

110TH CONGRESS  
2D SESSION

# S. 3314

To protect the oceans and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 23, 2008

Mrs. BOXER (for herself, Mr. CARDIN, Mr. LEVIN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To protect the oceans and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “National Oceans Protection Act of 2008”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Definitions.
- Sec. 5. Construction.

TITLE I—NATIONAL OCEAN POLICY AND LEADERSHIP

Sec. 101. Purposes.

Sec. 102. National ocean policy and principles.

Subtitle A—National Oceanic and Atmospheric Administration

- Sec. 111. Short title.
- Sec. 112. Establishment.
- Sec. 113. Functions and purposes.
- Sec. 114. Administration.
- Sec. 115. Responsibilities of the Administrator.
- Sec. 116. Powers of the Administrator.
- Sec. 117. Enforcement.
- Sec. 118. Regional capabilities.
- Sec. 119. Intergovernmental coordination.
- Sec. 120. International consultation and cooperation.
- Sec. 121. Report on oceanic and atmospheric conditions and trends.
- Sec. 122. Conforming amendments and repeals.
- Sec. 123. Savings provision.
- Sec. 124. Transition.

Subtitle B—Federal Coordination and Advice

- Sec. 131. National Ocean Advisor.
- Sec. 132. Council on Ocean Stewardship.
- Sec. 133. Membership of Council on Ocean Stewardship.
- Sec. 134. Functions of Council on Ocean Stewardship.
- Sec. 135. Personnel of Council on Ocean Stewardship.
- Sec. 136. National priorities for coordination.
- Sec. 137. Coordination plan.
- Sec. 138. Biennial Report to Congress.
- Sec. 139. Presidential Panel of Advisers on Oceans and Climate.
- Sec. 140. Construction.

TITLE II—REGIONAL COORDINATION AND PLANNING

- Sec. 201. Regional Ocean Coordination.
- Sec. 202. Regional Ocean Partnerships.
- Sec. 203. Regional Ocean Strategic Plans.
- Sec. 204. Regulations.
- Sec. 205. Other authority.

TITLE III—OCEAN SCIENCE, RESEARCH, AND EDUCATION

- Sec. 301. Committee on Ocean Science, Education, and Operations.
- Sec. 302. National Ocean Research Priorities Plan and Implementation Strategy.
- Sec. 303. Ocean Research and Education Advisory Panel.
- Sec. 304. Marine ecosystems research.
- Sec. 305. Ocean Ecosystem Resource Information Systems.
- Sec. 306. Subcommittee on Ocean Education.
- Sec. 307. Ocean and coastal education program.
- Sec. 308. Ocean Science and Technology Scholarship Program.
- Sec. 309. National Oceanic and Atmospheric Administration Office of Education.
- Sec. 310. National ocean awareness media campaign.

TITLE IV—OCEAN AND GREAT LAKES CONSERVATION TRUST  
FUND AND AUTHORIZATION OF APPROPRIATIONS

- Sec. 401. Ocean and Great Lakes Conservation Trust Fund.
- Sec. 402. Payments to States.
- Sec. 403. Eligibility for funding.
- Sec. 404. Funding procedures.
- Sec. 405. Equitable allocation.
- Sec. 406. Healthy Ocean Stamp.
- Sec. 407. Limitation on use of available amounts for administration.
- Sec. 408. Record keeping requirements.
- Sec. 409. Maintenance of effort and matching funding.
- Sec. 410. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Covering more than  $\frac{2}{3}$  of the Earth's sur-  
4 face, the oceans play a critical role in the global  
5 water and carbon cycles and in regulating climate,  
6 sustain a large part of Earth's biodiversity, provide  
7 an important source of food and a wealth of other  
8 natural products, act as a frontier for scientific ex-  
9 ploration, are critical to national and economic secu-  
10 rity, and provide a vital means of transportation.

11 The coastal regions of the United States have re-  
12 markably high biological productivity and contribute  
13 approximately 50 percent of the gross domestic  
14 product of the United States.

15 (2) The oceans and the atmosphere are suscep-  
16 tible to change as a direct and indirect result of  
17 human activities, and such changes can significantly  
18 impact the ability of the oceans and atmosphere to  
19 provide the benefits upon which the Nation depends.

20 Changes in oceanic and atmospheric processes could

1 affect global climate patterns, ecosystem productivity  
2 and health, biodiversity, environmental quality, na-  
3 tional security, economic competitiveness, availability  
4 of energy, vulnerability to natural hazards, and  
5 transportation safety and efficiency.

6 (3) Human pressure on ocean resources is dras-  
7 tically increasing. Fifty percent of the population of  
8 the United States lives within 50 miles of the coast.  
9 If population trends continue as expected, coastal  
10 development and urbanization impacts, which can be  
11 substantially greater than population impacts alone,  
12 will present serious environmental, energy, and  
13 water challenges and increase our vulnerability to  
14 coastal hazards.

15 (4) Ocean resources are the property of the  
16 people of the United States, are held in trust for  
17 them by Federal, State, local, and tribal govern-  
18 ments, and should be managed in a precautionary  
19 manner to preserve the full range of their benefits  
20 for present and future generations.

21 (5) A variety of threats and practices have  
22 caused dramatic declines in the health and produc-  
23 tivity of coastal and marine ecosystems of the  
24 United States. Among the major threats to marine  
25 ecosystem health are—

1 (A) chemical, nutrient, and biological pol-  
2 lution;

3 (B) bycatch of nontarget marine species;

4 (C) habitat damage;

5 (D) over fishing and use of destructive  
6 fishing practices;

7 (E) unwise land use and coastal develop-  
8 ment;

9 (F) invasive species;

10 (G) global climate change; and

11 (H) ocean acidification.

12 (6) These threats are exacerbated by the legal  
13 and geographic fragmentation of authority over  
14 ocean space and ocean resources.

15 (7) Activities harming coastal and marine eco-  
16 systems jeopardize the economies and social struc-  
17 ture of coastal communities dependent on these re-  
18 sources.

19 (8) While there is a plethora of laws, govern-  
20 ment agencies, and programs dealing with coastal  
21 resources and ocean resources, activities thereunder  
22 are poorly coordinated and do not constitute unified  
23 and comprehensive public policy toward the oceans.

24 (9) Improving and coordinating Federal govern-  
25 ance will require close partnerships with States, tak-

1       ing into account their public trust responsibilities,  
2       economic and ecological interests in ocean resources,  
3       and the role of State and local governments in im-  
4       plementation of ocean policies, and managing use of  
5       coastal lands and ocean resources.

6           (10) Ecosystem-based management of coastal  
7       lands, oceans, and marine resources to protect,  
8       maintain, and restore the health of marine eco-  
9       systems requires a partnership between Federal,  
10      State, local, and tribal governments.

11          (11) It is the continuing mission of the Federal  
12      Government to create, foster, and maintain condi-  
13      tions, incentives, and programs that will further and  
14      ensure the sustainable and effective conservation,  
15      management, and protection of the oceans and at-  
16      mosphere, in order to fulfill the responsibility of  
17      each generation as trustee in protecting such re-  
18      sources and ensuring that such resources will be  
19      available to meet the needs of future generations of  
20      people in the United States.

21          (12) To better enable the various levels of gov-  
22      ernment with authority over coastal and ocean  
23      space, coastal resources, and ocean resources to ful-  
24      fill their public trust responsibilities, a unified na-  
25      tional oceans policy that is precautionary in nature

1 is needed to govern the range of human activities  
2 that may significantly affect United States ocean  
3 waters and ocean resources.

4 **SEC. 3. PURPOSE.**

5 The purpose of this Act is to secure, for present and  
6 future generations of people of the United States, the full  
7 range of environmental, economic, educational, social, cul-  
8 tural, nutritional, and recreational benefits of healthy ma-  
9 rine ecosystems.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

12 (1) **ADMINISTRATOR.**—The term “Adminis-  
13 trator” means the Administrator of NOAA.

14 (2) **COMMISSION ON OCEAN POLICY.**—The term  
15 “Commission on Ocean Policy” means the Commis-  
16 sion on Ocean Policy established by section 3 of the  
17 Oceans Act of 2000 (33 U.S.C. 857–19 note).

18 (3) **COUNCIL ON OCEAN STEWARDSHIP.**—The  
19 term “Council on Ocean Stewardship” means the  
20 Council on Ocean Stewardship established in section  
21 132.

22 (4) **EXCLUSIVE ECONOMIC ZONE.**—The term  
23 “Exclusive Economic Zone” means the Exclusive  
24 Economic Zone of the United States specified in

1 Presidential Proclamation Number 5030, dated  
2 March 10, 1983.

3 (5) FEDERAL WATERS.—The term “Federal  
4 waters” means the waters located in the United  
5 States Exclusive Economic Zone seaward of the wa-  
6 ters under the jurisdiction of a State.

7 (6) MARINE.—The term “marine” includes  
8 ocean waters.

9 (7) MARINE ECOSYSTEM HEALTH.—The term  
10 “marine ecosystem health” means the capability of  
11 a marine ecosystem to—

12 (A) support and maintain a productive and  
13 resilient community of organisms that has a  
14 species composition, biological diversity, and  
15 functional organization comparable to the nat-  
16 ural habitat of the region; and

17 (B) provide a range of goods and services  
18 to humans and other species at levels and rates  
19 comparable to those provided by a similar un-  
20 disturbed ecosystem.

21 (8) NATIONAL OCEAN POLICY.—The term “Na-  
22 tional Ocean Policy” means the policy set forth in  
23 section 102(a)(1).

24 (9) NOAA.—The term “NOAA” means the Na-  
25 tional Oceanic and Atmospheric Administration.

1           (10) OCEAN; OCEAN WATERS.—The terms  
2 “ocean” and “ocean waters” include—

3           (A)(i) coastal waters;

4           (ii) the Great Lakes;

5           (iii) the seabed, subsoil, and waters of the  
6 territorial sea of the United States;

7           (iv) the waters of the exclusive economic  
8 zone of the United States;

9           (v) the waters of the high seas; and

10          (vi) the seabed and subsoil of and beyond  
11 the Outer Continental Shelf marine environ-  
12 ment; and

13          (B) the natural resources found in the  
14 areas described in clauses (i) through (vi) of  
15 subparagraph (A).

16          (11) PERSON.—The term “person” has the  
17 meaning given that term by section 1 of title 1,  
18 United States Code, but also means any State, polit-  
19 ical subdivision of a State, or agency or officer  
20 thereof.

21          (12) REGIONAL OCEAN PARTNERSHIP.—The  
22 term “Regional Ocean Partnership” means a Re-  
23 gional Ocean Partnership established or designated  
24 by the Administrator under section 202.

1           (13) SECRETARY.—Except as otherwise pro-  
2           vided in this Act, the term “Secretary” means the  
3           Secretary of Commerce.

4           (14) STATE.—The term “State” means any  
5           State of the United States, the District of Columbia,  
6           the Commonwealth of Puerto Rico, the Virgin Is-  
7           lands, Guam, American Samoa, or any other Com-  
8           monwealth, territory, or possession of the United  
9           States.

10 **SEC. 5. CONSTRUCTION.**

11         Except as specifically provided, nothing in this Act  
12         may be construed to modify, limit, amend, or repeal any  
13         provision of any other law or to limit the authority of a  
14         local or State government or the Federal Government to  
15         establish more stringent standards, requirements, or re-  
16         strictions within their respective jurisdictions, in order to  
17         provide greater protection of ocean and coastal waters or  
18         resources, than the protection provided under this Act.

19                 **TITLE I—NATIONAL OCEAN**  
20                 **POLICY AND LEADERSHIP**

21 **SEC. 101. PURPOSES.**

22         The purposes of this title are—

23                 (1) to set forth a national policy relating to  
24                 oceans and atmosphere, and to establish formally  
25                 the National Oceanic and Atmospheric Administra-

1       tion as the lead Federal agency concerned with oce-  
2       anic and atmospheric matters;

3               (2) to establish in NOAA, by statute, the au-  
4       thorities, functions, and powers relating to the con-  
5       servation, management, and protection of the oceans  
6       and atmosphere that have previously been estab-  
7       lished by statute or reorganization plan;

8               (3) to set forth the duties and responsibilities of  
9       the Administrator, and the principal officers of the  
10      Administrator;

11              (4) to establish a mechanism for Federal lead-  
12      ership and coordinated action on national oceanic  
13      and atmospheric priorities that are essential to the  
14      economic and environmental security of the United  
15      States; and

16              (5) to enhance Federal partnerships with State  
17      and local governments with respect to ocean activi-  
18      ties, including management of ocean resources and  
19      identification of appropriate opportunities for policy-  
20      making and decision-making at the State and local  
21      level.

22 **SEC. 102. NATIONAL OCEAN POLICY AND PRINCIPLES.**

23       (a) NATIONAL OCEAN POLICY.—

24              (1) IN GENERAL.—It is the policy of the United  
25      States to protect, maintain, and restore marine eco-

1 system health in order to fulfill the ecological, eco-  
2 nomic, educational, social, cultural, nutritional, rec-  
3 reational, and other requirements of current and fu-  
4 ture generations of Americans.

5 (2) PRINCIPLES.—The National Ocean Policy  
6 shall be implemented in accordance with the fol-  
7 lowing principles:

8 (A) Policies, programs, and activities  
9 should minimize negative environmental im-  
10 pacts to ocean waters, coastal waters, and  
11 ocean resources and be conducted so that by  
12 themselves or cumulatively they do not under-  
13 mine the protection, maintenance, and restora-  
14 tion of marine ecosystem health.

15 (B) Ocean waters, coastal waters, and  
16 ocean resources should be managed to meet the  
17 needs of the present generation without com-  
18 promising the ability of future generations to  
19 meet their needs.

20 (C) Ocean waters, coastal waters, and  
21 ocean resources should be managed using eco-  
22 system-based management.

23 (D) The lack of scientific certainty should  
24 not be used as justification for postponing ac-  
25 tion to prevent negative environmental impacts.

1 In cases in which significant threats to marine  
2 ecosystem health exist, the best of the available  
3 science should be used to manage ocean waters,  
4 coastal waters, and ocean resources in a man-  
5 ner that gives the greatest weight to the protec-  
6 tion, maintenance, and restoration of marine  
7 ecosystem health.

8 (E) Policies, programs, and activities rec-  
9 ognize the interconnectedness of the land, at-  
10 mosphere including climate, and oceans includ-  
11 ing ocean waters, coastal waters, and ocean re-  
12 sources, and should recognize that actions af-  
13 fecting one of these, such as the climate, are  
14 likely to affect another, such as ocean re-  
15 sources.

16 (F) Potential uses of ocean waters, coastal  
17 waters, and ocean resources should be managed  
18 in a way that balances competing uses and does  
19 not undermine the protection, maintenance, and  
20 restoration of marine ecosystem health.

21 (b) IMPLEMENTATION.—

22 (1) REQUIREMENT.—To the fullest extent pos-  
23 sible and to the extent not inconsistent with other  
24 laws, each Federal agency shall interpret and admin-

1       ister policies, regulations and laws in accordance  
2       with the National Ocean Policy.

3           (2) GUIDANCE.—

4           (A) IN GENERAL.—Not later than 1 year  
5       after the date of the enactment of this Act, the  
6       National Ocean Advisor shall develop and issue  
7       guidance, consistent with the National Ocean  
8       Policy, for the development of Federal agency  
9       regulations to implement the National Ocean  
10      Policy.

11          (B) PUBLIC PARTICIPATION.—The Na-  
12      tional Ocean Advisor shall provide adequate op-  
13      portunity for public comment and review during  
14      the development of the guidance under subpara-  
15      graph (A).

16      (c) AGENCY ACTIONS.—

17          (1) REGULATIONS.—

18          (A) IN GENERAL.—Within 2 years after  
19      the issuance of the guidance under subsection  
20      (b)(2), each Federal agency shall issue new or  
21      revised regulations to ensure consistency with  
22      the National Ocean Policy for any actions un-  
23      dertaken, authorized, or funded by the agency  
24      that may significantly affect ocean waters,  
25      coastal waters, or ocean resources.

1 (B) PUBLIC COMMENT.—The head of each  
2 Federal agency shall—

3 (i) publish proposed regulations under  
4 this subsection in the Federal Register;  
5 and

6 (ii) provide a period for public com-  
7 ment of not less than 60 days before final  
8 regulations are published under this sub-  
9 section.

10 (2) REVIEW.—Within 1 year after the issuance  
11 of the guidance under subsection (b)(2), each Fed-  
12 eral agency, shall—

13 (A) conduct a review of the existing poli-  
14 cies, regulations, and laws that apply to the  
15 agency and identify any inconsistencies that  
16 preclude the agency from fully implementing  
17 the National Ocean Policy; and

18 (B) submit to the Council on Ocean Stew-  
19 ardship, the Committee on Natural Resources  
20 of the House of Representatives, and the Com-  
21 mittee on Commerce, Science, and Transpor-  
22 tation of the Senate a report on such review  
23 that includes proposals as may be necessary to  
24 eliminate such inconsistencies.

1     **Subtitle A—National Oceanic and**  
2             **Atmospheric Administration**

3     **SEC. 111. SHORT TITLE.**

4             This subtitle may be cited as the “Ernest ‘Fritz’ Hol-  
5     lings National Ocean Policy and Leadership Act”.

6     **SEC. 112. ESTABLISHMENT.**

7             There is established an agency to be known as the  
8     National Oceanic and Atmospheric Administration, which  
9     shall be the civilian agency principally responsible for pro-  
10    viding oceanic, weather, and atmospheric services, and  
11    supporting research, conservation, management, and edu-  
12    cation to the Nation. The National Oceanic and Atmos-  
13    pheric Administration established under this Act shall suc-  
14    ceed the National Oceanic and Atmospheric Administra-  
15    tion established on October 3, 1970, in Reorganization  
16    Plan No. 4 of 1970, and shall continue the activities of  
17    that agency as it was in existence on the day before the  
18    effective date of this Act.

19    **SEC. 113. FUNCTIONS AND PURPOSES.**

20             (a) IN GENERAL.—NOAA shall be responsible for the  
21    following functions, through which it shall carry out the  
22    policy of this Act in a coordinated, integrated, and eco-  
23    system-based manner for the benefit of the United States:

1           (1) Management, conservation, protection, and  
2 restoration of ocean resources, including living ma-  
3 rine resources, habitats, and ocean ecosystems.

4           (2) Observation, monitoring, assessment, fore-  
5 casting, prediction, operations, and exploration of  
6 oceanic and atmospheric environments including  
7 weather, climate, navigation, and marine resources.

8           (3) Research, education and outreach, technical  
9 assistance, and technology development and innova-  
10 tion activities relating to oceanic and atmospheric  
11 environments, including basic scientific research and  
12 activities that support other agency functions and  
13 missions.

14       (b) TRANSFER OF FUNCTIONS.—There shall be  
15 transferred to the Administrator any authority established  
16 by law that, before the date of the enactment of this Act,  
17 was vested in the Secretary of Commerce and pertains to  
18 the functions, responsibilities, or duties of NOAA under  
19 subsection (a).

20 **SEC. 114. ADMINISTRATION.**

21       (a) ADMINISTRATOR.—

22           (1) APPOINTMENT.—NOAA shall be adminis-  
23 tered by the Administrator, who shall be appointed  
24 by the President, by and with the advice and consent  
25 of the Senate.

1           (2) COMPENSATION.—The Administrator shall  
2           be compensated at the rate provided for level III of  
3           the Executive Schedule under section 5314 of title  
4           5, United States Code.

