

111TH CONGRESS
1ST SESSION

S. 858

To protect the oceans and Great Lakes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2009

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

A BILL

To protect the oceans and Great Lakes, 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 2009”.

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 two-thirds of the
 4 Earth's surface, the oceans and Great Lakes play a
 5 critical role in the global water and carbon cycles
 6 and in regulating climate, sustain a large part of
 7 Earth's biodiversity, provide an important source of
 8 food and a wealth of other natural products, act as
 9 a frontier for scientific exploration, are critical to
 10 national and economic security, and provide a vital
 11 means of transportation. The coastal regions of the
 12 United States have remarkably high biological pro-
 13 ductivity and contribute approximately 50 percent of
 14 the gross domestic product of the United States.

15 (2) The oceans, Great Lakes, and the atmos-
 16 phere are susceptible to change as a direct and indi-
 17 rect result of human activities, and such change can
 18 significantly impact the ability of the oceans and at-
 19 mosphere to provide the benefits upon which the Na-

tion depends. Changes in oceanic and atmospheric processes could affect global climate patterns, ecosystem productivity and health, biodiversity, environmental quality, national security, economic competitiveness, availability of energy, vulnerability to natural hazards, and transportation safety and efficiency.

(3) Human pressure on ocean and Great Lakes resources is drastically increasing. Fifty percent of the population of the United States lives within 50 miles of the coast. If population trends continue as expected, coastal development and urbanization impacts, which can be substantially greater than population impacts alone, will present serious environmental, energy, and water challenges and increase our vulnerability to coastal hazards.

(4) Ocean and Great Lakes resources are the property of the people of the United States, are held in trust for them by Federal, State, local, and tribal governments, and should be managed in a precautionary manner to preserve the full range of their benefits for present and future generations.

(5) A variety of threats and practices have caused dramatic declines in the health and productivity of coastal, marine, and Great Lakes eco-

1 systems of the United States. Among the major
2 threats to marine ecosystem health are—

3 (A) chemical, nutrient, and biological pol-
4 lution;

5 (B) bycatch of nontarget marine species;

6 (C) habitat damage;

7 (D) overfishing and use of destructive fish-
8 ing practices;

9 (E) unwise land use and coastal develop-
10 ment;

11 (F) invasive species;

12 (G) global climate change; and

13 (H) ocean acidification.

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

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

21 (8) While there is a plethora of laws, govern-
22 ment agencies, and programs dealing with coastal,
23 ocean, and Great Lakes resources, activities there-
24 under are poorly coordinated and do not constitute

1 a unified and comprehensive public policy toward the
2 oceans and Great Lakes.

3 (9) Improving and coordinating Federal govern-
4 ance will require close partnerships with States, tak-
5 ing into account their public trust responsibilities,
6 economic and ecological interests in ocean and Great
7 Lakes resources, and the role of State and local gov-
8 ernments in the implementation of policies governing
9 the use of coastal lands and ocean and Great Lakes
10 resources.

11 (10) Ecosystem-based management of coastal
12 lands, oceans, and marine resources to protect,
13 maintain, and restore the health of marine eco-
14 systems requires a partnership between Federal,
15 State, local, and tribal governments.

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

1 (12) To better enable the various levels of gov-
 2 ernment with authority over coastal, ocean, and
 3 Great Lakes space and resources to fulfill their pub-
 4 lic trust responsibilities, a unified national oceans
 5 policy that is precautionary in nature is needed to
 6 govern the range of human activities that may sig-
 7 nificantly affect United States ocean waters and
 8 ocean resources.

9 **SEC. 3. PURPOSE.**

10 The purpose of this Act is to secure, for present and
 11 future generations of people of the United States, the full
 12 range of environmental, economic, educational, social, cul-
 13 tural, nutritional, and recreational benefits of healthy
 14 ocean and Great Lakes ecosystems.

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) ADMINISTRATOR.—The term “Adminis-
 18 trator” means the Administrator of NOAA.

19 (2) COMMISSION ON OCEAN POLICY.—The term
 20 “Commission on Ocean Policy” means the Commis-
 21 sion on Ocean Policy established under section 3 of
 22 the Oceans Act of 2000 (33 U.S.C. 857–19 note).

