recovery or mitigation  
21                   activity; or

22                   “(iv) an activity with a significant na-  
23                   tional or regional economic impact.

24          “(E) CRITICAL INFRASTRUCTURE.—The  
25          term ‘critical infrastructure’ has the meaning

1 given the term in section 1016(e) of the USA  
2 PATRIOT Act (42 U.S.C. 5195c(e)).

3 “(F) CRITICAL INFRASTRUCTURE  
4 PROJECT.—The term ‘critical infrastructure  
5 project’ means any project—

6 “(i) that is authorized or funded in  
7 whole or in part by the Federal Govern-  
8 ment; and

9 “(ii) that involves—

10 “(I) the planning, construction,  
11 maintenance, or improvement of crit-  
12 ical infrastructure;

13 “(II) a facility or an activity as-  
14 sociated with any critical infrastruc-  
15 ture sectors; or

16 “(III) a material or asset that is  
17 essential to the operation, mainte-  
18 nance, or development of critical in-  
19 frastructure.

20 “(G) CRITICAL INFRASTRUCTURE SEC-  
21 TORS.—The term ‘critical infrastructure sec-  
22 tors’ has the meaning given the term in section  
23 2001 of the Homeland Security Act of 2002 (6  
24 U.S.C. 601).

1           “(H) DISASTER RECOVERY OR MITIGATION  
2           ACTIVITY.—The term ‘disaster recovery or miti-  
3           gation activity’ means an activity—

4                   “(i) that is authorized or funded in  
5                   whole or in part by the Federal Govern-  
6                   ment; and

7                   “(ii) that is carried out to prevent,  
8                   prepare for, respond to, recover from, or  
9                   mitigate the effects of—

10                           “(I) an emergency;

11                           “(II) a major disaster; or

12                           “(III) any other incident or  
13                           threat that the Administrator of the  
14                           Federal Emergency Management  
15                           Agency determines poses a significant  
16                           risk to public health, safety, or prop-  
17                           erty.

18           “(I) EMERGENCY; MAJOR DISASTER.—The  
19           terms ‘emergency’ and ‘major disaster’ have  
20           such meanings given such terms in section 102  
21           of the Robert T. Stafford Disaster Relief and  
22           Emergency Assistance Act (42 U.S.C. 5122).

23           “(J) INTELLIGENCE COMMUNITY.—The  
24           term ‘intelligence community’ has the meaning

1 given the term in section 3 of the National Se-  
2 curity Act of 1947 (50 U.S.C. 3003).

3 “(K) NATIONAL SECURITY ACTIVITY.—The  
4 term ‘national security activity’ means an activ-  
5 ity that is carried out by or on behalf of—

6 “(i) the Department of Defense;

7 “(ii) the Department of Homeland Se-  
8 curity; or

9 “(iii) the intelligence community.”.

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