

OCEAN-BASED CLIMATE SOLUTIONS ACT OF 2022

DECEMBER 30, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3764]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3764) to direct the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean-Based Climate Solutions Act of 2022”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(2) **EXCLUSIVE ECONOMIC ZONE.**—The term “Exclusive Economic Zone” means the zone established by Proclamation Numbered 5030, dated March 10, 1983.

(3) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) NATIONAL ACADEMIES.—The term “National Academies” means the National Academies of Science, Engineering, and Medicine.

(6) STATE.—The term “State” means each of the several States, the District of Columbia, and the United States Territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands of the United States.

(7) UNITED STATES.—The term “United States” means the several States, the District of Columbia, and the United States Territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands of the United States.

TITLE I—BLUE CARBON

SEC. 101. BLUE CARBON PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish and maintain a program within the National Oceanic and Atmospheric Administration to further conservation and restoration objectives for fish and wildlife habitat and coastal resilience, including the development of ways to incorporate ecosystem services from carbon storage into existing domestic and international policies, programs, and activities.

(b) ADDITIONAL AUTHORITY.—In conducting the program, the Administrator may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title on such terms as the Administrator considers appropriate.

(c) ACTIVITIES.—The Administrator shall lead the development and coordination of the strategic plan described in section 106(e) and shall—

(1) collaborate with Federal agencies, the interagency working group, State agencies, Indian Tribes, Native American Pacific Islander organizations, and nongovernmental organizations on research, restoration, and protection efforts relating to blue carbon ecosystems;

(2) develop a database of blue carbon stocks and fluxes in the United States;

(3) assist in exploration of the potential for a market for carbon credits and other financial instruments for protection and restoration initiatives, including research, development of protocols, and evaluation of protocols and the efficacy of blue carbon markets as a tool for protecting ecosystems;

(4) develop and provide informational materials and guidance relating to using blue carbon ecosystems as a tool to further conservation and biodiversity objectives;

(5) use existing models or develop new models to assess blue carbon storage potential that include quantification, verifiability, additionality as compared to a historical baseline, and permanence of those benefits;

(6) quantify current total and net ecosystem carbon storage and sequestration in coastal and marine areas;

(7) project future total and net ecosystem carbon storage and sequestration under different scenarios influenced by human population growth, sea level rise, and other system-wide changes;

(8) protect and restore habitats, waters, and organisms that are long-term carbon sinks or will be subject to habitat change as a result of climate change and development;

(9) provide staff and technical expertise to the interagency working group;

(10) quantify co-benefits of blue carbon ecosystems, including flood-risk reduction, habitat protection and restoration for endangered and threatened species, habitat protection and restoration for commercial and recreational fisheries, water quality improvements, habitat maintenance and restoration, cycling of nutrients other than carbon, commercial and recreational fishing, and other responsible marine recreation benefits;

(11) assess regional and national ecosystem and socioeconomic impacts of carbon sequestration and storage;

(12) research variability, long-term storage, and innovative techniques for effective, long-term, natural ocean or coastal ecosystem-based carbon sequestration;

(13) identify areas of particularly high rates of carbon sequestration and storage, including locations within existing or proposed coastal and marine protected areas;

(14) assess legal issues of landownership in blue carbon markets, and develop guidelines to help landowners navigate the requirements of such markets;

(15) assess the impacts of protection and restoration efforts in blue carbon ecosystems on methane emissions; and

(16) coordinate with Federal agencies, other countries, and international organizations to advance resilience strategies that reflect the co-benefits of blue carbon for adaptation and mitigation, and the integration of blue carbon in National Greenhouse Gas Inventories and Nationally Determined Contributions.

SEC. 102. NATIONAL MAP OF COASTAL AND MARINE BLUE CARBON ECOSYSTEMS.

(a) NATIONAL MAP.—The Administrator, in consultation with the interagency working group established under section 106, shall—

(1) produce and maintain, by updating every three years, a national map and inventory of coastal and marine blue carbon ecosystems in the coastal zone, the territorial waters of the United States, and the United States Exclusive Economic Zone including—

(A) with respect to each such ecosystem—

- (i) the species and types of habitat in the ecosystem;
- (ii) the condition of such habitats including whether a habitat is degraded, drained, eutrophic, or tidally restricted;
- (iii) the type of public or private ownership relating to such ecosystem and any protected status;
- (iv) the size of the ecosystem;
- (v) the salinity boundaries of the ecosystem;
- (vi) the tidal boundaries of the ecosystem;
- (vii) an assessment of carbon sequestration potential, methane production, and net greenhouse gas effects of the ecosystem—

(I) quantifying the amount of carbon stored in a particular geographic area;

(II) the degree to which such amounts can be verified;

(III) determination of how much additional carbon may be stored in such an area due to further carbon sequestration; and

(IV) the permanence of such existing and future carbon storage;

(viii) an assessment of the ecosystem co-benefits, such as habitat for commercial, recreational, indigenous, and Tribal fisheries, biodiversity, flood risk reduction, wave stress, storm protection, shoreline stabilization, public access, water and air pollution filtration, contributions to traditional and cultural practices, maintenance of biodiversity, and recreational use and benefits of the ecosystem;

(ix) the potential for landward migration of each ecosystem as a result of sea level rise;

(x) an assessment of any upstream structures or pollution sources that threaten the health of each blue carbon ecosystem;

(xi) proximity of the ecosystem to aquaculture uses or lease areas; and

(xii) a depiction of the effects of human stressors, including the conversion of blue carbon ecosystems to other land uses and the cause of such conversion; and

(B) a depiction of the effects of climate change, including sea level rise, ocean acidification, ocean warming, and other environmental stressors on the sequestration rate, carbon storage, and carbon sequestration and storage potential of blue carbon ecosystems; and

(2) in carrying out paragraph (1)—

(A) incorporate, to the extent possible, data collected through federally and State funded research, including data collected from—

(i) the Coastal Change Analysis Program of the National Oceanic and Atmospheric Administration;

(ii) the National Wetlands Inventory of the United States Fish and Wildlife Service;

(iii) biologic carbon sequestration information of the United States Geological Survey;

(iv) information from the Center for LIDAR Information Coordination and Knowledge of the United States Geological Survey and Federal Emergency Management Agency;

(v) biological and environmental research from the Department of Energy;

(vi) national aquatic resource surveys of the Environmental Protection Agency; and

(vii) data from the National Coastal Blue Carbon Assessment of the Department of Agriculture; and

(B) engage regional experts for additional peer-reviewed data to ensure that best available scientific information is incorporated.

(b) USE.—The interagency working group shall use the national map and inventory created pursuant to subsection (a)—

(1) to assess the existing and potential carbon sequestration of different blue carbon ecosystems, and account for any regional differences;

(2) to assess and quantify emissions from degraded and destroyed blue carbon ecosystems;

(3) to assist in the development of regional assessments and to provide technical assistance to regional, State, Tribal, and local government agencies, regional information coordination entities (as such term is defined in section 12303(6) of the Integrated Coastal and Ocean Observation System Act (33 U.S.C. 3602)), and agencies, organizations, and other entities that support communities that may not have adequate resources, including low-income communities, communities of color, Tribal communities, Indigenous communities, and rural communities;

(4) to assist in efforts to assess degraded coastal and marine blue carbon ecosystems and their potential for restoration, including vulnerability assessments and developing scenario modeling to identify vulnerable areas where management, protection, and restoration efforts should be focused, including the potential for an ecosystem to migrate inland to adapt to sea level rise; and

(5) to produce predictions of blue carbon ecosystems and carbon sequestration rates in the context of climate change, environmental stressors, and human stressors.

SEC. 103. REPORT ON BLUE CARBON IN THE UNITED STATES.

Not later than one year after the date of the enactment of this Act and every three years thereafter, the Administrator, in consultation with the interagency working group, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) A summary of federally funded coastal and marine blue carbon ecosystem research, monitoring, conservation, and restoration activities, including the budget for each of these activities and describe the progress in advancing the national priorities established by the interagency working group.

(2) With respect to each blue carbon ecosystem, the type, location, and ownership of the ecosystem (whether privately owned lands, State lands, Tribal lands, or Federal lands).

(3) An assessment of the vulnerability of coastal and marine blue carbon ecosystems to climate impacts such as sea-level rise, acidification, and saltwater intrusion, and other environmental and human stressors, such as development, water pollution, and aquaculture.

(4) An assessment of the greatest anthropogenic threats to blue carbon ecosystems, including the Federal agency actions that have historically caused and presently cause great adverse effects on such ecosystems.

(5) An assessment of the carbon sequestration potential of coastal and marine blue carbon ecosystems and the probable changes to sequestration under climate change scenarios.

(6) An assessment of biophysical, social, and economic impediments to coastal and marine blue carbon ecosystem protection and restoration and opportunities to restore and enhance the resilience of and sequestration potential of blue carbon ecosystems.

(7) An assessment of aging or outdated artificial structures, including dikes, levees, dams, culverts, water storage structures, shoreline hardening projects, impediments to fish passage, and other infrastructure that impede the ecological or sequestration functions of blue carbon areas and the feasibility of repairing, retrofitting, or removing such structures.

(8) The economic, social, and environmental co-benefits and impacts that these blue carbon ecosystems provide including—

(A) protection of coasts from storms and flooding;

(B) sustainable tourism and responsible recreational use;

(C) benefits to fisheries;

(D) water quality protection, including the regulation and mitigation of nutrients, sediment, and contaminants;

(E) maintenance of biodiversity;

(F) the number of jobs that are directly or indirectly attributable to blue carbon ecosystems; and

(G) the total economic activity that is attributable to such blue carbon ecosystems.

(9) An assessment of the social and economic makeup of the communities served by blue carbon ecosystems.

SEC. 104. BLUE CARBON PARTNERSHIP GRANT PROGRAM.

(a) **ESTABLISHMENT.**—The Administrator shall establish a competitive grant program entitled the “Blue Carbon Partnership Grant Program” to provide funds to eligible entities for projects that—

(1) protect and restore blue carbon stocks, oceanic blue carbon, and blue carbon ecosystems and increase the long-term carbon storage and sequestration; and

(2) contribute to priorities identified in the most recent strategic plan developed by the interagency working group pursuant to section 106(e).

(b) **ELIGIBLE RECIPIENTS.**—A person or entity is eligible to receive a grant under the grant program if such person or entity is—

(1) a voluntary private landowner or group of landowners;

(2) a State;

(3) an Indian Tribe;

(4) a Native American Pacific Islander organization as that term is defined in section 320(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)(3));

(5) a unit of local government;

(6) a nonprofit organization or land trust;

(7) an institution of higher education and research; or

(8) any group of entities described in paragraphs (1) through (6).

(c) **REQUIREMENTS.**—In administering the grant program under this section, the Administrator shall develop criteria, guidelines, contracts, reporting requirements, and evaluation metrics developed by the interagency working group.

(d) **SELECTION CRITERIA.**—In evaluating applications for the program from eligible entities, the Administrator shall give priority to proposed eligible protection and restoration activities that—

(1) would result in long-term protection and sequestration of carbon stored in coastal and marine environments, above and beyond that which would occur in the absence of the proposed activity; and

(2)(A) would protect key habitats for fish, wildlife, and the maintenance of biodiversity;

(B) would provide coastal protection from development, storms, flooding, and land-based pollution;

(C) would protect coastal resources of national, historical, and cultural significance;

(D) would benefit communities of color, low-income communities, Tribal or Indigenous communities, or rural communities; or

(E) would capitalize on existing established public-private partnerships.

(e) **REPORT TO CONGRESS.**—

(1) **REPORT REQUIRED.**—The Administrator shall submit annually to Congress a report containing a State-by-State analysis of—

(A) the total number of acres of land or water protected or restored through fee title acquisition, easement, restoration or other activities under the program;

(B) the status of restoration projects under this program; and

(C) the projected amount of carbon captured or protected over a 100-year time period as a result of this program.

(2) **PUBLICATION OF REPORT.**—The Administrator shall make available to the public each report required by paragraph (1).

(f) **ACREAGE REQUIREMENTS.**—To the maximum extent possible, Administrator shall award grants under the grant program established by this section to conduct blue carbon ecosystem protection and restoration on 1,500,000 acres over 10 years.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator \$300,000,000 for each of the fiscal years 2022 to 2026 to carry out this section.

SEC. 105. INTEGRATED PILOT PROGRAMS TO PROTECT AND RESTORE DEGRADED BLUE CARBON ECOSYSTEMS.

The Administrator shall—

(1) establish integrated pilot programs that develop best management practices, including design criteria and performance functions, for coastal and marine blue carbon ecosystem protection and restoration, nature-based adaptation strategies, living shoreline projects, landward progression or migration of blue carbon ecosystems, and identify potential barriers to protection and restoration efforts;

(2) ensure that the pilot programs cover geographically, ecologically, culturally, and economically representative locations with significant ecological, economic, and social benefits and maximize potential for long-term carbon storage and sequestration;

(3) establish a procedure for reviewing applications for the pilot program, taking into account—

(A) quantifying the amount of carbon stored in a particular geographic area;

(B) the degree to which such amounts can be verified;

(C) determination of how much additional carbon may be stored in such an area due to further carbon sequestration; and

(D) the permanence of such existing and future carbon storage;

(4) ensure, through consultation with the interagency working group, that the goals, metrics, monitoring, and outcomes of the pilot programs are communicated to the appropriate State, Tribal, and local governments, and to the general public; and

(5) coordinate with relevant Federal agencies on the interagency working group to prevent unnecessary duplication of effort among Federal agencies and departments with respect to protection and restoration programs.

SEC. 106. INTERAGENCY WORKING GROUP.

(a) **ESTABLISHMENT.**—The President shall establish an interagency working group on coastal and marine blue carbon.

(b) **PURPOSES.**—The interagency working group shall—

(1) oversee the development of and updates to a national map (including all insular areas of the United States) of coastal and marine blue carbon ecosystems, including habitat types with a regional focus in analysis that is usable for local level planning, protection, and restoration;

(2) use such map to inform the Administrator of the Environmental Protection Agency's creation of the annual Inventory of U.S. Greenhouse Gas Emissions and Sinks;

(3) establish national coastal and marine blue carbon ecosystem protection and restoration priorities, including an assessment of current Federal funding being used for protection and restoration efforts;

(4) assess the biophysical, social, statutory, regulatory, and economic impediments to coastal and marine blue carbon ecosystem protection and restoration;

(5) study the effects of climate change and environmental and human stressors on carbon sequestration rates;

(6) identify priority blue carbon ecosystems for protection;

(7) develop a national strategy for foundational science necessary to study, synthesize, and evaluate the effects of climate change, environmental, and human stressors on sequestration rates and capabilities of blue carbon ecosystems protection;

(8) develop an assessment of current legal authorities to protect and restore blue carbon ecosystems and make recommendations for additional authorities if current authorities are determined to be insufficient; and

(9) ensure the continuity, use, and interoperability of data assets through the Coastal Carbon Data Clearinghouse of the Smithsonian Institution and other databases.

(c) **MEMBERSHIP.**—The interagency working group shall be comprised of representatives of the following (or their designees):

(1) The Administrator.

(2) The Administrator of the Environmental Protection Agency.

(3) The Director of the National Science Foundation.

(4) The Administrator of the National Aeronautics and Space Administration.

(5) The Director of the United States Geological Survey.

(6) The Director of the United States Fish and Wildlife Service.

(7) The Director of the National Park Service.

(8) The Director of the Bureau of Indian Affairs.

(9) The Secretary of the Smithsonian Institution.

(10) The Assistant Administrator Insular and International Affairs of the Department of the Interior.

(11) The Chief of Engineers of the Army Corps of Engineers.

(12) The Secretary of Agriculture.

(13) The Secretary of Defense.

(14) The Secretary of Transportation.

(15) The Secretary of State.

(16) The Secretary of Energy.

(17) The Administrator of the United States Agency for International Development.

(18) The Administrator of the Federal Emergency Management Agency.

(19) The Chair of the Council on Environmental Quality.

(20) The Commissioner of the Bureau of Reclamation.

(d) CHAIR.—The interagency working group shall be chaired by the Administrator.

(e) STRATEGIC PLAN.—

(1) IN GENERAL.—The interagency working group shall create a strategic plan for Federal investments in basic research, development, demonstration, long-term monitoring and stewardship, and deployment of blue carbon ecosystem and marine blue carbon projects for the 5-year period beginning on the date that is 1 year after the date of the enactment of this Act. The plan shall include—

(A) an assessment of the use of existing Federal programs to protect, restore, enhance, and preserve blue carbon ecosystems;

(B) an analysis of potential sea level rise migration corridors for blue carbon ecosystems;

(C) an analysis of anticipated fish and wildlife uses of blue carbon ecosystems;

(D) identification of priority strategies and investments for preserving, restoring, and enhancing the resilience and carbon sequestration potential of such blue carbon ecosystems; and

(E) an analysis of the role of methane emissions in blue carbon ecosystem carbon budgets.

(2) TIMING.—The interagency working group shall—

(A) submit the strategic plan required under paragraph (1) to the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on a date that is not later than one year after the date of the enactment of this Act; and

(B) submit a revised version of such plan to such committees every five years thereafter.

(3) FEDERAL REGISTER.—Not less than 90 days before the strategic plan, or any revision thereof, is submitted under paragraph (2), the interagency working group shall publish such plan in the Federal Register and solicit public comments on such plan for a period of not less than 60 days.

SEC. 107. BLUE CARBON AREAS OF SIGNIFICANCE.

(a) DESIGNATION.—The Administrator shall designate as a blue carbon area of significance any area that is—

(1) in the coastal zone (as such term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), in territorial waters of the United States, or in the exclusive economic zone of the United States;

(2) the location of water, a substrate, or an ecosystem that—

(A) provides for long-term storage and sequestration of significant amounts of ecosystem carbon; and

(B)(i) limits erosion and facilitates future landward migration;

(ii) provides a buffer against storm surge, especially for communities of color, low-income communities, and Tribal and Indigenous communities; or

(iii) provides a spawning, breeding, feeding, or nesting habitat for wildlife; and

(3) not exclusive of coastal or other resources that are significant in for mitigating or adapting to climate change.

(b) GUIDELINES.—The Administrator, in consultation with the interagency working group, shall, not later than one year after the date of the enactment of this Act, establish by regulation guidelines based on the best available science to describe and identify blue carbon areas of significance and measures to ensure the long-term protection of blue carbon areas of significance.

(c) REVIEW AND UPDATE.—The Administrator, in consultation with the interagency working group, shall review and update guidelines established under subsection (b) not less frequently than once every 5 years or when new information warrants such an update.

(d) SCHEDULE.—The Administrator, in consultation with the interagency working group, shall establish a schedule for the identification of blue carbon areas of significance under subsection (b) and for reviews and updates under subsection (c), and shall make initial designations of a blue carbon area of significance in each coastal State not later than one year after the date of the enactment of this Act.

(e) RECOMMENDATIONS AND INFORMATION.—The Administrator, in consultation with the interagency working group, shall, with respect to each blue carbon area of significance, provide recommendations and information regarding the adverse impacts and threats to the carbon storage, ecosystem services, and habitat capacity of the area, and the actions that should be considered to avoid adverse impacts and ensure the conservation and enhancement of that area.

(f) **PROGRAMS ADMINISTERED BY NOAA.**—The Administrator, in consultation with the interagency working group, shall use programs administered by the Administrator to carry out this section and ensure the conservation and enhancement of each blue carbon area of significance.

(g) **REQUIREMENTS FOR FEDERAL ACTIONS.**—With respect to any proposed agency action that has the potential to cause a significant adverse impact on the carbon storage, carbon sequestration, ecosystem services, or habitat capacity of any blue carbon area of significance, each Federal agency shall comply with the following requirements:

(1) **NOTIFICATION.**—Such Federal agency shall notify the Administrator of such proposed agency action.

(2) **DETERMINATION OF ADVERSE IMPACT.**—The Federal agency, in consultation with the Administrator, and subject to public comment, shall determine whether the proposed agency action will cause an adverse impact on the carbon storage, carbon sequestration, ecosystem, or habitat of a blue carbon area of significance.

(3) **ALTERNATIVE.**—With respect to any proposed action the Administrator determines will have an adverse impact under paragraph (2), the proposing agency, in consultation with the Administrator, shall determine whether there is an alternative action that would prevent such adverse impact and fulfill the purpose of the proposed action. The proposing agency shall not take an action that would cause an adverse impact if an alternative that would not cause such adverse impact is available and would fulfill the purpose of such action.

(4) **CARBON STORAGE OFFSETS.**—With respect to a proposed action for which the agency determines no alternative is available under paragraph (3), the proposing agency shall—

(A) in consultation with the Administrator, take measures to mitigate such adverse impact;

(B) take such action as the Administrator determines necessary to create a coastal or marine blue carbon ecosystem storage offset that, taken in conjunction with the proposed action, results in a long term net increase in carbon storage, lasting an equivalent time period as the carbon storage lost by the adverse impact;

(C) demonstrate quantitatively, using the best available science, that the carbon storage offset will result in a net increase in ecological carbon storage and is located in close proximity to the original site to keep the affected communities whole;

(D) maintain such carbon storage offset for a period of time to be determined by the Administrator but not less than 100 years; and

(E) publish the agency's proposed course of mitigation in the Federal Register for public notice and comment.

(h) **REQUIREMENT FOR AUTHORIZATION OR APPROPRIATION.**—Any requests for a new authorization or appropriation from a Federal agency transmitted to the Office of Management and Budget shall include, if such authorization or appropriation may affect a blue carbon area of significance, a certification that such agency will use such authorization or appropriation in compliance with this section.

(i) **REQUIRED RESTRICTIONS.**—A Federal agency may not enter into a lease, easement, right-of-way, or sale of any land designated as a blue carbon area of significance unless such agency attaches appropriate restrictions to the use of the property to protect the blue carbon area of significance.

(j) **EXCEPTION.**—Preparation, revision, implementation, or enforcement of a fishery management plan or its implementing regulations under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) that applies to an area that is subject to a prohibition on all bottom-tending fishing gear shall not be treated as an action that is subject to subsection (g).

SEC. 108. AUTHORIZATION OF SMITHSONIAN INSTITUTION BLUE CARBON ACTIVITIES.

(a) **IN GENERAL.**—The Administrator of the Smithsonian Institution, in coordination with the Administrator and the interagency working group, shall provide for the long-term stewardship, continuity, use, and interoperability of, and access to, data relating to blue carbon ecosystems and national mapping, including United States Territories and Tribal lands, by supporting the maintenance of the Coastal Carbon Data Clearinghouse.

(b) **COASTAL CARBON DATA CLEARINGHOUSE DUTIES.**—The Administrator of the Smithsonian Institution in coordination with the Administrator and interagency working group shall process, store, archive, provide access to, and incorporate all coastal and marine blue carbon data collected through federally funded research by a Federal agency, State, local agency, Tribe, scientist, Native American Pacific Islander organization, or other relevant entity.

(c) **GLOBAL AND NATIONAL DATA ASSETS.**—The Administrator of the Smithsonian Institution, in coordination with the Administrator and the interagency working group, shall ensure that existing global and national data assets are incorporated into the Coastal Carbon Data Clearinghouse.

(d) **ESTABLISHMENT OF STANDARDS, PROTOCOLS, AND PROCEDURES.**—The Administrator of the Smithsonian Institution, in coordination with the Administrator and members of the interagency working group, shall establish standards, protocols, and procedures for the processing, storing, archiving, and providing access to data in the Coastal Carbon Data Clearinghouse and best practices for sharing such data with State, local, and Tribal governments, Indigenous communities, coastal stakeholders, non-Federal resource managers, and academia. The Administrator shall publish, update, and keep current such data on a publicly available website.

(e) **DIGITAL TOOLS AND RESOURCES.**—The Administrator of the Smithsonian Institution, in coordination with the Administrator and members of the interagency working group, shall develop digital tools and resources to support the public use of the Coastal Carbon Data Clearinghouse.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator of the Smithsonian Institution \$5,000,000 for each of fiscal years 2022 through 2026 to carry out this section.

SEC. 109. FEDERAL COASTAL AND MARINE BLUE CARBON RESTORATION AND PROTECTIONS; FUNDING.

(a) **IN GENERAL.**—The Director of the United States Fish and Wildlife Service, the Director of the National Park Service, and the Administrator shall each conduct coastal and marine restoration and protection activities on land and water managed by each such agency to achieve at least one of the following:

(1) The sequestration of additional carbon dioxide through—

(A) the active restoration of degraded blue carbon ecosystems; and

(B) the protection of threatened blue carbon ecosystems.

(2) The halting of ongoing carbon dioxide emissions, and the resumption of the natural rate of carbon capture, through the restoration of drained coastal wetlands.

(3) The halting of ongoing methane emissions, and the resumption of the natural rate of carbon storage, through the restoration of formerly tidal wetland that has lost tidal connectivity and become fresh wetland (commonly known as “impounded wetland”).

(b) **FUNDING.**—For each fiscal year 2022 through 2026, there is authorized to be appropriated for blue carbon ecosystem protection and restoration—

(1) to the Director of the United States Fish and Wildlife Service \$200,000,000 for on lands managed by such Director;

(2) to the Director of the National Park Service \$200,000,000 for lands managed by such Director; and

(3) to the Administrator \$200,000,000 for lands and water managed by such Administrator.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts authorized to be appropriated for specific activities under sections 104, 108, and 109, there is authorized to be appropriated to the Administrator \$50,000,000 for each of the fiscal years 2022 to 2026 to carry out the remainder of this title.

SEC. 111. RULE OF CONSTRUCTION.

Nothing in this title affects the application of the requirements of section 404 of the Clean Water Act (33 U.S.C. 1344); the National Environmental Policy Act, or any regulations issued under either such Act.

SEC. 112. DEFINITIONS.

In this title, the following definitions apply:

(1) **BLUE CARBON.**—The term “blue carbon” means the carbon that marine or coastal vegetation sequester from the atmosphere in a manner that results in its storage for a period of not less than 100 years.

(2) **BLUE CARBON AREAS OF SIGNIFICANCE.**—The term “blue carbon area of significance” means any area designated by the Administrator under section 107 as a blue carbon area of significance.

(3) **BLUE CARBON ECOSYSTEM.**—The term “blue carbon ecosystem” means marine and coastal ecosystems that are tidal or salt-water-fed and that have the capacity to sequester carbon from the atmosphere in a manner that results in its storage for a period of not less than 100 years, such as coastal forests, tidal marshes, seagrasses, kelp forests, and other tidal or salt-water wetlands, and includes marine and coastal freshwater, brackish, and saltwater-fed ecosystems, such as coastal wetland forest and other tidal or historically tidal wetlands that

have the capacity to sequester carbon from the atmosphere for a period of not less than 100 years in the Gulf of Mexico region.

(4) **BLUE CARBON STOCKS.**—The term “blue carbon stocks” means coastal and marine vegetation and wildlife, and underlying sediment that has the capacity to sequester and store atmospheric carbon.

(5) **CARBON SEQUESTRATION.**—The term “carbon sequestration” means the process of capturing and storing atmospheric carbon dioxide.

(6) **CARBON STORAGE.**—The term “carbon storage” means sequestered carbon that remains out of the atmosphere, stored either in biogenic material or sediments, for a period of not less than 100 years.

(7) **INTERAGENCY WORKING GROUP.**—The term “interagency working group” means the interagency working group on blue carbon established under section 106.

TITLE II—OFFSHORE ENERGY

Subtitle A—Oil and Gas Leasing in the Outer Continental Shelf

SEC. 201. PROHIBITION OF OIL AND GAS LEASING AND OTHER ACTIVITIES IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

“(q) **PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.**—Notwithstanding any other provision of this section or any other law, the Secretary may not issue—

“(1) a lease for the exploration, development, or production of oil or natural gas; or

“(2) a permit for geological or geophysical activities in support of oil or natural gas exploration other than those conducted pursuant to a lease issued before the date of the enactment of this section,

in any planning area, except in the Central or Western planning areas of the Gulf of Mexico (as such planning areas are described in the document entitled ‘2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program’, dated November 2016, or a subsequent oil and gas leasing program developed under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344)).”.

SEC. 202. BEST AVAILABLE TECHNOLOGY.

Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by adding at the end the following:

“(i) **BEST AVAILABLE TECHNOLOGY.**—Notwithstanding any other provision of this Act or any other law, the Secretary shall require each holder of a lease or permit under this section for geophysical and geological exploration on the outer Continental Shelf to use the best commercially available technology with respect to reducing acoustic pressure levels to conduct such exploration.”.

Subtitle B—Offshore Renewable Energy

SEC. 211. FINDINGS; SENSE OF CONGRESS ON THE IMPORTANCE OF OFFSHORE WIND ENERGY.

(a) **FINDINGS.**—Congress finds that—

(1) the United States should aggressively reduce greenhouse gas emissions from United States public lands and oceans and strive to achieve net-zero emissions as soon as possible;

(2) the United States can and must address this climate crisis by putting Americans to work building the necessary infrastructure to reduce carbon emissions;

(3) the United States offshore wind resources must be responsibly harnessed in order to both rapidly reduce our carbon emissions and put people back to work while minimizing impacts to the fishing industry; and

(4) achieving the goal of 30 gigawatts of offshore wind energy capacity by 2030 is anticipated to result in the creation of tens of thousands of living wage, family supporting union jobs while positioning America to lead a clean energy revolution and tackle the climate crisis.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

- (1) the United States should rapidly develop its offshore wind resources as a key part of achieving a national goal of net-zero emissions;
- (2) offshore wind lease areas should be determined by a robust and transparent stakeholder process that incorporates early engagement and input from diverse user groups as well as Federal, State, Tribal, and local governments;
- (3) development of offshore wind resources must ensure ecosystem health and the protection of threatened and endangered species and their habitats; and
- (4) permitting agencies must have sufficient resources to carry out a robust and efficient review and permitting process.

SEC. 212. OUTER CONTINENTAL SHELF OFFSHORE WIND TARGETS.

(a) TARGETS.—The Secretary of the Interior shall seek to grant leases under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for—

- (1) not less than 12.5 gigawatts of offshore wind energy capacity on the Outer Continental Shelf by January 1, 2025; and
- (2) not less than 30 gigawatts of offshore wind energy capacity on the Outer Continental Shelf by January 1, 2030.

(b) REPORT.—Not later than December 1, 2021, and each year thereafter, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the Secretary’s progress in meeting the targets described in subsection (a).

SEC. 213. REMOVING ROADBLOCKS FOR DATA SHARING.

Section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)) is amended—

- (1) in paragraph (1)—
 - (A) in subparagraph (G), by striking “or”;
 - (B) in subparagraph (H), by striking the period at the end and insert “; or”; and
 - (C) by adding at the end the following:
 - “(I) to the Secretary of the Interior for use relating to siting, exploration, production, or promotion of offshore wind energy on the outer Continental Shelf.”; and
- (2) in paragraph (2), by striking “(H)” and inserting “(I)”.

SEC. 214. INCREASING FUNDING FOR SCIENTIFIC RESEARCH.

Beginning on the date that is 60 days after the date of the enactment of this Act, with respect to the total amount paid as bonus bids for each offshore wind lease sale under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), \$5,000,000 of each such amount shall be available, to the extent and in such amounts as are provided in advance in appropriations Acts, to be used by the Secretary of the Interior, in consultation with the Secretary of Commerce, to fund research on the interaction between offshore wind energy and—

- (1) federally protected marine resources (including all listed species and designated critical habitats under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.));
- (2) marine mammals protected under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);
- (3) managed fishery resources, seabirds and migratory bird species, and the habitats on which these species depend; and
- (4) technology for data collection and other scientific and permitting needs, as determined necessary by the Secretary of the Interior, in consultation with the Secretary of Commerce and the Secretary of Energy, to support responsible development and long-term use of offshore wind resources on the Outer Continental Shelf.

SEC. 215. EXTENDING COLLABORATION WITH INDUSTRY.

Section 113 of Division G of Public Law 113–76 is amended to read as follows:

“CONTRIBUTION AUTHORITY

“SEC. 113. The Secretary of the Interior may accept from public and private sources contributions of money and services for use by the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources, including preparation of environmental documents such as impact statements and assessments, studies, and related research, during fiscal years—

- “(1) 2014 through 2024; or
- “(2) with respect to work supporting offshore wind energy exploration or development, 2014 through 2030.”.

SEC. 216. DEVELOPING STRATEGIES TO PROTECT WILDLIFE.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the National Academies of Sciences, Engineering, and Medicine shall prepare a report that reviews, compiles, and synthesizes existing research on—

- (1) the effect of offshore wind energy on wildlife, habitat, and threatened and endangered species; and
- (2) best practices for minimizing and mitigating such effects.

(b) **REQUIREMENTS.**—The report shall—

- (1) provide a quantitative assessment of the contributions of offshore wind energy in—
 - (A) reducing the amount of greenhouse gases emitted by the electricity sector; and
 - (B) helping to improve human health and wildlife populations in communities that are near offshore wind energy areas; and
- (2) include a quantitative assessment of the efficacy of existing methodologies to measure direct and indirect effects of offshore wind energy on wildlife and their habitats, and provide recommendations regarding best practices to monitor, avoid, minimize, and mitigate impacts on wildlife and their habitat.

SEC. 217. OFFSHORE WIND FOR THE TERRITORIES.

(a) **APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.**—

(1) **IN GENERAL.**—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(A) in subsection (a)—

(i) by striking “The term” and inserting the following:

“(1) **THE TERM.**—”;

(ii) by inserting after “control” the following: “or lying within the exclusive economic zone of the United States and the outer Continental Shelf adjacent to any territory of the United States”; and

(iii) by adding at the end the following:

“(2) The term ‘outer Continental Shelf’ does not include any area conveyed by Congress to a territorial government for administration;”;

(B) by adding at the end the following:

“(t) The term ‘State’ means the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.”

(2) **EXCLUSIONS.**—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

“(i) This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to any insular area of the United States.”

(b) **WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.**—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

“SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.

“(a) **WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.**—

“(1) **STUDY ON FEASIBILITY OF CONDUCTING WIND LEASE SALES.**—

“(A) **IN GENERAL.**—The Secretary shall conduct a study on the feasibility, including the technological and long-term economic feasibility, and the potential environmental effects, of conducting wind lease sales in each area of the outer Continental Shelf that is within the territorial jurisdiction of the United States, including of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

“(B) **CONSULTATION.**—In conducting the study required in subparagraph (A), the Secretary shall consult—

“(i) the National Laboratories, as that term is defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3));

“(ii) the National Oceanic and Atmospheric Administration, including the Office of National Marine Sanctuaries and National Marine Fisheries Service; and

“(iii) the Governor of each of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

“(C) **PUBLIC COMMENT.**—The study required in subparagraph (A) shall be published in the Federal Register for public comment for a period of not fewer than 60 days.

“(D) SUBMISSION OF RESULTS.—Not later than 18 months after the date of the enactment of this section, the Secretary shall submit the results of the study conducted under subparagraph (A) to—

“(i) the Committee on Energy and Natural Resources of the Senate;
“(ii) the Committee on Natural Resources of the House of Representatives; and

“(iii) each of the Delegates or the Resident Commissioner to the House of Representatives from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

“(E) PUBLIC AVAILABILITY.—The Secretary shall publish the study required under subparagraph (A) and the results submitted under subparagraph (C) on a public website.

“(2) CALL FOR INFORMATION AND NOMINATIONS.—The Secretary shall issue a call for information and nominations for proposed wind lease sales for areas determined to be feasible under the study conducted under paragraph (1).

“(3) CONDITIONAL WIND LEASE SALES.—

“(A) IN GENERAL.—For each territory, the Secretary shall conduct not less than one wind lease sale in the area of the outer Continental Shelf within the territorial jurisdiction of such territory if such area meets each of the following criteria:

“(i) The study required under paragraph (1)(A) concluded that a wind lease sale on the area is feasible.

“(ii) The Secretary has determined that the call for information has generated sufficient interest in the area.

“(iii) The Secretary has consulted with the Secretary of Defense and other relevant Federal agencies regarding such sale.

“(iv) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.

“(B) EXCEPTION.—If no area of the outer Continental Shelf within the territorial jurisdiction of a territory meets each of the criteria in clauses (i) through (iv) of subparagraph (A), the requirement under subparagraph (A) shall not apply to such territory.”.

SEC. 218. INCREASING FUNDING FOR COASTAL CONSERVATION AND RESILIENCE.

Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)) is amended by adding at the end the following:

“(C) With respect to a lease under this subsection for the production of wind energy, 30 percent of the revenue received by the Federal Government as a result of payments from such lease shall be deposited in the National Oceans and Coastal Security Fund established by section 904 of the National Oceans and Coastal Security Act (16 U.S.C. 7503).”.

SEC. 219. RESTORING OFFSHORE WIND OPPORTUNITIES.

(a) LEASING AUTHORIZED.—The Secretary of the Interior is authorized to grant leases pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in the areas withdrawn by the Presidential Memorandum entitled “Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition” (issued September 8, 2020) and the Presidential Memorandum entitled “Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition” (issued September 25, 2020).

(b) WITHDRAWALS.—Any Presidential withdrawal of an area of the Outer Continental Shelf from leasing under section 12(a) of such Act (43 U.S.C. 1341(a)) issued after the date of enactment of this Act shall apply only to leasing authorized under subsections (a) and (i) of section 8 of such Act (43 U.S.C. 1337(a) and 1337(i)), unless otherwise specified.

TITLE III—CLIMATE-READY FISHERIES, EFFICIENT FISHERY VESSELS, AND BUY AMERICAN SEAFOOD

SEC. 301. SENSE OF CONGRESS.

It is the sense of Congress that—

- (1) American wild-caught seafood is integral to the Nation’s food supply and to American food security;
- (2) the seafood supply chain is often long and complex;

(3) American-caught and American-processed seafood especially from small-scale fishery operations, can be a sustainable healthy source of protein and micronutrients;

(4) fresh, frozen, dried, and canned domestic seafood can be produced, processed, packaged, and transported in a manner that has a low-carbon footprint;

(5) marine species that are small, at lower trophic levels, and pelagic typically have the smallest carbon footprint; and

(6) therefore, any executive agency that purchases seafood products should, to the extent practicable, buy local American-caught or American-harvested and American-processed seafood products from fisheries that are not overfished or experiencing overfishing, in order to support sustainable local seafood businesses, reduce greenhouse gas emissions associated with the seafood product supply chain, and reduce dependence on imported seafood products.

SEC. 302. CAUGHT IN THE USA.

Section 2(c)(1) of the Act of August 11, 1939 (15 U.S.C. 713c–3(c)(1)), entitled “An Act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry”, is amended to read as follows:

“(1) The Secretary shall make grants from the fund established under subsection (b) to—

“(A) assist persons in carrying out research and development projects addressed to any aspect of United States marine fisheries, including harvesting, processing, packaging, marketing, and associated infrastructures; or

“(B) assist persons to market and promote the consumption of—

“(i) local or domestic marine fishery products;

“(ii) environmentally and climate-friendly marine fishery products that minimize and employ efforts to avoid bycatch and impacts on marine mammals;

“(iii) invasive species; or

“(iv) well-managed but less known species.”.

SEC. 303. ELIMINATE FISH SUBSIDIES IN TRADE AGREEMENTS.

(a) IN GENERAL.—Section 102(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201(b)) is amended by adding at the end the following:

“(23) FISH SUBSIDIES.—The principal negotiating objectives of the United States with respect to fish subsidies are the following:

“(A) To eliminate subsidies that contribute to overfishing, or illegal, unreported, and unregulated fishing, such as subsidies that—

“(i) increase the marine fishing capacity of fishing vessels or support the acquisition of equipment that increases the ability of fishing vessels to find fish;

“(ii) support the construction of fishing vessels, importation of fishing vessels, or government repurchase of fishing vessels outside of a binding and effective fishing capacity reduction program that includes the corresponding elimination of fishing rights and a binding and effective prohibition on the reuse of vessels for fishing to increase capacity in any fishery;

“(iii) affect fish stocks in any fishery—

“(I) in an overfished or worse condition; or

“(II) whose stock levels are declining;

“(iv) are provided to fishing enterprises engaged in long-distance fishing, either on the high seas or in the exclusive economic zone of a third country;

“(v) support the transfer or reflagging of fishing vessels to third countries, including through the creation of joint ventures with partners of those countries;

“(vi) are provided to the fishing enterprises or to owners or operators of vessels that have been determined to have engaged in illegal, unreported, and unregulated fishing by a coastal State or a regional fisheries management organization; or

“(vii) reduce fuel, insurance, or other operating costs solely for fishing enterprises except where intended to reduce the carbon footprint of existing fishing operations.

“(B) To require parties to trade agreements—

“(i) to report to an environmental affairs committee established under the agreement, on an annual basis, all marine fishing-related subsidies provided by the parties, including fleet capacity and trade data concerning the fisheries that the subsidies affect;

“(ii) to establish an independent body to make assessments of the health of fish stocks in each domestic fishery and report such assessments to such environmental affairs committee;

“(iii) with respect to shared or international fisheries in which each party is involved in fishing activities, to commit to cooperating with third countries, regional fisheries management organizations, and assessment bodies in annual assessments of the health of fish stocks and associated species in such fisheries; and

“(iv) to certify to such environmental affairs committee that they have made and continue to make adequate progress toward the goal of protecting and conserving, through well-connected and effective systems of protected areas and other effective area-based conservation measures, at least 30 percent of the planet by 2030, with the focus on areas particularly important for biodiversity.

“(C) To require parties to trade agreements that are also members of the World Trade Organization to work collaboratively at the Organization to establish and maintain robust disciplines on fisheries subsidies.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) take effect on the date of the enactment of this Act; and

(2) apply with respect to negotiations for trade agreements subject to the provisions of section 103 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4202) entered into on or after such date of the enactment.

SEC. 304. FUEL EFFICIENT FISHING VESSELS.

Section 53708(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (A) by striking “or” at the end;

(2) in subparagraph (B) by striking “increased fuel efficiency or improved safety,” and inserting “improved safety; or”; and

(3) by adding at the end the following:

“(C) increasing fuel efficiency and reducing fuel usage, which may include—

“(i) installation of solar panels;

“(ii) engine replacement or retrofit, including the installation of new fuel-efficient, low-emission engines, including hybrid electric marine engines or generators;

“(iii) gearbox or propeller replacement;

“(iv) modifications to hull shape; and

“(v) modifications to fishing gear.”.

SEC. 305. CLIMATE AND FISHERIES RESEARCH AND MANAGEMENT PROGRAM.

Title IV of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881 et seq.) is amended by adding at the end the following:

“SEC. 409. CLIMATE AND FISHERIES RESEARCH AND MANAGEMENT PROGRAM.

“(a) ESTABLISHMENT OF THE PROGRAM.—The Secretary, with input from appropriate Marine Fisheries Commissions and Regional Fishery Management Councils and in coordination with other Federal agencies and educational institutions, shall establish a program to identify, develop, and implement adaptive strategies, consistent with the requirements of this Act, to improve the management of fisheries and aquaculture under current and anticipated impacts of climate change. In administering such program, the Secretary shall—

“(1) expand and improve fisheries science, monitoring, and data collection in order to support and promote integrated, climate science-informed fishery management and ensure that the requirements of this Act are met under changing climatic conditions;

“(2) prepare and adapt fishery management for climate change by promoting a precautionary approach to management and supporting the increased development and use of relevant science and management tools, including forecasting, risk assessment, scenario planning, coupled climate and ecosystem modeling, and management strategy evaluation;

“(3) improve agency understanding of stock shifts to inform catch advice, inform the resolution of jurisdictional issues, and support achievement of conservation mandates in the face of shifting stocks;

“(4) promote the development, integration, and use of climate-related tools and information in stock assessments;

“(5) develop and provide guidance on implementing in control rules that are more responsive to environmental variability and climate change for fishery management;

“(6) promote management approaches that increase resilience to current and anticipated climate impacts in managed species and marine ecosystems, including by coordinating with and advancing programs to protect genetic diversity and age structure, protect marine, estuarine, mangrove, and other aquatic habitat, minimize and better account for bycatch, and incorporating into management the ecological role of forage fish in the marine food web;

“(7) increase understanding of food security issues and the socioeconomic impacts of climate change on fishing participants, fishing communities, and related industries;

“(8) coordinate within the National Oceanic and Atmospheric Administration on issues related to climate change and fisheries, including on data needs and availability;

“(9) ensure that the research, resource management, and expenditures to prepare fisheries for climate change promote racial and socioeconomic equity with respect to environmental and economic outcomes across fisheries and regions;

“(10) promote the increased incorporation of climate change impacts into fisheries management at regional fishery management organizations and other international bodies; and

“(11) advance other climate change fishery science and management as appropriate.

“(b) EVALUATION.—The Secretary, with input from the Councils, shall, not later than three years after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022 and every 5 years thereafter, conduct an independent review that will be provided to Congress and the public on the results of the program, including—

“(1) steps taken to modify or enhance research and data collection programs to better understand the effects of climate change on fishery resources and food security;

“(2) steps taken to evaluate various management strategies in the context of future climate scenarios;

“(3) how tools and solutions identified by the program have been or could be implemented in fishery science and management; and

“(4) the degree to which equity in outcomes of fulfilling programmatic duties was achieved as required by subsection (a)(9).

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$2,000,000 for each fiscal year 2022 through 2026.”

SEC. 306. CLIMATE-READY FISHERIES INNOVATION PROGRAM.

(a) CLIMATE-READY FISHERIES INNOVATION PROGRAM.—Not later than one year after the date of the enactment of this Act, the Administrator shall establish a program, including grants, to develop innovative tools and approaches designed to increase the adaptive capacity of fishery management to the impacts of climate change. In administering such program, the Administrator shall—

(1) develop science and management tools and approaches that address regional and national priorities to improve the conservation and management of fishery resources under existing and anticipated climate impacts;

(2) provide for routine input from fishery managers and scientists in order to maximize opportunities to incorporate results of the program in fishery management actions;

(3) promote adoption of methods developed under the program in fishery management plans developed by the Regional Fishery Management Councils;

(4) provide information and outreach to the private sector and academic sector to encourage development and operationalization of tools and approaches to manage the effects of climate change on fisheries; and

(5) provide information and outreach to fishery participants to increase understanding of and encourage adoption and use of tools and approaches developed under the program.

(b) COORDINATION OF THE PROGRAM.—

(1) The Administrator shall establish a process to ensure coordination with and outreach to—

(A) regional offices and science centers of the National Marine Fisheries Service;

(B) the Regional Fishery Management Councils;

(C) the scientific and statistical committees of such Fishery Management Councils; and

(D) other relevant programs, including the cooperative research and management program under section 318 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1867), the Integrated Ocean Ob-

serving System, and programs within the National Oceanic and Atmospheric Administration designed to address ocean acidification.

(2) Such coordination should include identification of multiyear research priorities to study and understand the current and anticipated impacts of climate change on fisheries, fisheries interactions, habitats, fishery participants, fishing communities, seafood markets, fisheries science and monitoring, or other relevant priority. Such priorities should be routinely reviewed in a timeframe not to exceed 5 years and updated as necessary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

SEC. 307. REPORT ON SHIFTING STOCKS AND WAYS TO ADAPT FISHERIES FOR THE IMPACTS OF CLIMATE CHANGE.

Not later than one year after the date of the enactment of this Act, the Administrator shall transmit a report to Congress—

(1) assessing whether and how fish stocks have shifted and are expected to shift as a result of climate change, the magnitude and timing of shifts, and a list of shifting stocks by region;

(2) evaluating the impacts range shifts are having on fisheries stock assessments and describing how survey methods are being modified to capture range shifts in fisheries;

(3) assessing factors that promote resilience of fish stocks undergoing range shift;

(4) assessing existing Federal policies on fishing permits and licenses in each region, including allocation between States and jurisdictions, and whether those rules facilitate the resilience and adaptive capacity of fisheries when stocks shift; and

(5) identifying actions that could be taken to facilitate the shifting, splitting, or transitioning of permits to fishermen in the regions where stocks have shifted, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law.

SEC. 308. ESSENTIAL FISH HABITAT CONSULTATION.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting “every five years” after “updating”; and

(B) by inserting “, changes to habitat, in part due to climate change,” after “evidence”;

(2) in paragraph (1)(D), by inserting “and such agencies shall take action” after “agencies”;

(3) by striking paragraphs (2) through (4) and inserting after paragraph (1) the following:

“(2) CONSULTATIONS REGARDING FEDERAL AGENCY ACTION WITH ADVERSE EFFECTS ON ESSENTIAL FISH HABITAT.—

“(A) REQUIREMENT TO AVOID OR MITIGATE ADVERSE EFFECTS.—Notwithstanding any other provision of law, any Federal agency shall consult with the Secretary to ensure that any action proposed to be authorized, funded, or undertaken by such agency avoids the adverse effect of such action on essential fish habitat or, to the extent that the adverse effect cannot be avoided, the agency shall minimize and mitigate the adverse effect. In the case of habitat areas of particular concern, the agency shall further—

“(i) conduct or require monitoring for possible adverse effects, and, if adverse effects occur, undertake additional actions to minimize and mitigate any such adverse effects of the action on the habitat area of particular concern and species for which the habitat area of particular concern is identified for the duration of time over which adverse impacts are likely to occur; and

“(ii) evaluate the effectiveness of measures to avoid, minimize, and mitigate adverse impacts to the habitat area of particular concern and species for which the habitat area of particular concern is identified, and report the results of such evaluation to the Secretary on an annual basis.

“(B) CONSIDERATIONS.—In completing the requirements under subparagraph (A) for projects seeking to restore and improve the long-term resilience of habitat, particularly in estuarine environments heavily impacted by sea level rise and other climate change factors, each Federal agency shall, in consultation with the Secretary, take into account the consequences of

not pursuing such restoration and habitat resilience projects and the long-term positive impacts on fish populations of such activities.

“(C) REGULATIONS REGARDING CONSULTATION PROCESS.—Not later than 180 days after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022, the Secretary shall establish regulations for the consultation process, including procedures to ensure that recommendations made by the Secretary under subparagraph (A) would result in the avoidance of adverse effects on essential fish habitat and, if avoidance is not possible, the minimization and mitigation of any such adverse effects.

“(3) INPUT FROM APPROPRIATE COUNCILS.—With regard to a consultation required under paragraph (2), the Secretary shall provide the relevant Council or Councils with information regarding the proposed action and the potential adverse effects, and the Council or Councils may comment on and make recommendations to the Secretary and any Federal or State agency concerning—

“(A) the action if, in the view of the Council, such action may affect the habitat of a fishery resource under the authority of such Council; and

“(B) the action if, in the view of the Council, such action is likely to adversely affect the habitat of an anadromous fishery resource under the authority of such Council.

“(4) INFORMATION FROM OTHER SOURCES.—

“(A) RECEIPT OF INFORMATION.—

“(i) If the Secretary receives information from a Council or Federal or State agency, or determines from another source, or the consultation required in paragraph (2), that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken by any Federal agency would adversely affect an essential fish habitat identified under this chapter, the Secretary shall recommend to such agency measures that can be taken by such agency to avoid the adverse effects of the action on such habitat or, to the extent that adverse effects cannot be avoided, minimize and mitigate the adverse effects.

“(ii) Any recommendations made by the Secretary shall be made available to the public on the website of the National Marine Fisheries Service at the time the recommendations are made.

“(B) REQUIRED RESPONSE.—

“(i) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding the adverse effects, or to the extent the adverse effects cannot be avoided, minimizing and mitigating the adverse effects of the action on essential fish habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain how the alternative measures proposed will avoid the adverse effects of such action on essential fish habitat or, to the extent that adverse effects cannot be avoided, mitigate the adverse effects.

“(ii) Such responses shall be made available to the public on the website of the National Marine Fisheries Service at the time that the recommendations are received.

“(C) PUBLICATION.—The Secretary shall make available to the public—

“(i) any recommendation made under subparagraph (A); and

“(ii) any response made by an agency under subparagraph (B) on the date on which such response is received.

“(5) MONITORING FOR EFFECTIVENESS.—Each Federal agency shall monitor the effectiveness of measures that it takes to avoid, minimize, and mitigate adverse impacts to essential fish habitat.

“(6) ESSENTIAL FISH HABITAT.—In this subsection, the term ‘habitat areas of particular concern’ means specific types of areas that are part of or within essential fish habitat that—

“(A) provide an important ecological function, including for maintaining and restoring the biomass, demographic, spatial, or genetic characteristics of fish populations;

“(B) are sensitive to human-induced environmental degradation;

“(C) are or will be significantly stressed by human activities;

“(D) due to prevailing or anticipated future environmental conditions, are or may become important to the health of managed species; or

“(E) are rare.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out the requirements of this section.”.

SEC. 309. OCEAN AQUACULTURE RESEARCH AND POLICY PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a program to address opportunities, challenges, and innovation in non-fish, small-scale restorative ocean aquaculture development, siting, and operations in the coastal waters and exclusive economic zone through—

(1) investment in research and technical assistance to ensure adverse impacts to the marine environment can be fully understood, anticipated, accounted for, and avoided and impacts to wild-capture fisheries, marine wildlife, and habitat minimized during the species selection, design, development, siting, and operation of aquaculture facilities; and

(2) the development and application of best management practices to ensure the species selection, design, development, siting, and operation of restorative ocean aquaculture maximizes potential benefits while minimizing potential adverse impacts to the marine environment, marine wildlife, and wild-capture fisheries.

(b) USE OF EXISTING PROGRAMS.—The Administrator shall use grant and research programs available to the Administrator to support the design, development, siting, and operation of restorative ocean aquaculture using best management practices to maximize potential benefits and minimize potential adverse impacts to the marine environment.

(c) PRIORITIZATION IN OTHER PROGRAMS.—In carrying out other programs relating to aquaculture research and development, the Administrator shall prioritize restorative ocean aquaculture, including in carrying out—

(1) the Small Business Innovation Research Program of the National Oceanic and Atmospheric Administration;

(2) National Sea Grant College Program; and

(3) section 2 of the Act of August 11, 1939 (15 U.S.C. 713c-3).

(d) PRIORITIZATION WITHIN THE PROGRAM.—In carrying out the program established by this section, the Administrator shall prioritize support for research and technology development that includes—

(1) design analyses of restorative aquaculture systems to maximize ecosystem benefits while avoiding adverse impacts to the marine environment and wild-capture fisheries, marine wildlife, and habitat;

(2) spatial analyses to understand and evaluate where siting of restorative aquaculture can minimize adverse impacts to migratory birds, shorebirds, and waterbirds, marine birds and mammals, endangered species, and other aspects of the current and projected future marine ecosystem;

(3) design, spatial, and environmental analysis to understand and evaluate how siting and operations of land-based restorative aquaculture could impact surrounding communities and ecosystems;

(4) monitoring both the individual and cumulative environmental impacts of current and proposed small-scale aquaculture operations to inform potential impacts of large-scale operations and siting;

(5) offshore monitoring, remediation, and mitigation technology development; and

(6) understanding and preparing for impacts that climate change may have on design development, siting, and operations of restorative aquaculture facilities and the marine environment.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the National Academies shall submit to the Administrator and to Congress a report that reviews, compiles, and synthesizes existing technologies and assessments of restorative ocean aquaculture to further inform ongoing research and technical assistance funded under subsection (c).

(f) CONTENT.—The report required by subsection (e) shall include the following:

(1) A quantitative assessment of the capacity for sequestering and storing significant amounts of carbon from the atmosphere and ocean to mitigate the impacts of climate change.

(2) A comprehensive assessment of the blue carbon potential for an aquaculture project, including its potential environmental impacts and cumulative impacts on native marine species and marine habitat and the potential adverse wildlife interactions likely to result from the use of restorative aquaculture technologies in use or under development worldwide.

(3) A comprehensive assessment of the potential impacts, including cumulative impacts, to wild-capture fisheries, marine wildlife, and habitats and the

productivity thereof likely to result from the use of restorative aquaculture technologies in use or under development worldwide.

(4) An assessment of any known ecosystems services that have been derived from restorative ocean aquaculture and design, including siting and size parameters that maximize those benefits.

(5) A detailed discussion of the mitigation measures available currently to reduce any negative environmental or wild-capture fisheries, marine wildlife, or habitat impacts identified and their degree of efficacy, as well as the real-time facility monitoring options available.

(6) Recommendations of regionally relevant siting, installation, and operations standards necessary to ensure that restorative ocean aquaculture facilities are developed and operated in a manner which minimizes impacts to the marine environment and avoids and minimizes harmful interactions with marine wildlife and habitat or conflict with other existing ocean-user groups.

(7) Economic analysis identifying the potential benefits and impacts to commercial and recreational fishing and marine recreation industries resulting from restorative ocean aquaculture.

(8) Recommendations for further research and assessments that should be supported.

(9) A sustainability classification system to assess the various types of restorative aquaculture on a range of life cycle ecological and social benefits and provides a composite score with which to rank such types of restorative aquaculture.

(g) RESTORATIVE OCEAN AQUACULTURE DEFINED.—The term “restorative ocean aquaculture” means ocean and coastal propagation of seaweed or shellfish farming that generates positive ecological and social impact.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

TITLE IV—COASTAL BARRIER RESOURCE ACT AMENDMENTS

SEC. 401. UNDEVELOPED COASTAL BARRIER.

Section 3(1) of the Coastal Barrier Resources Act (16 U.S.C. 3502(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “means” and inserting “includes”;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting “bluff,” after “barrier spit.”; and

(B) in clause (ii), by inserting “and related lands” after “aquatic habitats”;

(3) in subparagraph (B), by inserting “, including areas that are and will be vulnerable to coastal hazards, such as flooding, storm surge, wind, erosion, and sea level rise” after “nearshore waters”; and

(4) in the matter following subparagraph (B), by striking “, and man’s activities on such features and within such habitats,”.

SEC. 402. COASTAL HAZARD PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Federal Emergency Management Agency, shall carry out a coastal hazard pilot project to propose definitions and criteria and produce draft digital maps of areas, including coastal mainland areas, which could be added to the John H. Chafee Coastal Barrier Resources System that are and will be vulnerable to coastal hazards, such as flooding, storm surge, wind, erosion and sea level rise, and areas not in such System to which barriers and associated habitats are likely to migrate or be lost as sea level rises.

(2) NUMBER OF UNITS.—The project carried out under this section shall consist of the creation of maps for at least 10 percent of the System and may also identify additional new System units.

(b) REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the pilot project and

the proposed definitions and criteria and costs of completing coastal hazard maps for the entire System.

(2) CONTENTS.—The report shall include a description of—

(A) the final recommended digital maps created under the coastal hazard pilot project;

(B) recommendations for the adoption of the digital maps created under this section by Congress;

(C) a summary of the comments received from the Governors of the States, other government officials, and the public regarding the definitions, criteria, and maps;

(D) a description of the criteria used for the project and any related recommendations; and

(E) the amount of funding necessary for completing coastal hazard maps for the entire System.

(c) CONSULTATION.—The Secretary shall prepare the report required under subsection (b)—

(1) in consultation with the Governors of the States in which any newly identified areas are located; and

(2) after—

(A) providing an opportunity for the submission of public comments; and

(B) considering any public comments submitted under subparagraph (A).

SEC. 403. REPORT ON EXPANDING COASTAL BARRIER RESOURCES ACT TO THE PACIFIC COAST, INCLUDING PACIFIC TERRITORIES AND FREELY ASSOCIATED STATES.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PACIFIC TERRITORIES AND FREELY ASSOCIATED STATES.—The term “Pacific Territories and Freely Associated States” means each of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

(2) UNDEVELOPED COASTAL BARRIER.—The term “undeveloped coastal barrier” has the meaning given the term in section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Interior shall prepare and submit a report to Congress on ways to integrate the Pacific Coast of the United States, including in the Pacific Territories and Freely Associated States into the John H. Chafee Coastal Barrier Resources System.

(c) CONSULTATION.—The Secretary shall prepare the report required under subsection (b)—

(1) in consultation with the Governors of the affected States, Pacific Territories, and Freely Associated States; and

(2) after providing an opportunity for the submission and consideration of public comments.

(d) CONTENTS.—The report required under subsection (b) shall—

(1) examine the potential for loss of human life and damage to fish, wildlife, and other natural resources, and the potential for the wasteful expenditure of Federal revenues along the Pacific Coast, giving particular attention to tsunami, flood, erosion, and storm damage, and sea level rise impacts;

(2) consider the biophysical processes needed to maintain habitat functions and coastal resiliency, accounting for climate and land-use change; and

(3) evaluate ways in which the definition of the term “undeveloped coastal barrier” under section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) could be expanded to more accurately address the geology and functions of coastal barriers in areas along the Pacific Coast, including in the Pacific Territories and Freely Associated States, including the ways in which coastal bluffs, rocky outcroppings, beaches, wetlands, estuaries, coral reefs, mangroves, and other landforms in such areas function as coastal barriers by absorbing storm impacts, protecting inland communities from sea level rise impacts, providing habitat, and being subject to erosion.