23 (3) COUNCIL ON OCEAN STEWARDSHIP.—The
 24 term “Council on Ocean Stewardship” means the

1 Council on Ocean Stewardship established under sec-
 2 tion 132.

3 (4) EXCLUSIVE ECONOMIC ZONE.—The term
 4 “Exclusive Economic Zone” means the Exclusive
 5 Economic Zone of the United States specified in
 6 Presidential Proclamation Number 5030, dated
 7 March 10, 1983.

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

12 (6) IMPORTANT ECOLOGICAL AREA.—The term
 13 “important ecological area” means an area that con-
 14 tributes significantly to local or larger marine eco-
 15 system health or is an especially unique or sensitive
 16 marine ecosystem.

17 (7) MARINE.—The term “marine” includes
 18 ocean and Great Lakes waters.

19 (8) MARINE ECOSYSTEM HEALTH.—The term
 20 “marine ecosystem health” means the capability of
 21 a marine ecosystem to—

22 (A) support and maintain a productive and
 23 resilient community of organisms that has a
 24 species composition, biological diversity, and

1 functional organization comparable to the nat-
 2 ural habitat of the region; and

3 (B) provide a range of goods and services
 4 to humans and other species at levels and rates
 5 comparable to those provided by a similar un-
 6 disturbed ecosystem.

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

10 (10) NOAA.—The term “NOAA” means the
 11 National Oceanic and Atmospheric Administration.

12 (11) OCEAN; OCEAN WATERS.—The terms
 13 “ocean” and “ocean waters” include—

14 (A)(i) coastal waters;

15 (ii) the Great Lakes;

16 (iii) the seabed, subsoil, and waters of the
 17 territorial sea of the United States;

18 (iv) the waters of the exclusive economic
 19 zone of the United States;

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

21 (vi) the seabed and subsoil of and beyond
 22 the Outer Continental Shelf marine environ-
 23 ment; and

1 (B) the natural resources found in the
2 areas described in clauses (i) through (vi) of
3 subparagraph (A).

4 (12) OCEANIC.—The term “oceanic” refers to
5 the areas described in paragraph (11).

6 (13) PERSON.—The term “person”—

7 (A) has the meaning given that term under
8 section 1 of title 1, United States Code; and

9 (B) includes any State, political subdivision
10 of a State, and agency or officer of such State.

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

15 (15) SECRETARY.—Except as otherwise pro-
16 vided in this Act, the term “Secretary” means the
17 Secretary of Commerce.

18 (16) STATE.—The term “State” means any
19 State of the United States, the District of Columbia,
20 the Commonwealth of Puerto Rico, the Virgin Is-
21 lands, Guam, American Samoa, or any other Com-
22 monwealth, territory, or possession of the United
23 States.

1 **SEC. 5. CONSTRUCTION.**

2 Except as specifically provided, nothing in this Act
3 may be construed to modify, limit, amend, or repeal any
4 provision of any other law or to limit the authority of a
5 local or State government or the Federal Government to
6 establish more stringent standards, requirements, or re-
7 strictions within their respective jurisdictions, in order to
8 provide greater protection of ocean and coastal waters or
9 resources, than the protection provided under this Act.

10 **TITLE I—NATIONAL OCEAN**
11 **POLICY AND LEADERSHIP**

12 **SEC. 101. PURPOSES.**

13 The purposes of this title are—

14 (1) to set forth a national policy relating to
15 oceans, Great Lakes, and atmosphere;

16 (2) to formally establish the National Oceanic
17 and Atmospheric Administration as the lead Federal
18 agency concerned with oceanic and atmospheric mat-
19 ters;

20 (3) to statutorily establish in NOAA the au-
21 thorities, functions, and powers relating to the con-
22 servation, management, and protection of the
23 oceans, Great Lakes, and atmosphere that have pre-
24 viously been established by regulation or reorganiza-
25 tion plan;

1 (4) to set forth the duties and responsibilities of
2 the Administrator and the principal officers of the
3 Administrator;

4 (5) to establish a mechanism for Federal lead-
5 ership and coordinated action on national oceanic
6 and atmospheric priorities that are essential to the
7 economic and environmental security of the United
8 States; and

9 (6) to enhance Federal partnerships with State
10 and local governments with respect to ocean and
11 Great Lakes activities, including management of re-
12 sources and identification of appropriate opportuni-
13 ties for policymaking and decision making at the
14 State and local level.