5           (3) QUALIFICATIONS.—The Administrator shall  
6           have a broad background, professional knowledge,  
7           and substantial experience in oceanic or atmospheric  
8           affairs, including any field relating to marine or at-  
9           mospheric science and technology, biological  
10          sciences, or engineering, as well as education, eco-  
11          nomics, governmental affairs, planning, law, or  
12          international affairs.

13          (4) AUTHORITY.—The Administrator shall  
14          carry out all functions transferred to the Adminis-  
15          trator by this Act and shall have authority and con-  
16          trol over all personnel, programs, and activities of  
17          NOAA.

18          (b) DEPUTY ADMINISTRATOR.—There shall be a  
19          Deputy Administrator of NOAA, who shall be appointed  
20          by the President, by and with the advice and consent of  
21          the Senate, based on the individual's professional quali-  
22          fications and without regard to political affiliation. The  
23          Deputy Administrator shall have a broad background, pro-  
24          fessional knowledge, and substantial experience in oceanic  
25          or atmospheric policy or programs, including science, tech-

1 nology, and education. The Deputy Administrator shall  
2 serve as an adviser to the Administrator on program and  
3 policy issues, including crosscutting program areas such  
4 as research, technology, and education, and shall perform  
5 such functions and exercise such powers as the Adminis-  
6 trator may prescribe. The Deputy Administrator shall act  
7 as Administrator during the absence or disability of the  
8 Administrator or in the event of a vacancy in the office  
9 of the Administrator. The Deputy Administrator shall be  
10 the Administrator's first assistant for purposes of sub-  
11 chapter III of chapter 33 of title 5, United States Code,  
12 and shall be compensated at the rate provided for level  
13 IV of the Executive Schedule under section 5315 of title  
14 5, United States Code.

15 (c) ASSOCIATE ADMINISTRATOR FOR OCEAN MAN-  
16 AGEMENT AND OPERATIONS.—There shall be an Associate  
17 Administrator for Ocean Management and Operations of  
18 NOAA, who shall be appointed by the President, by and  
19 with the advice and consent of the Senate. The Associate  
20 Administrator for Ocean Management and Operations  
21 shall have a broad background, professional knowledge,  
22 and substantial experience in oceanic or atmospheric pol-  
23 icy or programs, and shall perform such duties and exer-  
24 cise such powers as the Administrator shall from time to  
25 time designate. The Associate Administrator shall be com-

1 pensated at the rate provided for level V of the Executive  
2 Schedule under section 5316 of title 5, United States  
3 Code.

4 (d) ASSOCIATE ADMINISTRATOR FOR CLIMATE AND  
5 ATMOSPHERE.—There shall be an Associate Adminis-  
6 trator for Climate and Atmosphere of NOAA, who shall  
7 be appointed by the President, by and with the advice and  
8 consent of the Senate. The Associate Administrator for  
9 Climate and Atmosphere shall have a broad background,  
10 professional knowledge, and substantial experience in oce-  
11 anic or atmospheric policy or programs, and shall perform  
12 such duties and exercise such powers as the Administrator  
13 shall from time to time designate. The Associate Adminis-  
14 trator shall be compensated at the rate provided for level  
15 V of the Executive Schedule under section 5316 of title  
16 5, United States Code.

17 (e) CHIEF OPERATING OFFICER.—There shall be a  
18 Chief Operating Officer of NOAA, who shall assume the  
19 responsibilities held by the Deputy Under Secretary of  
20 Commerce prior to the date of the enactment of this Act.  
21 The Chief Operating Officer shall be responsible for ensur-  
22 ing the timely and effective implementation of NOAA's  
23 purposes and authorities and shall provide resource, budg-  
24 et, and management support to the Office of the Adminis-  
25 trator. The Chief Operating Officer shall be responsible

1 for all aspects of NOAA operations and management, in-  
2 cluding budget, financial operations, information services,  
3 facilities, human resources, procurement, and associated  
4 services. The Chief Operating Officer shall be a Senior Ex-  
5 ecutive Service position authorized under section 3133 of  
6 title 5, United States Code.

7 (f) ASSISTANT ADMINISTRATORS.—There shall be at  
8 least 3, but not more than 4, Assistant Administrators of  
9 NOAA. The Assistant Administrators shall perform such  
10 programmatic and policy functions as the Administrator  
11 shall from time to time assign or delegate, and shall have  
12 background, professional knowledge, and substantial expe-  
13 rience in 1 or more of the following aspects of oceanic and  
14 atmospheric affairs:

15 (1) Resource management, protection, and res-  
16 toration.

17 (2) Operations, forecasting, and services, in-  
18 cluding weather and climate.

19 (3) Science, technology, and education.

20 (g) GENERAL COUNSEL.—There shall be a General  
21 Counsel of NOAA appointed by the President upon rec-  
22 ommendation by the Administrator. The General Counsel  
23 shall serve as the chief legal officer for all legal matters  
24 that may arise in connection with the conduct of the func-  
25 tions of NOAA.

1 (h) COMMISSIONED OFFICERS.—

2 (1) The Administrator shall designate an officer  
3 or officers to be responsible for oversight of NOAA’s  
4 vessel and aircraft fleets and for the administration  
5 of NOAA’s commissioned officer corps under subtitle  
6 B of title II of the National Oceanic and Atmos-  
7 pheric Administration Commissioned Officer Corps  
8 Act of 2002 (33 U.S.C. 3021 et seq.).

9 (2) The Commissioned Officer Corps of the Na-  
10 tional Oceanic and Atmospheric Administration es-  
11 tablished by Reorganization Plan No. 4 of October  
12 3, 1970, as in effect on the day before the date of  
13 the enactment of this Act, is the Commissioned Offi-  
14 cer Corps of NOAA established under this Act.

15 (3) All statutes that applied to officers of the  
16 Commissioned Officers Corps of NOAA on the day  
17 before the date of the enactment of this Act apply  
18 to officers of the Corps on and after such date.

19 (4) There are authorized to be on the lineal list  
20 of the Commissioned Officers Corps of NOAA not  
21 less than 350 officers, plus any additional officers  
22 necessary to support NOAA’s missions and the oper-  
23 ation and maintenance of NOAA’s ships and air-  
24 craft.

1           (5) The President may appoint, by and with the  
2           advice and consent of the Senate, 2 commissioned  
3           officers to serve at any one time as the designated  
4           heads of 2 principal constituent organizational enti-  
5           ties of NOAA, or the President may designate 1  
6           such officer as the head of such an organizational  
7           entity and the other as the head of the commis-  
8           sioned corps of NOAA. Any such designation shall  
9           create a vacancy on the active list and the officer  
10          while serving under this subsection shall have the  
11          rank, pay, and allowances of a rear admiral (upper  
12          half).

13          (6) Any commissioned officer of NOAA who has  
14          served under paragraph (5) and is retired while so  
15          serving or is retired after the completion of such  
16          service while serving in a lower rank or grade, shall  
17          be retired with the rank, pay, and allowances au-  
18          thorized by law for the highest grade and rank held  
19          by him, but any such officer, upon termination of  
20          appointment in a rank above that of captain, shall,  
21          unless appointed or assigned to some other position  
22          for which a higher rank or grade is provided, revert  
23          to the grade and number the officer would have oc-  
24          cupied had he not served in a rank above that of

1 captain and such officer shall be an extra number in  
2 that grade.

3 (i) NAVAL DEPUTY.—The Secretary of the Navy may  
4 detail a Naval Deputy to the Administrator. This position  
5 shall be filled on an additional duty basis by the Oceanog-  
6 rapher of the Navy. The Naval Deputy shall—

7 (1) act as a liaison between the Administrator  
8 and the Secretary of the Navy in order to avoid du-  
9 plication between Federal oceanographic and atmos-  
10 pheric activities; and

11 (2) ensure coordination and joint planning by  
12 NOAA and the Navy on research, meteorological,  
13 oceanographic, and geospatial information services,  
14 and programs of mutual organizational interest.

15 **SEC. 115. RESPONSIBILITIES OF THE ADMINISTRATOR.**

16 In addition to administering and carrying out all ac-  
17 tivities, programs, functions, and duties, and exercising  
18 the powers that are assigned, delegated, or transferred to  
19 the Administrator by this Act, any other statute, or the  
20 President, the responsibilities of the Administrator in-  
21 clude—

22 (1) managing, conserving, protecting, and re-  
23 storing of ocean resources, including—

1 (A) living marine resources (including fish-  
2 eries, vulnerable species and habitats, and ma-  
3 rine biodiversity);

4 (B) ocean areas (including marine sanc-  
5 tuaries, estuarine reserves, and other managed  
6 areas);

7 (C) marine aquaculture;

8 (D) the protection of ocean environments  
9 from threats to human and ecosystem health,  
10 including pollution and invasive species;

11 (E) the sustainable management, beneficial  
12 use, protection, and development of coastal re-  
13 gions; and

14 (F) the mitigation of impacts of natural  
15 and man-made hazards, including climate  
16 change;

17 (2) partnering with, and supporting, State and  
18 local communities in undertaking management, con-  
19 servation, protection, and restoration of ocean re-  
20 sources described in paragraph (1);

21 (3) observing, analyzing, processing, and com-  
22 municating comprehensive data and information con-  
23 cerning the State of—

24 (A) the upper and lower atmosphere;

25 (B) the oceans and ocean resources; and

1 (C) the Earth and near space environment;

2 (4) collecting, storing, analyzing, and providing  
3 reliable scientific information relating to weather (in-  
4 cluding space weather), climate, air quality, water,  
5 navigation, marine resources, and ecosystems that  
6 may be used as a basis for sound management, pol-  
7 icy, and public safety decisions;

8 (5) carrying out broadly based data, observing,  
9 monitoring, and information activities, programs,  
10 and systems relating to oceanic and atmospheric  
11 monitoring and prediction, weather forecasting, and  
12 storm warning, including satellite-based and insitu  
13 data collection and associated services;

14 (6) carrying out weather forecasting, storm  
15 warnings, and other responsibilities of the Secretary  
16 of Commerce and the National Weather Service  
17 under Reorganization Plan No. 2 of 1965, Reorga-  
18 nization Plan No. 4 of 1970 (as in effect on the day  
19 before the date of the enactment of this Act), sec-  
20 tions 3 and 4 of the Act of October 1, 1890 (15  
21 U.S.C. 312 and 313) and the Weather Service Mod-  
22 ernization Act (15 U.S.C. 313 note), and all other  
23 statutes, rules, plans, and orders in pari materia;

24 (7) providing navigation and assessment oper-  
25 ations and services, including maps and charts for

1 the safety of marine and air navigation, maintaining  
2 a network of geographic reference coordinates for  
3 geodetic control, and observing, charting, mapping,  
4 and measuring the marine environment and ocean  
5 resources;

6 (8) developing and improving geodetic and map-  
7 ping methods and studies of geophysical phenomena  
8 such as crustal movement, Earth tides, and ocean  
9 circulation, including estuarine areas;

10 (9) collecting, disseminating, and maintaining  
11 on a continuing basis information relating to the  
12 status, trends, health, use, and protection of the  
13 oceans and the atmosphere, to all interested parties,  
14 including through an integrated ocean observing sys-  
15 tem and national and regional ecosystem-based in-  
16 formation management systems;

17 (10) administering, operating, and maintaining  
18 satellite and insitu systems that can monitor global  
19 and regional atmospheric weather conditions, climate  
20 and related oceanic, solar, hydrological, and other  
21 environmental conditions, collect information re-  
22 quired for research on weather, climate, and related  
23 environmental matters, and monitor the extent of  
24 human-induced changes in the lower and upper at-  
25 mosphere and the related environment;

1           (11) collecting, analyzing, and disseminating  
2 environmental information, in support of environ-  
3 mental research and development, including data in  
4 the fields of climatology, atmospheric sciences,  
5 oceanography, biology, geology, geophysics, solar-ter-  
6 restrial relationships, and the relationship among  
7 oceans, climate, and human health;

8           (12) undertaking a comprehensive, integrated,  
9 and ecosystem-based program of oceanic, climate,  
10 and atmospheric research related to, and supportive  
11 of, the missions of NOAA and which uses research  
12 products, new findings, and methodologies to develop  
13 the most current scientific advice for ecosystem-  
14 based management;

15           (13) conducting environmental research and de-  
16 velopment activities that are necessary to advance  
17 the United States oceanic, atmospheric, engineering,  
18 and technology expertise, including the development  
19 and operation of observing platforms such as ships,  
20 aircraft, satellites, data buoys, manned or unmanned  
21 research submersibles, underwater laboratories or  
22 platforms, and improved instruments and calibration  
23 methods, and the advancement of undersea diving  
24 techniques;

1           (14) conducting a continuing program of ocean  
2           exploration and discovery and conservation of signifi-  
3           cant undersea resources, including cultural re-  
4           sources, to benefit, inform, and inspire the people of  
5           the United States, including communication of such  
6           knowledge to policymakers and the public;

7           (15) developing and implementing, in coopera-  
8           tion with other agencies and entities as appropriate,  
9           national oceanic and atmospheric education, tech-  
10          nical assistance, extension services, and outreach  
11          programs designed to increase literacy concerning  
12          oceanic and atmospheric issues, develop a diverse  
13          workforce, and enhance stewardship of oceanic and  
14          atmospheric resources and environments;

15          (16) ensuring the execution and implementation  
16          of national oceanic, atmospheric, and environmental  
17          policy goals through a variety of oceanic and atmos-  
18          pheric programs;

19          (17) undertaking activities involving the inte-  
20          gration of domestic and international policy relating  
21          to the oceans and the atmosphere, including the pro-  
22          vision of technical advice to the President on inter-  
23          national negotiations involving ocean resources,  
24          ocean technologies, and climate matters;

1           (18) providing for, encouraging, and assisting  
2 public participation in the development and imple-  
3 mentation of oceanic and atmospheric policies and  
4 programs;

5           (19) conducting, supporting, and coordinating  
6 efforts to enhance public awareness of NOAA, its  
7 purposes, programs, and activities, and the results  
8 thereof, including education and outreach to the  
9 public, teachers, students, and ocean resource man-  
10 agers;

11           (20) partnering with other government agen-  
12 cies, States, academia, and the private sector, via co-  
13 operative agreements or other formal or informal ar-  
14 rangements, to improve the acquisition of data and  
15 information and the implementation of management,  
16 monitoring, research, exploration, education, and  
17 other programs;

18           (21) partnering with other Federal agencies  
19 and with States and communities to address the  
20 issues of land-based activities and their impact on  
21 the ocean environment;

22           (22) working with other Federal agencies,  
23 State, tribal, and local governments, and the public  
24 to improve regional coordination and integration and

1 promote ecosystem-based management of coasts,  
2 oceans, and the Great Lakes; and

3 (23) coordinating with other Federal agencies  
4 that have related responsibilities.

5 **SEC. 116. POWERS OF THE ADMINISTRATOR.**

6 (a) DELEGATION.—Unless otherwise prohibited by  
7 law or reserved by the Secretary of Commerce, the respon-  
8 sibilities of the Administrator may be delegated by the Ad-  
9 ministrator to other officials in NOAA, and may be redele-  
10 gated as authorized by the Administrator.

11 (b) REGULATIONS.—The Administrator may issue,  
12 amend, or rescind such rules and regulations as are nec-  
13 essary or appropriate to carry out the responsibilities and  
14 functions of the Administrator. The promulgation of such  
15 rules and regulations shall be governed by the provisions  
16 of chapter 5 of title 5, United States Code.

17 (c) CONTRACTS.—The Administrator may, without  
18 regard to subsection (a) or (b) of section 3324 of title 31,  
19 United States Code, enter into and perform such con-  
20 tracts, leases, grants, cooperative agreements, or other  
21 transactions (without regard to chapter 63 of title 31,  
22 United States Code), as may be necessary to carry out  
23 NOAA's purposes and authorities, on terms the Adminis-  
24 trator deems appropriate, with Federal agencies, instru-  
25 mentalities, and laboratories, State and local governments,

1 regional and interstate entities, Native American tribes  
2 and organizations, international organizations, foreign  
3 governments, educational institutions, nonprofit organiza-  
4 tions, commercial organizations, and other public and pri-  
5 vate persons or entities.

6 (d) GIFTS AND DONATIONS.—

7 (1) IN GENERAL.—Notwithstanding section  
8 1342 of title 31, United States Code, and subject to  
9 such conditions and covenants as the Administrator  
10 deems appropriate, the Administrator may accept,  
11 hold, administer, and utilize—

12 (A) gifts, bequests, or donations of serv-  
13 ices, money, or property, real or personal (in-  
14 cluding patents and rights thereunder), mixed,  
15 tangible or intangible, or any interest therein;

16 (B) contributions of funds; and

17 (C) funds from Federal agencies, instru-  
18 mentalities, and laboratories, State and local  
19 governments, Native American tribes and orga-  
20 nizations, international organizations, foreign  
21 governments, educational institutions, nonprofit  
22 organizations, commercial organizations, and  
23 other public and private persons or entities.

24 (2) USE, OBLIGATION, AND EXPENDITURE.—

25 The Administrator may use property and services

1       accepted by NOAA under paragraph (1) to carry out  
2       the mission and purposes of NOAA. Amounts ac-  
3       cepted by NOAA under paragraph (1) shall be avail-  
4       able for obligation by NOAA, and shall be available  
5       for expenditure by NOAA to carry out the mission  
6       and purposes of NOAA.

7       (e) FACILITIES AND PERSONNEL.—The Adminis-  
8       trator may use the services, equipment, personnel, and fa-  
9       cilities of Federal agencies, instrumentalities and labora-  
10      tories, State and local governments, Native American  
11      tribes and organizations, international organizations, for-  
12      eign governments, educational institutions, nonprofit orga-  
13      nizations, commercial organizations, and other public and  
14      private persons or entities, with the consent of such per-  
15      sons or entities, and with or without reimbursement.

16      (f) INFORMATION.—The Administrator shall provide  
17      for the most practicable and widest appropriate dissemina-  
18      tion of information concerning NOAA, its purposes, pro-  
19      grams, and activities, and the results thereof, including  
20      authority to conduct education, technical assistance, and  
21      outreach to the public, teachers, students, and ocean and  
22      coastal resource managers.

23      (g) ACQUISITION AND CONSTRUCTION.—The Admin-  
24      istrator may—

1           (1) acquire (by purchase, lease, condemnation,  
2           or otherwise), lease, sell, or convey, services, money  
3           or property, real or personal (including patents and  
4           rights thereunder), mixed, tangible or intangible, or  
5           any interest therein; and

6           (2) construct, improve, repair, operate, main-  
7           tain, or dispose of real or personal property, includ-  
8           ing buildings, facilities, and land.

9 **SEC. 117. ENFORCEMENT.**

10          (a) **AUTHORITY.**—The Administrator shall have the  
11 authority to enforce the applicable provisions of any Act  
12 the enforcement of which is, in whole or in part, assigned,  
13 delegated, or transferred to the Administrator, and any  
14 term of a license, permit, regulation, or order issued pur-  
15 suant thereto. The Administrator may designate any per-  
16 son, officer, or agency to exercise the authority of the Ad-  
17 ministrator under this title.

18          (b) **USE OF STATE PERSONNEL.**—

19           (1) **IN GENERAL.**—The Administrator may—

20           (A) utilize by agreement, with or without  
21 reimbursement, the personnel, services, and fa-  
22 cilities of any State agency to the extent the  
23 Administrator deems it necessary and appro-  
24 priate for effective enforcement of any law for

1           which the Administrator has enforcement au-  
2           thority; and

3                   (B) designate such personnel to exercise  
4           the enforcement authority of the Administrator  
5           under subsection (a).