(e) PREPARATION AND SUBMISSION OF MAPS.—

(1) PREPARATION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall prepare maps identifying the boundaries of those undeveloped coastal barriers of the United States along the Pacific Coast, including in the Pacific Territories and Freely Associated States.

(2) SUBMISSION TO CONGRESS.—Not later than three years after the date of submission of the report under subsection (b), the Secretary shall submit to Congress maps identifying the boundaries of those undeveloped coastal barriers of the United States along the Pacific Coast, including the Pacific Territories and Freely Associated States, that the Secretary considers to be appropriate for inclusion in the John H. Chafee Coastal Barrier Resources System.

SEC. 404. REQUIRE DISCLOSURE TO PROSPECTIVE BUYERS THAT PROPERTY IS IN THE COASTAL BARRIER RESOURCES SYSTEM.

Section 5 of the Coastal Barrier Resources Act (16 U.S.C. 3504) is amended by adding at the end the following:

“(c) DISCLOSURE OF LIMITATIONS.—

“(1) REQUIREMENT.—No person shall sell any interest in real property located in the System unless the person has disclosed to the buyer that the property is in the System and subject to the limitations under this section.

“(2) NOTIFICATION TO LANDOWNERS.—

“(A) As soon as practicable, the Administrator shall provide written notice to any person with an interest in real property located within the System—

“(i) that such property is located with the System and that sale of any such interest in any such property is subject to the requirements of this subsection; and

“(ii) of any boundary modification affecting such person’s interest prior to, any boundary modifications taking affect, regardless of whether—

“(I) any such modification is made by Congress or any other administering agency;

“(II) is technical in nature; or

“(III) the modification is an addition or reduction of lands and waters.

“(B) There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.

“(3) NOTIFICATION TO THE SECRETARY.—Not later than 60 days after the date of sale of any interest in real property located in the System, the seller shall notify the Secretary using the online system required by paragraph (4) of such sale and shall certify to the Secretary that such seller complied with the requirements of paragraph (1).

“(4) ONLINE REPORTING SYSTEM.—Not later than one year after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022, the Secretary shall establish and maintain an online reporting system to facilitate notifications to the Secretary required by paragraph (3).

“(5) CIVIL PENALTY.—Any person who violates this subsection shall be subject to a civil penalty of not more than \$10,000.”

SEC. 405. IMPROVE FEDERAL AGENCY COMPLIANCE WITH COASTAL BARRIER RESOURCES ACT.

(a) IN GENERAL.—Section 7 of the Coastal Barrier Resources Act (16 U.S.C. 3506) is amended—

(1) in subsection (a)—

(A) by striking “the Coastal Barrier Improvement Act of 1990” and inserting “Ocean-Based Climate Solutions Act of 2022”; and

(B) by striking “promulgate regulations” and inserting “revise or promulgate regulations and guidance, as necessary,”; and

(2) by amending subsection (b) to read as follows:

“(b) REPORTS AND CERTIFICATION.—

“(1) REPORTS.—The head of each Federal agency affected by this Act shall annually report to the Secretary that such agency is in compliance with this Act.

“(2) CERTIFICATION.—The Secretary shall annually certify whether each such agency is in compliance with this Act.

“(3) FAILURE TO COMPLY.—If the Secretary certifies that an agency is not in compliance with this Act, the head of the agency shall report to Congress not later than 90 days after the date of such certification regarding how the agency will achieve compliance.”

(b) TECHNICAL CORRECTION.—Section 3(2) of the Coastal Barrier Resources Act (16 U.S.C. 3502(2)) is amended by striking “Committee on Resources” and inserting “Committee on Natural Resources”.

SEC. 406. EXCESS FEDERAL PROPERTY.

Section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e)) is amended by adding at the end the following new paragraph:

“(3) EXCESS FEDERAL PROPERTY.—Notwithstanding the provisions of section 3(1) and subsection (g) of this Act, the term ‘undeveloped coastal barrier’ means any coastal barrier regardless of the degree of development.”

SEC. 407. EMERGENCY EXCEPTIONS TO LIMITATIONS ON EXPENDITURES.

Section 6(a) of the Coastal Barrier Resources Act (16 U.S.C. 3505(a)) is amended—

(1) in paragraph (6), by striking subparagraph (E) and redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(2) by adding at the end the following new paragraph:

“(7) Emergency actions necessary to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5107a; 5170b; and 5192) and are limited to actions that are necessary to alleviate the immediate emergency.”.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is amended by striking “\$2,000,000” and all that follows through the end of the sentence and inserting “\$5,000,000 for each of fiscal years 2022 through 2026.”.

TITLE V—COASTAL ZONE MANAGEMENT ACT AMENDMENTS

SEC. 501. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL COASTAL ZONE OBJECTIVES.

(a) GRANTS AUTHORIZED.—The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

“SEC. 320. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL COASTAL ZONE OBJECTIVES.

“(a) GRANTS AUTHORIZED.—The Secretary may award competitive grants to Indian Tribes to further achievement of the objectives of such a Tribe for such Tribe’s Tribal coastal zone.

“(b) COST SHARE.—

“(1) IN GENERAL.—The Federal share of the cost of any activity carried out with a grant of \$200,000 or more under this section shall not exceed 95 percent of such cost, except as provided in paragraph (2).

“(2) WAIVER.—The Secretary may waive the application of paragraph (1) with respect to a grant to an Indian Tribe, or otherwise reduce the portion of the share of the cost of an activity required to be paid by an Indian Tribe under such paragraph.

“(c) COMPATIBILITY.—The Secretary may not award a grant under this section unless the Secretary determines that the activities to be carried out with the grant are compatible with this title.

“(d) AUTHORIZED OBJECTIVES AND PURPOSES.—Amounts awarded as a grant under this section shall be used for 1 or more of the objectives and purposes authorized under subsections (b) and (c), respectively, of section 306A.

“(e) FUNDING.—There is authorized to be appropriated to the Secretary \$5,000,000 to carry out this section for each of fiscal years 2022 through 2026, of which up to 5 percent may be retained by NOAA to administer this section.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) INDIAN LAND.—The term ‘Indian land’ has the meaning given such term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) and the Indian Tribe is within a coastal State, as that term is defined in section 304(4) (16 U.S.C. 1453(4)).

“(2) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) TRIBAL COASTAL ZONE.—The term ‘Tribal coastal zone’ means any Indian land that is within the coastal zone, as that term is defined in section 304(1) (16 U.S.C. 1453(1)).

“(4) TRIBAL COASTAL ZONE OBJECTIVE.—The term ‘Tribal coastal zone objective’ means, with respect to an Indian Tribe, any of the following objectives:

“(A) Protection, restoration, or preservation of areas in the Tribal coastal zone of such Tribe that hold—

“(i) important ecological, cultural, or sacred significance for such Tribe; or

“(ii) traditional, historic, and aesthetic values essential to such Tribe.

“(B) Preparing and implementing a special area management plan and technical planning for important coastal areas.

“(C) Any coastal or shoreline stabilization measure, including any mitigation measure, for the purpose of public safety, public access, or cultural or historical preservation.”.

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall issue guidance for the program established under the

amendment made by subsection (a), including the criteria for awarding grants under such program based on consultation with Indian Tribes.

(c) **USE OF STATE GRANTS TO FULFILL TRIBAL OBJECTIVES.**—Section 306A(c)(2) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended by striking “and” after the semicolon at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting “; and”, and by adding at the end the following:

“(F) fulfilling any Tribal coastal zone objective (as that term is defined in section 320).”.

(d) **OTHER PROGRAMS NOT AFFECTED.**—Nothing in this section and the amendments made by this section may be construed to affect the ability of an Indian Tribe to apply for, receive assistance under, or participate in any program authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) or other related Federal laws.

SEC. 502. ELIGIBILITY OF DISTRICT OF COLUMBIA FOR FEDERAL FUNDING.

Section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)) is amended by inserting “the District of Columbia,” after “the term also includes”.

SEC. 503. COASTAL AND ESTUARINE RESILIENCE AND RESTORATION PROGRAM.

Section 307A of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456–1) is amended—

(1) by striking the heading and inserting “COASTAL AND ESTUARINE RESILIENCE AND RESTORATION PROGRAM”;

(2) by amending subsection (a) to read as follows:

“(a) **IN GENERAL.**—The Secretary may conduct a Coastal and Estuarine Resilience and Restoration Program, in cooperation with State, regional, and other units of government and the National Estuarine Research Reserves, for the purposes of—

“(1) protecting important coastal and estuarine areas that—

“(A) have significant conservation, recreation, coastal access, ecological, historical, or aesthetic value;

“(B) are threatened by conversion from their natural, undeveloped, or recreational state to other uses; or

“(C) could be managed or restored to effectively conserve, enhance, or restore ecological function or mitigate climate change; or

“(2) restoring developed property in vulnerable coastal and estuarine areas to a natural state to restore ecological function, allow for shoreline migration, and protect coastal communities.”;

(3) in subsection (c)—

(A) by amending paragraph (7) to read as follows:

“(7) Priority shall be given to lands that—

“(A) can be effectively managed and protected and that have significant recreation, ecological, historical, cultural, aesthetic, or community protection value;

“(B) to the maximum extent practicable, benefit communities that may not have adequate resources to prepare for or respond to coastal hazards or to access the coastline, including low-income communities, communities of color, Tribal and Indigenous communities, and rural communities; and

“(C)(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state;

“(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment;

“(iii) are within or adjacent to a national estuarine research reserve designated under section 315, a national wildlife refuge, or a national estuary program, or are proposed for designation as such a reserve or other such protected area; or

“(iv) are under threat due to climate change or may serve to mitigate the adverse effects of climate change, including through the storage of blue carbon, and to facilitate inland migration of coastal ecosystems in response to sea level rise.”; and

(B) in paragraph (10), by striking “triennially” and inserting “every 5 years”;

(4) in subsection (f)—

(A) in paragraph (2)(B), by inserting “for any territory of the United States that is unable to provide such match,” after “community,”; and

(B) in paragraph (4)—

(i) in subparagraph (A)(i), by striking “meets the criteria set forth in section 2(b)” and inserting “the goals set forth in subsection (b)”;

- (ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);
- (iii) in subparagraph (B) (as so redesignated), by striking “described in (A)” and inserting “described in subparagraph (A)”;
- (iv) by inserting at the end the following new subparagraph:
 - “(C) The value of ecosystem services that the acquired land provides, including as a buffer for storm surge, habitat for economically valuable species, and as a blue carbon sink.”;
- (5) in subsection (g), by striking “15” and inserting “20”;
- (6) in subsection (h), by striking the second sentence; and
- (7) in subsection (l), by striking “fiscal years 2009 through 2013” and inserting “fiscal years 2022 through 2026”.

SEC. 504. COASTAL ZONE MANAGEMENT FUND.

Section 308 of Coastal Zone Management Act of 1972 (16 U.S.C. 1456a) is amended to read as follows:

“SEC. 308. COASTAL ZONE MANAGEMENT FUND.

“(a) ESTABLISHMENT.—There is established a fund, to be known as the ‘Coastal Zone Management Fund’, which shall consist of fees deposited into the Fund under section 307(i)(3) and any other funds appropriated to the Fund.

“(b) GRANTS FOR POST-DISASTER RECOVERY TO SEVERE COASTAL FLOOD EVENTS.—

“(1) IN GENERAL.—In response to a major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of flood and related damages in the coastal zone of a State, the Secretary may issue a grant to such State for a purpose described in paragraph (2).

“(2) ELIGIBLE USES.—A State may use funds provided under this subsection to—

“(A) improve resilience to future severe coastal flood hazards including activities and projects related to—

- “(i) publicly owned infrastructure;
- “(ii) residential and commercial structures;
- “(iii) natural infrastructure; or
- “(iv) waste disposal sites and industrial facilities;

“(B) assess damages after a major disaster described in paragraph (1);

“(C) plan, design, or engineer a project to—

- “(i) restore, expand, install, or relocate natural infrastructure;
- “(ii) remove damaged assets, restore sites to safe conditions, and select alternative sites; or

“(iii) facilitate the landward migration of coastal ecosystems; or

“(D) implement a project described by subparagraph (C).

“(c) GRANTS FOR SEVERE COASTAL FLOOD HAZARD PLANNING.—

“(1) IN GENERAL.—The Secretary, at the request of a Governor of a coastal State or Tribe, may use amounts in the Fund to issue a grant to a coastal State or Tribe for developing a plan for the timely response to a severe coastal flood hazard.

“(2) PROPOSAL.—To be considered for a grant under this section, a State or Tribe shall submit a grant proposal to the Secretary in a time, place, and manner determined by the Secretary. Such proposal shall—

“(A) describe the risks that severe coastal flood hazards pose in the State or Tribe and goals for reducing loss of life and property and sustaining coastal ecosystems in response to these risks;

“(B) include consideration of related plans including the Coastal Zone Management Plan of the State or Tribe, the Hazard Mitigation Plan of the State or Tribe, applicable State plans under the Community Development Block Program, National Estuarine Research Reserve Disaster Mitigation and Response plans, and the severe coastal flood hazard preparedness plans, if any, of neighboring States;

“(C) be developed in conjunction with local governments in the coastal zone of the State or Tribe and provided for public review and comment on the plan, including holding a public hearing and engaging disadvantaged communities; and

“(D) be substantially consistent with the guidance issued under subsection (e)(1)(C).

“(3) CRITERIA.—In determining the amount of a grant under this subsection, the Secretary shall consider the—

“(A) area and population of the coastal zone of the applicant State or Tribe;

“(B) the risks that severe coastal flood hazards pose to the State or Tribe; and

“(C) the reduction of severe coastal flood hazards expected as a result of the proposal.

“(4) LIMITATION ON AMOUNT OF FUNDS TO BE AWARDED.—Grants made pursuant to this subsection in any fiscal year shall not exceed 50 percent of the funds in the Fund as a result of appropriations pursuant to subsection (i)(1).

“(d) GRANTS FOR SEVERE COASTAL FLOOD HAZARD PLAN IMPLEMENTATION.—

“(1) IN GENERAL.—The Secretary, at the Secretary’s discretion or at the request of the Governor of a State or Tribe, may use amounts in the Fund to issue grants to a coastal State or Tribe or National Estuarine Research Reserve with a severe coastal flood hazard preparedness plan approved under subsection (c) to implement the approved plan.

“(2) ELIGIBLE ACTIVITIES.—Activities eligible for funding under this subsection include—

“(A) conducting a public awareness campaign to inform the public and decisionmakers about severe coastal flood hazards;

“(B) developing, enacting, and administering a State or Tribe or local law prohibiting new and significantly expanded development in areas at risk of severe coastal flood hazards;

“(C) developing, enacting, and administering a State or Tribal requirement for disclosure of severe coastal flood hazards, including sea level rise, to buyers of real estate;

“(D) making grants to local governments, or regional consortiums of local governments, to implement the State or Tribe’s plan, including development of local or regional plans and site-specific plans or projects; and

“(E) planning, designing, and implementing projects to—

“(i) protect existing public infrastructure and residential and commercial properties, including built structures, natural infrastructure, and living shorelines;

“(ii) relocate infrastructure or structures at risk of damage by severe coastal flood hazards, restore such sites to safe conditions, and select alternative sites;

“(iii) remove structures damaged by severe coastal flood hazards and restore such site to safe conditions;

“(iv) protect waste disposal facilities in areas at risk of severe coastal flood hazards or relocate such facilities to alternative sites; and

“(v) facilitate the landward migration of coastal ecosystems.

“(3) CRITERIA.—Grants made pursuant to this subsection shall be in response to an annual request for proposals. In determining the amount of a grant, the Secretary shall consider—

“(A) the area and population of the coastal zone of the State or Tribe;

“(B) the risks that severe coastal flood hazards pose in the State or Tribe’s lands and the reduction of coastal flood hazards expected as a result of the proposal;

“(C) demonstration of innovative approaches to preparing for severe coastal flood hazards; and

“(D) benefits to disadvantaged communities identified in a plan approved under this subsection.

“(e) TECHNICAL SUPPORT TO STATES OR TRIBES.—

“(1) The Secretary shall take such actions as the Secretary determines necessary to support States and Tribes in carrying out this section, including at a minimum the following:

“(A) Periodic assessment of storm flood risk and relative sea level and lake level changes along the United States coastline, including estimates of changes in storm intensity and relative sea or lake levels by 2040, 2060, 2080, and 2100.

“(B) Operation of an online mapping tool to describe areas at risk of temporary flooding from future coastal storms and permanent inundation as a result of sea or long-term lake level changes.

“(C) Publication, not later than one year after the date of the enactment of this section and periodically thereafter, of guidance for the development of State or Tribal plans developed pursuant to subsection (d).

“(D) Establishment, not later than one year after the date of the enactment of this section, of minimum criteria for disclosure of severe coastal flood hazards, including sea level rise, to buyers of real estate in the coastal zone.

“(E) Creation, not later than one year after the date of the enactment of this section, and periodic updating, of an online dashboard describing the

key features of State, Tribe, or local government requirements for disclosure of severe coastal flood hazards to buyers of real estate.

“(F) Establishment, not later than one year after the date of the enactment of this section, after consultation with the Secretary of the Environmental Protection Agency, of standards for restoration to safe conditions of sites from which infrastructure or other structures have been relocated.

“(2) The guidance developed by the Secretary pursuant to paragraph (1)(C) shall, at a minimum—

“(A) provide information States and Tribes need to establish State-specific estimates of severe coastal flood hazards, including more severe storms and relative sea and lake levels, and planning targets for such hazards for the years 2040, 2060, 2080, and 2100;

“(B) describe approaches the State and Tribe should consider to prohibit new or expanded development in areas at risk of severe coastal flood hazards;

“(C) outline considerations for State and Tribal grants to support local governments in the coastal zone, or consortiums of such governments acting on a regional basis, in developing or implementing parts of a plan pursuant to subsection (d);

“(D) describe methods for evaluation of response options including construction of structures to protect assets and relocation to alternative sites, including cost comparison in the context of available resources, and related considerations;

“(E) review options for establishing priorities for removal of damaged or abandoned structures and restoration of sites to safe conditions;

“(F) describe social justice policies and practices the State or Tribe should consider adopting in carrying out the activities under this section, including criteria for identifying disadvantaged communities within the coastal zone of the State or Tribe and the policies and practices the State or Tribe should consider adopting to assure that interests of such communities are addressed in State or Tribal plans developed pursuant to this section;

“(G) identify areas in coastal communities, or other locations in the State or Tribe’s land, that have minimal severe coastal flood hazards, that are appropriate for relocation of people and property, and can sustain the identity and cultural heritage of relocated communities;

“(H) provide information and practices for identifying coastal areas that are important to the successful landward migration of ecosystems in response to severe coastal flood hazards and measures for protecting these migration pathways;

“(I) identify tools to identify waste disposal sites and related sites that pose a risk of water pollution as a result of severe coastal flood hazards and describe practices the State or Tribe should consider to protect or relocate such facilities or sites; and

“(J) describe opportunities to improve public access to the shoreline as a result of improved preparedness for severe coastal flood hazards.

“(f) ADMINISTRATION.—The Secretary may use amounts in the Fund for expenses incident to the administration of this section, in an amount not to exceed \$250,000 or 3 percent of the amount in the Fund, whichever is less, for each fiscal year.

“(g) REPORT TO CONGRESS.—The Secretary shall, not later than three years after the date of the enactment of this section and every 3 years thereafter, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the development of plans and projects under this section, changes in severe coastal flood hazards, including changes to risks to disadvantaged communities, and making recommendations to better respond to these challenges.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) SEVERE COASTAL FLOOD HAZARDS.—The term ‘severe coastal flood hazards’ means—

“(A) temporary flooding resulting from coastal storms and storm surge, tsunamis, and changing lake levels; and

“(B) permanent inundation from rising sea levels and land subsidence, including landward migration of shorelines impacting residential and commercial property, infrastructure, and ecosystems.

“(2) NATURAL INFRASTRUCTURE.—The term ‘natural infrastructure’ means coastal wetlands, beaches, dunes, marshes, mangrove forests, oyster beds, submerged aquatic vegetation, coral reefs, municipal green infrastructure, and living shorelines.

“(3) PUBLICLY OWNED INFRASTRUCTURE.—The term ‘publicly owned infrastructure’ means buildings, structures, and facilities and appurtenances of drinking

water, sewage treatment, natural gas, or electric power utilities owned by a municipal, county, or State government or a combination of such governments.

“(4) WASTE DISPOSAL SITE.—The term ‘waste disposal site’ means a publicly or privately owned solid waste landfill or disposal site, a hazardous waste landfill or disposal site, a site included on the National Priorities List developed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), and a site used for the disposal of coal combustion residuals from a coal fired plant that has been identified in a plan approved under subsection (d).

“(5) DISADVANTAGED COMMUNITIES.—The term ‘disadvantaged communities’ means areas of the coastal State identified in a plan approved under subsection (d) which disproportionately suffer from a combination of economic, health, and environmental burdens including poverty, high unemployment, air and water pollution, presence of hazardous wastes as well as high incidence of asthma and heart disease.

“(6) LIVING SHORELINE.—The term ‘living shoreline’ means a protected, stabilized coastal edge made of natural materials such as plants designed to provide wildlife habitat, as well as natural resilience to shorelines.

“(7) MUNICIPAL GREEN INFRASTRUCTURE.—The term ‘municipal green infrastructure’ has the meaning given the term ‘green infrastructure’ in paragraph (27) of section 1362 of title 33, United States Code.

“(8) SAFE CONDITIONS.—The term ‘safe conditions’ refers to standards for restoration of sites from which infrastructure or structures are relocated established by the Secretary pursuant to subsection (f)(1)(F) are protective of human health and the environment.

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated into the Fund for use by the Secretary \$100,000,000 for each of fiscal years 2022 through 2026, which shall remain available until expended without fiscal year limitation.

“(2) DISASTER RELIEF.—There is authorized to be appropriated into the Fund for use by the Secretary to respond to a major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) such sums as may be necessary. Funds appropriated pursuant to this paragraph may only be used to make grants to the State or States in which the major disaster occurred and shall remain available until expended without fiscal year limitation.”.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464) is amended to read as follows:

“(a) SUMS APPROPRIATED TO THE SECRETARY.—There are authorized to be appropriated to the Secretary, to remain available until expended—

“(1) for grants under sections 306, 306A, and 309, \$95,000,000 for each of fiscal years 2022 through 2026; and

“(2) for grants under section 315, \$37,000,000 for each of fiscal years 2022 through 2026.”.

SEC. 506. AMENDMENTS TO NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM PROGRAM.

(a) DESIGNATION OF ADDITIONAL RESERVES.—Not later than five years after the date of the enactment of this Act, the Administrator shall designate not less than 5 new national estuarine reserves under section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461) that ensure the National Estuarine Research Reserve System includes areas in—

(1) full representation of biogeographic regions, States, and Territories; and

(2) each coastal State or Territory (as that term is defined in that Act).

(b) GUIDELINES FOR TRACKING AND MODELING THE IMPACTS OF CLIMATE CHANGE.—Section 315(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461(c)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6); and

(2) by inserting after paragraph (2) the following:

“(3) the establishment of coordinated long-term data monitoring and methods throughout the System for tracking and modeling the impacts of climate change on estuarine systems, including impacts on lake levels and sea levels;”.

(c) LAND ACQUISITION AND CONSTRUCTION.—Section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461) is amended by striking subsection (g) and adding at the end the following:

“(g) LAND ACQUISITION AND CONSTRUCTION.—The Secretary may use funds authorized under section 318 for land acquisition and the construction and renovations of facilities required to meet delivery of System programs and services, or to meet

changing needs of program under this title. Such construction shall incorporate green design principles, materials, energy efficiency, and adaptive reuse strategies, and the development of innovative coastal technology and management strategies that enhance resilience of System facilities and lands.

“(h) REQUIREMENTS FOR USE OF FUNDS.—In using funds under subsection (g), the Secretary shall—

“(1) provide science-based information and technical assistance to coastal stakeholders and decisionmakers;

“(2) leverage the capabilities of nationwide protected area networks to address challenging coastal management issues such as climate change and vulnerability of coastal ecosystems and communities to coastal hazards;

“(3) serve as living laboratories and preferred places for National Oceanic and Atmospheric Administration research and fellowships on coastal and estuarine systems;

“(4) serve as critical sentinel sites for detecting environmental change and developing and demonstrating adaptation and mitigation strategies;

“(5) identify priority places for land acquisition, especially those lands required to enhance resilience to environmental change; and

“(6) engage coastal communities, stakeholders, and the public in education programs to increase scientific literacy of coastal environments, and to develop and train capable environmental stewards.

“(i) SYSTEMWIDE ELEMENTS OF THE NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.—The Secretary shall coordinate systemwide programs and activities in the System including—

“(1) the centralized management and dissemination of data from System observation and monitoring networks;

“(2) a competitive grant program employing the collaborative research model on coastal research and management priorities to be conducted at research reserve sites focused on the priorities determined by the Secretary; and

“(3) the Margaret A. Davidson Graduate Research Fellowship Program to address key coastal management questions and the coastal research and management priorities of the Reserve System and its place-based sites to help scientists and communities understand the coastal challenges that may influence future policy and management strategies.

“(j) PLACE-BASED PROGRAM ELEMENTS OF THE NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.—Each National Estuarine Research Reserve shall establish and maintain place-based program elements that include—

“(1) a research, monitoring, and observation network that detects environmental change and informs suitable adaptation and mitigation strategies where appropriate, and that supports systemwide activities stated in subsection (e);

“(2) education, outreach, and interpretive programs that communicate the value and changing dynamics of coastal systems and inspire behavior change for the next generation of estuarine stewards;

“(3) stewardship programs that provide science-based tools, habitat management, and restoration and that provide resources and information to inform coastal management;

“(4) coastal training programs that provide technical assistance to coastal communities, resource managers, and coastal decisionmakers; and

“(5) the lands and facilities that support such accessible research, monitoring, stewardship, education, and coastal training activities.

“(k) DEFINITIONS.—In this section, the following definitions apply:

“(1) COLLABORATIVE RESEARCH.—The term ‘collaborative research’ means the engagement of local decisionmakers and stakeholders directly in the research process so that their knowledge and needs will inform research questions, data analysis, and use of the products generated by the research.

“(2) SENTINEL SITE.—The term ‘sentinel site’ means a site with long-term research and monitoring capability to detect, document, and respond to emerging environmental changes that impact natural and human systems.”.

SEC. 507. WORKING WATERFRONTS GRANT PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

“SEC. 321. WORKING WATERFRONTS GRANT PROGRAM.

“(a) WORKING WATERFRONTS TASK FORCE.—

“(1) ESTABLISHMENT AND FUNCTIONS.—The Secretary shall establish a task force to work directly with coastal States, user groups, and coastal stakeholders to identify and address critical needs with respect to working waterfronts.

“(2) MEMBERSHIP.—The members of the task force shall be appointed by the Secretary, and shall include—

“(A) experts in the unique economic, social, cultural, ecological, geographic, and resource concerns of working waterfronts; and

“(B) representatives from the National Oceanic and Atmospheric Administration’s Office of Coastal Management, the United States Fish and Wildlife Service, the Department of Agriculture, the Environmental Protection Agency, the United States Geological Survey, the Navy, the National Marine Fisheries Service, the Economic Development Administration, and such other Federal agencies as the Secretary considers appropriate.

“(3) FUNCTIONS.—The task force shall—

“(A) identify and prioritize critical needs with respect to working waterfronts in States that have a management program approved by the Secretary pursuant to section 306, in the areas of—

“(i) economic and cultural importance of working waterfronts to communities;

“(ii) changing environments and threats working waterfronts face from environmental changes, trade barriers, sea level rise, extreme weather events, ocean acidification, and harmful algal blooms; and

“(iii) identifying working waterfronts and highlighting them within communities;

“(B) outline options, in coordination with coastal States and local stakeholders, to address such critical needs, including adaptation and mitigation where applicable;

“(C) identify Federal agencies that are responsible for addressing such critical needs; and

“(D) recommend Federal agencies best suited to address any critical needs for which no agency is responsible under existing law.

“(4) INFORMATION TO BE CONSIDERED.—In identifying and prioritizing policy gaps pursuant to paragraph (3), the task force shall consider the findings and recommendations contained in section VI of the report entitled ‘The Sustainable Working Waterfronts Toolkit: Final Report’, dated March 2013.

“(5) REPORT.—Not later than 18 months after the date of the enactment of this section, the task force shall submit a report to Congress on its findings.

“(6) IMPLEMENTATION.—The head of each Federal agency identified in the report pursuant to paragraph (3)(C) shall take such action as is necessary to implement the recommendations contained in the report by not later than one year after the date of issuance of the report.

“(b) WORKING WATERFRONTS GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish a Working Waterfront Grant Program, in cooperation with appropriate State, regional, and other units of government, under which the Secretary may make a grant to any coastal State for the purpose of implementing a working waterfronts plan approved by the Secretary under subsection (c).

“(2) GRANTS.—The Secretary shall award matching grants under the Working Waterfronts Grant Program to coastal States with approved working waterfronts plans through a regionally equitable, competitive funding process in accordance with the following:

“(A) The Governor, or an agency designated by the Governor for coordinating the implementation of this section, in consultation with any appropriate local government, shall determine that the application is consistent with the State’s or territory’s approved coastal zone plan, program, and policies prior to submission to the Secretary.

“(B) In developing guidelines under this section, the Secretary shall consult with coastal States, other Federal agencies, and other interested stakeholders with expertise in working waterfronts planning.

“(C) Coastal States may allocate grants to local governments, agencies, or nongovernmental organizations eligible for assistance under this section.

“(3) CONSIDERATIONS.—In awarding a grant to a coastal State, the Secretary shall consider—

“(A) the economic, cultural, and historical significance of working waterfronts to the coastal State;

“(B) the demonstrated working waterfronts needs of the coastal State as outlined by a working waterfronts plan approved for the coastal State under subsection (c), and the value of the proposed project for the implementation of such plan;

“(C) the ability to leverage funds among participating entities, including Federal agencies, regional organizations, State and other government units, landowners, corporations, or private organizations;

“(D) the potential for rapid turnover in the ownership of working waterfronts in the coastal State, and where applicable the need for coastal States

to respond quickly when properties in existing or potential working waterfronts areas or public access areas as identified in the working waterfronts plan submitted by the coastal State come under threat or become available; and

“(E) the impact of the working waterfronts plan approved for the coastal State under subsection (c) on the coastal ecosystem and the users of the coastal ecosystem.

“(4) TIMELINE FOR APPROVAL.—The Secretary shall approve or reject an application for such a grant not later than 60 days after receiving an application for the grant.

“(c) WORKING WATERFRONTS PLANS.—

“(1) DEVELOPMENT AND SUBMISSION OF PLAN.—To be eligible for a grant under subsection (b), a coastal State shall submit to the Secretary a comprehensive working waterfronts plan in accordance with this subsection, or be in the process of developing such a plan and have an established working waterfronts program at the State or local level.

“(2) PLAN REQUIREMENTS.—Such plan—

“(A) shall provide for preservation and expansion of access to coastal waters to persons engaged in commercial fishing, marine recreational and tourism businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business;

“(B) shall include—

“(i) an assessment of the economic, social, cultural, and historic value of working waterfronts to the coastal State;

“(ii) a description of relevant State and local laws and regulations affecting working waterfronts in the geographic areas identified in the working waterfronts plan;

“(iii) identification of geographic areas where working waterfronts are currently under threat of conversion to uses incompatible with commercial and recreational fishing, recreational fishing and boating businesses, other marine recreational and tourism businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business, and the level of that threat;

“(iv) identification of geographic areas with a historic connection to working waterfronts where working waterfronts are not currently available, and, where appropriate, an assessment of the environmental impacts of any expansion or new development of working waterfronts on the coastal ecosystem;

“(v) identification of other working waterfronts needs including improvements to existing working waterfronts and working waterfronts areas;

“(vi) a strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the coastal State;

“(vii) for areas identified under clauses (iii), (iv), (v), and (vi), identification of current availability and potential for expansion of public access to coastal waters;

“(viii) a description of the degree of community support for such strategic plan; and

“(ix) a contingency plan for properties that revert to the coastal State pursuant to determinations made by the coastal State under subsection (g)(4)(C);

“(C) may include detailed descriptions of environmental impacts on working waterfronts, including hazards, sea level rise, inundation exposure, and other resiliency issues;

“(D) may be part of the management program approved under section 306;

“(E) shall utilize to the maximum extent practicable existing information contained in relevant surveys, plans, or other strategies to fulfill the information requirements under this paragraph; and

“(F) shall incorporate the policies and regulations adopted by communities under local working waterfronts plans or strategies in existence before the date of the enactment of this section.

“(3) A working waterfront plan—

“(A) shall be effective for purposes of this section for the 5-year period beginning on the date it is approved by the Secretary;

“(B) must be updated and re-approved by the Secretary before the end of such period; and

“(C) shall be complimentary to and incorporate the policies and objectives of regional or local working waterfronts plan as in effect before the date of the enactment of this section or as subsequently revised.

“(4) The Secretary may—

“(A) award planning grants to coastal States for the purpose of developing or revising comprehensive working waterfronts plan;

“(B) award grants consistent with the purposes of this section to States undertaking the working waterfronts planning process under this section, for the purpose of preserving and protecting working waterfronts during such process; and

“(C) determine that a preexisting coastal land use plan for that State is in accordance with the requirements of this subsection.

“(5) Any coastal State applying for a working waterfronts grant under this title shall—

“(A) develop a working waterfronts plan, using a process that involves the public and those with an interest in the coastal zone;

“(B) coordinate development and implementation of such a plan with other coastal management programs, regulations, and activities of the coastal State; and

“(C) if the coastal State allows qualified holders (other than the coastal State) to enter into working waterfronts covenants, provide as part of the working waterfronts plan under this subsection a procedure to ensure that the qualified holders are fulfilling such qualified holder’s obligations under the working waterfronts covenant.

“(d) USES, TERMS, AND CONDITIONS.—A grant under this section may be used—

“(1) to acquire a working waterfronts, or an interest in a working waterfront;

“(2) to make improvements to a working waterfronts, including the construction or repair of wharfs, boat ramps, or related facilities; or

“(3) for necessary climate change adaptation or mitigation.

“(e) PUBLIC ACCESS REQUIREMENT.—A working waterfronts project funded by grants made under this section must provide for expansion, improvement, or preservation of reasonable and appropriate public access to coastal waters at or in the vicinity of a working waterfront, except for commercial fishing or other industrial access points where the coastal State determines that public access would be unsafe.

“(f) LIMITATIONS.—

“(1) Except as provided in paragraph (2), a grant awarded under this section may be used to purchase working waterfronts or an interest in working waterfronts, including an easement, only from a willing seller and at fair market value.

“(2) A grant awarded under this section may be used to acquire working waterfronts or an interest in working waterfronts at less than fair market value only if the owner certifies to the Secretary that the sale is being entered into willingly and without coercion.

“(3) No Federal, State, or local entity may exercise the power of eminent domain to secure title to any property or facilities in connection with a project carried out under this section.

“(g) ALLOCATION OF GRANTS TO LOCAL GOVERNMENTS AND OTHER ENTITIES.—

“(1) DESIGNATION OF QUALIFIED HOLDER.—Subject to the approval of the Secretary, a coastal State may, as part of an approved working waterfront plan, designate as a qualified holder any unit of State or local government or nongovernmental organization, if the coastal State is ultimately responsible for ensuring that the property will be managed in a manner that is consistent with the purposes for which the land entered into the program.

“(2) ALLOCATION.—A coastal State or a qualified holder designated by a coastal State may allocate to a unit of local government, nongovernmental organization, fishing cooperative, or other entity, a portion of any grant made under this section for the purpose of carrying out this section, except that such an allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the coastal State’s approved working waterfronts plan.

“(3) EXCEPTIONS.—A qualified holder may hold title to or interest in property acquired under this section, except that—

“(A) all persons holding title to or interest in working waterfronts affected by a grant under this section shall enter into a working waterfronts covenant;

“(B) such covenant shall be held by the coastal State or a qualified holder designated under paragraph (1);

“(C) if the coastal State determines, on the record after an opportunity for a hearing, that the working waterfronts covenant has been violated—

“(i) all right, title, and interest in and to the working waterfronts covered by such covenant shall, except as provided in subparagraph (D), revert to the coastal State; and

“(ii) the coastal State shall have the right of immediate entry onto the working waterfronts; and

“(D) if a coastal State makes a determination under subparagraph (C), the coastal State may convey or authorize the qualified holder to convey the working waterfront or interest in working waterfronts to another qualified holder.

“(h) MATCHING CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require that each coastal State that receives a grant under this section, or a qualified holder designated by that coastal State under subsection (g), shall provide matching funds in an amount equal to at least 25 percent of the total cost of the project carried out with the grant. As a condition of receipt of a grant under this section, the Secretary shall require that a coastal State provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

“(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any qualified holder that is an underserved community, a community that has an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary considers appropriate.

“(3) IN-KIND CONTRIBUTIONS.—A local community designated as a qualified holder under subsection (g) may use funds or other in-kind contributions donated by a nongovernmental partner to satisfy the matching funds requirement under this subsection.

“(4) FUNDING FROM OTHER FEDERAL SOURCE.—If financial assistance under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project.

“(5) VALUE OF A WORKING WATERFRONT.—The Secretary shall treat as non-Federal match the value of a working waterfront or interest in a working waterfront, including conservation and other easements, that is held in perpetuity by a qualified holder, if the working waterfront or interest is identified in the application for the grant and acquired by the qualified holder not later than three years of the grant award date, or not later than three years after the submission of the application and before the end of the grant award period. Such value shall be determined by an appraisal performed at such time before the award of the grant as the Secretary considers appropriate.

“(6) OTHER CONSIDERATIONS.—The Secretary shall treat as non-Federal match the costs associated with acquisition of a working waterfront or an interest in a working waterfront, and the costs of restoration, enhancement, or other improvement to a working waterfront, if the activities are identified in the project application and the costs are incurred within the period of the grant award, or, for working waterfront described in paragraph (6), within the same time limits described in that paragraph. Such costs may include either cash or in-kind contributions.

“(i) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section may be used by the Secretary for planning or administration of the program under this section.

“(j) OTHER TECHNICAL AND FINANCIAL ASSISTANCE.—

“(1) Up to 5 percent of the funds appropriated under this section shall be used by the Secretary for purposes of providing technical assistance as described in this subsection.

“(2) The Secretary shall—

“(A) provide technical assistance to coastal States and local governments in identifying and obtaining other sources of available Federal technical and financial assistance for the development and revision of a working waterfronts plan and the implementation of an approved working waterfronts plan;

“(B) provide technical assistance to States and local governments for the development, implementation, and revision of comprehensive working waterfronts plans, which may include, subject to the availability of appropriations, planning grants and assistance, pilot projects, feasibility studies, research, and other projects necessary to further the purposes of this section;

“(C) assist States in developing other tools to protect working waterfronts;

“(D) collect and disseminate to States guidance for best stormwater management practices in regards to working waterfronts;

“(E) provide technical assistance to States and local governments on integrating resilience planning into working waterfronts preservation efforts; and

“(F) collect and disseminate best practices on working waterfronts and resilience planning.

“(k) REPORTS.—

“(1) The Secretary shall—

“(A) develop performance measures to evaluate and report on the effectiveness of the program under this section in accomplishing the purpose of this section; and

“(B) submit to Congress a biennial report that includes such evaluations, an account of all expenditures, and descriptions of all projects carried out using grants awarded under this section.

“(2) The Secretary may submit the biennial report under paragraph (1)(B) by including it in the biennial report required under section 316.

“(l) DEFINITIONS.—In this section, the following definitions apply:

“(1) QUALIFIED HOLDER.—The term ‘qualified holder’ means a coastal State or a unit of local or coastal State government or a non-State organization designated by a coastal State under subsection (g).

“(2) WORKING WATERFRONT.—The term ‘working waterfront’ means real property (including support structures over water and other facilities) that provides access to coastal waters to persons engaged in commercial and recreational fishing, recreational fishing and boating businesses, other marine recreational and tourism businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business and is used for, or that supports, commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, other marine recreational and tourism businesses, aquaculture, or other water-dependent, coastal-related business.

“(3) WORKING WATERFRONT COVENANT.—The term ‘working waterfront covenant’ means an agreement in recordable form between the owner of working waterfront and one or more qualified holders, that provides such assurances as the Secretary may require that—

“(A) the title to or interest in the working waterfront will be held by a grant recipient or qualified holder in perpetuity, except as provided in subparagraph (C);

“(B) the working waterfront will be managed in a manner that is consistent with the purposes for which the property is acquired pursuant to this section, and the property will not be converted to any use that is inconsistent with the purpose of this section;

“(C) if the title to or interest in the working waterfront is sold or otherwise exchanged—

“(i) all working waterfront owners and qualified holders involved in such sale or exchange shall accede to such agreement; and

“(ii) funds equal to the fair market value of the working waterfront or interest in working waterfront shall be paid to the Secretary by parties to the sale or exchange, and such funds shall, at the discretion of the Secretary, be paid to the coastal State in which the working waterfront is located for use in the implementation of the working waterfront plan of the State approved by the Secretary under this section; and

“(D) such covenant is subject to enforcement and oversight by the coastal State or by another person as determined appropriate by the Secretary.

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$12,000,000 for each of fiscal years 2022 through 2026 to carry out this section.”.

TITLE VI—INSULAR AFFAIRS

SEC. 601. DEFINITIONS.

In this title, the following definitions apply:

(1) FREELY ASSOCIATED STATES.—The term “Freely Associated States” means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) TERRITORY.—The term “Territory” means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the Virgin Islands of the United States.

(3) **INSULAR AREAS.**—The term “Insular Areas” means the Territories and the Freely Associated States.

SEC. 602. INSULAR AREA CLIMATE CHANGE INTERAGENCY TASK FORCE.

(a) **ESTABLISHMENT OF TASK FORCE.**—Not later than 90 days after the date of the enactment of this Act, the following shall jointly establish the “Insular Area Climate Change Interagency Task Force” (hereafter in this section referred to as the “Task Force”):

- (1) The Secretary of the Interior.
- (2) The Secretary of Energy.
- (3) The Secretary of State.
- (4) The Secretary of Housing and Urban Development.
- (5) The Secretary of Agriculture.
- (6) The Secretary of Commerce.
- (7) The Secretary of the Federal Emergency Management Agency.
- (8) The Secretary of the Environmental Protection Agency.

(b) **CHAIRPERSON.**—The Task Force shall be chaired by the Administrator of the Federal Emergency Management Agency.

(c) **DUTIES.**—The Task Force shall—

(1) evaluate all Federal programs regarding ways to provide greater access to Federal programs and equitable baseline funding in relation to States, to territories for climate change planning, mitigation, adaptation, and resilience;

(2) identify statutory barriers to providing territories greater access to Federal programs and equitable baseline funding; and

(3) in consultation with local governments and nongovernmental organizations, provide recommendations related to climate change in Insular Areas.

(d) **COMPREHENSIVE REPORT.**—Not later than one year after the establishment of the Task Force, the Task Force, in consultation with Insular Areas governments, shall issue a comprehensive report that—

(1) identifies Federal programs that have an impact on climate change planning, mitigation, adaptation, and resilience, but exclude territories in regard to eligibility, funding, and assistance, or do not provide equitable baseline funding in relation to States; and

(2) provides advice and recommendations related to climate change in Insular Areas, such as new suggested Federal programs or initiatives.

(e) **PUBLICATION; PUBLIC AVAILABILITY.**—The Administrator of the Federal Emergency Management Agency shall ensure that the report required under subsection (d) is—

(1) submitted to the Committees on Energy and Commerce and Natural Resources of the House of Representatives, and Energy and Natural Resources of the Senate;

(2) published in the Federal Register for public comment for a period of at least 60 days; and

(3) made available on a public website along with any comments received during the public comment period required under paragraph (2).

SEC. 603. RUNIT DOME REPORT AND MONITORING ACTIVITIES.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit to the Committees on Natural Resources and Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate, a report, prepared by independent experts not employed by the United States Government, on the impacts of climate change on the “Runit Dome” nuclear waste disposal site in Enewetak Atoll, Marshall Islands, and on other environmental hazards in the vicinity thereof. The report shall include the following:

(1) A detailed scientific analysis of any threats to the environment, and to the health and safety of Enewetak Atoll residents, posed by each of the following:

(A) The “Runit Dome” nuclear waste disposal site.

(B) Crypts used to contain nuclear waste and other toxins on Enewetak Atoll.

(C) Radionuclides and other toxins present in the lagoon of Enewetak Atoll, including areas in the lagoon where nuclear waste was dumped.

(D) Radionuclides and other toxins, including beryllium, which may be present on the islands of Enewetak Atoll as a result of nuclear tests and other activities of the United States government, including tests of chemical and biological warfare agents, rocket tests, contaminated aircraft landing on Enewetak Island, and nuclear cleanup activities.

(E) Radionuclides and other toxins that may be present in the drinking water on Enewetak Island or in the water source for the desalination plant.

(F) Radionuclides and other toxins that may be present in the ground water under and in the vicinity of the nuclear waste disposal facility on Runit Island.

(2) A detailed scientific analysis of the extent to which rising sea levels, severe weather events, and other effects of climate change might exacerbate any of the threats identified above.

(3) A detailed plan, including costs, to relocate all of the nuclear waste and other toxic waste contained in—

(A) the “Runit Dome” nuclear waste disposal site;

(B) all of the crypts on Enewetak Atoll containing such waste; and

(C) the three dumping areas in Enewetak’s lagoon to a safe, secure facility to be constructed in an uninhabited, unincorporated territory of the United States.

(b) MARSHALLESE PARTICIPATION.—The Secretary of the Interior shall allow scientists or other experts selected by the Republic of the Marshall Islands to participate in all aspects of the preparation of the report required by subsection (a), including, without limitation, developing the work plan, identifying questions, conducting research, and collecting and interpreting data.

(c) PUBLICATION.—The report required in subsection (a) shall be published in the Federal Register for public comment for a period of not fewer than 60 days.

(d) PUBLIC AVAILABILITY.—The Secretary of the Interior shall publish the study required under subsection (a) and results submitted under subsection (b) on a public website.

(e) AUTHORIZATION OF APPROPRIATION FOR REPORT.—There is authorized to be appropriated for the Office of Insular Affairs of the Department of the Interior for fiscal year 2022 such sums as may be necessary to produce the report required in subsection (a).

(f) INDEFINITE AUTHORIZATION OF APPROPRIATION FOR RUNIT DOME MONITORING ACTIVITIES.—There is authorized to be appropriated to the Department of Energy such sums as may be necessary to comply with the requirements of section 103(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)(B)).

SEC. 604. COASTAL MANAGEMENT TECHNICAL ASSISTANCE AND REPORT.

(a) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator, acting through the Director of the Office for Coastal Management, shall provide technical assistance to Insular Areas to enhance coastal management and climate change programs of the Insular Areas.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.

(b) ANNUAL REPORT.—The Administrator, acting through the Director of the Office for Coastal Management, shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate every 5 years on the status of the following in Insular Areas:

(1) Wetland, mangrove, and estuary conditions.

(2) Climate change impacts, including ecological, economic, and cultural impacts.

SEC. 605. CLIMATE CHANGE INSULAR RESEARCH GRANT PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a Climate Change Insular Research Grant Program to provide grants to institutions of higher education in Insular Areas for monitoring, collecting, synthesizing, analyzing, and publishing local climate change data.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

SEC. 606. NATIONAL WEATHER SERVICE TECHNICAL ASSISTANCE GRANTS.

(a) TECHNICAL ASSISTANCE AND OUTREACH.—

(1) IN GENERAL.—The Administrator, acting through the Director of the Office for Coastal Management, shall provide technical assistance and outreach to Insular Areas of the United States through the San Juan, Tiyan, and Pago Pago Weather Forecast Offices of the National Weather Service. For the purposes of this section, the Administrator may also employ other agency entities as the Administrator considers necessary, in order to improve weather data collection, and provide science, data, information, and impact-based decision support serv-

ices to reduce tsunamis, hurricane, typhoon, drought, tide, and sea level rise impacts in Insular Areas.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.

(b) **GRANTS.**—

(1) **IN GENERAL.**—The Administrator, may provide grants to academic, non-profit, and local entities to conduct climate change research to improve weather data collection, produce more accurate tropical weather forecasts, and provide science, data, information, and impact-based decision support services to reduce tsunami, hurricane, typhoon, drought, tide, and sea level rise impacts in the Insular Areas.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.

SEC. 607. CORAL REEF PRIZE COMPETITIONS.

(a) **PRIZE COMPETITIONS.**—The Administrator, acting through the Director of the Office of Science and Technology, shall work with the head of each Federal agency represented on the United States Coral Reef Task Force established under Executive Order 13089 (63 Fed. Reg. 32701) to establish prize competitions in accordance with section 24 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3719), that promote coral reef research and conservation.

(b) **WAIVER OF MATCHING REQUIREMENT.**—Section 204(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(b)) is amended—

(1) by striking the enumerator and heading for paragraph (2) and inserting the following:

“(2) **WAIVERS.**—

“(A) **NEED AND BENEFIT.**—”; and

(2) by adding at the end of paragraph (2) the following:

“(B) **SUSTAINING CORAL REEF MANAGEMENT AND MONITORING.**—The Administrator shall waive all the matching requirement under paragraph (2) for grants to implement State and territorial coral reef conservation cooperative agreements to sustain coral reef management and monitoring in Florida, Hawaii, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands of the United States.”.

SEC. 608. OCEAN AND COASTAL MAPPING INTEGRATION ACT.

Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in paragraph (12) by striking “and”;

(2) in paragraph (13) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(14) the study of insular areas and the effects of climate change.”.

SEC. 609. OFFICE OF INSULAR AFFAIRS TECHNICAL ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Office of Insular Affairs Technical Assistance Program, shall provide technical assistance for climate change planning, mitigation, and adaptation to Territories and Freely Associated States under the jurisdiction of such Program.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

SEC. 610. NON-FEDERAL COST-SHARE WAIVER.

Section 501 of the Omnibus Territories Act of 1977 (48 U.S.C. 1469a), is amended by adding at the end the following:

“(e) Notwithstanding any other provision of law, in the case of the Insular Areas, any department or agency shall waive any requirement for non-Federal matching funds under \$750,000 (including in-kind contributions) required by law to be provided by those jurisdictions.”.

SEC. 611. DISASTER RELIEF NON-FEDERAL COST-SHARE WAIVER.

Funding made available to an Insular Area for disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall not be subject to a non-Federal share funding requirement.

TITLE VII—STRENGTHENING MARINE MAMMAL CONSERVATION

SEC. 701. CONSERVATION OF MARINE MAMMALS ADVERSELY AFFECTED BY CLIMATE CHANGE.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended by inserting after section 120 the following:

“SEC. 121. CONSERVATION OF MARINE MAMMALS ADVERSELY AFFECTED BY CLIMATE CHANGE.

“(a) CLIMATE IMPACT MANAGEMENT PLANS.—

“(1) Within 24 months after the date of the enactment of this section, the Secretary, in consultation with the Marine Mammal Commission, shall publish in the Federal Register, after notice and opportunity for public comment, a list of those marine mammal species and population stocks in waters under the jurisdiction of the United States for which climate change, alone or in combination or interaction with other factors, is more likely than not to result in a decline in population abundance, impede population recovery, or reduce carrying capacity. The list shall identify—

“(A) any species or population stock for which such impacts are likely to occur within 20 years; and

“(B) any species or population stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for which such impacts have more than a remote possibility of occurring within 100 years.

“(2)(A) The Secretary, in consultation with the Marine Mammal Commission, shall review the list adopted pursuant to paragraph (1) at least once every 5 years, or more frequently if significant new information becomes available, and, after notice and opportunity for public comment, shall publish a revised list in the Federal Register.

“(B) Within 12 months after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to add a marine mammal species or population stock to the list published under paragraph (1), the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, shall publish in the Federal Register its finding of whether the petitioned action is warranted. If the petitioned action is deemed warranted, the Secretary shall publish at the same time the revision adding such species or population stock.

“(3) The list published under paragraph (1), and any revisions thereto made in accordance with paragraph (2), shall include a determination of whether a climate impact management plan will promote the conservation of species or stocks listed pursuant to paragraph (1)(C).

“(4)(A)(i) The Secretary shall publish in the Federal Register a draft climate impact management plan for each marine mammal species or population stock for which, as determined under paragraph (3), such a plan will promote the conservation of the species or stocks that is—

“(I) within 18 months after the listing for those species or population stocks listed under paragraph (1)(A); and

“(II) listed under paragraph (1)(B), within 30 months after the listing.

“(ii) Each draft climate impact management plan shall be developed in consultation with the Marine Mammal Commission and, as appropriate, other Federal agencies, and shall be made available for public review and comment for a period not to exceed 90 days.

“(iii) No later than 120 days after the close of the comment period required under clause (ii), the Secretary shall issue a final climate impact management plan and implementing regulations that are consistent with the other provisions of this section and, to the full extent available under the Secretary’s authorities under this Act and other statutes, implement the conservation and management measures identified in the plan.

“(B) Each management plan under subparagraph (A) shall include a comprehensive strategy for conserving and recovering such marine mammal stocks and species given the anticipated direct and indirect effects of climate change and increasing resiliency in the species or population stock, and shall identify conservation and management measures to—

“(i) conserve and recover such species and population stocks given the anticipated adverse effects of climate change on such species and population stocks and their prey;

“(ii) monitor, reduce, and prevent interactions with fisheries and other human activities that may occur as a result of changes in marine mammal distribution or other indirect effects of climate change;

“(iii) increase resiliency by materially reducing other human impacts on such species and population stocks, including but not limited to the reduction of incidental taking of marine mammals and of the degradation of the habitat of such species and population stocks, and by managing prey species to improve the availability of prey to such species and population stocks; and

“(iv) take any other action as may be necessary to implement the strategy set forth in the plan.

“(C) Each management plan under subparagraph (A) shall include objective, measurable criteria for evaluating the effectiveness and sufficiency of such measures to meet the purposes of this Act.

“(D)(i) All other Federal agencies shall, in consultation with and with the assistance of the Administrator, utilize their authorities in furtherance of the strategy and conservation and management measures set forth in climate impact management plans developed under this subsection and ensure that their actions do not conflict or interfere with the objectives of such management plans. The Administrator shall consult with the Marine Mammal Commission and, as may be warranted, other agencies in the implementation of such plans.

“(ii) With respect to any Federal agency action authorized, funded, or undertaken by such agency that, in the view of the Secretary or of the agency, may conflict or interfere with the objectives of such management plans, such agency shall, in consultation with the Secretary, ensure that such action is consistent with the management plans. To the extent that it is impossible for such action to be consistent with the management plan, the Secretary shall require measures to minimize any such conflicts, in addition to any other measures required by law, and the agency shall adopt such measures required by the Secretary.

“(E) When appropriate, the Secretary may, and is encouraged to, integrate climate impact management plans into conservation plans adopted under section 115(b) or recovery plans adopted under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

“(F) The Secretary shall review climate impact management plans and implementing regulations at least once every 5 years, and shall revise and amend them as necessary to meet the goals and requirements of this section. Any changes shall be subject to the procedures and requirements applicable to the adoption of the initial plans and regulations.

“(5) The Secretary shall report to Congress four years after the date of the enactment of this section, and every 2 years thereafter, on—

“(A) actions taken to implement this section;

“(B) any backlog in meeting the schedule set forth in this subsection for adopting, reviewing, and implementing climate impact management plans, or additional resources necessary to address any such backlog; and

“(C) the effectiveness of implementation and sufficiency of the measures adopted in climate impact management plans, and any recommendations for improving the process or the applicable legislation.

“(b) MONITORING OF CLIMATE IMPACTS.—The Administrator shall establish a program within the National Oceanic and Atmospheric Administration to monitor the adverse impacts of climate change on marine mammals. The purposes of the monitoring program shall be to—

“(1) improve models of projected future changes in marine mammal distribution and densities resulting from climate change;

“(2) identify and monitor interactions with fisheries and other human activities that may occur as a result of changes in marine mammal distribution or other effects of climate change;

“(3) monitor the abundance of species and population stocks, to an extent sufficient to detect a 20 percent population decline over 20 years;

“(4) improve understanding of the impacts of climate change on marine mammal species and population stocks; and

“(5) assess the direct and indirect contributions of marine mammals to carbon reduction, including through carbon sequestration and nutrient cycling.

“(c) PROMULGATION OF REGULATIONS FOR LISTING MARINE MAMMALS ADVERSELY IMPACTED BY CLIMATE CHANGE.—The Secretary shall, within 120 days after the date of the enactment of this section—

“(1) publish in the Federal Register for public comment, for a period of not less than 60 days, regulations for listing marine mammal species and population stocks adversely impacted by climate change, alone or in combination or interaction with other factors, as described in paragraphs (1) and (2) of sub-

section (a), taking into account both quantitative and qualitative indicators of adverse impacts of climate change and human activities on such species and stocks, including—

- “(A) direct and indirect mortality and serious injury;
- “(B) loss or degradation of habitat;
- “(C) changes in the distribution or availability of prey;
- “(D) changes in the distribution of marine mammal species and population stocks;
- “(E) decreased genetic diversity or reproductive success;
- “(F) increased susceptibility to pathogens; and
- “(G) increased likelihood of interactions with fisheries and other human activities; and

“(2) no later than 90 days after the close of the period for such public comment, publish in the Federal Register final regulations for listing marine mammals as required by subsection (a), to be reviewed at least once every three years.

“(d) LACK OF QUANTITATIVE INFORMATION.—The lack of quantitative information shall not be a basis for a determination under subsection (c) that a species or population stock is not adversely impacted by climate change, alone or in combination or interaction with other factors, as described in paragraphs (1) and (2) of subsection (a).

“(e) ESTIMATION OF POTENTIAL BIOLOGICAL REMOVAL.—

“(1) The Secretary, in estimating the potential biological removal level in stock assessments prepared in accordance with section 117, shall consider the adverse impacts of climate change in determining the recovery factor applied to each stock.

“(2) The Secretary, in preparing stock assessments in accordance with section 117, shall reexamine the stock definition and geographic range of marine mammal species and population stocks to identify climate-related changes in spatial distribution and stock definition and to identify how such changes may affect human impacts to the species.

“(f) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary shall—

“(1) periodically review the status of agreements with foreign governments under section 108(a) concerning the management of transboundary marine mammal species and population stocks, and their prey species, that are or may be affected by climate change; and

“(2) through the Secretary of State, initiate the amendment of any such agreement, or negotiations for the development of bilateral or multinational agreements, consistent with the goals and policies of this section.

“(g) CONSTRUCTION.—This section shall not be construed to limit or restrict any other responsibility of the Secretary or of any other person under this Act or any other statute.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) There is authorized to be appropriated to the Secretary carry out this section, \$5,000,000 for each of fiscal years 2022 through 2026.

“(2) There is authorized to be appropriated to the Marine Mammal Commission to carry out this section, \$1,000,000 for each of fiscal years 2022 through 2026.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 120 the following:

“Sec. 121. Conservation of marine mammals adversely affected by climate change.”.

SEC. 702. VESSEL RESTRICTIONS IN MARINE MAMMAL HABITAT.

(a) IN GENERAL.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is further amended by inserting after section 121 the following:

“SEC. 122. VESSEL RESTRICTIONS IN MARINE MAMMAL HABITAT.

“(a) IN GENERAL.—The Secretary shall, in coordination with the Marine Mammal Commission and the Commandant of the Coast Guard and applying the best available scientific information—

“(1) designate areas of importance for marine mammals known to experience vessel strikes or other vessel-related impacts and establish for each such area seasonal or year-round mandatory vessel restrictions to reduce vessel strikes or other vessel-related impacts, as necessary, for all vessels operating in such areas; and

“(2) implement for such species, as appropriate, dynamic management area programs incorporating mandatory vessel restrictions to protect marine mammals from vessel strikes or other vessel-related impacts occurring outside designated areas of importance.

“(b) AREAS OF IMPORTANCE.—Areas designated under subsection (a)—

“(1) shall include—

“(A) the important feeding, breeding, calving, rearing, or migratory habitat for priority species of marine mammals, including all areas designated as critical habitat for such species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), except any area the Secretary determines does not intersect with areas of vessel traffic such that an elevated risk of mortality or injury caused by vessel strikes, or harassment, including the disruption of vocalization patterns and masking of biologically important sounds, caused by underwater vessel noise, exists; and

“(B) areas of high marine mammal mortality, injury, or harassment, including the disruption of vocalization patterns and masking of biologically important sounds, caused by vessel strikes or underwater vessel noise;

“(2) may include—

“(A) any area designated as a National Marine Sanctuary, Marine National Monument, National Park, or National Wildlife Refuge; and

“(B) areas of high marine mammal primary productivity with year-round or seasonal aggregations of marine mammals to which this section applies.