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

16 (a) NATIONAL OCEAN POLICY.—

17 (1) IN GENERAL.—It is the policy of the United
18 States to protect, maintain, and restore the health
19 of ocean, coastal, and Great Lakes ecosystems in
20 order to fulfill the ecological, economic, educational,
21 social, cultural, nutritional, recreational, and other
22 requirements of current and future generations of
23 Americans.

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

4 (A) Policies, programs, and activities
5 should minimize negative environmental im-
6 pacts to oceans, Great Lakes, and coastal wa-
7 ters, and their resources and be conducted so
8 that they do not undermine, by themselves or
9 cumulatively, the protection, maintenance, and
10 restoration of marine ecosystem health.

11 (B) Oceans, Great Lakes, and coasts and
12 their resources should be managed to meet the
13 needs of the present generation without com-
14 promising their ability to meet the needs of fu-
15 ture generations.

16 (C) Oceans, Great Lakes, coasts, and the
17 resources of each should be managed using eco-
18 system-based management.

19 (D) The lack of scientific certainty should
20 not be used as justification for postponing ac-
21 tion to prevent negative environmental impacts.
22 In cases in which significant threats to marine
23 ecosystem health exist, the best of the available
24 science should be used to manage the oceans,
25 Great Lakes, coasts, and their resources in a

1 manner that gives the greatest weight to the
2 protection, maintenance, and restoration of ma-
3 rine ecosystem health.

4 (E) Policies, programs, and activities
5 should recognize—

6 (i) the interconnectedness of the land,
7 atmosphere (including climate), oceans,
8 and Great Lakes, including their water re-
9 sources; and

10 (ii) that actions affecting any 1 of
11 these natural resources, such as the cli-
12 mate, are likely to affect another, such as
13 ocean resources.

14 (F) Potential uses of the oceans, Great
15 Lakes, coasts, and their resources should be
16 managed in a way that balances competing uses
17 and does not undermine the protection, mainte-
18 nance, and restoration of marine ecosystem
19 health.

20 (b) IMPLEMENTATION.—

21 (1) REQUIREMENT.—To the fullest extent pos-
22 sible and in accordance with applicable laws, each
23 Federal agency shall interpret and administer poli-
24 cies, regulations, and laws in accordance with the
25 National Ocean Policy.

1 (2) GUIDANCE.—

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

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

13 (c) AGENCY ACTIONS.—

14 (1) REGULATIONS.—

15 (A) IN GENERAL.—Not later than 2 years
16 after the issuance of guidance under subsection
17 (b)(2), the head of each Federal agency shall
18 issue new or revised regulations to ensure con-
19 sistency with the National Ocean Policy for any
20 actions undertaken, authorized, or funded by
21 the agency that may significantly affect the
22 oceans, Great Lakes, coasts, and their re-
23 sources.

24 (B) PUBLIC COMMENT.—The head of each
25 Federal agency shall—

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

4 (ii) provide a period for public com-
5 ment of not less than 60 days before final
6 regulations are published under clause (i).

7 (2) REVIEW.—Not later than 1 year after the
8 issuance of guidance under subsection (b)(2), the
9 head of each Federal agency shall—

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

15 (B) submit a report on such review, which
16 shall include such proposals as may be nec-
17 essary to eliminate such inconsistencies, to—

18 (i) the Committee on Commerce,
19 Science, and Transportation of the Senate;

20 (ii) the Committee on Natural Re-
21 sources of the House of Representatives;
22 and

23 (iii) the Council on Ocean Steward-
24 ship.

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 (a) IN GENERAL.—There is established an agency to
 8 be known as the National Oceanic and Atmospheric Ad-
 9 ministration, which shall be the civilian agency principally
 10 responsible for providing oceanic, weather, and atmos-
 11 pheric services, and supporting research, conservation,
 12 management, and education to the Nation.