6           (2) STATUS AND POWERS.—Any personnel des-  
7           ignated by the Administrator under paragraph  
8           (1)(B)—

9                   (A) shall not be deemed to be Federal em-  
10           ployees (except as provided in subparagraph  
11           (D)) and shall not be subject to the provisions  
12           of law relating to Federal employment, includ-  
13           ing those relating to hours of work, competitive  
14           examination, rates of compensation, and Fed-  
15           eral employee benefits, but may be considered  
16           to be eligible for compensation for work-related  
17           injuries under subchapter III of chapter 81 of  
18           title 5, United States Code, sustained while act-  
19           ing pursuant to such designation;

20                   (B) shall be considered to be investigative  
21           or law enforcement officers of the United States  
22           for purposes of the tort claim provisions of title  
23           28, United States Code;

24                   (C) may, to the extent specified by the Ad-  
25           ministrator, search, seize, arrest, and exercise

1 any other law enforcement functions or authori-  
2 ties described in this title where such authori-  
3 ties are made applicable by this or other law to  
4 employees, officers, or other persons designated  
5 or employed by the Administrator; and

6 (D) shall be considered to be officers or  
7 employees of the Department of Commerce for  
8 purposes of sections 112 and 1114 of title 18,  
9 United States Code.

10 (c) COOPERATIVE ENFORCEMENT AGREEMENTS.—

11 The Administrator may enter into cooperative agreements  
12 with State authorities to ensure coordinated enforcement  
13 of State and Federal laws and by such agreements may  
14 assume enforcement authority under State law when the  
15 Administrator and State authorities deem it to be appro-  
16 priate. When so authorized, the Administrator or the Ad-  
17 ministrator's designee may function as a State law en-  
18 forcement officer within the scope of the delegation, except  
19 that Federal law shall control the resolution of any conflict  
20 concerning the employee status of any Federal officer  
21 while enforcing State law.

22 **SEC. 118. REGIONAL CAPABILITIES.**

23 The Administrator shall—

24 (1) organize agency activities and programs  
25 around common ecoregional boundaries identified

1 through a process established by the Council on  
2 Ocean Stewardship, based upon recommendations  
3 contained in the report of the Commission on Ocean  
4 Policy, and coordinated with the Regional Ocean  
5 Partnerships, so as to—

6 (A) enhance inter- and intra-agency co-  
7 operation;

8 (B) maximize Federal capabilities in such  
9 region;

10 (C) develop coordinated, ecosystem-based  
11 management and research programs;

12 (D) develop research partnerships with  
13 States, Regional Ocean Partnerships, and aca-  
14 demic institutions;

15 (E) substantially improve the ability of the  
16 public to contact and work with all relevant  
17 Federal agencies; and

18 (F) maximize opportunities to work in  
19 partnership with States and Regional Ocean  
20 Partnerships in order to facilitate ecoregional  
21 management and enhance State, Regional  
22 Ocean Partnership, and local capacity to man-  
23 age issues on an ecoregional basis;

24 (2) work with other Federal agencies, including  
25 the Environmental Protection Agency, the United

1 States Fish and Wildlife Service, U.S. Army Corps  
2 of Engineers, and State agencies to—

3 (A) encourage similar ecoregional organiza-  
4 tion and, if appropriate, colocation of related  
5 programs and facilities to achieve goals de-  
6 scribed in paragraph (1); and

7 (B) plan and implement ecoregional activi-  
8 ties to encourage early cooperation, coordina-  
9 tion, and integration across the Federal agen-  
10 cies and with relevant State programs, and to  
11 assure applicable Federal and State ocean poli-  
12 cies; and

13 (3) ensure that NOAA consults with the States  
14 and Regional Ocean Partnerships established under  
15 section 302, develop regional information programs  
16 as recommended by the Commission on Ocean Pol-  
17 icy, including—

18 (A) coordinated research strategies;

19 (B) integrated oceanic and atmospheric  
20 monitoring and observation activities; and

21 (C) establishment of service centers and  
22 coordinators to support development of innova-  
23 tive tools, technologies, training, and technical  
24 assistance to facilitate the implementation of  
25 ecosystem-based management.

1 **SEC. 119. INTERGOVERNMENTAL COORDINATION.**

2 (a) AVOIDANCE OF DUPLICATIVE REQUIREMENTS.—

3 In administering the provisions of this Act, the Adminis-  
4 trator shall consult and coordinate with the head of any  
5 Federal agency having authority to issue any license,  
6 lease, or permit to engage in an activity related to the  
7 functions of the Administrator for purposes of assuring  
8 that inconsistent or duplicative requirements are not im-  
9 posed upon any applicant for, or holder of, any such li-  
10 cense, lease, or permit.

11 (b) AVOIDANCE OF INCONSISTENT AND CONFLICTING  
12 ACTIVITIES AND POLICIES.—To identify and resolve in-  
13 consistent or conflicting Federal oceanic and atmospheric  
14 activities and policies, the Administrator shall—

15 (1) consult and coordinate with the head of any  
16 Federal agency on the activities and policies of that  
17 agency to provide services related to the functions of  
18 the Administrator;

19 (2) request the head of any Federal agency to  
20 provide clarification and justification of those activi-  
21 ties and policies that the Administrator determines  
22 are inconsistent or conflicting with the Administra-  
23 tor's functions; and

24 (3) issue, as the Administrator deems appro-  
25 priate, reports to the President, the Council on  
26 Ocean Stewardship, the head of any Federal agency,

1 and Congress concerning inconsistent or conflicting  
2 activities and policies of any Federal agency relating  
3 to oceanic and atmospheric activities, including rec-  
4 ommendations on how to reconcile inconsistent and  
5 conflicting Federal oceanic and atmospheric activi-  
6 ties and policies throughout the Federal Govern-  
7 ment.

8 (c) CONSULTATION WITH ADMINISTRATOR.—The  
9 head of any Federal agency or department, and all other  
10 Federal officials, having responsibilities related to the  
11 functions of the Administrator shall consult with the Ad-  
12 ministrator when the subject matter of actions or activities  
13 described in this Act are directly involved, to ensure that  
14 all such activities are well coordinated.

15 (d) COORDINATION WITH STATES.—The Adminis-  
16 trator shall ensure that NOAA programs work with the  
17 States to encourage early cooperation, coordination, and  
18 integration of State and Federal oceanic and atmospheric  
19 programs, including planning and implementing  
20 ecoregional activities.

21 (e) OFFICE OF INTERGOVERNMENTAL AFFAIRS.—  
22 The Administrator shall establish an Office of Intergov-  
23 ernmental Affairs to assist in implementing this section  
24 and to facilitate planning of joint programs between

1 NOAA line offices and other Federal agencies or depart-  
2 ments, including the Department of Defense.

3 **SEC. 120. INTERNATIONAL CONSULTATION AND COOPERA-**  
4 **TION.**

5 (a) COOPERATION WITH SECRETARY OF STATE.—  
6 The Administrator shall cooperate to the fullest prac-  
7 ticable extent with the Secretary of State in providing rep-  
8 resentation at all meetings and conferences relating to ac-  
9 tions or activities described in this Act in which represent-  
10 atives of the United States and foreign countries partici-  
11 pate.

12 (b) CONSULTATION WITH ADMINISTRATOR.—The  
13 Secretary of State and all other officials having respon-  
14 sibilities for agreements, treaties, or understandings with  
15 foreign nations and international bodies shall consult with  
16 the Administrator when the subject matter or activities  
17 described in this Act are involved, with a view to ensuring  
18 that such interests are adequately represented.

19 **SEC. 121. REPORT ON OCEANIC AND ATMOSPHERIC CONDI-**  
20 **TIONS AND TRENDS.**

21 Not later than 1 year after the date of the enactment  
22 of this Act, and biennially thereafter, the Administrator  
23 shall, in consultation with relevant Federal and State  
24 agencies and departments, submit to Congress a report  
25 on—

1           (1) the status and condition of the United  
2 States oceanic and atmospheric environments, in-  
3 cluding with respect to climate change;

4           (2) current and foreseeable trends in the qual-  
5 ity, management, and utilization of such environ-  
6 ments; and

7           (3) the effects of those trends on the social,  
8 economic, ecological, and other requirements of the  
9 United States.

10 **SEC. 122. CONFORMING AMENDMENTS AND REPEALS.**

11       (a) REORGANIZATION PLAN NO. 4.—Reorganization  
12 Plan No. 4 of 1970 (15 U.S.C. 1511 note) is repealed.

13       (b) REFERENCES TO NOAA.—Any reference to the  
14 National Oceanic and Atmospheric Administration, the  
15 Under Secretary of Commerce for Oceans and Atmosphere  
16 (either by that title or by the title of the Administrator  
17 of NOAA), or any other official of the National Oceanic  
18 and Atmospheric Administration, in any law, rule, regula-  
19 tion, certificate, directive, instruction, or other official  
20 paper in force on the day before the date of the enactment  
21 of this Act shall be deemed to refer and apply to the Na-  
22 tional Oceanic and Atmospheric Administration estab-  
23 lished in this Act, or the position of Administrator estab-  
24 lished in this Act, respectively.

1 (c) REFERENCES TO NOAA AS WITHIN THE DE-  
2 PARTMENT OF COMMERCE.—

3 (1) NOAA OFFICERS.—Section 407 of the Act  
4 entitled “An Act to amend certain provisions of the  
5 law regarding the fisheries of the United States, and  
6 for other purposes”, approved November 14, 1986  
7 (Public Law 99–659; 110 Stat. 3739) is repealed.

8 (2) BUREAUS IN NOAA.—Section 12 of the Act  
9 of February 14, 1903 (15 U.S.C. 1511) is amend-  
10 ed—

11 (A) by striking paragraph (1);

12 (B) by redesignating paragraphs (2)  
13 through (6) as paragraphs (1) through (5), re-  
14 spectively; and

15 (C) in paragraph (3), as so redesignated,  
16 by inserting a semicolon at the end.

17 (d) CONFORMING AMENDMENT.—Section 5315 of  
18 title 5, United States Code, is amended by striking “As-  
19 sistant Secretaries of Commerce (11).” and inserting “As-  
20 sistant Secretaries of Commerce (10).”.

21 **SEC. 123. SAVINGS PROVISION.**

22 All rules and regulations, determinations, standards,  
23 contracts, certifications, authorizations, appointments,  
24 delegations, results and findings of investigations, or other  
25 actions duly issued, made, or taken pursuant to or under

1 the authority of any statute that resulted in the assign-  
2 ment of functions or activities to the Secretary, the De-  
3 partment of Commerce, the Under Secretary, the Admin-  
4 istrator, or any other officer of NOAA, in effect imme-  
5 diately before the date of the enactment of this Act shall  
6 continue in full force and effect after the date of the enact-  
7 ment of this Act until modified or rescinded.

8 **SEC. 124. TRANSITION.**

9 (a) **EFFECTIVE DATE.**—The provisions of this sub-  
10 title shall become effective 2 years from the date of the  
11 enactment of this Act.

12 (b) **REORGANIZATION.**—Not later than 18 months  
13 after the date of the enactment of this Act, the Adminis-  
14 trator, in consultation with the Assistant Administrator  
15 for Program Planning and Integration of NOAA, shall  
16 submit to Congress a plan and budget proposal that sets  
17 forth a proposal for NOAA and program reorganization  
18 that—

19 (1) meets the requirements of this title;

20 (2) reflects the recommendations of the Com-  
21 mission on Ocean Policy, particularly with respect to  
22 ecosystem-based science and management and addi-  
23 tional budgetary requirements; and



1 (A) to analyze and interpret marine eco-  
2 system trends and all relevant information re-  
3 lated to such trends;

4 (B) to appraise programs and activities of  
5 the Federal Government with consideration of  
6 the goals of the National Ocean Policy; and

7 (C) to formulate and recommend actions  
8 and decisions to promote marine ecosystem  
9 health.

10 (b) FUNCTIONS.—The Advisor shall—

11 (1) advise the President on implementation of  
12 this Act, activities of the Council on Ocean Steward-  
13 ship, and other matters relating to ocean waters,  
14 coastal waters, ocean resources, and maintaining  
15 marine ecosystem health;

16 (2) serve as the chair of the Council on Ocean  
17 Stewardship;

18 (3) lead efforts to coordinate Federal agency  
19 actions to implement the National Ocean Policy;

20 (4) establish a process, in consultation with the  
21 Council on Ocean Stewardship, for resolving inter-  
22 agency disputes and advise Federal agencies as re-  
23 quested regarding the implementation of the Na-  
24 tional Ocean Policy; and



1           (2) to appraise programs and activities of the  
2 Federal Government in the light of the National  
3 Ocean Policy;

4           (3) to be conscious of and responsive to the sci-  
5 entific, environmental, ecosystem, economic, social,  
6 aesthetic, and cultural needs and interests of the  
7 United States; and

8           (4) to formulate and recommend national poli-  
9 cies to promote the improvement and the quality of  
10 the ocean and atmospheric environments, including  
11 as those environments relate to practices on land.

12 **SEC. 134. FUNCTIONS OF COUNCIL ON OCEAN STEWARD-**  
13 **SHIP.**

14 (a) COORDINATION AND ADVICE.—The Council—

15           (1) shall coordinate oceanic and atmospheric ac-  
16 tivities among the agencies and departments of the  
17 United States, particularly focusing on the National  
18 Ocean Policy, while minimizing duplication, includ-  
19 ing ensuring other ocean-related agencies work to-  
20 gether at the operation, program, and research levels  
21 in cooperation with NOAA;

22           (2) shall provide a forum for improving plan-  
23 ning among such agencies and departments, budget  
24 and program coordination, administration, outreach,  
25 and cooperation on such programs and activities;

1           (3) shall ensure that such agencies and depart-  
2           ments engaged in oceanic and atmospheric activities  
3           adopt and implement the principle of ecosystem-  
4           based management and take necessary steps to im-  
5           prove regional coordination and delivery of services  
6           around common ecoregional boundaries;

7           (4) shall review and evaluate the various pro-  
8           grams and activities of the Federal Government in  
9           light of the National Ocean Policy for the purpose  
10          of determining the extent to which such programs  
11          and activities are effective and contributing to the  
12          achievement of such policy and the overall health of  
13          the oceanic and atmospheric environment, including  
14          marine ecosystems;

15          (5) shall conduct an annual review and analysis  
16          of funding proposed for oceanic and atmospheric re-  
17          search and management in the budgets of such  
18          agencies and departments, and provide budget rec-  
19          ommendations to the President, the agencies, and  
20          the Office of Management and Budget to carry out  
21          the National Ocean Policy, improve coordination, co-  
22          operation, and effectiveness of such activities, elimi-  
23          nate unnecessary overlap, and identify areas of high-  
24          est priority for funding and support;

1           (6) shall identify progress made by oceanic and  
2           atmospheric programs carried out by such agencies  
3           or departments toward achieving the goals of—

4                   (A) providing more effective protection and  
5                   restoration of marine ecosystems;

6                   (B) improving predictions of climate  
7                   change and variability (weather), including their  
8                   effects on coastal communities and the Nation;

9                   (C) improving the safety and efficiency of  
10                  marine operations;

11                  (D) more effectively mitigating the effects  
12                  of natural hazards;

13                  (E) reducing public health risks from oce-  
14                  anic and atmospheric sources;

15                  (F) ensuring sustainable use of resources;

16                  and

17                  (G) improving national and homeland secu-  
18                  rity;

19           (7) shall promote efforts to increase and en-  
20           hance partnerships with States that border a coast  
21           or a Great Lake and other non-Federal entities to  
22           support Regional Ocean Partnerships and enhanced  
23           regional research, resource, hazards, ecosystem-  
24           based management, education and outreach, and

1 marine ecosystem protection, maintenance, and res-  
2 toration;

3 (8) shall identify statutory and regulatory  
4 redundancies or omissions and develop strategies to  
5 resolve conflicts, fill gaps, and address new and  
6 emerging oceanic and atmospheric issues for na-  
7 tional and regional benefit;

8 (9) shall emphasize the development and sup-  
9 port of partnerships among government agencies  
10 and nongovernmental organizations, academia, and  
11 the private sector including regional partnerships;

12 (10) shall expand research, education, and out-  
13 reach efforts by all Federal agencies undertaking  
14 oceanic and atmospheric activities;

15 (11) may establish a Federal Coordinating  
16 Committee on Oceans, chaired by the Chair of the  
17 Council, to carry out the coordination of oceanic and  
18 atmospheric programs and priorities required under  
19 this title; and

20 (12) may establish other ocean-related com-  
21 mittee the Council determines is appropriate.

22 (b) CONSULTATION.—In exercising its powers, func-  
23 tions, and duties under this subtitle, the Council shall—

24 (1) consult with the Administrator and with the  
25 Presidential Panel of Advisers on Oceans and Cli-

1       mate established under section 139 to ensure input  
2       from potentially affected States, the public, and  
3       other stakeholders;

4               (2) work in close consultation and cooperation  
5       with the Council on Environmental Quality, the Of-  
6       fice of Science and Technology Policy, the Council of  
7       Economic Advisers, and other offices within the Ex-  
8       ecutive Office of the President;

9               (3) utilize the expertise and coordinating the  
10       capabilities of the Joint Subcommittee on Ocean  
11       Science and Technology of the National Science and  
12       Technology Council and any ocean-related commit-  
13       tees formed under the Council with respect to oce-  
14       anic and atmospheric science, technology, and edu-  
15       cation matters, including development of a national  
16       research strategy; and

17              (4) utilize, to the fullest extent possible, the  
18       services, facilities, and information (including statis-  
19       tical information) of public and private agencies and  
20       organizations and individuals, in order to avoid du-  
21       plication of effort and expense, and ensure that the  
22       Council's activities will not unnecessarily overlap or  
23       conflict with similar activities authorized by law and  
24       performed by the Administrator or the head of any  
25       other agency or department of the United States.

1 (c) REVIEWS AND REPORTS.—The Council shall  
2 make and furnish such studies, reports, and recommenda-  
3 tions with respect to matters of policy and legislation as  
4 the President may request.

5 **SEC. 135. PERSONNEL OF COUNCIL ON OCEAN STEWARD-**  
6 **SHIP.**

7 (a) ASSISTANCE FROM OTHER AGENCIES OR DE-  
8 PARTMENTS.—

9 (1) IN GENERAL.—For the purpose of carrying  
10 out the functions of the Council, each agency or de-  
11 partment of the United States that conducts oceanic  
12 or atmospheric activities shall furnish any assistance  
13 requested by the Council.

14 (2) FORMS OF ASSISTANCE.—Assistance fur-  
15 nished under paragraph (1) may include—

16 (A) detailing employees to the Council to  
17 perform such functions, consistent with the pur-  
18 poses of this subtitle, as the Chair of the Coun-  
19 cil may assign; and

20 (B) undertaking, upon the request of the  
21 Chair of the Council, such special studies for  
22 the Council as are necessary to carry out the  
23 functions of the Council.

24 (3) PERSONNEL MANAGEMENT.—The Chair of  
25 the Council shall have the authority to make per-

1       sonnel decisions regarding any employees detailed to  
2       the Council.

3       (b) **EMPLOYMENT OF PERSONNEL, EXPERTS, AND**  
4 **CONSULTANTS.**—The Council may—

5           (1) employ such officers and employees as may  
6       be necessary to carry out the functions of the Coun-  
7       cil under this subtitle;

8           (2) employ and fix the compensation of such ex-  
9       perts and consultants as may be necessary to carry  
10      out the functions of the Council under this subtitle,  
11      in accordance with section 3109(b) of title 5, United  
12      States Code (without regard to the last sentence  
13      thereof); and

14          (3) notwithstanding section 1342 of title 31,  
15      United States Code, accept and employ voluntary  
16      and uncompensated services in furtherance of the  
17      purposes of the Council.