“(c) DEADLINE FOR REGULATIONS.—Not later than three years after the date of the enactment of this section, the Secretary shall designate areas and vessel restrictions under subsection (a) and issue such regulations as are necessary to carry out this section, consistent with notice and comment requirements under chapter 5 of title 5, United States Code.

“(d) MODIFYING OR DESIGNATING NEW AREAS OF IMPORTANCE.—

“(1) IN GENERAL.—The Secretary shall issue regulations to modify or designate the areas of importance and vessel restrictions under this section within 180 days after the issuance of regulations to establish or to modify critical habitat for marine mammals pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(2) REEXAMINATION.—The Secretary shall—

“(A) reexamine the areas of importance designated and vessel restrictions under this section every 5 years following the initial issuance of the regulations to determine if the best available scientific information warrants modification or designation of areas of importance for vessel restrictions; and

“(B) publish any revisions under subparagraph (A) in the Federal Register after notice and opportunity for public comment within 24 months.

“(3) FINDING.—Not later than 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to designate, modify, or add an area of importance or vessel restriction under this section, the Secretary shall make a finding as to whether the petition presents substantial scientific information indicating that the petitioned action may be warranted. The Secretary shall promptly publish such finding in the Federal Register for comment. Not later than one year after the close of comments, the Secretary shall publish in the Federal Register a finding of whether the petitioned action is warranted and, if the Administrator determines that the petitioned action is warranted, shall publish draft regulations designating or modifying the area of importance or vessel restrictions within the area of importance. Not later than 12 months after publication of the draft regulations, the Secretary shall issue final regulations designating or modifying the area of importance and vessel restrictions.

“(e) EXCEPTIONS FOR SAFE MANEUVERING AND USING AUTHORIZED TECHNOLOGY.—

“(1) IN GENERAL.—The restriction established under subsection (a) shall not apply to a vessel operating at a speed necessary to maintain safe maneuvering speed if such speed is justified because the vessel is in an area where oceanographic, hydrographic, or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel. If a deviation from the applicable speed limit is necessary pursuant to this subsection, the reasons for the deviation, the speed at which the vessel is operated, the latitude and longitude of the area, and the time and duration of such deviation shall be entered into the logbook of the vessel. The master of the vessel shall attest to the accuracy of the logbook entry by signing and dating the entry.

“(2) AUTHORIZED TECHNOLOGY.—

“(A) IN GENERAL.—The vessel restrictions established under subsection (a) shall not apply to a vessel operating using technology authorized by regulations issued by the Secretary under subparagraph (B).

“(B) REGULATIONS.—The Secretary may issue regulations authorizing a vessel to operate using technology specified by the Administrator under this

subparagraph if the Administrator determines that such operation is at least as effective as the vessel restrictions authorized by regulations under subsection (a) in reducing mortality and injury to marine mammals.

“(f) APPLICABILITY.—

“(1) IN GENERAL.—Any speed restriction established under subsection (a)—

“(A) shall apply to all vessels subject to the jurisdiction of the United States, all other vessels entering or departing a port or place subject to the jurisdiction of the United States, and all other vessels within the Exclusive Economic Zone of the United States, regardless of flag; and

“(B) shall not apply to—

“(i) vessels owned, operated, or under contract by the Department of Defense or the Department of Homeland Security, or engaged in military operations with such vessels; or

“(ii) law enforcement vessels of the Federal Government or of a State or political subdivision thereof, when such vessels are engaged in law enforcement or search and rescue duties.

“(2) CERTAIN PROVISIONS NOT PREEMPTED.—This subsection shall not preempt or supersede obligations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or this title.

“(3) CLARIFICATION.—Vessels described in subparagraph (B) of paragraph (2) are encouraged to abide by the speed restriction whenever it is, in the judgment of the masters of such vessels, feasible and practicable to do so without impairing the operations in which they are engaged.

“(g) STATUTORY CONSTRUCTION.—

“(1) IN GENERAL.—Nothing in this section shall be interpreted or implemented in a manner that—

“(A) subject to paragraph (2), preempts or modifies any obligation of any person subject to the provisions of this title to act in accordance with applicable State laws, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency;

“(B) affects or modifies any obligation under Federal law; or

“(C) preempts or supersedes the final rule titled ‘To Implement Speed Restrictions to Reduce the Threat of Ship Collisions With North Atlantic Right Whales’, codified at section 224.105 of title 50, Code of Federal Regulations, except for actions that are more protective than the Final Rule and further reduce the risk of take to North Atlantic right whales.

“(2) INCONSISTENCIES.—The Secretary may determine whether inconsistencies referred to in paragraph (1)(A) exist, but may not determine that any State law is inconsistent with any provision of this title if the Secretary determines that such law gives greater protection to covered marine species and their habitat.

“(h) PRIORITY SPECIES.—For the purposes of this section, the term ‘priority species’ means, at a minimum, all *Mysticeti* species and species within the genera *Physeter*, *Orcinus*, and *Trichechus*.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, \$3,000,000 for each of fiscal years 2022 through 2026, and there is authorized to be appropriated to the Commandant of the Coast Guard to carry out this section, \$3,000,000 for each of fiscal years 2024 through 2026.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 121 the following:

“Sec. 122. Vessel restrictions in marine mammal habitat.”

SEC. 703. MONITORING OCEAN NOISE FOR MARINE MAMMAL PROTECTION.

(a) IN GENERAL.—The Administrator and the Director of the Fish and Wildlife Service shall maintain and expand an Ocean Noise Reference Station Network, utilizing and coordinating with the Integrated Ocean Observing System and the Office of National Marine Sanctuaries to—

(1) provide grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound in high-priority ocean and coastal locations for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life;

(2) continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

(3) coordinate and make accessible to the public the datasets, modeling and analysis, and user-driven products and tools, resulting from observations of underwater sound funded through grants authorized by this section.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to support integrated ocean observations activities carried out under this section, \$1,500,000 for each of fiscal years 2022 through 2026.

SEC. 704. GRANTS FOR SEAPORTS TO ESTABLISH PROGRAMS TO REDUCE THE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.

(a) **IN GENERAL.**—The Administrator and the Director of the Fish and Wildlife Service shall, not later than 180 days after the date of the enactment of this Act, establish a grant program to provide assistance to up to ten seaports to develop and implement mitigation measures that will lead to a quantifiable reduction in threats to marine mammals from shipping activities and port operations.

(b) **ELIGIBLE USES.**—Grants provided under this section may be used to develop, assess, and carry out activities that quantifiably reduce threats and enhance the habitats of marine mammals by—

- (1) reducing underwater noise related to marine traffic;
- (2) reducing vessel strike mortality and other physical disturbances;
- (3) enhancing marine mammal habitat, including the habitat for prey of marine mammals; or
- (4) monitoring underwater noise, vessel interactions with marine mammals, or other types of monitoring that are consistent with reducing the threats to and enhancing the habitats of marine mammals.

(c) **PRIORITY.**—The Administrator and the Director of the Fish and Wildlife Service shall prioritize assistance under this section for projects that—

- (1) assist ports with higher relative threat levels to vulnerable marine mammals from vessel traffic;
- (2) project higher levels of—
 - (A) reduction of noise from vessels; and
 - (B) reduction of disturbance or vessel strike mortality risk; and
 - (C) reduction of noise influence National Marine Sanctuaries, Marine National Monuments, National Parks, National Wildlife Refuges, and other Federal, State, and local marine protected areas; or
- (3) allow eligible entities to conduct risk assessments, and track progress toward threat reduction and habitat enhancement; including protecting coral reefs from encroachment by commerce and shipping lanes.

(d) **OUTREACH.**—The Administrator and the Director of the Fish and Wildlife Service shall conduct outreach to seaports to provide information on how to apply for assistance under this section, the benefits of the program under this section, and facilitation of best practices and lessons learned.

(e) **ELIGIBLE ENTITIES.**—A person shall be eligible for assistance under this section if the person is—

- (1) a port authority for a seaport;
- (2) a State, regional, local, or Tribal agency that has jurisdiction over a maritime port authority or a seaport; or
- (3) a private or government entity, applying for a grant awarded under this section in collaboration with another entity described in paragraph (1) or (2), that owns or operates a maritime terminal.

(f) **REPORT.**—The Administrator and the Director of the Fish and Wildlife Service shall submit annually to the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report that includes the following:

- (1) The name and location of each entity receiving a grant.
- (2) Amount of each grant.
- (3) The name and location of the seaport in which the activities took place.
- (4) A description of the activities carried out with the grant funds.
- (5) An estimate of the impact of the project to reduce threats or enhance habitat of marine mammals.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator for carrying out this section, \$5,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

SEC. 705. NEAR REAL-TIME MONITORING AND MITIGATION PROGRAM FOR LARGE WHALES.

(a) **ESTABLISHMENT OF THE PROGRAM.**—The Administrator shall design and deploy a Near Real-Time Large Whale Monitoring and Mitigation Program in order to curtail the risk to large whales of vessel collisions, entanglement in commercial fishing gear, and to minimize other impacts, including but not limited to underwater noise from development activities. Such program shall be capable of detecting and alerting ocean users and enforcement agencies of the location of large whales on a near real-time basis, informing sector-specific mitigation protocols that can effectively reduce take of large whales, and continually integrating improved technology. The program

shall be informed by the technologies, monitoring methods, and mitigation protocols developed pursuant to the pilot program required in subsection (b).

(b) PILOT PROJECT.—In carrying out subsection (a), the Administrator shall first establish a pilot monitoring and mitigation project for North Atlantic right whales for the purposes of informing a cost-effective, efficient and results-oriented near real-time monitoring and mitigation program for large whales.

(1) PILOT PROJECT REQUIREMENTS.—In designing and deploying the monitoring system, the Administrator shall, using best available scientific information, identify and ensure coverage of—

(A) core foraging habitats of North Atlantic right whales, including but not limited to—

- (i) the “South of the Islands” core foraging habitat;
- (ii) the “Cape Cod Bay Area” core foraging habitat;
- (iii) the “Great South Channel” core foraging habitat; and
- (iv) the Gulf of Maine; and

(B) important feeding, breeding, calving, rearing, or migratory habitats of North Atlantic right whales that co-occur with areas of high risk of mortality, injury, or harassment of such whales from vessel strikes, disturbance from development activities, and entanglement in commercial fishing gear.

(2) PILOT PROJECT MONITORING COMPONENTS.—Within 3 years after the date of the enactment of this Act, the Administrator, in consultation with relevant Federal agencies, Tribal governments, and with input from affected stakeholders, shall design and deploy a real-time monitoring system for North Atlantic right whales that includes near real-time monitoring methods, technologies, and protocols that—

(A) comprise sufficient detection power, spatial coverage and survey effort to detect and localize North Atlantic right whales within core foraging habitats;

(B) are capable of detecting North Atlantic right whales visually, including during periods of poor visibility and darkness, and acoustically;

(C) take advantage of dynamic habitat suitability models that help to discern the likelihood of North Atlantic right whale occurrence in core foraging habitat at any given time;

(D) coordinate with the Integrated Ocean Observing System to leverage monitoring assets;

(E) integrate new near real-time monitoring methods and technologies as they become available;

(F) accurately verify and rapidly communicate detection data; and

(G) allow for ocean users to contribute data that is verified to be collected using comparable near real-time monitoring methods and technologies.

(3) PILOT PROGRAM MITIGATION PROTOCOLS.—The Secretary shall, in consultation with the Secretary of Homeland Security, Secretary of Defense, Secretary of Transportation, and Secretary of the Interior, and with input from affected stakeholders, develop and deploy mitigation protocols that make use of the near real-time monitoring system to direct sector-specific mitigation measures that avoid and significantly reduce risk of disturbance, injury, and mortality to North Atlantic right whales.

(4) PILOT PROGRAM ACCESS TO DATA.—The Administrator shall provide access to data generated by the monitoring system for purposes of scientific research and evaluation, and public awareness and education, through the NOAA Right Whale Sighting Advisory System and WhaleMap, or other successive public web portals.

(5) PILOT PROGRAM REPORTING.—

(A) Not later than two years after the date of the enactment of this Act, the Administrator shall submit to the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make available to the public, an interim report that assesses the benefits and efficacy of the North Atlantic right whale near real-time monitoring and mitigation pilot program. The report shall include—

(i) a description of the monitoring methods and technology in use or planned for deployment;

(ii) analyses of the efficacy of the methods and technology in use or planned for deployment in detecting North Atlantic right whales both individually and in combination;

(iii) how the monitoring system is directly informing and improving species management and mitigation in near real-time across ocean sectors whose activities pose a risk to North Atlantic right whales; and

(iv) a prioritized identification of gaps in technology or methods requiring future research and development.

(B) Not later than three years after the date of the enactment of this Act, the Administrator shall submit to the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make available to the public, a final report, addressing the components in subparagraph (A) for the subsequent one year following the publication of the interim report, and including the following—

(i) a strategic plan to expand the pilot program to provide near real-time monitoring and mitigation measures to additional large whale species, including a prioritized plan for acquisition, deployment, and maintenance of monitoring technologies, and the locations or species for which the plan would apply; and

(ii) a budget and description of appropriations necessary to carry out the strategic plan pursuant to the requirements of clause (i).

(c) ADDITIONAL AUTHORITY.—In carrying out this section, the Administrator may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this section on such terms as the Administrator considers appropriate.

(d) REPORTING.—Not later than one year after the deployment of the program described in subsection (b) (and after completion of the reporting requirements pursuant to paragraph (5) of such subsection), and annually thereafter through 2029, the Administrator shall submit to the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, and make available to the public, a report that assess the benefits and efficacy of the near real-time monitoring and mitigation program.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) CORE FORAGING HABITATS.—the term “core foraging habitats” means areas with biological and physical oceanographic features that aggregate *Calanus finmarchicus* and where North Atlantic right whales foraging aggregations have been well documented.

(2) REAL-TIME.—The term “real-time” means that visual, acoustic, or other detections of North Atlantic right whales are transmitted and reported as soon as technically feasible, and no longer than 24 hours, after they have occurred.

(3) LARGE WHALE.—The term “large whale” means all *Mysticeti* species and species within the genera *Physeter* and *Orcinus*.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to support development, deployment, application and ongoing maintenance of the monitoring system as required by this section, \$5,000,000 for each of fiscal years 2022 through 2026.

SEC. 706. GRANTS TO SUPPORT TECHNOLOGY THAT REDUCES UNDERWATER NOISE FROM VESSELS.

(a) IN GENERAL.—The Administrator and the Director of the Fish and Wildlife Service shall, within 6 months of the date of the enactment of this Act, establish a grant program, to be administered in consultation with the Administrator of the United States Maritime Administration, to provide assistance for the development and implementation of new or improved technologies that reduce threats to and enhance the habitats of marine mammals and other marine species by quantifiably reducing underwater noise from marine vessels.

(b) ELIGIBLE USES.—Grants provided under this section may be used to develop, assess, and implement new or improved technologies that materially reduce underwater noise from marine vessels.

(c) OUTREACH.—The Administrator and the Director of the Fish and Wildlife Service shall conduct outreach to eligible persons to provide information on how to apply for assistance under this section, the benefits of the program under this section, and facilitation of best practices and lessons learned.

(d) ELIGIBLE ENTITIES.—A person shall be eligible for assistance under this section if the person is—

(1) a corporation established under the laws of the United States; or

(2) an individual, partnership, association, organization, or any other combination of individuals, provided, however, that each such individual shall be a citizen of the United States or lawful permanent resident of the United States or a protected individual as such term is defined in section 274B(a)(3) of the Immigration and Nationality Act (9 U.S.C. 1324b(a)(3)).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator for carrying out this section, \$5,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

SEC. 707. NAVAL TECHNOLOGY TRANSFER FOR QUIETING FEDERAL NONCOMBATANT VESSELS.

The Secretary of Defense, in consultation with the Secretary of Homeland Security, the Administrator, and the Administrator of the United States Maritime Administration, shall, not later than 18 months after the date of the enactment of this Act, submit to the Senate Committees on Armed Services; Commerce, Science, and Transportation; Environment and Public Works; and Homeland Security and Governmental Affairs; and the House of Representatives Committees on Armed Services; Energy and Commerce; Homeland Security; Natural Resources; and Transportation and Infrastructure, and publish, an unclassified report identifying existing nonclassified naval technologies that reduce underwater noise and evaluating the effectiveness and feasibility of incorporating such technologies in the design, procurement, and construction of noncombatant vessels of the United States.

TITLE VIII—INTERNATIONAL AGREEMENTS, EFFORTS IN THE ARCTIC, AND BUREAU OF INDIAN AFFAIRS TRIBAL RESILIENCE PRO- GRAM

Subtitle A—International Agreements

SEC. 801. LAW OF THE SEA CONVENTION.

(a) **FINDINGS.**—Congress makes the following findings:

(1) As a party to the Law of the Sea Convention, the United States would be a powerful voting Council member of the International Seabed Authority, a body that is critical to negotiations regarding deep seabed mining, which is a practice that could have significant potential climate, environmental, and economic impacts.

(2) Being party to the Convention and holding membership on the International Seabed Authority is in the United States' best interests in regard to competition with other countries over future rare earth element resources found on the sea floor.

(3) Without being party to the Convention, the United States cannot play a role in negotiating and providing international legitimacy to claims to the Arctic, an area that is rapidly becoming more accessible due to climate change.

(4) As a party to the Convention, the United States would be better able to participate in negotiations regarding the management of high seas fish stocks, migratory fish stocks, and marine mammals, which will become more important as the climate continues to change and species shift.

(5) The Convention imposes minimum requirements for ocean protections; the United States is already meeting or exceeding those requirements and could therefore positively influence international marine conservation by being party to the Convention.

(6) A diverse array of bipartisan Presidents and lawmakers, military leaders, industry stakeholders, and environmental organizations support ratification of the Convention, finding that it is in the United States' best economic, political, and environmental interest to ratify.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States Senate should give its advice and consent to accession to the Law of the Sea Convention, adopted by the Third United Nations Conference on the Law of the Sea in December 1982 and entered into force in November 1994, to establish a treaty regime to govern activities on, over, and under the world's oceans;

(2) the Law of the Sea Convention builds on four 1958 Law of the Sea conventions to which the United States is a party, namely—

(A) the Convention on the Territorial Sea and the Contiguous Zone;

(B) the Convention on the High Seas;

(C) the Convention on the Continental Shelf; and

(D) the Convention on Fishing and Conservation of the Living Resources of the High Seas;

(3) the Law of the Sea Convention and an associated 1994 agreement relating to implementation of the treaty were transmitted to the Senate on October 6, 1994;

(4) in the absence of advice and consent from the Senate, the United States is not a party to the Convention nor to the associated 1994 agreement;

(5) becoming a party to the Law of the Sea Convention would give the United States standing to participate in discussions relating to the treaty and thereby improve the ability of the United States to intervene as a full party in disputes relating to navigational rights and defend United States interpretations of the treaty's provisions; and

(6) becoming a party to the treaty would improve the ability of the United States to achieve the environmental, social, and economic purposes of supporting the implementation and enforcement of international fisheries agreements and the protection of highly migratory species under the Magnuson Stevens Act, the Shark Conservation Act, and the High Seas Driftnet Fishing Moratorium Protection Act.

SEC. 802. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOAL 14.

Not later than one year after the date of the enactment of this Act, and every three years thereafter, the Secretary of State, in consultation with the Administrator, shall submit a report to Congress that describes—

(1) the manner and extent to which the United States has made progress toward achieving the targets of the 14th Sustainable Development Goal of the United Nations (relating to conserving and sustainably using the oceans, seas, and marine resources); and

(2) plans for future United States actions to achieve those targets.

SEC. 803. MARINE PROTECTED AREAS IN AREAS BEYOND NATIONAL JURISDICTION.

Not later than one year after the date of the enactment of this Act, the Secretary of State, and in consultation with the Secretary of Commerce acting through the Administrator, shall develop a plan to provide technical assistance, data, and other resources for identifying and establishing strongly protected areas of the ocean in areas beyond national jurisdiction.

Subtitle B—Efforts in the Arctic

SEC. 811. PLAN FOR THE UNITED STATES TO CUT BLACK CARBON EMISSIONS TO 33 PERCENT BELOW 2013 LEVELS BY 2025.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should honor its commitment to the Arctic Council to cut black carbon emissions by 2025 to a level that is between 25 and 33 percent below the levels emitted by the United States in 2013.

(b) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Transportation, the Administrator, and the Administrator of the Environmental Protection Agency, shall develop a plan for the United States to cut black carbon emissions by 2025 to a level that is between 25 and 33 percent below the levels emitted by the United States in 2013. Such plan shall also describe—

(1) the measures the Federal Government will take to achieve such targeted emissions levels;

(2) the measures the Federal Government will take to prioritize black carbon emission reduction in communities of color, Tribal and Indigenous communities, and low-income communities; and

(3) how the United States may use multilateral and bilateral diplomatic tools to encourage and assist other member countries of the Arctic Council to fulfill the goals announced in 2017.

(c) **SUBMISSIONS TO CONGRESS AND UPDATES TO PLAN.**—The Secretary of State, shall submit to the appropriate congressional committees and make available to the public—

(1) not later than 180 days after the date of the enactment of this Act, the plan developed under subsection (b);

(2) not later than one year after the date of the enactment of this Act, and every three years thereafter, a report on the progress made toward implementing the plan submitted pursuant to subsection (b); and

(3) not later than January 1, 2025, a proposal for further reductions in black carbon emissions in the United States that should be accomplished by 2030.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Natural Resources, and the Committee on Energy and Commerce of the House of Representatives; and

- (2) the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources of the Senate.
- (f) PUBLIC COMMENT.—The Secretary of State shall—
- (1) before submitting each such plan or report to the appropriate congressional committees under subsection (c)—
 - (A) consult with Indian Tribes and Indigenous communities;
 - (C) provide a period of at least 90 days for public comment on each such plan or report; and
 - (2) after each such period for public comment, continue to make the proposed plan and report, as well as the comments received, available to the public on an appropriate website.

Subtitle C—Bureau of Indian Affairs Tribal Resilience Program

SEC. 821. BUREAU OF INDIAN AFFAIRS TRIBAL RESILIENCE PROGRAM.

- (a) ESTABLISHMENT.—The Secretary of the Interior shall establish a program to—
- (1) improve the resilience of Indian Tribes to the effects of a changing climate;
 - (2) support building strong Tribal and Indigenous communities that are resilient to climate change;
 - (3) ensure agency effectiveness in fulfilling Federal Indian trust responsibilities in the face of climate change; and
 - (4) ensure the development of modern, cost-effective infrastructure in Tribal and Indigenous communities.
- (b) GRANTS.—
- (1) AUTHORITY.—As part of the program established under subsection (a), to the extent funds are made available through Acts of appropriation, the Secretary shall make multiyear grants to Indian Tribes and Indigenous communities for eligible activities described in paragraph (2).
 - (2) ELIGIBLE ACTIVITIES.—Grants under this subsection may be used for the following on Indian land and in Indigenous communities:
 - (A) Development and delivery of adaptation training.
 - (B) Adaptation planning, vulnerability assessments, emergency preparedness planning, and monitoring.
 - (C) Capacity building through travel support for training, technical sessions, and cooperative management forums.
 - (D) Travel support for participation in ocean and coastal planning.
 - (E) Development of science-based information and tools to enable adaptive resource management and the ability to plan for resilience.
 - (F) Relocation of villages or other communities experiencing or susceptible to coastal or river erosion and flooding.
 - (G) Construction of infrastructure to support emergency evacuations related to climate change.
 - (H) Restoration of ecosystems and construction of natural and nature-based features to address risks from coastal and riverine flooding and erosion.
 - (I) Restoration, relocation, and repair of infrastructure damaged by melting permafrost or coastal or river erosion and flooding.
 - (J) Installation and management of energy systems that reduce energy costs and greenhouse gas emissions compared to the energy systems in use before that installation and management.
 - (K) Construction and maintenance of social or cultural infrastructure that supports resilience.
 - (3) APPLICATIONS.—An Indian Tribe or Indigenous community desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the eligible activities to be undertaken using the grant.
- (c) INTERAGENCY COOPERATION.—The Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency shall establish under the White House Council on Native American Affairs an interagency subgroup on Tribal resilience, which shall—
- (1) work with Indian Tribes and Indigenous communities to collect and share data and information, including traditional ecological knowledge, about how the effects of a changing climate are relevant to Indian Tribes and Indigenous communities; and

- (2) identify opportunities for the Federal Government to improve collaboration and assist with adaptation and mitigation efforts that promote resilience.
- (d) TRIBAL RESILIENCE LIAISON.—The Secretary of the Interior shall establish a Tribal resilience liaison to—
 - (1) coordinate with Indian Tribes, Indigenous communities, and relevant Federal agencies regarding the program under this section, grant opportunities related to the program, climate adaptation, and climate resilience planning; and
 - (2) help ensure Tribal and Indigenous engagement in climate conversations at the Federal level.
- (e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$200,000,000 for each of fiscal years 2022 through 2026.

TITLE IX—COASTAL RESILIENCY AND ADAPTATION

SEC. 901. LIVING SHORELINE GRANT PROGRAM.

- (a) ESTABLISHMENT.—The Administrator shall make grants to eligible entities for the purposes of—
 - (1) designing and implementing large- and small-scale, climate-resilient living shoreline projects; and
 - (2) applying innovative uses of natural materials and systems to protect coastal communities, habitats, and natural system functions.
- (b) PROJECT PROPOSALS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Administrator a proposal for a living shoreline project that includes—
 - (1) monitoring, data collection, and measurable performance criteria with respect to the project; and
 - (2) an engagement or education component that seeks and solicits input and feedback from the local or regional community most directly affected by the proposal.
- (c) PROJECT SELECTION.—
 - (1) DEVELOPMENT OF CRITERIA.—The Administrator shall select eligible entities to receive grants under this section based on criteria developed by the Administrator.
 - (2) CONSIDERATIONS.—In developing the criteria under paragraph (1) to evaluate a proposed living shoreline project, the Administrator shall take into account—
 - (A) the potential of the project to protect the community and maintain the viability of the environment, such as through protection of ecosystem functions, environmental benefits, or habitat types, in the area where the project is to be carried out;
 - (B) the historical and projected environmental conditions of the project site, particularly those environmental conditions affected by climate change;
 - (C) the net ecological benefits of the project including the potential of the project to contribute to carbon sequestration and storage;
 - (D) the ability of the entity proposing the project to demonstrate the potential of the project to protect the coastal community where the project is to be carried out, including through—
 - (i) reducing the effects of erosion;
 - (ii) reducing damage to infrastructure and the loss of life from coastal storms and storm surge;
 - (iii) reducing flood risk;
 - (iv) managing the effects of sea level rise, accelerated land loss, and extreme tides;
 - (v) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems;
 - (vi) protecting important cultural sites or values;
 - (vii) protecting low-income communities, communities of color, Tribal communities, Indigenous communities, and rural communities;
 - (viii) sustaining, protecting, or restoring the functions and habitats of marine protected areas; or
 - (ix) such other forms of coastal protection as the Administrator considers appropriate; and
 - (E) the potential of the project to support resiliency at a military installation or community infrastructure supportive of a military installation (as such terms are defined in section 2391 of title 10, United States Code).

- (3) **STANDARDS.**—The Administrator shall establish a living shoreline design guidelines for each region of the United States, which shall be used in selecting eligible projects for grants under this section.
- (d) **USE OF FUNDS.**—A grant awarded under this section to an eligible entity to carry out a living shoreline project may be used by the eligible entity only—
- (1) to carry out the project, including administration, community engagement, planning, design, permitting, entry into negotiated indirect cost rate agreements, and construction;
 - (2) to monitor, collect, and report data on the performance (including performance over time) of the project, in accordance with standards issued by the Administrator under subsection (f)(2); or
 - (3) to incentivize landowners to engage in living shoreline projects.
- (e) **MONITORING AND REPORTING.**—For a length of time based on type of project and determined by the Administrator, the Administrator shall require each eligible entity receiving a grant under this section (or a representative of the entity) to carry out a living shoreline project—
- (1) to transmit to the Administrator data collected under the project;
 - (2) to monitor and collect data on the ecological and economic benefits of the project and the protection provided by the project for the coastal community where the project is carried out;
 - (3) to make data collected under the project available on a publicly accessible website of the National Oceanic and Atmospheric Administration; and
 - (4) upon the completion of the project, to submit to the Administrator a report on—
 - (A) the measures described in paragraph (2); and
 - (B) the effectiveness of the project in increasing protection of the coastal community where the project is carried out through living shorelines techniques, including—
 - (i) a description of—
 - (I) the project;
 - (II) the activities carried out under the project; and
 - (III) the techniques and materials used in carrying out the project; and
 - (ii) data on the performance of the project in providing protection to that coastal community.
- (f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator \$50,000,000 for each of fiscal years 2022 through 2026 for purposes of carrying out this section.
- (g) **DEFINITIONS.**—In this section, the following definitions apply:
- (1) **ELIGIBLE ENTITY.**—The term “eligible entity” means any of the following:
 - (A) A unit of a State or local government.
 - (B) An organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.
 - (C) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).
 - (D) An institution of higher education.
 - (2) **LIVING SHORELINE PROJECT.**—The term “living shoreline project” means a project that restores or stabilizes a shoreline using natural materials such as plants, sand, or rock that provides ecological benefits to coastal ecosystems and habitats in addition to shoreline protection; and incorporates as many natural elements as possible, such as native wetlands, kelp forests, submerged aquatic plants, corals, oyster shells, native grasses, shrubs, or trees.
 - (3) **STATE.**—The term “State” means all coastal States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- SEC. 902. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RESEARCH PROGRAMS.**
- (a) **LIVING SHORELINE AND NATURE-BASED INFRASTRUCTURE RESEARCH PROGRAM.**—
- (1) **DEFINITION OF NATURE-BASED INFRASTRUCTURE.**—In this section, the term “nature-based infrastructure” means a feature that is created by human design, engineering, and construction to provide risk reduction in coastal areas by acting in concert with natural processes.
 - (2) **ESTABLISHMENT.**—The Administrator shall make competitive research grants available focused on developing and assessing the effectiveness of innovative approaches to living shorelines and nature-based infrastructure and features for the purposes of—
 - (A) preparing more resilient, sustainable cities and resilient communities;

(B) reducing the costs associated with climate-related disasters, built infrastructure degradation, and human relocation; and

(C) accomplishing improved resilience while maintaining ecosystem functions and habitats to the greatest extent possible.

(3) **ELIGIBILITY.**—To be eligible for a grant under this subsection, an applicant must be an institution of higher education, nonprofit organization, State, local, or Tribal Government, for-profit organization, United States Territory, or Federal agency that has statutory authority to receive transfers of funds.

(4) **RESEARCH PRIORITIES.**—The Administrator shall award grants for projects which focus on the following:

(A) Assessments of installed living shoreline and nature-based infrastructure, as of the date of the enactment of this Act, for their effectiveness in addressing, if applicable—

- (i) coastal resilience;
- (ii) shoreline erosion;
- (iii) storm damage including windstorms;
- (iv) inland flooding;
- (v) water quality;
- (vi) impact on local ecosystems; and
- (vii) other criteria as determined by the Administrator.

(B) Novel approaches to nature-based infrastructure and living shorelines aimed at optimizing resilience to climate change, extreme weather, and ecosystem sustainability.

(C) Interdisciplinary research including engineering, environmental and ecosystem sciences, biology, social science, and Tribal or indigenous traditional knowledge systems.

(D) Regional, community, and industry partnerships to create locally informed solutions.

(5) **REPORTS FOR INFORMING LIVING SHORELINE AND NATURE-BASED INFRASTRUCTURE PROJECT GRANTS.**—Funded projects shall submit a summarized report of their findings at the conclusion of the grant to the Administrator to help inform the selection and prioritization of living shoreline and other nature-based infrastructure projects as described in section 1001 of this Act.

(6) **ADDITIONAL AUTHORITIES.**—The Administrator may use—

(A) the National Oceanographic Partnership Program established by section 8931 of title 10, United States Code, as a venue for collaboration and coordination to leverage partnerships between public institutions of higher education and Federal agencies;

(B) the Coastlines and People initiative under the National Science Foundation as a tool to use ongoing interdisciplinary research;

(C) the National Sea Grant College Program as a resource to implement research and other projects and help foster collaboration between institutions of higher education and Federal agencies; and

(D) the National Institute of Standards and Technology (NIST) Community Resilience Center of Excellence.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator \$5,000,000 for each of fiscal years 2022 through 2026 for purposes of carrying out this subsection.

(b) **COASTAL SCIENCE AND ASSESSMENT: COMPETITIVE EXTERNAL RESEARCH.**—

(1) **IN GENERAL.**—The Administrator shall establish an annual competitive grants program that gives priority to interdisciplinary coastal resilience research and engagement projects that focus on developing and implementing scalable best practices for—

(A) protecting life and critical infrastructure;

(B) developing and implementing decision-support tools useful to coastal communities;

(C) determining societal, ecological, and resiliency benefits of coastal restoration and protection and natural, nature-based, and man-made infrastructure, and how these benefits affect the sustainability of coastal ecosystems and communities;

(D) volunteer and community-science monitoring of coastal and marine resources as part of efforts to protect coastal communities from sea level rise and other hazards;

(E) monitoring and developing ecosystem-based approaches to managing coastal ecosystems to promote sustainability;

(F) assessing and enhancing the capacity of human communities to adapt to coastal natural disasters;

(G) assessing coastal vulnerability and risk;

(H) evaluating adaptation, protection, and restoration approaches to reduce risk, including through the use of natural, nature-based, and man-made features;

(I) minimizing costs associated with damages incurred from natural disasters, flooding, and sea level rise;

(J) developing and updating curriculum and other educational and development opportunities for programs in coastal conservation at public community colleges and within National Sea Grant college programs and universities to train the new coastal conservation workforce;

(K) evaluating potential outcomes associated with developing new commercial and recreational fishery opportunities, including aquaculture and targeting invasive and range-expanding species; and

(L) engaging in outreach, training, and education to connect actionable research to local communities, policymakers, planners, practitioners, and students.

(2) ELIGIBILITY.—To be eligible for a grant under the Program, an applicant must be an institution of higher education, nonprofit organization, State, local, or Tribal government, for-profit organization, United States Territory, or Federal agency that has statutory authority to receive transfers of funds.

(3) DEFINITIONS.—In this subsection, the following definitions apply:

(A) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” means infrastructure, including natural or nature-based infrastructure, the destruction or damaging of which would have a debilitating impact on national security or economic security, undermine community resiliency and adaptation, or threaten public health or safety.

(B) NATURAL AND NATURE-BASED FEATURES.—The term “natural features” or “nature-based features” means coastal vegetation, living reefs, beaches, dunes, marshes, oyster reefs, coastal forests, municipal green infrastructure, and living shorelines.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$5,000,000 for each of fiscal years 2022 through 2026 for purposes of carrying out this section.

(c) GRANTS FOR RECOVERING OYSTERS.—

(1) ESTABLISHMENT.—The Administrator shall establish a grant program (in this subsection referred to as the “Program”) under which the Administrator shall award grants to eligible entities for the purpose of conducting research on the conservation, restoration, or management of oysters in estuarine ecosystems.

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(3) ALLOCATION OF GRANT FUNDS.—

(A) IN GENERAL.—The Administrator may award a grant under the Program to eligible entities that submit an application under paragraph (2).

(B) MATCHING REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the total amount of Federal funding received under the Program by an eligible entity may not exceed 85 percent of the total cost of the research project for which the funding was awarded. For the purposes of this clause, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(ii) WAIVER.—The Administrator may waive all or part of the requirement in clause (i) if the Administrator determines that no reasonable means are available through which an eligible entity applying for a grant under this subsection can meet such requirement and the probable benefit of such research project outweighs the public interest in such requirement.

(C) EQUITABLE DISTRIBUTION.—The Administrator shall ensure, to the maximum extent practicable, that grant funding under this subsection is apportioned according to the historic baseline oyster population of each estuary of the United States.

(4) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ELIGIBLE ENTITY.—The term “eligible entity” means a member of an institution of higher education, the seafood industry, a relevant nonprofit organization, or a relevant State agency, that is proposing or conducting a research project on the conservation, restoration, or management of oysters in an estuarine ecosystem.

(B) HISTORIC BASELINE.—The term “historic baseline” means the estimated population of oysters in an estuary in 1850.

(C) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(D) SEAFOOD INDUSTRY.—The term “seafood industry” means shellfish growers, shellfish harvesters, commercial fishermen, and recreational fishermen.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$5,000,000 for each of the fiscal years 2022 through 2026 to carry out this subsection.

SEC. 903. IMPROVEMENTS TO THE NATIONAL OCEANS AND COASTAL SECURITY ACT.

(a) DEFINITION OF TIDAL SHORELINE REFINED.—Section 902 of the National Oceans and Coastal Security Act (16 U.S.C. 7501) is amended—

(1) by amending paragraph (7) to read as follows:

“(7) TIDAL SHORELINE.—The term ‘tidal shoreline’ means a ‘tidal shoreline’ or a ‘Great Lake shoreline’ as such terms are used in section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.”; and

(2) by adding at the end the following:

“(8) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(9) BLUE CARBON.—The term ‘blue carbon’ means the carbon that marine or coastal vegetation sequester from the atmosphere in a manner that results in its storage for a period of not less than 100 years.”.

(b) IMPROVEMENTS TO NATIONAL OCEANS AND COASTAL SECURITY FUND.—

(1) DEPOSITS.—Section 904(b)(1) of such Act (16 U.S.C. 7503(b)(1)) is amended to read as follows:

“(1) IN GENERAL.—There shall be deposited into the Fund, which shall constitute the assets of the Fund—

“(A) amounts transferred to the Fund under section 908; and

“(B) such other amounts as may be appropriated or otherwise made available to carry out this Act.”.

(2) EXPENDITURES.—Section 904 of such Act (16 U.S.C. 7503) is amended by striking subsection (d) and inserting the following:

“(d) EXPENDITURE.—Of the amounts deposited into the Fund for each fiscal year—

“(1) not less than \$150,000,000 shall be used for the award of grants under subsection (b) of section 906;

“(2) not less than \$50,000,000 shall be used for the award of grants under subsection (c) of such section;

“(3) if amounts deposited into the Fund for each fiscal year are greater than \$200,000,000, any amounts in excess of \$200,000,000 shall be distributed such that—

“(A) 80 percent shall be used for the award of grants under subsection (b) of section 906; and

“(B) 20 percent shall be used for the award of grants under subsection (c) of section 906; and

“(4) of amounts provided in this subsection, not more than 4 percent may be used by the Administrator and the National Fish and Wildlife Foundation (Foundation) for direct costs to carry out this chapter.”.

(c) ELIGIBLE USES OF THE FUND.—Section 905 of such Act (16 U.S.C. 7504) is amended to read as follows:

“SEC. 905. ELIGIBLE USES.

“(a) IN GENERAL.—Amounts in the Fund may be allocated by the Administrator for grants under section 906(b) and the Foundation for grants under section 906(c) to support programs and activities intended to protect, conserve, restore, better understand, and utilize ocean and coastal resources and coastal infrastructure, including, where appropriate, scientific research, resiliency planning, implementation, and monitoring and spatial planning, data-sharing, and other programs and activities carried out in coordination with Federal and State departments or agencies, including the following:

“(1) Ocean, coastal, and Great Lakes restoration and protection, including efforts to address potential impacts of sea level change, sedimentation, erosion, changes in ocean chemistry, hurricanes and other extreme weather, flooding, and changes in ocean temperature to natural resources, communities, and coastal economies.

“(2) Restoration, protection, or maintenance of living ocean, coastal, and Great Lakes resources and their habitats, including habitats and ecosystems that provide blue carbon benefits.

“(3) Planning for and managing coastal development to enhance ecosystem and community integrity, or to minimize impacts from sea level change, hurricanes and other extreme weather, flooding, and coastal erosion.

“(4) Projects to address management, planning, or resiliency and readiness issues which are regional or interstate in scope, such as regional ocean partnerships or similar bodies.

“(5) Efforts that contribute to the understanding of ecological, economic, societal, and national security threats driven by changes to the oceans, coasts, and Great Lakes.

“(6) Efforts to preserve, protect, and collect data, including but not limited to public ocean and coastal data portals, that would support sustainable water-dependent commercial activities including commercial fishing, recreational fishing businesses, aquaculture, boat building, or other coastal-related businesses other marine-based recreational businesses and sustainable tourism.

“(7) Efforts to assist coastal States in repositioning, relocating or deploying natural or nature-based features to enhance the resiliency of critical coastal transportation, emergency response, water, electrical, and other infrastructure, that are already subject to or face increased future risks of hurricanes, coastal flooding, coastal erosion, or sea level change to ensure the economic security, safety, and ecological well-being of the coasts of the United States.

“(8) Acquisition of property or interests in property if—

“(A) the area is located within a coastal county or adjacent county;

“(B) the funds made available under this subtitle are used to acquire land or interest in land by purchase, exchange, or donation from a willing seller;

“(C) the Governor of the State in which the property or interests in property are acquired approves of the acquisition; and

“(D) such property or interest is acquired in a manner that will ensure such property or interest will be administered to support the purposes of this Act.

“(9) Protection and modification of critical coastal public infrastructure affected by erosion, hurricanes or other extreme weather, flooding, or sea level change.

“(10) Assistance for small businesses and communities that are dependent on coastal tourism as eligible efforts that help coastal economies minimize impacts from sea level rise and disasters.

“(11) Projects that use natural and nature-based approaches for enhancing the resiliency of wastewater and stormwater infrastructure as eligible critical infrastructure projects (as compared to just general water infrastructure, which can also include drinking water systems).

“(12) Technical assistance to help develop comprehensive resilience and mitigation plans and to engage community stakeholders, as an eligible funding effort.

“(13) Community-led strategic relocation efforts.

“(b) PROHIBITION ON USE OF FUNDS FOR LITIGATION AND LOBBYING.—No funds made available under this Act may be used to fund any expense related to litigation or any activity the purpose of which is to influence legislation pending before Congress.”.

(d) GRANTS.—

(1) ADMINISTRATION.—Subsection (a)(1) of section 906 of such Act (16 U.S.C. 7505) is amended—

(A) by amending subparagraph (B) to read as follows:

“(B) Selection procedures and criteria for the awarding of grants under this section that require consultation with the Administrator and the Secretary of the Interior.”;

(B) by amending subparagraph (C)(ii) to read as follows:

“(ii) under subsection (c), as appropriate, to entities including States, local governments, regional and interstate collaboratives, associations, nonprofit and for-profit private entities, public-private partnerships, academic institutions, Indian Tribes, and Indigenous communities.”;

(C) in subparagraph (F), by striking “year if grants have been awarded in that year” and inserting “5 years”; and

(D) by adding at the end the following:

“(I) A method to give special consideration in reviewing proposals to projects with either direct or indirect coastal or marine blue carbon benefits and an accounting methodology to quantify these benefits for the purposes of the annual report required under section 907.”.

(2) GRANTS TO COASTAL STATES.—Subsection (b) of section 906 of such Act (16 U.S.C. 7505) is amended to read as follows:

“(b) GRANTS TO COASTAL STATES AND INDIAN TRIBES.—

“(1) IN GENERAL.—Subject to section 904(d)(1) and paragraphs (3) and (4) of this subsection, the Administrator and the Foundation shall award grants to eligible coastal States based on the following formula:

“(A) 50 percent of the funds are allocated equally among such coastal States and Tribes, with not less than 15 percent going to Indian Tribes.

“(B) 30 percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a coastal State to the tidal shoreline miles of all coastal States.

“(C) 20 percent of the funds are allocated on the basis of the ratio of population of the coastal counties of a coastal State to the total population of all coastal counties of all coastal States based on the most recent data available by the United States Census Bureau.

“(2) ELIGIBLE COASTAL STATES.—For purposes of this subsection, an eligible coastal State is any coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

“(3) MAXIMUM ALLOCATION TO STATES.—Notwithstanding paragraph (1), not more than 5 percent of the total funds distributed under this subsection may be allocated to any single State. Any amount exceeding this limit shall be redistributed equally among the remaining eligible coastal States.

“(4) REQUIREMENT TO SUBMIT PLANS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible coastal State shall submit to the Administrator for review and approval, a 5-year plan, which shall include the following:

“(i) Criteria to determine eligibility for entities which may receive grants under this subsection.

“(ii) A description of the competitive process the coastal State will use in allocating funds received from the Fund, except in the case of allocating funds under paragraph (7), which shall include—

“(I) a description of the relative roles of and consistency with the State coastal zone management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), if the coastal State has such a plan, and any State Sea Grant Program, if the State has such program; and

“(II) a demonstration that such competitive process is consistent with the application and review procedures established by the Administrator and Foundation under subsection (a)(1).

“(iii) A process to certify that the project or program and the awarding of a contract for the expenditure of amounts received under this paragraph are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements.

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

“(B) UPDATES.—As a condition of receiving a grant under this subsection, a coastal State shall submit to the Administrator, not less frequently than once every 5 years, an update to the plan submitted by the coastal State under subparagraph (A) for the 5-year period immediately following the most recent submittal under this paragraph.

“(5) OPPORTUNITY FOR PUBLIC COMMENT.—In determining whether to approve a plan or an update to a plan described in subparagraph (A) or (B) of paragraph (4), the Administrator or the Foundation shall provide the opportunity for, and take into consideration, public input and comment on the plan.

“(6) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian Tribes in the State are eligible to participate in the competitive process described in the State’s plan under paragraph (5)(A)(ii).

“(7) NONPARTICIPATION BY A STATE.—In any year, if an eligible coastal State or geographic area does not submit the plan required by paragraph (4) or declines the funds distributed under this subsection, the funds that would have been allocated to the State or area shall be reallocated to carry out subsection (c) for the national grant program.”.

(3) NATIONAL GRANTS FOR OCEANS, COASTS, AND GREAT LAKES.—Subsection (c)(2) of such section is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by striking “; and” and inserting a semicolon;

- (ii) by redesignating clause (iii) as clause (iv); and
- (iii) by inserting after clause (ii) the following:
“(iii) nongovernmental organizations; and”;

(B) by adding at the end the following:

“(C) CAP ON STATE FUNDING.—The amount of a grant awarded under this subsection shall not count toward the cap on funding to States through grants awarded under subsection (b).

“(D) INDIGENOUS COMMUNITIES.—Not less than \$5,000,000 each year shall be awarded to Tribes and Indigenous communities.”.

(e) ANNUAL REPORT.—Section 907 of the National Oceans and Coastal Security Act (16 U.S.C. 7506) is amended—

(1) in paragraph (2) of subsection (b), by striking “and” at the end;

(2) by amending paragraph (3) of subsection (b) to read as follows:

“(3) a description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures; and”;

(3) by adding at the end the following:

“(4) an estimate of blue carbon benefits, in tons of carbon dioxide, expected through grants awarded to projects that received special consideration under section 906 due to their blue carbon potential.”.

(f) FUNDING.—Section 908 of such Act (16 U.S.C. 7507) is amended to read as follows:

“SEC. 908. FUNDING.

“There is authorized to be appropriated \$200,000,000 to carry out this title for each of fiscal years 2022 through 2026.”.

SEC. 904. SHOVEL-READY RESTORATION GRANTS FOR COASTLINES AND FISHERIES.

(a) ESTABLISHMENT.—The Administrator shall establish a grant program to provide funding and technical assistance to eligible entities for purposes of carrying out a project described in subsection (d).

(b) PROJECT PROPOSAL.—To be considered for a grant under this section, an eligible entity shall submit a grant proposal to the Administrator in a time, place, and manner determined by the Administrator. Such proposal shall include monitoring, data collection, and measurable performance criteria with respect to the project.

(c) DEVELOPMENT OF CRITERIA.—The Administrator shall select eligible entities to receive grants under this section based on criteria developed by the Administrator, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, such as the Office of Habitat Conservation, the Office for Coastal Management, the Office of Response and Restoration, and the Office of National Marine Sanctuaries.

(d) ELIGIBLE PROJECTS.—A proposal is eligible for a grant under this section if—

(1) the purpose of the project is to restore a marine, estuarine, coastal, or Great Lake habitat, including—

(A) restoration of habitat to protect or recover a species that is threatened, endangered, or a species of concern under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) through the removal or remediation of marine debris, including derelict vessels and abandoned, lost, and discarded fishing gear, in coastal and marine habitats; or

(C) for the benefit of—

- (i) shellfish;
- (ii) fish, including diadromous fish;
- (iii) coral reef systems;
- (iv) marine wildlife;

(v) blue carbon ecosystems such as coastal wetlands, marshes, coastal forests, seagrasses, kelp forests, and other habitats important to carbon sequestration and storage; or

(vi) ecosystems such as beaches, dunes, oyster beds, submerged aquatic vegetation, and other ecosystems that provide protection from flooding, wave effects, and other coastal hazards; or

(2) provides adaptation to climate change, including sequestering and storing carbon or by constructing, restoring, or protecting ecological features or nature-based infrastructure that protects coastal communities from sea level rise, coastal storms, or flooding.

(e) PRIORITY.—In determining which projects to fund under this section, the Administrator shall give priority to a proposed project—

(1) that would stimulate the economy;

(2) for which the applicant can demonstrate that the grant will fund work that will begin not more than 90 days after the date of award;

(3) for which the applicant can demonstrate that the grant will fund work that will employ fishermen who have been negatively impacted by the COVID-19 pandemic or pay a fisherman for the use of a fishing vessel;

(4) for which the applicant can demonstrate that any preliminary study or permit required before the project can begin has been completed or can be completed shortly after an award is made;

(5) that includes communities that may not have adequate resources including low-income communities, communities of color, Tribal communities, Indigenous communities, and rural communities; or

(6) that is happening within National Wildlife Refuges, National Parks, and Marine Protected Areas, such as National Marine Sanctuaries.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$10,000,000,000 for fiscal year 2022 to carry out this section, to remain available until expended.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means a nonprofit, a for-profit business, an institution of higher education, or a State, local, Tribal, or Territorial government.

(2) FISHERMEN.—The term “fishermen” means commercial or for-hire fishermen or oyster farmers.

SEC. 905. STRATEGIC CLIMATE CHANGE RELOCATION INITIATIVE AND PROGRAM.

(a) ESTABLISHMENT OF INITIATIVE.—The Chairman of the Council on Environmental Quality (in this section referred to as the “Chair”) shall establish a Strategic Climate Change Relocation Initiative (in this section referred to as the “Initiative”) for the purposes of coordinating Federal agency activities to identify and assist communities that have expressed affirmative interest in relocation due to health, safety, and environmental impacts from climate change, including hurricanes, flooding, sea level rise, erosion, and repeat wildfires.

(b) DIRECTOR.—The Chair shall appoint a Strategic Climate Relocation Director to manage the Initiative.

(c) CONSULTATION.—The Chair shall coordinate and consult with Federal agencies conducting activities related to this section including the National Oceanic and Atmospheric Administration, the Department of the Interior, including the Bureau of Indian Affairs, the Environmental Protection Agency, the Federal Emergency Management Agency, the Department of Housing and Urban Development, the Denali Commission, the Corps of Engineers, the Office of Management and Budget, the National Economic Council, the National Security Council, the White House Council on Native American Affairs Interagency Subgroup on Tribal Resilience, and other Federal agencies as appropriate.

(d) EXTERNAL ADVISORY PANEL.—The Chair shall establish an external advisory panel that may include community leaders, nongovernmental organizations, State and local government representatives, Tribal leaders, Indigenous community representatives, climate adaptation professionals, institutions of higher education, and other relevant experts as appropriate.

(e) REPORT TO CONGRESS.—Not later than two years after the date of the enactment of this Act, the Chair shall submit a report to Congress recommending key elements of a Strategic Climate Change Relocation Program to identify and assist communities that have expressed affirmative interest in relocation due to health, safety, and environmental impacts from climate change. The report shall—

(1) identify—

(A) areas where climate change impacts make relocation a likely climate change adaptation strategy;

(B) communities that have expressed affirmative interest in relocation (in this section referred to as “sending communities”); and

(C) potential relocation areas and communities that have expressed interest in attracting climate migrants (in this section referred to as “receiving communities”);

(2) propose criteria to qualify for climate relocation assistance, with preference given to disadvantaged communities where community members have indicated a preference for retreat which would otherwise be challenged to relocate;

(3) describe the roles and responsibilities of specific Federal agencies in implementing the Strategic Climate Change Relocation Program and how the Program should be coordinated with applicable State and Federal agency plans and programs and identify Federal programs that can be tailored to incentivize self-identification of communities as receiving areas;

(4) outline the role that State, Tribal, Indigenous, and local governments should play in implementing the Strategic Climate Change Relocation Program, including identification of areas or communities where people leaving areas vul-

nerable to climate change can consider locating, and the specific resources needed to prepare those communities to be receiving communities in terms of Federal investment in infrastructure, affordable housing, and social services;

(5) summarize existing Federal and State programs for purchase of individual properties vulnerable to the impacts of climate change and propose how these programs might be restructured, improved, or expanded to incentivize climate change relocation;

(6) describe measures that governments or other organizations can take to reduce the psychological stress associated with relocation to preserve or support the historical and cultural identity of communities being relocated and to restore and conserve areas that are relocated from as publicly accessible natural assets, and how Federal programs will support these efforts;

(7) identify and recommend measures to overcome how institutional barriers, such as Federal programs that do not account for Tribal sovereignty, constrain Tribal communities' ability to pursue self-determined management of their resources and built environment;

(8) identify measures that Congress, Federal agencies, or State and local governments should take to discourage or restrict new development or redevelopment and hard structural measures in areas vulnerable to such significant climate change impacts that they are likely to require a solution that includes relocation, in particular, where the Federal Government could establish stricter funding requirements for postdisaster funding that require updated building codes and land use strategies reflecting climate risk;

(9) describe existing policies and clarify responsibilities of governments in complying with obligations to maintain public infrastructure and to protect private property, including providing just compensation for any taking of private property;

(10) propose an application process, available online, and in hardcopy, for States, Tribes, and communities to express affirmative interest in climate relocation assistance, either as a leaving community or receiving community;

(11) provide guidance on and identify additional funding for re-use planning and operations and maintenance requirements for vacated land, and identify the resources needed to prioritize public access, recreational and sustainable tourism spaces, or conservation areas;

(12) review efficacy of existing flood mitigation strategies on reducing flood risk to human populations, and identify opportunities to coordinate blue-green infrastructure solutions with buyout programs that increase the resilience of remaining residents; and

(13) outline the amount and timing of Federal funding that is expected to be needed to implement the Climate Change Relocation Program.

(f) **DEVELOPMENT OF REPORT TO CONGRESS.**—In developing the report required under subsection (e), the Chair shall—

(1) provide for public review and comment of a draft of the report;

(2) solicit feedback from organizations representing State and local governments;

(3) engage in consultation with Indian Tribes;

(4) engage in review by the external advisory panel; and

(5) evaluate projects implemented under the National Disaster Resilience Competition administered by the Department of Housing and Urban Development.

(g) **CLIMATE CHANGE STRATEGIC RELOCATION PROGRAM PILOT PROJECTS.**—Within 2 years after the date of submission of the report under subsection (e), the Chair shall establish and carry out pilot projects based upon the recommendations included in such report.

(h) **SUBSEQUENT PERIODIC REPORTS TO CONGRESS.**—Within 3 years after the date of submission of the report under subsection (e), and every 3 years thereafter, the Chair shall submit to Congress a report evaluating progress in the implementation of the Climate Change Relocation Program and making recommendations for needed changes to the Program.

SEC. 906. NATIONAL CENTERS OF EXCELLENCE IN COASTAL RESILIENCE RESEARCH AND EDUCATION.

(a) **IN GENERAL.**—The Administrator shall designate institutions of higher education, defined by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), as National Centers of Excellence in Coastal Resilience Research and Education (in this section referred to as “Centers of Excellence”).

(b) **PURPOSES.**—The purposes of such designations are the following:

(1) To recognize institutions of higher education that have exhibited national leadership in research and education in coastal climate change adaptation and mitigation.

(2) To identify such Centers of Excellence as sources of expert advice and guidance for Federal agencies engaged in research and education related to coastal climate change resilience.

(3) To formalize and enhance existing collaborations and partnerships between public institutions of higher education and Federal agencies, with the goal of ensuring information and recommendations are communicated effectively between such entities.

(c) **CRITERIA FOR DESIGNATION.**—The Administrator shall designate an institution of higher education as a Center of Excellence that—

(1) has demonstrated proven expertise in the physical, engineering, social, and environmental sciences, particularly research and education focused on the impacts of sea level rise, coastal flooding, storms, or shoreline erosion;

(2) has demonstrated a commitment to understanding the socioeconomic impacts of climate change;

(3) is located in a State that frequently experiences coastal flooding or shoreline erosion in connection with sea level rise, severe coastal storms, or related pollution of ground water supplies;

(4) has previously partnered with, or is receiving funds from, Federal agencies for research on coastal flooding or shoreline erosion issues;

(5) can demonstrate institutional collaboration in research and education with other public institutions of higher education, including minority-serving institutions; and

(6) can demonstrate capabilities for convening local, State, or Federal entities to develop plans for coastal flooding, storm preparedness, shoreline erosion, and other resilience-related decisionmaking.

(d) **REVIEWS AND ADDITIONAL DESIGNS.**—

(1) **REVIEW OF REPORTS FROM NATIONAL CENTERS OF EXCELLENCE.**—The Administrator shall review reports from National Centers of Excellence to ensure that recommendations and guidance of such Centers regarding sea level rise, coastal flooding, shoreline erosion, and related issues are communicated to relevant Federal agencies.

(2) **REVIEW OF NATIONAL CENTERS OF EXCELLENCE AND POTENTIAL DESIGNEES.**—The Administrator shall periodically review each Center of Excellence and potential new designees as such Centers, to—

(A) ensure that each Center of Excellence continues to meet the criteria for designation under this Act; and

(B) designate additional National Centers of Excellence in accordance with this Act.

(3) **REVOCAION.**—If the Administrator determines under paragraph (1) that a Center of Excellence does not meet the criteria for such designation, the Administrator shall revoke such designation by such process as the Administrator determines appropriate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2022 through 2026.

SEC. 907. INITIATE DESIGNATION PROCESS FOR SUCCESSFUL SANCTUARY NOMINATIONS AND TECHNICAL CORRECTIONS TO THE NATIONAL MARINE SANCTUARIES ACT.

(a) **IN GENERAL.**—Not later than four years after the date of the enactment of this Act, the Administrator shall initiate the process to designate as a national marine sanctuary under section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433) each of the areas identified in the Inventory of Successful Nominations of the National Oceanic and Atmospheric Administration as of October 20, 2020.

(b) **REMOVAL OF LIMITATIONS ON DESIGNATIONS AND CHANGES TO EFFECTIVE DATE OF DESIGNATIONS.**—Section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1434) is amended—

(1) in subsection (a)(6), by striking “the forty-five day period of continuous session of Congress beginning on the date of submission of the documents” and inserting “60-day period”;

(2) in subsection (b)(1), by striking “forty-five days of continuous session of Congress beginning on the day on which such notice is published” and inserting “60 days”;

(3) by striking subsection (b)(3); and

(4) by striking subsection (f).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$4,000,000 in each fiscal year to carry out this section for fiscal years 2022 through 2026.

SEC. 908. GRANTS TO FURTHER RESILIENCE AND CLIMATE RESEARCH WITH INDIGENOUS AND TRIBAL COMMUNITIES.

(a) **ESTABLISHMENT.**—The Administrator shall establish a new grant program in the National Marine Sanctuary System to support climate research and resilience with indigenous and local knowledge of marine and natural areas.

(b) **GRANTS AUTHORIZED.**—The Administrator may award competitive grants to Indian Tribes and Indigenous communities and States to—

(1) engage, support, and perpetuate ecosystem and conservation practices such as Native Hawaiian Ahupuaa management; and

(2) establish a long-term data monitoring and methods throughout the Sanctuary System for tracking and modeling the impacts of climate change on the cultural, natural, and marine environment.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 in each fiscal year to carry out this section for fiscal years 2022 through 2026.

SEC. 909. GRANTS FOR CONSERVING, RECOVERING, AND MAINTAINING KELP FOREST ECOSYSTEMS.

(a) **ESTABLISHMENT.**—The Administrator shall establish a grant program (in this section referred to as the “Program”) under which the Administrator shall award grants to eligible entities described in subsection (b) to carry out projects relating to the conservation, restoration, or management of kelp forest ecosystems.

(b) **ELIGIBLE ENTITY.**—To be eligible for a grant under this section, an entity shall—

(1) be a member of the fishing industry, an academic community, a relevant nonprofit organization, a federally recognized Indian Tribe, or a relevant State agency;

(2) propose or be conducting a project relating to the conservation, restoration, or management of kelp forest ecosystems developed through consultation with any of the other entities described in paragraph (1); and

(3) submit to the Administrator an application describing such project at such time, in such manner, and containing such information as the Administrator may require, including information about what criteria will be used to monitor and evaluate the effectiveness of the project.