13 (b) SUCCESSION.—The National Oceanic and Atmos-
 14 pheric Administration established under this Act shall suc-
 15 ceed the National Oceanic and Atmospheric Administra-
 16 tion established on October 3, 1970, in Reorganization
 17 Plan No. 4 of 1970, and shall continue the activities of
 18 that agency as it was in existence on the day before the
 19 effective date of this Act.

20 **SEC. 113. FUNCTIONS AND PURPOSES.**

21 (a) IN GENERAL.—NOAA, which 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,
 24 shall be responsible for the following functions:

1 (1) Management, conservation, protection, and
 2 restoration of ocean and Great Lakes resources, in-
 3 cluding living marine resources, habitats, and ocean
 4 ecosystems.

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

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

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

22 **SEC. 114. ADMINISTRATION.**

23 (a) ADMINISTRATOR.—

24 (1) APPOINTMENT.—NOAA shall be adminis-
 25 tered by the Administrator, who shall be appointed

1 by the President, by and with the advice and consent
2 of the Senate.

3 (2) COMPENSATION.—The Administrator shall
4 be compensated at the rate provided for level III of
5 the Executive Schedule under section 5314 of title
6 5, United States Code.

7 (3) QUALIFICATIONS.—The Administrator shall
8 have a broad background, professional knowledge,
9 and substantial experience in oceanic or atmospheric
10 affairs, including—

11 (A) any field relating to marine or atmos-
12 pheric science and technology, biological
13 sciences, or engineering; and

14 (B) education, economics, governmental af-
15 fairs, planning, law, or international affairs.

16 (4) AUTHORITY.—The Administrator—

17 (A) shall carry out all functions trans-
18 ferred to the Administrator under this Act; and

19 (B) shall have authority and control over
20 all personnel, programs, and activities of
21 NOAA.

22 (b) DEPUTY ADMINISTRATOR.—

23 (1) APPOINTMENT.—There shall be a Deputy
24 Administrator of NOAA, who shall be appointed by
25 the President, by and with the advice and consent

1 of the Senate, based on the individual's professional
2 qualifications and without regard to political affili-
3 ation.

4 (2) COMPENSATION.—The Deputy Adminis-
5 trator shall be the Administrator's first assistant for
6 purposes of subchapter III of chapter 33 of title 5,
7 United States Code, and shall be compensated at the
8 rate provided for level IV of the Executive Schedule
9 under section 5315 of title 5, United States Code.

10 (3) QUALIFICATIONS.—The Deputy Adminis-
11 trator shall have a broad background, professional
12 knowledge, and substantial experience in oceanic or
13 atmospheric policy or programs, including science,
14 technology, and education.

15 (4) FUNCTIONS.—The Deputy Administrator
16 shall—

17 (A) serve as an adviser to the Adminis-
18 trator on program and policy issues, including
19 crosscutting program areas such as research,
20 technology, and education;

21 (B) perform such functions and exercise
22 such powers as the Administrator may pre-
23 scribe; and

24 (C) perform the functions of the Adminis-
25 trator during the absence or disability of the

1 Administrator or in the event of a vacancy in
2 the office of the Administrator.

3 (c) ASSOCIATE ADMINISTRATOR FOR OCEAN MAN-
4 AGEMENT AND OPERATIONS.—There shall be an Associate
5 Administrator for Ocean Management and Operations of
6 NOAA, who shall be appointed by the President, by and
7 with the advice and consent of the Senate. The Associate
8 Administrator for Ocean Management and Operations
9 shall have a broad background, professional knowledge,
10 and substantial experience in oceanic or atmospheric pol-
11 icy or programs, and shall perform such duties and exer-
12 cise such powers as the Administrator shall from time to
13 time designate. The Associate Administrator shall be com-
14 pensated at the rate provided for level V of the Executive
15 Schedule under section 5316 of title 5, United States
16 Code.