18 **SEC. 136. NATIONAL PRIORITIES FOR COORDINATION.**

19      The Council, in coordination with the Joint Sub-  
20      committee on Ocean Science and Technology of the Na-  
21      tional Science and Technology Council, shall ensure that  
22      the Federal agencies conducting oceanic and atmospheric  
23      activities give priority attention and develop coordinated  
24      Federal budgets, programs, and operations that will mini-

1 mize duplication and foster improved services and other  
2 benefits to the United States in the following areas:

3 (1) Prevention, management, and control of  
4 nonpoint source pollution, including regional or wa-  
5 tershed strategies.

6 (2) An integrated ocean and coastal observing  
7 system and an associated Earth observing system.

8 (3) Ecosystem-based management, protection,  
9 and restoration of oceanic and atmospheric resources  
10 and environments, including management-oriented  
11 research, technical assistance and organization of  
12 programs, and activities along common ecoregional  
13 boundaries.

14 (4) Ocean education and outreach.

15 (5) Regionally based coastal land protection,  
16 conservation, maintenance, and restoration.

17 (6) Enhanced research and technology develop-  
18 ment on crosscutting areas, including—

19 (A) oceans and human health;

20 (B) social science and economics;

21 (C) atmospheric monitoring and climate  
22 change;

23 (D) marine ecosystems, marine biodiver-  
24 sity, and ocean exploration;

1 (E) marine and atmospheric hazards, in-  
2 cluding sea level rise and geological events; and

3 (F) marine aquaculture.

4 (7) Characterization and mapping of the coastal  
5 zone, coastal State waters, the territorial sea, the ex-  
6 clusive economic zone and Outer Continental Shelf,  
7 including ocean resources.

8 **SEC. 137. COORDINATION PLAN.**

9 (a) COORDINATION PLAN.—Not later than 2 years  
10 after the date of the enactment of this Act, the Council  
11 shall submit to Congress a plan for coordinating activities  
12 of each agency or department of the United States related  
13 to ocean waters that—

14 (1) is consistent with the National Ocean Pol-  
15 icy;

16 (2) designates a lead Federal entity for each ex-  
17 isting activity and new activity in Federal waters  
18 and identifies a process for coordination of such ac-  
19 tivity among such agencies or departments;

20 (3) identifies the process by which such agen-  
21 cies or departments may coordinate with and partici-  
22 pate in the Regional Ocean Partnerships and estab-  
23 lishes Federal regional ocean partnership teams to  
24 participate in that process;

1           (4) considers possible consolidation of oceanic  
2           or atmospheric programs, functions, services, or re-  
3           sources within or among such agencies or depart-  
4           ments, if such consolidation would not undermine  
5           the National Ocean Policy;

6           (5) includes recommendations prepared for any  
7           resources or new authorities that such agencies or  
8           departments may need to implement the National  
9           Ocean Policy; and

10          (6) includes recommendations prepared under  
11          regarding agency ocean budgets and sufficiency of  
12          such budgets to carry out the National Ocean Pol-  
13          icy.

14          (b) REVIEW AND UPDATE.—The Council shall review  
15          and update the coordination plan as needed, but not less  
16          frequently than once every 6 years.

17          **SEC. 138. BIENNIAL REPORT TO CONGRESS.**

18          (a) IN GENERAL.—Not later than 18 months after  
19          the date of enactment of this Act, and biennially there-  
20          after, the President, through the Council, shall submit to  
21          Congress a report on Federal oceanic and atmospheric  
22          programs, priorities, and accomplishments which shall in-  
23          clude—

1           (1) a comprehensive description of the oceanic  
2           and atmospheric programs and accomplishments of  
3           all agencies of the United States;

4           (2) an evaluation of such programs and accom-  
5           plishments in terms of the National Ocean Policy  
6           and the national priorities identified in section 136,  
7           specifying progress made with respect to the goals  
8           set out in this title;

9           (3) a report on progress in improving Federal,  
10          State, and Regional Ocean Partnership coordination  
11          on ocean and atmospheric activities, including co-  
12          ordination efforts required in this Act;

13          (4) an analysis of the Federal budget allocated  
14          to such programs including estimates of the funding  
15          requirements of each such agency for such programs  
16          during the succeeding 5 to 10 fiscal years;

17          (5) recommendations for remedying deficiencies,  
18          and for improving organization, effectiveness, and  
19          outreach of Federal oceanic and atmospheric pro-  
20          grams and services, on a regional and national basis,  
21          including support for State and local efforts that le-  
22          verage public, nongovernmental, and private sector  
23          involvement; and

24          (6) recommendations for legislative or other ac-  
25          tion.

1 (b) PRESIDENTIAL TRANSMITTAL.—The President  
2 shall transmit the biennial report pursuant to this section  
3 to the President of the Senate and the Speaker of the  
4 House of Representatives not later than December 31 of  
5 the year in which such report is due.

6 (c) AGENCY COOPERATION.—Each Federal agency  
7 shall cooperate by providing such data and information  
8 without cost as may be requested by the Council for the  
9 purpose of this section. Each Federal agency shall provide  
10 services and personnel on a cost reimbursable basis at the  
11 request of the Chair of the Council for the purpose of ac-  
12 complishing the requirements of this section.

13 **SEC. 139. PRESIDENTIAL PANEL OF ADVISERS ON OCEANS**  
14 **AND CLIMATE.**

15 (a) ESTABLISHMENT; PURPOSE.—The President  
16 shall establish a Presidential Panel of Advisers on Oceans  
17 and Climate (referred to in this section as the “Presi-  
18 dential Panel”). The purpose of the Presidential Panel  
19 shall be—

20 (1) to advise and assist the President and the  
21 Chair of the Ocean Stewardship Council in identi-  
22 fying and fostering policies to protect, manage, and  
23 restore oceanic and atmospheric environments and  
24 resources, both on a regional and national basis; and

1           (2) to undertake a continuing review, on a se-  
2           lective basis, of priority issues relating to national  
3           oceanic and atmospheric policy (including climate  
4           change), conservation and management of ocean en-  
5           vironments and resources, and the status of the oce-  
6           anic and atmospheric science and service programs  
7           of the United States.

8           (b) MEMBERSHIP.—

9           (1) IN GENERAL.—The Presidential Panel shall  
10          have at least 20 members appointed by the Presi-  
11          dent, in consultation with the National Ocean Advi-  
12          sor (who shall serve as an ex officio member of the  
13          Presidential Panel). Such members of the Presi-  
14          dential Panel shall—

15                 (A) be appointed based on their knowledge  
16                 and experience in coastal, ocean, and atmos-  
17                 pheric science, policy, and other related areas;  
18                 and

19                 (B) include at least 1 representative  
20                 from—

21                         (i) local governments;

22                         (ii) Indian tribes;

23                         (iii) the marine science research com-  
24                         munity;

1 (iv) the marine science education com-  
2 munity;

3 (v) the commercial fishing sector;

4 (vi) the recreational fishing sector;

5 (vii) the energy development, the ship-  
6 ping and transportation, and the marine  
7 tourism industries;

8 (viii) agriculture, which may include  
9 timber;

10 (ix) watershed organizations (other  
11 than organizations represented under sub-  
12 paragraph (J)), which may include re-  
13 source conservation districts; and

14 (x) nongovernmental organizations  
15 (other than organizations represented  
16 under subparagraph (I)), including groups  
17 interested in marine conservation.

18 (2) CHAIR.—The Chair of the Council on Ocean  
19 Stewardship shall co-chair the Presidential Panel  
20 with a non-Federal member designated by the Presi-  
21 dent.

22 (c) APPOINTMENT AND QUALIFICATIONS.—The  
23 members of the Presidential Panel shall be appointed by  
24 the President for 3-year terms from among individuals  
25 with diverse perspectives and expertise in 1 or more of

1 the disciplines or fields associated with oceanic and atmos-  
2 pheric policy, including—

3 (1) marine-related State, tribal, and local gov-  
4 ernment functions;

5 (2) ocean and coastal resource conservation and  
6 management;

7 (3) atmospheric or oceanic science, engineering,  
8 and technology;

9 (4) the marine industry (including recreation  
10 and tourism);

11 (5) climate change;

12 (6) atmospheric or coastal hazards; or

13 (7) other fields appropriate for consideration of  
14 matters of oceanic or atmospheric policy.

15 (d) VACANCIES.—An individual appointed to fill a va-  
16 cancy occurring before the expiration of the term for which  
17 the individual's predecessor was appointed shall be ap-  
18 pointed only for the remainder of such term. No individual  
19 may be reappointed to the Presidential Panel for more  
20 than 1 additional 3-year term. A member may serve after  
21 the date of the expiration of the term of office for which  
22 appointed until the individual's successor has taken office.

23 (e) COMPENSATION.—Each member of the Presi-  
24 dential Panel shall, while serving on business of the Com-  
25 mission, be entitled to receive compensation at a rate not

1 to exceed a daily rate to be determined by the President  
2 consistent with other Federal advisory boards. Federal  
3 and State officials serving on the Commission and serving  
4 in their official capacity shall not receive compensation in  
5 addition to their Federal or State salaries for their time  
6 on the Commission. Members of the Presidential Panel  
7 may be compensated for reasonable travel expenses while  
8 performing their duties as members.

9 (f) MEETINGS.—The Presidential Panel shall meet at  
10 least twice per year, or as prescribed by the President.

11 (g) REPORTS.—

12 (1) IN GENERAL.—The Presidential Panel shall  
13 submit an annual report to the President and to  
14 Congress setting forth an assessment, on a selective  
15 basis, of the status of the Nation's ocean activities,  
16 and shall submit such other reports as may from  
17 time to time be requested by the President or Con-  
18 gress. The Presidential Panel shall submit its annual  
19 report not later than June 30 of each year, begin-  
20 ning 2 years after the date of the enactment of this  
21 Act.

22 (2) COMMENT AND REVIEW BY COUNCIL.—  
23 Each annual report shall also be submitted to the  
24 Chair of the Council on Ocean Stewardship who  
25 shall, in consultation with the Administrator, not

1 later than 60 days after receipt of such report,  
2 transmit the Chair's comments and recommenda-  
3 tions to the President and to Congress.

4 **SEC. 140. CONSTRUCTION.**

5 Except as explicitly provided, nothing in this subtitle  
6 or the amendments made by this subtitle may be con-  
7 strued to modify the authority of the Administrator under  
8 any other provision of law.

9 **TITLE II—REGIONAL**  
10 **COORDINATION AND PLANNING**

11 **SEC. 201. REGIONAL OCEAN COORDINATION.**

12 (a) IN GENERAL.—The purpose of this title is to pro-  
13 mote coordinated regional efforts to further the implemen-  
14 tation of the National Ocean Policy through—

15 (1) the designation of distinct ocean regions;

16 and

17 (2) the establishment of Regional Ocean Part-  
18 nerships and the development and implementation of  
19 regional ocean strategic plans.

20 (b) OBJECTIVES OF REGIONAL EFFORTS.—Such re-  
21 gional efforts shall achieve the following:

22 (1) Provide for more systematic communication,  
23 coordination, and alignment of State and Federal  
24 governmental authorities and programs with the  
25 size, scale, and characteristics of regional marine

1 ecosystems while recognizing regional economic and  
2 social patterns.

3 (2) Build on and improve existing regional pro-  
4 grams and initiatives and foster the creation of new  
5 regional efforts in areas where effective interstate  
6 and Federal cooperative efforts are currently lack-  
7 ing.

8 (3) Provide for regional and subregional ocean  
9 assessments, based on the best available science, to  
10 determine status and trends and to provide the in-  
11 formation needed to improve management decisions.

12 (4) Identify shared State and Federal priority  
13 issues and address them in a collaborative and co-  
14 ordinated way based on existing legal authorities.

15 (5) Improve integration of government efforts  
16 and maximize government efficiency.

17 (6) Identify and provide data and information  
18 needed by the Regional Ocean Partnerships.

19 (7) Provide for opportunities for public input on  
20 regional priorities and plans and for improved cit-  
21 izen and community stewardship of ocean waters,  
22 coastal waters, and ocean resources.

23 (c) REGIONS.—

24 (1) DESIGNATION.—There are hereby des-  
25 ignated the following ocean regions:

1           (A) NORTH PACIFIC OCEAN REGION.—The  
2 North Pacific Ocean Region, which shall consist  
3 of the coastal zone and watershed areas of the  
4 State of Alaska that have a significant impact  
5 on coastal waters of the State of Alaska sea-  
6 ward to the extent of the Exclusive Economic  
7 Zone.

8           (B) PACIFIC OCEAN REGION.—The Pacific  
9 Ocean Region, which shall consist of the coastal  
10 zone and watershed areas of the States that  
11 have a significant impact on coastal waters of  
12 the States of Washington, Oregon, and Cali-  
13 fornia seaward to the extent of the Exclusive  
14 Economic Zone.

15          (C) WESTERN PACIFIC OCEAN REGION.—  
16 The Western Pacific Ocean Region, which shall  
17 consist of the coastal zone of the States of Ha-  
18 waii, Guam, American Samoa, and the North-  
19 ern Mariana Islands seaward to the extent of  
20 the Exclusive Economic Zone.

21          (D) GULF OF MEXICO OCEAN REGION.—  
22 The Gulf of Mexico Ocean Region, which shall  
23 consist of the coastal zone and watershed areas  
24 of the States that have a significant impact on  
25 coastal waters of the States of Texas, Lou-

1           isiana, Mississippi, Alabama, and Florida sea-  
2           ward to the extent of the Exclusive Economic  
3           Zone.

4           (E) CARIBBEAN OCEAN REGION.—The  
5           Caribbean Ocean Region, which shall consist of  
6           the coastal zone and watershed areas of the  
7           States that have a significant impact on coastal  
8           waters of the Commonwealth of Puerto Rico  
9           and the Virgin Islands seaward to the extent of  
10          the Exclusive Economic Zone.

11          (F) SOUTHEAST ATLANTIC OCEAN RE-  
12          GION.—The Southeast Atlantic Ocean Region,  
13          which shall consist of the coastal zone and wa-  
14          tershed areas of the States that have a signifi-  
15          cant impact on coastal waters of the States of  
16          Florida, Georgia, North Carolina, and South  
17          Carolina seaward to the extent of the Exclusive  
18          Economic Zone.

19          (G) NORTHEAST ATLANTIC OCEAN RE-  
20          GION.—The Northeast Atlantic Ocean Region,  
21          which shall consist of the coastal zone and wa-  
22          tershed areas of the States that have a signifi-  
23          cant impact on coastal waters of the States of  
24          Connecticut, Maine, Massachusetts, New

1 Hampshire, and Rhode Island seaward to the  
2 extent of the Exclusive Economic Zone.

3 (H) MID-ATLANTIC OCEAN REGION.—The  
4 Mid-Atlantic Ocean Region, which shall consist  
5 of the coastal zone and watershed areas of the  
6 States that have a significant impact on coastal  
7 waters of the States of Delaware, Maryland,  
8 New Jersey, New York, Pennsylvania, and Vir-  
9 ginia seaward to the extent of the Exclusive  
10 Economic Zone.

11 (I) GREAT LAKES REGION.—The Great  
12 Lakes Region, which shall consist of the coastal  
13 zone and watershed areas of the States that  
14 have a significant impact on coastal waters of  
15 the States of Illinois, Indiana, Michigan, Min-  
16 nesota, New York, Ohio, Pennsylvania, and  
17 Wisconsin to the extent of the territorial waters  
18 of the United States in the Great Lakes.

19 (2) SUBREGIONS.—Each Regional Ocean Part-  
20 nership established under section 202 may establish  
21 such subregions, or geographically specified manage-  
22 ment areas, as necessary for efficient and effective  
23 management of region-specific ecosystem issues.

24 (3) COASTAL ZONE DEFINED.—In this sub-  
25 section, the term “coastal zone” has the meaning

1 given that term in section 304 of the Coastal Zone  
2 Management Act of 1972 (16 U.S.C. 1453).

3 **SEC. 202. REGIONAL OCEAN PARTNERSHIPS.**

4 (a) IN GENERAL.—

5 (1) ESTABLISHMENT.—Not later than 1 year  
6 after the date of the enactment of this Act, the Ad-  
7 ministrator, in consultation with the Council on  
8 Ocean Stewardship and the appropriate States, shall  
9 establish or designate a Regional Ocean Partnership  
10 (referred to in this section as a “Partnership”) for  
11 each of the ocean regions established in section 201.

12 (2) FUNCTIONS.—Each Partnership shall, for  
13 the ocean region for which it is established or des-  
14 ignated—

15 (A) pursue the objectives set forth in sec-  
16 tion 201(b);

17 (B) further the implementation of the Na-  
18 tional Ocean Policy; and

19 (C) develop and implement a Regional  
20 Ocean Strategic Plan under section 203.

21 (b) EXISTING REGIONAL EFFORTS.—For any ocean  
22 region for which a regional ocean governance effort al-  
23 ready exists, the relevant coastal States shall work with  
24 the Administrator to determine whether the Partnership  
25 established or designated for the ocean region should build

1 upon and expand that effort, or whether the Administrator  
2 should initiate a new effort.

3 (c) MEMBERSHIP.—

4 (1) FEDERAL REPRESENTATIVES.—Not later  
5 than 270 days after the date of the enactment of  
6 this Act, the Council on Ocean Stewardship shall  
7 designate the agencies and departments of the  
8 United States that shall participate in each Partner-  
9 ship. Among such agencies and departments des-  
10 ignated for each Partnership, the Council shall in-  
11 clude such agencies and departments that have ex-  
12 pertise in ocean and coastal policy, oversee ocean  
13 and coastal policy or resource management, or en-  
14 gage in activities that significantly affect ocean wa-  
15 ters, coastal waters, or ocean resources. The head of  
16 each such agency or department designated by the  
17 Council shall select and appoint officers or employ-  
18 ees of such agency or department to serve as rep-  
19 resentatives to each Partnership. The Administrator,  
20 or designated representative of the Administrator,  
21 shall serve as the chairperson of each Partnership.

22 (2) STATE REPRESENTATIVES.—

23 (A) COASTAL STATE REPRESENTATIVES.—

24 Subject to subparagraph (C), the Governor of

1 each coastal State within each ocean region des-  
2 ignated under section 201(c) shall—

3 (i) not later than 9 months after the  
4 date of the enactment of this Act, inform  
5 the Administrator whether or not the State  
6 intends to participate in the Partnership  
7 for the ocean region; and

8 (ii) if the State intends to participate  
9 in such Partnership, not later than 1 year  
10 after such date, appoint an officer or em-  
11 ployee of the coastal State agency with pri-  
12 mary responsibility for overseeing ocean  
13 and coastal policy or resource management  
14 to that Partnership.

15 (B) NONCOASTAL STATE APPOINT-  
16 MENTS.—

17 (i) IN GENERAL.—Not later than 9  
18 months after the date of the enactment of  
19 this Act, the Governor of each noncoastal  
20 State within each ocean region designated  
21 under section 301(c) shall notify the Ad-  
22 ministrator whether or not the State seeks  
23 to participate in the Partnership for the  
24 ocean region. The Partnership for that re-  
25 gion shall appoint to the Partnership one

1 or more representatives of noncoastal  
2 States that notify the Administrator, sub-  
3 ject to clause (ii).