(c) **ELIGIBLE PROJECTS.**—The Administrator shall award grants to eligible entities for projects that—

(1) address greatest relative regional declines in kelp forest ecosystems;

(2) focus on—

(A) long term ecosystem resilience;

(B) long term socioeconomic resilience;

(C) kelp forest seeding and connectivity;

(D) urchin removal and predator control efforts;

(E) monitoring and assessment of kelp forest ecosystems; or

(F) other efforts to restore kelp forest ecosystems and prevent large scale losses of kelp forests; or

(3) are identified by Federal or State restoration and management plans as focal areas for recovery of kelp forests and associated species.

(d) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the total amount of Federal funding received under the Program by an eligible entity may not exceed 85 percent of the total cost of the project for which a grant is awarded. For the purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) **WAIVER.**—The Administrator may waive all or part of the requirement in paragraph (1) if the Administrator determines that no reasonable means are available through which an eligible entity applying for a grant under this section can meet such requirement and the probable benefit of such project outweighs the public interest in such requirement.

(e) **DEFINITIONS.**—In this section—

(1) the term “academic community” means faculty, researchers, professors, and representatives of State-accredited colleges and universities;

(2) the term “fishing industry” means processors, commercial fishermen, and recreational fishermen;

(3) the term “kelp forest ecosystem” means a naturally occurring, biotic system dominated by canopy forming benthic macroalgae and associated taxa; and

(4) the term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator \$50,000,000 for each of the fiscal years 2022 through 2026 to carry out this section.

(g) **SENSE OF CONGRESS.**—It is the sense of Congress that the purposes of this section and the grants authorized by this section are to support wild kelp forest ecosystems and restoration of wild kelp to enable long term recovery of naturally functioning kelp forest ecosystems that do not involve commercial or mechanized harvesting.

TITLE X—OCEAN HEALTH: OCEAN ACIDIFICATION AND HARMFUL ALGAL BLOOMS

Subtitle A—Coastal Communities Ocean Acidification Act

SEC. 1001. COASTAL COMMUNITY VULNERABILITY ASSESSMENT.

Section 12406 of the Federal Ocean Acidification Research and Monitoring Act of 2009 (33 U.S.C. 3705) is amended—

(1) in subsection (a), by inserting “(referred to in this section as the ‘Program’)” after “acidification program”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) **SUPPORT FOR STATE AND LOCAL VULNERABILITY ASSESSMENTS AND STRATEGIC RESEARCH PLANNING.**—In carrying out the Program established under subsection (a), the Administrator shall collaborate with State, local, Indigenous, and Tribal government entities that are conducting or have completed vulnerability assessments, strategic research planning, or other similar activities related to ocean acidification and its impacts on coastal communities, for the purpose of—

“(1) determining whether such activities can be used as a model for other communities; and

“(2) identifying opportunities for the National Oceanic and Atmospheric Administration and other relevant Federal agencies to support such activities.”.

Subtitle B—Ocean Acidification Act

SEC. 1011. PRIZE COMPETITIONS.

Section 12404 of the Federal Ocean Acidification Research And Monitoring Act of 2009 (33 U.S.C. 3703) is amended by adding at the end the following:

“(d) **PRIZE COMPETITIONS.**—

“(1) **IN GENERAL.**—Any Federal agency with a representative serving on the interagency working group established under this section may, either individually or in cooperation with 1 or more agencies, carry out a program to award prizes competitively under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719). An agency seeking to carry out such a program shall carry out such program in coordination with the chair of such interagency working group.

“(2) **PURPOSES.**—Any prize competition carried out under this subsection shall be for the purpose of stimulating innovation to advance our Nation’s ability to understand, research, or monitor ocean acidification or its impacts, or to develop management or adaptation options for responding to ocean acidification.

“(3) **PRIORITY PROGRAMS.**—Priority shall be given to establishing programs under this section that address communities, environments, or industries that are in distress due to the impacts of ocean acidification, including—

“(A) the development of monitoring or management options for communities or industries that are experiencing significant financial hardship;

“(B) the development of adaptation options to alleviate economic harm and job loss caused by ocean acidification;

“(C) the development of measures to help vulnerable communities or industries, with an emphasis on rural communities and businesses; and

“(D) the development of adaptation and management options for impacted shellfish industries.”.

Subtitle C—Harmful Algal Bloom Essential Forecasting

SEC. 1021. CENTERS OF EXCELLENCE IN HARMFUL ALGAL BLOOM RESEARCH, PREVENTION, RESPONSE, AND MITIGATION.

(a) **ESTABLISHMENT.**—Not later than one year after the date of the enactment of this Act, the Administrator shall designate organizations or consortia of organizations as National Centers of Excellence in Harmful Algal Bloom Research, Prevention, Response, and Mitigation.

(b) **PURPOSE.**—The purpose of the Centers is—

- (1) to further understanding of harmful algal blooms;
- (2) to further understanding of the impacts of harmful algal blooms on public health, including the health of at-risk populations;
- (3) to further the ability to research, forecast, and monitor harmful algal blooms;
- (4) to formalize and enhance existing partnerships and collaborations among institutions of higher education, research entities, local, State, Territorial, and Tribal agencies, Indigenous communities, regional observing associations, and the Federal Government;
- (5) to further the prevention, control, and mitigation of harmful algal blooms;
- (6) to transition harmful algal bloom research and forecasting from research to operational use; and
- (7) to address existing and emerging harmful algal bloom issues as the Administrator considers appropriate.

(c) **ELIGIBILITY FOR DESIGNATIONS.**—To be eligible for designation under this section, an organization must—

- (1) be an institution of higher education, as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a Federal, State, Territorial, or Tribal agency, a nonprofit laboratory or other research entity, a regional information coordination entity as defined in the Integrated Coastal and Ocean Observation System Act of 2009 (Public Law 111–11), the National Centers for Coastal Ocean Sciences, or a consortium of such eligible institutions;
- (2) have demonstrated expertise and success in harmful algal bloom research, monitoring, forecasting, prevention, or response efforts;
- (3) have demonstrated ability to collaborate with local, State, Territorial, and Tribal governments and Federal agencies on harmful algal blooms; and
- (4) be located in area region that is economically and environmentally impacted by harmful algal blooms.

(d) **REQUIREMENTS FOR DESIGNATIONS.**—In designating National Centers of Excellence under this section, the Administrator shall—

- (1) consult with the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia;
- (2) ensure regional balance by designating National Centers in a variety of locations throughout the United States, including the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and other Territories and possessions of the United States; and
- (3) support novel innovative approaches of other harmful algal bloom research and operational monitoring.

(e) **EFFECTIVE PERIOD, REVIEW, AND RENEWAL.**—Each designation of an organization as a National Center of Excellence under this section—

- (1) shall be effective for 5 years;
- (2) shall be reviewed by the Administrator in the fourth year of such effective period; and
- (3) following such review, may be renewed for an additional 5-year period.

(f) **ANNUAL REPORTS.**—The Administrator shall require and publish an annual activity report from each National Center of Excellence.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, including for providing funding to National Centers of Excellence designated under this section, there is authorized to be appropriated to the National Oceanic and Atmospheric Administration \$12,500,000 for each of fiscal years 2022 through 2026, of which not more than 5 percent may be available each fiscal year for administrative expenses.

TITLE XI—OCEAN DATA AND COLLABORATIVE EFFORTS

Subtitle A—Regional Ocean Partnerships

SEC. 1101. PURPOSES.

The purposes of this subtitle are as follows:

- (1) To complement and expand cooperative voluntary efforts intended to manage, conserve, and restore ocean and coastal areas spanning across multiple State boundaries.
- (2) To expand Federal support for monitoring, data management, and restoration activities in ocean and coastal areas.
- (3) To commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, all coastal ecosystems.
- (4) To authorize regional ocean partnerships as intergovernmental coordinators for shared interstate, Tribal, Indigenous, and regional priorities relating to the collaborative management of the large marine ecosystems, thereby reducing duplication of efforts and maximizing opportunities to leverage support in the ocean and coastal regions.
- (5) To empower States and Tribes to take a lead role in managing oceans and coasts.
- (6) To incorporate Tribal interests in the management of our oceans and coasts and provide funding to support Tribal and Indigenous ocean and coastal resiliency activities in coordination with regional ocean partnerships.
- (7) To enable regional ocean partnerships, or designated fiscal management entities of such partnerships, to receive Federal funding to conduct the scientific research, conservation and restoration activities, and priority coordination on shared regional priorities necessary to achieve the purposes described in paragraphs (1) through (4).

SEC. 1102. REGIONAL OCEAN PARTNERSHIPS.

(a) DEFINITIONS.—In this section, the following definitions apply:

- (1) COASTAL STATE.—The term “coastal State” has the meaning given that term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).
- (2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) REGIONAL OCEAN PARTNERSHIPS.—

(1) IN GENERAL.—A coastal State or Tribe may participate in a regional ocean partnership with one or more other coastal States or Tribes that share a common ocean or coastal area with the coastal State or Tribe, without regard to whether the coastal States or Tribes are contiguous.

(2) APPLICATION.—The Governors of a group of two or more coastal States and Tribal leadership, as applicable, may apply to the Administrator on behalf of a partnership of such States, for the partnership to receive designation as a regional ocean partnership if the partnership—

- (A) meets the requirements under paragraph (3); and
 - (B) submits an application for such designation in such manner, in such form, and containing such information as the Administrator may require.
- (3) REQUIREMENTS.—A partnership is eligible for designation as a regional ocean partnership by the Administrator under paragraph (2) if the partnership—

- (A) is established to coordinate the interstate management of coastal resources;
- (B) focuses on the environmental issues affecting the ocean and coastal areas of the members participating in the partnership;
- (C) complements existing State and Tribal coastal and ocean management efforts on an interstate scale, focusing on shared regional priorities;
- (D) does not have a regulatory function; and
- (E) is not duplicative of an existing regional ocean partnership, as determined by the Administrator.

(c) GOVERNING BODIES OF REGIONAL OCEAN PARTNERSHIPS.—

- (1) IN GENERAL.—A regional ocean partnership designated under subsection (b) shall be governed by a governing body.
- (2) MEMBERSHIP.—A governing body described in paragraph (1)—

(A) shall be comprised, at a minimum, of voting members from each coastal State participating in the regional ocean partnership, designated by the Governor of the coastal State; and

(B) may include such other members as the partnership considers appropriate.

(d) FUNCTIONS.—A regional ocean partnership designated under subsection (b) may perform the following functions:

(1) Promote coordination of the actions of the agencies of coastal States participating in the partnership with the actions of the appropriate officials of Federal agencies and State and Tribal governments and Regional Fishery Management Councils in developing strategies—

(A) to conserve living resources, expand and protect valuable habitats, enhance coastal resilience, and address such other issues related to the shared ocean or coastal area as are determined to be a shared, regional priority by those States; and

(B) to manage regional data portals and develop associated data products for purposes that support the priorities of the partnership.

(2) In cooperation with appropriate Federal and State agencies, Tribal governments, and local authorities, develop and implement specific action plans to carry out coordination goals.

(3) Coordinate and implement priority plans and projects, and facilitate science, research, modeling, monitoring, data collection, management and sharing, and other activities that support the goals of the partnership through the provision of grants and contracts under subsection (f).

(4) Engage, coordinate, and collaborate with relevant governmental entities and stakeholders to address ocean and coastal related matters that require interagency or intergovernmental solutions.

(5) Implement engagement programs for public information, education, and participation to foster stewardship of the resources of the ocean and coastal areas, as relevant.

(6) Develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to cross-jurisdictional issues being addressed through the coordinated activities of the partnership.

(7) Serve as a liaison with, and provide information to, international and foreign counterparts, as appropriate on priority issues for the partnership.

(e) CONSULTATION AND ENGAGEMENT.—A regional ocean partnership designated under subsection (b) shall maintain mechanisms for consultation with Federal and Tribal governments, as well as engagement with nongovernmental entities, including academic organizations, nonprofit organizations, and businesses.

(f) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—A regional ocean partnership designated under subsection (b) may, in coordination with existing Federal and State management programs, from amounts made available to the partnership by the Administrator or the head of another Federal agency—

(A) provide grants to eligible persons described in paragraph (2) for the purposes described in paragraph (3); and

(B) enter into contracts with such persons for such purposes.

(2) ELIGIBLE PERSONS.—The eligible persons described in this paragraph (1)(A) are the following:

- (A) Indian Tribes.
- (B) State and local governments.
- (C) Nongovernmental organizations.
- (D) Institutions of higher education.
- (E) Individuals.
- (F) Private entities.

(3) PURPOSES.—The purposes described in paragraph (1)(A) include any of the following:

(A) Monitoring the water quality and living resources of multistate ocean and coastal ecosystems and to coastal communities.

(B) Conducting research and development with respect to human-induced environmental changes to—

- (i) ocean and coastal ecosystems; and
- (ii) coastal communities.

(C) Developing and executing cooperative strategies that—

- (i) address regional data issues identified by the partnership; and
- (ii) will result in more effective management of common ocean and coastal areas.

(g) REPORTS AND ASSESSMENTS.—

(1) **IN GENERAL.**—Not later than five years after the date of the enactment of this Act, and every 5 years thereafter until 2040, the Administrator, in coordination with the regional ocean partnerships designated under subsection (b), shall—

- (A) assess the effectiveness of the partnerships in supporting regional priorities relating to the management of common ocean and coastal areas; and
- (B) submit to Congress a report on that assessment.

(2) **REPORT REQUIREMENTS.**—The report required under paragraph (1)(B) shall include the following:

(A) An assessment of the overall status of the work of the regional ocean partnerships designated under subsection (b).

(B) An assessment of the effectiveness of the strategies that the regional ocean partnerships are supporting or implementing and the extent to which the priority needs of the regions covered by such partnerships are being met through such strategies.

(C) Such recommendations as the Administrator may have for the improvement of efforts of the regional ocean partnerships to support the purposes of this Act.

(D) An assessment of how the efforts of the regional ocean partnerships support or enhance Federal and State efforts in line with the purposes of this Act.

(E) Recommendations for improvements to the collective strategies that support the purposes of this Act in coordination and consultation with all relevant Federal, State, and Tribal entities.

(h) **AVAILABILITY OF FEDERAL FUNDS.**—In addition to amounts made available to regional ocean partnerships designated under subsection (b) by the Administrator under this section, the head of any other Federal agency may provide grants to, enter into contracts with, or otherwise provide funding to such partnerships.

(i) **AUTHORITIES.**—Nothing in this section establishes any new legal or regulatory authority of the National Oceanic and Atmospheric Administration or of the regional ocean partnerships designated under subsection (b), other than—

- (1) the authority of the Administrator to provide amounts to the partnerships; and
- (2) the authority of the partnerships to provide grants and enter into contracts under subsection (e).

(j) **FUNDING.**—

(1) **REGIONAL OCEAN PARTNERSHIPS.**—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration the following amounts for regional ocean partnerships designated under subsection (b) or designated fiscal management entities of such partnerships to carry out activities of the partnerships under this Act:

- (A) \$10,100,000 for fiscal year 2022.
- (B) \$10,202,000 for fiscal year 2023.
- (C) \$10,306,040 for fiscal year 2024.
- (D) \$10,412,160 for fiscal year 2025.
- (E) \$10,520,404 for fiscal year 2026.

(2) **DISTRIBUTION OF AMOUNTS.**—Amounts made available under paragraph (1) shall be divided evenly among the regional ocean partnerships designated under subsection (b).

(3) **TRIBAL CONSULTATION.**—There are authorized to be appropriated \$2,000,000 for each fiscal year 2022 through 2026 to the National Oceanic and Atmospheric Administration for Indian Tribes and Indigenous communities to be distributed for purposes of participation in or engagement with the regional ocean partnerships.

Subtitle B—National Coastal Resilience Data and Services

SEC. 1111. AUTHORIZATION OF NOAA ACTIVITIES.

(a) **IN GENERAL.**—The Administrator shall, in consultation with other Federal agencies, develop within the National Oceanic and Atmospheric Administration a comprehensive suite of coastal flood, sea level rise, Great Lakes bathymetry water level, and vertical land motion data, products, and services, and conduct the research and development necessary to support those products and services that—

- (1) augment existing capacities and combine existing observations, modeling, predictions, products and services into a coordinated decision-support framework;

(2) produce and maintain authoritative and timely data, maps, and information services, including improving existing and new information products and services targeted to end-user needs, that allow coastal communities across the United States to plan for present and future coastal flood risk; and

(3) engage with, ensure accessibility by, and provide technical assistance to, end users, with particular attention to historically underserved and at-risk communities and populations, and also including other Federal agencies, regional ocean partnerships, States, local governments, Tribal Governments, and Indigenous communities on the appropriate application of these data and tools and to better assess information gaps, needs, and solutions relating to the risk posed by coastal flooding, including sea level rise.

(b) **DATA ARCHIVING.**—The National Oceanic and Atmospheric Administration shall make data and metadata generated under this Act fully and openly available, in accordance with the Federal Evidence-Based Policy Making Act, to maximize distribution, access, and effective utilization of these important national assets. The National Oceanic and Atmospheric Administration shall serve as the archive authority and stewardship partner for this data and conduct activities to assure maximum return on investment for this important national asset.

(c) **USE OF EXISTING ADVISORY COMMITTEES.**—The Administrator may consult with and seek input from existing agency advisory committees to provide recommendations on systems, products, and services relating to coastal flooding, including sea level rise.

(d) **TECHNICAL ASSISTANCE TO OTHER FEDERAL AGENCIES.**—To assist in carrying out this Act and to facilitate collaboration, the National Oceanic and Atmospheric Administration may provide technical assistance to other Federal agencies on a reimbursable or nonreimbursable basis, including by entering into an agreement with another Federal agency to detail, for a period of not more than 3 years, an employee of National Oceanic and Atmospheric Administration to such other Federal agency.

(e) **INTERNATIONAL ENGAGEMENT.**—The Administrator, in coordination with the Secretary of State, may engage internationally to provide and receive technical assistance, data-sharing and capacity building on matters pertaining to coastal flooding, sea level rise and inundation, including participating in and on relevant international bodies and organizations.

(f) **REPORT.**—The Administrator shall, within one year after the date of the enactment of this Act and every 3 years thereafter, provide the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate with a report on actions taken to implement this Act and containing an evaluation of the need to expand and improve agency observations, modeling, predictions, products, and services to—

(1) improve the understanding of the processes that drive coastal flood risk, including sea level rise, storm events, changing Great Lakes water levels, and land subsidence; and

(2) track and report how observed rates of sea level rise compare to the sea level rise trends and predictions published within the quadrennial National Climate Assessments and related reports.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there are authorized to be appropriated \$3,000,000 for each of fiscal years 2022–2026.

SEC. 1112. INTERAGENCY COORDINATION.

(a) **IN GENERAL.**—The Director of the Office of Science and Technology Policy, in consultation with the Administrator, shall—

(1) facilitate interagency cooperation and alignment of Federal Government activities conducted with respect to coastal flooding, including sea level rise, to improve the ability of the United States to prepare for, avoid, mitigate, respond to, and recover from potentially devastating impacts; and

(2) coordinate the activities of the interagency committee established under subsection (b).

(b) **COASTAL FLOODING AND SEA LEVEL RISE SUBCOMMITTEE.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the President, acting through the appropriate interagency committee or task force, shall establish an interagency subcommittee on coastal flooding and sea level rise (subsequently referred to as the “subcommittee”).

(2) **PURPOSES.**—The subcommittee shall—

(A) examine the latest science and technologies for measuring, predicting, and delivering information related to coastal flood risk, including sea level rise;

(B) coordinate executive branch actions and activities that improve measurements, predictions, and service delivery of information related to coastal flood risk, including sea level rise;

- (C) identify gaps in observations, data, information, and modeling and ensure agency activities are complementary;
 - (D) consult and coordinate with other interagency climate and ocean policy efforts and bodies as appropriate;
 - (E) coordinate the delivery of science and data and technical assistance from Federal agencies, including to support and inform the development and delivery of National Oceanic and Atmospheric Administration products and services; and
 - (F) define and prioritize needs from other Federal agencies that could be addressed by enhancements to Federal data and services, including National Oceanic and Atmospheric Administration products and services.
- (3) LEADERSHIP.—The Subcommittee shall be co-chaired by the Director of the Office of Science and Technology Policy and the Administrator.
- (4) MEMBERSHIP.—The following entities shall be members of the committee:
- (A) The National Oceanic and Atmospheric Administration.
 - (B) The National Aeronautics and Space Administration.
 - (C) The Department of Interior through the United States Geological Survey.
 - (D) The United States Army Corps of Engineers.
 - (E) The Department of Homeland Security through the Federal Emergency Management Administration.
 - (F) The Environmental Protection Agency.
 - (G) The Department of Defense.
 - (H) The Department of Energy.
 - (I) The National Science Foundation.
 - (J) Such other White House offices and Federal agencies the Director of the Office of Science and Technology Policy deems appropriate.
- (5) AGREEMENTS.—
- (A) IN GENERAL.—To carry out activities under this Act, the heads of agencies represented on the subcommittee may enter into cooperative agreements, or any other agreement with each other, and transfer, receive, and expend funds made available by any Federal agency, any State or subdivision thereof, or any public or private organization or individual.
- (B) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Administrator of the National Aeronautics and Space Administration and the Administrator shall enter into one or more interagency agreements providing for cooperation and collaboration in the development of sea level rise and coastal flood-related instruments, technologies, and data sets, and products in accordance with this Act.
- (C) UNITED STATES GEOLOGICAL SURVEY AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Director of the United States Geological Survey and the Administrator of the National Oceanic and Atmospheric Administration shall enter into one or more interagency agreements providing for cooperation and collaboration in the development, quality control, processing, and delivery of coastal hazards and sea level rise related data, modeling, mapping, and services in accordance with this Act.
- (6) INTERNATIONAL, ACADEMIC COMMUNITY, AND COMMERCIAL SECTOR COLLABORATION.—Each Federal agency participating in the subcommittee established under this subsection shall, to the extent practicable, increase engagement and cooperation with the international community, academic community, and commercial sector on the observational infrastructure, data, scientific research, service delivery, and technical assistance necessary to advance the monitoring, forecasting, and prediction of, preparation for, and protection from coastal flooding, sea level rise, changing Great Lakes water levels, and land subsidence.

Subtitle C—Centralized Website for Resiliency Grants

SEC. 1121. CENTRALIZED WEBSITE FOR RESILIENCY GRANTS.

(a) CENTRALIZED WEBSITE.—Not later than six months after the date of the enactment of this subsection, the Administrator shall establish and maintain and regularly update a publicly available website that includes—

- (1) hyperlinks to all programs administered by the National Oceanic and Atmospheric Administration and hyperlinks to other Federal agencies that offer

similar grants to assist States and local communities with resiliency, adaptation, and mitigation of climate change and sea level rise; and

(2) with respect to each such grant, the contact information for an individual who can offer assistance to States and local government.

(b) **OUTREACH.**—The Administrator shall conduct outreach activities to inform State, Tribal, and local governments and Indigenous communities of the resiliency, adaptation, and mitigation grants.

Subtitle D—Automatic Identification Systems

SEC. 1131. AUTOMATIC IDENTIFICATION SYSTEMS.

Section 70114(a) of title 46, United States Code, is amended to read as follows:

“(1) Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, in the United States Exclusive Economic Zone, and on the high seas, shall be equipped with and operate an automatic identification system under regulations prescribed by the Administrator:

“(A) A self-propelled commercial vessel of at least 49 feet overall in length.

“(B) A vessel carrying more than a number of passengers for hire determined by the Administrator.

“(C) A towing vessel of more than 26 feet overall in length and 600 horsepower.

“(D) Any other vessel for which the Administrator decides that an automatic identification system is necessary for the safe navigation of the vessel.”.

Subtitle E—Authorization of Appropriations

SEC. 1141. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator for fiscal year 2022, \$5,000,000, to remain available until expended, to purchase automatic identification systems for fishing vessels, fish processing vessels, and fish tender vessels more than 49 feet in length.

TITLE XII—MEASURES TO ADDRESS GREENHOUSE GAS POLLUTION FROM SHIPPING VESSELS

SEC. 1201. GREENHOUSE GAS EMISSIONS FROM SHIPPING.

(a) **APPLICATION.**—The monitoring, reporting, and verification requirements of this section shall apply to all vessels of 5,000 gross tons or more calling at, leaving, or transiting between, or at berth at, ports in the United States, regardless of flag.

(b) **VESSEL REPORTING.**—A vessel shall measure and monitor on a per-voyage basis, and report to the Administrator and to the vessel’s flag-state on an annual basis, the following metrics:

(1) Total greenhouse gas emissions and particulate pollution emitted by the vessel inside the United States Exclusive Economic Zone.

(2) Average greenhouse gas emissions and particulate pollution emitted per transport work and per nautical mile.

(c) **ACCEPTABLE METHODS FOR MEASURING, MONITORING, AND REPORTING.**—

(1) **IN GENERAL.**—The Administrator shall develop a list of acceptable methods for measuring, monitoring, and reporting metrics listed in subsection (b).

(2) **CONSISTENCY.**—The Administrator, to the maximum extent practicable, shall ensure consistency of such methods with similar reporting schemes developed by the European Union and the International Maritime Organization to reduce any duplicative burden on shippers.

(3) **METHODS.**—Acceptable methods included in the list could include the following:

(A) Bunker Delivery Note (BDN) and periodic stocktakes of fuel tanks.

(B) Bunker fuel tank monitoring on board.

(C) Flowmeters for applicable combustion processes.

(D) Direct CO₂ emissions measurements.

(d) **ANNUAL REPORT BY THE ADMINISTRATOR.**—The Administrator, in consultation with the Administrator of the Environmental Protection Agency and Commandant of the Coast Guard, shall publish an annual report on emissions from vessels cov-

ered under this section, including the underlying data, accompanied by an explanation intended to facilitate public understanding of the vessel shipping sector's CO₂ emissions and energy efficiency.

(e) REGULATIONS.—Before promulgation of regulations under this section, reports issued under this section shall be reviewed to ensure that regulatory changes will not create the risk of increased CO₂ emissions.

SEC. 1202. QUIET SEAS AND CLEAR SKIES VESSEL SPEED REDUCTION AWARD PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) 49 marine mammal species are considered depleted under the Marine Mammal Protection Act of 1972, and of those species, 42 are listed as threatened or endangered under the Endangered Species Act of 1973.

(2) Climate change is altering marine mammal migration routes and timing.

(3) Hundreds of threatened and endangered marine mammals, including North Atlantic right whales and blue whales, die from vessel strikes each year.

(4) Background ambient noise levels have increased significantly since the 1950s and can be attributed to vessel noise, impeding foraging, breeding, communication, and other behaviors of marine animals, including of threatened species and endangered species.

(5) Slower ship speeds reduce the lethality of vessel strikes on marine life, moderate underwater noise, and provide climate benefits through reduced fuel consumption and lower particulate emissions.

(6) In 2019, the Vessel Speed Reduction Program in the Santa Barbara Channel region and the San Francisco Bay region saved over 17,000 metric tons of greenhouse gas emissions, with 349 vessels from 15 different companies slowing their speeds for over 99,000 nautical miles.

(b) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the Administrator, in consultation with the Administrator of the EPA and Commandant of the United States Coast Guard, shall establish the Quiet Seas and Clear Skies Program (in this section referred to as the “Program”) to—

(1) reduce air pollution, harmful underwater vessel noise, and the risk of fatal marine mammal ship strikes by encouraging voluntary reduction in the speed of eligible vessels operating within the Exclusive Economic Zone of the United States; and

(2) annually award Quiet Seas and Clear Skies Excellence Awards under subsection (d) for verified successful participation in, and cooperation with, the Program by shipping companies.

(c) PROGRAM REQUIREMENTS.—The Administrator shall develop and publish in the Federal Register requirements for voluntary participation in the Program by eligible shipping companies, including the following:

(1) PROGRAM AREA.—Geographic areas covered by the Program shall include all waters of the United States Exclusive Economic Zone.

(2) FLEET REQUIREMENT.—At least 75 percent of eligible vessels operated by a shipping company shall participate and be in compliance with paragraph (3) in order to be eligible for an Award under subsection (d).

(3) SPEED LIMITS.—The Administrator shall, based upon the best available scientific information and consultation with the Commandant of the Coast Guard, and input from shipping companies and experts in air quality and marine mammal conservation, prescribe maximum speeds for eligible vessels participating in the Program, except when directed by the Coast Guard to proceed in excess of the speed requirements of the Program for safety purposes, that would—

(A) obtain a significant reduction in greenhouse gas and particulate pollution, including black carbon emissions from eligible vessels;

(B) protect marine life; and

(C) reduce noise generated by eligible vessels.

(4) CERTIFICATION.—The Administrator shall establish protocols for shipping companies to certify compliance with the Program requirement to be eligible for an Award under subsection (d).

(d) ANNUAL AWARDS.—Under the Program, the Director of National Marine Sanctuaries shall annually award Quiet Seas and Clear Skies Excellence Awards to shipping companies operating fleets that have participated in, and complied with the requirements of, the Program during the preceding year.

(e) OFFICIAL SEAL.—The Administrator shall create an official seal to be recognized as the symbol of excellence in compliance with the Program, that—

(1) may be used by shipping companies with eligible vessels for which a Quiet Seas and Clear Skies Excellence Award is awarded under this section;

(2) includes the name of the shipping company; and

(3) includes the year for which such Award was made.

(f) LIMITATIONS.—Nothing in this section shall be construed to—

- (1) require participation in the Program; or
- (2) authorize any action that affects navigational rights and freedoms under international law or navigational safety.
- (g) DEFINITION OF ELIGIBLE VESSEL.—In this section, the term “eligible vessel” means a vessel greater than or equal to 65 feet in overall length.
- (h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section \$4,000,000 for each of fiscal years 2022 through 2026.

TITLE XIII—VIRGIN PLASTIC EXCISE TAX

SEC. 1301. VIRGIN PLASTIC EXCISE TAX.

(a) IN GENERAL.—Chapter 32 of subtitle D of the Internal Revenue Code of 1986 is amended by adding after subchapter D the following new chapter:

“Subchapter E—Virgin Plastic Excise Tax

“SEC. 4191. IMPOSITION OF TAX.

“(a) IN GENERAL.—There is hereby imposed a virgin plastic excise tax on the manufacturer, producer, or importer of a covered item.

“(b) AMOUNT OF TAX.—

“(1) IN GENERAL.—The virgin plastic excise tax imposed by subsection (a) is \$0.05 per pound of virgin plastic.

“(2) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2021, the dollar amounts in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting in subparagraph (A)(ii) ‘calendar year 2021’ for ‘calendar year 2016’.

“(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $\frac{1}{10}$ of a cent, such increase shall be rounded to the nearest multiple of $\frac{1}{10}$ of a cent.

“(c) REGULATIONS.—The Secretary shall issue such regulations or other guidance, including regulations or guidance for the determination of the amount of virgin plastic in a covered item, as may be necessary or appropriate to carry out the purposes of this section.

“(d) DEFINITIONS.—For purposes of this section:

“(1) COVERED ITEM.—The term ‘covered item’ means a single-use plastic product made in part or whole of virgin plastic, except—

“(A) a medical product that the Secretary of Health and Human Services determines needs to be made of virgin plastic for public health or the health of the user;

“(B) a container for—

“(i) a drug regulated under the Federal Food, Drug, and Cosmetic Act;

“(ii) infant formula; or

“(iii) a meal replacement liquid;

“(C) a personal or feminine hygiene product that could be unsafe or unsanitary to recycle;

“(D) a sexual health product; and

“(E) packaging for—

“(i) a product described in subparagraphs (A) through (E); or

“(ii) used for the shipment of hazardous materials that is prohibited from being composed of used materials under section 178.509 or 178.522 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of this subtitle).

“(2) PACKAGING.—The term ‘packaging’ means a package, container, packing materials, or other material used for the containment, protection, handling, delivery, and presentation of goods.

“(3) VIRGIN PLASTIC.—The term ‘virgin plastic’ means a primary polymer or resin—

“(A) of any form of ethylene, propylene, polyethylene, polypropylene, polyvinyl chloride, or a raw plastic polymer; and

“(B) generated through processing byproducts associated with petroleum, natural gas, coal, or vegetation-based resources.

“(4) SINGLE-USE PRODUCT.—The term ‘single-use product’ means a consumer product that is routinely disposed of, recycled, or otherwise discarded after a single use.”.

(b) INTERNATIONAL NEGOTIATIONS.—Congress finds the international mitigation of virgin, single-use plastics to be of national importance. Therefore, Congress encourages the United States Trade Representative and the Secretary of State, as appropriate, to engage in negotiations with other nations with the goal of forming treaties, environmental agreements, accords, partnerships, or any other instrument that—

(1) effectively reduces global single-use plastic production from virgin polymers to 10 percent of 2010 levels by 2050; and

(2) respects the principle of common but differentiated responsibilities and respective capabilities.

(c) EFFECTIVE DATE.—The amendments by this section shall apply to covered items, as such term is defined in section 4191 of such Code, manufactured, produced, or imported after the earlier of—

(1) 1 year after the Secretary issues regulations implementing section 4191 of such Code; or

(2) 2 years after date of the enactment of this Act.

(d) CONFORMING AMENDMENT.—The table of subchapters for chapter 32 of such Code is amended by inserting after the item relating to subchapter D the following:

“E. Virgin plastic excise tax”.

SEC. 1302. ESTABLISHMENT OF THE VIRGIN PLASTIC TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“SEC. 9512. VIRGIN PLASTIC TRUST FUND.

“(a) ESTABLISHMENT AND FUNDING.—There is hereby established in the Treasury of the United States a trust fund to be known as the ‘Virgin Plastic Trust Fund’, consisting of such amounts as may be appropriated to such trust fund.

“(b) TRANSFER TO VIRGIN PLASTIC TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There are hereby appropriated to the Virgin Plastic Trust Fund amounts equivalent to the taxes received in the Treasury under section 4191 (relating to virgin plastic excise tax).

“(c) EXPENDITURES FROM VIRGIN PLASTIC TRUST FUND.—The following amounts in the Virgin Plastic Trust Fund are authorized to be appropriated each fiscal beginning after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022.

“(1) To United States Customs and Border Protection, such amounts as may be necessary to administer the taxation of importers under section 4191(a).

“(2) So much as remains in the fund in each fiscal year, after appropriations are made under paragraph (1), for the purposes of carrying out the Ocean-Based Climate Solutions Act of 2022.”.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following:

“Sec. 9512. Virgin Plastic Trust Fund.”.

TITLE XIV—STUDIES AND REPORTS

SEC. 1401. DEEP SEA MINING.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall seek to enter into an agreement with the National Academies to conduct a comprehensive assessment of the environmental impacts of deep seabed mining, including—

(1) characterization of deep seabed ecosystems;

(2) assessment of potential impacts to deep seabed habitat and species from exploratory or extractive activities;

(3) assessment of the potential impacts of sediment plumes from disturbance of the deep seabed on the pelagic food chain; and

(4) approximate quantification of the greenhouse gas emissions associated with deep seabed mining, including emissions possibly from the release of greenhouse gases sequestered in the seabed.

SEC. 1402. NATIONAL ACADEMIES ASSESSMENT OF OCEANIC BLUE CARBON.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall seek to enter into an agreement with the National Academies to conduct a comprehensive assessment of oceanic blue carbon, including—

(1) the impacts of marine species decline on carbon sequestration potential in ocean ecosystems, an estimate of the global carbon dioxide mitigation potential of protecting or recovering populations of fish and marine mammals, and the ecological considerations of such conservation strategies;

(2) an analysis of the geologic stores of carbon and deep sea storage of dissolved carbon in the deep seafloor environment, including current and potential natural long-term carbon storage, identification of gaps in scientific understanding, observations, and data regarding such geologic and deep sea carbon storage; and

(3) the potential impacts to oceanic blue carbon storage by human activities including energy development activities, deep sea mining, deep sea carbon capture technology, and other disturbances to the sea floor and gas hydrate disruption atop the seabed.

SEC. 1403. REPORT ON THE ECOLOGICAL AND ECONOMIC EFFECTS OF HIGH SEAS FISHING IN THE OCEAN AREAS BEYOND NATIONAL JURISDICTION.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Administrator, in coordination with the Secretary of State, shall seek to enter into an agreement with the National Academies under which the National Academies shall—

(1) study the challenges and opportunities associated with implementing a global moratorium on high seas commercial fishing;

(2) evaluate the ecological, social, and economic effects of a global moratorium on high seas commercial fishing, including establishment of ecological baselines required to also estimate changes in biodiversity;

(3) estimate the scope and volume of illegal, unregulated, and unreported fishing occurring on the high seas fishing;

(4) evaluate the percentage of United States seafood imports originating from high-seas fishing, from both legally reported and illegal, unregulated, and unreported fishing; and

(5) evaluate the greenhouse gas emissions associated with high-seas fishing and high-seas fishing fleets.

(b) **ELEMENTS.**—The study and evaluation conducted pursuant to the agreement entered into under subsection (a) shall address—

(1) the feasibility of implementing a global moratorium on high seas commercial fishing, including—

(A) legal authorities that exist under the United Nations Convention on the Law of the Sea and other implementation instruments to implement a moratorium on high seas commercial fishing;

(B) the nations and vessels likely to refuse or otherwise fail to comply with such a moratorium, including estimates of catch levels by those nations and vessels relative to overall international catch; and

(C) available enforcement mechanisms and surveillance technology that could be used to enforce such a moratorium; and

(2) the range of effects that would be expected to result from a moratorium on high seas commercial fishing, including—

(A) identification of fish stocks that would be affected, changes in exploitation of those stocks, and net effect on the biomass of those stocks;

(B) ecosystem effects on nontarget species, including marketable and non-marketable bycatch, forage species, corals, other invertebrates, marine mammals, seabirds, and sea turtles;

(C) changes in global carbon emissions from reduced fishing vessel transits and from increased fish carbon capture and improved high seas ecosystem functioning;

(D) amounts of subsidies that support high seas commercial fishing by the top 12 nations that currently conduct high seas fishing by volume;

(E) effects on global fisheries revenues and profits overall and the effects on fisheries revenues, profits, and jobs for developing nations;

(F) effects on sustainable seafood availability for United States consumers;

(G) effects on revenues and profits for domestic fishermen seafood businesses;

(H) effects on the scope and volume of illegal, unregulated, and unreported fishing occurring on the high seas; and

(I) potential spillover effects on other fisheries from imposing a moratorium.

(c) **REPORT.**—

(1) **IN GENERAL.**—The agreement entered into under subsection (a) shall require the National Academies to submit to the Secretary of Commerce, not later

than two years after entering into the agreement, a report that describes the results of the study and evaluation conducted pursuant to the agreement.

(2) PUBLIC AVAILABILITY.—The Administrator shall publish the report received under paragraph (1) on a public website.

SEC. 1404. NATIONAL ACADEMIES ASSESSMENT OF PUBLIC ACCESS TO THE COASTS.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall seek to enter into an agreement with the National Academies to conduct a comprehensive assessment on public access to the Nation's coasts, including the Great Lakes' coasts. The assessment shall include—

(1) an analysis of the existing quantity and quality of public access points to the coasts by State, including both recreational and commercial (“working waterfront”) access;

(2) opportunities and barriers faced by low income communities, communities of color, Tribal communities, Indigenous communities, and rural communities for access to the coasts;

(3) the likely impact of sea level rise and extreme weather on public access points to and access along the coasts; and

(4) Federal mechanisms for preventing the loss of access, for mitigating such loss when it occurs, and for increasing the quantity, quality, and afford ability of public access to the coasts for both recreational and commercial activities.

SEC. 1405. STUDY EXAMINING THE IMPACT OF ACIDIFICATION AND OTHER ENVIRONMENTAL STRESSORS ON ESTUARIES ENVIRONMENTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall make appropriate arrangements with the National Academies under which the National Academies shall conduct a study that—

(1) examines the existing science of acidification in coastal environments, including in the Great Lakes;

(2) examines the challenges to studying acidification and the combined effect of acidification and other environment stressors in coastal environments;

(3) provides recommendations for improving future research with respect to acidification in coastal environments; and

(4) identifies pathways for applying science in management and mitigation decisions relating to acidification in estuaries environments.

(b) CONTENTS OF STUDY.—The study conducted under subsection (a) shall include—

(1) the behavior of the carbonate system within estuaries environments;

(2) the interactions of the carbonate system with other biotic and abiotic characteristics of coastal ecosystems;

(3) how environmental and anthropogenic changes or disturbances, such as nutrient runoff and water pollution, could affect biotic and abiotic processes within coastal ecosystems;

(4) how coastal biotic and abiotic processes will be affected under predicted environmental changes;

(5) the current state of data collection, interpretation, storage, and retrieval and observational infrastructure of biotic and abiotic parameters in coastal ecosystems;

(6) the gaps that exist in understanding the socioeconomic and health impacts of acidification in coastal ecosystems;

(7) future directions for scientific research; and

(8) pathways for applying science in management and mitigation decisions.

(c) REPORT.—Not later than two years after entering into any arrangement under subsection (a), the Administrator shall request that the National Academies submit to Congress a report detailing the findings of the study.

SEC. 1406. STUDY EXAMINING THE CAUSES AND IMPACTS OF BLACK CARBON.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator and the Secretary of Interior shall make appropriate arrangements with the National Academies under which the National Academies shall conduct a study that—

(1) quantifies the sources of black carbon emissions, including wildfires and natural processes;

(2) examines the impacts of black carbon on the health, finances, society, and culture of Indigenous communities;

(3) examines the impacts of black carbon on marine and terrestrial Arctic wildlife; and

(4) examines the role of black carbon in climate change.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$1,000,000 for fiscal year 2022 to carry out this section.

SEC. 1407. MARINE AREAS INVENTORY.

(a) **IN GENERAL.**—The Administrator, in consultation with the Secretary of State and the Secretary of the Interior, shall—

(1) update the National Marine Protection Areas Centers Marine Protected Area Inventory to include—

(A) an inventory of areas already protected 10 within the Exclusive Economic Zone of the United States;

(B) an inventory of areas already protected in areas of the ocean beyond the jurisdiction of the United States, and a description of any activities that are currently allowed in each of the areas; and

(C) an inventory of areas that other countries or international governing bodies are considering making a marine protected area; and

(2) create an inventory of marine areas to include—

(A) areas under United States jurisdiction that are subject to both a prohibition on all bottom-tending fishing gear and a prohibition on all fishing gear with bycatch rates that adversely affect marine wildlife populations, and identify additional prohibitions on nonfishing commercial activities in those areas; and

(B) an inventory of the lease areas for offshore wind as established by the Bureau of Ocean and Energy Management.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator \$2,000,000 to carry out this section.

SEC. 1408. MARINE BIODIVERSITY CENSUS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator, in coordination with relevant Federal, State, and Tribal agencies, shall develop a strategy for the United States to initiative a living marine biodiversity census.

(b) **REQUIREMENTS.**—The requirements of this subsection are that the strategy shall—

(1) identify what is needed to develop a coordinated, sustained marine biodiversity observation and research program to identify and monitor the diversity, abundance, and distribution of marine species; how it is changing; and how it impacts ecosystem function and services;

(2) identify existing infrastructure and programs, such as the Marine Biodiversity Observation Network, and how they can be utilized and expanded as part of a marine biodiversity census, that includes a coordinated data infrastructure;

(3) include an organizational structure that facilitates multisector coordination and oversight; and

(4) address how this effort will help inform the marine biodiversity gap analysis as described in section 1410.

(c) **PUBLICATION AND PUBLIC COMMENT.**—Not later than 60 days after the strategy is published to a public website, the strategy shall be published in the Federal Register to provide an opportunity for submission of public comments for a period of not less than 60 days.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this section \$2,000,000 for each of fiscal years 2022 through 2026.

SEC. 1409. MARINE BIODIVERSITY GAP ANALYSIS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce and Secretary of the Interior, in coordination with relevant Federal and State agencies, shall begin a marine biodiversity gap analysis meeting the requirements described in subsection (b) to be completed not later than 18 months after such date. Such Secretaries, in coordination with relevant Federal and State agencies, shall update such analysis not less frequently than every 2 years thereafter.

(b) **REQUIREMENTS.**—The requirements of this subsection are that the Marine Biodiversity Gap Analysis shall—

(1) assess habitats, species, and ecosystems across the United States ocean waters and coasts; and

(2) determine what types of habitats, species, and ecosystems and the percentage of each type of habitat, species, and ecosystem are necessary to protect in order to—

(A) protect biodiversity; and

(B) mitigate and provide resilience to the impacts of climate change.

(c) **PUBLICATION.**—The Secretary of Commerce shall publish the marine biodiversity gap analysis required by subsection (a) on a public website.

(d) REPORT.—Biennially, the Secretary of Commerce and the Secretary of the Interior shall publish a report on candidate areas for protection and conservation, and on progress for advancing protection of habitats, species, and biodiversity identified in the gap analysis required by subsection (a) and is also informed by the Marine Biodiversity Census described in section 1408.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,000,000 in each fiscal year 2022 through 2026 to carry out this section.

PURPOSE OF THE BILL

The purpose of H.R. 3764 is to direct the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations.

BACKGROUND AND NEED FOR LEGISLATION

Climate change has caused ocean temperatures to increase by 1.3 degrees Celsius over the last decade, with more extreme temperature changes occurring in the polar regions.¹ Climate change and ocean warming have significant ramifications, including sea-level rise, more frequent and intense storms, more powerful storm surge, “sunny day flooding,” damage to coastal infrastructure, erosion, ocean acidification, coral reef die-off, shifting fish stocks, harmful algal blooms, and more.

Roughly 125 million Americans live in coastal counties threatened by sea-level rise and extreme weather.² Already, flooding has cost the U.S. approximately \$155 billion in property damage over the last decade.³ Communities of color, low-income communities, and tribal and Indigenous communities are disproportionately impacted by sea-level rise and flooding. Many United States Territories and the Freely Associated States are islands vulnerable to climate change impacts. Alaska Native communities in the Arctic and communities across the United States will be forced to consider relocation as the impact of climate change increases. Ocean-related industries such as fishing, tourism, and shipping, employ over 3.1 million Americans and contribute \$352 billion to the U.S. gross domestic product annually. These industries are severely threatened by climate change.⁴

The ocean provides enormous potential for climate solutions, despite facing many threats from climate change. One-third of the carbon dioxide humans have added to the atmosphere has been absorbed by the ocean.⁵ Since 1955, the ocean has also absorbed over 90 percent of the excess heat retained by the earth due to added

¹Fourth National Climate Assessment. Volume II: Impacts, Risks, and Adaptation in the United States. (2018).

²Socioeconomic Data Summary. (2017). Retrieved from <https://coast.noaa.gov/data/digitalcoast/pdf/socioeconomic-data-summary.pdf>.

³First Street Foundation. *The First National Flood Risk Assessment: Defining America's Growing Risk*. https://assets.firststreet.org/uploads/2020/06/first_street_foundation_first_national_flood_risk_assessment.pdf. (2020).

⁴Socioeconomic Data Summary. (2017). Retrieved from <https://coast.noaa.gov/data/digitalcoast/pdf/socioeconomic-data-summary.pdf>.

⁵Rosane, O., & Ecowatch. (n.d.). Oceans absorb almost 1/3 of global CO2 emissions, but at what cost? Retrieved from <https://www.weforum.org/agenda/2019/03/oceans-do-us-a-huge-service-by-absorbing-nearly-a-third-of-global-co2-emissions-but-at-what-cost>.

greenhouse gases.⁶ Fully implemented ocean-based climate solutions could deliver one-fifth (up to 21 percent) of the annual greenhouse gas emissions cuts the world needs by 2050 to keep global temperature rise below 1.5°C.⁷

Ocean and coastal habitats such as mangroves, salt marshes, and seagrass beds are critical for protecting shorelines, coastal communities, and property. These ecosystems also capture and store carbon, referred to as “blue carbon.” Although they occupy less area than terrestrial forests, blue carbon ecosystems can trap and hold more than ten times the carbon per unit area.⁸

In addition, there is an opportunity to expand clean ocean energy in the United States, particularly offshore wind. Responsibly sited and sustainably constructed offshore wind projects are a vital component of the ocean climate action needed to address climate change. However, potentially valuable alternative forms of renewable ocean energy, such as wave and tidal energy, require more research before large-scale deployment.

A healthy ocean will help us fight the climate crisis. For too long, the ocean has been neglected in the climate conversation. Ocean-based climate solutions integrate evidence-based approaches to address climate change, including protecting our ocean and coastal communities, promoting sustainable job opportunities, and supporting offshore renewable energy while reducing the devastating impacts of the climate crisis. They will also assist frontline communities at risk from climate change and create jobs. These policies will position the United States to lead the global effort fighting the climate crisis once again.

H.R. 3764 leverages the immense power and storage capacity of the world’s oceans to solve up to 21% of the global greenhouse gas (GHG) equation. It provides the blueprint for ocean climate action and protects the habitats and ecosystems humanity depends on. This legislation protects and restores blue carbon ecosystems, promotes the research and development of clean energy, creates a restorative aquaculture research and policy program, protects marine mammals and marine ecosystems through vessel speed reduction programs, expands climate mitigation efforts in the Arctic, establishes a manufacturer’s fee on virgin single-use plastic production, among other provisions.

COMMITTEE ACTION

H.R. 3764 was introduced on June 8, 2021, by Representative Raúl M. Grijalva (D–AZ). The bill was referred to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, House Administration, Ways and Means, Transportation and Infrastructure, Foreign Affairs, and Armed Services. Within the Committee on Natural Resources, the bill was held at full Committee. On June 22, 2021, the Committee held a hearing on the bill. On July 14, 2021, the Natural Resources Committee met to consider the bill. Chair Grijalva offered an amendment in the nature of a substitute. Rep. Jared Huffman (D–

⁶ Explaining ocean warming: Causes, scale, effects and consequences. (1970, January 01). Retrieved from <https://portals.iucn.org/library/node/46254>.

⁷ https://live-oceanpanel.pantheonsite.io/sites/default/files/2019-10/19_4PAGER_HLP_web.pdf.

⁸ McLeod, et al. *A blueprint for blue carbon: toward an improved understanding of the role of vegetated coastal habitats in sequestering CO₂*. *Frontiers in Ecology*. (2011).

CA) offered an amendment designated Huffman #1 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote. Rep. Yvette Herrell (R-NM) offered an amendment designated Herrell #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 20 nays, as follows:

Date: July 14, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 3764

Amendment: Rep. Herrell amendment #1

Disposition: Not agreed to by a roll call vote of 17 yeas and 20 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID			
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	17	20	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Jay Obernolte (R-CA) offered an amendment designated Obernolte #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 17 yeas and 20 nays, as follows:

Date: July 14, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 3764**Amendment:** Rep. Obernolte amendment #1**Disposition:** Not agreed to by a roll call vote of 17 yeas and 20 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA			
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
	Mr. Bentz, OR	X		
1	Mrs. Boebert, CO	X		
2	Mr. Carl, AL	X		
3	Mr. Fulcher, ID	X		
4	Mr. Gohmert, TX	X		
5	Miss González-Colón, PR	X		
6	Mr. Gosar, AZ			
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA			
10	Mr. Lamborn, CO			
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)			
20	Mr. Wittman, VA	X		
21	Mr. Young, AK			
22	Total: 48 / Quorum: 16 / Report: 25	17	20	
	TOTALS	YEAS	NAYS	PRESENT

By unanimous consent, Rep. Pete Stauber (R-MN) offered an amendment on behalf of Rep. Lauren Boebert (R-CO) designated Boebert #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 19 yeas and 21 nays, as follows:

Date: July 14, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 3764

Amendment: Rep. Boebert amendment #1

Disposition: Not agreed to by a roll call vote of 19 yeas and 21 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	19	21	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Thomas P. Tiffany (R-WI) offered an amendment designated Tiffany #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 19 yeas and 22 nays, as follows:

Date: July 14, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 3764

Amendment: Rep. Tiffany amendment #1

Disposition: Not agreed to by a roll call vote of 19 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obermoite, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	19	22	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Paul Tonko (D-NY) offered an amendment designated Tonko #1 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote. A recorded vote was requested. By unanimous consent, the request for a recorded vote was withdrawn and the amendment was considered agreed to by the previous voice vote. Rep. Stauber offered an amendment designated Stauber #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 19 yeas and 22 nays, as follows:

Date: July 14, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 3764

Amendment: Rep. Stauber amendment #1

Disposition: Not agreed to by a roll call vote of 19 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sabian, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obermoite, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 46 / Quorum: 16 / Report: 25	19	22	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Stauber offered an amendment designated Stauber #2 to the amendment in the nature of a substitute. The amendment was withdrawn. Rep. Matt Rosendale (R-MT) offered an amendment designated Rosendale #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 19 yeas and 21 nays, as follows:

Date: July 14, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 3764

Amendment: Rep. Rosendale amendment #1

Disposition: Not agreed to by a roll call vote of 19 yeas and 21 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA			
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Harrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO			
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obermoyle, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	19	21	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Blake Moore (R-UT) offered an amendment designated Moore #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 23 nays, as follows:

Date: July 14, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 3764

Amendment: Rep. Moore amendment #1

Disposition: Not agreed to by a roll call vote of 18 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	18	23	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Cliff Bentz (R-OR) offered an amendment designated Bentz #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 20 yeas and 22 nays, as follows:

Date: July 14, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 3764

Amendment: Rep. Bentz amendment #1

Disposition: Not agreed to by a roll call vote of 20 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	20	22	
	TOTALS	YEAS	NAYS	PRESENT

7/15/2021 12:50 PM

By unanimous consent, Rep. Bentz offered an amendment on behalf of Ranking Member Bruce Westerman (R-AR) designated Westerman #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 23 nays, as follows:

Date: July 14, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 3764

Amendment: Rep. Westerman amendment #1

Disposition: Not agreed to by a roll call vote of 18 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obermoite, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	18	23	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Rosendale offered an amendment designated Rosendale #3 to the amendment in the nature of a substitute. The amendment was withdrawn. Rep. Garret Graves (R-LA) offered an amendment designated Graves #1 to the amendment in the nature of a substitute. The amendment was agreed to by unanimous consent. Rep. Graves offered an amendment designated Graves #2 revised to the amendment in the nature of a substitute. The amendment was not agreed to by voice vote. Rep. Graves offered an amendment designated Graves #3 revised to the amendment in the nature of a substitute. The amendment was not agreed to by voice vote. By unanimous consent, Rep. Graves offered amendments designated Graves #4 and Graves #10 *en bloc*. The *en bloc* amendments were not agreed to by voice vote. Rep. Graves offered an amendment designated Graves #7 to the amendment in the nature of a substitute. The amendment was agreed to by unanimous consent. Rep. Graves offered an amendment designated Graves #8 to the amendment in the nature of a substitute. The amendment was withdrawn. Rep. Graves offered an amendment designated Graves #9 to the amendment in the nature of a substitute. The amendment was not agreed to by voice vote. Rep. Graves offered an amendment designated Graves #11 to the amendment in the nature of a substitute. The amendment was withdrawn. By unanimous consent, Rep. Graves offered amendments designated Graves #12, Graves #14, and Graves #18 *en bloc*. The *en bloc* amendments were agreed to by unanimous consent. Rep. Graves offered an amendment designated Graves #13 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 23 nays, as follows:

Date: July 14, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 3764

Amendment: Rep. Graves amendment #13

Disposition: Not agreed to by a roll call vote of 18 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (<i>Chair</i>)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrari, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	18	22	
	TOTALS	YEAS	NAYS	PRESENT

By unanimous consent, Rep. Graves offered amendments designated Graves #15 and Graves #17 *en bloc*. The *en bloc* amendments were not agreed to by voice vote. Rep. Graves offered an amendment designated Graves #19 to the amendment in the nature of a substitute. The amendment was withdrawn. Rep. Russ Fulcher (R-ID) offered an amendment designated Fulcher #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 22 nays, as follows:

Date: July 14, 2021

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 3764**Amendment:** Rep. Fulcher amendment #1**Disposition:** Not agreed to by a roll call vote of 18 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT			
14	Mr. Oberto, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	18	22	
	TOTALS	YEAS	NAYS	PRESENT

7/15/2021 12:58 PM

Rep. Rosendale offered an amendment designated Rosendale #2 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 23 nays, as follows:

Date: July 14, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 3764

Amendment: Rep. Rosendale amendment #2

Disposition: Not agreed to by a roll call vote of 18 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ			
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX	X		
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ			
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	18	23	
	TOTALS	YEAS	NAYS	PRESENT

The amendment in the nature of a substitute offered by Chair Grijalva, as amended, was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 19 nays, as follows:

Date: July 14, 2021

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 3764

Amendment:

Disposition: Final Passage: H.R. 3764, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 19 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ			
8	Mr. Garcia, IL	X		
9	Mr. Grijalva, AZ (Chair)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU			
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY	X		
	REP. MEMBERS (22)	Y	N	P
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Mr. Fulcher, ID		X	
5	Mr. Gohmert, TX		X	
6	Miss González-Colón, PR		X	
7	Mr. Gosar, AZ			
8	Mr. Graves, LA		X	
9	Ms. Herrell, NM		X	
10	Mr. Hice, GA		X	
11	Mr. Lamborn, CO		X	
12	Mr. McClintock, CA		X	
13	Mr. Moore, UT		X	
14	Mr. Obermole, CA		X	
15	Mrs. Radewagen, AS		X	
16	Mr. Rosendale, MT		X	
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI		X	
19	Mr. Webster, FL		X	
20	Mr. Westerman, AR (RM)			
21	Mr. Wittman, VA		X	
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	23	19	
	TOTALS	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the full Committee on Natural Resources held on June 22, 2021.

SECTION-BY-SECTION ANALYSIS

TITLE I—BLUE CARBON

Section 101. Blue Carbon Program

Establishes a Blue Carbon Program within the National Oceanic and Atmospheric Administration (NOAA). Directs the agency to coordinate an interagency effort to understand, protect, and restore blue carbon ecosystems (BCEs).

Section 102. National map of coastal blue carbon ecosystems

Requires NOAA to produce and maintain a map and inventory of BCEs in the U.S. to assess carbon sequestration in existing BCEs and potential carbon sequestration from the restoration of degraded BCEs.

Section 103. Report on blue carbon in the United States

Requires NOAA to submit biennial reports to Congress summarizing federally funded efforts to study, monitor, preserve, and restore BCEs in the United States. The report should assess the status and trends, vulnerabilities, impediments to restoration, co-benefits, and impacts of BCEs.

Section 104. Blue Carbon Partnership Grant Program

Establishes and authorizes \$300 million per year from 2022–2026 for NOAA to provide grants to eligible non-federal entities to restore BCEs on non-federal land. Grants are competitive, prioritizing projects that would protect fish and wildlife habitat, other coastal resources and benefit lower-income communities.

Section 105. Integrated pilot programs to restore degraded blue carbon ecosystems

Directs the Blue Carbon Program to carry out a set of pilot programs for blue carbon protection and restoration. Ensures that pilot projects are geographically, ecologically, culturally, and economically representative and maximize blue carbon storage and sequestration.

Section 106. Interagency working group

Establishes an interagency working group, to be chaired by the director of the Blue Carbon Program, to develop a national strategy for research, development, and demonstration (RD&D), monitoring, and stewardship (including assessment of legal authority to protect and restore) of BCEs. The strategy is to be developed within a year, updated every five years, and submitted to Congress.

Section 107. Blue carbon areas of significance

Directs the Administrator of NOAA to develop criteria for and designate “blue carbon areas of significance” (BCAS) and ensure

the conservation of BCAS using Department of Commerce programs and resources. Federal agencies proposing actions that may harm BCAS are required to notify NOAA. The NOAA administrator shall consult with the action agency to determine significant adverse impacts, how to avoid such effects, and prescribe alternative action(s), if any, to mitigate negative impact. The action agency shall not carry out the proposed action if an alternative exists that fulfills the purpose of the proposed action without harming BCAS. If no feasible alternative exists, the action agency shall mitigate the impact and create carbon storage offsets for unavoidable implications.

Section 108. Authorization of Smithsonian Institution blue carbon activities

Charges the Smithsonian Institution to support and maintain the Coastal Carbon Data Clearinghouse to provide long-term stewardship of, and public access to, data related to BCEs. Authorizes \$5 million for each fiscal year 2022–2026 to carry out this section.

Section 109. Federal coastal and marine blue carbon restoration and protections; Funding

Directs the Fish and Wildlife Service (FWS), National Park Service, and NOAA to conduct coastal and marine restoration and protection on land and water managed by the respective agencies, to achieve: carbon sequestration through the restoration of BCEs, conservation of threatened BCEs, restoration of drained coastal wetlands, or restoration of impounded wetlands. Authorizes \$200 million to FWS, \$200 million to the National Park Service, and \$200 million to NOAA for each fiscal year 2022–2026.

Section 110. Authorization of appropriations

Authorizes \$50 million per year from 2022—2026 to the NOAA Administrator to carry out activities under this title.