17 (d) ASSOCIATE ADMINISTRATOR FOR CLIMATE AND
18 ATMOSPHERE.—There shall be an Associate Adminis-
19 trator for Climate and Atmosphere of NOAA, who shall
20 be appointed by the President, by and with the advice and
21 consent of the Senate. The Associate Administrator for
22 Climate and Atmosphere shall have a broad background,
23 professional knowledge, and substantial experience in oce-
24 anic or atmospheric policy or programs, and shall perform
25 such duties and exercise such powers as the Administrator

1 shall from time to time designate. The Associate Adminis-
2 trator shall be compensated at the rate provided for level
3 V of the Executive Schedule under section 5316 of title
4 5, United States Code.

5 (e) CHIEF OPERATING OFFICER.—

6 (1) RESPONSIBILITIES.—There shall be a Chief
7 Operating Officer of NOAA, who—

8 (A) shall assume the responsibilities held
9 by the Deputy Under Secretary of Commerce
10 on the day before the date of the enactment of
11 this Act;

12 (B) shall be responsible for ensuring the
13 timely and effective implementation of NOAA's
14 purposes and authorities;

15 (C) shall provide resource, budget, and
16 management support to the Office of the Ad-
17 ministrator; and

18 (D) shall be responsible for all aspects of
19 NOAA operations and management, including
20 budget, financial operations, information serv-
21 ices, facilities, human resources, procurement,
22 and associated services.

23 (2) SES.—The Chief Operating Officer shall be
24 a member of the Senior Executive Service, as au-

1 thorized under section 3133 of title 5, United States
2 Code.

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

11 (1) Resource management, protection, and res-
12 toration.

13 (2) Operations, forecasting, and services, in-
14 cluding weather and climate.

15 (3) Science, technology, and education.

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

22 (h) COMMISSIONED OFFICERS.—

23 (1) OVERSIGHT.—The Administrator shall des-
24 ignate 1 or more officers to be responsible for over-
25 sight of NOAA's vessel and aircraft fleets and for

1 the administration of NOAA's commissioned officer
2 corps under subtitle B of title II of the National
3 Oceanic and Atmospheric Administration Commis-
4 sioned Officer Corps Act of 2002 (33 U.S.C. 3021
5 et seq.).

6 (2) CONTINUATION.—The Commissioned Offi-
7 cer Corps of the National Oceanic and Atmospheric
8 Administration established by Reorganization Plan
9 No. 4 of October 3, 1970, as in effect on the day
10 before the date of the enactment of this Act, is the
11 Commissioned Officer Corps of NOAA established
12 under this Act. All statutes that applied to officers
13 of the Commissioned Officers Corps of NOAA on the
14 day before the date of the enactment of this Act
15 apply to officers of the Corps on and after such
16 date.

17 (3) LIST.—There are authorized to be on the
18 lineal list of the Commissioned Officers Corps of
19 NOAA not less than 350 officers, plus any addi-
20 tional officers necessary to support NOAA's missions
21 and the operation and maintenance of NOAA's ships
22 and aircraft.

23 (4) APPOINTMENT.—The President may ap-
24 point, by and with the advice and consent of the
25 Senate, 2 commissioned officers to serve at any time

1 as the designated heads of 2 principal constituent
2 organizational entities of NOAA, or the President
3 may designate 1 such officer as the head of such an
4 organizational entity and the other as the head of
5 the commissioned corps of NOAA. Any such des-
6 ignation shall create a vacancy on the active list and
7 the officer while serving under this subsection shall
8 have the rank, pay, and allowances of a rear admiral
9 (upper half).

10 (5) RETIREMENT RANK.—Any commissioned of-
11 ficer of NOAA who has served under paragraph (4)
12 and is retired while so serving or is retired after the
13 completion of such service while serving in a lower
14 rank or grade, shall be retired with the rank, pay,
15 and allowances authorized by law for the highest
16 grade and rank held by him, but any such officer,
17 upon termination of appointment in a rank above
18 that of captain, shall, unless appointed or assigned
19 to some other position for which a higher rank or
20 grade is provided, revert to the grade and number
21 the officer would have occupied had he not served in
22 a rank above that of captain and such officer shall
23 be an extra number in that grade.