4 (ii) APPOINTMENTS FOR MORE THAN  
5 ONE NONCOASTAL STATE.—If more than  
6 one noncoastal State notifies the Adminis-  
7 trator under clause (i) with respect to a  
8 Partnership—

9 (I) the Partnership shall estab-  
10 lish a process for nominating and ap-  
11 pointing representatives under this  
12 subparagraph;

13 (II) the total number of rep-  
14 resentatives appointed under this sub-  
15 paragraph for the Partnership may  
16 not exceed the number of coastal  
17 State representatives on the Partner-  
18 ship; and

19 (III) in appointing representa-  
20 tives to the Partnership, the Partner-  
21 ship shall consider the relative impact  
22 on the ocean region for which the  
23 Partnership must prepare a Regional  
24 Ocean Strategic Plan of the waters  
25 under each such noncoastal State's ju-

1 jurisdiction that feed into the ocean re-  
2 gion.

3 (C) NORTH PACIFIC REGIONAL OCEAN  
4 PARTNERSHIP.—The Governor of the State of  
5 Washington—

6 (i) not later than 9 months after the  
7 date of the enactment of this Act, shall no-  
8 tify the Administrator whether or not the  
9 State intends to participate in the North  
10 Pacific Regional Ocean Partnership; and

11 (ii) if such State intends to partici-  
12 pate in such Partnership, not later than 1  
13 year after the date of the enactment of this  
14 Act shall appoint to such Partnership an  
15 officer or employee of the Washington  
16 State agency with primary responsibility  
17 for overseeing ocean and coastal policy or  
18 resource management.

19 (3) REGIONAL FISHERY MANAGEMENT COUNCIL  
20 REPRESENTATION.—The executive director of each  
21 Regional Fishery Management Council with jurisdic-  
22 tion in the ocean region of a Partnership and the ex-  
23 ecutive director of the interstate marine fisheries  
24 commission with jurisdiction in the ocean region of  
25 a Partnership shall each serve as a member of the

1 Partnership, and shall be considered non-Federal  
2 representatives for the purposes of paragraph  
3 (5)(A).

4 (4) LOCAL GOVERNMENT REPRESENTATIVE.—

5 Each Partnership shall receive nominations and se-  
6 lect one representative from a coastal political sub-  
7 division to represent the interests of local and coun-  
8 ty governments on the Partnership.

9 (5) ADDITIONAL APPOINTMENTS.—

10 (A) BALANCE.—Each Partnership shall—

11 (i) identify the total number of addi-  
12 tional non-Federal representatives within  
13 the ocean region of the Partnership nec-  
14 essary to ensure that the combined number  
15 of non-Federal representatives on the Part-  
16 nership equals the number of Federal rep-  
17 resentatives on the Partnership; and

18 (ii) identify a process for selecting  
19 such non-Federal representatives that, to  
20 the maximum extent practicable, assures  
21 balanced and broad non-Federal represen-  
22 tation.

23 (B) INTERNATIONAL REPRESENTATIVES.—

24 In cooperation with the Secretary of State, each  
25 Partnership may foster nonbinding relation-

1           ships with foreign governments, agencies,  
2           States, provinces, and other entities as appro-  
3           priate, at scales appropriate to the ocean region  
4           under the authority of the Partnership, includ-  
5           ing by providing opportunities for participation  
6           by foreign representatives at meetings of the  
7           Partnership, its advisory committees, and other  
8           working groups.

9           (d) STEERING COMMITTEE.—

10           (1) IN GENERAL.—Each Partnership may es-  
11           tablish a Steering Committee to provide leadership  
12           with respect to the development and implementation  
13           of the Regional Ocean Strategic Plan under section  
14           203 and to ensure that the goals set forth in such  
15           Regional Ocean Strategic Plan are being met within  
16           the time lines established by that section.

17           (2) MEMBERSHIP.—The Steering Committee  
18           shall include—

19                   (A) one representative from each coastal  
20                   State that appoints a representative to the  
21                   Partnership; and

22                   (B) one representative from each of not  
23                   more 3 Federal agencies or departments that  
24                   have jurisdiction over ocean or Great Lakes re-  
25                   sources.

1 (e) ADVISORY COMMITTEES.—

2 (1) AUTHORITY.—Each Partnership may estab-  
3 lish and appoint members of advisory committees  
4 and working groups as necessary for preparation  
5 and implementation of its Regional Ocean Strategic  
6 Plan under this title.

7 (2) ADVICE AND INPUT.—Each Partnership  
8 shall provide opportunities for citizen and stake-  
9 holder input in the development and implementation  
10 of its Regional Ocean Strategic Plan.

11 (f) COORDINATION.—

12 (1) EXISTING PROGRAMS.—Each Partnership  
13 shall build upon and complement current State,  
14 multistate, and regional capacity and governance  
15 and institutional mechanisms to manage and protect  
16 ocean waters, coastal waters, and ocean resources.

17 (2) INLAND REGIONS.—Each Partnership shall  
18 collaborate and coordinate as necessary and appro-  
19 priate with noncoastal States that may significantly  
20 impact marine ecosystem health in the ocean region  
21 or the Partnership.

22 (g) PROCEDURES.—

23 (1) IN GENERAL.—Each Partnership shall oper-  
24 ate in accordance with procedures established by the  
25 Partnership and approved by the Administrator.

1           (2) REQUIRED PROCEDURES.—The Adminis-  
2           trator shall prescribe requirements for approval of  
3           procedures under paragraph (1) that at a minimum  
4           provide for—

5                   (A) transparency in decision making;

6                   (B) opportunities for public input and par-  
7           ticipation; and

8                   (C) the use of advisory committees that  
9           may be established under subsection (e).

10          (h) STAFF.—

11           (1) HIRING AUTHORITY.—Each Partnership  
12           may hire such staff as is necessary to perform the  
13           functions of the Partnership.

14           (2) TREATMENT.—Staff hired by a Partnership  
15           shall be treated as employees of the Administration,  
16           except for any staff that are hired by participating  
17           States.

18          (i) FEDERAL ADVISORY COMMITTEE ACT.—

19           (1) IN GENERAL.—The Federal Advisory Com-  
20           mittee Act (5 U.S.C. App.) shall not apply to Part-  
21           nerships, steering committees, or any advisory com-  
22           mittee established under this title.

23           (2) COMPLIANCE.—Notwithstanding paragraph  
24           (1), each Partnership and each advisory committee  
25           of a Partnership shall be appointed and operate in

1 a manner consistent with all provisions of the Fed-  
2 eral Advisory Committee Act with respect to—

3 (A) the balance of their membership;

4 (B) provision of public notice regarding  
5 their activities;

6 (C) open meetings; and

7 (D) public access to documents created by  
8 the Partnerships or advisory committees of the  
9 Partnerships.

10 **SEC. 203. REGIONAL OCEAN STRATEGIC PLANS.**

11 (a) INITIAL OCEAN REGION ASSESSMENT.—

12 (1) IN GENERAL.—The Administrator, in con-  
13 sultation with the Regional Ocean Partnership for  
14 an ocean region and other experts, shall, not later  
15 than 1 year after the date of the establishment or  
16 designation of such Partnership, prepare an initial  
17 ocean region assessment of the ocean region in order  
18 to guide the development of the Regional Ocean  
19 Strategic Plan prepared for such ocean region under  
20 subsection (b).

21 (2) CONTENTS.—Each initial assessment shall  
22 include a summary of—

23 (A) the ocean region’s marine ecosystem  
24 health, culture, and economy;

1           (B) existing, emerging, and cumulative  
2           threats to marine ecosystem health of the ocean  
3           region;

4           (C) indicators that measure marine eco-  
5           system health of the ocean region; and

6           (D) important ecological areas within the  
7           ocean region.

8           (3) PUBLIC PARTICIPATION.—The Adminis-  
9           trator, in consultation with the Regional Ocean  
10          Partnership, shall provide opportunities for public  
11          input in the development of the assessment and up-  
12          dates of the assessment under subsection (c). Such  
13          opportunities shall include opportunities for sharing  
14          of the latest science and local knowledge regarding  
15          the ocean region’s ocean waters, coastal waters, and  
16          ocean resources using annual public ecosystem fo-  
17          rums.

18          (b) REGIONAL OCEAN STRATEGIC PLAN.—

19               (1) REQUIREMENT.—Each Regional Ocean  
20          Partnership shall, within 2 years after the comple-  
21          tion of the initial ocean region assessment, prepare  
22          and submit to the Administrator for review, con-  
23          sultation, and approval a Regional Ocean Strategic  
24          Plan for adaptive, ecosystem-based management of  
25          United States ocean waters, coastal waters, and

1 ocean resources for the ocean region of the Partner-  
2 ship consistent with the National Ocean Policy.

3 (2) CONTENTS.—Each Plan prepared by a Re-  
4 gional Ocean Partnership shall—

5 (A) be based on the ocean region assess-  
6 ment required under subsection (a) and (c);

7 (B) describe short-term and long-term  
8 goals for improving marine ecosystem health in  
9 the ocean region covered by the Plan;

10 (C) recommend long-term monitoring  
11 measures for important ecological areas within  
12 the ocean region covered by the Plan;

13 (D) identify State and Federal priority  
14 issues within the ocean region covered by the  
15 Plan;

16 (E) describe ecosystem-based management  
17 solutions and policies to address the priority  
18 issues;

19 (F) describe short-term and long-term in-  
20 dicators for measuring improvements in eco-  
21 nomic sustainability in the ocean region that re-  
22 sult from improved ecological conditions and  
23 improved collaboration and coordination among  
24 Federal and State agencies;

1 (G) identify research, information, and  
2 data needed to carry out the Plan;

3 (H) identify performance measures and  
4 benchmarks for purposes of subparagraphs (B),  
5 (C), and (E) to be used to evaluate the Plan's  
6 effectiveness; and

7 (I) define responsibilities and include an  
8 analysis of the gaps in authority, coordination,  
9 and resources, including funding, that must be  
10 filled in order to fully achieve those perform-  
11 ance measures and benchmarks.

12 (3) PUBLIC PARTICIPATION.—Each Regional  
13 Ocean Partnership shall provide adequate opportuni-  
14 ties for public input during the development of the  
15 Plan and any Plan revisions.

16 (c) UPDATED OCEAN REGION ASSESSMENTS.—The  
17 Administrator, in consultation with the appropriate Re-  
18 gional Ocean Partnership and other experts, shall, within  
19 4 years after approval of the Plan and at least once every  
20 6 years thereafter, update the initial ocean region assess-  
21 ment prepared under subsection (a) to provide more de-  
22 tailed information regarding the required elements of the  
23 assessment and to include any new information that has  
24 become available.

1           (d) PLAN REVISION.—Each approved Regional  
2 Ocean Strategic Plan shall be reviewed and revised by the  
3 relevant Regional Ocean Partnership at least once every  
4 6 years. Such review and revision shall be based on a re-  
5 cently updated ocean region assessment. Any proposed re-  
6 visions to the Plan shall be transmitted to the Adminis-  
7 trator for review and approval pursuant to this section.

8           (e) ACTION BY THE ADMINISTRATOR.—

9                 (1) REVIEW OF PLANS.—

10                     (A) COMMENCEMENT OF REVIEW.—Not  
11 later than 10 days after transmittal of a Re-  
12 gional Ocean Strategic Plan, or any revision to  
13 such a Plan, by a Regional Ocean Partnership,  
14 the Administrator shall commence a review of  
15 the Plan or the revised Plan, respectively.

16                     (B) PUBLIC NOTICE AND COMMENT.—Im-  
17 mediately after receipt of such a Plan or revi-  
18 sion, the Administrator shall publish the plan  
19 or revision in the Federal Register and provide  
20 an opportunity for the submission of public  
21 comment for a 60-day period beginning on the  
22 date of such publication.

23                     (C) REQUIREMENTS FOR APPROVAL.—Be-  
24 fore approving a plan, or any revision to a plan,

1 the administrator must find that the plan or re-  
2 vision—

3 (i) is consistent with the National  
4 Ocean Policy; and

5 (ii) adequately addresses the required  
6 elements under subsection (b) of this sec-  
7 tion.

8 (D) DEADLINE FOR REVIEW.—Not later  
9 than 120 days after the date of the transmittal  
10 of a Plan, or a revision to a Plan, the Adminis-  
11 trator shall approve or disapprove the Plan or  
12 revision by written notice.

13 (2) REGIONAL INFORMATION SYSTEMS.—The  
14 Administrator shall, not later than 1 year after the  
15 date of the enactment of this Act and in collabora-  
16 tion with marine laboratories and academic and  
17 other relevant institutions, establish a network of re-  
18 gional ocean ecosystem resource information systems  
19 for each ocean region—

20 (A) to provide access to geophysical, at-  
21 mospheric, oceanographic, and marine biological  
22 data, including genetic research, studies, data,  
23 maps, and analyses necessary to the under-  
24 standing of the ocean ecosystem;

1           (B) from which to draw information for  
2           the establishment of policies and priorities re-  
3           lated to the conservation, use, and management  
4           of ocean waters, coastal waters, and ocean re-  
5           sources; and

6           (C) to provide information of the develop-  
7           ment and implementation of Plans.

8           (f) IMPLEMENTATION.—Members of a Regional  
9           Ocean Partnership shall, to the maximum extent prac-  
10          ticable, implement a Regional Ocean Strategic Plan that  
11          is prepared by the Partnership and approved by the Ad-  
12          ministrator under this section, consistent with existing  
13          legal authorities.

14       **SEC. 204. REGULATIONS.**

15          The Administrator shall issue such regulations as the  
16          Administrator considers necessary to ensure proper ad-  
17          ministration of this title.

18       **SEC. 205. OTHER AUTHORITY.**

19          This title may not be construed as superseding or di-  
20          minishing the authorities and responsibilities, under any  
21          other provision of law, of the Administrator or any other  
22          Federal, State, or tribal officer, employee, department, or  
23          agency.

1       **TITLE III—OCEAN SCIENCE,**  
2       **RESEARCH, AND EDUCATION**

3       **SEC. 301. COMMITTEE ON OCEAN SCIENCE, EDUCATION,**  
4               **AND OPERATIONS.**

5           (a) COMMITTEE.—The Administrator shall establish  
6 a Committee on Ocean Science, Education, and Oper-  
7 ations (referred to in this title as the “Committee”).

8           (b) MEMBERSHIP.—The Committee shall be com-  
9 posed of the following members:

10               (1) The Administrator.

11               (2) The Director of the National Science Foun-  
12 dation.

13               (3) The Administrator of the National Aero-  
14 nautics and Space Administration.

15               (4) The Under Secretary of Energy for Energy,  
16 Science, and Environment.

17               (5) The Administrator of the Environmental  
18 Protection Agency.

19               (6) The Under Secretary of Homeland Security  
20 for Science and Technology.

21               (7) The Commandant of the Coast Guard.

22               (8) The Director of the Office of Naval Re-  
23 search.

24               (9) The Director of the United States Geologi-  
25 cal Survey.

1           (10) The Director of the Minerals Management  
2           Service.

3           (11) Under Secretary of Agriculture for Re-  
4           search, Education, and Economics.

5           (12) The Assistant Secretary of State for  
6           Oceans and International Environmental and Sci-  
7           entific Affairs.

8           (13) The Director of the Defense Advanced Re-  
9           search Projects Agency.

10          (14) The Director of the Office of Science and  
11          Technology Policy.

12          (15) The Director of the Office of Management  
13          and Budget.

14          (16) The Under Secretary of Education.

15          (17) The leadership of such other agency or de-  
16          partment as the chair and vice chairs of the Com-  
17          mittee consider appropriate.

18          (c) CHAIR AND VICE CHAIRS.—The chair and vice  
19          chairs of the Committee shall be appointed every 2 years  
20          by a selection subcommittee of the Committee composed  
21          of, at a minimum, the Administrator, the Director of the  
22          National Science Foundation, and the Director of the  
23          United States Geological Survey. The term of office of the  
24          chair and vice chairs shall be 2 years. A person who has

1 previously served as chair or vice chair may be re-  
2 appointed.

3 (d) RESPONSIBILITIES.—The Committee shall—

4 (1) serve as a source of advice and support on  
5 scientific research, technology, education, and oper-  
6 ational matters, including budgetary analyses;

7 (2) improve cooperation among Federal depart-  
8 ments and agencies with respect to ocean and coast-  
9 al science budgets;

10 (3) review, update, and modify, as necessary  
11 the National Ocean Research Priorities Plan and  
12 Implementation Strategy referred to in section  
13 302(a) and oversee the implementation of such  
14 Strategy;

15 (4) establish interagency subcommittees and  
16 working groups as appropriate to develop com-  
17 prehensive and balanced Federal programs and ap-  
18 proaches to ocean and coastal science issues and  
19 needs;

20 (5) consult with academic institutions, fisheries,  
21 States, industries, foundations, and other partners  
22 in the conduct of coastal and marine operations, re-  
23 search, and education, and with actual and potential  
24 users of ocean science information in establishing

1 priorities and developing plans for research and  
2 technology and education;

3 (6) cooperate with the Secretary of State in—

4 (A) coordinating United States Govern-  
5 ment activities with those of other nations and  
6 with international research and technology and  
7 education; and

8 (B) providing, as appropriate, support for  
9 and representation on United States delegations  
10 to relevant international meetings; and

11 (7) carry out such other activities as may be re-  
12 quired.

13 **SEC. 302. NATIONAL OCEAN RESEARCH PRIORITIES PLAN**  
14 **AND IMPLEMENTATION STRATEGY.**

15 (a) REVIEW, UPDATE, AND MODIFY.—Not later than  
16 2 years after the date of the enactment of this Act, and  
17 not less frequently than once every 5 years thereafter, the  
18 Committee shall review, update, and modify, as necessary,  
19 the National Ocean Research Priorities Plan and Imple-  
20 mentation Strategy developed by the National Science and  
21 Technology Council’s Joint Subcommittee on Ocean  
22 Science and Technology (referred to in this section as the  
23 “Strategy”). The Committee shall ensure that the Strat-  
24 egy establishes, for the 10-year period beginning in the  
25 year the Strategy is submitted, the scientific goals and pri-

1 orities for ocean and coastal research, technology, edu-  
2 cation, outreach, and operations which most effectively ad-  
3 vance knowledge and provide usable information as the  
4 basis for policy decisions to—

5 (1) understand, assess, and respond to human-  
6 induced and natural processes of global climate  
7 change;

8 (2) improve understanding, public forecasts,  
9 and warnings and mitigate natural hazards;

10 (3) enhance public safety and efficiency of ma-  
11 rine operations;

12 (4) support efforts to protect, maintain, and re-  
13 store the health of marine ecosystems and to imple-  
14 ment ecosystem-based management of United States  
15 ocean waters, including how marine ecosystems func-  
16 tion on varying spatial and temporal scales and how  
17 biological, physical, chemical, and socioeconomic  
18 processes interact;

19 (5) implement and monitor the effectiveness of  
20 ocean and coastal environmental policies;

21 (6) contribute to public understanding of coast-  
22 al and global ocean systems and public awareness of  
23 the importance and health of marine ecosystems;

24 (7) respond to environmental changes that af-  
25 fect human health;

1           (8) strengthen homeland security and military  
2 preparedness; and

3           (9) improve understanding of sea level changes,  
4 shoreline erosion, and the condition of the beaches  
5 in the United States.