Section 111. Rule of construction

Savings clause clarifying that the Blue Carbon title does not affect the application of the Clean Water Act, National Environmental Policy act, or any regulations under either Act.

Section 112. Definitions

TITLE II—OFFSHORE ENERGY

Subtitle A—Oil and Gas Leasing in the Outer Continental Shelf

Section 201. Prohibition of oil and gas activities in the Outer Continental Shelf

Prohibits geological or geophysical activities in support of oil, gas, or methane hydrate exploration and development in any area of the Outer Continental Shelf (OCS) except for the western and central Gulf of Mexico planning areas. Requires lessees conducting geophysical exploration on the OCS to use the best commercially available technology to reduce acoustic pressure levels.

Section 202. Best Available Technology

Requires permit and lease holders for geophysical and geological exploration in the outer Continental Shelf to use the best available technology for reducing acoustic pressure levels.

*Subtitle B—Offshore Renewable Energy**Section 211. Sense of Congress on the importance of offshore wind energy*

Expresses the sense of Congress on the importance of increasing electricity production from offshore wind, consistent with environmental protection, in achieving a national goal of net-zero emissions.

Section 212. National offshore wind goal

Directs the Secretary of the Interior to seek to permit not less than 12.5 gigawatts of offshore wind energy production on the OCS by January 1, 2025, and not less than 30 gigawatts of offshore wind energy production by January 1, 2030. Requires DOI to submit an annual report to Congress detailing progress toward those targets.

Section 213. Removing roadblocks for data sharing

Amends confidentiality requirements to allow the Secretary of Commerce to share specific fisheries-related data with the Secretary of the Interior for offshore wind activities.

Section 214. Increasing funding for scientific research

Makes a portion of funds derived from offshore wind lease sales available to NOAA to research responsible long-term offshore wind development and interaction between federally protected marine resources.

Section 215. Extending collaboration with industry

Allows the Secretary of the Interior to accept contributions of money and services from public and private sources to assist in the orderly development of offshore wind on the OCS.

Section 216. Developing strategies to protect wildlife

Authorizes a National Academies study to review existing research and best practices for managing effects on wildlife of offshore wind development, as well as best practices for mitigating those effects. The report shall include consideration of the impact of reducing carbon emissions.

Section 217. Offshore wind for the Territories

Amends the Outer Continental Shelf Leasing Act to allow for offshore wind leasing and development in American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the U.S. Virgin Islands. Directs the Secretary of the Interior, in consultation with the governors of the territories, to study the feasibility of conducting offshore wind lease sales in areas of the OCS within the jurisdiction of U.S. Territories. The Secretary shall conduct at least one lease sale for each Terri-

tory in which offshore wind leasing is feasible and appropriate and meet specific criteria.

Section 218. Increasing funding for coastal conservation and resilience

Directs 30% of revenue from federal offshore wind energy leases to NOAA's national coastal resilience program.

Section 219. Restoring offshore wind opportunities

Overturns the ban on new offshore wind leasing that the Trump administration put in place for certain areas of the Gulf of Mexico and the Atlantic Ocean.

TITLE III—CLIMATE READY FISHERIES, EFFICIENT FISHERY VESSELS,
AND BUY AMERICAN SEAFOOD

Subtitle A—Eat American Fish

Section 301. Sense of Congress

Expresses the sense of Congress that U.S. government agencies that purchase seafood should prioritize buying seafood caught or harvested in the United States.

Section 302. Caught in the USA

Provides authority to the Secretary of Commerce to make grants from the Saltonstall-Kennedy fund to promote the consumption of seafood products that are local or domestic, climate-friendly, or from well-managed but less-known species.

Section 303. Eliminate fish subsidies in trade agreements

Directs federal trade negotiators to include eliminating subsidies that contribute to overfishing or illegal, unreported, and unregulated fishing among their "priority objectives." Requires parties to trade agreements to certify that they have made progress towards protecting and conserving 30 percent of their land and waters by 2030.

Section 304. Fuel efficient fishing vessels

Allows federal loan guarantees for fishing vessels to increase fuel efficiency or reduce fuel usage.

Section 305. Climate and Fisheries Research and Management Program

Establishes a new program within the Department of Commerce to identify, develop, and implement strategies to improve fisheries and aquaculture management under current and anticipated effects of climate change. Within three years, the Secretary is to commission and submit an independent evaluation of the program's results to Congress. Authorizes \$2 million for each fiscal year 2022–2026 to carry out this section.

Section 306. Climate-Ready Fisheries Innovation Program

Establishes a program to increase the capacity of fisheries management to adapt to climate change through research and development, consultation, provision of technical assistance, and grants.

Authorizes \$5 million for each fiscal year 2022–2026 to carry out this section.

Section 307. Report on shifting stocks and ways to adapt fisheries for the impacts of climate change

Directs NOAA to assess current and future shifts in fish stocks due to climate change, evaluate those changes on fisheries stock assessments, assess current federal policies and their ability to promote resilience and adaptation, and identify actions to facilitate the shifting, splitting, or transitioning of fishing permits in regions where stocks have shifted.

Section 308. Essential fish habitat consultation

Prohibits federal agency actions, including funding and permits, that would harm areas designated as habitat areas of particular concern under the Magnuson Stevens Act. Requires consultation and mitigation of activities that would harm essential fish habitat. Authorizes such funds to the Secretary as may be necessary to carry out the requirements of the section.

Section 309. Ocean Aquaculture Research and Policy Program

Establishes a program in the Department of Commerce to promote aquaculture that maximizes ecosystem benefits and minimizes negative impacts in U.S. coastal waters and the Exclusive Economic Zone (EEZ). Directs the Secretary to use existing grant and research programs within the Department to support the program. Directs the National Academies to review and synthesize existing technologies and assessments of restorative ocean aquaculture to inform ongoing research and technical assistance funded by the program. Authorizes \$5 million for each fiscal year 2022–2026 to carry out this section.

TITLE IV—COASTAL BARRIER RESOURCE ACT AMENDMENTS

Section 401. Undeveloped coastal barrier

Broadens the definition of a coastal barrier to include bluffs and areas that are or will be vulnerable to coastal hazards such as flooding, storm surge, wind, erosion, and sea-level rise.

Section 402. Coastal hazard pilot project

Establishes a pilot program to select and illustratively map an area consisting of up to ten percent of the System showing the inclusion of coastal barriers under the new, broader definition of a coastal barrier outlined in section 401.

Section 403. Report on expanding Coastal Barrier Resources Act to the Pacific Coast, including Pacific Territories and the Freely Associated States

Directs the Secretary of the Interior to prepare and submit to Congress a report, including maps, describing the implications of expanding the Coastal Barrier Resource System to the Pacific coast, islands, and Territories, including defining coastal barriers using the broader definition of section 401.

Section 404. Require disclosure to prospective buyers that property is in the Coastal Barrier Resources System

Prohibits the sale of any interest in real property located in the CBRS unless the seller has disclosed to the buyer that the property is in the System and subject to the limitations on federal infrastructure and development assistance. Requires notification to property owners in CBRS that they are in such a unit and that there are limitations on what the federal government will pay for in that area. Authorizes appropriations as necessary. Creates a civil penalty for violation of this provision.

Section 405. Improve Federal agency compliance with Coastal Barrier Resources Act

Each agency affected by the Coastal Barrier Resources Act shall report annually to the Secretary of the Interior regarding the agency's compliance with the Act, and the Secretary must certify agency compliance. Any agency not certified as in compliance must report to Congress within 90 days regarding how the agency will comply with the Act.

Section 406. Excess Federal Property

Defines "undeveloped coastal barrier" to mean any undeveloped coastal barrier regardless of the degree of development.

Section 407. Exceptions to Limitations on Expenditures

Makes a technical change to the current exceptions in the Coastal Barrier Resource Act by moving the existing exception for emergency actions to a different section to remove a current loophole.

Section 408. Authorization of appropriations

Increases the authorization of appropriations to carry out the Act from \$2 million to \$5 million annually for fiscal years 2022 through 2026.

TITLE V—COASTAL ZONE MANAGEMENT ACT

Section 501. Grants to further achievement of Tribal coastal zone objectives

Creates a new program of grants under the Coastal Zone Management Act (CZMA) to assist tribes in managing and conserving coastal lands and resources under their jurisdiction. Authorizes the Secretary of Commerce to waive matching requirements under certain conditions. Authorizes \$5 million per fiscal year 2022–2026 for such grants.

Section 502. Eligibility of District of Columbia for Federal funding

Adds the District of Columbia as a coastal state under the definitions of the CZMA to allow the District to develop and implement a state coastal zone management plan, exercise federal consistency authority, and receive federal funding and other assistance under the Act.

Section 503. Coastal and Estuarine Resilience and Restoration Program

Renames the Coastal and Estuarine Land Program the “Coastal and Estuarine Resilience and Restoration Program” and reauthorizes it at \$60 million per year from 2022–2026. Amends the purposes of the program to add mitigation of climate change to the original purposes of preserving conservation, recreation, ecological, historical, or aesthetic values. Sets additional criteria for prioritizing grants for projects that mitigate the effects of climate change through carbon sequestration and/or reduction of coastal hazards and/or to benefit communities lacking resources to prepare for or respond to coastal hazards.

Section 504. Coastal Zone Management Fund

Reauthorizes and amends the Coastal Zone Management Fund to provide grants to coastal states and tribes to address severe coastal flooding hazards, including emergency grants to address coastal flooding hazards following a major disaster declared under the authority of the Stafford Act and pre-disaster flooding mitigation projects. In addition to fees for coastal zone consistency appeal applications already deposited into the fund, authorizes appropriations of \$100 million annually for fiscal years 2022–2026.

Section 505. Authorization of appropriations

Authorizes appropriations to carry out the CZMA, which Congress has not reauthorized since 1999. Sets annual appropriations for the various grant programs under CZMA at \$137 million for each fiscal year 2022–2026.

Section 506. Amendments to National Estuarine Research Reserve System Program

Directs the Secretary of Commerce to designate at least five new National Estuarine Research Reserves within five years and to do so in a manner that ensures that there is a reserve in each coastal state and all biogeographic regions of the United States. Requires research guidelines for the program to include monitoring and methods for tracking and modeling the impacts of climate change on estuarine systems. Directs the program to undertake additional activities to promote and coordinate estuarine research and to address climate change. Authorizes land acquisition and the construction and renovation of facilities to carry out the purposes of the program.

Section 507. Working Waterfronts Grants Program

Establishes a task force to identify and address critical needs of working waterfronts and outline options for addressing those needs. Establishes a Working Waterfront Grant Program for coastal states to implement a working waterfront plan. Plans must preserve and expand access to coastal waters for persons engaged in commercial fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related businesses. Authorizes \$15 million for each fiscal year 2022–2026.

TITLE VI—INSULAR AFFAIRS

*Section 601. Definitions**Section 602. Coastal management technical assistance and report*

Requires the Office for Coastal Management to provide technical assistance to the Insular Areas to enhance their coastal management and climate change programs. Authorizes \$5 million for each fiscal year 2022–2026 for this subsection. Requires the Office for Coastal Management to report annually to Congress on wetlands and climate change impacts in the Insular Areas.

Section 603. Runit Dome Report and Monitoring Activities

Requires a report on the impacts of climate change on the Runit Dome nuclear waste disposal site located in Enewetak Atoll, Marshall Islands.

Section 604. Coastal Management Technical Assistance and Report

Authorizes \$5 million for fiscal years 2022–2026 for NOAA to provide technical assistance to insular areas to enhance coastal management and climate change programs.

Section 605. Climate Change Insular Research Grant Program

Establishes a program within NOAA to provide grants to institutions of higher education in the Insular Areas for monitoring, collecting, synthesizing, analyzing, and publishing local climate change data. Authorizes \$5 million per fiscal year 2022–2026 for this section.

Section 606. Extreme weather and climate outreach to Insular Areas

Directs the Office for Coastal Management to provide technical assistance to certain forecast offices in the Insular Areas for improving weather data collection, forecasting, and providing science, data, information, and impact-based decision support services. Authorizes grants to academic, non-profit, and local entities to conduct climate change research in the Insular Areas. Authorizes \$5 million for each fiscal year 2022–2026.

Section 607. Coral reef prize competitions

Authorizes the head of each federal agency represented on the U.S. Coral Reef Task Force to carry out prize competitions that promote coral reef research and conservation in the Insular Areas. Waives matching requirements under the Coral Reef Conservation Act of 2000 for grants to implement state and territorial coral reef conservation cooperative agreements to sustain coral reef management and monitoring.

Section 608. Ocean and Coastal Mapping Integration Act

Adds assessment of progress in the study of Insular Areas and the effects of climate change as an element of the biennial report to Congress on progress in coverage and modernization of ocean and coastal mapping required by the Ocean and Coastal Mapping Integration Act.

Section 609. Department of Interior Insular Affairs Technical Assistance Program

Authorizes \$5 million for each fiscal year 2022—2026 for the Department of the Interior to provide technical assistance for climate change planning, mitigation, and adaptation to Insular Areas.

Section 610. Non-federal cost-share waiver

Directs federal agencies to waive any non-federal matching fund requirements under \$750,000 for the Insular Areas.

Section 611. Disaster relief non-federal cost-share waiver

Exempts the Insular Areas from non-federal cost-sharing requirements for any funding for disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation received under the Stafford Act.

TITLE VII—STRENGTHENING MARINE MAMMAL CONSERVATION

Section 701. Conservation of marine mammals adversely affected by climate change

Amends the Marine Mammal Protection Act to direct NOAA, in consultation with the Marine Mammal Commission, to develop climate impact management plans for marine mammals highly threatened by climate change. These management plans must include strategies for mitigating climate change's direct and indirect effects on the marine mammal population and may be integrated into Marine Mammal Protection Act conservation plans or Endangered Species Act recovery plans. Authorizes \$3 million to NOAA, \$2 million to DOI, and \$1 million to the Marine Mammal Commission per each fiscal year 2022–2026 to carry out this section.

Section 702. Vessel speed restrictions in marine mammal habitat

Directs the NOAA Administrator to designate areas of importance to marine mammals known to experience vessel strikes and establish seasonal or year-round vessel restrictions to reduce vessel strikes as necessary for all vessels, consistent with safe navigation. Authorizes \$3 million for each fiscal year 2022–2026 to carry out this section.

Section 703. Monitoring ocean noise for marine mammal protection

Directs NOAA to work through the Integrated Ocean Observation System to maintain and expand a network of federal and non-federal systems that measure and observe underwater sound to protect and manage marine life. Authorizes \$1.5 million for fiscal years 2022–2026 to carry out this section.

Section 704. Grants for seaports to establish programs to reduce the impacts of vessel traffic and port operations on marine mammals

Directs NOAA to establish a grant program for up to 10 ports to develop and implement programs to protect marine mammals through activities that reduce noise and vessel strikes, enhance marine mammal habitat, and monitor threats to marine mammals. Priority is given to programs at ports with a higher relative threat to marine mammals, reduce noise and vessel strikes, and track

progress toward program goals. Authorizes \$5 million for each fiscal year 2022–2026.

Section 705. Near real-time monitoring and mitigation program for large whales

Directs NOAA to create a Near Real-Time Large Whale Monitoring and Mitigation Program to curtail vessel collision, entanglement risk, and other impacts such as underwater noise to large whales. The program should detect and alert ocean users and enforcement agencies of the location of large whales on a near real-time basis, inform sector-specific mitigation protocols that can reduce take, and continually integrate improved technology. A pilot project will inform the technologies, monitoring methods, and mitigation protocols used. Requires an annual report of the benefits and efficacy of the pilot program. Authorizes \$5 million for each fiscal year 2022–2026 for this section.

Section 706. Grants to support technology that reduces underwater noise from vessels

Directs NOAA to create a grant program to assist the development and implementation of new or improved technologies that reduce threats to and enhance the habitats of marine mammals and other marine species by quantifiably reducing underwater noise from marine vessels. Authorizes \$5 million for each fiscal year 2022–2026.

Section 707. Naval technology transfer for quieting federal non-combatant vessels

Directs the Department of Defense to write an unclassified report to Congress identifying existing non-classified naval technologies that reduce underwater noise and evaluate the effectiveness and feasibility of incorporating such technologies in the design, procurement, and construction of non-combatant vessels in the United States. Authorizes \$1 million for the fiscal year 2022 to remain available until expended.

TITLE VIII—INTERNATIONAL AGREEMENTS, EFFORTS IN THE ARCTIC,
AND BUREAU OF INDIAN AFFAIRS TRIBAL RESILIENCE PROGRAM

Subtitle A: International Agreements

Section 801. Law of the Sea Convention

Finds that the United States would benefit from being party to the Law of the Sea Convention (LOSC) by being better able to negotiate issues such as deep seabed mining, Arctic claims, high seas, and migratory fish stocks, and ocean protection. Expresses the sense of the House of Representatives that the Senate should give its advice and consent to the ratification of LOSC.

Section 802. United Nations Sustainable Development Goal 14

Requires NOAA to submit a report to Congress that describes the manner and extent to which the U.S. has made progress towards achieving the targets of the 14th Sustainable Development Goal of the United Nations (relating to conserving and sustainably using the oceans, seas, and marine resources), and plans to achieve those targets.

Section 803. Marine Protected Areas in areas beyond national jurisdiction

Requires the Secretary of State, in consultation with NOAA, to develop a plan to provide technical assistance, data, and other resources for identifying and establishing strongly protected areas of the ocean in areas beyond national jurisdiction.

Subtitle B: Efforts in the Arctic

Section 811. Plan for the United States to cut black carbon emissions to 33 percent below 2013 levels by 2025

Expresses the sense of Congress that black carbon contributes substantially to warming in the Arctic. The United States should therefore reaffirm its international commitment to reduce this pollutant dramatically. Directs the Secretary of State to lead an inter-agency effort, in consultation with tribes and Indigenous communities, to develop and submit to Congress a plan to reduce black carbon emissions 33 percent below their 2013 level by 2025.

Subtitle C: Bureau of Indian Affairs Tribal Resilience Program

Section 821. Bureau of Indian Affairs Tribal Resilience Program

Establishes a grant program within the Department of the Interior to improve the resilience of tribes and Indigenous communities to the effects of climate change. Creates a subgroup on Tribal resilience within the White House Council on Native American Affairs. Establishes a tribal resilience liaison within the Department of the Interior to coordinate with tribes, Indigenous communities, and relevant Federal agencies to facilitate tribal engagement in climate matters at the Federal level. Authorizes \$200 million for each fiscal year 2022–2026 to carry out these activities.

TITLE IX—COASTAL RESILIENCY AND ADAPTATION

Section 901. Living Shoreline Grant Program

Establishes within NOAA a grants program for the design and implementation of living shoreline projects. Grants are available to state, local and tribal governments and non-profit organizations. Authorizes \$50 million for each fiscal year 2022–2026.

Section 902. National Oceanic and Atmospheric Administration research programs

Establishes a living shoreline and nature-based infrastructure research program to provide risk reduction for coastal areas. Authorizes \$5 million for each fiscal year 2022–2026 for this subsection.

Establishes a competitive extramural grants program to enhance the resilience and sustainability of coastal communities and reduce disaster recovery costs. The program aims to prioritize projects that protect life and critical infrastructure and provide analyses and decision support tools to enhance community and coastal ecosystem resilience. Authorizes \$5 million for each fiscal year 2022–2026 for this subsection.

Establishes within NOAA a program of grants to members of the academic community, the seafood industry, non-profit organizations, or state agencies to research the conservation, restoration, or

management of oysters in estuarine ecosystems. Authorizes \$5 million for each fiscal year 2022–2026 for this subsection.

Section 903. Improvements to the National Oceans and Coastal Security Act

Revises purpose and uses of a fund for grants administered by NOAA and the National Fish and Wildlife Foundation. Broadens the definition of Indian Tribe for purposes of the program. Revises the process and procedures for awarding state and national grants under the program. Limits state grants to 80 percent and national grants to 20 percent of annual funding. \$150 million of the funds must go towards state grants, and \$50 million must go towards national grants, \$5 million of which must go to tribes and Indigenous communities. Broadens the activities eligible for funding to include:

- Protection, conservation, and restoration of ocean and coastal resources and infrastructure
- Planning for and management of coastal development
- Improve understanding of changing threats to the ocean and coasts
- Enhancing the resiliency of coastal infrastructure
- Acquiring property in support of the purposes of the program

Requires the program’s annual report to Congress to include the blue carbon benefits of the program. Authorizes the program at \$200 million per year for each fiscal year 2022–2026.

Section 904. Shovel-ready restoration grants for coastlines and fisheries

Authorizes \$10 billion for the fiscal year 2022 to support shovel-ready coastal restoration projects with priority to projects that help stimulate the economy, provide jobs for workers affected by COVID–19, and assist communities of color, low-income communities, tribal communities, and rural communities.

Section 905. Strategic Climate Change Relocation Initiative and Program

Establishes an initiative within the Council on Environmental Quality to coordinate federal activities related to the voluntary relocation of communities facing health, safety, and environmental impacts from climate change, including hurricanes, flooding, sea-level rise, and repeat wildfires.

Section 906. National Centers of Excellence in Coastal Research and Education

Requires NOAA to designate institutions of higher education that have shown national leadership in coastal climate change adaptation and mitigation as National Centers of Excellence in Coastal Resilience Research and Education, identify those Centers of Excellence as sources of expert advice and guidance, and formalize and enhance existing collaborations between public institutions of higher learning and federal agencies. Authorizes \$3 million for each fiscal year 2022–2026 for this section.

Section 907. Initiate designation process for successful sanctuary nominations and technical corrections to the National Marine Sanctuaries Act

Directs the Secretary of Commerce to initiate the process for designating as national marine sanctuaries each area included in the inventory of successful nomination for such designation maintained by NOAA and complete each designation process within four years. Authorizes \$4 million for each fiscal year 2022–2026 for this section.

Section 908. Grants to further resilience and climate research with Indigenous and Tribal communities

Establishes a new grant program in the National Marine Sanctuary System to support climate research and resilience with Indigenous and local knowledge of marine and natural areas. Authorizes \$5 million for each fiscal year 2022–2026.

Section 909. Grants for conserving, recovering, and maintaining kelp forest ecosystems.

Establishes a new grant program in NOAA to fund conservation, restoration, and management projects focused on kelp forest ecosystems. Projects should address the most significant relative regional declines, long-term ecological and socio-economic resilience, and kelp. Authorizes \$50 million for each fiscal year 2022–2026.

TITLE X—OCEAN HEALTH: OCEAN ACIDIFICATION AND HARMFUL ALGAL BLOOMS

Subtitle A—Coastal Communities Ocean Acidification Act

Section 1001. Coastal community vulnerability assessment

Amends the Federal Ocean Acidification Research and Monitoring Act of 2009 to require the Secretary of Commerce to assess and issue a public report on the social and economic vulnerability to ocean acidification of coastal resource-dependent communities, including identifying critical knowledge gaps potential adaptation strategies. The report is to be updated every seven years. In addition, the Secretary shall collaborate with and support state, local, Indigenous, and Tribal governments conducting vulnerability assessments related to ocean acidification and to report to Congress on such efforts. Requires the Secretary to include in the ocean acidification strategic research plan already required under the Act recommendations on research needed to address knowledge gaps identified in the community vulnerability assessment.

Subtitle B—Ocean Acidification Act

Section 1011. Prize competitions

Authorizes federal agencies participating in the interagency working group on ocean acidification to offer prizes to advance understanding ocean acidification or its impacts or develop management or adaptation options.

Subtitle C—Harmful Algal Bloom Essential Forecasting

Section 1021. Centers of Excellence in Harmful Algal Bloom Research, Prevention, Response, and Mitigation

Directs the Administrator of NOAA to designate new Centers of Excellence to improve and coordinate existing work to research and address harmful algal blooms, formalizing partnerships between local, state, and federal stakeholders. Authorizes \$12.5 million for each fiscal year 2022–2026.

TITLE XI—OCEAN DATA AND COLLABORATIVE EFFORTS

Subtitle A—Regional Ocean Partnerships

Section 1101. Findings; sense of Congress; purposes

Includes congressional findings on the importance of and threats to marine and coastal waters, tribal and Indigenous knowledge and expertise of ocean and coastal waters, and the complexity of their management due to multiple jurisdictions and authorities. Expresses the sense of Congress that regional ocean partnerships (ROPs) help coordinate interstate management and that the federal government should support such efforts to advance shared regional priorities. Establishes the purposes of this subtitle to complement and expand voluntary efforts to manage and restore coastal areas and resources across state boundaries, authorize the establishment of ROPs, empower states and tribes to take a lead role in ocean and coastal management, incorporate tribal interests in management, and make duly designated ROPs eligible to receive federal funding.

Section 1102. Regional Ocean Partnerships

Authorizes the Secretary of Commerce to establish new ROPs on request from the governor of a coastal state. Establishes procedures and requirements for designation and governance of ROPs. Authorizes \$10.1 million for the fiscal year 2022, with slight increases each year through 2026, to carry out the purposes of the subtitle. Authorizes \$1 million for each fiscal year 2022–2026 to NOAA for tribes and Indigenous communities to participate or engage with ROPs.

Subtitle B. National Coastal Resilience Data and Services

Section 1111. Authorization of NOAA Activities

Requires NOAA to develop a comprehensive suite of the coastal flood, sea-level rise, Great Lakes water level, and vertical land motion data, products, and services, and conduct the research and development necessary to support those products and services that augment and combine existing services into a coordinated decision support network; produce and maintain timely data and maps that allow coastal communities to plan for flood risk, and engage with end-users to address information gaps and needs. Requires a report every three years on implementation of this section and an evaluation of the need to expand and improve functions. Authorizes \$3 million for each fiscal year 2022–2026.

Section 1112. Interagency Coordination

Directs the Director of the Office of Science and Technology Policy, in consultation with NOAA, to facilitate interagency cooperation and alignment of federal government activities conducted for coastal flooding, including sea-level rise, to improve the ability of the U.S. to prepare for, avoid, mitigate, respond to, and recover from potentially devastating impacts; and to coordinate the activities of the Coastal Flooding and Sea Level Rise Subcommittee, created in this section. Requires increased engagement with the international and academic communities and the commercial sector regarding these activities.

*Subtitle C—Centralized Website for Resiliency Grants**Section 1121. Centralized website for resiliency grants*

Directs NOAA to create, maintain, and regularly update a publicly available website that provides links and information about all grant programs administered by NOAA to assist states, tribes, Indigenous, and local communities with resiliency, adaptation, climate change mitigation, and sea-level rise.

*Subtitle D—Automatic Identification Systems**Section. 1131. Automatic Identification Systems*

Expands requirements for most large commercial vessels operating under the jurisdiction of the United States to be equipped with and use an automatic identification system throughout the US EEZ.

*Subtitle E—Authorization of Appropriations**Section 1141. Authorization of Appropriations*

Authorizes \$5 million for fiscal year 2022 to purchase automatic identification systems for fishing vessels, fish processing vessels, and fish tender vessels at least 50 feet long.

TITLE XII—MEASURES TO ADDRESS GREENHOUSE GAS POLLUTION
FROM SHIPPING VESSELS

Section 1201. Greenhouse gas emissions from shipping.

Establishes monitoring, reporting, and verification requirements of greenhouse gas emissions for vessels over 5,000 GT. Vessels must measure and report greenhouse gas emissions and particulate pollution emitted on an annual basis. Directs NOAA to publish a yearly report on the shipping sector's emissions and efficiency.

Section 1202. Quiet seas and clear skies vessel speed reduction award program

Directs NOAA to establish a program to reduce air pollution, underwater noise, and the risk of vessel strikes by encouraging voluntary reduction in the speed of shipping vessels operating within the EEZ. Authorizes \$4 million for each fiscal year 2022–2026 for this section.

TITLE XIII—VIRGIN PLASTIC EXCISE TAX

Section 1301. Virgin plastic excise tax

Places a 5-cent excise tax on virgin plastic in manufactured single-use products such as packaging, with exemptions for medical products and personal hygiene products.

Section 1302. Establishment of the Virgin Plastic Trust Fund

Establishes a Virgin Plastic Trust Fund to receive the funds derived from section 1301. Directs half of the funds to the general fund and the other half to fund activities in the broader ocean climate legislation.

TITLE XIV—STUDIES AND REPORTS

Section 1401. Deep-sea mining

Authorizes a National Academies study of the environmental impacts associated with deep seabed mining, including characterization of deep seabed ecosystems, assessment of species impacts, sediment plume impacts, and potentially related emissions.

Section 1402. National Academies Assessment of Oceanic Blue Carbon

Authorizes a National Academies study of the global carbon sequestration potential of protecting or restoring oceanic blue carbon, including natural carbon storage in the deep seafloor environment and marine mammals, and the impacts of ocean activities like mining on such carbon storage.

Section 1403. Report on the ecological and economic effects of high seas fishing in the ocean areas beyond national jurisdiction (ABNJ)

Authorizes a National Academies study to explore the challenges and opportunities associated with implementing a moratorium on fishing on the High Seas and evaluate such an action's economic and ecological effects.

Section 1404. National Academies assessment of public access to the coasts

Authorizes a study by the National Academies to assess public access to the nation's coasts, including the Great Lakes. This study must include the quality and quantity of existing public access points by state, opportunities and barriers for low-income communities, communities of color, Tribal and Indigenous communities, and rural communities, the impacts of sea-level rise and extreme weather, and strategies to prevent the loss of public access.

Section 1405. Study examining the impact of acidification and other environmental stressors on estuarine environments

Authorizes the National Academies to conduct a study examining the existing science of acidification in estuarine environments, including the Great Lakes, including challenges to studying the phenomenon and the combined effect of acidification and other environment stressors in estuarine environments. The study shall pro-

vide recommendations for improving acidification research and applying science in management and mitigation decisions.

Section 1406. Study examining the causes and impacts of black carbon

Authorizes the National Academies to conduct a study on black carbon that quantifies the sources of black carbon emissions and examines its effects on Indigenous communities and marine and terrestrial Arctic wildlife. Authorizes \$1 million for the study for the fiscal year 2022.

Section 1407. Marine Protected Areas inventory

Requires NOAA to update the National Marine Protection Areas Centers Marine Protected Areas Inventory to include an inventory of areas already protected in the US EEZ, marine protected areas outside of U.S. jurisdiction, areas being considered for protection by other countries or international bodies, areas in the US EEZ that prohibit certain fishing activities, and lease areas for offshore wind. Authorizes \$2 million for the study.

Section 1408. Marine biodiversity census

Requires NOAA to develop a strategy to initiate a census of marine life. Authorizes \$2 million in each fiscal year 2022–2026 to carry out this section.

Section 1410. Marine biodiversity gap analysis

Directs the Secretary of Commerce and the Secretary of the Interior to conduct a marine biodiversity gap analysis within 18 months and updated biennially. The gap analysis must analyze habitats, species, and ecosystems across the U.S. ocean, identify the types of ecosystems and the percentage needed to protect biodiversity and mitigate climate change, and be made publicly available. Authorizes \$2 million in each fiscal year 2022–2026 to carry out this section.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) and clause 3(d) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before

House passage of the bill. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to direct the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

OUTER CONTINENTAL SHELF LANDS ACT

* * * * *

SEC. 2. DEFINITIONS.—In this Act:

(a) OUTER CONTINENTAL SHELF.—**[The term]**

(1) *THE TERM.*—“outer Continental Shelf” means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (Public Law 31, Eighty-third Congress, first session), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control *or lying within the exclusive economic zone of the United States and the outer Continental Shelf adjacent to any territory of the United States.*

(2) *The term “outer Continental Shelf” does not include any area conveyed by Congress to a territorial government for administration;*

(b) SECRETARY.—The term “Secretary” means the Secretary of the Interior, except that with respect to functions under this Act transferred to, or vested in, the Secretary of Energy or the Federal Energy Regulatory Commission by or pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the term “Secretary” means the Secretary of Energy, or the Federal Energy Regulatory Commission, as the case may be.

(c) LEASE.—The term “lease” means any form of authorization which is issued under section 8 or maintained under section 6 of this Act and which authorizes exploration for, and development and production of, minerals.

(d) PERSON.—The term “person” includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

(e) COASTAL ZONE.—The term “coastal zone” means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches, which zone extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, pursuant to the authority of section 305(b)(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(b)(1)).

(f) AFFECTED STATE.—The term “affected State” means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of this Act, any State—

(1) the laws of which are declared, pursuant to section 4(a)(2) of this Act, to be the law of the United States for the portion of the outer Continental Shelf on which such activity is, or is proposed to be, conducted;

(2) which is, or is proposed to be, directly connected by transportation facilities to any artificial island or structure referred to in section 4(a)(1) of this Act;

(3) which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the outer Continental Shelf and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the Outer Continental Shelf; or

(5) in which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.

(g) MARINE ENVIRONMENT.—The term “marine environment” means the physical, atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the marine ecosystem, including the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the outer Continental Shelf.

(h) COASTAL ENVIRONMENT.—The term “coastal environment” means the physical atmospheric, and biological components, conditions, and factors which interactively determine the productivity, state, condition, and quality of the terrestrial ecosystem from the shoreline inward to the boundaries of the coastal zone.

(i) HUMAN ENVIRONMENT.—The term “human environment” means the physical, social, and economic components, conditions, and factors which interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the outer Continental Shelf.

(j) GOVERNOR.—The term “Governor” means the Governor of a State, or the person or entity designated by, or pursuant to, State law to exercise the powers granted to such Governor pursuant to this Act.

(k) EXPLORATION.—The term “exploration” means the process of searching for minerals, including (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals, and (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after such discovery which is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production.

(l) DEVELOPMENT.—The term “development” means those activities which take place following discovery of minerals in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which

are for the purpose of ultimately producing the minerals discovered.

(m) **PRODUCTION.**—The term “production” means those activities which take place after the successful completion of any means for the removal of minerals, including such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and work-over drilling.

(n) **ANTITRUST LAW.**—The term “antitrust law” means—

- (1) the Sherman Act (15 U.S.C. 1 et seq.);
- (2) the Clayton Act (15 U.S.C. 12 et seq.);
- (3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);
- (4) the Wilson Tariff Act (15 U.S.C. 8 et seq.); or
- (5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(o) **FAIR MARKET VALUE.**—The term “fair market value” means the value of any mineral (1) computed at a unit price equivalent to the average unit price at which such mineral was sold pursuant to a lease during the period for which any royalty or net profit share is accrued or reserved to the United States pursuant to such lease, or (2) if there were no such sales, or if the Secretary finds that there were an insufficient number of such sales to equitably determine such value, computed at the average unit price at which such mineral was sold pursuant to other leases in the same region of the outer Continental Shelf during such period, or (3) if there were no sales of such mineral from such region during such period, or if the Secretary finds that there are an insufficient number of such sales to equitably determine such value, at an appropriate price determined by the Secretary.

(p) **MAJOR FEDERAL ACTION.**—The term “major Federal action” means any action or proposal by the Secretary which is subject to the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(q) **MINERALS.**—The term “minerals” includes oil, gas, sulphur, geopressed-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from “public lands” as defined in section 103 of the Federal Land Policy and Management Act of 1976.

(r) **CARBON DIOXIDE STREAM.**—

(1) **IN GENERAL.**—The term “carbon dioxide stream” means carbon dioxide that—

- (A) has been captured; and
- (B) consists overwhelmingly of—
 - (i) carbon dioxide plus incidental associated substances derived from the source material or capture process; and
 - (ii) any substances added to the stream for the purpose of enabling or improving the injection process.

(2) **EXCLUSIONS.**—The term “carbon dioxide stream” does not include additional waste or other matter added to the carbon dioxide stream for the purpose of disposal.

(s) **CARBON SEQUESTRATION.**—The term “carbon sequestration” means the act of storing carbon dioxide that has been removed from the atmosphere or captured through physical, chemical, or biological processes that can prevent the carbon dioxide from reaching the atmosphere.

(t) The term "State" means the several States, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

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SEC. 8. LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—(a)(1) The Secretary is authorized to grant to the highest responsible qualified bidder or bidders by competitive bidding, under regulations promulgated in advance, any oil and gas lease on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of subsection (a) of section 6 of this Act. Such regulations may provide for the deposit of cash bids in an interest-bearing account until the Secretary announces his decision on whether to accept the bids, with the interest earned thereon to be paid to the Treasury as to bids that are accepted and to the unsuccessful bidders as to bids that are rejected. The bidding shall be by sealed bid and, at the discretion of the Secretary, on the basis of—

(A) cash bonus bid with a royalty at not less than 12½ per centum fixed by the Secretary in amount or value of the production saved, removed, or sold;

(B) variable royalty bid based on a per centum in amount or value of the production saved, removed, or sold, with either a fixed work commitment based on dollar amount for exploration or a fixed cash bonus as determined by the Secretary, or both;

(C) cash bonus bid, or work commitment bid based on a dollar amount for exploration with a fixed cash bonus, and a diminishing or sliding royalty based on such formulae as the Secretary shall determine as equitable to encourage continued production from the lease area as resources diminish, but not less than 12½ per centum at the beginning of the lease period in amount or value of the production saved, removed, or sold;

(D) cash bonus bid with a fixed share of the net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

(E) fixed cash bonus with the net profit share reserved as the bid variable;

(F) cash bonus bid with a royalty at no less than 12½ per centum fixed by the Secretary in amount or value of the production saved, removed, or sold and a fixed per centum share of net profits of no less than 30 per centum to be derived from the production of oil and gas from the lease area;

(G) work commitment bid based on a dollar amount for exploration with a fixed cash bonus and a fixed royalty in amount or value of the production saved, removed, or sold;

(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease; or

(I) subject to the requirements of paragraph (4) of this subsection, any modification of bidding systems authorized in subparagraphs (A) through (G), or any other systems of bid variables, terms, and conditions which the Secretary determines to be useful to accomplish the purposes and policies of this Act,

except that no such bidding system or modification shall have more than one bid variable.

(2) The Secretary may, in his discretion, defer any part of the payment of the cash bonus, as authorized in paragraph (1) of this subsection, according to a schedule announced at the time of the announcement of the lease sale, but such payment shall be made in total no later than five years after the date of the lease sale.

(3)(A) The Secretary may, in order to promote increased production on the lease area, through direct, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease for such area.

(B) In the Western and Central Planning Areas of the Gulf of Mexico and the portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude and in the Planning Areas offshore Alaska, the Secretary may, in order to—

(i) promote development or increased production on producing or non-producing leases; or

(ii) encourage production of marginal resources on producing or non-producing leases;

through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

(C)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the

requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv)(I), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

(iv) For purposes of this subparagraph, the term "new production" is—

(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds \$28.00 per barrel, any production of oil will be subject to royalties at the lease

stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds \$28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds \$3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds \$3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.

(4)(A) The Secretary of Energy shall submit any bidding system authorized in subparagraph (H) of paragraph (1) to the Senate and House of Representatives. The Secretary may institute such bidding system unless either the Senate or the House of Representatives passes a resolution of disapproval within thirty days after receipt of the bidding system.

(B) Subparagraphs (C) through (J) of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but they are applicable only with respect to the procedures to be followed in that House in the case of resolutions described by this paragraph, and they supersede other rules only to the extent that they are inconsistent therewith; and

(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(C) A resolution disapproving a bidding system submitted pursuant to this paragraph shall immediately be referred to a committee (and all resolutions with respect to the same request shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representative, as the case may be.

(D) If the committee to which has been referred any resolution disapproving the bidding system of the Secretary has not reported the resolution at the end of ten calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with re-

spect to the same bidding system which has been referred to the committee.

(E) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(F) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same bidding system.

(G) When the committee has reported, or has been discharged from further consideration of, a resolution as provided in this paragraph, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(H) Debate on the resolution is limited to not more than two hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(I) Motions to postpone, made with respect to the discharge from the committee, or the consideration of a resolution with respect to a bidding system, and motions to proceed to the consideration of other business, shall be decided without debate.

(J) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a bidding system shall be decided without debate.

(5)(A) During the five-year period commencing on the date of enactment of this subsection, the Secretary may, in order to obtain statistical information to determine which bidding alternatives will best accomplish the purposes and policies of this Act, require, as to no more than 10 per centum of the tracts offered each year, each bidder to submit bids for any area of the outer Continental Shelf in accordance with more than one of the bidding systems set forth in paragraph (1) of this subsection. For such statistical purposes, leases may be awarded using a bidding alternative selected at random for the acquisition of valid statistical data if such bidding alternative is otherwise consistent with the provisions of this Act.

(B) The bidding systems authorized by paragraph (1) of this subsection, other than the system authorized by subparagraph (A), shall be applied to not less than 20 per centum and not more than 60 per centum of the total area offered for leasing each year during the five-year period beginning on the date of enactment of this subsection, unless the Secretary determines that the requirements set

forth in this subparagraph are inconsistent with the purposes and policies of this Act.

(6) At least ninety days prior to notice of any lease sale under subparagraph (D), (E), (F), or, if appropriate, (H) of paragraph (1), the Secretary shall by regulation establish rules to govern the calculation of net profits. In the event of any dispute between the United States and a lessee concerning the calculation of the net profits under the regulation issued pursuant to this paragraph, the burden of proof shall be on the lessee.

(7) After an oil and gas lease is granted pursuant to any of the work commitment options of paragraph (1) of this subsection—

(A) the lessee, at its option, shall deliver to the Secretary upon issuance of the lease either (i) a cash deposit for the full amount of the exploration work commitment, or (ii) a performance bond in form and substance and with a surety satisfactory to the Secretary, in the principal amount of such exploration work commitment assuring the Secretary that such commitment shall be faithfully discharged in accordance with this section, regulations, and the lease; and for purposes of this subparagraph, the principal amount of such cash deposit or bond may, in accordance with regulations, be periodically reduced upon proof, satisfactory to the Secretary, that a portion of the exploration work commitment has been satisfied;

(B) 50 per centum of all exploration expenditures on, or directly related to, the lease, including, but not limited to (i) geological investigations and related activities, (ii) geophysical investigations including seismic, geomagnetic, and gravity surveys, data processing and interpretation, and (iii) exploratory drilling, core drilling, re-drilling, and well completion or abandonment, including the drilling of wells sufficient to determine the size and area extent of any newly discovered field, and including the cost of mobilization and demobilization of drilling equipment, shall be included in satisfaction of the commitment, except that the lessee's general overhead cost shall not be so included against the work commitment, but its cost (including employee benefits) of employees directly assigned to such exploration work shall be so included; and

(C) if at the end of the primary term of the lease, including any extension thereof, the full dollar amount of the exploration work commitment has not been satisfied, the balance shall then be paid in cash to the Secretary.

(8) Not later than thirty days before any lease sale, the Secretary shall submit to the Congress and publish in the Federal Register a notice—

(A) identifying any bidding system which will be utilized for such lease sale and the reasons for the utilization of such bidding system; and

(B) designating the lease tracts selected which are to be offered in such sale under the bidding system authorized by subparagraph (A) of paragraph (1) and the lease tracts selected which are to be offered under any one or more of the bidding systems authorized by subparagraphs (B) through (H) of paragraph (1), and the reasons such lease tracts are to be offered under a particular bidding system.

(b) An oil and gas lease issued pursuant to this section shall—

(1) be for a tract consisting of a compact area not exceeding five thousand seven hundred and sixty acres, as the Secretary may determine, unless the Secretary finds that a larger area is necessary to comprise a reasonable economic production unit;

(2) be for an initial period of—

(A) five years; or

(B) not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water or other unusually adverse conditions, and as long after such initial period as oil or gas is produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon;

(3) require the payment of amount or value as determined by one of the bidding systems set forth in subsection (a) of this section;

(4) entitle the lessee to explore, develop, and produce the oil and gas contained within the lease area, conditioned upon due diligence requirements and the approval of the development and production plan required by this Act;

(5) provide for suspension or cancellation of the lease during the initial lease term or thereafter pursuant to section 5 of this Act;

(6) contain such rental and other provisions as the Secretary may prescribe at the time of offering the area for lease; and

(7) provide a requirement that the lessee offer 20 per centum of the crude oil, condensate, and natural gas liquids produced on such lease, at the market value and point of delivery applicable to Federal royalty oil, to small or independent refiners as defined in the Emergency Petroleum Allocation Act of 1973.

(c)(1) Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to review the results of such lease sale, except that the Attorney General, after consultation with the Federal Trade Commission, may agree to a shorter review period.

(2) The Attorney General may, in consultation with the Federal Trade Commission, conduct such antitrust review on the likely effects the issuance of such leases would have on competition as the Attorney General, after consultation with the Federal Trade Commission, deems appropriate and shall advise the Secretary with respect to such review. The Secretary shall provide such information as the Attorney General, after consultation with the Federal Trade Commission, may require in order to conduct any antitrust review pursuant to this paragraph and to make recommendations pursuant to paragraph (3) of this subsection.

(3) The Attorney General, after consultation with the Federal Trade Commission, may make such recommendations to the Secretary, including the nonacceptance of any bid, as may be appropriate to prevent any situation inconsistent with the antitrust laws. If the Secretary determines, or if the Attorney General advises the Secretary, after consultation with the Federal Trade Commission

and prior to the issuance of any lease, that such lease may create or maintain a situation inconsistent with the antitrust laws, the Secretary may—

(A) refuse (i) to accept an otherwise qualified bid for such lease, or (ii) to issue such lease, notwithstanding subsection (a) of this section; or

(B) issue such lease, and notify the lessee and the Attorney General of the reason for such decision.

(4)(A) Nothing in this subsection shall restrict the power under any other Act or the common law of the Attorney General, the Federal Trade Commission, or any other Federal department or agency to secure information, conduct reviews, make recommendations, or seek appropriate relief.

(B) Neither the issuance of a lease nor anything in this subsection shall modify or abridge any private right of action under the antitrust laws.

(d) No bid for a lease may be submitted if the Secretary finds, after notice and hearing, that the bidder is not meeting due diligence requirements on other leases.

(e) No lease issued under this Act may be sold, exchanged, assigned, or otherwise transferred except with the approval of the Secretary. Prior to any such approval, the Secretary shall consult with and give due consideration to the views of the Attorney General.

(f) Nothing in this Act shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(g)(1) At the time of soliciting nominations for the leasing of lands containing tracts wholly or partially within three nautical miles of the seaward boundary of any coastal State, and subsequently as new information is obtained or developed by the Secretary, the Secretary, in addition to the information required by section 26 of this Act, shall provide the Governor of such State—

(A) an identification and schedule of the areas and regions proposed to be offered for leasing;

(B) at the request of the Governor of such State, all information from all sources concerning the geographical, geological, and ecological characteristics of such tracts;

(C) an estimate of the oil and gas reserves in the areas proposed for leasing; and

(D) at the request of the Governor of such State, an identification of any field, geological structure, or trap located wholly or partially within three nautical miles of the seaward boundary of such coastal State, including all information relating to the entire field, geological structure, or trap.

The provisions of the first sentence of subsection (c) and the provisions of subsections (e)–(h) of section 26 of this Act shall be applicable to the release by the Secretary of any information to any coastal State under this paragraph. In addition, the provisions of subsections (c) and (e)–(h) of section 26 of this Act shall apply in their entirety to the release by the Secretary to any coastal State of any information relating to Federal lands beyond three nautical miles of the seaward boundary of such coastal State.

(2) Notwithstanding any other provision of this Act, the Secretary shall deposit into a separate account in the Treasury of the United States all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978 of any Federal tract which lies wholly (or, in the case of Alaska, partially until seven years from the date of settlement of any boundary dispute that is the subject of an agreement under section 7 of this Act entered into prior to January 1, 1986 or until April 15, 1993 with respect to any other tract) within three nautical miles of the seaward boundary of any coastal State, or, (except as provided above for Alaska) in the case where a Federal tract lies partially within three nautical miles of the seaward boundary, a percentage of bonuses, rents, royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978 of such tract equal to the percentage of surface acreage of the tract that lies within such three nautical miles. Except as provided in paragraph (5) of this subsection, not later than the last business day of the month following the month in which those revenues are deposited in the Treasury, the Secretary shall transmit to such coastal State 27 percent of those revenues, together with all accrued interest thereon. The remaining balance of such revenues shall be transmitted simultaneously to the miscellaneous receipts account of the Treasury of the United States.

(3) Whenever the Secretary or the Governor of a coastal State determines that a common potentially hydrocarbon-bearing area may underlie the Federal and State boundary, the Secretary or the Governor shall notify the other party in writing of his determination and the Secretary shall provide to the Governor notice of the current and projected status of the tract or tracts containing the common potentially hydrocarbon-bearing area. If the Secretary has leased or intends to lease such tract or tracts, the Secretary and the Governor of the coastal State may enter into an agreement to divide the revenues from production of any common potentially hydrocarbon-bearing area, by unitization or other royalty sharing agreement, pursuant to existing law. If the Secretary and the Governor do not enter into an agreement, the Secretary may nevertheless proceed with the leasing of the tract or tracts. Any revenue received by the United States under such an agreement shall be subject to the requirements of paragraph (2).

(4) The deposits in the Treasury account described in this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

(5)(A) When there is a boundary dispute between the United States and a State which is subject to an agreement under section 7 of this Act, the Secretary shall credit to the account established pursuant to such agreement all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1)), excluding Federal income and windfall profits

taxes, and derived from any lease issued after September 18, 1978 of any Federal tract which lies wholly or partially within three nautical miles of the seaward boundary asserted by the State, if that money has not otherwise been deposited in such account. Proceeds of an escrow account established pursuant to an agreement under section 7 shall be distributed as follows:

(i) Twenty-seven percent of all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1)), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978, of any tract which lies wholly within three nautical miles of the seaward boundary asserted by the Federal Government in the boundary dispute, together with all accrued interest thereon, shall be paid to the State either—

(I) within thirty days of December 1, 1987, or

(II) by the last business day of the month following the month in which those revenues are deposited in the Treasury, whichever date is later.

(ii) Upon the settlement of a boundary dispute which is subject to a section 7 agreement between the United States and a State, the Secretary shall pay to such State any additional moneys due such State from amounts deposited in or credited to the escrow account. If there is insufficient money deposited in the escrow account, the Secretary shall transmit, from any revenues derived from any lease of Federal lands under this Act, the remaining balance due such State in accordance with the formula set forth in section 8004(b)(1)(B) of the Outer Continental Shelf Lands Act Amendments of 1985.

(B) This paragraph applies to all Federal oil and gas lease sales, under this Act, including joint lease sales, occurring after September 18, 1978.

(6) This section shall be deemed to take effect on October 1, 1985, for purposes of determining the amounts to be deposited in the separate account and the States' shares described in paragraph (2).

(7) When the Secretary leases any tract which lies wholly or partially within three miles of the seaward boundary of two or more States, the revenues from such tract shall be distributed as otherwise provided by this section, except that the State's share of such revenues that would otherwise result under this section shall be divided equally among such States.

(h) Nothing contained in this section shall be construed to alter, limit, or modify any claim of any State to any jurisdiction over, or any right, title or interest in, any submerged lands.

(i) In order to meet the urgent need for further exploration and development of the sulphur deposits in the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding sulphur leases on submerged lands of the outer Continental Shelf, which are not covered by leases which include sulphur and meet the requirements of subsection (a) of section 6 of this Act, and which sulphur leases shall be offered for bid by sealed bids and granted on separate leases from oil and gas leases, and for a separate consideration, and without priority or preference accorded to oil and gas lessees on the same area.

(j) A sulphur lease issued by the Secretary pursuant to this section shall (1) cover an area of such size and dimensions as the Secretary may determine, (2) be for a period of not more than ten years and so long thereafter as sulphur may be produced from the area in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon, (3) require the payment to the United States of such royalty as may be specified in the lease but not less than 5 per centum of the gross production of value of the sulphur at the wellhead, and (4) contained such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe at the time of offering the area for lease.

(k)(1) The Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.

(2)(A) Notwithstanding paragraph (1), the Secretary may negotiate with any person an agreement for the use of Outer Continental Shelf sand, gravel and shell resources—

(i) for use in a program of, or project for, shore protection, beach restoration, or coastal wetlands restoration undertaken by a Federal, State, or local government agency; or

(ii) for use in a construction project, other than a project described in clause (i), that is funded in whole or in part by or authorized by the Federal Government.

(B) In carrying out a negotiation under this paragraph, the Secretary may assess a fee based on an assessment of the value of the resources and the public interest served by promoting development of the resources. No fee shall be assessed directly or indirectly under this subparagraph against a Federal, State, or local government agency.

(C) The Secretary may, through this paragraph and in consultation with the Secretary of Commerce, seek to facilitate projects in the coastal zone, as such term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453), that promote the policy set forth in section 303 of that Act (16 U.S.C. 1452).

(D) Any Federal agency which proposes to make use of sand, gravel and shell resources subject to the provisions of this Act shall enter into a Memorandum of Agreement with the Secretary concerning the potential use of those resources. The Secretary shall notify the Committee on Merchant Marine and Fisheries and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on any proposed project for the use of those resources prior to the use of those resources.

(1) Notices of sale of leases, and the terms of bidding authorized by this section shall be published at least thirty days before the date of sale in accordance with rules and regulations promulgated by the Secretary.

(m) All moneys paid to the Secretary for or under leases granted pursuant to this section shall be deposited in the Treasury in accordance with section 9 of this Act.

(n) The issuance of any lease by the Secretary pursuant to this Act, or the making of any interim arrangements by the Secretary pursuant to section 7 of this Act shall not prejudice the ultimate settlement or adjudication of the question as to whether or not the area involved is in the outer Continental Shelf.

(o) The Secretary may cancel any lease obtained by fraud or misrepresentation.

(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and other relevant departments and agencies of the Federal Government, may grant a lease, easement, or right-of-way on the outer Continental Shelf for activities not otherwise authorized in this Act, the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9101 et seq.), or other applicable law, if those activities—

(A) support exploration, development, production, or storage of oil or natural gas, except that a lease, easement, or right-of-way shall not be granted in an area in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium;

(B) support transportation of oil or natural gas, excluding shipping activities;

(C) produce or support production, transportation, storage, or transmission of energy from sources other than oil and gas;

(D) use, for energy-related purposes or for other authorized marine-related purposes, facilities currently or previously used for activities authorized under this Act, except that any oil and gas energy-related uses shall not be authorized in areas in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium; or

(E) provide for, support, or are directly related to the injection of a carbon dioxide stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration.

(2) PAYMENTS AND REVENUES.—(A) The Secretary shall establish royalties, fees, rentals, bonuses, or other payments to ensure a fair return to the United States for any lease, easement, or right-of-way granted under this subsection.

(B) The Secretary shall provide for the payment of 27 percent of the revenues received by the Federal Government as a result of payments under this section from projects that are located wholly or partially within the area extending three nautical miles seaward of State submerged lands. Payments shall be made based on a formula established by the Secretary by rulemaking no later than 180 days after the date of enactment of this section that provides for equitable distribution, based on proximity to the project, among coastal states that have a

coastline that is located within 15 miles of the geographic center of the project.

(C) With respect to a lease under this subsection for the production of wind energy, 30 percent of the revenue received by the Federal Government as a result of payments from such lease shall be deposited in the National Oceans and Coastal Security Fund established by section 904 of the National Oceans and Coastal Security Act (16 U.S.C. 7503).

(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Except with respect to projects that meet the criteria established under section 388(d) of the Energy Policy Act of 2005, the Secretary shall issue a lease, easement, or right-of-way under paragraph (1) on a competitive basis unless the Secretary determines after public notice of a proposed lease, easement, or right-of-way that there is no competitive interest.

(4) REQUIREMENTS.—The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for—

- (A) safety;
- (B) protection of the environment;
- (C) prevention of waste;
- (D) conservation of the natural resources of the outer Continental Shelf;
- (E) coordination with relevant Federal agencies;
- (F) protection of national security interests of the United States;
- (G) protection of correlative rights in the outer Continental Shelf;
- (H) a fair return to the United States for any lease, easement, or right-of-way under this subsection;
- (I) prevention of interference with reasonable uses (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;
- (J) consideration of—
 - (i) the location of, and any schedule relating to, a lease, easement, or right-of-way for an area of the outer Continental Shelf; and
 - (ii) any other use of the sea or seabed, including use for a fishery, a sealane, a potential site of a deepwater port, or navigation;
- (K) public notice and comment on any proposal submitted for a lease, easement, or right-of-way under this subsection; and
- (L) oversight, inspection, research, monitoring, and enforcement relating to a lease, easement, or right-of-way under this subsection.

(5) LEASE DURATION, SUSPENSION, AND CANCELLATION.—The Secretary shall provide for the duration, issuance, transfer, renewal, suspension, and cancellation of a lease, easement, or right-of-way under this subsection.

(6) SECURITY.—The Secretary shall require the holder of a lease, easement, or right-of-way granted under this subsection to—

- (A) furnish a surety bond or other form of security, as prescribed by the Secretary;

(B) comply with such other requirements as the Secretary considers necessary to protect the interests of the public and the United States; and

(C) provide for the restoration of the lease, easement, or right-of-way.

(7) COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.—The Secretary shall provide for coordination and consultation with the Governor of any State or the executive of any local government that may be affected by a lease, easement, or right-of-way under this subsection.

(8) REGULATIONS.—Not later than 270 days after the date of enactment of the Energy Policy Act of 2005, the Secretary, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, heads of other relevant departments and agencies of the Federal Government, and the Governor of any affected State, shall issue any necessary regulations to carry out this subsection.

(9) EFFECT OF SUBSECTION.—Nothing in this subsection displaces, supersedes, limits, or modifies the jurisdiction, responsibility, or authority of any Federal or State agency under any other Federal law.

(10) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, or any National Monument.

(q) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—*Notwithstanding any other provision of this section or any other law, the Secretary may not issue—*

(1) a lease for the exploration, development, or production of oil or natural gas; or

(2) a permit for geological or geophysical activities in support of oil or natural gas exploration other than those conducted pursuant to a lease issued before the date of the enactment of this section,

in any planning area, except in the Central or Western planning areas of the Gulf of Mexico (as such planning areas are described in the document entitled “2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program”, dated November 2016, or a subsequent oil and gas leasing program developed under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344)).

* * * * *

SEC. 11. GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS.—(a)(1) Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area.

(2) The provisions of paragraph (1) of this subsection shall not apply to any person conducting explorations pursuant to an approved exploration plan on any area under lease to such person pursuant to the provisions of this Act.

(b) Except as provided in subsection (f) of this section, beginning ninety days after the date of enactment of this subsection, no exploration pursuant to any oil and gas lease issued or maintained under this Act may be undertaken by the holder of such lease, except in accordance with the provisions of this section.

(c)(1) Except as otherwise provided in the Act, prior to commencing exploration pursuant to any oil and gas lease issued or maintained under this Act, the holder thereof shall submit an exploration plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any one region of the outer Continental Shelf, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if he finds that such plan is consistent with the provisions of this Act, regulations prescribed under this Act, including regulations prescribed by the Secretary pursuant to paragraph (8) of section 5(a) of this Act, and the provisions of such lease. The Secretary shall require such modifications of such plan as are necessary to achieve such consistency. The Secretary shall approve such plan, as submitted or modified, within thirty days of its submission, except that the Secretary shall disapprove such plan if he determines that (A) any proposed activity under such plan would result in any condition described in section 5(a)(2)(A)(i) of this Act, and (B) such proposed activity cannot be modified to avoid such condition. If the Secretary disapproves a plan under the preceding sentence, he may, subject to section 5(a)(2)(B) of this Act, cancel such lease and the lessee shall be entitled to compensation in accordance with the regulations prescribed under section 5(a)(2)(C) (i) or (ii) of this Act.

(2) The Secretary shall not grant any license or permit for any activity described in detail in an exploration plan and affecting any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), unless the State concurs or is conclusively presumed to concur with the consistency certification accompanying such plan pursuant to section 307(c)(3)(B) (i) or (ii) of such Act, or the Secretary of Commerce makes the finding authorized by section 307(c)(3)(B)(iii) of such Act.

(3) An exploration plan submitted under this subsection shall include, in the degree of detail which the Secretary may by regulation require—

- (A) a schedule of anticipated exploration activities to be undertaken;
- (B) a description of equipment to be used for such activities;
- (C) the general location of each well to be drilled; and
- (D) such other information deemed pertinent by the Secretary.

(4) The Secretary may, by regulation, require that such plan be accompanied by a general statement of development and production intentions which shall be for planning purposes only and which shall not be binding on any party.

(d) The Secretary may, by regulation, require any lessee operating under an approved exploration plan to obtain a permit prior to drilling any well in accordance with such plan.

(e)(1) If a significant revision of an exploration plan approved under this subsection is submitted to the Secretary, the process to be used for the approval of such revision shall be the same as set forth in subsection (c) of this section.

(2) All exploration activities pursuant to any lease shall be conducted in accordance with an approved exploration plan or an approved revision of such plan.

(f)(1) Exploration activities pursuant to any lease for which a drilling permit has been issued or for which an exploration plan has been approved, prior to ninety days after the date of enactment of this subsection, shall be considered in compliance with this section, except that the Secretary may, in accordance with section 5(a)(1)(B) of this Act, order a suspension or temporary prohibition of any exploration activities and require a revised exploration plan.

(2) The Secretary may require the holder of a lease described in paragraph (1) of this subsection to supply a general statement in accordance with subsection (c)(4) of this section, or to submit other information.

(3) Nothing in this subsection shall be construed to amend the terms of any permit or plan to which this subsection applies.

(g) Any permit for geological explorations authorized by this section shall be issued only if the Secretary determines, in accordance with regulations issued by the Secretary that—

(1) the applicant for such permit is qualified;

(2) the exploration will not interfere with or endanger operations under any lease issued or maintained pursuant to this Act; and

(3) such exploration will not be unduly harmful to aquatic life in the area, result in pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archeological significance.

(h) The Secretary shall not issue a lease or permit for, or otherwise allow, exploration, development, or production activities within fifteen miles of the boundaries of the Point Reyes Wilderness as depicted on a map entitled “Wilderness Plan, Point Reyes National Seashore”, numbered 612–90,000–B and dated September 1976, unless the State of California issues a lease or permit for, or otherwise allows, exploration, development, or production activities on lands beneath navigable waters (as such term is defined in section 2 of the Submerged Lands Act) of such State which are adjacent to such Wilderness.

(i) *BEST AVAILABLE TECHNOLOGY.*—*Notwithstanding any other provision of this Act or any other law, the Secretary shall require each holder of a lease or permit under this section for geophysical and geological exploration on the outer Continental Shelf to use the best commercially available technology with respect to reducing acoustic pressure levels to conduct such exploration.*

* * * * *

SEC. 18. OUTER CONTINENTAL SHELF LEASING PROGRAM.—(a) The Secretary, pursuant to procedures set forth in subsections (c) and (d) of this section, shall prepare and periodically revise, and maintain an oil and gas leasing program to implement the policies of this Act. The leasing program shall consist of a schedule of proposed lease sales indicating, as precisely as possible, the size, tim-

ing, and location of leasing activity which he determines will best meet national energy needs for the five-year period following its approval or reapproval. Such leasing program shall be prepared and maintained in a manner consistent with the following principles:

(1) Management of the outer Continental Shelf shall be conducted in a manner which considers economic, social, and environmental values of the renewable and nonrenewable resources contained in the outer Continental Shelf, and the potential impact of oil and gas exploration on other resource values of the outer Continental Shelf and the marine, coastal, and human environments.

(2) Timing and location of exploration, development, and production of oil and gas among the oil- and gas-bearing physiographic regions of the outer Continental Shelf shall be based on a consideration of—

(A) existing information concerning the geographical, geological, and ecological characteristics of such regions;

(B) an equitable sharing of developmental benefits and environmental risks among the various regions;

(C) the location of such regions with respect to, and the relative needs of, regional and national energy markets;

(D) the location of such regions with respect to other uses of the sea and seabed, including fisheries, navigation, existing or proposed sealanes, potential sites of deepwater ports, and other anticipated uses of the resources and space of the outer Continental Shelf;

(E) the interest of potential oil and gas producers in the development of oil and gas resources as indicated by exploration or nomination;

(F) laws, goals, and policies of affected States which have been specifically identified by the Governors of such States as relevant matters for the Secretary's consideration;

(G) the relative environmental sensitivity and marine productivity of different areas of the outer Continental Shelf; and

(H) relevant environmental and predictive information for different areas of the outer Continental Shelf.

(3) The Secretary shall select the timing and location of leasing, to the maximum extent practicable, so as to obtain a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone.

(4) Leasing activities shall be conducted to assure receipt of fair market value for the lands leased and the rights conveyed by the Federal Government.

(b) The leasing program shall include estimates of the appropriations and staff required to—

(1) obtain resource information and any other information needed to prepare the leasing program required by this section;

(2) analyze and interpret the exploratory data and any other information which may be compiled under the authority of this Act;

(3) conduct environmental studies and prepare any environmental impact statement required in accordance with this Act

and with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(4) supervise operations conducted pursuant to each lease in the manner necessary to assure due diligence in the exploration and development of the lease area and compliance with the requirement of applicable laws and regulations, and with the terms of the lease.

(c)(1) During the preparation of any proposed leasing program under this section, the Secretary shall invite and consider suggestions for such program from any interested Federal agency, including the Attorney General, in consultation with the Federal Trade Commission, and from the Governor of any State which may become an affected State under such proposed program. The Secretary may also invite or consider any suggestions from the executive of any affected local government in such an affected State, which have been previously submitted to the Governor of such State, and from any other person.

(2) After such preparation and at least sixty days prior to publication of a proposed leasing program in the Federal Register pursuant to paragraph (3) of this subsection, the Secretary shall submit a copy of such proposed program to the Governor of each affected State for review and comment. The Governor may solicit comments from those executives of local governments in his State which he, in his discretion, determines will be affected by the proposed program. If any comment by such Governor is received by the Secretary at least fifteen days prior to submission to the Congress pursuant to such paragraph (3) and includes a request for any modification of such proposed program, the Secretary shall reply in writing, granting or denying such request in whole or in part, or granting such request in such modified form as the Secretary considers appropriate, and stating his reasons therefor. All such correspondence between the Secretary and Governor of any affected State, together with any additional information and data relating thereto, shall accompany such proposed program when it is submitted to the Congress.

(3) Within nine months after the date of enactment of this section, the Secretary shall submit a proposed leasing program to the Congress, the Attorney General, and the Governors of affected States, and shall publish such proposed program in the Federal Register. Each Governor shall, upon request, submit a copy of the proposed leasing program to the executive of any local government affected by the proposed program.

(d)(1) Within ninety days after the date of publication of a proposed leasing program, the Attorney General may, after consultation with the Federal Trade Commission, submit comments on the anticipated effects of such proposed program upon competition. Any State, local government, or other person may submit comments and recommendations as to any aspect of such proposed program.

(2) At least sixty days prior to approving a proposed leasing program, the Secretary shall submit it to the President and the Congress, together with any comments received. Such submission shall indicate why any specific recommendation of the Attorney General or a State or local government was not accepted.

(3) After the leasing program has been approved by the Secretary, or after eighteen months following the date of enactment of

this section, whichever first occurs, no lease shall be issued unless it is for an area included in the approved leasing program and unless it contains provisions consistent with the approved leasing program, except that leasing shall be permitted to continue until such program is approved and for so long thereafter as such program is under judicial or administrative review pursuant to the provisions of this Act.

(e) The Secretary shall review the leasing program approved under this section at least once each year. He may revise and reapprove such program, at any time, and such revision and reapproval, except in the case of a revision which is not significant, shall be in the same manner as originally developed.

(f) The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of nominations for any area to be offered for lease or to be excluded from leasing;

(2) public notice of and participation in development of the leasing program;

(3) review by State and local governments which may be impacted by the proposed leasing;

(4) periodic consultation with State and local governments, oil and gas lessees and permittees, and representatives of other individuals or organizations engaged in activity in or on the outer Continental Shelf, including those involved in fish and shellfish recovery, and recreational activities; and

(5) consideration of the coastal zone management program being developed or administered by an affected coastal State pursuant to section 305 or section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454, 1455).

Such procedures shall be applicable to any significant revision or reapproval of the leasing program.

(g) The Secretary may obtain from public sources, or purchase from private sources, any survey, data, report, or other information (including interpretations of such data, survey, report, or other information) which may be necessary to assist him in preparing an environmental impact statement and in making other evaluations required by this Act. Data of a classified nature provided to the Secretary under the provisions of this subsection shall remain confidential for such period of time as agreed to by the head of the department or agency from whom the information is requested. The Secretary shall maintain the confidentiality of all privileged or proprietary data or information for such period of time as is provided for in this Act, established by regulation, or agreed to by the parties.

(h) The heads of all Federal departments and agencies shall provide the Secretary with any nonprivileged or nonproprietary information he requests to assist him in preparing the leasing program and may provide the Secretary with any privileged or proprietary information he requests to assist him in preparing the leasing program. Privileged or proprietary information provided to the Secretary under the provisions of this subsection shall remain confidential for such period of time as agreed to by the head of the department or agency from whom the information is requested. In addition, the Secretary shall utilize the existing capabilities and resources of such Federal departments and agencies by appropriate agreement.

(i) *This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to any insular area of the United States.*

* * * * *

SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.

(a) **WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.**—

(1) **STUDY ON FEASIBILITY OF CONDUCTING WIND LEASE SALES.**—

(A) **IN GENERAL.**—*The Secretary shall conduct a study on the feasibility, including the technological and long-term economic feasibility, and the potential environmental effects, of conducting wind lease sales in each area of the outer Continental Shelf that is within the territorial jurisdiction of the United States, including of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.*

(B) **CONSULTATION.**—*In conducting the study required in subparagraph (A), the Secretary shall consult—*

(i) *the National Laboratories, as that term is defined in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3));*

(ii) *the National Oceanic and Atmospheric Administration, including the Office of National Marine Sanctuaries and National Marine Fisheries Service; and*

(iii) *the Governor of each of American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.*

(C) **PUBLIC COMMENT.**—*The study required in subparagraph (A) shall be published in the Federal Register for public comment for a period of not fewer than 60 days.*

(D) **SUBMISSION OF RESULTS.**—*Not later than 18 months after the date of the enactment of this section, the Secretary shall submit the results of the study conducted under subparagraph (A) to—*

(i) *the Committee on Energy and Natural Resources of the Senate;*

(ii) *the Committee on Natural Resources of the House of Representatives; and*

(iii) *each of the Delegates or the Resident Commissioner to the House of Representatives from American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.*

(E) **PUBLIC AVAILABILITY.**—*The Secretary shall publish the study required under subparagraph (A) and the results submitted under subparagraph (C) on a public website.*

(2) **CALL FOR INFORMATION AND NOMINATIONS.**—*The Secretary shall issue a call for information and nominations for proposed wind lease sales for areas determined to be feasible under the study conducted under paragraph (1).*

(3) *CONDITIONAL WIND LEASE SALES.—*

(A) *IN GENERAL.—For each territory, the Secretary shall conduct not less than one wind lease sale in the area of the outer Continental Shelf within the territorial jurisdiction of such territory if such area meets each of the following criteria:*

(i) The study required under paragraph (1)(A) concluded that a wind lease sale on the area is feasible.

(ii) The Secretary has determined that the call for information has generated sufficient interest in the area.

(iii) The Secretary has consulted with the Secretary of Defense and other relevant Federal agencies regarding such sale.

(iv) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.

(B) *EXCEPTION.—If no area of the outer Continental Shelf within the territorial jurisdiction of a territory meets each of the criteria in clauses (i) through (iv) of subparagraph (A), the requirement under subparagraph (A) shall not apply to such territory.*

MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

* * * * *

TITLE III—NATIONAL FISHERY MANAGEMENT PROGRAM

* * * * *

SEC. 305. OTHER REQUIREMENTS AND AUTHORITY.

(a) **GEAR EVALUATION AND NOTIFICATION OF ENTRY.—**

(1) Not later than 18 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall publish in the Federal Register, after notice and an opportunity for public comment, a list of all fisheries—

(A) under the authority of each Council and all fishing gear used in such fisheries, based on information submitted by the Councils under section 303(a); and

(B) to which section 302(a)(3) applies and all fishing gear used in such fisheries.

(2) The Secretary shall include with such list guidelines for determining when fishing gear or a fishery is sufficiently different from those listed as to require notification under paragraph (3).

(3) Effective 180 days after the publication of such list, no person or vessel may employ fishing gear or engage in a fishery not included on such list without giving 90 days advance written notice to the appropriate Council, or the Secretary with respect to a fishery to which section 302(a)(3) applies. A signed return receipt shall serve as adequate evidence of such notice and as the date upon which the 90-day period begins.

(4) A Council may submit to the Secretary any proposed changes to such list or such guidelines the Council deems appropriate. The Secretary shall publish a revised list, after notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.

(5) A Council may request the Secretary to promulgate emergency regulations under subsection (c) to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section 302(a)(3) applies, determines that such unlisted gear or unlisted fishery would compromise the effectiveness of conservation and management efforts under this Act.

(6) Nothing in this subsection shall be construed to permit a person or vessel to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under a fishery management plan or plan amendment, or under other applicable law.

(b) FISH HABITAT.—(1)(A) The Secretary shall, within 6 months of the date of enactment of the Sustainable Fisheries Act, establish by regulation guidelines to assist the Councils in the description and identification of essential fish habitat in fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat. The Secretary shall set forth a schedule for the amendment of fishery management plans to include the identification of essential fish habitat and for the review and updating *every five years* of such identifications based on new scientific evidence, *changes to habitat, in part due to climate change*, or other relevant information.

(B) The Secretary, in consultation with participants in the fishery, shall provide each Council with recommendations and information regarding each fishery under that Council's authority to assist it in the identification of essential fish habitat, the adverse impacts on that habitat, and the actions that should be considered to ensure the conservation and enhancement of that habitat.

(C) The Secretary shall review programs administered by the Department of Commerce and ensure that any relevant programs further the conservation and enhancement of essential fish habitat.

(D) The Secretary shall coordinate with and provide information to other Federal agencies *and such agencies shall take action* to further the conservation and enhancement of essential fish habitat.

[(2) Each Federal agency shall consult with the Secretary with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.

[(3) Each Council—

[(A) may comment on and make recommendations to the Secretary and any Federal or State agency concerning any activity authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any Federal or State agency that, in the view of the Council, may affect the habitat, including essential fish habitat, of a fishery resource under its authority; and

[(B) shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority.

[(4)(A) If the Secretary receives information from a Council or Federal or State agency or determines from other sources that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by any State or Federal agency would adversely affect any essential fish habitat identified under this Act, the Secretary shall recommend to such agency measures that can be taken by such agency to conserve such habitat.

[(B) Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain its reasons for not following the recommendations.]

(2) *CONSULTATIONS REGARDING FEDERAL AGENCY ACTION WITH ADVERSE EFFECTS ON ESSENTIAL FISH HABITAT.—*

(A) *REQUIREMENT TO AVOID OR MITIGATE ADVERSE EFFECTS.—Notwithstanding any other provision of law, any Federal agency shall consult with the Secretary to ensure that any action proposed to be authorized, funded, or undertaken by such agency avoids the adverse effect of such action on essential fish habitat or, to the extent that the adverse effect cannot be avoided, the agency shall minimize and mitigate the adverse effect. In the case of habitat areas of particular concern, the agency shall further—*

(i) conduct or require monitoring for possible adverse effects, and, if adverse effects occur, undertake additional actions to minimize and mitigate any such adverse effects of the action on the habitat area of particular concern and species for which the habitat area of particular concern is identified for the duration of time over which adverse impacts are likely to occur; and

(ii) evaluate the effectiveness of measures to avoid, minimize, and mitigate adverse impacts to the habitat area of particular concern and species for which the habitat area of particular concern is identified, and report the results of such evaluation to the Secretary on an annual basis.

(B) *CONSIDERATIONS.—In completing the requirements under subparagraph (A) for projects seeking to restore and improve the long-term resilience of habitat, particularly in estuarine environments heavily impacted by sea level rise and other climate change factors, each Federal agency shall, in consultation with the Secretary, take into account the consequences of not pursuing such restoration and habitat resilience projects and the long-term positive impacts on fish populations of such activities.*

(C) *REGULATIONS REGARDING CONSULTATION PROCESS.*—Not later than 180 days after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022, the Secretary shall establish regulations for the consultation process, including procedures to ensure that recommendations made by the Secretary under subparagraph (A) would result in the avoidance of adverse effects on essential fish habitat and, if avoidance is not possible, the minimization and mitigation of any such adverse effects.

(3) *INPUT FROM APPROPRIATE COUNCILS.*—With regard to a consultation required under paragraph (2), the Secretary shall provide the relevant Council or Councils with information regarding the proposed action and the potential adverse effects, and the Council or Councils may comment on and make recommendations to the Secretary and any Federal or State agency concerning—

(A) *the action if, in the view of the Council, such action may affect the habitat of a fishery resource under the authority of such Council; and*

(B) *the action if, in the view of the Council, such action is likely to adversely affect the habitat of an anadromous fishery resource under the authority of such Council.*

(4) *INFORMATION FROM OTHER SOURCES.*—

(A) *RECEIPT OF INFORMATION.*—

(i) *If the Secretary receives information from a Council or Federal or State agency, or determines from another source, or the consultation required in paragraph (2), that an action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken by any Federal agency would adversely affect an essential fish habitat identified under this chapter, the Secretary shall recommend to such agency measures that can be taken by such agency to avoid the adverse effects of the action on such habitat or, to the extent that adverse effects cannot be avoided, minimize and mitigate the adverse effects.*

(ii) *Any recommendations made by the Secretary shall be made available to the public on the website of the National Marine Fisheries Service at the time the recommendations are made.*

(B) *REQUIRED RESPONSE.*—

(i) *Within 30 days after receiving a recommendation under subparagraph (A), a Federal agency shall provide a detailed response in writing to any Council commenting under paragraph (3) and the Secretary regarding the matter. The response shall include a description of measures proposed by the agency for avoiding the adverse effects, or to the extent the adverse effects cannot be avoided, minimizing and mitigating the adverse effects of the action on essential fish habitat. In the case of a response that is inconsistent with the recommendations of the Secretary, the Federal agency shall explain how the alternative measures proposed will avoid the adverse effects of such action on essen-*

tial fish habitat or, to the extent that adverse effects cannot be avoided, mitigate the adverse effects.

(ii) Such responses shall be made available to the public on the website of the National Marine Fisheries Service at the time that the recommendations are received.

(C) PUBLICATION.—The Secretary shall make available to the public—

(i) any recommendation made under subparagraph (A); and

(ii) any response made by an agency under subparagraph (B) on the date on which such response is received.

(5) MONITORING FOR EFFECTIVENESS.—Each Federal agency shall monitor the effectiveness of measures that it takes to avoid, minimize, and mitigate adverse impacts to essential fish habitat.

(6) ESSENTIAL FISH HABITAT.—In this subsection, the term “habitat areas of particular concern” means specific types of areas that are part of or within essential fish habitat that—

(A) provide an important ecological function, including for maintaining and restoring the biomass, demographic, spatial, or genetic characteristics of fish populations;

(B) are sensitive to human-induced environmental degradation;

(C) are or will be significantly stressed by human activities;

(D) due to prevailing or anticipated future environmental conditions, are or may become important to the health of managed species; or

(E) are rare.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out the requirements of this section.

(c) EMERGENCY ACTIONS AND INTERIM MEASURES.—(1) If the Secretary finds that an emergency or overfishing exists or that interim measures are needed to reduce overfishing for any fishery, he may promulgate emergency or overfishing regulations or interim measures necessary to address the emergency or overfishing, without regard to whether a fishery management plan exists for such fishery.

(2) If a Council finds that an emergency or overfishing exists or that interim measures are needed to reduce overfishing for any fishery within its jurisdiction, whether or not a fishery management plan exists for such fishery—

(A) the Secretary shall promulgate emergency or overfishing regulations or interim measures under paragraph (1) to address the emergency or overfishing if the Council, by unanimous vote of the members who are voting members, requests the taking of such action; and

(B) the Secretary may promulgate emergency or overfishing regulations or interim measures under paragraph (1) to address the emergency or overfishing if the Council, by less than a unanimous vote, requests the taking of such action.

(3) Any emergency regulation or interim measure which changes any existing fishery management plan or amendment shall be

treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation or interim measure promulgated under this subsection—

(A) shall be published in the Federal Register together with the reasons therefor;

(B) shall, except as provided in subparagraph (C), remain in effect for not more than 180 days after the date of publication, and may be extended by publication in the Federal Register for one additional period of not more than 186 days, provided the public has had an opportunity to comment on the emergency regulation or interim measure, and, in the case of a Council recommendation for emergency regulations or interim measures, the Council is actively preparing a fishery management plan, plan amendment, or proposed regulations to address the emergency or overfishing on a permanent basis;

(C) that responds to a public health emergency or an oil spill may remain in effect until the circumstances that created the emergency no longer exist, *Provided*, That the public has an opportunity to comment after the regulation is published, and, in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action; and

(D) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination, except for emergency regulations or interim measures promulgated under paragraph (2) in which case such early termination may be made only upon the agreement of the Secretary and the Council concerned.

(d) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility or to carry out any other provision of this Act.

(e) EFFECT OF CERTAIN LAWS ON CERTAIN TIME REQUIREMENTS.—The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and Executive Order Numbered 12866, dated September 30, 1993, shall be complied with within the time limitations specified in subsections (a), (b), and (c) of section 304 as they apply to the functions of the Secretary under such provisions.

(f) JUDICIAL REVIEW.—(1) Regulations promulgated by the Secretary under this Act and actions described in paragraph (2) shall be subject to judicial review to the extent authorized by, and in accordance with, chapter 7 of title 5, United States Code, if a petition for such review is filed within 30 days after the date on which the regulations are promulgated or the action is published in the Federal Register, as applicable; except that—

(A) section 705 of such title is not applicable, and

(B) the appropriate court shall only set aside any such regulation or action on a ground specified in section 706(2)(A), (B), (C), or (D) of such title.

(2) The actions referred to in paragraph (1) are actions that are taken by the Secretary under regulations which implement a fishery management plan, including but not limited to actions that es-

tablish the date of closure of a fishery to commercial or recreational fishing.

(3)(A) Notwithstanding any other provision of law, the Secretary shall file a response to any petition filed in accordance with paragraph (1), not later than 45 days after the date the Secretary is served with that petition, except that the appropriate court may extend the period for filing such a response upon a showing by the Secretary of good cause for that extension.

(B) A response of the Secretary under this paragraph shall include a copy of the administrative record for the regulations that are the subject of the petition.

(4) Upon a motion by the person who files a petition under this subsection, the appropriate court shall assign the matter for hearing at the earliest possible date and shall expedite the matter in every possible way.

(g) NEGOTIATED CONSERVATION AND MANAGEMENT MEASURES.—

(1)(A) In accordance with regulations promulgated by the Secretary pursuant to this paragraph, a Council may establish a fishery negotiation panel to assist in the development of specific conservation and management measures for a fishery under its authority. The Secretary may establish a fishery negotiation panel to assist in the development of specific conservation and management measures required for a fishery under section 304(e)(5), for a fishery for which the Secretary has authority under section 304(g), or for any other fishery with the approval of the appropriate Council.

(B) No later than 180 days after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations establishing procedures, developed in cooperation with the Administrative Conference of the United States, for the establishment and operation of fishery negotiation panels. Such procedures shall be comparable to the procedures for negotiated rulemaking established by subchapter III of chapter 5 of title 5, United States Code.

(2) If a negotiation panel submits a report, such report shall specify all the areas where consensus was reached by the panel, including, if appropriate, proposed conservation and management measures, as well as any other information submitted by members of the negotiation panel. Upon receipt, the Secretary shall publish such report in the Federal Register for public comment.

(3) Nothing in this subsection shall be construed to require either a Council or the Secretary, whichever is appropriate, to use all or any portion of a report from a negotiation panel established under this subsection in the development of specific conservation and management measures for the fishery for which the panel was established.

(h) CENTRAL REGISTRY SYSTEM FOR LIMITED ACCESS SYSTEM PERMITS.—

(1) Within 6 months after the date of enactment of the Sustainable Fisheries Act, the Secretary shall establish an exclusive central registry system (which may be administered on a regional basis) for limited access system permits established under section 303(b)(6) or other Federal law, including limited access privileges, which shall provide for the registration of

title to, and interests in, such permits, as well as for procedures for changes in the registration of title to such permits upon the occurrence of involuntary transfers, judicial or non-judicial foreclosure of interests, enforcement of judgments thereon, and related matters deemed appropriate by the Secretary. Such registry system shall—

(A) provide a mechanism for filing notice of a nonjudicial foreclosure or enforcement of a judgment by which the holder of a senior security interest acquires or conveys ownership of a permit, and in the event of a nonjudicial foreclosure, by which the interests of the holders of junior security interests are released when the permit is transferred;

(B) provide for public access to the information filed under such system, notwithstanding section 402(b); and

(C) provide such notice and other requirements of applicable law that the Secretary deems necessary for an effective registry system.

(2) The Secretary shall promulgate such regulations as may be necessary to carry out this subsection, after consulting with the Councils and providing an opportunity for public comment. The Secretary is authorized to contract with non-Federal entities to administer the central registry system.

(3) To be effective and perfected against any person except the transferor, its heirs and devisees, and persons having actual notice thereof, all security interests, and all sales and other transfers of permits described in paragraph (1), shall be registered in compliance with the regulations promulgated under paragraph (2). Such registration shall constitute the exclusive means of perfection of title to, and security interests in, such permits, except for Federal tax liens thereon, which shall be perfected exclusively in accordance with the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). The Secretary shall notify both the buyer and seller of a permit if a lien has been filed by the Secretary of the Treasury against the permit before collecting any transfer fee under paragraph (5) of this subsection.

(4) The priority of security interests shall be determined in order of filing, the first filed having the highest priority. A validly-filed security interest shall remain valid and perfected notwithstanding a change in residence or place of business of the owner of record. For the purposes of this subsection, “security interest” shall include security interests, assignments, liens and other encumbrances of whatever kind.

(5)(A) Notwithstanding section 304(d)(1), the Secretary shall collect a reasonable fee of not more than one-half of one percent of the value of a limited access system permit upon registration of the title to such permit with the central registry system and upon the transfer of such registered title. Any such fee collected shall be deposited in the Limited Access System Administration Fund established under subparagraph (B).

(B) There is established in the Treasury a Limited Access System Administration Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purposes of—

- (i) administering the central registry system; and
 - (ii) administering and implementing this Act in the fishery in which the fees were collected. Sums in the Fund that are not currently needed for these purposes shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.
- (i) ALASKA AND WESTERN PACIFIC COMMUNITY DEVELOPMENT PROGRAMS.—
- (1) WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.—
- (A) IN GENERAL.—There is established the western Alaska community development quota program in order—
- (i) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands Management Area;
 - (ii) to support economic development in western Alaska;
 - (iii) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and
 - (iv) to achieve sustainable and diversified local economies in western Alaska.
- (B) PROGRAM ALLOCATION.—
- (i) IN GENERAL.—Except as provided in clause (ii), the annual percentage of the total allowable catch, guideline harvest level, or other annual catch limit allocated to the program in each directed fishery of the Bering Sea and Aleutian Islands shall be the percentage approved by the Secretary, or established by Federal law, as of March 1, 2006, for the program. The percentage for each fishery shall be either a directed fishing allowance or include both directed fishing and nontarget needs based on existing practice with respect to the program as of March 1, 2006, for each fishery.
 - (ii) EXCEPTIONS.—Notwithstanding clause (i)—
 - (I) the allocation under the program for each directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) shall be a total allocation (directed and nontarget combined) of 10.7 percent effective January 1, 2008; and
 - (II) the allocation under the program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a total allocation (directed and nontarget combined) of 10.7 percent.

The total allocation (directed and nontarget combined) for a fishery to which subclause (I) or (II) applies may not be exceeded.
 - (iii) PROCESSING AND OTHER RIGHTS.—Allocations to the program include all processing rights and any

other rights and privileges associated with such allocations as of March 1, 2006.

(iv) REGULATION OF HARVEST.—The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of nontarget species.

(C) ALLOCATIONS TO ENTITIES.—Each entity eligible to participate in the program shall be authorized under the program to harvest annually the same percentage of each species allocated to the program under subparagraph (B) that it was authorized by the Secretary to harvest of such species annually as of March 1, 2006, except to the extent that its allocation is adjusted under subparagraph (H). Such allocation shall include all processing rights and any other rights and privileges associated with such allocations as of March 1, 2006. Voluntary transfers by and among eligible entities shall be allowed, whether before or after harvesting. Notwithstanding the first sentence of this subparagraph, seven-tenths of one percent of the total allowable catch, guideline harvest level, or other annual catch limit, within the amount allocated to the program by subclause (I) or subclause (II) of subparagraph (B)(ii), shall be allocated among the eligible entities by the panel established in subparagraph (G), or allocated by the Secretary based on the nontarget needs of eligible entities in the absence of a panel decision.

(D) ELIGIBLE VILLAGES.—The following villages shall be eligible to participate in the program through the following entities:

(i) The villages of Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, and Saint George through the Aleutian Pribilof Island Community Development Association.

(ii) The villages of Aleknagik, Clark's Point, Dillingham, Egegik, Ekuk, Ekwok, King Salmon/Savonoski, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, and Ugashik through the Bristol Bay Economic Development Corporation.

(iii) The village of Saint Paul through the Central Bering Sea Fishermen's Association.

(iv) The villages of Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak through the Coastal Villages Region Fund.

(v) The villages of Brevig Mission, Diomede, Elim, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktoolik, Stebbins, Teller, Unalakleet, Wales, and White Mountain through the Norton Sound Economic Development Corporation.

(vi) The villages of Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village, and Nunam Iqua through the Yukon Delta Fisheries Development Association.

(E) ELIGIBILITY REQUIREMENTS FOR PARTICIPATING ENTITIES.—To be eligible to participate in the program, an entity referred to in subparagraph (D) shall meet the following requirements:

(i) BOARD OF DIRECTORS.—The entity shall be governed by a board of directors. At least 75 percent of the members of the board shall be resident fishermen from the entity's member villages. The board shall include at least one director selected by each such member village.

(ii) PANEL REPRESENTATIVE.—The entity shall elect a representative to serve on the panel established by subparagraph (G).

(iii) OTHER INVESTMENTS.—The entity may make up to 20 percent of its annual investments in any combination of the following:

(I) For projects that are not fishery-related and that are located in its region.

(II) On a pooled or joint investment basis with one or more other entities participating in the program for projects that are not fishery-related and that are located in one or more of their regions.

(III) For matching Federal or State grants for projects or programs in its member villages without regard to any limitation on the Federal or State share, or restriction on the source of any non-Federal or non-State matching funds, of any grant program under any other provision of law.

(iv) FISHERY-RELATED INVESTMENTS.—The entity shall make the remainder percent of its annual investments in fisheries-related projects or for other purposes consistent with the practices of the entity prior to March 1, 2006.

(v) ANNUAL STATEMENT OF COMPLIANCE.—Each year the entity, following approval by its board of directors and signed by its chief executive officer, shall submit a written statement to the Secretary and the State of Alaska that summarizes the purposes for which it made investments under clauses (iii) and (iv) during the preceding year.

(vi) OTHER PANEL REQUIREMENTS.—The entity shall comply with any other requirements established by the panel under subparagraph (G).

(F) ENTITY STATUS, LIMITATIONS, AND REGULATION.—The entity—

(i) shall be subject to any excessive share ownership, harvesting, or processing limitations in the fisheries of the Bering Sea and Aleutian Islands Management Area only to the extent of the entity's proportional ownership, excluding any program allocations, and notwithstanding any other provision of law;

(ii) shall comply with State of Alaska law requiring annual reports to the entity's member villages summarizing financial operations for the previous calendar year, including general and administrative costs and compensation levels of the top 5 highest paid personnel;

(iii) shall comply with State of Alaska laws to prevent fraud that are administered by the Alaska Division of Banking and Securities, except that the entity and the State shall keep confidential from public disclosure any information if the disclosure would be harmful to the entity or its investments; and

(iv) is exempt from compliance with any State law requiring approval of financial transactions, community development plans, or amendments thereto, except as required by subparagraph (H).

(G) ADMINISTRATIVE PANEL.—

(i) ESTABLISHMENT.—There is established a community development quota program panel.

(ii) MEMBERSHIP.—The panel shall consist of 6 members. Each entity participating in the program shall select one member of the panel.

(iii) FUNCTIONS.—The panel shall—

(I) administer those aspects of the program not otherwise addressed in this paragraph, either through private contractual arrangement or through recommendations to the North Pacific Council, the Secretary, or the State of Alaska, as the case may be; and

(II) coordinate and facilitate activities of the entities under the program.

(iv) VOTING REQUIREMENT.—The panel may act only by the affirmative vote of at least 5 of its members, except that any decision made pursuant to the last sentence of subparagraph (C) shall require the unanimous vote of all 6 members of the panel.

(H) DECENNIAL REVIEW AND ADJUSTMENT OF ENTITY ALLOCATIONS.—

(i) IN GENERAL.—During calendar year 2012 and every 10 years thereafter, the State of Alaska shall evaluate the performance of each entity participating in the program based on the criteria described in clause (ii).

(ii) CRITERIA.—The panel shall establish a system to be applied under this subparagraph that allows each entity participating in the program to assign relative values to the following criteria to reflect the particular needs of its villages:

(I) Changes during the preceding 10-year period in population, poverty level, and economic development in the entity's member villages.

(II) The overall financial performance of the entity, including fishery and nonfishery investments by the entity.

(III) Employment, scholarships, and training supported by the entity.

(IV) Achieving of the goals of the entity's community development plan.

(iii) ADJUSTMENT OF ALLOCATIONS.—After the evaluation required by clause (i), the State of Alaska shall make a determination, on the record and after an opportunity for a hearing, with respect to the performance of each entity participating in the program for the criteria described in clause (ii). If the State determines that the entity has maintained or improved its overall performance with respect to the criteria, the allocation to such entity under the program shall be extended by the State for the next 10-year period. If the State determines that the entity has not maintained or improved its overall performance with respect to the criteria—

(I) at least 90 percent of the entity's allocation for each species under subparagraph (C) shall be extended by the State for the next 10-year period; and

(II) the State may determine, or the Secretary may determine (if State law prevents the State from making the determination), and implement an appropriate reduction of up to 10 percent of the entity's allocation for each species under subparagraph (C) for all or part of such 10-year period.

(iv) REALLOCATION OF REDUCED AMOUNT.—If the State or the Secretary reduces an entity's allocation under clause (iii), the reduction shall be reallocated among other entities participating in the program whose allocations are not reduced during the same period in proportion to each such entity's allocation of the applicable species under subparagraph (C).

(I) SECRETARIAL APPROVAL NOT REQUIRED.—Notwithstanding any other provision of law or regulation thereunder, the approval by the Secretary of a community development plan, or an amendment thereof, under the program is not required.

(J) COMMUNITY DEVELOPMENT PLAN DEFINED.—In this paragraph, the term "community development plan" means a plan, prepared by an entity referred to in subparagraph (D), for the program that describes how the entity intends—

(i) to harvest its share of fishery resources allocated to the program, or

(ii) to use its share of fishery resources allocated to the program, and any revenue derived from such use, to assist its member villages with projects to advance economic development,

but does not include a plan that allocates fishery resources to the program.

(2)(A) The Western Pacific Council and the Secretary may establish a western Pacific community development program for any fishery under the authority of such Council in order to pro-

vide access to such fishery for western Pacific communities that participate in the program.

(B) To be eligible to participate in the western Pacific community development program, a community shall—

(i) be located within the Western Pacific Regional Fishery Management Area;

(ii) meet criteria developed by the Western Pacific Council, approved by the Secretary and published in the Federal Register;

(iii) consist of community residents who are descended from the aboriginal people indigenous to the area who conducted commercial or subsistence fishing using traditional fishing practices in the waters of the Western Pacific region;

(iv) not have previously developed harvesting or processing capability sufficient to support substantial participation in fisheries in the Western Pacific Regional Fishery Management Area; and

(v) develop and submit a Community Development Plan to the Western Pacific Council and the Secretary.

(C) In developing the criteria for eligible communities under subparagraph (B)(ii), the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery.

(D) For the purposes of this subsection “Western Pacific Regional Fishery Management Area” means the area under the jurisdiction of the Western Pacific Council, or an island within such area.

(E) Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan.

(3) The Secretary shall deduct from any fees collected from a community development quota program under section 304(d)(2) the costs incurred by participants in the program for observer and reporting requirements which are in addition to observer and reporting requirements of other participants in the fishery in which the allocation to such program has been made.

(4) After the date of enactment of the Sustainable Fisheries Act, the North Pacific Council and Western Pacific Council may not submit to the Secretary a community development quota program that is not in compliance with this subsection.

(j) WESTERN PACIFIC AND NORTHERN PACIFIC REGIONAL MARINE EDUCATION AND TRAINING.—

(1) IN GENERAL.—The Secretary shall establish a pilot program for regionally-based marine education and training programs in the Western Pacific and the Northern Pacific to foster understanding, practical use of knowledge (including native Hawaiian, Alaskan Native, and other Pacific Islander-based knowledge), and technical expertise relevant to stewardship of living marine resources. The Secretary shall, in cooperation with the Western Pacific and the North Pacific Regional Fishery Management Councils, regional educational institutions,

and local Western Pacific and Northern Pacific community training entities, establish programs or projects that will improve communication, education, and training on marine resource issues throughout the region and increase scientific education for marine-related professions among coastal community residents, including indigenous Pacific islanders, Native Hawaiians, Alaskan Natives, and other underrepresented groups in the region.

(2) PROGRAM COMPONENTS.—The program shall—

(A) include marine science and technology education and training programs focused on preparing community residents for employment in marine related professions, including marine resource conservation and management, marine science, marine technology, and maritime operations;

(B) include fisheries and seafood-related training programs, including programs for fishery observers, seafood safety and seafood marketing, focused on increasing the involvement of coastal community residents in fishing, fishery management, and seafood-related operations;

(C) include outreach programs and materials to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture, particularly in Hawaii, Alaska, the Western Pacific, the Northern Pacific, and the Central Pacific;

(D) include programs to identify, with the fishing industry, methods and technologies that will improve the data collection, quality, and reporting and increase the sustainability of fishing practices, and to transfer such methods and technologies among fisheries sectors and to other nations in the Western, Northern, and Central Pacific;

(E) develop means by which local and traditional knowledge (including Pacific islander, Native Hawaiian, and Alaskan Native knowledge) can enhance science-based management of fishery resources of the region; and

(F) develop partnerships with other Western Pacific Island and Alaskan agencies, academic institutions, and other entities to meet the purposes of this section.

(k) MULTISPECIES GROUND FISH.—

(1) IN GENERAL.—Within 60 days after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary of Commerce shall determine whether fishing in State waters—

(A) without a New England multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or

(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination.

(2) CURE.—If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the af-

fectured State, develop and implement measures to cure the inconsistency pursuant to section 306(b).

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TITLE IV—FISHERY MONITORING AND RESEARCH

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SEC. 402. INFORMATION COLLECTION.

(a) **COLLECTION PROGRAMS.—**

(1) **COUNCIL REQUESTS.**—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) **SECRETARIAL INITIATION.**—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

(b) **CONFIDENTIALITY OF INFORMATION.—**

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department’s mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch

under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; **[or]**

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2))**[.]; or**

(I) to the Secretary of the Interior for use relating to siting, exploration, production, or promotion of offshore wind energy on the outer Continental Shelf.

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through **[(H)] (I)** of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—(1) The Secretary shall promulgate regulations to restrict the use, in civil en-

forcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

(d) CONTRACTING AUTHORITY.—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) RESOURCE ASSESSMENTS.—(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry—

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

* * * * *

SEC. 409. CLIMATE AND FISHERIES RESEARCH AND MANAGEMENT PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—*The Secretary, with input from appropriate Marine Fisheries Commissions and Regional Fish-*

ery Management Councils and in coordination with other Federal agencies and educational institutions, shall establish a program to identify, develop, and implement adaptive strategies, consistent with the requirements of this Act, to improve the management of fisheries and aquaculture under current and anticipated impacts of climate change. In administering such program, the Secretary shall—

(1) expand and improve fisheries science, monitoring, and data collection in order to support and promote integrated, climate science-informed fishery management and ensure that the requirements of this Act are met under changing climatic conditions;

(2) prepare and adapt fishery management for climate change by promoting a precautionary approach to management and supporting the increased development and use of relevant science and management tools, including forecasting, risk assessment, scenario planning, coupled climate and ecosystem modeling, and management strategy evaluation;

(3) improve agency understanding of stock shifts to inform catch advice, inform the resolution of jurisdictional issues, and support achievement of conservation mandates in the face of shifting stocks;

(4) promote the development, integration, and use of climate-related tools and information in stock assessments;

(5) develop and provide guidance on implementing in control rules that are more responsive to environmental variability and climate change for fishery management;

(6) promote management approaches that increase resilience to current and anticipated climate impacts in managed species and marine ecosystems, including by coordinating with and advancing programs to protect genetic diversity and age structure, protect marine, estuarine, mangrove, and other aquatic habitat, minimize and better account for bycatch, and incorporating into management the ecological role of forage fish in the marine food web;

(7) increase understanding of food security issues and the socioeconomic impacts of climate change on fishing participants, fishing communities, and related industries;

(8) coordinate within the National Oceanic and Atmospheric Administration on issues related to climate change and fisheries, including on data needs and availability;

(9) ensure that the research, resource management, and expenditures to prepare fisheries for climate change promote racial and socioeconomic equity with respect to environmental and economic outcomes across fisheries and regions;

(10) promote the increased incorporation of climate change impacts into fisheries management at regional fishery management organizations and other international bodies; and

(11) advance other climate change fishery science and management as appropriate.

(b) *EVALUATION.*—The Secretary, with input from the Councils, shall, not later than three years after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022 and every 5 years thereafter, conduct an independent review that will be provided to Congress and the public on the results of the program, including—

(1) steps taken to modify or enhance research and data collection programs to better understand the effects of climate change on fishery resources and food security;

(2) steps taken to evaluate various management strategies in the context of future climate scenarios;

(3) how tools and solutions identified by the program have been or could be implemented in fishery science and management; and

(4) the degree to which equity in outcomes of fulfilling programmatic duties was achieved as required by subsection (a)(9).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$2,000,000 for each fiscal year 2022 through 2026.

CONSOLIDATED APPROPRIATIONS ACT, 2014

(Public Law 113-76)

* * * * *

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

TITLE I

DEPARTMENT OF THE INTERIOR

* * * * *

CONTRIBUTION AUTHORITY

[Sec. 113. In fiscal years 2014 through 2024, the Secretary of the Interior may accept from public and private sources contributions of money and services for use by the Bureau of Ocean Energy Management or the Bureau of Safety and Environmental Enforcement to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources, including preparation of environmental documents such as impact statements and assessments, studies, and related research.]

CONTRIBUTION AUTHORITY

SEC. 113. The Secretary of the Interior may accept from public and private sources contributions of money and services for use by the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources, including preparation of environmental documents such as impact statements and assessments, studies, and related research, during fiscal years—

(1) 2014 through 2024; or

(2) with respect to work supporting offshore wind energy exploration or development, 2014 through 2030.

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ACT OF AUGUST 11, 1939

(Public Law Chapter 696 of the 76th Congress)

AN ACT To authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry.

* * * * *

SEC. 2. (a) DEFINITIONS.—As used in this section—**(1) The term “person” means—**

(A) any individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands;

(B) any fishery development foundation or other private nonprofit corporation in Alaska; and

(C) any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation or other private nonprofit corporation not located in Alaska), nonprofit or otherwise, if such entity is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802) and for purposes of applying such section 2 with respect to this section—

(i) the term “State” as used therein includes any State referred to in paragraph (3),

(ii) citizens of the United States must own not less than 75 percent of the interest in the entity or, in the case of a nonprofit entity, exercise control in the entity that is determined by the Secretary to be the equivalent of such ownership, and

(iii) nationals of the United States and citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting the ownership and control requirements referred to in clause (ii).

(2) The term “Secretary” means the Secretary of Commerce.

(3) The term “State” means any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

(4) The term “United States fishery” means any fishery, including any tuna fishery, that is, or may be, engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

(5) The term “citizen of the Northern Mariana Islands” means—

(A) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

(B) a corporation, partnership, association, or other entity organized or existing under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in subparagraph (A) or citizens or nationals of the United States, in cases in which “owned” is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802).

(b) FUND.—(1) The Secretary of Agriculture shall transfer to the Secretary each fiscal year, beginning with the fiscal year commencing July 1, 1954, and ending on June 30, 1957, from moneys made available to carry out the provisions of section 32 of such Act of August 24, 1935, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products), which shall be maintained in a separate fund only for—

(A) use by the Secretary—

(i) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c),

(ii) to implement the national fisheries research and development program provided for under subsection (d);

(iii) to implement the Northwest Atlantic Ocean Fisheries Reinvestment Program established under section 314 of the Magnuson Fishery Conservation and Management Act; and

(iv) to fund the Federal share of a fishing capacity reduction program established under section 312 of the Magnuson Fishery Conservation and Management Act; and

(B) the provision of moneys, subject to paragraph (2), to carry out the purposes of the Fisheries Promotion Fund established under section 208(a) of the Fish and Seafood Promotion Act of 1986.

(2) There are transferred from the fund established under paragraph (1) to the Fisheries Promotion Fund referred to in paragraph (1)(B) \$750,000 in fiscal year 1987, \$3,000,000 in each of fiscal years 1988 and 1989, and \$2,000,000 in each of fiscal years 1990 and 1991.

(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—[(1) The Secretary shall make grants from the fund established under subsection (b) to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.] *(1) The Secretary shall make grants from the fund established under subsection (b) to—*

(A) assist persons in carrying out research and development projects addressed to any aspect of United States marine fisheries, including harvesting, processing, packaging, marketing, and associated infrastructures; or

(B) assist persons to market and promote the consumption of—

(i) local or domestic marine fishery products;

(ii) environmentally and climate-friendly marine fishery products that minimize and employ efforts to avoid bycatch and impacts on marine mammals;

(iii) invasive species; or

(iv) well-managed but less known species.

(2) The Secretary shall—

(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (A)) in which the application was received.

(3) No application for a grant under this subsection may be approved unless the Secretary—

(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

(B) evaluates the proposed project as to—

(i) soundness of design,

(ii) the possibilities of securing productive results,

(iii) minimization of duplication with other fisheries research and development projects,

(iv) the organization and management of the project,

(v) methods proposed for monitoring and evaluating the success or failure of the project, and

(vi) such other criteria as the Secretary may require.

(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

(C) The recipient of the grant must submit to the Secretary periodic project status reports.

(5)(A) If the cost of a project will be shared by the grant recipient, the Secretary shall accept, as a part of all of that share, the value of in-kind contributions made by the recipient, or made available to, and applied by, the recipient, with respect to the project.

(B) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. The Secretary shall establish (i) the training, experience, and other qualifications which shall be required in order for services to be considered as in-kind contributions; and (ii) the standards under which the Secretary will determine the value of in-kind contributions for purposes of subparagraph (A).

(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be conclusive.

(d) NATIONAL FISHERIES RESEARCH AND DEVELOPMENT PROGRAM.—(1) The Secretary shall carry out a national program of re-

search and development addressed to such aspects of United States fisheries (including, but not limited to, harvesting, processing, marketing, and associated infrastructures), if not adequately covered by projects assisted under subsection (c), as the Secretary deems appropriate.

(2) The Secretary shall, after consultation with appropriate representatives of the fishing industry, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, an annual report, that must be submitted not later than 60 days before the close of each fiscal year, containing—

(A) the fisheries development goals and funding priorities under paragraph (1) for the next fiscal year;

(B) a description of all pending projects assisted under subsection (c) or carried out under paragraph (1), in addition to—

(i) a list of those applications approved and those disapproved under subsection (c), and the total amount of grants made, for the current fiscal year, and

(ii) a statement of the extent to which available funds were not obligated or expended by the Secretary for grants under subsection (c) during the current fiscal year; and

(C) an assessment of each project assisted under subsection (c) or carried out under paragraph (1) that was completed in the preceding fiscal year regarding the extent to which (i) the objectives of the project were attained, and (ii) the project contributed to fishery development.

(e) ALLOCATION OF FUND MONEYS.—(1) Notwithstanding any other provisions of law, all moneys in the fund shall be used exclusively for the purpose of promoting United States fisheries in accordance with the provisions of this section, and no such moneys shall be transferred from the fund for any other purpose. With respect to any fiscal year, all moneys in the fund, including the sum of all unexpended moneys carried over into that fiscal year and all moneys transferred to the fund under subsection (b) or any other provision of law with respect to that fiscal year, shall be allocated as follows:

(A) the Secretary shall use no less than 60 per centum of such moneys to make direct industry assistance grants to develop the United States fisheries and to expand domestic and foreign markets for United States fishery products pursuant to subsection (c) of this section; and

(B) the Secretary shall use the balance of the moneys in the fund to finance those activities of the National Marine Fisheries Service which are directly related to development of the United States fisheries pursuant to subsection (d) of this section.

(2) The Secretary shall, consistent with the number of meritorious applications received with respect to any fiscal year, obligate or expend all of the moneys in the fund described in paragraph (1). Any such moneys which are not expended in a given fiscal year shall remain available for expenditure in accordance with this section without fiscal year limitation, except that the Secretary shall not obligate such moneys at a rate less than that necessary

to prevent the balance of moneys in the fund from exceeding \$3,000,000 at the end of any fiscal year.

**BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND
ACCOUNTABILITY ACT OF 2015**

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**TITLE I—TRADE PROMOTION
AUTHORITY**

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SEC. 102. TRADE NEGOTIATING OBJECTIVES.

(a) **OVERALL TRADE NEGOTIATING OBJECTIVES.**—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 103 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and investment and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trade and investment disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, enhance the competitiveness of the United States, promote full employment in the United States, and enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the ILO (as set out in section 111(7)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade;

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, and expanded export market opportunities, and provide for the reduction or elimination of trade and investment barriers that disproportionately impact small businesses;

(9) to promote universal ratification and full compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor;

(10) to ensure that trade agreements reflect and facilitate the increasingly interrelated, multi-sectoral nature of trade and investment activity;

(11) to recognize the growing significance of the Internet as a trading platform in international commerce;

(12) to take into account other legitimate United States domestic objectives, including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto;

(13) to take into account conditions relating to religious freedom of any party to negotiations for a trade agreement with the United States;

(14) to ensure that trade agreements do not require changes to the immigration laws of the United States or obligate the United States to grant access or expand access to visas issued under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(15) to ensure that trade agreements do not establish obligations for the United States regarding greenhouse gas emissions measures, including obligations that require changes to United States laws or regulations or that would affect the implementation of such laws or regulations, other than those fulfilling the other negotiating objectives in this section.

(b) **PRINCIPAL TRADE NEGOTIATING OBJECTIVES.**—

(1) **TRADE IN GOODS.**—The principal negotiating objectives of the United States regarding trade in goods are—

(A) to expand competitive market opportunities for exports of goods from the United States and to obtain fairer and more open conditions of trade, including through the utilization of global value chains, by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, including with respect to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) **TRADE IN SERVICES.**—(A) The principal negotiating objective of the United States regarding trade in services is to expand competitive market opportunities for United States services and to obtain fairer and more open conditions of trade, including through utilization of global value chains, by reducing or eliminating barriers to international trade in services, such as regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(B) Recognizing that expansion of trade in services generates benefits for all sectors of the economy and facilitates trade, the objective described in subparagraph (A) should be pursued through all means, including through a plurilateral agreement with those countries willing and able to undertake high standard services commitments for both existing and new services.

(3) **TRADE IN AGRICULTURE.**—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in

United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value added commodities by—

(A) securing more open and equitable market access through robust rules on sanitary and phytosanitary measures that—

(i) encourage the adoption of international standards and require a science-based justification be provided for a sanitary or phytosanitary measure if the measure is more restrictive than the applicable international standard;

(ii) improve regulatory coherence, promote the use of systems-based approaches, and appropriately recognize the equivalence of health and safety protection systems of exporting countries;

(iii) require that measures are transparently developed and implemented, are based on risk assessments that take into account relevant international guidelines and scientific data, and are not more restrictive on trade than necessary to meet the intended purpose; and

(iv) improve import check processes, including testing methodologies and procedures, and certification requirements,

while recognizing that countries may put in place measures to protect human, animal, or plant life or health in a manner consistent with their international obligations, including the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)));

(B) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import sensitive products, in close consultation with Congress on such products before initiating tariff reduction negotiations;

(C) reducing tariffs to levels that are the same as or lower than those in the United States;

(D) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(E) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(F) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(G) eliminating government policies that create price depressing surpluses;

(H) eliminating state trading enterprises whenever possible;

(I) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, and ensuring that such rules are subject to efficient, timely, and effective dispute settlement, including—

(i) unfair or trade distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(ii) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including restrictions not based on scientific principles in contravention of obligations in the Uruguay Round Agreements or bilateral or regional trade agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff rate quotas;

(J) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(K) ensuring that import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(L) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(M) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(N) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(O) taking into account the impact that agreements covering agriculture to which the United States is a party have on the United States agricultural industry;

(P) maintaining bona fide food assistance programs, market development programs, and export credit programs;

(Q) seeking to secure the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotia-

tions may have on United States import sensitive commodities (including those subject to tariff rate quotas);

(R) seeking to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area;

(S) seeking to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule;

(T) ensuring transparency in the administration of tariff rate quotas through multilateral, plurilateral, and bilateral negotiations; and

(U) eliminating and preventing the undermining of market access for United States products through improper use of a country's system for protecting or recognizing geographical indications, including failing to ensure transparency and procedural fairness and protecting generic terms.

(4) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade distorting barriers to foreign investment, while ensuring that foreign investors in the United States are not accorded greater substantive rights with respect to investment protections than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment, consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

- (iv) providing for an appellate body or similar mechanism to provide coherence to the interpretations of investment provisions in trade agreements; and
- (H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—
 - (i) ensuring that all requests for dispute settlement are promptly made public;
 - (ii) ensuring that—
 - (I) all proceedings, submissions, findings, and decisions are promptly made public; and
 - (II) all hearings are open to the public; and
 - (iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.
- (5) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade-related intellectual property are—
 - (A) to further promote adequate and effective protection of intellectual property rights, including through—
 - (i)(I) ensuring accelerated and full implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and
 - (II) ensuring that the provisions of any trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;
 - (ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property, including in a manner that facilitates legitimate digital trade;
 - (iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;
 - (iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works;
 - (v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and
 - (vi) preventing or eliminating government involvement in the violation of intellectual property rights, including cyber theft and piracy;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001, and to ensure that trade agreements foster innovation and promote access to medicines.

(6) DIGITAL TRADE IN GOODS AND SERVICES AND CROSS-BORDER DATA FLOWS.—The principal negotiating objectives of the United States with respect to digital trade in goods and services, as well as cross-border data flows, are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization and bilateral and regional trade agreements apply to digital trade in goods and services and to cross-border data flows;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible, fully encompassing both existing and new trade;

(C) to ensure that governments refrain from implementing trade-related measures that impede digital trade in goods and services, restrict cross-border data flows, or require local storage or processing of data;

(D) with respect to subparagraphs (A) through (C), where legitimate policy objectives require domestic regulations that affect digital trade in goods and services or cross-border data flows, to obtain commitments that any such regulations are the least restrictive on trade, non-discriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(7) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices to reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms and seek other commitments, as appropriate, to improve regulatory practices and promote increased regulatory coherence, including through—

(i) transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes;

(ii) the elimination of redundancies in testing and certification;

(iii) early consultations on significant regulations;

(iv) the use of impact assessments;

(v) the periodic review of existing regulatory measures; and

(vi) the application of good regulatory practices;

(D) to seek greater openness, transparency, and convergence of standards development processes, and enhance cooperation on standards issues globally;

(E) to promote regulatory compatibility through harmonization, equivalence, or mutual recognition of different regulations and standards and to encourage the use of international and interoperable standards, as appropriate;

(F) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products;

(G) to ensure that government regulatory reimbursement regimes are transparent, provide procedural fairness, are nondiscriminatory, and provide full market access for United States products; and

(H) to ensure that foreign governments—

(i) demonstrate that the collection of undisclosed proprietary information is limited to that necessary to satisfy a legitimate and justifiable regulatory interest; and

(ii) protect such information against disclosure, except in exceptional circumstances to protect the public, or where such information is effectively protected against unfair competition.

(8) STATE-OWNED AND STATE-CONTROLLED ENTERPRISES.—The principal negotiating objective of the United States regarding competition by state-owned and state-controlled enterprises is to seek commitments that—

(A) eliminate or prevent trade distortions and unfair competition favoring state-owned and state-controlled enterprises to the extent of their engagement in commercial activity, and

(B) ensure that such engagement is based solely on commercial considerations, in particular through disciplines that eliminate or prevent discrimination and market-distorting subsidies and that promote transparency.

(9) LOCALIZATION BARRIERS TO TRADE.—The principal negotiating objective of the United States with respect to localization barriers is to eliminate and prevent measures that require United States producers and service providers to locate facilities, intellectual property, or other assets in a country as a market access or investment condition, including indigenous innovation measures.

(10) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States—

(i) adopts and maintains measures implementing internationally recognized core labor standards (as defined in section 111(17)) and its obligations under common multilateral environmental agreements (as defined in section 111(6)),

(ii) does not waive or otherwise derogate from, or offer to waive or otherwise derogate from—

(I) its statutes or regulations implementing internationally recognized core labor standards (as defined in section 111(17)), in a manner affecting trade or investment between the United States and that party, where the waiver or derogation would be inconsistent with one or more such standards, or

(II) its environmental laws in a manner that weakens or reduces the protections afforded in those laws and in a manner affecting trade or investment between the United States and that party, except as provided in its law and provided not inconsistent with its obligations under common multilateral environmental agreements (as defined in section 111(6)) or other provisions of the trade agreement specifically agreed upon, and

(iii) does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction,

in a manner affecting trade or investment between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that—

(i) with respect to environment, parties to a trade agreement retain the right to exercise prosecutorial discretion and to make decisions regarding the allocation of enforcement resources with respect to other environmental laws determined to have higher priorities, and a party is effectively enforcing its laws if a course of action or inaction reflects a reasonable, bona fide exercise of such discretion, or results from a reasonable, bona fide decision regarding the allocation of resources; and

(ii) with respect to labor, decisions regarding the distribution of enforcement resources are not a reason for not complying with a party's labor obligations; a party to a trade agreement retains the right to reasonable exercise of discretion and to make bona fide decisions regarding the allocation of resources between labor enforcement activities among core labor standards, provided the exercise of such discretion and such decisions are not inconsistent with its obligations;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 111(7));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services;

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade;

(H) to ensure that enforceable labor and environment obligations are subject to the same dispute settlement and remedies as other enforceable obligations under the agreement; and

(I) to ensure that a trade agreement is not construed to empower a party's authorities to undertake labor or environmental law enforcement activities in the territory of the United States.

(11) CURRENCY.—The principal negotiating objective of the United States with respect to currency practices is that parties to a trade agreement with the United States avoid manipulating exchange rates in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other parties to the agreement, such as through cooperative mechanisms, enforceable rules, reporting, monitoring, transparency, or other means, as appropriate.

(12) FOREIGN CURRENCY MANIPULATION.—The principal negotiating objective of the United States with respect to unfair currency practices is to seek to establish accountability through enforceable rules, transparency, reporting, monitoring, cooperative mechanisms, or other means to address exchange rate manipulation involving protracted large scale intervention in one direction in the exchange markets and a persistently undervalued foreign exchange rate to gain an unfair competitive advantage in trade over other parties to a trade agreement, consistent with existing obligations of the United States as a member of the International Monetary Fund and the World Trade Organization.

(13) WTO AND MULTILATERAL TRADE AGREEMENTS.—Recognizing that the World Trade Organization is the foundation of the global trading system, the principal negotiating objectives of the United States regarding the World Trade Organization, the Uruguay Round Agreements, and other multilateral and plurilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and multilateral and plurilateral agreements to products, sectors, and conditions of trade not adequately covered;

(B) to expand country participation in and enhancement of the Information Technology Agreement, the Government Procurement Agreement, and other plurilateral trade agreements of the World Trade Organization;

(C) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade, including through utilization of global

value chains, through the negotiation of new WTO multi-lateral and plurilateral trade agreements, such as an agreement on trade facilitation;

(D) to ensure that regional trade agreements to which the United States is not a party fully achieve the high standards of, and comply with, WTO disciplines, including Article XXIV of GATT 1994, Article V and V bis of the General Agreement on Trade in Services, and the Enabling Clause, including through meaningful WTO review of such regional trade agreements;

(E) to enhance compliance by WTO members with their obligations as WTO members through active participation in the bodies of the World Trade Organization by the United States and all other WTO members, including in the trade policy review mechanism and the committee system of the World Trade Organization, and by working to increase the effectiveness of such bodies; and

(F) to encourage greater cooperation between the World Trade Organization and other international organizations.

(14) **TRADE INSTITUTION TRANSPARENCY.**—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency in the World Trade Organization, entities established under bilateral and regional trade agreements, and other international trade fora through seeking—

(A) timely public access to information regarding trade issues and the activities of such institutions;

(B) openness by ensuring public access to appropriate meetings, proceedings, and submissions, including with regard to trade and investment dispute settlement; and

(C) public access to all notifications and supporting documentation submitted by WTO members.

(15) **ANTI-CORRUPTION.**—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and effective domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments or officials or to secure any such improper advantage;

(B) to ensure that such standards level the playing field for United States persons in international trade and investment; and

(C) to seek commitments to work jointly to encourage and support anti-corruption and anti-bribery initiatives in international trade fora, including through the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, done at Paris December 17, 1997 (commonly known as the “OECD Anti-Bribery Convention”).