6           (b) CONTENT.—The Committee shall ensure that the  
7 Strategy—

8           (1) describes specific activities required to  
9 achieve established goals and priorities including re-  
10 search and education programs, observation collec-  
11 tion and analysis requirements, technology develop-  
12 ment, facility and equipment investments, informa-  
13 tion management, student support and training, pro-  
14 fessional certification and training for persons en-  
15 gaged in fishing and other maritime activities, data  
16 stewardship and access, and participation in inter-  
17 national research and education and other capacity-  
18 building efforts;

19           (2) identifies and addresses relevant programs  
20 and activities of the Federal agencies and depart-  
21 ments represented on the Committee that will con-  
22 tribute to scientific goals and priorities and set forth  
23 the role of each Federal agency and department in  
24 implementing the strategy;

1           (3) considers and uses, as appropriate, reports  
2           and studies conducted by Federal agencies and de-  
3           partments, the National Research Council, or other  
4           entities;

5           (4) makes recommendations for the coordina-  
6           tion of ocean and coastal science activities of the  
7           United States with those of other nations and inter-  
8           national organizations, including bilateral and multi-  
9           lateral proposals for cooperation on major projects,  
10          for improving worldwide access to scientific data and  
11          information, and for encouraging participation in  
12          international ocean science research and education  
13          programs by developing nations;

14          (5) provides estimates, to the extent practicable,  
15          of Federal funding for ocean and coastal science ac-  
16          tivities to be conducted pursuant to the strategy;  
17          and

18          (6) ensures the integrity of ocean and coastal  
19          science and research.

20          (c) ELEMENTS.—The Committee shall ensure that  
21          the Strategy includes the following elements:

22                (1) Global measurements on all relevant spatial  
23                and time scales, establishing worldwide observations  
24                necessary to study and assess coastal and global

1 ocean systems and support information needs, in-  
2 cluding marine ecosystem health.

3 (2) National ocean partnerships, building part-  
4 nerships among Federal agencies, academia, fishing  
5 industries, and other members of the ocean and  
6 coastal science community in the areas of research,  
7 education, data systems, and communication.

8 (3) Marine science facility support, ensuring the  
9 procurement, maintenance, and operation of the na-  
10 tional oceanographic research fleet and related infra-  
11 structure to provide for sustained ocean and coastal  
12 observations from insitu, remote, aircraft, and vessel  
13 platforms.

14 (4) Focused research initiatives, funding com-  
15 petitive research grants to advance understanding of  
16 the nature of and interaction among physical, chem-  
17 ical, and biological processes of the oceans, including  
18 the effect of human activities on such processes.

19 (5) Technology development, supporting devel-  
20 opment of new technologies and sensors to achieve  
21 strategic and program goals, and development of al-  
22 gorithms, analysis methods, and long-term data  
23 records for emerging operational sensors.

24 (6) Workforce development, building and main-  
25 taining a diverse national ocean science professional

1 workforce through traineeships, scholarships, fellow-  
2 ships, and internships.

3 (7) Ocean science education, providing national  
4 coordination and support of formal and informal  
5 ocean science education programs at all education  
6 levels and establishing mechanisms to improve ocean  
7 literacy, contribute to public awareness of the impor-  
8 tance and health of marine ecosystems, and create  
9 an oceans stewardship ethic among citizens.

10 (8) Professional training, including certification  
11 and continuing education programs, for persons en-  
12 gaged in the harvest, handling, and processing of  
13 fish and seafood aboard vessels to assure the highest  
14 levels of care are taken to selectively harvest fish  
15 from the sea with the minimum impact on habitat  
16 to handle fish onboard vessels with techniques that  
17 assure the safety and highest quality of fish landed,  
18 and improve the safety of vessels and their personnel  
19 at sea.

20 (9) Information management, establishing and  
21 maintaining information systems that promote effi-  
22 cient stewardship, transfer, and use of data, create  
23 globally accessible data standards and formats, and  
24 allow analysis of data from varied sources to

1 produce information readily usable by policymakers  
2 and stakeholders.

3 (d) PUBLIC PARTICIPATION.—In developing the  
4 Strategy, the Committee shall consult with academic,  
5 State, industry, fisheries, and environmental groups and  
6 representatives. Not later than 90 days before the chair  
7 of the Committee submits the strategy, or any revision  
8 thereof, to Congress, a summary of the proposed strategy  
9 shall be published in the Federal Register for a public  
10 comment period of not less than 60 days.

11 **SEC. 303. OCEAN RESEARCH AND EDUCATION ADVISORY**  
12 **PANEL.**

13 (a) MEMBERSHIP.—The Committee shall maintain  
14 an Ocean Research and Education Advisory Panel (re-  
15 ferred to in this section as the “Advisory Panel”) con-  
16 sisting of not less than 10 and not more than 18 members  
17 appointed by the chair, including the following:

18 (1) One member representing the National  
19 Academy of Sciences.

20 (2) One member representing the National  
21 Academy of Engineering.

22 (3) One member representing the Institute of  
23 Medicine.

24 (4) One Sea Grant director.

1           (5) Members selected from among individuals  
2           representing ocean industries, State governments,  
3           tribal governments, academia, fisheries, nongovern-  
4           mental organizations, and such other participants in  
5           ocean and coastal activities as the chair considers  
6           appropriate.

7           (6) Members selected from among individuals  
8           eminent in the fields of marine science, marine pol-  
9           icy, ocean engineering, or related fields.

10          (7) Members selected from among individuals  
11          eminent in the field of education.

12          (b) RESPONSIBILITIES.—The Advisory Panel shall  
13          advise the Committee on the following:

14               (1) Revision and implementation of the Na-  
15               tional Ocean Priorities Plan and Implementation  
16               Strategy.

17               (2) Matters relating to national oceanographic  
18               data requirements, ocean and coastal observation  
19               systems, ocean science education and training, and  
20               oceanographic facilities including renewal of the na-  
21               tional academic research fleet.

22               (3) Any additional matters that the Committee  
23               considers appropriate.

24          (c) PROCEDURAL MATTERS.—

1           (1) PUBLIC MEETINGS.—All meetings of the  
2       Advisory Panel shall be open to the public, except  
3       that a meeting or any portion of it may be closed  
4       to the public if it concerns matters or information  
5       that pertains to national security, employment mat-  
6       ters, litigation, or other reasons provided under sec-  
7       tion 552b of title 5, United States Code. Interested  
8       persons shall be permitted to appear at open meet-  
9       ings and present oral or written statements on the  
10      subject matter of the meeting. The Advisory Panel  
11      may administer oaths or affirmations to any person  
12      appearing before it.

13           (2) PUBLICATION OF MEETINGS.—All open  
14      meetings of the Advisory Panel shall be preceded by  
15      timely public notice in the Federal Register of the  
16      time, place, and subject of the meeting.

17           (3) MINUTES.—Minutes of each meeting shall  
18      be kept and shall include a record of the people  
19      present, a description of the discussion that oc-  
20      curred, and copies of all statements filed. Subject to  
21      section 552 of title 5, United States Code, the min-  
22      utes and records of all meetings and other docu-  
23      ments that were made available to or prepared for  
24      the Advisory Panel shall be available for public in-

1       spection and copying at a single location in the part-  
2       nership program office.

3               (4) DISCLOSURES.—

4                       (A) RELATIONSHIP TO FACCA.—The Fed-  
5       eral Advisory Committee Act (5 U.S.C. App.)  
6       does not apply to the Advisory Panel.

7                       (B) PUBLIC AVAILABILITY.—Any product  
8       or recommendation made by the Advisory Panel  
9       shall be made available to the public and to  
10       Congress.

11       (d) FUNDING.—The chair and vice chairs of the Com-  
12       mittee annually shall make funds available to support the  
13       activities of the Advisory Panel.

14       **SEC. 304. MARINE ECOSYSTEMS RESEARCH.**

15       (a) ECOSYSTEM-BASED APPROACHES.—The Admin-  
16       istrator shall work with the Committee to identify research  
17       efforts for improving the implementation of this Act by  
18       informing ecosystem-based management efforts to protect,  
19       maintain, and restore marine ecosystem health.

20       (b) MARINE BIODIVERSITY RESEARCH PROGRAM.—  
21       As part of this effort, the Administrator, in cooperation  
22       with the National Science Foundation and other Federal  
23       agencies represented on the Committee, shall establish and  
24       maintain a 10-year interagency research program to as-  
25       sess and explain the diversity, distribution, functions, and

1 abundance of marine organisms in the world's oceans for  
2 the purposes of—

3           (1) understanding the patterns, processes, and  
4 consequences of changing marine biological diversity;

5           (2) improving the linkages between marine eco-  
6 logical and oceanographic sciences and informing  
7 ecosystem-based management efforts so as to pro-  
8 tect, maintain, and restore marine ecosystem health;

9           (3) strengthening and expanding the field of  
10 marine taxonomy, including use of genomics and  
11 proteomics;

12           (4) facilitating and encouraging the use of new  
13 technological advances, predictive models, and his-  
14 torical perspectives to investigate marine biodiver-  
15 sity;

16           (5) using new understanding gained through  
17 the program to improve predictions of the impacts of  
18 human activities on the health of the marine envi-  
19 ronment, and of the impacts of changes in the ma-  
20 rine environment on human well-being; and

21           (6) enhancing formal and informal outreach  
22 and education efforts through research-generated  
23 knowledge, information, and tools.

1 (c) PROGRAM ELEMENTS.—The research program  
2 established under this section shall provide for the fol-  
3 lowing:

4 (1) Dynamic access to biological data through  
5 an ocean biogeographic information system that  
6 links marine databases, manages data generated by  
7 the program, and supports analysis of biodiversity  
8 and related physical and ecological parameters.

9 (2) Integrated regional studies that focus on  
10 appropriate scales to support ecosystem-based man-  
11 agement.

12 (3) Improved biological sensors for ocean ob-  
13 serving systems.

14 (4) Investment in exploration and taxonomy to  
15 study little known areas and describe new species.

16 (5) Studies of earlier changes in marine popu-  
17 lations to trace information on biological abundance,  
18 distribution, function, and diversity to the earliest  
19 historical periods of minimum human impact.

20 (6) Improved predictive capability to enhance  
21 the effectiveness of conservation and ecosystem-  
22 based management programs and minimize adverse  
23 impacts of human activities and natural processes on  
24 United States ocean waters.

1 (d) SCIENTIFIC ASSESSMENT.—The Administrator,  
2 through the Committee, shall prepare and submit to the  
3 President and the Congress a biennial assessment that—

4 (1) integrates, evaluates, and interprets the  
5 findings of the program and discusses the scientific  
6 uncertainties associated with such findings; and

7 (2) analyzes current trends in marine and  
8 coastal ecosystems, both human-induced and nat-  
9 ural, and projects major trends, including marine  
10 ecosystem health, for the subsequent decade.

11 **SEC. 305. OCEAN ECOSYSTEM RESOURCE INFORMATION**  
12 **SYSTEMS.**

13 (a) FINDINGS.—Congress makes the following find-  
14 ings:

15 (1) Conservation and management of the  
16 United States ocean waters requires an under-  
17 standing of the ocean ecosystem in order to make  
18 knowledgeable decisions regarding the uses of the  
19 oceans, or extractions therefrom, and their effect on  
20 other ocean uses and resources.

21 (2) The United States Commission on Ocean  
22 Policy and the President's Ocean Action Plan both  
23 call for ecosystem-based management of the United  
24 States ocean waters.

1           (3) Ecosystem-based management will require  
2 development of an ocean information system and  
3 products representing integration of data useful to  
4 management decisions. This information includes  
5 terrestrial, aquatic, oceanographic, and biological  
6 data to accomplish the following:

7           (A) Serve as a repository of existing infor-  
8 mation and new research and data sets as they  
9 become available.

10          (B) Help understand relationships of ocean  
11 and ecosystem functions and factors affecting  
12 oceans and their resources.

13          (C) Provide a foundation upon which to  
14 base policies and decisions for conserving and  
15 managing the Nation's ocean water and living  
16 marine resources.

17          (D) Identify gaps in the knowledge of the  
18 Nation's oceans and living marine resources  
19 that may serve as a guide in the development  
20 of new research priorities.

21           (4) Information generated by ocean monitoring  
22 systems, including the National Environmental Ob-  
23 servatory Network (NEON), will be more useful if  
24 fully integrated into resource information systems  
25 developed for ecosystem-based management applica-

1 tions. Data from these offshore monitoring pro-  
2 grams, coupled with other information on ocean and  
3 aquatic ecosystems, will provide a basis for under-  
4 standing natural and anthropogenic environmental  
5 variability, including climate change and the result-  
6 ing impacts on living marine resources.

7 (5) Natural resource information systems have  
8 been developed and are presently a successful man-  
9 agement tool for terrestrial uses, including some Pa-  
10 cific Coast watersheds, and they should now be ap-  
11 plied to the aquatic environment to facilitate eco-  
12 system-based management of the United States  
13 oceans.

14 (b) ESTABLISHMENT.—

15 (1) IN GENERAL.—Not later than June 30,  
16 2008, the Administrator shall cause to be estab-  
17 lished a network of regional Ocean Ecosystem Re-  
18 source Information Systems to act as an organized  
19 repository of geophysical, relevant atmospheric,  
20 oceanographic, and marine biological data, including  
21 genetic research, studies, data, maps, and analyses  
22 necessary to the understanding of the ocean eco-  
23 system, and from which to draw information for the  
24 establishment of national policies and priorities re-  
25 lated to the conservation, use, and management of

1 the United States ocean waters and the marine re-  
2 sources therein. The Administrator shall coordinate  
3 with current ocean data acquisition and distribution  
4 systems, such as the National Geospatial Data  
5 Clearinghouse, to avoid duplication.

6 (2) INFORMATION INCLUDED.—Information for  
7 inclusion in each regional Ocean Ecosystem Re-  
8 source Information System may include—

9 (A) relevant historic or social science infor-  
10 mation that may aid in the understanding of  
11 ocean ecosystems or their management; or

12 (B) published and unpublished research,  
13 data, and scientifically peer-reviewed analysis,  
14 developed by State agencies, academic or sci-  
15 entific institutions, fishermen’s collaborative re-  
16 search programs, and any other reliable and  
17 relevant information sources.

18 (3) REQUIREMENT FOR PEER REVIEW.—All  
19 analysis and interpretations of data to explain eco-  
20 system relationships in any regional Ocean Eco-  
21 system Resource Information System shall be sci-  
22 entifically peer reviewed.

23 (4) AUTHORITY TO CONTRACT.—The Adminis-  
24 trator may contract with other Federal agencies,  
25 State agencies, nongovernmental organizations, uni-

1       versities, or private academic institutions for devel-  
2       opment of portions of each regional Ocean Eco-  
3       system Resource Information System, provided such  
4       work will be open source and the end product will  
5       be solely the property of NOAA.

6               (5) SCHEDULE.—The Ocean Ecosystem Re-  
7       source Information Systems shall be established and  
8       in operation for each region described in section  
9       201(c) not later than January 1, 2012.

10              (6) AVAILABILITY.—The system shall be readily  
11       accessible at no, or nominal, cost to Congress, all  
12       Federal agencies, the States, academic and scientific  
13       institutions, and the public through the Internet, li-  
14       braries, and such other mediums as may be appro-  
15       priate and practical.

16              (c) REQUIRED REGIONS.—Ocean Ecosystem Re-  
17       source Information Systems shall be established for the  
18       each region described in section 201(c).

19              (d) COORDINATION.—

20              (1) IN GENERAL.—The Administrator in the  
21       preparation of the regional Ocean Ecosystem Re-  
22       source Information Systems, shall request the co-  
23       operation and coordination with the United States  
24       Geological Survey, the United States Fish and Wild-  
25       life Service, the Minerals Management Service, the

1 United States Environmental Protection Agency, the  
2 United States Coast Guard, and the United States  
3 Navy, together with all NOAA agencies for all un-  
4 classified information necessary for the development  
5 and operation of the systems. The Administrator  
6 may request and enter into cooperative agreements  
7 with States, universities, or private academic institu-  
8 tions for access to information necessary or useful  
9 for the development and operation of the systems.

10 (2) INTERNATIONAL AGREEMENTS.—The Ad-  
11 ministrator may enter into agreements with the Gov-  
12 ernments of Canada, Mexico, or Russia in the prepa-  
13 ration of a regional Ocean Ecosystem Resource In-  
14 formation System where an international border of  
15 the United States or the coastal waters of the  
16 United States abut such country or the territorial  
17 waters of such country, for any information or data  
18 that may be necessary or useful in the development  
19 and operation of such system.

20 **SEC. 306. SUBCOMMITTEE ON OCEAN EDUCATION.**

21 (a) MEMBERSHIP.—The Committee shall establish a  
22 Subcommittee on Ocean Education (referred to in this sec-  
23 tion as the “Subcommittee”). Each member of the Com-  
24 mittee may designate a senior representative with exper-  
25 tise in education to serve on the Subcommittee. The Com-

1 mittee shall select a chair and 1 or more vice chairs for  
2 the Subcommittee from the membership of the Sub-  
3 committee.

4 (b) RESPONSIBILITIES.—The Subcommittee shall—

5 (1) support and advise the Committee on mat-  
6 ters related to ocean and coastal education for the  
7 purpose of increasing the overall effectiveness and  
8 productivity of Federal education and outreach ef-  
9 forts;

10 (2) provide recommendations on education goals  
11 and priorities for and implementation of the revised  
12 National Ocean Priorities Plan and Implementation  
13 Strategy developed under section 302 and guidance  
14 for educational investments;

15 (3) coordinate Federal ocean, coastal, and wa-  
16 tershed education activities for students, including  
17 funding for educational opportunities at the under-  
18 graduate, graduate, and postdoctoral levels;

19 (4) identify and work to establish linkages  
20 among Federal programs, such as the National Sea  
21 Grant College Program, and those of States, aca-  
22 demic institutions, State Sea Grant programs, muse-  
23 ums and aquaria, industry, foundations, and other  
24 nongovernmental organizations;

1           (5) support existing marine, coastal, and Great  
2           Lakes education and outreach programs, including  
3           those at the State, regional, and local levels;

4           (6) facilitate Federal agency efforts to work  
5           with minority-serving institutions, historically Black  
6           colleges and universities, and traditionally majority-  
7           serving institutions to ensure that students of under  
8           represented groups have access to and support for  
9           pursuing ocean-related careers;

10          (7) promote the establishment of professional  
11          certification, training, and continuing education pro-  
12          grams for persons engaged in fishing or other mari-  
13          time activities, including partnerships with academic  
14          or nongovernmental organizations to carry out such  
15          programs;

16          (8) lead development of effective national strat-  
17          egies with common perspectives and messages for  
18          formal and informal ocean and coastal education ef-  
19          forts; and

20          (9) carry out such other activities as the Com-  
21          mittee may request.

22 **SEC. 307. OCEAN AND COASTAL EDUCATION PROGRAM.**

23          (a) ESTABLISHMENT.—Consistent with the revised  
24          National Ocean Priorities Plan and Implementation Strat-  
25          egy, the Committee, through the Subcommittee, shall es-

1 establish a national, interagency ocean and coastal education  
2 program to improve public awareness, understanding, and  
3 appreciation of the role of the oceans in meeting the eco-  
4 nomic, social, and environmental needs of the United  
5 States. To the extent practicable, the interagency program  
6 shall utilize and build from existing Federal programs and  
7 mechanisms for ocean and coastal outreach and education  
8 at the State, regional, and local levels.

9 (b) SCOPE.—The national, interagency ocean, and  
10 coastal education program shall include formal education  
11 activities for elementary, secondary, undergraduate, grad-  
12 uate, and postdoctoral students, continuing education ac-  
13 tivities for adults, and informal education activities for  
14 learners of all ages.

15 (c) ELEMENTS.—The ocean and coastal education  
16 program shall use existing interesting science programs  
17 and other appropriate mechanisms and shall, at a min-  
18 imum, provide sustained funding for the following:

19 (1) A national network of centers for ocean  
20 science education excellence to improve the acquisi-  
21 tion of knowledge by students at all levels.

22 (2) The National Sea Grant College Program's  
23 education and outreach efforts.

24 (3) A regional education network to support  
25 academic competition and experiential learning op-

1 opportunities for elementary and secondary school stu-  
2 dents.

3 (4) Teacher enrichment programs that provide  
4 for participation in research expeditions, voyages of  
5 exploration, and the conduct of scientific research.

6 (5) Development of model instructional pro-  
7 grams for students at all levels.

8 (6) Student training and support to provide di-  
9 verse ocean-related education opportunities at the  
10 undergraduate, graduate, and postdoctoral levels.

11 (7) Mentoring programs and partnerships with  
12 minority-serving institutions to ensure diversity in  
13 the ocean and coastal workforce.

14 (8) A network of regional facilities, operated by  
15 nongovernmental organizations or academic institu-  
16 tions that provide training and continuing education  
17 for persons engaged in fishing or other maritime ac-  
18 tivities, including establishment of criteria for pro-  
19 fessional certification programs in consultation with  
20 the fishing industry.

21 (9) Dissemination of ocean and coastal informa-  
22 tion that is relevant for a wider public audience.

23 **SEC. 308. OCEAN SCIENCE AND TECHNOLOGY SCHOLAR-**  
24 **SHIP PROGRAM.**

25 (a) ESTABLISHMENT.—

1           (1) IN GENERAL.—The Committee shall estab-  
2           lish a National Ocean Science and Technology Schol-  
3           arship Program (in this section referred to as the  
4           “Program”) that is designed to recruit and prepare  
5           students for careers in the departments or agencies  
6           that are represented on the Committee (in this sec-  
7           tion referred to as “participating agencies”). The  
8           Program shall award scholarships to individuals who  
9           are selected through a competitive process primarily  
10          on the basis of academic merit, with consideration  
11          given to financial need and the goal of promoting  
12          the participation of individuals identified in section  
13          33 or 34 of the Science and Engineering Equal Op-  
14          portunities Act (42 U.S.C. 1885a and 1885b).

15          (2) CONTRACTUAL AGREEMENTS.—To carry  
16          out the Program, participating agencies shall enter  
17          into contractual agreements with individuals selected  
18          under paragraph (1) under which the individuals  
19          agree to serve as full-time employees of the partici-  
20          pating agency, for the period of time to be deter-  
21          mined by the participating agency, and stated in the  
22          contractual agreements, in positions needed by the  
23          participating agency and for which the individuals  
24          are qualified, in exchange for receiving a scholarship.

1 (b) ELIGIBILITY CRITERIA.—In order to be eligible  
2 to participate in the Program, an individual must—

3 (1) be enrolled or accepted for enrollment as a  
4 full-time student at an institution of higher edu-  
5 cation (as defined in section 101(a) of the Higher  
6 Education Act of 1965 (20 U.S.C. 1001(a))) in an  
7 academic field or discipline described in the list  
8 made available under subsection (c);

9 (2) be a citizen of the United States; and

10 (3) at the time of the initial scholarship award,  
11 not be an employee of the department or agency pro-  
12 viding the award.

13 (c) PROGRAM LISTING.—The Committee shall make  
14 publicly available a list of academic programs and fields  
15 of study for which scholarships under the Program may  
16 be used, and shall update the list as necessary.

17 (d) APPLICATION.—An individual seeking a scholar-  
18 ship under this section shall submit an application to a  
19 participating agency at such time, in such manner, and  
20 containing such information, agreements, or assurances as  
21 the participating agency may require.

22 (e) SCHOLARSHIP LIMITS.—

23 (1) ACADEMIC REQUIREMENTS.—The partici-  
24 pating agency may provide a scholarship under the  
25 Program for an academic year if the individual ap-

1       plying for the scholarship has submitted to the par-  
2       ticipating agency, as part of the application required  
3       under subsection (d), a proposed academic program  
4       leading to a degree in a program or field of study  
5       on the list made available under subsection (c).

6           (2) TIME LIMITATION.—An individual may not  
7       receive a scholarship under this section for more  
8       than 4 academic years, unless the participating  
9       agency grants a waiver.

10          (3) DOLLAR LIMITATION.—The dollar amount  
11       of a scholarship under this section for an academic  
12       year shall be established by regulation but may not  
13       exceed the cost of attendance as such cost is deter-  
14       mined in section 472 of the Higher Education Act  
15       of 1965 (20 U.S.C. 1087ll).

16          (4) USE OF FUNDS.—A scholarship provided  
17       under this section may be expended for tuition, fees,  
18       and other authorized expenses as established by reg-  
19       ulation.

20          (5) CONTRACTUAL AGREEMENT.—The partici-  
21       pating agency may enter into a contractual agree-  
22       ment with an institution of higher education under  
23       which the amounts provided for a scholarship under  
24       this section for tuition, fees, and other authorized

1 expenses are paid directly to the institution with re-  
2 spect to which the scholarship is provided.

3 (f) PERIOD OF SERVICE.—

4 (1) IN GENERAL.—The period of service for  
5 which an individual shall be obligated to serve as an  
6 employee of the participating agency, except as pro-  
7 vided in subsection (h)(2), shall be determined by  
8 the participating agency as stated in subsection  
9 (a)(2).

10 (2) START OF SERVICE.—Except as provided in  
11 paragraph (3), obligated service under paragraph (1)  
12 shall begin not later than 60 days after the indi-  
13 vidual obtains the educational degree for which the  
14 scholarship was provided.

15 (3) DEFERRAL.—The participating agency may  
16 defer the obligation of an individual to provide a pe-  
17 riod of service under paragraph (1) if the partici-  
18 pating agency determines that such a deferral is ap-  
19 propriate. The Administrator shall prescribe the  
20 terms and conditions under which a service obliga-  
21 tion may be deferred through regulation.

22 (g) REPAYMENT.—

23 (1) REQUIREMENT.—Scholarship recipients who  
24 fail to maintain a high level of academic standing,  
25 as defined by the participating agency by regulation,

1 who are dismissed from their educational institutions  
2 for disciplinary reasons, or who voluntarily terminate  
3 academic training before graduation from the edu-  
4 cational program for which the scholarship was  
5 awarded, shall be in breach of their contractual  
6 agreement and, in lieu of any service obligation aris-  
7 ing under such agreement, shall be liable to the  
8 United States for repayment within 1 year after the  
9 date of default of all scholarship funds paid to them  
10 and to the institution of higher education on their  
11 behalf under the agreement, except as provided in  
12 subsection (h). The repayment period may be ex-  
13 tended by the participating agency when determined  
14 to be necessary.

15 (2) FAILURE TO COMPLETE SERVICE REQUIRE-  
16 MENT.—Scholarship recipients who, for any reason,  
17 fail to begin or complete their service obligation  
18 after completion of academic training, or fail to com-  
19 ply with the terms and conditions of deferment es-  
20 tablished by the participating agency pursuant to  
21 subsection (f)(3), shall be in breach of their contrac-  
22 tual agreement. When recipients breach their agree-  
23 ments for the reasons stated in the preceding sen-  
24 tence, the recipient shall be liable to the United  
25 States for an amount equal to—

1 (A) the total amount of scholarships re-  
2 ceived by such individual under this section;  
3 plus

4 (B) the interest that would have been ac-  
5 crued if such amount was treated as a loan  
6 bearing interest at the maximum legal pre-  
7 vailing rate, as determined by the Treasurer of  
8 the United States, multiplied by 3.

9 (h) CANCELLATION OR WAIVER.—

10 (1) CANCELLATION.—Any obligation of an indi-  
11 vidual incurred under the Program (or a contractual  
12 agreement thereunder) for service or payment shall  
13 be canceled upon the death of the individual.

14 (2) WAIVER.—The participating agency shall by  
15 regulation provide for the partial or total waiver or  
16 suspension of any obligation of service or payment  
17 incurred by an individual under the Program (or a  
18 contractual agreement thereunder) whenever compli-  
19 ance by the individual is impossible or would involve  
20 extreme hardship to the individual, or if enforcement  
21 of such obligation with respect to the individual  
22 would be contrary to the best interests of the Gov-  
23 ernment.

1 **SEC. 309. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
2 **ISTRATION OFFICE OF EDUCATION.**

3 (a) **IN GENERAL.**—The Administrator shall conduct,  
4 develop, support, promote, and coordinate national edu-  
5 cation activities described in section 307 that enhance  
6 public awareness and understanding of the science, serv-  
7 ice, and stewardship missions of NOAA. In planning ac-  
8 tivities under this section, the Administrator shall consult  
9 with the Subcommittee and build upon the educational  
10 programs and activities of the National Sea Grant College  
11 Program, the National Marine Sanctuaries Program, the  
12 National Estuarine Research Reserve System, and Coastal  
13 Zone Management programs. Authorized activities shall  
14 include education of the general public, teachers, students  
15 at all levels, and ocean and coastal managers and stake-  
16 holders. In carrying out educational activities, the Admin-  
17 istrator may enter into grants, contracts, cooperative  
18 agreements, resource sharing agreements, or interagency  
19 financing with Federal, State, and regional agencies,  
20 tribes, commercial organizations, educational institutions,  
21 nonprofit organizations, or other persons.

22 (b) **ESTABLISHMENT.**—The Administrator shall es-  
23 tablish within NOAA an Office of Education to provide  
24 interagency and intra-agency coordination of the edu-  
25 cation activities of NOAA and to ensure full participation  
26 in the ocean and coastal education program established

1 under section 307. The Office of Education shall promote  
2 and provide oversight of agency education activities and  
3 shall—

4 (1) integrate agency science into high-quality  
5 educational materials;

6 (2) improve access to NOAA educational re-  
7 sources;

8 (3) support educator professional development  
9 programs to improve understanding and use of agen-  
10 cy sciences;

11 (4) promote participation in agency-related  
12 sciences and careers, particularly by members of  
13 under represented groups;

14 (5) leverage partnerships to enhance formal and  
15 informal environmental science education;

16 (6) build capability within the agency for edu-  
17 cational excellence;

18 (7) create and implement effective approaches  
19 to disseminate agency products and ocean informa-  
20 tion to the general public; and

21 (8) encourage public involvement in coastal and  
22 ocean stewardship.

23 (c) EDUCATIONAL PARTNERSHIP PROGRAM.—The  
24 Administrator shall establish an educational partnership  
25 with minority-serving institutions to provide support for

1 cooperative science centers, an environmental entrepre-  
2 neurship program, a graduate sciences program, and an  
3 undergraduate scholarship program.

4 **SEC. 310. NATIONAL OCEAN AWARENESS MEDIA CAMPAIGN.**

5 (a) IN GENERAL.—The Administrator shall conduct  
6 a national media campaign in accordance with this section  
7 for the purpose of increasing public awareness and inter-  
8 est in the oceans, through mass media advertising.

9 (b) COORDINATION WITH STATE, REGIONAL, AND  
10 LOCAL EFFORTS.—To the extent practicable, the cam-  
11 paign referred to in subsection (a) shall be conducted in  
12 a manner to coordinate with existing State, regional, and  
13 local education efforts.

14 (c) USE OF FUNDS.—

15 (1) IN GENERAL.—Amounts made available to  
16 carry out the campaign referred to in subsection (a)  
17 may only be used for the following:

18 (A) The purchase of media time or space.

19 (B) Creative and talent costs.

20 (C) Advertising production costs.

21 (D) Testing and evaluation of advertising.

22 (E) Evaluation of the effectiveness of the  
23 media campaign.

24 (F) The negotiated fees for the winning  
25 bidder on requests for proposals issued either

1 by the Administrator or a designee for purposes  
2 otherwise authorized in this section.

3 (G) Partnerships with community, civic,  
4 and professional groups and government organi-  
5 zations related to the media campaign.

6 (H) Entertainment industry outreach,  
7 interactive outreach, media projects and activi-  
8 ties, public information, news media outreach,  
9 and corporate sponsorship and participation.

10 (I) Operational and management expenses.

11 (2) SPECIFIC REQUIREMENTS.—

12 (A) CREATIVE SERVICES.—In using  
13 amounts for creative and talent costs under  
14 paragraph (1)(B), the Administrator shall use  
15 creative services donated at no cost to the Gov-  
16 ernment wherever feasible and may only pro-  
17 cure creative services for advertising—

18 (i) responding to high-priority or  
19 emergent campaign needs that cannot  
20 timely be obtained at no cost; or

21 (ii) intended to reach a minority, eth-  
22 nic, or other special audience that cannot  
23 reasonably be obtained at no cost.

24 (B) TESTING AND EVALUATION OF ADVER-  
25 TISING.—In using amounts for testing and eval-

1 uation of advertising under paragraph (1)(D),  
2 the Administrator shall test all advertisements  
3 prior to use in the media campaign to ensure  
4 that the advertisements are effective and meet  
5 industry-accepted standards. The Administrator  
6 may waive this requirement for advertisements  
7 using no more than 10 percent of the purchase  
8 of advertising time purchased under this section  
9 in a fiscal year and no more than 10 percent  
10 of the advertising space purchased under this  
11 section in a fiscal year, if the advertisements re-  
12 spond to emergent and time-sensitive campaign  
13 needs or the advertisements will not be widely  
14 utilized in the media campaign.

15 (C) EVALUATION OF EFFECTIVENESS OF  
16 MEDIA CAMPAIGN.—In using amounts for the  
17 evaluation of the effectiveness of the media  
18 campaign under paragraph (1)(E), the Admin-  
19 istrator shall—

20 (i) designate an independent entity to  
21 evaluate annually the effectiveness of the  
22 national media campaign based on data  
23 from—

24 (I) public feedback; and

1 (II) other relevant studies or  
2 publications, as determined by the Ad-  
3 ministrator, including tracking and  
4 evaluation data collected according to  
5 marketing and advertising industry  
6 standards; and

7 (ii) ensure that the effectiveness of  
8 the media campaign is evaluated in a man-  
9 ner that enables consideration of whether  
10 the media campaign has contributed to in-  
11 creasing the ocean literacy of the public  
12 and such other measures of evaluation as  
13 the Director determines are appropriate.

14 (3) PURCHASE OF ADVERTISING TIME AND  
15 SPACE.—For each fiscal year, not less than 77 per-  
16 cent of the amounts made available to carry out this  
17 section shall be used for the purchase of advertising  
18 time and space for the media campaign.

19 (d) ADVERTISING.—In carrying out this section, the  
20 Administrator shall devote sufficient funds to the adver-  
21 tising portion of the national media campaign to meet the  
22 goals of the campaign.

23 (e) PROHIBITIONS.—None of the amounts made  
24 available to carry out this section may be obligated or ex-  
25 pended for any of the following:

1           (1) To supplant current oceans community-  
2 based coalitions.

3           (2) To supplant pro bono public service time  
4 donated by national and local broadcasting networks  
5 for other public service campaigns.

6           (3) For partisan political purposes, or express  
7 advocacy in support of or to defeat any clearly iden-  
8 tified candidate, clearly identified ballot initiative, or  
9 clearly identified legislative or regulatory proposal.

10          (4) To fund advertising that features any elect-  
11 ed officials, persons seeking elected office, cabinet  
12 level officials, or other Federal officials described in  
13 schedule C of part 213 of title 5, Code of Federal  
14 Regulations (or any similar successor regulation).

15          (5) To fund advertising that does not contain a  
16 primary message intended to increase awareness and  
17 promote the protection, maintenance, and restora-  
18 tion of marine ecosystem health.

19          (6) To fund advertising containing a primary  
20 message intended to promote support for the media  
21 campaign or private sector contributions to the  
22 media campaign.

23          (f) FINANCIAL AND PERFORMANCE ACCOUNT-  
24 ABILITY.—The Administrator shall cause to be per-  
25 formed—

1           (1) audits and reviews of costs of the media  
2 campaign pursuant to section 304C of the Federal  
3 Property and Administrative Services Act of 1949  
4 (41 U.S.C. 254d); and

5           (2) an audit of the cost of the media campaign  
6 described in section 306 of such Act (41 U.S.C.  
7 256).

8 (g) STRATEGIC ADVISOR.—

9           (1) IN GENERAL.—The Administrator shall se-  
10 lect a primary outside strategic advisor for the  
11 media campaign to be responsible for coordinating  
12 donations of creative and other services to the cam-  
13 paign, except with respect to advertising created  
14 using funds permitted in subsection (c).

15           (2) SELECTION.—The Administrator shall se-  
16 lect the strategic advisor based solely on merit and  
17 the demonstrated success and experience of the can-  
18 didates. The Administrator may consider the Na-  
19 tional Marine Sanctuaries Foundation, the National  
20 Fish and Wildlife Foundation, or any other entity  
21 for the strategic advisor.

22           (3) ROLE OF STRATEGIC ADVISOR.—The Ad-  
23 ministrator shall inform the advisor of the strategic  
24 goals of the campaign and consider such advice of  
25 the selected advisor on media campaign strategy.

1 (h) ANNUAL REPORT.—The Administrator shall sub-  
2 mit to Congress an annual report that describes—

3 (1) the strategy of the media campaign and  
4 whether specific objectives of the media campaign  
5 were accomplished;

6 (2) steps taken to ensure that the media cam-  
7 paign operates in an effective and efficient manner  
8 consistent with the overall strategy and focus of the  
9 media campaign;

10 (3) plans to purchase advertising time and  
11 space;

12 (4) policies and practices implemented to ensure  
13 that Federal funds are used responsibly to purchase  
14 advertising time and space and eliminate the poten-  
15 tial for waste, fraud, and abuse; and

16 (5) all contracts entered into with a corpora-  
17 tion, partnership, or individual working on behalf of  
18 the media campaign.

19 (i) LOCAL TARGET REQUIREMENT.—The Adminis-  
20 trator shall, to the maximum extent feasible, use amounts  
21 made available to carry out this section for media that  
22 focuses on, or includes specific information on, prevention  
23 or treatment resources for consumers within specific local  
24 areas.

1 **TITLE IV—OCEAN AND GREAT**  
2 **LAKES CONSERVATION**  
3 **TRUST FUND AND AUTHOR-**  
4 **IZATION OF APPROPRIA-**  
5 **TIONS**

6 **SEC. 401. OCEAN AND GREAT LAKES CONSERVATION TRUST**  
7 **FUND.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established in the  
10 Treasury of the United States a fund which shall be  
11 known as the “Ocean and Great Lakes Conservation  
12 Trust Fund” (referred to in this section as the  
13 “Fund”). For each fiscal year beginning after the  
14 date of enactment of this Act, the Secretary of the  
15 Treasury shall deposit into the Fund the following  
16 amounts:

17 (A) OFFSHORE USES.—Amounts received  
18 for the payments described in paragraph (2).

19 (B) HEALTHY OCEAN STAMP.—Amounts  
20 received by the United States from the sale of  
21 a Healthy Ocean Stamp under section 406.

22 (C) AMOUNTS NOT DISBURSED.—Amounts  
23 that were appropriated to carry out section 402  
24 but not disbursed for such purpose during such  
25 fiscal year.

1 (D) INTEREST.—All interest earned pursu-  
2 ant to subsection (b).

3 (2) LEASE PAYMENTS.—The Administrator  
4 shall establish by rule, in consultation with the  
5 Council on Ocean Stewardship, appropriate forms of  
6 payment for any permit or authorization granted for  
7 wind, wave, and tidal energy, bioprospecting, carbon  
8 sequestration, ecosystem services, and other emerg-  
9 ing activities in Federal waters excluding fishing and  
10 mineral, oil, natural gas, or methane hydrate leas-  
11 ing, exploration, development, or production. Such  
12 payments must be derived only from activities con-  
13 sistent with the National Ocean Policy and may in-  
14 clude fees, rents, royalties, cash bonus payments, or  
15 other payments.