(16) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek adherence by panels convened under the Dispute Settlement Understanding and by the Appellate Body to—

(i) the mandate of those panels and the Appellate Body to apply the WTO Agreement as written, without adding to or diminishing rights and obligations under the Agreement; and

(ii) the standard of review applicable under the Uruguay Round Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade-expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(17) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and

international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market access barriers.

(18) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the rules of the World Trade Organization with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(19) TEXTILE NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles are to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel.

(20) COMMERCIAL PARTNERSHIPS.—

(A) IN GENERAL.—With respect to an agreement that is proposed to be entered into with the Transatlantic Trade and Investment Partnership countries and to which section 103(b) will apply, the principal negotiating objectives of the United States regarding commercial partnerships are the following:

(i) To discourage actions by potential trading partners that directly or indirectly prejudice or otherwise discourage commercial activity solely between the United States and Israel.

(ii) To discourage politically motivated actions to boycott, divest from, or sanction Israel and to seek the elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on the State of Israel.

(iii) To seek the elimination of state-sponsored unsanctioned foreign boycotts against Israel or compliance with the Arab League Boycott of Israel by prospective trading partners.

(B) DEFINITION.—In this paragraph, the term “actions to boycott, divest from, or sanction Israel” means actions by states, non-member states of the United Nations, international organizations, or affiliated agencies of international organizations that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with Israel or persons doing business in Israel or in Israeli-controlled territories.

(21) GOOD GOVERNANCE, TRANSPARENCY, THE EFFECTIVE OPERATION OF LEGAL REGIMES, AND THE RULE OF LAW OF TRADING PARTNERS.—The principal negotiating objectives of the United States with respect to ensuring implementation of trade commitments and obligations by strengthening good governance, transparency, the effective operation of legal regimes and the

rule of law of trading partners of the United States is through capacity building and other appropriate means, which are important parts of the broader effort to create more open democratic societies and to promote respect for internationally recognized human rights.

(22) FISHERIES NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in fish, seafood, and shellfish products are—

(A) to obtain competitive opportunities for United States exports of fish, seafood, and shellfish products in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports of fish, seafood, and shellfish products in United States markets and to achieve fairer and more open conditions of trade in fish, seafood, and shellfish products, including by reducing or eliminating tariff and nontariff barriers;

(B) to eliminate fisheries subsidies that distort trade, including subsidies of the type referred to in paragraph 9 of Annex D to the Ministerial Declaration adopted by the World Trade Organization at the Sixth Ministerial Conference at Hong Kong, China on December 18, 2005;

(C) to pursue transparency in fisheries subsidies programs; and

(D) to address illegal, unreported, and unregulated fishing.

(23) FISH SUBSIDIES.—*The principal negotiating objectives of the United States with respect to fish subsidies are the following:*

(A) *To eliminate subsidies that contribute to overfishing, or illegal, unreported, and unregulated fishing, such as subsidies that—*

(i) increase the marine fishing capacity of fishing vessels or support the acquisition of equipment that increases the ability of fishing vessels to find fish;

(ii) support the construction of fishing vessels, importation of fishing vessels, or government repurchase of fishing vessels outside of a binding and effective fishing capacity reduction program that includes the corresponding elimination of fishing rights and a binding and effective prohibition on the reuse of vessels for fishing to increase capacity in any fishery;

(iii) affect fish stocks in any fishery—

(I) in an overfished or worse condition; or

(II) whose stock levels are declining;

(iv) are provided to fishing enterprises engaged in long-distance fishing, either on the high seas or in the exclusive economic zone of a third country;

(v) support the transfer or reflagging of fishing vessels to third countries, including through the creation of joint ventures with partners of those countries;

(vi) are provided to the fishing enterprises or to owners or operators of vessels that have been determined to have engaged in illegal, unreported, and unregulated fishing by a coastal State or a regional fisheries management organization; or

(vii) reduce fuel, insurance, or other operating costs solely for fishing enterprises except where intended to reduce the carbon footprint of existing fishing operations.

(B) To require parties to trade agreements—

(i) to report to an environmental affairs committee established under the agreement, on an annual basis, all marine fishing-related subsidies provided by the parties, including fleet capacity and trade data concerning the fisheries that the subsidies affect;

(ii) to establish an independent body to make assessments of the health of fish stocks in each domestic fishery and report such assessments to such environmental affairs committee;

(iii) with respect to shared or international fisheries in which each party is involved in fishing activities, to commit to cooperating with third countries, regional fisheries management organizations, and assessment bodies in annual assessments of the health of fish stocks and associated species in such fisheries; and

(iv) to certify to such environmental affairs committee that they have made and continue to make adequate progress toward the goal of protecting and conserving, through well-connected and effective systems of protected areas and other effective area-based conservation measures, at least 30 percent of the planet by 2030, with the focus on areas particularly important for biodiversity.

(C) To require parties to trade agreements that are also members of the World Trade Organization to work collaboratively at the Organization to establish and maintain robust disciplines on fisheries subsidies.

(c) CAPACITY BUILDING AND OTHER PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) direct the heads of relevant Federal agencies—

(A) to work to strengthen the capacity of United States trading partners to carry out obligations under trade agreements by consulting with any country seeking a trade agreement with the United States concerning that country's laws relating to customs and trade facilitation, sanitary and phytosanitary measures, technical barriers to trade, intellectual property rights, labor, and the environment; and

(B) to provide technical assistance to that country if needed;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science;

(3) promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes

trade measures with existing environmental exceptions under Article XX of GATT 1994; and

(4) submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on capacity-building activities undertaken in connection with trade agreements negotiated or being negotiated pursuant to this title.

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TITLE 46, UNITED STATES CODE

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SUBTITLE V—MERCHANT MARINE

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PART C—FINANCIAL ASSISTANCE PROGRAMS

* * * * *

CHAPTER 537—LOANS AND GUARANTEES

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SUBCHAPTER I—GENERAL

* * * * *

§ 53708. Findings related to economic soundness

(a) BY ADMINISTRATOR.—The Administrator may not guarantee or make a commitment to guarantee an obligation under this chapter unless the Administrator finds that the property or project for which the obligation will be executed will be economically sound. In making that finding, the Administrator shall consider—

- (1) the need in the particular segment of the maritime industry for new or additional capacity, including any impact on existing equipment for which a guarantee under this chapter is in effect;
- (2) the market potential for employment of the vessel over the life of the guarantee;
- (3) projected revenues and expenses associated with employment of the vessel;
- (4) any charter, contract of affreightment, transportation agreement, or similar agreement or undertaking relevant to the employment of the vessel;
- (5) other relevant criteria; and
- (6) for inland waterways, the need for technical improvements, including increased fuel efficiency or improved safety.

(b) BY SECRETARY.—The Secretary may not guarantee or make a commitment to guarantee an obligation under this chapter unless the Secretary finds, at or prior to the time the commitment is made or the guarantee becomes effective, that—

- (1) the property or project for which the obligation will be executed will be economically sound; and

(2) for a fishing vessel, the purpose of the financing or refinancing is consistent with—

(A) the wise use of the fisheries resources and the development, advancement, management, conservation, and protection of the fisheries resources; **[or]**

(B) the need for technical improvements, including **[increased fuel efficiency or improved safety.]** *improved safety; or*

(C) *increasing fuel efficiency and reducing fuel usage, which may include—*

(i) installation of solar panels;

(ii) engine replacement or retrofit, including the installation of new fuel-efficient, low-emission engines, including hybrid electric marine engines or generators;

(iii) gearbox or propeller replacement;

(iv) modifications to hull shape; and

(v) modifications to fishing gear.

(c) **USED FISHING VESSELS AND FACILITIES.**—The Secretary may not guarantee or make a commitment to guarantee an obligation under this chapter for the purchase of a used fishing vessel or used fishery facility unless the vessel or facility will be—

(1) reconstructed or reconditioned in the United States and will contribute to the development of the United States fishing industry; or

(2) used—

(A) in the harvesting of fish from an underused fishery;

or

(B) for a purpose described in the definition of “fishery facility” in section 53701 of this title with respect to an underused fishery.

(d) **INDEPENDENT ANALYSIS.**—The Secretary or Administrator may make a determination that aspects of an application under this chapter require independent analysis to be conducted by third party experts due to risk factors associated with markets, technology, or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator.

(e) **ADDITIONAL EQUITY BECAUSE OF INCREASED RISKS.**—Notwithstanding any other provision of this chapter, the Secretary or Administrator may make a determination that an application under this title requires additional equity because of increased risk factors associated with markets, technology, or financial structures.

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SUBTITLE VII—SECURITY AND DRUG ENFORCEMENT

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CHAPTER 701—PORT SECURITY

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SUBCHAPTER I—GENERAL

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§ 70114. Automatic identification systems

(a) SYSTEM REQUIREMENTS.—[(1) Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate an automatic identification system under regulations prescribed by the Secretary:

[(A) A self-propelled commercial vessel of at least 65 feet overall in length.

[(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

[(C) A towing vessel of more than 26 feet overall in length and 600 horsepower.

[(D) Any other vessel for which the Secretary decides that an automatic identification system is necessary for the safe navigation of the vessel.]

(1) *Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, in the United States Exclusive Economic Zone, and on the high seas, shall be equipped with and operate an automatic identification system under regulations prescribed by the Administrator:*

(A) A self-propelled commercial vessel of at least 49 feet overall in length.

(B) A vessel carrying more than a number of passengers for hire determined by the Administrator.

(C) A towing vessel of more than 26 feet overall in length and 600 horsepower.

(D) Any other vessel for which the Administrator decides that an automatic identification system is necessary for the safe navigation of the vessel.

(2) The Secretary may—

(A) exempt a vessel from paragraph (1) if the Secretary finds that an automatic identification system is not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary if the Secretary finds that automatic identification systems are not needed for safe navigation on those waters.

(b) REGULATIONS.—The Secretary shall prescribe regulations implementing subsection (a), including requirements for the operation and maintenance of the automatic identification systems required under subsection (a).

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COASTAL BARRIER RESOURCES ACT

* * * * *

SEC. 3. DEFINITIONS.

For purposes of this Act—

- (1) The term “undeveloped coastal barrier” [means] *includes*—
- (A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, *bluff*, or barrier island) that—
 - (i) is subject to wave, tidal, and wind energies, and
 - (ii) protects landward aquatic habitats *and related lands* from direct wave attack; and
 - (B) all associated aquatic habitats including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters, *including areas that are and will be vulnerable to coastal hazards, such as flooding, storm surge, wind, erosion, and sea level rise*;

but only if such features and associated habitats contain few man-made structures and these structures[, and man’s activities on such features and within such habitats,] do not significantly impede geomorphic and ecological processes.

(2) The term “Committees” means the [Committee on Resources] *Committee on Natural Resources* of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term “financial assistance” means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(B) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(C) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(D) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

Such term includes flood insurance described in section 1321 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4028).

(4) The term “Great Lakes” means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

(5) The term “Secretary” means the Secretary of the Interior.

(6) The term “System” means the John H. Chafee Coastal Barrier Resources System established by section 4(a).

(7) The term “System unit” means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the John H. Chafee Coastal Barrier Resources System established by section 4.

SEC. 4. ESTABLISHMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) ESTABLISHMENT.—There is established the John H. Chafee Coastal Barrier Resources System, which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the

maps on file with the Secretary entitled “Coastal Barrier Resources System”, dated October 24, 1990, as those maps may be replaced, replaced, modified, revised, or corrected under—

- (1) subsection (f)(3);
- (2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591); or
- (3) any other provision of law enacted on or after November 16, 1990, that specifically replaces such a map or replaces such a map or authorizes the modification, revision, or correction.

(b) SYSTEM MAPS.—

(1) IN GENERAL.—The Secretary shall keep the maps referred to in subsection (a) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, and in such other offices of that service as the Director considers appropriate.

(2) DIGITAL MAPS.—

(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

(C) REPORT.—No later than 180 days after the date of the enactment of the Strengthening Coastal Communities Act of 2018, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps and a timetable for completion of the digitization of all maps related to the System.

(2) DIGITAL MAPS.—

(A) AVAILABILITY.—The Secretary shall make available to the public on the Internet web site of the United States Fish and Wildlife Service digital versions of the maps included in the set of maps referred to in subsection (a).

(B) EFFECT.—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps available under this paragraph, except that this subparagraph does not apply with respect to any printed version of such a digital map if the printed version is included in the maps referred to in subsection (a).

(C) REPORT.—No later than 180 days after the date of the enactment of John D. Dingell, Jr. Conservation, Management, and Recreation Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report regarding the progress and challenges in the transition from paper to digital maps

and a timetable for completion of the digitization of all maps related to the System.

(c) BOUNDARY REVIEW AND MODIFICATION.—At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) and shall make, in consultation with the appropriate State, local, and Federal officials, such minor and technical modifications to the boundaries of System units as are necessary solely to reflect changes that have occurred in the size or location of any System unit as a result of natural forces.

(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

- (1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and
- (2) the parcel is an undeveloped coastal barrier.

(e) ADDITION OF EXCESS FEDERAL PROPERTY.—

(1) CONSULTATION AND DETERMINATION.—Prior to transfer or disposal of excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) that may be an undeveloped coastal barrier, the Administrator of General Services shall consult with and obtain from the Secretary a determination as to whether and what portion of the property constitutes an undeveloped coastal barrier. Not later than 180 days after the initiation of such consultation, the Secretary shall make and publish notice of such determination. Immediately upon issuance of a positive determination, the Secretary shall—

(A) prepare a map depicting the undeveloped coastal barrier portion of such property; and

(B) publish in the Federal Register notice of the addition of such property to the System.

(2) EFFECTIVE DATE OF INCLUSION.—An area to be added to the System under this subsection shall be part of the System effective on the date on which the Secretary publishes notice in the Federal Register under paragraph (1)(B) with respect to that area.

(3) EXCESS FEDERAL PROPERTY.—*Notwithstanding the provisions of section 3(1) and subsection (g) of this Act, the term “undeveloped coastal barrier” means any coastal barrier regardless of the degree of development.*

(f) MAPS.—The Secretary shall—

(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

(2) provide a copy of the map to—

(A) the State and unit of local government in which the property is located;

(B) the Committees; and

(C) the Federal Emergency Management Agency; and

(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e),

after publishing in the Federal Register a notice of any such proposed revision.

(g) **GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.**—

(1) **IN GENERAL.**—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

(B) there is existing infrastructure consisting of—

(i) a road, with a reinforced road bed, to each lot or building site in the area;

(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

(iii) electric service for each lot or building site in the area; and

(iv) a fresh water supply for each lot or building site in the area.

(2) **STRUCTURE DEFINED.**—In paragraph (1), the term “structure” means a walled and roofed building, other than a gas or liquid storage tank, that—

(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

(B) covers an area of at least 200 square feet.

(3) **SAVINGS CLAUSE.**—Nothing in this subsection supersedes the official maps referred to in subsection (a).

SEC. 5. LIMITATIONS ON FEDERAL EXPENDITURES AFFECTING THE SYSTEM.

(a) Except as provided in section 6, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway, to any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 4 on maps numbered S01 through S08 and LA07 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this Act, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date on which the relevant System unit or portion of the System unit was included within the Sys-

tem under this Act or the Coastal Barrier Improvement Act of 1990; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date.

(c) *DISCLOSURE OF LIMITATIONS.*—

(1) *REQUIREMENT.*—*No person shall sell any interest in real property located in the System unless the person has disclosed to the buyer that the property is in the System and subject to the limitations under this section.*

(2) *NOTIFICATION TO LANDOWNERS.*—

(A) *As soon as practicable, the Administrator shall provide written notice to any person with an interest in real property located within the System—*

(i) that such property is located with the System and that sale of any such interest in any such property is subject to the requirements of this subsection; and

(ii) of any boundary modification affecting such person's interest prior to, any boundary modifications taking affect, regardless of whether—

(I) any such modification is made by Congress or any other administering agency;

(II) is technical in nature; or

(III) the modification is an addition or reduction of lands and waters.

(B) There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.

(3) *NOTIFICATION TO THE SECRETARY.*—*Not later than 60 days after the date of sale of any interest in real property located in the System, the seller shall notify the Secretary using the online system required by paragraph (4) of such sale and shall certify to the Secretary that such seller complied with the requirements of paragraph (1).*

(4) *ONLINE REPORTING SYSTEM.*—*Not later than one year after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022, the Secretary shall establish and maintain an online reporting system to facilitate notifications to the Secretary required by paragraph (3).*

(5) *CIVIL PENALTY.*—*Any person who violates this subsection shall be subject to a civil penalty of not more than \$10,000.*

SEC. 6. EXCEPTIONS TO LIMITATIONS ON EXPENDITURES.

(a) *IN GENERAL.*—*Notwithstanding section 5, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:*

(1) *Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.*

(2) *The maintenance or construction of improvements of existing Federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.*

(3) *The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated*

roads, structures, or facilities that are essential links in a larger network or system.

(4) Military activities essential to national security.

(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this Act:

(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under chapter 2003 of title 54, United States Code, and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

[(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, and 502 of the Disaster Relief and Emergency Assistance Act and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.]

[(F)] (E) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

[(G)] (F) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

(7) *Emergency actions necessary to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 402, 403, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5107a; 5170b; and 5192) and are limited to actions that are necessary to alleviate the immediate emergency.*

(b) EXISTING FEDERAL NAVIGATION CHANNELS.—For purposes of subsection (a)(2), a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System.

(c) EXPANSION OF HIGHWAYS IN MICHIGAN.—The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) shall not apply to a highway—

(1) located in a unit of the System in Michigan; and

(2) in existence on the date of the enactment of the Coastal Barrier Improvement Act of 1990.

(d) SERVICES AND FACILITIES OUTSIDE SYSTEM.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under section 5 shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System (as depicted on the maps referred to in section 4(a)) which relate to an activity within that unit.

(2) PROHIBITION OF FLOOD INSURANCE COVERAGE.—No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

(3) PROHIBITION OF HUD ASSISTANCE.—

(A) IN GENERAL.—No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T–11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this Act.

(B) DEFINITION OF FINANCIAL ASSISTANCE.—For purposes of this paragraph, the term “financial assistance” includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

SEC. 7. CERTIFICATION OF COMPLIANCE.

(a) REGULATIONS.—Not later than 12 months after the date of enactment of [the Coastal Barrier Improvement Act of 1990] *Ocean-Based Climate Solutions Act of 2022*, the head of each Federal agency affected by this Act shall [promulgate regulations] *revise or promulgate regulations and guidance, as necessary*, to assure compliance with the provisions of this Act.

[(b) CERTIFICATION.—The head of each Federal agency affected by this Act shall report and certify that each such agency is in compliance with the provisions of this Act. Such reports and certifications shall be submitted annually to the Committees and the Secretary.]

(b) REPORTS AND CERTIFICATION.—

(1) REPORTS.—*The head of each Federal agency affected by this Act shall annually report to the Secretary that such agency is in compliance with this Act.*

(2) CERTIFICATION.—*The Secretary shall annually certify whether each such agency is in compliance with this Act.*

(3) FAILURE TO COMPLY.—*If the Secretary certifies that an agency is not in compliance with this Act, the head of the agency shall report to Congress not later than 90 days after the date*

of such certification regarding how the agency will achieve compliance.

* * * * *

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this Act **[\$2,000,000 for each of fiscal years 2006 through 2010.] \$5,000,000 for each of fiscal years 2022 through 2026.**

COASTAL ZONE MANAGEMENT ACT OF 1972

TITLE III—MANAGEMENT OF THE COASTAL ZONE

* * * * *

DEFINITIONS

SEC. 304. For the purposes of this title—

(1) The term “coastal zone” means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes, islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of State title and ownership under the Submerged Lands Act (43 U.S.C. 1301 et seq.), the Act of March 2, 1917 (48 U.S.C. 749), the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as approved by the Act of March 24, 1976 (48 U.S.C. 1681 note), or section 1 of the Act of November 20, 1963 (48 U.S.C. 1705), as applicable. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(2) The term “coastal resource of national significance” means any coastal wetland, beach, dune, barrier island, reef, estuary, or fish and wildlife habitat, if any such area is determined by a coastal state to be of substantial biological or natural storm protective value.

(3) The term “coastal waters” means (A) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (B) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(4) The term “coastal state” means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes *the District of*

Columbia, Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa.

(5) The term “coastal energy activity” means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or operation of such equipment or facility be carried out in, or in close proximity to, the coastal zone of any coastal state;

(i) Any outer Continental Shelf energy activity.

(ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.

(iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deepwater port, as defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(10))).

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be “in close proximity to” the coastal zone of any coastal state if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

(6) The term “energy facilities” means any equipment or facility which is or will be used primarily—

(A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.

(6a) The term “enforceable policy” means State policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a State exerts control over private and public land and water uses and natural resources in the coastal zone.

(7) The term “estuary” means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(8) The term “estuarine sanctuary” means a research area which may include any part or all of an estuary and any island, transi-

tional area, and upland in, or adjacent to such estuary, and which constitutes to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(9) The term "Fund" means the Coastal Zone Management Fund established under section 308(b).

(10) The term "land use" means activities which are conducted in, or on the shorelands within, the coastal zone, subject to the requirements outlined in section 307(g).

(11) The term "local government" means any political subdivision of, or any special entity created by, any coastal state which (in whole or part) is located in, or has authority over, such state's coastal zone and which (A) has authority to levy taxes, or to establish and collect user fees, or (B) provides any public facility or public service which is financed in whole or part by taxes or user fees. The term includes but is not limited to, any school district, fire district, transportation authority, and any other special purpose district or authority.

(12) The term "management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(13) The term "outer Continental Shelf energy activity" means any exploration for, or any development or production of, oil or natural gas from the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))), or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

(14) The term "person" means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any state; the Federal Government; any state, regional, or local government; or any entity of any such Federal, state, regional, or local government.

(15) The term "public facilities and public services" means facilities or services which are financed, in whole or in part, by any state or political subdivision thereof, including, but not limited to, highways and secondary roads, parking, mass transit, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care. Such term may also include any other facility or service so financed which the Secretary finds will support increased population.

(16) The term "Secretary" means the Secretary of Commerce.

(17) The term "special area management plan" means a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone.

(18) The term “water use” means a use, activity, or project conducted in or on waters within the coastal zone.

* * * * *

RESOURCE MANAGEMENT IMPROVEMENT GRANTS

SEC. 306A. (a) For purposes of this section—

(1) The term “eligible coastal state” means a coastal state that for any fiscal year for which a grant is applied for under this section—

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

(B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (K).

(2) The term “urban waterfront and port” means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

(b) The Secretary may make grants to any eligible coastal state to assist that state in meeting one or more of the following objectives:

(1) The preservation or restoration of specific areas of the state that (A) are designated under the management program procedures required by section 306(d)(9) because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance, or for the purpose of restoring and enhancing shellfish production by the purchase and distribution of clutch material on publicly owned reef tracts.

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated in the state’s management program pursuant to section 306(d)(2)(C) as areas of particular concern.

(3) The provision of access to public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 306(d)(2)(G).

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

(c)(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—

(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas,

but activities provided for under this paragraph shall not be treated as construction projects subject to the limitations in paragraph (B);

(D) engineering designs, specifications, and other appropriate reports; **[and]**

(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section**[.]; and**

(F) fulfilling any Tribal coastal zone objective (as that term is defined in section 320).

(d)(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if the state matches any such grant according to the following ratios of Federal to state contributions for the applicable fiscal year: 4 to 1 for fiscal year 1986; 2.3 to 1 for fiscal year 1987; 1.5 to 1 for fiscal year 1988; and 1 to 1 for each fiscal year after fiscal year 1988.

(2) Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

(3) The total amount of grants made under this section to any eligible coastal state for any fiscal year may not exceed an amount equal to 10 per centum of the total amount appropriated to carry out this section for such fiscal year.

(e) With the approval of the Secretary, an eligible coastal state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

(f) In addition to providing grants under this section, the Secretary shall assist eligible coastal states and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.

* * * * *

[AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM] COASTAL AND ESTUARINE RESILIENCE AND RESTORATION PROGRAM

SEC. 307A. **[(a) IN GENERAL.—**The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.]

(a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Resilience and Restoration Program, in cooperation with State, regional, and other units of government and the National Estuarine Research Reserves, for the purposes of—

(1) protecting important coastal and estuarine areas that—

(A) have significant conservation, recreation, coastal access, ecological, historical, or aesthetic value;

(B) are threatened by conversion from their natural, undeveloped, or recreational state to other uses; or

(C) could be managed or restored to effectively conserve, enhance, or restore ecological function or mitigate climate change; or

(2) restoring developed property in vulnerable coastal and estuarine areas to a natural state to restore ecological function, allow for shoreline migration, and protect coastal communities.

(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

(1) a Coastal Zone Management Plan or Program approved under this title;

(2) a National Estuarine Research Reserve management plan;

(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

[(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

[(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

[(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

[(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.]

(7) *Priority shall be given to lands that—*

(A) can be effectively managed and protected and that have significant recreation, ecological, historical, cultural, aesthetic, or community protection value;

(B) to the maximum extent practicable, benefit communities that may not have adequate resources to prepare for or respond to coastal hazards or to access the coastline, including low-income communities, communities of color, Tribal and Indigenous communities, and rural communities; and

(C)(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state;

(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment;

(iii) are within or adjacent to a national estuarine research reserve designated under section 315, a national wildlife refuge, or a national estuary program, or are proposed for designation as such a reserve or other such protected area; or

(iv) are under threat due to climate change or may serve to mitigate the adverse effects of climate change, including through the storage of blue carbon, and to facilitate inland migration of coastal ecosystems in response to sea level rise.

(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress **【triennially】** every 5 years.

(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

(f) MATCHING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

(2) COST SHARE REQUIREMENT.—

(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, *for any territory of the United States that is unable to provide such match*, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may

be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

(i) the land ~~meets the criteria set forth in section 2(b)~~ *the goals set forth in subsection (b)* and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

~~[(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.]~~

~~[(C) (B) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A)]~~ *described in subparagraph (A)*, within the same time limits described therein. These costs may include either cash or in-kind contributions.

(C) The value of ecosystem services that the acquired land provides, including as a buffer for storm surge, habitat for economically valuable species, and as a blue carbon sink.

(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than ~~15~~ 20 percent of funds made available under this section shall be available for acquisitions benefiting National Estuarine Research Reserves.

(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. ~~[(The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.)]~~

(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

(1) such assurances as the Secretary may require that—

(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

(2) certification that the property (including any interest in land) will be acquired from a willing seller.

(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

(k) DEFINITIONS.—In this section:

(1) CONSERVATION EASEMENT.—The term “conservation easement” includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

(2) INTEREST IN PROPERTY.—The term “interest in property” includes a conservation easement.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of [fiscal years 2009 through 2013] *fiscal years 2022 through 2026*.

[COASTAL ZONE MANAGEMENT FUND

[SEC. 308. (a)(1) The obligations of any coastal state or unit of general purpose local government to repay loans made pursuant to this section as in effect before the date of the enactment of the Coastal Zone Act Reauthorization Amendments of 1990, and any repayment schedule established pursuant to this title as in effect before that date of enactment, are not altered by any provision of this title. Such loans shall be repaid under authority of this subsection and the Secretary may issue regulations governing such repayment. If the Secretary finds that any coastal state or unit of local government is unable to meet its obligations pursuant to this subsection because the actual increases in employment and related population resulting from coastal energy activity and the facilities associated with such activity do not provide adequate revenues to enable such State or unit to meet such obligations in accordance with the appropriate repayment schedule, the Secretary shall, after review of the information submitted by such State or unit, take any of the following actions:

[(A) Modify the terms and conditions of such loan.

[(B) Refinance the loan.

[(C) Recommend to the Congress that legislation be enacted to forgive the loan.

[(2) Loan repayments made pursuant to this subsection shall be retained by the Secretary as offsetting collections, and shall be deposited into the Coastal Zone Management Fund established under subsection (b).

[(b)(1) The Secretary shall establish and maintain a fund, to be known as the “Coastal Zone Management Fund” which shall consist of amounts retained and deposited into the Fund under subsection (a) and fees deposited into the Fund under section 307(i)(3).

[(2) Subject to amounts provided in appropriation Acts, amounts in the Fund shall be available to the Secretary for use for the following:

[(A) Expenses incident to the administration of this title, in an amount not to exceed for each of fiscal years 1997, 1998, and 1999 the higher of—

[(i) \$4,000,000; or

[(ii) 8 percent of the total amount appropriated under this title for the fiscal year.

[(B) After use under subparagraph (A)—

[(i) projects to address management issues which are regional in scope, including interstate projects;

[(ii) demonstration projects which have high potential for improving coastal zone management, especially at the local level;

[(iii) emergency grants to State coastal zone management agencies to address unforeseen or disaster-related circumstances;

[(iv) appropriate awards recognizing excellence in coastal zone management as provided in section 314; and

[(v) to provide financial support to coastal states for use for investigating and applying the public trust doctrine to implement State management programs approved under section 306.

[(3) On December 1 of each year, the Secretary shall transmit to the Congress an annual report on the Fund, including the balance of the Fund and an itemization of all deposits into and disbursements from the Fund in the preceding fiscal year.]

SEC. 308. COASTAL ZONE MANAGEMENT FUND.

(a) *ESTABLISHMENT.*—*There is established a fund, to be known as the “Coastal Zone Management Fund”, which shall consist of fees deposited into the Fund under section 307(i)(3) and any other funds appropriated to the Fund.*

(b) *GRANTS FOR POST-DISASTER RECOVERY TO SEVERE COASTAL FLOOD EVENTS.*—

(1) *IN GENERAL.*—*In response to a major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of flood and related damages in the coastal zone of a State, the Secretary may issue a grant to such State for a purpose described in paragraph (2).*

(2) *ELIGIBLE USES.*—*A State may use funds provided under this subsection to—*

(A) *improve resilience to future severe coastal flood hazards including activities and projects related to—*

(i) *publicly owned infrastructure;*

(ii) *residential and commercial structures;*

- (iii) *natural infrastructure; or*
 - (iv) *waste disposal sites and industrial facilities;*
 - (B) *assess damages after a major disaster described in paragraph (1);*
 - (C) *plan, design, or engineer a project to—*
 - (i) *restore, expand, install, or relocate natural infrastructure;*
 - (ii) *remove damaged assets, restore sites to safe conditions, and select alternative sites; or*
 - (iii) *facilitate the landward migration of coastal ecosystems; or*
 - (D) *implement a project described by subparagraph (C).*
- (c) **GRANTS FOR SEVERE COASTAL FLOOD HAZARD PLANNING.—**
- (1) **IN GENERAL.—***The Secretary, at the request of a Governor of a coastal State or Tribe, may use amounts in the Fund to issue a grant to a coastal State or Tribe for developing a plan for the timely response to a severe coastal flood hazard.*
 - (2) **PROPOSAL.—***To be considered for a grant under this section, a State or Tribe shall submit a grant proposal to the Secretary in a time, place, and manner determined by the Secretary. Such proposal shall—*
 - (A) *describe the risks that severe coastal flood hazards pose in the State or Tribe and goals for reducing loss of life and property and sustaining coastal ecosystems in response to these risks;*
 - (B) *include consideration of related plans including the Coastal Zone Management Plan of the State or Tribe, the Hazard Mitigation Plan of the State or Tribe, applicable State plans under the Community Development Block Program, National Estuarine Research Reserve Disaster Mitigation and Response plans, and the severe coastal flood hazard preparedness plans, if any, of neighboring States;*
 - (C) *be developed in conjunction with local governments in the coastal zone of the State or Tribe and provided for public review and comment on the plan, including holding a public hearing and engaging disadvantaged communities; and*
 - (D) *be substantially consistent with the guidance issued under subsection (e)(1)(C).*
 - (3) **CRITERIA.—***In determining the amount of a grant under this subsection, the Secretary shall consider the—*
 - (A) *area and population of the coastal zone of the applicant State or Tribe;*
 - (B) *the risks that severe coastal flood hazards pose to the State or Tribe; and*
 - (C) *the reduction of severe coastal flood hazards expected as a result of the proposal.*
 - (4) **LIMITATION ON AMOUNT OF FUNDS TO BE AWARDED.—***Grants made pursuant to this subsection in any fiscal year shall not exceed 50 percent of the funds in the Fund as a result of appropriations pursuant to subsection (i)(1).*
- (d) **GRANTS FOR SEVERE COASTAL FLOOD HAZARD PLAN IMPLEMENTATION.—**
- (1) **IN GENERAL.—***The Secretary, at the Secretary's discretion or at the request of the Governor of a State or Tribe, may use*

amounts in the Fund to issue grants to a coastal State or Tribe or National Estuarine Research Reserve with a severe coastal flood hazard preparedness plan approved under subsection (c) to implement the approved plan.

(2) **ELIGIBLE ACTIVITIES.**—Activities eligible for funding under this subsection include—

(A) conducting a public awareness campaign to inform the public and decisionmakers about severe coastal flood hazards;

(B) developing, enacting, and administering a State or Tribe or local law prohibiting new and significantly expanded development in areas at risk of severe coastal flood hazards;

(C) developing, enacting, and administering a State or Tribal requirement for disclosure of severe coastal flood hazards, including sea level rise, to buyers of real estate;

(D) making grants to local governments, or regional consortiums of local governments, to implement the State or Tribe's plan, including development of local or regional plans and site-specific plans or projects; and

(E) planning, designing, and implementing projects to—

(i) protect existing public infrastructure and residential and commercial properties, including built structures, natural infrastructure, and living shorelines;

(ii) relocate infrastructure or structures at risk of damage by severe coastal flood hazards, restore such sites to safe conditions, and select alternative sites;

(iii) remove structures damaged by severe coastal flood hazards and restore such site to safe conditions;

(iv) protect waste disposal facilities in areas at risk of severe coastal flood hazards or relocate such facilities to alternative sites; and

(v) facilitate the landward migration of coastal ecosystems.

(3) **CRITERIA.**—Grants made pursuant to this subsection shall be in response to an annual request for proposals. In determining the amount of a grant, the Secretary shall consider—

(A) the area and population of the coastal zone of the State or Tribe;

(B) the risks that severe coastal flood hazards pose in the State or Tribe's lands and the reduction of coastal flood hazards expected as a result of the proposal;

(C) demonstration of innovative approaches to preparing for severe coastal flood hazards; and

(D) benefits to disadvantaged communities identified in a plan approved under this subsection.

(e) **TECHNICAL SUPPORT TO STATES OR TRIBES.**—

(1) The Secretary shall take such actions as the Secretary determines necessary to support States and Tribes in carrying out this section, including at a minimum the following:

(A) Periodic assessment of storm flood risk and relative sea level and lake level changes along the United States coastline, including estimates of changes in storm intensity and relative sea or lake levels by 2040, 2060, 2080, and 2100.

(B) Operation of an online mapping tool to describe areas at risk of temporary flooding from future coastal storms and permanent inundation as a result of sea or long-term lake level changes.

(C) Publication, not later than one year after the date of the enactment of this section and periodically thereafter, of guidance for the development of State or Tribal plans developed pursuant to subsection (d).

(D) Establishment, not later than one year after the date of the enactment of this section, of minimum criteria for disclosure of severe coastal flood hazards, including sea level rise, to buyers of real estate in the coastal zone.

(E) Creation, not later than one year after the date of the enactment of this section, and periodic updating, of an online dashboard describing the key features of State, Tribe, or local government requirements for disclosure of severe coastal flood hazards to buyers of real estate.

(F) Establishment, not later than one year after the date of the enactment of this section, after consultation with the Secretary of the Environmental Protection Agency, of standards for restoration to safe conditions of sites from which infrastructure or other structures have been relocated.

(2) The guidance developed by the Secretary pursuant to paragraph (1)(C) shall, at a minimum—

(A) provide information States and Tribes need to establish State-specific estimates of severe coastal flood hazards, including more severe storms and relative sea and lake levels, and planning targets for such hazards for the years 2040, 2060, 2080, and 2100;

(B) describe approaches the State and Tribe should consider to prohibit new or expanded development in areas at risk of severe coastal flood hazards;

(C) outline considerations for State and Tribal grants to support local governments in the coastal zone, or consortiums of such governments acting on a regional basis, in developing or implementing parts of a plan pursuant to subsection (d);

(D) describe methods for evaluation of response options including construction of structures to protect assets and relocation to alternative sites, including cost comparison in the context of available resources, and related considerations;

(E) review options for establishing priorities for removal of damaged or abandoned structures and restoration of sites to safe conditions;

(F) describe social justice policies and practices the State or Tribe should consider adopting in carrying out the activities under this section, including criteria for identifying disadvantaged communities within the coastal zone of the State or Tribe and the policies and practices the State or Tribe should consider adopting to assure that interests of such communities are addressed in State or Tribal plans developed pursuant to this section;

(G) identify areas in coastal communities, or other locations in the State or Tribe's land, that have minimal severe

coastal flood hazards, that are appropriate for relocation of people and property, and can sustain the identity and cultural heritage of relocated communities;

(H) provide information and practices for identifying coastal areas that are important to the successful landward migration of ecosystems in response to severe coastal flood hazards and measures for protecting these migration pathways;

(I) identify tools to identify waste disposal sites and related sites that pose a risk of water pollution as a result of severe coastal flood hazards and describe practices the State or Tribe should consider to protect or relocate such facilities or sites; and

(J) describe opportunities to improve public access to the shoreline as a result of improved preparedness for severe coastal flood hazards.

(f) **ADMINISTRATION.**—The Secretary may use amounts in the Fund for expenses incident to the administration of this section, in an amount not to exceed \$250,000 or 3 percent of the amount in the Fund, whichever is less, for each fiscal year.

(g) **REPORT TO CONGRESS.**—The Secretary shall, not later than three years after the date of the enactment of this section and every 3 years thereafter, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the development of plans and projects under this section, changes in severe coastal flood hazards, including changes to risks to disadvantaged communities, and making recommendations to better respond to these challenges.

(h) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **SEVERE COASTAL FLOOD HAZARDS.**—The term “severe coastal flood hazards” means—

(A) temporary flooding resulting from coastal storms and storm surge, tsunamis, and changing lake levels; and

(B) permanent inundation from rising sea levels and land subsidence, including landward migration of shorelines impacting residential and commercial property, infrastructure, and ecosystems.

(2) **NATURAL INFRASTRUCTURE.**—The term “natural infrastructure” means coastal wetlands, beaches, dunes, marshes, mangrove forests, oyster beds, submerged aquatic vegetation, coral reefs, municipal green infrastructure, and living shorelines.

(3) **PUBLICLY OWNED INFRASTRUCTURE.**—The term “publicly owned infrastructure” means buildings, structures, and facilities and appurtenances of drinking water, sewage treatment, natural gas, or electric power utilities owned by a municipal, county, or State government or a combination of such governments.

(4) **WASTE DISPOSAL SITE.**—The term “waste disposal site” means a publicly or privately owned solid waste landfill or disposal site, a hazardous waste landfill or disposal site, a site included on the National Priorities List developed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), and a site used for the dis-

posal of coal combustion residuals from a coal fired plant that has been identified in a plan approved under subsection (d).

(5) *DISADVANTAGED COMMUNITIES.*—The term “disadvantaged communities” means areas of the coastal State identified in a plan approved under subsection (d) which disproportionately suffer from a combination of economic, health, and environmental burdens including poverty, high unemployment, air and water pollution, presence of hazardous wastes as well as high incidence of asthma and heart disease.

(6) *LIVING SHORELINE.*—The term “living shoreline” means a protected, stabilized coastal edge made of natural materials such as plants designed to provide wildlife habitat, as well as natural resilience to shorelines.

(7) *MUNICIPAL GREEN INFRASTRUCTURE.*—The term “municipal green infrastructure” has the meaning given the term “green infrastructure” in paragraph (27) of section 1362 of title 33, United States Code.

(8) *SAFE CONDITIONS.*—The term “safe conditions” refers to standards for restoration of sites from which infrastructure or structures are relocated established by the Secretary pursuant to subsection (f)(1)(F) are protective of human health and the environment.

(i) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—There is authorized to be appropriated into the Fund for use by the Secretary \$100,000,000 for each of fiscal years 2022 through 2026, which shall remain available until expended without fiscal year limitation.

(2) *DISASTER RELIEF.*—There is authorized to be appropriated into the Fund for use by the Secretary to respond to a major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) such sums as may be necessary. Funds appropriated pursuant to this paragraph may only be used to make grants to the State or States in which the major disaster occurred and shall remain available until expended without fiscal year limitation.

* * * * *

NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM

SEC. 315. (a) *ESTABLISHMENT OF THE SYSTEM.*—There is established the National Estuarine Research Reserve System (hereinafter referred to in this section as the “System”) that consists of—

(1) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

(2) each estuarine area designated as a national estuarine reserve under subsection (b).

Each estuarine sanctuary referred to in paragraph (1) is hereby designated as a national estuarine reserve.

(b) *DESIGNATION OF NATIONAL ESTUARINE RESERVES.*—After the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985, the Secretary may designate an estuarine area as a national estuarine reserve if—

(1) the Government of the coastal state in which the area is located nominates the area for that designation; and

(2) the Secretary finds that—

(A) the area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

(B) the law of the coastal state provides long-term protection for reserve resources to ensure a stable environment for research;

(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for public education and interpretation; and

(D) the coastal state in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

(c) ESTUARINE RESEARCH GUIDELINES.—The Secretary shall develop guidelines for the conduct of research within the System that shall include—

(1) a mechanism for identifying, and establishing priorities among, the coastal management issues that should be addressed through coordinated research within the System;

(2) the establishment of common research principles and objectives to guide the development of research programs within the Systems;

(3) *the establishment of coordinated long-term data monitoring and methods throughout the System for tracking and modeling the impacts of climate change on estuarine systems, including impacts on lake levels and sea levels;*

[(3)] (4) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

[(4)] (5) the establishment of performance standards upon which the effectiveness of the research efforts and the value of reserves within the System in addressing the coastal management issues identified in paragraph (1) may be measured; and

[(5)] (6) the consideration of additional sources of funds for estuarine research than the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research community.

(d) PROMOTION AND COORDINATION OF ESTUARINE RESEARCH.—The Secretary shall take such action as is necessary to promote and coordinate the use of the System for research purposes including—

(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting estuarine research, give priority consideration to research that uses the System; and

(2) consulting with other Federal and State agencies to promote use of one or more reserves within the System by such agencies when conducting estuarine research.

(e) FINANCIAL ASSISTANCE.—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

(A) to a coastal state—

(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

(iii) for purposes of conducting educational or interpretive activities; and

(B) to any coastal state or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal states to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 percent of the costs of the lands, waters, and interests therein or \$5,000,000, whichever amount is less.

(B) The amount of the financial assistance provided under paragraph (1)(A) (ii) and (iii) and paragraph (1)(B) may not exceed 70 percent of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve, except that the amount of the financial assistance provided under paragraph (1)(A)(iii) may be up to 100 percent of any costs for activities that benefit the entire System.

(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as a result of damage to natural resources located in the coastal zone may be used to pay 100 percent of the costs of activities carried out with the assistance.

(f) EVALUATION OF SYSTEM PERFORMANCE.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including education and interpretive activities, and the research being conducted within the reserve.

(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research being conducted within the reserve is not consistent with the research guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

(3) The Secretary may withdraw the designation of an estuarine areas a national estuarine reserve if evaluation under paragraph (1) reveals that—

(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

(B) a substantial portion of the research conducted within the area, over a period of years, has not been consistent with the research guidelines developed under subsection (c).

[(g) REPORT.—The Secretary shall include in the report required under section 316 information regarding—

[(1) new designations of national estuarine reserves;

[(2) any expansion of existing national estuarine reserves;

[(3) the status of the research program being conducted within the System; and

[(4) a summary of the evaluations made under subsection (f).]

(g) *LAND ACQUISITION AND CONSTRUCTION.*—*The Secretary may use funds authorized under section 318 for land acquisition and the construction and renovations of facilities required to meet delivery of System programs and services, or to meet changing needs of program under this title. Such construction shall incorporate green design principles, materials, energy efficiency, and adaptive reuse strategies, and the development of innovative coastal technology and management strategies that enhance resilience of System facilities and lands.*

(h) *REQUIREMENTS FOR USE OF FUNDS.*—*In using funds under subsection (g), the Secretary shall—*

(1) *provide science-based information and technical assistance to coastal stakeholders and decisionmakers;*

(2) *leverage the capabilities of nationwide protected area networks to address challenging coastal management issues such as climate change and vulnerability of coastal ecosystems and communities to coastal hazards;*

(3) *serve as living laboratories and preferred places for National Oceanic and Atmospheric Administration research and fellowships on coastal and estuarine systems;*

(4) *serve as critical sentinel sites for detecting environmental change and developing and demonstrating adaptation and mitigation strategies;*

(5) *identify priority places for land acquisition, especially those lands required to enhance resilience to environmental change; and*

(6) *engage coastal communities, stakeholders, and the public in education programs to increase scientific literacy of coastal environments, and to develop and train capable environmental stewards.*

(i) *SYSTEMWIDE ELEMENTS OF THE NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.*—*The Secretary shall coordinate system-wide programs and activities in the System including—*

(1) *the centralized management and dissemination of data from System observation and monitoring networks;*

(2) *a competitive grant program employing the collaborative research model on coastal research and management priorities to be conducted at research reserve sites focused on the priorities determined by the Secretary; and*

(3) the Margaret A. Davidson Graduate Research Fellowship Program to address key coastal management questions and the coastal research and management priorities of the Reserve System and its place-based sites to help scientists and communities understand the coastal challenges that may influence future policy and management strategies.

(j) PLACE-BASED PROGRAM ELEMENTS OF THE NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.—Each National Estuarine Research Reserve shall establish and maintain place-based program elements that include—

(1) a research, monitoring, and observation network that detects environmental change and informs suitable adaptation and mitigation strategies where appropriate, and that supports systemwide activities stated in subsection (e);

(2) education, outreach, and interpretive programs that communicate the value and changing dynamics of coastal systems and inspire behavior change for the next generation of estuarine stewards;

(3) stewardship programs that provide science-based tools, habitat management, and restoration and that provide resources and information to inform coastal management;

(4) coastal training programs that provide technical assistance to coastal communities, resource managers, and coastal decisionmakers; and

(5) the lands and facilities that support such accessible research, monitoring, stewardship, education, and coastal training activities.

(k) DEFINITIONS.—In this section, the following definitions apply:

(1) COLLABORATIVE RESEARCH.—The term “collaborative research” means the engagement of local decisionmakers and stakeholders directly in the research process so that their knowledge and needs will inform research questions, data analysis, and use of the products generated by the research.

(2) SENTINEL SITE.—The term “sentinel site” means a site with long-term research and monitoring capability to detect, document, and respond to emerging environmental changes that impact natural and human systems.

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AUTHORIZATION OF APPROPRIATIONS

SEC. 318. [(a) There are authorized to be appropriated to the Secretary, to remain available until expended—

[(1) for grants under sections 306, 306A, and 309—

[(A) \$47,600,000 for fiscal year 1997;

[(B) \$49,000,000 for fiscal year 1998; and

[(C) \$50,500,000 for fiscal year 1999; and

[(2) for grants under section 315—

[(A) \$4,400,000 for fiscal year 1997;

[(B) \$4,500,000 for fiscal year 1998; and

[(C) \$4,600,000 for fiscal year 1999.]

(a) SUMS APPROPRIATED TO THE SECRETARY.—There are authorized to be appropriated to the Secretary, to remain available until expended—

(1) for grants under sections 306, 306A, and 309, \$95,000,000 for each of fiscal years 2022 through 2026; and

(2) for grants under section 315, \$37,000,000 for each of fiscal years 2022 through 2026.

(b) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 306 or 309.

(c) The amount of any grant, or portion of a grant, made to a State under any section of this Act which is not obligated by such State during the fiscal year, or during the second fiscal year after the fiscal year, for which it was first authorized to be obligated by such State shall revert to the Secretary. The Secretary shall add such reverted amount to those funds available for grants under the section for such reverted amount was originally made available.

* * * * *

SEC. 320. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL COASTAL ZONE OBJECTIVES.

(a) **GRANTS AUTHORIZED.**—*The Secretary may award competitive grants to Indian Tribes to further achievement of the objectives of such a Tribe for such Tribe's Tribal coastal zone.*

(b) **COST SHARE.**—

(1) **IN GENERAL.**—*The Federal share of the cost of any activity carried out with a grant of \$200,000 or more under this section shall not exceed 95 percent of such cost, except as provided in paragraph (2).*

(2) **WAIVER.**—*The Secretary may waive the application of paragraph (1) with respect to a grant to an Indian Tribe, or otherwise reduce the portion of the share of the cost of an activity required to be paid by an Indian Tribe under such paragraph.*

(c) **COMPATIBILITY.**—*The Secretary may not award a grant under this section unless the Secretary determines that the activities to be carried out with the grant are compatible with this title.*

(d) **AUTHORIZED OBJECTIVES AND PURPOSES.**—*Amounts awarded as a grant under this section shall be used for 1 or more of the objectives and purposes authorized under subsections (b) and (c), respectively, of section 306A.*

(e) **FUNDING.**—*There is authorized to be appropriated to the Secretary \$5,000,000 to carry out this section for each of fiscal years 2022 through 2026, of which up to 5 percent may be retained by NOAA to administer this section.*

(f) **DEFINITIONS.**—*In this section, the following definitions apply:*

(1) **INDIAN LAND.**—*The term "Indian land" has the meaning given such term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501) and the Indian Tribe is within a coastal State, as that term is defined in section 304(4) (16 U.S.C. 1453(4)).*

(2) **INDIAN TRIBE.**—*The term "Indian Tribe" has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).*

(3) **TRIBAL COASTAL ZONE.**—*The term "Tribal coastal zone" means any Indian land that is within the coastal zone, as that term is defined in section 304(1) (16 U.S.C. 1453(1)).*

(4) **TRIBAL COASTAL ZONE OBJECTIVE.**—*The term "Tribal coastal zone objective" means, with respect to an Indian Tribe, any of the following objectives:*

(A) Protection, restoration, or preservation of areas in the Tribal coastal zone of such Tribe that hold—

- (i) important ecological, cultural, or sacred significance for such Tribe; or
- (ii) traditional, historic, and aesthetic values essential to such Tribe.

(B) Preparing and implementing a special area management plan and technical planning for important coastal areas.

(C) Any coastal or shoreline stabilization measure, including any mitigation measure, for the purpose of public safety, public access, or cultural or historical preservation.

SEC. 321. WORKING WATERFRONTS GRANT PROGRAM.

(a) **WORKING WATERFRONTS TASK FORCE.**—

(1) **ESTABLISHMENT AND FUNCTIONS.**—The Secretary shall establish a task force to work directly with coastal States, user groups, and coastal stakeholders to identify and address critical needs with respect to working waterfronts.

(2) **MEMBERSHIP.**—The members of the task force shall be appointed by the Secretary, and shall include—

(A) experts in the unique economic, social, cultural, ecological, geographic, and resource concerns of working waterfronts; and

(B) representatives from the National Oceanic and Atmospheric Administration's Office of Coastal Management, the United States Fish and Wildlife Service, the Department of Agriculture, the Environmental Protection Agency, the United States Geological Survey, the Navy, the National Marine Fisheries Service, the Economic Development Administration, and such other Federal agencies as the Secretary considers appropriate.

(3) **FUNCTIONS.**—The task force shall—

(A) identify and prioritize critical needs with respect to working waterfronts in States that have a management program approved by the Secretary pursuant to section 306, in the areas of—

(i) economic and cultural importance of working waterfronts to communities;

(ii) changing environments and threats working waterfronts face from environmental changes, trade barriers, sea level rise, extreme weather events, ocean acidification, and harmful algal blooms; and

(iii) identifying working waterfronts and highlighting them within communities;

(B) outline options, in coordination with coastal States and local stakeholders, to address such critical needs, including adaptation and mitigation where applicable;

(C) identify Federal agencies that are responsible for addressing such critical needs; and

(D) recommend Federal agencies best suited to address any critical needs for which no agency is responsible under existing law.

(4) **INFORMATION TO BE CONSIDERED.**—In identifying and prioritizing policy gaps pursuant to paragraph (3), the task force shall consider the findings and recommendations con-

tained in section VI of the report entitled “The Sustainable Working Waterfronts Toolkit: Final Report”, dated March 2013.

(5) *REPORT.*—Not later than 18 months after the date of the enactment of this section, the task force shall submit a report to Congress on its findings.

(6) *IMPLEMENTATION.*—The head of each Federal agency identified in the report pursuant to paragraph (3)(C) shall take such action as is necessary to implement the recommendations contained in the report by not later than one year after the date of issuance of the report.

(b) *WORKING WATERFRONTS GRANT PROGRAM.*—

(1) *ESTABLISHMENT.*—The Secretary shall establish a Working Waterfront Grant Program, in cooperation with appropriate State, regional, and other units of government, under which the Secretary may make a grant to any coastal State for the purpose of implementing a working waterfronts plan approved by the Secretary under subsection (c).

(2) *GRANTS.*—The Secretary shall award matching grants under the Working Waterfronts Grant Program to coastal States with approved working waterfronts plans through a regionally equitable, competitive funding process in accordance with the following:

(A) The Governor, or an agency designated by the Governor for coordinating the implementation of this section, in consultation with any appropriate local government, shall determine that the application is consistent with the State’s or territory’s approved coastal zone plan, program, and policies prior to submission to the Secretary.

(B) In developing guidelines under this section, the Secretary shall consult with coastal States, other Federal agencies, and other interested stakeholders with expertise in working waterfronts planning.

(C) Coastal States may allocate grants to local governments, agencies, or nongovernmental organizations eligible for assistance under this section.

(3) *CONSIDERATIONS.*—In awarding a grant to a coastal State, the Secretary shall consider—

(A) the economic, cultural, and historical significance of working waterfronts to the coastal State;

(B) the demonstrated working waterfronts needs of the coastal State as outlined by a working waterfronts plan approved for the coastal State under subsection (c), and the value of the proposed project for the implementation of such plan;

(C) the ability to leverage funds among participating entities, including Federal agencies, regional organizations, State and other government units, landowners, corporations, or private organizations;

(D) the potential for rapid turnover in the ownership of working waterfronts in the coastal State, and where applicable the need for coastal States to respond quickly when properties in existing or potential working waterfronts areas or public access areas as identified in the working waterfronts plan submitted by the coastal State come under threat or become available; and

(E) the impact of the working waterfronts plan approved for the coastal State under subsection (c) on the coastal ecosystem and the users of the coastal ecosystem.

(4) TIMELINE FOR APPROVAL.—The Secretary shall approve or reject an application for such a grant not later than 60 days after receiving an application for the grant.

(c) WORKING WATERFRONTS PLANS.—

(1) DEVELOPMENT AND SUBMISSION OF PLAN.—To be eligible for a grant under subsection (b), a coastal State shall submit to the Secretary a comprehensive working waterfronts plan in accordance with this subsection, or be in the process of developing such a plan and have an established working waterfronts program at the State or local level.

(2) PLAN REQUIREMENTS.—Such plan—

(A) shall provide for preservation and expansion of access to coastal waters to persons engaged in commercial fishing, marine recreational and tourism businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business;

(B) shall include—

(i) an assessment of the economic, social, cultural, and historic value of working waterfronts to the coastal State;

(ii) a description of relevant State and local laws and regulations affecting working waterfronts in the geographic areas identified in the working waterfronts plan;

(iii) identification of geographic areas where working waterfronts are currently under threat of conversion to uses incompatible with commercial and recreational fishing, recreational fishing and boating businesses, other marine recreational and tourism businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business, and the level of that threat;

(iv) identification of geographic areas with a historic connection to working waterfronts where working waterfronts are not currently available, and, where appropriate, an assessment of the environmental impacts of any expansion or new development of working waterfronts on the coastal ecosystem;

(v) identification of other working waterfronts needs including improvements to existing working waterfronts and working waterfronts areas;

(vi) a strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the coastal State;

(vii) for areas identified under clauses (iii), (iv), (v), and (vi), identification of current availability and potential for expansion of public access to coastal waters;

(viii) a description of the degree of community support for such strategic plan; and

(ix) a contingency plan for properties that revert to the coastal State pursuant to determinations made by the coastal State under subsection (g)(4)(C);

(C) may include detailed descriptions of environmental impacts on working waterfronts, including hazards, sea level rise, inundation exposure, and other resiliency issues;

(D) may be part of the management program approved under section 306;

(E) shall utilize to the maximum extent practicable existing information contained in relevant surveys, plans, or other strategies to fulfill the information requirements under this paragraph; and

(F) shall incorporate the policies and regulations adopted by communities under local working waterfronts plans or strategies in existence before the date of the enactment of this section.

(3) A working waterfront plan—

(A) shall be effective for purposes of this section for the 5-year period beginning on the date it is approved by the Secretary;

(B) must be updated and re-approved by the Secretary before the end of such period; and

(C) shall be complimentary to and incorporate the policies and objectives of regional or local working waterfronts plan as in effect before the date of the enactment of this section or as subsequently revised.

(4) The Secretary may—

(A) award planning grants to coastal States for the purpose of developing or revising comprehensive working waterfronts plan;

(B) award grants consistent with the purposes of this section to States undertaking the working waterfronts planning process under this section, for the purpose of preserving and protecting working waterfronts during such process; and

(C) determine that a preexisting coastal land use plan for that State is in accordance with the requirements of this subsection.

(5) Any coastal State applying for a working waterfronts grant under this title shall—

(A) develop a working waterfronts plan, using a process that involves the public and those with an interest in the coastal zone;

(B) coordinate development and implementation of such a plan with other coastal management programs, regulations, and activities of the coastal State; and

(C) if the coastal State allows qualified holders (other than the coastal State) to enter into working waterfronts covenants, provide as part of the working waterfronts plan under this subsection a procedure to ensure that the qualified holders are fulfilling such qualified holder's obligations under the working waterfronts covenant.

(d) USES, TERMS, AND CONDITIONS.—A grant under this section may be used—

(1) to acquire a working waterfronts, or an interest in a working waterfront;

(2) to make improvements to a working waterfronts, including the construction or repair of wharfs, boat ramps, or related facilities; or

(3) for necessary climate change adaptation or mitigation.

(e) **PUBLIC ACCESS REQUIREMENT.**—A working waterfronts project funded by grants made under this section must provide for expansion, improvement, or preservation of reasonable and appropriate public access to coastal waters at or in the vicinity of a working waterfront, except for commercial fishing or other industrial access points where the coastal State determines that public access would be unsafe.

(f) **LIMITATIONS.**—

(1) Except as provided in paragraph (2), a grant awarded under this section may be used to purchase working waterfronts or an interest in working waterfronts, including an easement, only from a willing seller and at fair market value.

(2) A grant awarded under this section may be used to acquire working waterfronts or an interest in working waterfronts at less than fair market value only if the owner certifies to the Secretary that the sale is being entered into willingly and without coercion.

(3) No Federal, State, or local entity may exercise the power of eminent domain to secure title to any property or facilities in connection with a project carried out under this section.

(g) **ALLOCATION OF GRANTS TO LOCAL GOVERNMENTS AND OTHER ENTITIES.**—

(1) **DESIGNATION OF QUALIFIED HOLDER.**—Subject to the approval of the Secretary, a coastal State may, as part of an approved working waterfront plan, designate as a qualified holder any unit of State or local government or nongovernmental organization, if the coastal State is ultimately responsible for ensuring that the property will be managed in a manner that is consistent with the purposes for which the land entered into the program.

(2) **ALLOCATION.**—A coastal State or a qualified holder designated by a coastal State may allocate to a unit of local government, nongovernmental organization, fishing cooperative, or other entity, a portion of any grant made under this section for the purpose of carrying out this section, except that such an allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the coastal State's approved working waterfronts plan.

(3) **EXCEPTIONS.**—A qualified holder may hold title to or interest in property acquired under this section, except that—

(A) all persons holding title to or interest in working waterfronts affected by a grant under this section shall enter into a working waterfronts covenant;

(B) such covenant shall be held by the coastal State or a qualified holder designated under paragraph (1);

(C) if the coastal State determines, on the record after an opportunity for a hearing, that the working waterfronts covenant has been violated—

(i) all right, title, and interest in and to the working waterfronts covered by such covenant shall, except as

provided in subparagraph (D), revert to the coastal State; and

(ii) the coastal State shall have the right of immediate entry onto the working waterfronts; and

(D) if a coastal State makes a determination under subparagraph (C), the coastal State may convey or authorize the qualified holder to convey the working waterfront or interest in working waterfronts to another qualified holder.

(h) MATCHING CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require that each coastal State that receives a grant under this section, or a qualified holder designated by that coastal State under subsection (g), shall provide matching funds in an amount equal to at least 25 percent of the total cost of the project carried out with the grant. As a condition of receipt of a grant under this section, the Secretary shall require that a coastal State provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

(2) WAIVER.—The Secretary may waive the application of paragraph (1) for any qualified holder that is an underserved community, a community that has an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary considers appropriate.