16 (b) INTEREST.—The Secretary of the Treasury shall  
17 invest amounts in the Fund (including interest) in public  
18 debt securities with maturities suitable to the needs of the  
19 Fund, as determined by the Secretary of the Treasury,  
20 and bearing interest at rates determined by the Secretary  
21 of the Treasury, taking into consideration current market  
22 yields on outstanding marketable obligations of the United  
23 States of comparable maturity. Such invested amounts  
24 shall remain invested until needed to meet requirements

1 for disbursement for the programs financed under this  
2 Act.

3 (c) USE OF FUND.—The Administrator may use  
4 amounts available in the Fund to supplement appropria-  
5 tions made pursuant to the authorization of appropriation  
6 in section 410.

7 **SEC. 402. PAYMENTS TO STATES.**

8 (a) IN GENERAL.—The Administrator shall make  
9 payments to those coastal States that are eligible for fund-  
10 ing under section 403, subject to the availability of appro-  
11 priations under section 410. The total of the amount paid  
12 each fiscal year to State included in an ocean region de-  
13 scribed under section 201(c) may not exceed the amount  
14 allocated for such ocean region for that fiscal year under  
15 section 405.

16 (b) REPORT REQUIREMENT.—No payment shall be  
17 made to any State under this section until the State has—

18 (1) agreed to provide such reports to the Ad-  
19 ministrator, in such form and containing such infor-  
20 mation, as may be reasonably necessary to enable  
21 the Administrator to perform the duties of the Ad-  
22 ministrator under this title; and

23 (2) adopted such fiscal control and fund ac-  
24 counting procedures as may be necessary to assure

1 proper disbursement and accounting for Federal revenues paid to the State under this title.

2  
3 (c) UNEXPENDED FUNDS.—At the end of each fiscal  
4 year, the Administrator shall deposit in the Fund established in section 401(a) any amount appropriated pursuant to an authorization of appropriations in section 410  
5  
6  
7 but not disbursed to a State under this section.

8 **SEC. 403. ELIGIBILITY FOR FUNDING.**

9 (a) ELIGIBILITY OF STATE.—A State shall not be eligible to receive funds under section 402 unless the Administrator, in consultation with the appropriate Regional  
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Ocean Partnership, determines that the State is participating actively and sufficiently in the development and implementation of the appropriate Regional Ocean Strategic Plan under section 203.

(b) ELIGIBLE PURPOSES.—A State that receives funds under this title may only use such funds for purposes of fulfilling the State's obligations and responsibilities—

(1) to provide assistance to the Administrator in conducting the initial ocean region assessment under section 203(a) until such assessment is complete in accordance with an approved spending plan referred to in section 404(c)(2);

1           (2) to develop a the Regional Ocean Strategic  
2 Plan under section 203(b) until such Plan is com-  
3 plete, in accordance with such an approved spending  
4 plan;

5           (3) to implement a Regional Ocean Strategic  
6 Plan approved under section 203(e) in accordance  
7 with such an approved spending plan; and

8           (4) to implement other regional efforts to carry  
9 out the National Ocean Policy during the 3-year pe-  
10 riod beginning on the date of the designation or es-  
11 tablishment of the appropriate Regional Ocean Part-  
12 nership, in accordance with the applications ap-  
13 proved under section 404(c).

14 **SEC. 404. FUNDING PROCEDURES.**

15       (a) APPLICATION.—Each State seeking funding  
16 under this title shall submit to the Administrator an appli-  
17 cation for such funds. Such applications shall be developed  
18 in coordination with all coastal agencies for that State and  
19 existing federally approved coastal management programs

20       (b) APPROVAL.—The Administrator shall approve an  
21 application submitted by a State under subsection (a) if,  
22 in consultation with the Regional Ocean Partnership, the  
23 Administrator—

24           (1) certifies that the State is eligible for fund-  
25 ing under section 403(a);

1           (2) finds that the activities proposed in the ap-  
2           plication are part of an approved spending plan sub-  
3           mitted by the relevant Regional Ocean Partnership  
4           under subsection (c); and

5           (3) ensures that previous payments under this  
6           title made to the State and coastal political subdivi-  
7           sions in the State were used in accordance with sec-  
8           tion 403(b).

9           (c) SPENDING PLANS, BUDGETS, AND OTHER RE-  
10          GIONAL EFFORTS.—

11           (1) SPENDING PLAN FOR IMPLEMENTING RE-  
12          GIONAL OCEAN STRATEGIC PLANS.—Each Regional  
13          Ocean Partnership that has participating States that  
14          are seeking funding under section 402 shall submit  
15          to the Administrator a spending plan for such States  
16          for each fiscal year. The total funds requested in the  
17          spending plan shall not exceed the amount allocated  
18          to the Region by the Administrator under section  
19          405 for that fiscal year. In addition to such other  
20          requirements as the Administrator by regulation  
21          shall prescribe, each spending plan shall include—

22                   (A) a list of the States participating in the  
23                   Regional Ocean Partnership;

24                   (B) the name of the State agency for each  
25                   State listed in subparagraph (A) that will have

1 the authority to represent and act for the State  
2 in dealing with the Administrator for purposes  
3 of this title;

4 (C) a description of how funds provided  
5 under this title will be used by each partici-  
6 pating State to implement the Regional Ocean  
7 Strategic Plan; and

8 (D) certification by the governor of each  
9 participating State that all the funds provided  
10 under this title to the State or a political sub-  
11 divisions of the State shall be used for a pur-  
12 pose described in section 403(b) and in a man-  
13 ner consistent with carrying out the National  
14 Ocean Policy.

15 (2) BUDGETS FOR DEVELOPING REGIONAL  
16 OCEAN STRATEGIC PLANS AND ASSISTING WITH INI-  
17 TIAL REGIONAL OCEAN ASSESSMENTS.—Each Re-  
18 gional Ocean Partnership with participating States  
19 that are seeking funding under section 402 shall  
20 submit an annual budget for approval by the Admin-  
21 istrator identifying—

22 (A) a list of the States participating in the  
23 Regional Ocean Partnership;

24 (B) the name of the State agency for each  
25 State listed in subparagraph (A) that will have

1 the authority to represent and act for the State  
2 in dealing with the Administrator for purposes  
3 of this title; and

4 (C) the costs under subsection (a) or (b) of  
5 section 203 that require financial support from  
6 the Administrator.

7 (3) OTHER REGIONAL EFFORTS.—Each coastal  
8 State seeking funding for other regional efforts  
9 under section 403(b)(4) shall submit an application  
10 for approval by the Administrator that includes the  
11 following:

12 (A) The name of the State agency that will  
13 have the authority to represent and act for the  
14 State in dealing with the Administrator for pur-  
15 poses of this subsection.

16 (B) A description of how funds provided  
17 pursuant to this subsection will be used for ac-  
18 tivities that further the implementation of the  
19 National Ocean Policy.

20 (C) Certification by the Governor of the  
21 State that all the funds provided pursuant to  
22 this subsection to the State will be used in a  
23 manner consistent with the National Ocean pol-  
24 icy.

1           (4) LIMITATION ON OTHER USES.—Not more  
2           than 50 percent of amounts paid to a State from  
3           amounts appropriated pursuant to the authorization  
4           of appropriations in section 410(a)(1)(A) may be  
5           used by the State to implement other regional ocean  
6           governance efforts that further the implementation  
7           of the National Ocean Policy as described in the ap-  
8           plication referred to in paragraph (3).

9           (d) PROCEDURE AND TIMING; REVISIONS.—The Ad-  
10          ministrators shall approve or disapprove in accordance with  
11          this subsection each spending plan submitted under sub-  
12          section (b)(1). If a Regional Ocean Partnership first sub-  
13          mits a plan by not later than 90 days before the beginning  
14          of the first fiscal year to which the plan applies, the Ad-  
15          ministrators shall approve or disapprove the plan by not  
16          later than 30 days before the beginning of that fiscal year.

17          (e) SPENDING PLAN AMENDMENT OR REVISION.—  
18          Any amendment to or revision of the spending plan shall  
19          be prepared in accordance with the requirements of this  
20          section and shall be submitted to the Administrator for  
21          approval or disapproval. Any such amendment or revision  
22          shall take effect only for fiscal years after the fiscal year  
23          in which the amendment or revision is approved by the  
24          Administrator.

1 (f) PUBLIC COMMENT.—Before approving or dis-  
2 approving a spending plan, or an amendment or revision  
3 to such a plan, the Administrator shall provide for public  
4 comment on the proposed expenditures in the spending  
5 plan for the forthcoming year.

6 (g) TIME OF PAYMENT.—Payments to States under  
7 this title shall be made not later than December 31 of  
8 each year from appropriations made during the imme-  
9 diately preceding fiscal year.

10 **SEC. 405. EQUITABLE ALLOCATION.**

11 (a) MAXIMUM AMOUNT AVAILABLE TO EACH OCEAN  
12 REGION.—Of the amounts authorized to be appropriated  
13 by section 410, the Administrator shall determine and al-  
14 locate to each ocean region described in section 201(c) the  
15 maximum amount of funds that the Administrator may  
16 grant under this title for use in that region, based on the  
17 following weighted formula:

18 (1) 35 percent of such amount shall be deter-  
19 mined based on the ratio of the shoreline miles (as  
20 that term is used in the Coastal Zone Management  
21 Act of 1972 (16 U.S.C. 1451 et seq.)) of the ocean  
22 region to the shoreline miles of all ocean regions.

23 (2) 65 percent of such amount shall be deter-  
24 mined based on the ratio of the coastal population

1 density of the ocean region to the coastal population  
2 density of all ocean regions.

3 (b) PAYMENTS TO POLITICAL SUBDIVISIONS.—The  
4 governor of a State that receives funds under this title  
5 shall use such funds only—

6 (1) for a purpose described in section 403(b)  
7 that the State applied for and received the funds; or

8 (2) for awards to coastal political subdivisions  
9 of the State, on a competitive basis, for such pur-  
10 poses.

11 **SEC. 406. HEALTHY OCEAN STAMP.**

12 (a) IN GENERAL.—In order to afford a convenient  
13 way for members of the public to support efforts to pro-  
14 tect, maintain, and restore marine ecosystems, the United  
15 States Postal Service shall provide for a special postage  
16 stamp in accordance with this section.

17 (b) TERMS AND CONDITIONS.—The issuance and sale  
18 of the stamp referred to in subsection (a) shall be gov-  
19 erned by section 416 of title 39, United States Code, and  
20 regulations under such section, subject to the following:

21 (1) TRANSFERS.—All amounts becoming avail-  
22 able from the sale of such stamp shall be transferred  
23 to the Ocean and Great Lakes Conservation Trust  
24 Fund established by section 401 through payments  
25 which shall be made, at least twice a year, in the

1 manner required by subsection (d)(1) of section 416  
2 of such title 39.

3 (2) NUMERICAL LIMITATION.—For purposes of  
4 applying any numerical limitation referred to in sub-  
5 section (e)(1)(C) of section 416 of such title 39,  
6 such stamp shall not be taken into account.

7 (3) DURATION.—Such stamp shall be made  
8 available to the public over such period of time as  
9 the Postal Service may determine, except that such  
10 period—

11 (A) shall commence not later than 12  
12 months after the date of the enactment of this  
13 Act; and

14 (B) shall terminate not later than the close  
15 of the period referred to in subsection (g) of  
16 section 416 of title 39, United States Code.

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion shall be considered to permit or require that any de-  
19 termination of the amounts becoming available from the  
20 sale of the stamp referred to in subsection (a) be made  
21 in a manner inconsistent with the requirements of sub-  
22 section (d) or section 416 of title 39, United States Code.

1 **SEC. 407. LIMITATION ON USE OF AVAILABLE AMOUNTS**  
2 **FOR ADMINISTRATION.**

3 Of the amounts made available pursuant to this title  
4 for a particular activity, not more than 2 percent may be  
5 used for administrative expenses of that activity.

6 **SEC. 408. RECORD KEEPING REQUIREMENTS.**

7 The Administrator, in consultation with the Council  
8 on Ocean Stewardship, shall establish such rules regarding  
9 record keeping by State and local governments and the  
10 auditing of expenditures made by State and local govern-  
11 ments from funds made available under this Act as may  
12 be necessary. Such rules shall be in addition to other re-  
13 quirements established regarding record keeping and the  
14 auditing of such expenditures under other authority of  
15 law.

16 **SEC. 409. MAINTENANCE OF EFFORT AND MATCHING FUND-**  
17 **ING.**

18 (a) IN GENERAL.—It is the intent of the Congress  
19 in this Act that States not use this Act as an opportunity  
20 to reduce State or local resources for the programs funded  
21 by this Act. Except as provided in subsection (b), no State  
22 or local government shall receive any funds under this Act  
23 during any fiscal year in which its expenditures of non-  
24 Federal funds for recurrent expenditures for programs for  
25 which funding is provided under this Act will be less than  
26 its expenditures were for such programs during the pre-

1 ceding fiscal year. No State or local government shall re-  
2 ceive funding under this Act with respect to a program  
3 unless the Administrator is satisfied that such a grant will  
4 be used to supplement and, to the extent practicable, in-  
5 crease the level of State, local, or other non-Federal funds  
6 available for such program.

7 (b) EXCEPTION.—The Administrator may waive the  
8 requirements of subsection (a) if the Administrator deter-  
9 mines that a reduction in expenditures—

10 (1) is attributable to a nonselective reduction in  
11 expenditures for the programs of all executive  
12 branch agencies of the State or local government; or

13 (2) is a result of reductions in State or local  
14 revenue as a result of a downturn in the economy.

15 (c) USE OF FUNDS TO MEET MATCHING REQUIRE-  
16 MENTS.—All funds received by a State or local govern-  
17 ment pursuant to this Act shall be treated as Federal  
18 funds for purposes of compliance with any provision in ef-  
19 fect under any other law requiring that non-Federal funds  
20 be used to provide a portion of the funding for any pro-  
21 gram or project.

22 **SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) REGIONAL OCEAN STRATEGIC PLANS.—

1           (1) PAYMENTS TO STATES.—There are author-  
2 ized to be appropriated to the Administrator for  
3 making payments to coastal States under this title—

4           (A) \$40,000,000 for each of fiscal years  
5 2011, 2012, and 2013 for developing a Re-  
6 gional Ocean Strategic Plan under subsection  
7 (b)(1) of section 203, for assisting the Adminis-  
8 trator in conducting an initial ocean region as-  
9 sessment under subsection (a) of such section,  
10 and for implementing other regional efforts  
11 under subsection (e)(2) of such section; and

12           (B) \$60,000,000 for each of fiscal years  
13 2014 through 2021 and for implementing and  
14 updating Regional Ocean Strategic Plans under  
15 subsection (d) of such section.

16           (2) ASSESSMENTS.—There are authorized to be  
17 appropriated to the Administrator \$20,000,000 for  
18 each of fiscal years 2011 through 2021 thereafter  
19 for purposes of—

20           (A) conducting and updating assessments  
21 for the ocean regions described under section  
22 203; and

23           (B) supporting efforts by the Regional  
24 Ocean Partnerships to develop Regional Ocean  
25 Strategic Plans under such section.

1           (3) REGIONAL OCEAN STRATEGIC PLANS.—

2           There are authorized to be appropriated to the Ad-  
3           ministrators for allocation, with concurrence of the  
4           Council on Ocean Stewardship, for carrying out re-  
5           sponsibilities of the Federal Government for develop-  
6           ment and implementation of Regional Ocean Stra-  
7           tegic Plans under section 203—

8                       (A) \$30,000,000 for fiscal year 2014;

9                       (B) \$40,000,000 for fiscal year 2015; and

10                      (C) \$50,000,000 for each of fiscal years  
11                      2016 through 2021.

12           (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
13           ISTRATION.—

14                      (1) OFFICE OF EDUCATION.—In addition to the  
15           amounts authorized under the National Sea Grant  
16           College Program Act (33 U.S.C. 1121 et seq.), there  
17           are authorized to be appropriated to the Adminis-  
18           trator \$30,000,000 for each of fiscal years 2009  
19           through 2013 for educational activities under section  
20           309(b).

21                      (2) EDUCATIONAL PARTNERSHIP PROGRAM.—

22           There are authorized to be appropriated to the Ad-  
23           ministrators \$20,000,000 for each of fiscal years  
24           2009 through 2013 for educational activities under  
25           section 309(c).

1           (c) NATIONAL OCEAN AND COASTAL EDUCATION  
2 PROGRAM.—Of the amounts authorized to be appro-  
3 priated to NOAA, the Department of the Navy, the Na-  
4 tional Science Foundation, and the National Aeronautics  
5 and Space Administration for fiscal year 2009 through fis-  
6 cal year 2013, \$25,000,000 from each agency shall be  
7 available for the ocean and coastal education program  
8 under section 307.

9           (d) SCHOLARSHIP PROGRAM.—Of the amounts au-  
10 thorized to be appropriated to NOAA, the National  
11 Science Foundation, the National Aeronautics and Space  
12 Administration, and the Department of the Navy for fiscal  
13 year 2009 through fiscal year 2013, \$15,000,000 shall be  
14 available for National Ocean Science and Technology  
15 Scholarships under section 308.

16           (e) NATIONAL OCEAN AWARENESS MEDIA CAM-  
17 PAIGN.—Of the amounts authorized to be appropriated to  
18 NOAA, there are authorized to be appropriated to carry  
19 out section 311, \$2,000,000 for each of fiscal years 2009  
20 through 2011.

21           (f) FUNDING FOR MARINE ECOSYSTEM RE-  
22 SEARCH.—

23               (1) MARINE ECOSYSTEM RESEARCH.—For de-  
24 velopment and implementation of the research pro-  
25 gram under section 302, there are authorized to be

1 appropriated \$50,000,000 for each of fiscal years  
2 2009 through 2013.

3 (2) REGIONAL OCEAN ECOSYSTEM RESOURCE  
4 INFORMATION SYSTEMS.—For development and im-  
5 plementation of the regional Ocean Ecosystem Re-  
6 source Information Systems under section 305, there  
7 are authorized to be appropriated \$25,000,000 for  
8 each of fiscal years 2009 through 2013.

9 (g) AMENDMENT TO THE NATIONAL SEA GRANT  
10 COLLEGE PROGRAM ACT.—Subsection (a) of section 212  
11 of the National Sea Grant College Program Act (33  
12 U.S.C. 1131) is amended by adding at the end the fol-  
13 lowing new paragraph:

14 “(3) MARINE AND AQUATIC SCIENCE EDU-  
15 CATION.—In addition to the amounts authorized for  
16 each fiscal year under paragraphs (1) and (2), there  
17 are authorized to be appropriated for marine and  
18 aquatic science education for each of fiscal years  
19 2008 through 2012—

20 “(A) \$6,000,000 in increased funding for  
21 the educational activities of sea grant programs;

22 “(B) \$4,000,000 for competitive grants for  
23 projects and research that target national and  
24 regional marine and aquatic science literacy;

1           “(C) \$5,000,000 for competitive grants to  
2           support educational partnerships under the  
3           ocean and coastal education program estab-  
4           lished under section 308 of the National Oceans  
5           Protection Act of 2008 or other appropriate  
6           mechanism; and

7           “(D) \$10,000,000 for graduate fellowships  
8           and competitive distinguished professorships in  
9           marine science.”.

10       (h) AVAILABILITY.—Amounts appropriated pursuant  
11       to an authorization of appropriations in this section shall  
12       remain available until expended.

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