(3) IN-KIND CONTRIBUTIONS.—A local community designated as a qualified holder under subsection (g) may use funds or other in-kind contributions donated by a nongovernmental partner to satisfy the matching funds requirement under this subsection.

(4) FUNDING FROM OTHER FEDERAL SOURCE.—If financial assistance under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project.

(5) VALUE OF A WORKING WATERFRONT.—The Secretary shall treat as non-Federal match the value of a working waterfront or interest in a working waterfront, including conservation and other easements, that is held in perpetuity by a qualified holder, if the working waterfront or interest is identified in the application for the grant and acquired by the qualified holder not later than three years of the grant award date, or not later than three years after the submission of the application and before the end of the grant award period. Such value shall be determined by an appraisal performed at such time before the award of the grant as the Secretary considers appropriate.

(6) OTHER CONSIDERATIONS.—The Secretary shall treat as non-Federal match the costs associated with acquisition of a working waterfront or an interest in a working waterfront, and the costs of restoration, enhancement, or other improvement to a working waterfront, if the activities are identified in the project application and the costs are incurred within the period of the grant award, or, for working waterfront described in paragraph (6), within the same time limits described in that

paragraph. Such costs may include either cash or in-kind contributions.

(i) *LIMIT ON ADMINISTRATIVE COSTS.*—No more than 5 percent of the funds made available to the Secretary under this section may be used by the Secretary for planning or administration of the program under this section.

(j) *OTHER TECHNICAL AND FINANCIAL ASSISTANCE.*—

(1) Up to 5 percent of the funds appropriated under this section shall be used by the Secretary for purposes of providing technical assistance as described in this subsection.

(2) The Secretary shall—

(A) provide technical assistance to coastal States and local governments in identifying and obtaining other sources of available Federal technical and financial assistance for the development and revision of a working waterfronts plan and the implementation of an approved working waterfronts plan;

(B) provide technical assistance to States and local governments for the development, implementation, and revision of comprehensive working waterfronts plans, which may include, subject to the availability of appropriations, planning grants and assistance, pilot projects, feasibility studies, research, and other projects necessary to further the purposes of this section;

(C) assist States in developing other tools to protect working waterfronts;

(D) collect and disseminate to States guidance for best stormwater management practices in regards to working waterfronts;

(E) provide technical assistance to States and local governments on integrating resilience planning into working waterfronts preservation efforts; and

(F) collect and disseminate best practices on working waterfronts and resilience planning.

(k) *REPORTS.*—

(1) The Secretary shall—

(A) develop performance measures to evaluate and report on the effectiveness of the program under this section in accomplishing the purpose of this section; and

(B) submit to Congress a biennial report that includes such evaluations, an account of all expenditures, and descriptions of all projects carried out using grants awarded under this section.

(2) The Secretary may submit the biennial report under paragraph (1)(B) by including it in the biennial report required under section 316.

(l) *DEFINITIONS.*—In this section, the following definitions apply:

(1) *QUALIFIED HOLDER.*—The term “qualified holder” means a coastal State or a unit of local or coastal State government or a non-State organization designated by a coastal State under subsection (g).

(2) *WORKING WATERFRONT.*—The term “working waterfront” means real property (including support structures over water and other facilities) that provides access to coastal waters to persons engaged in commercial and recreational fishing, rec-

reational fishing and boating businesses, other marine recreational and tourism businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business and is used for, or that supports, commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, other marine recreational and tourism businesses, aquaculture, or other water-dependent, coastal-related business.

(3) **WORKING WATERFRONT COVENANT.**—The term “working waterfront covenant” means an agreement in recordable form between the owner of working waterfront and one or more qualified holders, that provides such assurances as the Secretary may require that—

(A) the title to or interest in the working waterfront will be held by a grant recipient or qualified holder in perpetuity, except as provided in subparagraph (C);

(B) the working waterfront will be managed in a manner that is consistent with the purposes for which the property is acquired pursuant to this section, and the property will not be converted to any use that is inconsistent with the purpose of this section;

(C) if the title to or interest in the working waterfront is sold or otherwise exchanged—

(i) all working waterfront owners and qualified holders involved in such sale or exchange shall accede to such agreement; and

(ii) funds equal to the fair market value of the working waterfront or interest in working waterfront shall be paid to the Secretary by parties to the sale or exchange, and such funds shall, at the discretion of the Secretary, be paid to the coastal State in which the working waterfront is located for use in the implementation of the working waterfront plan of the State approved by the Secretary under this section; and

(D) such covenant is subject to enforcement and oversight by the coastal State or by another person as determined appropriate by the Secretary.

(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$12,000,000 for each of fiscal years 2022 through 2026 to carry out this section.

CORAL REEF CONSERVATION ACT OF 2000

* * * * *

TITLE II—CORAL REEF CONSERVATION

* * * * *

SEC. 204. CORAL REEF CONSERVATION PROGRAM.

(a) **GRANTS.**—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs (hereafter in this title referred to as “coral conservation projects”), for proposals approved by the Administrator in accordance with this section.

(b) **MATCHING REQUIREMENTS.**—

(1) FIFTY PERCENT.—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) **[WAIVER.—] WAIVERS.—**

(A) *NEED AND BENEFIT.*—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(B) *SUSTAINING CORAL REEF MANAGEMENT AND MONITORING.*—*The Administrator shall waive all the matching requirement under paragraph (2) for grants to implement State and territorial coral reef conservation cooperative agreements to sustain coral reef management and monitoring in Florida, Hawaii, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands of the United States.*

(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e).

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:

(1) No less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

(2) No less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.

(3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g).

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(g) CRITERIA FOR APPROVAL.—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

- (5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;
- (6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;
- (7) mapping the location and distribution of coral reefs;
- (8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;
- (9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or
- (10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) **PROJECT REPORTING.**—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) **CORAL REEF TASK FORCE.**—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section.

(j) **IMPLEMENTATION GUIDELINES.**—Within 180 days after the date of the enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

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OCEAN AND COASTAL MAPPING INTEGRATION ACT

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TITLE XII—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

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Subtitle B—Ocean and Coastal Mapping Integration Act

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SEC. 12204. BIENNIAL REPORTS.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

- (1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and

throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; **[and]**

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle**[.]**; *and*

(14) the study of insular areas and the effects of climate change.

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OMNIBUS TERRITORIES ACT OF 1977

* * * * *

TITLE V

SEC. 501. In order to minimize the burden caused by existing application and reporting procedures for certain grant-in-aid programs available to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands (hereafter referred to as "Insular Areas") it is hereby declared to be the policy of the Congress, notwithstanding any provision of law to the contrary, that:

(a) Any department or agency of the Government of the United States which administers any Act of Congress which specifically provides for making grants to any Insular Area under which payments received may be used by such Insular Area only for certain specified purposes (other than direct payments to classes of individuals) may, acting through appropriate administrative authorities of such department or agency, consolidate any or all grants made to such area for any fiscal year or years.

(b) Any consolidated grant for any insular area shall not be less than the sum of all grants which such area would otherwise be entitled to receive for such year.

(c) The funds received under a consolidated grant shall be expended in furtherance of the programs and purposes authorized for any of the grants which are being consolidated, which are authorized under any of the Acts administered by the department or agency making the grant, and which would be applicable to grants for such programs and purposes in the absence of the consolidation, but the Insular Areas shall determine the proportion of the funds granted which shall be allocated to such programs and purposes.

(d) Each department or agency making grants-in-aid shall, by regulations published in the Federal Register, provide the method by which any Insular Area may submit (i) a single application for a consolidated grant for any fiscal year period, but not more than one such application for a consolidated grant shall be required by any department or agency unless notice of such requirement is transmitted to the appropriate committees of the United States Congress together with a complete explanation of the necessity for requiring such additional applications and (ii) a single report to such department or agency with respect to each such consolidated grant: *Provided*, That nothing in this paragraph shall preclude such department or agency from providing adequate procedures for accounting, auditing, evaluating, and reviewing any programs or activities receiving benefits from any consolidated grant. The administering authority of any department or agency, in its discretion, may (i) waive any requirement for matching funds otherwise required by law to be provided by the Insular Area involved and (ii) waive the requirement that any Insular Area submit an application or report in writing with respect to any consolidated grant.

(e) *Notwithstanding any other provision of law, in the case of the Insular Areas, any department or agency shall waive any requirement for non-Federal matching funds under \$750,000 (including in-kind contributions) required by law to be provided by those jurisdictions.*

MARINE MAMMAL PROTECTION ACT OF 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Marine Mammal Protection Act of 1972".

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TITLE I—CONSERVATION AND PROTECTION OF MARINE MAMMALS

* * * * * * *

SEC. 121. CONSERVATION OF MARINE MAMMALS ADVERSELY AFFECTED BY CLIMATE CHANGE.

(a) CLIMATE IMPACT MANAGEMENT PLANS.—

(1) Within 24 months after the date of the enactment of this section, the Secretary, in consultation with the Marine Mammal Commission, shall publish in the Federal Register, after notice and opportunity for public comment, a list of those marine mammal species and population stocks in waters under the jurisdiction of the United States for which climate change, alone or in combination or interaction with other factors, is more likely than not to result in a decline in population abundance, impede population recovery, or reduce carrying capacity. The list shall identify—

(A) any species or population stock for which such impacts are likely to occur within 20 years; and

(B) any species or population stock listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for which such impacts have more than a remote possibility of occurring within 100 years.

(2)(A) The Secretary, in consultation with the Marine Mammal Commission, shall review the list adopted pursuant to paragraph (1) at least once every 5 years, or more frequently if significant new information becomes available, and, after notice and opportunity for public comment, shall publish a revised list in the Federal Register.

(B) Within 12 months after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to add a marine mammal species or population stock to the list published under paragraph (1), the Secretary, in consultation with the Marine Mammal Commission and after notice and opportunity for public comment, shall publish in the Federal Register its finding of whether the petitioned action is warranted. If the petitioned action is deemed warranted, the Secretary shall publish at the same time the revision adding such species or population stock.

(3) *The list published under paragraph (1), and any revisions thereto made in accordance with paragraph (2), shall include a determination of whether a climate impact management plan will promote the conservation of species or stocks listed pursuant to paragraph (1)(C).*

(4)(A)(i) *The Secretary shall publish in the Federal Register a draft climate impact management plan for each marine mammal species or population stock for which, as determined under paragraph (3), such a plan will promote the conservation of the species or stocks that is—*

(I) within 18 months after the listing for those species or population stocks listed under paragraph (1)(A); and

(II) listed under paragraph (1)(B), within 30 months after the listing.

(ii) Each draft climate impact management plan shall be developed in consultation with the Marine Mammal Commission and, as appropriate, other Federal agencies, and shall be made available for public review and comment for a period not to exceed 90 days.

(iii) No later than 120 days after the close of the comment period required under clause (ii), the Secretary shall issue a final climate impact management plan and implementing regulations that are consistent with the other provisions of this section and, to the full extent available under the Secretary's authorities under this Act and other statutes, implement the conservation and management measures identified in the plan.

(B) Each management plan under subparagraph (A) shall include a comprehensive strategy for conserving and recovering such marine mammal stocks and species given the anticipated direct and indirect effects of climate change and increasing resiliency in the species or population stock, and shall identify conservation and management measures to—

(i) conserve and recover such species and population stocks given the anticipated adverse effects of climate change on such species and population stocks and their prey;

(ii) monitor, reduce, and prevent interactions with fisheries and other human activities that may occur as a result of changes in marine mammal distribution or other indirect effects of climate change;

(iii) increase resiliency by materially reducing other human impacts on such species and population stocks, including but not limited to the reduction of incidental taking of marine mammals and of the degradation of the habitat of such species and population stocks, and by managing prey species to improve the availability of prey to such species and population stocks; and

(iv) take any other action as may be necessary to implement the strategy set forth in the plan.

(C) Each management plan under subparagraph (A) shall include objective, measurable criteria for evaluating the effectiveness and sufficiency of such measures to meet the purposes of this Act.

(D)(i) All other Federal agencies shall, in consultation with and with the assistance of the Administrator, utilize their au-

thorities in furtherance of the strategy and conservation and management measures set forth in climate impact management plans developed under this subsection and ensure that their actions do not conflict or interfere with the objectives of such management plans. The Administrator shall consult with the Marine Mammal Commission and, as may be warranted, other agencies in the implementation of such plans.

(ii) With respect to any Federal agency action authorized, funded, or undertaken by such agency that, in the view of the Secretary or of the agency, may conflict or interfere with the objectives of such management plans, such agency shall, in consultation with the Secretary, ensure that such action is consistent with the management plans. To the extent that it is impossible for such action to be consistent with the management plan, the Secretary shall require measures to minimize any such conflicts, in addition to any other measures required by law, and the agency shall adopt such measures required by the Secretary.

(E) When appropriate, the Secretary may, and is encouraged to, integrate climate impact management plans into conservation plans adopted under section 115(b) or recovery plans adopted under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

(F) The Secretary shall review climate impact management plans and implementing regulations at least once every 5 years, and shall revise and amend them as necessary to meet the goals and requirements of this section. Any changes shall be subject to the procedures and requirements applicable to the adoption of the initial plans and regulations.

(5) The Secretary shall report to Congress four years after the date of the enactment of this section, and every 2 years thereafter, on—

(A) actions taken to implement this section;

(B) any backlog in meeting the schedule set forth in this subsection for adopting, reviewing, and implementing climate impact management plans, or additional resources necessary to address any such backlog; and

(C) the effectiveness of implementation and sufficiency of the measures adopted in climate impact management plans, and any recommendations for improving the process or the applicable legislation.

(b) **MONITORING OF CLIMATE IMPACTS.**—The Administrator shall establish a program within the National Oceanic and Atmospheric Administration to monitor the adverse impacts of climate change on marine mammals. The purposes of the monitoring program shall be to—

(1) improve models of projected future changes in marine mammal distribution and densities resulting from climate change;

(2) identify and monitor interactions with fisheries and other human activities that may occur as a result of changes in marine mammal distribution or other effects of climate change;

(3) monitor the abundance of species and population stocks, to an extent sufficient to detect a 20 percent population decline over 20 years;

(4) improve understanding of the impacts of climate change on marine mammal species and population stocks; and

(5) assess the direct and indirect contributions of marine mammals to carbon reduction, including through carbon sequestration and nutrient cycling.

(c) **PROMULGATION OF REGULATIONS FOR LISTING MARINE MAMMALS ADVERSELY IMPACTED BY CLIMATE CHANGE.**—The Secretary shall, within 120 days after the date of the enactment of this section—

(1) publish in the Federal Register for public comment, for a period of not less than 60 days, regulations for listing marine mammal species and population stocks adversely impacted by climate change, alone or in combination or interaction with other factors, as described in paragraphs (1) and (2) of subsection (a), taking into account both quantitative and qualitative indicators of adverse impacts of climate change and human activities on such species and stocks, including—

(A) direct and indirect mortality and serious injury;

(B) loss or degradation of habitat;

(C) changes in the distribution or availability of prey;

(D) changes in the distribution of marine mammal species and population stocks;

(E) decreased genetic diversity or reproductive success;

(F) increased susceptibility to pathogens; and

(G) increased likelihood of interactions with fisheries and other human activities; and

(2) no later than 90 days after the close of the period for such public comment, publish in the Federal Register final regulations for listing marine mammals as required by subsection (a), to be reviewed at least once every three years.

(d) **LACK OF QUANTITATIVE INFORMATION.**—The lack of quantitative information shall not be a basis for a determination under subsection (c) that a species or population stock is not adversely impacted by climate change, alone or in combination or interaction with other factors, as described in paragraphs (1) and (2) of subsection (a).

(e) **ESTIMATION OF POTENTIAL BIOLOGICAL REMOVAL.**—

(1) The Secretary, in estimating the potential biological removal level in stock assessments prepared in accordance with section 117, shall consider the adverse impacts of climate change in determining the recovery factor applied to each stock.

(2) The Secretary, in preparing stock assessments in accordance with section 117, shall reexamine the stock definition and geographic range of marine mammal species and population stocks to identify climate-related changes in spatial distribution and stock definition and to identify how such changes may affect human impacts to the species.

(f) **AUTHORITY TO ENTER INTO AGREEMENTS.**—The Secretary shall—

(1) periodically review the status of agreements with foreign governments under section 108(a) concerning the management of transboundary marine mammal species and population stocks, and their prey species, that are or may be affected by climate change; and

(2) through the Secretary of State, initiate the amendment of any such agreement, or negotiations for the development of bilateral or multinational agreements, consistent with the goals and policies of this section.

(g) CONSTRUCTION.—This section shall not be construed to limit or restrict any other responsibility of the Secretary or of any other person under this Act or any other statute.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the Secretary carry out this section, \$5,000,000 for each of fiscal years 2022 through 2026.

(2) There is authorized to be appropriated to the Marine Mammal Commission to carry out this section, \$1,000,000 for each of fiscal years 2022 through 2026.

SEC. 122. VESSEL RESTRICTIONS IN MARINE MAMMAL HABITAT.

(a) IN GENERAL.—The Secretary shall, in coordination with the Marine Mammal Commission and the Commandant of the Coast Guard and applying the best available scientific information—

(1) designate areas of importance for marine mammals known to experience vessel strikes or other vessel-related impacts and establish for each such area seasonal or year-round mandatory vessel restrictions to reduce vessel strikes or other vessel-related impacts, as necessary, for all vessels operating in such areas; and

(2) implement for such species, as appropriate, dynamic management area programs incorporating mandatory vessel restrictions to protect marine mammals from vessel strikes or other vessel-related impacts occurring outside designated areas of importance.

(b) AREAS OF IMPORTANCE.—Areas designated under subsection

(a)—

(1) shall include—

(A) the important feeding, breeding, calving, rearing, or migratory habitat for priority species of marine mammals, including all areas designated as critical habitat for such species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), except any area the Secretary determines does not intersect with areas of vessel traffic such that an elevated risk of mortality or injury caused by vessel strikes, or harassment, including the disruption of vocalization patterns and masking of biologically important sounds, caused by underwater vessel noise, exists; and

(B) areas of high marine mammal mortality, injury, or harassment, including the disruption of vocalization patterns and masking of biologically important sounds, caused by vessel strikes or underwater vessel noise;

(2) may include—

(A) any area designated as a National Marine Sanctuary, Marine National Monument, National Park, or National Wildlife Refuge; and

(B) areas of high marine mammal primary productivity with year-round or seasonal aggregations of marine mammals to which this section applies.

(c) DEADLINE FOR REGULATIONS.—Not later than three years after the date of the enactment of this section, the Secretary shall des-

ignate areas and vessel restrictions under subsection (a) and issue such regulations as are necessary to carry out this section, consistent with notice and comment requirements under chapter 5 of title 5, United States Code.

(d) **MODIFYING OR DESIGNATING NEW AREAS OF IMPORTANCE.**—

(1) **IN GENERAL.**—*The Secretary shall issue regulations to modify or designate the areas of importance and vessel restrictions under this section within 180 days after the issuance of regulations to establish or to modify critical habitat for marine mammals pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).*

(2) **REEXAMINATION.**—*The Secretary shall—*

(A) *reexamine the areas of importance designated and vessel restrictions under this section every 5 years following the initial issuance of the regulations to determine if the best available scientific information warrants modification or designation of areas of importance for vessel restrictions; and*

(B) *publish any revisions under subparagraph (A) in the Federal Register after notice and opportunity for public comment within 24 months.*

(3) **FINDING.**—*Not later than 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to designate, modify, or add an area of importance or vessel restriction under this section, the Secretary shall make a finding as to whether the petition presents substantial scientific information indicating that the petitioned action may be warranted. The Secretary shall promptly publish such finding in the Federal Register for comment. Not later than one year after the close of comments, the Secretary shall publish in the Federal Register a finding of whether the petitioned action is warranted and, if the Administrator determines that the petitioned action is warranted, shall publish draft regulations designating or modifying the area of importance or vessel restrictions within the area of importance. Not later than 12 months after publication of the draft regulations, the Secretary shall issue final regulations designating or modifying the area of importance and vessel restrictions.*

(e) **EXCEPTIONS FOR SAFE MANEUVERING AND USING AUTHORIZED TECHNOLOGY.**—

(1) **IN GENERAL.**—*The restriction established under subsection (a) shall not apply to a vessel operating at a speed necessary to maintain safe maneuvering speed if such speed is justified because the vessel is in an area where oceanographic, hydrographic, or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel. If a deviation from the applicable speed limit is necessary pursuant to this subsection, the reasons for the deviation, the speed at which the vessel is operated, the latitude and longitude of the area, and the time and duration of such deviation shall be entered into the logbook of the vessel. The master of the vessel shall attest to the accuracy of the logbook entry by signing and dating the entry.*

(2) **AUTHORIZED TECHNOLOGY.**—

(A) *IN GENERAL.*—The vessel restrictions established under subsection (a) shall not apply to a vessel operating using technology authorized by regulations issued by the Secretary under subparagraph (B).

(B) *REGULATIONS.*—The Secretary may issue regulations authorizing a vessel to operate using technology specified by the Administrator under this subparagraph if the Administrator determines that such operation is at least as effective as the vessel restrictions authorized by regulations under subsection (a) in reducing mortality and injury to marine mammals.

(f) *APPLICABILITY.*—

(1) *IN GENERAL.*—Any speed restriction established under subsection (a)—

(A) shall apply to all vessels subject to the jurisdiction of the United States, all other vessels entering or departing a port or place subject to the jurisdiction of the United States, and all other vessels within the Exclusive Economic Zone of the United States, regardless of flag; and

(B) shall not apply to—

(i) vessels owned, operated, or under contract by the Department of Defense or the Department of Homeland Security, or engaged in military operations with such vessels; or

(ii) law enforcement vessels of the Federal Government or of a State or political subdivision thereof, when such vessels are engaged in law enforcement or search and rescue duties.

(2) *CERTAIN PROVISIONS NOT PREEMPTED.*—This subsection shall not preempt or supersede obligations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or this title.

(3) *CLARIFICATION.*—Vessels described in subparagraph (B) of paragraph (2) are encouraged to abide by the speed restriction whenever it is, in the judgment of the masters of such vessels, feasible and practicable to do so without impairing the operations in which they are engaged.

(g) *STATUTORY CONSTRUCTION.*—

(1) *IN GENERAL.*—Nothing in this section shall be interpreted or implemented in a manner that—

(A) subject to paragraph (2), preempts or modifies any obligation of any person subject to the provisions of this title to act in accordance with applicable State laws, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency;

(B) affects or modifies any obligation under Federal law; or

(C) preempts or supersedes the final rule titled “To Implement Speed Restrictions to Reduce the Threat of Ship Collisions With North Atlantic Right Whales”, codified at section 224.105 of title 50, Code of Federal Regulations, except for actions that are more protective than the Final Rule and further reduce the risk of take to North Atlantic right whales.

(2) *INCONSISTENCIES.*—The Secretary may determine whether inconsistencies referred to in paragraph (1)(A) exist, but may not determine that any State law is inconsistent with any provision of this title if the Secretary determines that such law gives greater protection to covered marine species and their habitat.

(h) *PRIORITY SPECIES.*—For the purposes of this section, the term “priority species” means, at a minimum, all Mysticeti species and species within the genera *Physeter*, *Orcinus*, and *Trichechus*.

(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Secretary to carry out this section, \$3,000,000 for each of fiscal years 2022 through 2026, and there is authorized to be appropriated to the Commandant of the Coast Guard to carry out this section, \$3,000,000 for each of fiscal years 2024 through 2026.

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NATIONAL OCEANS AND COASTAL SECURITY ACT

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DIVISION O—OTHER MATTERS

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TITLE IX

NATIONAL OCEANS AND COASTAL SECURITY

* * * * *

SEC. 902. DEFINITIONS.

In this title:

(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 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) *FOUNDATION.*—The term “Foundation” means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(4) *FUND.*—The term “Fund” means the National Oceans and Coastal Security Fund established under section 904(a).

(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.]

(7) *TIDAL SHORELINE.*—The term “tidal shoreline” means a “tidal shoreline” or a “Great Lake shoreline” as such terms are used in section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

(8) *INDIAN TRIBE.*—The term “Indian Tribe” has the meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(9) *BLUE CARBON.*—The term “blue carbon” means the carbon that marine or coastal vegetation sequester from the atmosphere in a manner that results in its storage for a period of not less than 100 years.

* * * * *

SEC. 904. 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 title.

(b) *DEPOSITS.*—

[(1) *IN GENERAL.*—There shall be deposited into the Fund amounts appropriated or otherwise made available to carry out this title.]

(1) *IN GENERAL.*—There shall be deposited into the Fund, which shall constitute the assets of the Fund—

(A) amounts transferred to the Fund under section 908;

and

(B) such other amounts as may be appropriated or otherwise made available to carry out this Act.

(2) *PROHIBITIONS ON DONATIONS FROM FOREIGN GOVERNMENTS.*—No amounts donated by a foreign government, as defined in section 7342 of title 5, United States Code, may be deposited into the Fund.

(c) *REQUIREMENTS.*—Any amounts received by the Foundation pursuant to this title shall be subject to the provisions 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 906(b);

[(2) funds may be used by the Foundation to award grants under section 906(c);

[(3) no more than 2 percent may be used by the Administrator and the Foundation for administrative expenses to carry out this title, 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.]

(d) *EXPENDITURE.*—Of the amounts deposited into the Fund for each fiscal year—

(1) not less than \$150,000,000 shall be used for the award of grants under subsection (b) of section 906;

(2) not less than \$50,000,000 shall be used for the award of grants under subsection (c) of such section;

(3) if amounts deposited into the Fund for each fiscal year are greater than \$200,000,000, any amounts in excess of \$200,000,000 shall be distributed such that—

(A) 80 percent shall be used for the award of grants under subsection (b) of section 906; and

(B) 20 percent shall be used for the award of grants under subsection (c) of section 906; and

(4) of amounts provided in this subsection, not more than 4 percent may be used by the Administrator and the National Fish and Wildlife Foundation (Foundation) for direct costs to carry out this chapter.

(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 905; or

(2) fails to comply with a procedure, measure, method, or standard established under section 906(a)(1).

ISEC. 905. 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 title 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.]

SEC. 905. ELIGIBLE USES.

(a) IN GENERAL.—Amounts in the Fund may be allocated by the Administrator for grants under section 906(b) and the Foundation for grants under section 906(c) to support programs and activities intended to protect, conserve, restore, better understand, and utilize ocean and coastal resources and coastal infrastructure, including, where appropriate, scientific research, resiliency planning, implementation, and monitoring and spatial planning, data-sharing, and other programs and activities carried out in coordination with Federal and State departments or agencies, including the following:

(1) Ocean, coastal, and Great Lakes restoration and protection, including efforts to address potential impacts of sea level change, sedimentation, erosion, changes in ocean chemistry, hurricanes and other extreme weather, flooding, and changes in ocean temperature to natural resources, communities, and coastal economies.

(2) Restoration, protection, or maintenance of living ocean, coastal, and Great Lakes resources and their habitats, including habitats and ecosystems that provide blue carbon benefits.

(3) *Planning for and managing coastal development to enhance ecosystem and community integrity, or to minimize impacts from sea level change, hurricanes and other extreme weather, flooding, and coastal erosion.*

(4) *Projects to address management, planning, or resiliency and readiness issues which are regional or interstate in scope, such as regional ocean partnerships or similar bodies.*

(5) *Efforts that contribute to the understanding of ecological, economic, societal, and national security threats driven by changes to the oceans, coasts, and Great Lakes.*

(6) *Efforts to preserve, protect, and collect data, including but not limited to public ocean and coastal data portals, that would support sustainable water-dependent commercial activities including commercial fishing, recreational fishing businesses, aquaculture, boat building, or other coastal-related businesses other marine-based recreational businesses and sustainable tourism.*

(7) *Efforts to assist coastal States in repositioning, relocating or deploying natural or nature-based features to enhance the resiliency of critical coastal transportation, emergency response, water, electrical, and other infrastructure, that are already subject to or face increased future risks of hurricanes, coastal flooding, coastal erosion, or sea level change to ensure the economic security, safety, and ecological well-being of the coasts of the United States.*

(8) *Acquisition of property or interests in property if—*

(A) *the area is located within a coastal county or adjacent county;*

(B) *the funds made available under this subtitle are used to acquire land or interest in land by purchase, exchange, or donation from a willing seller;*

(C) *the Governor of the State in which the property or interests in property are acquired approves of the acquisition; and*

(D) *such property or interest is acquired in a manner that will ensure such property or interest will be administered to support the purposes of this Act.*

(9) *Protection and modification of critical coastal public infrastructure affected by erosion, hurricanes or other extreme weather, flooding, or sea level change.*

(10) *Assistance for small businesses and communities that are dependent on coastal tourism as eligible efforts that help coastal economies minimize impacts from sea level rise and disasters.*

(11) *Projects that use natural and nature-based approaches for enhancing the resiliency of wastewater and stormwater infrastructure as eligible critical infrastructure projects (as compared to just general water infrastructure, which can also include drinking water systems).*

(12) *Technical assistance to help develop comprehensive resilience and mitigation plans and to engage community stakeholders, as an eligible funding effort.*

(13) *Community-led strategic relocation efforts.*

(b) **PROHIBITION ON USE OF FUNDS FOR LITIGATION AND LOBBYING.**—No funds made available under this Act may be used to

fund any expense related to litigation or any activity the purpose of which is to influence legislation pending before Congress.

SEC. 906. 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 905.

[(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.]

(B) Selection procedures and criteria for the awarding of grants under this section that require consultation with the Administrator and the Secretary of the Interior.

(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.]

(ii) under subsection (c), as appropriate, to entities including States, local governments, regional and interstate collaboratives, associations, nonprofit and for-profit private entities, public-private partnerships, academic institutions, Indian Tribes, and Indigenous communities.

(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] *5 years*.

(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.

(I) A method to give special consideration in reviewing proposals to projects with either direct or indirect coastal or marine blue carbon benefits and an accounting method-

ology to quantify these benefits for the purposes of the annual report required under section 907.

(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 904. In determining distribution of grants, the Foundation may—

[(A) consider for each State—

- [(i) percent of total United States shoreline miles;
- [(ii) coastal population density; and
- [(iii) other factors;

[(B) establish criteria for States, including the requirement for a State to establish a plan to distribute the funds; and

[(C) establish a maximum and minimum percentage of funding to be awarded to each State or United States territory.

[(2) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian tribes in the State are eligible to participate in any competitive grants established in this title.]

(b) GRANTS TO COASTAL STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—*Subject to section 904(d)(1) and paragraphs (3) and (4) of this subsection, the Administrator and the Foundation shall award grants to eligible coastal States based on the following formula:*

(A) *50 percent of the funds are allocated equally among such coastal States and Tribes, with not less than 15 percent going to Indian Tribes.*

(B) *30 percent of the funds are allocated on the basis of the ratio of tidal shoreline miles in a coastal State to the tidal shoreline miles of all coastal States.*

(C) *20 percent of the funds are allocated on the basis of the ratio of population of the coastal counties of a coastal State to the total population of all coastal counties of all coastal States based on the most recent data available by the United States Census Bureau.*

(2) ELIGIBLE COASTAL STATES.—*For purposes of this subsection, an eligible coastal State is any coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).*

(3) MAXIMUM ALLOCATION TO STATES.—*Notwithstanding paragraph (1), not more than 5 percent of the total funds distributed under this subsection may be allocated to any single State. Any amount exceeding this limit shall be redistributed equally among the remaining eligible coastal States.*

(4) REQUIREMENT TO SUBMIT PLANS.—

(A) IN GENERAL.—*To be eligible to receive a grant under this subsection, an eligible coastal State shall submit to the*

Administrator for review and approval, a 5-year plan, which shall include the following:

(i) Criteria to determine eligibility for entities which may receive grants under this subsection.

(ii) A description of the competitive process the coastal State will use in allocating funds received from the Fund, except in the case of allocating funds under paragraph (7), which shall include—

(I) a description of the relative roles of and consistency with the State coastal zone management program approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), if the coastal State has such a plan, and any State Sea Grant Program, if the State has such program; and

(II) a demonstration that such competitive process is consistent with the application and review procedures established by the Administrator and Foundation under subsection (a)(1).

(iii) A process to certify that the project or program and the awarding of a contract for the expenditure of amounts received under this paragraph are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements.

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

(B) UPDATES.—As a condition of receiving a grant under this subsection, a coastal State shall submit to the Administrator, not less frequently than once every 5 years, an update to the plan submitted by the coastal State under subparagraph (A) for the 5-year period immediately following the most recent submittal under this paragraph.

(5) OPPORTUNITY FOR PUBLIC COMMENT.—In determining whether to approve a plan or an update to a plan described in subparagraph (A) or (B) of paragraph (4), the Administrator or the Foundation shall provide the opportunity for, and take into consideration, public input and comment on the plan.

(6) INDIAN TRIBES.—As a condition on receipt of a grant under this subsection, a State that receives a grant under this subsection shall ensure that Indian Tribes in the State are eligible to participate in the competitive process described in the State's plan under paragraph (5)(A)(ii).

(7) NONPARTICIPATION BY A STATE.—In any year, if an eligible coastal State or geographic area does not submit the plan required by paragraph (4) or declines the funds distributed under this subsection, the funds that would have been allocated to the State or area shall be reallocated to carry out subsection (c) for the national grant program.

(c) NATIONAL GRANTS FOR OCEANS, COASTS, AND GREAT LAKES.—

(1) **IN GENERAL.**—The Administrator and the Foundation may award grants according to the procedures established in subsection (a) to support activities consistent with section 905.

(2) **ADVISORY PANEL.**—

(A) **IN GENERAL.**—The Foundation may establish an advisory panel to conduct reviews of applications for grants under paragraph (1) and the Foundation may consider the recommendations of the advisory panel with respect to such applications.

(B) **MEMBERSHIP.**—The advisory panel described under subparagraph (A) shall include persons representing—

(i) ocean and coastal dependent industries;

(ii) geographic regions as defined by the Foundation; and

(iii) nongovernmental organizations; and

[(iii)] (iv) academic institutions.

(C) **CAP ON STATE FUNDING.**—*The amount of a grant awarded under this subsection shall not count toward the cap on funding to States through grants awarded under subsection (b).*

(D) **INDIGENOUS COMMUNITIES.**—*Not less than \$5,000,000 each year shall be awarded to Tribes and Indigenous communities.*

SEC. 907. ANNUAL REPORT.

(a) **REQUIREMENT FOR ANNUAL REPORT.**—Subject to subsection (c), beginning with fiscal year 2017, not later than 60 days after the end of each fiscal year, the Foundation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on the operation of the Fund during that fiscal year.

(b) **CONTENT.**—Each annual report submitted under subsection (a) for a fiscal year shall include—

(1) a full and complete statement of the receipts, including the source of all receipts, expenditures, and investments of the Fund;

(2) a statement of the amounts deposited in the Fund and the balance remaining in the Fund at the end of the fiscal year; and

[(3) a description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.]

(3) *a description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures; and*

(4) *an estimate of blue carbon benefits, in tons of carbon dioxide, expected through grants awarded to projects that received special consideration under section 906 due to their blue carbon potential.*

[SEC. 908. FUNDING.]

There is authorized to be appropriated such sums as are necessary for fiscal years 2017, 2018, and 2019 for this title.]

SEC. 908. FUNDING.

There is authorized to be appropriated \$200,000,000 to carry out this title for each of fiscal years 2022 through 2026.

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NATIONAL MARINE SANCTUARIES ACT

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TITLE III—NATIONAL MARINE SANCTUARIES

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SEC. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) SANCTUARY PROPOSAL.—

(1) NOTICE.—In proposing to designate a national marine sanctuary, the Secretary shall—

(A) issue, in the Federal Register, a notice of the proposal, proposed regulations that may be necessary and reasonable to implement the proposal, and a summary of the draft management plan;

(B) provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal; and

(C) no later than the day on which the notice required under subparagraph (A) is submitted to the Office of the Federal Register, submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.

(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) A resource assessment that documents—

(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or

discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

(C) A draft management plan for the proposed national marine sanctuary that includes the following:

(i) The terms of the proposed designation.

(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

(vi) The proposed regulations referred to in paragraph (1)(A).

(D) Maps depicting the boundaries of the proposed sanctuary.

(E) The basis for the determinations made under section 303(a) with respect to the area.

(F) An assessment of the considerations under section 303(b)(1).

(3) PUBLIC HEARING.—No sooner than thirty days after issuing a notice under this subsection, the Secretary shall hold at least one public hearing in the coastal area or areas that will be most affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties.

(4) TERMS OF DESIGNATION.—The terms of designation of a sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. The terms of designation may be modified only by the same procedures by which the original designation is made.

(5) FISHING REGULATIONS.—The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone as the Council may deem necessary to implement the proposed designation. Draft regulations pre-

pared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, shall be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall use as guidance the national standards of section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations shall be drafted, approved, and issued in the same manner as the original regulations. The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.

(6) COMMITTEE ACTION.—After receiving the documents under subsection (a)(1)(C), the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the documents. If within [the forty-five day period of continuous session of Congress beginning on the date of submission of the documents] *60-day period*, either Committee issues a report concerning matters addressed in the documents, the Secretary shall consider this report before publishing a notice to designate the national marine sanctuary.

(b) TAKING EFFECT OF DESIGNATIONS.—

(1) NOTICE.—In designating a national marine sanctuary, the Secretary shall publish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary shall advise the public of the availability of the final management plan and the final environmental impact statement with respect to such sanctuary. The Secretary shall issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the Federal Register under regulations issued under this Act, or shall publish not later than such date in the Federal Register findings regarding why such notice has not been published. No notice of designation may occur until the expiration of the period for Committee action under subsection (a)(6). The designation (and any of its terms not disapproved under this subsection) and regulations shall take effect and become final after the close of a review period of [forty-five days of continuous session of Congress beginning on the day on which such notice is published] *60 days* unless, in the case of a national marine sanctuary that is located partially or entirely

within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.

(2) **WITHDRAWAL OF DESIGNATION.**—If the Secretary considers that actions taken under paragraph (1) will affect the designation of a national marine sanctuary in a manner that the goals and objectives of the sanctuary or System cannot be fulfilled, the Secretary may withdraw the entire designation. If the Secretary does not withdraw the designation, only those terms of the designation not certified under paragraph (1) shall take effect.

[(3) **PROCEDURES.**—In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(6) and paragraph (1) of this subsection—

[(A) continuity of session is broken only by an adjournment of Congress sine die; and

[(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.]

(c) **ACCESS AND VALID RIGHTS.**—

(1) Nothing in this title shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.

(2) The exercise of a lease, permit, license, or right is subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

(d) **INTERAGENCY COOPERATION.**—

(1) **REVIEW OF AGENCY ACTIONS.**—

(A) **IN GENERAL.**—Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

(B) **AGENCY STATEMENTS REQUIRED.**—Subject to any regulations the Secretary may establish each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.

(2) **SECRETARY'S RECOMMENDED ALTERNATIVES.**—If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

(3) **RESPONSE TO RECOMMENDATIONS.**—The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

(4) **FAILURE TO FOLLOW ALTERNATIVE.**—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.

(e) **REVIEW OF MANAGEMENT PLANS.**—Not more than five years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding five years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques and strategies, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this title. This review shall include a prioritization of management objectives.

[(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

[(1) FINDING REQUIRED.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

[(A) the addition of a new sanctuary will not have a negative impact on the System; and

[(B) sufficient resources were available in the fiscal year in which the finding is made to—

[(i) effectively implement sanctuary management plans for each sanctuary in the System; and

[(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

[(2) DEADLINE.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph (1) have been met by all existing sanctuaries.

[(3) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for—

[(A) a Thunder Bay National Marine Sanctuary; or

[(B) a Northwestern Hawaiian Islands National Marine Sanctuary.]

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**FEDERAL OCEAN ACIDIFICATION RESEARCH AND
MONITORING ACT OF 2009**

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**TITLE XII—NOAA UNDERSEA RESEARCH
PROGRAM ACT OF 2009**

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**Subtitle D—Federal Ocean Acidification
Research and Monitoring Act of 2009**

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SEC. 12404. INTERAGENCY SUBCOMMITTEE.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and

other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

(4) ECONOMIC VULNERABILITY REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of the Coordinated Ocean Observations and Research Act of 2020, and every 6 years thereafter, the Subcommittee shall transmit to the appropriate committees of Congress a report that—

(i) is named the “Ocean Chemistry Coastal Community Vulnerability Assessment”;

(ii) identifies gaps in ocean acidification monitoring by public, academic, and private assets in the network of regional coastal observing systems;

(iii) identifies geographic areas which have gaps in ocean acidification research;

(iv) identifies United States coastal communities, including island communities, fishing communities, low-population rural communities, tribal and subsistence communities, and island communities, that may be impacted by ocean acidification;

(v) identifies impacts of changing ocean carbonate chemistry on the communities described in clause (iv),

including impacts from changes in ocean and coastal marine resources that are not managed by the Federal Government;

(vi) identifies gaps in understanding of the impacts of ocean acidification on economically or commercially important species, particularly those which support United States commercial, recreational, and tribal fisheries and aquaculture;

(vii) identifies habitats that may be particularly vulnerable to corrosive sea water, including areas experiencing multiple stressors such as hypoxia, sedimentation, and harmful algal blooms;

(viii) identifies areas in which existing National Integrated Coastal and Ocean Observation System assets, including unmanned maritime systems, may be leveraged as platforms for the deployment of new sensors or other applicable observing technologies;

(ix) is written in collaboration with Federal agencies responsible for carrying out this subtitle, including representatives of—

(I) the National Marine Fisheries Service and the Office for Coastal Management of the National Oceanic and Atmospheric Administration;

(II) regional coastal observing systems established under section 12304(c)(4);

(III) regional ocean acidification networks; and

(IV) sea grant programs (as defined in section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122)); and

(x) is written in consultation with experts, including subsistence users, academia, and stakeholders familiar with the economic, social, ecological, geographic, and resource concerns of coastal communities in the United States.

(B) FORM OF REPORT.—

(i) INITIAL REPORT.—The initial report required under subparagraph (A) shall include the information described in clauses (i) through (viii) of that subparagraph on a national level.

(ii) SUBSEQUENT REPORTS.—Each report required under subparagraph (A) after the initial report—

(I) may describe the information described in clauses (i) through (viii) of that subparagraph on a national level; or

(II) may consist of separate reports for each region of the National Oceanic and Atmospheric Administration.

(iii) REGIONAL REPORTS.—If the Subcommittee opts to prepare a report required under subparagraph (A) as separate regional reports under clause (ii)(II), the Subcommittee shall submit a report for each region of the National Oceanic and Atmospheric Administration not less frequently than once during each 6-year reporting period.

- (C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph and in paragraph (5), the term “appropriate committees of Congress” means the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Natural Resources of the House of Representatives.
- (5) MONITORING PRIORITIZATION PLAN.—Not later than 180 days after the date of the submission of the initial report under paragraph (4)(A), the Subcommittee shall transmit to the appropriate committees of Congress a report that develops a plan to deploy new sensors or other applicable observing technologies such as unmanned maritime systems—
- (A) based on such initial report;
 - (B) prioritized by—
 - (i) the threat to coastal economies and ecosystems;
 - (ii) gaps in data; and
 - (iii) research needs; and
 - (C) that leverage existing platforms, where possible.
- (d) PRIZE COMPETITIONS.—
- (1) IN GENERAL.—*Any Federal agency with a representative serving on the interagency working group established under this section may, either individually or in cooperation with 1 or more agencies, carry out a program to award prizes competitively under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719). An agency seeking to carry out such a program shall carry out such program in coordination with the chair of such interagency working group.*
- (2) PURPOSES.—*Any prize competition carried out under this subsection shall be for the purpose of stimulating innovation to advance our Nation’s ability to understand, research, or monitor ocean acidification or its impacts, or to develop management or adaptation options for responding to ocean acidification.*
- (3) PRIORITY PROGRAMS.—*Priority shall be given to establishing programs under this section that address communities, environments, or industries that are in distress due to the impacts of ocean acidification, including—*
- (A) *the development of monitoring or management options for communities or industries that are experiencing significant financial hardship;*
 - (B) *the development of adaptation options to alleviate economic harm and job loss caused by ocean acidification;*
 - (C) *the development of measures to help vulnerable communities or industries, with an emphasis on rural communities and businesses; and*
 - (D) *the development of adaptation and management options for impacted shellfish industries.*

* * * * *

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program (*referred to in this section as the “Program”*) within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent

with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan;

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 8931 of title 10, United States Code; and

(4) includes an ongoing mechanism that allows industry members, coastal stakeholders, fishery management councils and commissions, non-Federal resource managers, community acidification networks, indigenous knowledge groups, and scientific experts to provide input on monitoring needs that are necessary to support on the ground management, decision making, and adaptation related to ocean acidification and its impacts.

(b) SUPPORT FOR STATE AND LOCAL VULNERABILITY ASSESSMENTS AND STRATEGIC RESEARCH PLANNING.—In carrying out the Program established under subsection (a), the Administrator shall collaborate with State, local, Indigenous, and Tribal government entities that are conducting or have completed vulnerability assessments, strategic research planning, or other similar activities related to ocean acidification and its impacts on coastal communities, for the purpose of—

- (1) *determining whether such activities can be used as a model for other communities; and*
- (2) *identifying opportunities for the National Oceanic and Atmospheric Administration and other relevant Federal agencies to support such activities.*

[(b)] (c) **ADDITIONAL AUTHORITY.**—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

* * * * *

INTERNAL REVENUE CODE OF 1986

* * * * *

Subtitle D—Miscellaneous Excise Taxes

* * * * *

CHAPTER 32—MANUFACTURERS EXCISE TAXES

* * * * *

SUBCHAPTER E. Virgin plastic excise tax

* * * * *

Subchapter E—Virgin Plastic Excise Tax

SEC. 4191. IMPOSITION OF TAX

(a) **IN GENERAL.**—*There is hereby imposed a virgin plastic excise tax on the manufacturer, producer, or importer of a covered item.*

(b) **AMOUNT OF TAX.**—

(1) **IN GENERAL.**—*The virgin plastic excise tax imposed by subsection (a) is \$0.05 per pound of virgin plastic.*

(2) **INFLATION ADJUSTMENT.**—

(A) **IN GENERAL.**—*In the case of any taxable year beginning after 2021, the dollar amounts in paragraph (1) shall be increased by an amount equal to—*

(i) *such dollar amount, multiplied by*

(ii) *the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting in subparagraph (A)(ii) “calendar year 2021” for “calendar year 2016”.*

(B) **ROUNDING.**—*If any increase determined under subparagraph (A) is not a multiple of 1/10 of a cent, such increase shall be rounded to the nearest multiple of 1/10 of a cent.*

(c) **REGULATIONS.**—*The Secretary shall issue such regulations or other guidance, including regulations or guidance for the deter-*

mination of the amount of virgin plastic in a covered item, as may be necessary or appropriate to carry out the purposes of this section.

(d) DEFINITIONS.—For purposes of this section:

(1) COVERED ITEM.—The term “covered item” means a single-use plastic product made in part or whole of virgin plastic, except—

(A) a medical product that the Secretary of Health and Human Services determines needs to be made of virgin plastic for public health or the health of the user;

(B) a container for—

(i) a drug regulated under the Federal Food, Drug, and Cosmetic Act;

(ii) infant formula; or

(iii) a meal replacement liquid;

(C) a personal or feminine hygiene product that could be unsafe or unsanitary to recycle;

(D) a sexual health product; and

(E) packaging for—

(i) a product described in subparagraphs (A) through (E); or

(ii) used for the shipment of hazardous materials that is prohibited from being composed of used materials under section 178.509 or 178.522 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of this subtitle).

(2) PACKAGING.—The term “packaging” means a package, container, packing materials, or other material used for the containment, protection, handling, delivery, and presentation of goods.

(3) VIRGIN PLASTIC.—The term “virgin plastic” means a primary polymer or resin—

(A) of any form of ethylene, propylene, polyethylene, polypropylene, polyvinyl chloride, or a raw plastic polymer; and

(B) generated through processing byproducts associated with petroleum, natural gas, coal, or vegetation-based resources.

(4) SINGLE-USE PRODUCT.—The term “single-use product” means a consumer product that is routinely disposed of, recycled, or otherwise discarded after a single use.

* * * * *

Subtitle I—Trust Fund Code

* * * * *

CHAPTER 98—TRUST FUND CODE

* * * * *

Subchapter A—ESTABLISHMENT OF TRUST FUNDS

* * * * *
Sec. 9512. *Virgin Plastic Trust Fund.*
* * * * *

SEC. 9512. VIRGIN PLASTIC TRUST FUND.

(a) *ESTABLISHMENT AND FUNDING.*—*There is hereby established in the Treasury of the United States a trust fund to be known as the “Virgin Plastic Trust Fund”, consisting of such amounts as may be appropriated to such trust fund.*

(b) *TRANSFER TO VIRGIN PLASTIC TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.*—*There are hereby appropriated to the Virgin Plastic Trust Fund amounts equivalent to the taxes received in the Treasury under section 4191 (relating to virgin plastic excise tax).*

(c) *EXPENDITURES FROM VIRGIN PLASTIC TRUST FUND.*—*The following amounts in the Virgin Plastic Trust Fund are authorized to be appropriated each fiscal beginning after the date of the enactment of the Ocean-Based Climate Solutions Act of 2022.*

(1) *To United States Customs and Border Protection, such amounts as may be necessary to administer the taxation of importers under section 4191(a).*

(2) *So much as remains in the fund in each fiscal year, after appropriations are made under paragraph (1), for the purposes of carrying out the Ocean-Based Climate Solutions Act of 2022.*

* * * * *

EDDIE BERNICE JOHNSON, Texas
CHAIRWOMAN

COMMITTEE CORRESPONDENCE

FRANK D. LUCAS, Oklahoma
RANKING MEMBERCongress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6376
www.science.house.gov

December 1, 2022

Chairman Raúl M. Grijalva
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

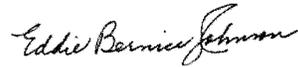
Dear Chairman Grijalva,

I am writing you concerning H.R. 3764, the "Ocean-Based Climate Solutions Act," which was referred to the Committee on Natural Resources and in addition to the Committees on Science, Space, and Technology ("Science Committee"), House Administration, Ways and Means, Transportation and Infrastructure, Foreign Affairs, and Armed Services.

As a result of consultations with the Science Committee and in the interest of an expedient consideration of H.R. 3764 before the House of Representatives, I will waive formal consideration of this bill. I take this action with a mutual understanding between our two Committees that by foregoing consideration of H.R. 3764, the Science Committee does not waive any jurisdiction over its subject matter in this, or in similar, legislation.

I request a letter confirming this understanding and that this exchange of letters be included in the *Congressional Record*. Finally, I ask that you support the appointment of Science Committee conferees during any House-Senate conference convened on this legislation. I am grateful for your cooperation.

Sincerely,



Eddie Bernice Johnson
Chairwoman
Committee on Science, Space, and Technology

cc: Ranking Member Frank D. Lucas, Committee on Science, Space, and Technology
Ranking Member Bruce Westerman, Committee on Natural Resources
Chair Zoe Lofgren, Committee on House Administration
Ranking Member Rodney Davis, Committee on House Administration
Chair Richard Neal, Committee on Ways and Means
Ranking Member Kevin Brady, Committee on Ways and Means
Chair Peter DeFazio, Committee on Transportation and Infrastructure
Ranking Member Sam Graves, Committee on Transportation and Infrastructure
Jason Smith, Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

VINNAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 2, 2022

The Honorable Eddie Bernice Johnson
Chair
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515

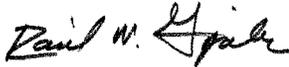
Dear Chair Johnson,

I write to you concerning H.R. 3764, the "Ocean-Based Climate Solutions Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. I acknowledge that your Committee will not formally consider H.R. 3764 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I am pleased to support the appointment of members of the Committee on Science, Space, and Technology to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Frank Lucas, Ranking Member, Committee on Science, Space, and Technology
The Honorable Zoe Lofgren, Chair, Committee on House Administration
The Honorable Rodney Davis, Ranking Member, Committee on House Administration
The Honorable Richard Neal, Chair, Committee on Ways and Means
The Honorable Kevin Brady, Ranking Member, Committee on Ways and Means
The Honorable Peter DeFazio, Chair, Committee on Transportation and Infrastructure
The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Jason Smith, Parliamentarian



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chair
Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member
Jack Ruddy
Republican Staff Director

December 12, 2022

The Honorable Raúl Grijalva
Chair, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chair Grijalva:

I write concerning H.R. 2021, *Environmental Justice for All Act*, H.R. 2780, *Insular Area Climate Change Act*, and H.R. 3764, *Ocean-Based Climate Solutions Act*. There are certain provisions in all three pieces of legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to allow the Committee on Natural Resources to file committee reports on H.R. 2021, H.R. 2780, and H.R. 3764 for legislative history purposes, the Committee on Transportation and Infrastructure (Committee) agrees to forgo action on these bills. However, this is conditional on our mutual understanding that these bills will not be considered on the House floor during the 117th Congress. In addition, by forgoing consideration of these bills it will not prejudice the Committee to any future jurisdictional claim over the subject matters contained in these bills or similar legislation that fall within the Committee's Rule X jurisdiction.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee reports for H.R. 2021, H.R. 2780, and H.R. 3764. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio".

Peter A. DeFazio
Chair

cc: The Honorable Sam Graves
The Honorable Bruce Westerman

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

DAVID WATKINS
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

VIVIAN MOEGLIN
REPUBLICAN STAFF DIRECTOR

December 14, 2022

The Honorable Peter A. DeFazio
Chair
Committee on Transportation and Infrastructure
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, DC 20515

Dear Chair DeFazio,

I write to you concerning H.R. 2021, the *Environmental Justice for All Act*, H.R. 2780, the *Insular Area Climate Change Act*, and H.R. 3764, the *Ocean-Based Climate Solutions Act*.

I appreciate your willingness to work cooperatively on these bills. I recognize that they contain provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure, and I agree that the inaction of your Committee with respect to the bills does not waive any future jurisdictional claim over the matters contained in the bills that fall within your Committee's Rule X jurisdiction. I also acknowledge our mutual understanding that these bills will not be considered on the House floor during the 117th Congress without further consultation with and clear, separate signoff from the Committee on Transportation and Infrastructure.

I will ensure that our exchange of letters is included in the committee reports for H.R. 2021, H.R. 2780, and H.R. 3764. I appreciate your cooperation and look forward to continuing to work with you on the measures.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure
The Honorable Jason Smith, Parliamentarian

GREGORY W. MEEKS, NEW YORK
CHAIRMAN

SOPHIA A. LAFARGUE
STAFF DIRECTOR



MICHAEL T. MCCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Seventeenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

December 16, 2022

The Honorable Raúl Grijalva
Chair, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chair Grijalva:

I write concerning H.R. 1546, *Combating Online Wildlife Trafficking Act of 2021*, and H.R. 3764, *Ocean-Based Climate Solutions Act of 2021*. There are provisions in both pieces of legislation that fall within the Rule X jurisdiction of the Committee on Foreign Affairs.

In order to allow the Committee on Natural Resources to file committee reports on H.R. 1546 and H.R. 3764 for legislative history purposes, the Committee on Foreign Affairs agrees to forgo action on these bills. However, this is conditional on our mutual understanding that these bills will not be considered on the House floor during the 117th Congress. In addition, by forgoing consideration of these bills, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the matters contained in the bills or similar legislation that fall within its Rule X jurisdiction.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee reports for H.R. 1546 and H.R. 3764. Thank you for your cooperation.

Sincerely,

GREGORY W. MEEKS
Chairman

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

VIRGAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 16, 2022

The Honorable Gregory W. Meeks
Chair
Committee on Foreign Affairs
U.S. House of Representatives
2170 Rayburn House Office Building
Washington, DC 20515

Dear Chair Meeks,

I write to you concerning H.R. 1546, the *Combating Online Wildlife Trafficking Act of 2021*, and H.R. 3764, the *Ocean-Based Climate Solutions Act*.

I appreciate your willingness to work cooperatively on these bills. I recognize that they contain provisions that fall within the jurisdiction of the Committee on Foreign Affairs, and I agree that the inaction of your Committee with respect to the bills does not waive any future jurisdictional claim over the matters contained in the bills that fall within your Committee's Rule X jurisdiction. I also acknowledge our mutual understanding that these bills will not be considered on the House floor during the 117th Congress without further consultation with and clear, separate signoff from the Committee on Foreign Affairs.

I will ensure that our exchange of letters is included in the committee reports for H.R. 1546 and H.R. 3764. I appreciate your cooperation and look forward to continuing to work with you on the measures.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Michael T. McCaul, Ranking Member, Committee on Foreign Affairs
The Honorable Jason Smith, Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

BRUCE WESTERMAN OF ARKANSAS
RANKING REPUBLICAN

DAVID WATKINS
STAFF DIRECTOR

VIVIAN MOEGLEIN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 29, 2022

The Honorable Adam Smith
Chair
Committee on Armed Services
U.S. House of Representatives
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chair Smith:

I write to you concerning H.R. 3764, the *Ocean-Based Climate Solutions Act of 2021*.

I appreciate your willingness to work cooperatively on this bill. I recognize that it contains provisions which fall within the jurisdiction of the Committee on Armed Services, and I agree that the inaction of your committee with respect to the bill does not waive any future jurisdictional claim over any matter contained in the bill or in any other legislation which falls within your committee's jurisdiction. I also acknowledge our mutual understanding that H.R. 3764 will not be considered on the House floor during the 117th Congress.

I will ensure that our exchange of letters is included in the committee report for H.R. 3764. I appreciate your cooperation and look forward to continuing to work with you on the measure.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Bruce Westerman, Ranking Member, Committee on Natural Resources
The Honorable Mike Rogers, Ranking Member, Committee on Armed Services
The Honorable Jason Smith, Parliamentarian

DISSENTING VIEWS

H.R. 3764 should be called the “Blue New Deal” because it reflects a broad list of Democratic big government “solutions” that would eliminate inland and offshore jobs and increase bureaucratic red tape. Its proposed billions in taxpayer-funded grants, new regulatory requirements and a ban on offshore oil and gas development are all in the name of addressing climate change but, in reality, would hinder responsible access to our natural resources.

Throughout this Congress, Republicans have sounded the alarm over the continuing and growing drought conditions. Yet, the Democratic-controlled House of Representatives has done very little to address this dire issue. H.R. 3764 adds insult to injury since it contains several sections that could have significant impacts on the development of critically needed new inland water infrastructure. H.R. 3764 would further negatively impact water projects in river basins that drain to oceans.

For example, the national blue carbon ecosystem map mandated in the bill would require that the National Oceanic and Atmospheric Administration (NOAA) identify upstream structures or pollution sources that affect the watershed and potential for blue carbon sequestration. This requirement has no limits on how far upstream that process might reach. The Columbia River watershed, for instance, includes the landlocked states of Idaho and Montana, and parts of Canada—some 182 million acres and tens of thousands of miles of waterways. A Republican amendment by Mr. Tiffany of Wisconsin was offered to strike this mapping requirement but was rejected by the Democratic Majority.

Additional red tape H.R. 3764 would create includes new consultation requirements for all federal agencies where a proposed action has the potential to cause an adversarial impact to “blue carbon areas of significance” or “marine mammal climate impact management plans.” These new consultations would be so broad that it is unclear if they will cause delay in activities adjacent to waterways, such as construction of bridges, roads, or offshore wind energy projects. Indeed, these requirements would undoubtedly create yet another layer of environmental bureaucracy and potential litigation that will be used to block federal actions, such as maintaining or building new infrastructure of all kinds near water including water supply infrastructure that could help in meeting demand caused by drought in the West. Importantly, the processes found in this bill could also be used as a justification for removal of essential existing water infrastructure. A Republican amendment offered by Mr. Bentz of Oregon sought to protect inland water infrastructure but that was also rejected by the Democratic Majority.

Equally concerning are the permanent bans proposed on new exploration and development of oil, gas, or methane hydrate on the Outer Continental Shelf (OCS), except for in the western and cen-

tral Gulf of Mexico. Even these exempted areas would have to deal with the new red tape which would likely prevent development. A Republican amendment offered by Mr. Graves Of Louisiana to repeal this ill-conceived ban was also rejected by the Democratic Majority.

Other Republican amendments were also offered to address deficiencies in H.R. 3764, but all were rejected. This bill is a federal government-knows-best partisan exercise rammed through Committee without consideration of its impacts to the economy and those who depend on our working oceans and rivers. For this reason, it passed on a party-line vote. Even then, it has shown itself to be too radical for even the House Democratic Caucus since it was never considered as a stand-alone measure on the House floor in the 117th Congress.

In light of the above, I oppose H.R. 3764 as reported by the Committee on Natural Resources.

BRUCE WESTERMAN.