24 (i) NAVAL DEPUTY.—

1 (1) DETAIL.—The Secretary of the Navy may
2 detail a Naval Deputy to the Administrator. This
3 position shall be filled on an additional duty basis by
4 the Oceanographer of the Navy.

5 (2) FUNCTIONS.—The Naval Deputy shall—

6 (A) act as a liaison between the Adminis-
7 trator and the Secretary of the Navy in order
8 to avoid duplication between Federal oceano-
9 graphic and atmospheric activities; and

10 (B) ensure coordination and joint planning
11 by NOAA and the Navy on research, meteorolo-
12 gical, oceanographic, and geospatial informa-
13 tion services, and programs of mutual organiza-
14 tional 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 under this Act, under any other statute,
20 or by the President, the Administrator shall be responsible
21 for—

22 (1) managing, conserving, protecting, and re-
23 storing ocean and Great Lakes resources, includ-
24 ing—

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

4 (B) ocean and Great Lakes areas, includ-
5 ing marine sanctuaries, estuarine reserves, and
6 other managed areas;

7 (C) marine aquaculture;

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

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

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

18 (2) partnering with, and supporting, State and
19 local communities in undertaking management, con-
20 servation, protection, and restoration of the ocean
21 and Great Lakes resources described in paragraph
22 (1);

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

1 (A) the upper and lower atmosphere;

2 (B) the oceans, Great Lakes, and the re-
3 sources they provide; and

4 (C) the Earth and near space environment;

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

11 (5) carrying out broadly based data, observa-
12 tion, monitoring, and information activities, pro-
13 grams, and systems relating to oceanic and atmos-
14 pheric monitoring and prediction, weather fore-
15 casting, and storm warning, including satellite-based
16 and in situ data collection and associated services;

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

1 statutes, rules, plans, and orders relating to the
2 same subject;

3 (7) providing navigation and assessment oper-
4 ations and services, including—

5 (A) developing maps and charts for the
6 safety of marine and air navigation;

7 (B) maintaining a network of geographic
8 reference coordinates for geodetic control; and

9 (C) observing, charting, mapping, and
10 measuring the marine environment and ocean
11 resources;

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

16 (9) collecting, disseminating, and maintaining
17 on a continuing basis information relating to the
18 status, trends, health, use, and protection of the
19 oceans, Great Lakes, and atmosphere, to all inter-
20 ested parties, including through an integrated ocean
21 observing system and national and regional eco-
22 system-based information management systems;

23 (10) administering, operating, and maintaining
24 satellite and in situ systems that can monitor global
25 and regional atmospheric weather conditions, climate

1 and related oceanic, solar, hydrological, and other
2 environmental conditions, collect information re-
3 quired for research on weather, climate, and related
4 environmental matters, and monitor the extent of
5 human-induced changes in the lower and upper at-
6 mosphere and the related environment;

7 (11) collecting, analyzing, and disseminating
8 environmental information, in support of environ-
9 mental research and development, including data in
10 the fields of climatology, atmospheric sciences,
11 oceanography, biology, geology, geophysics, solar-ter-
12 restrial relationships, and the relationship among
13 oceans, climate, and human health;

14 (12) undertaking a comprehensive, integrated,
15 and ecosystem-based program of oceanic, Great
16 Lakes, climate, and atmospheric research related to,
17 and supportive of, the missions of NOAA and which
18 uses research products, new findings, and meth-
19 odologies to develop the most current scientific ad-
20 vice for ecosystem-based management;

21 (13) conducting environmental research and de-
22 velopment activities that are necessary to advance
23 the United States oceanic, atmospheric, engineering,
24 and technology expertise, including the development
25 and operation of observing platforms such as ships,

1 aircraft, satellites, data buoys, manned or unmanned
2 research submersibles, underwater laboratories or
3 platforms, and improved instruments and calibration
4 methods, and the advancement of undersea diving
5 techniques;

6 (14) conducting a continuing program of ocean
7 and Great Lakes exploration and discovery and con-
8 servation of significant undersea resources, including
9 cultural resources, to benefit, inform, and inspire the
10 people of the United States, including communica-
11 tion of such knowledge to policymakers and the pub-
12 lic;

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

21 (16) ensuring the execution and implementation
22 of national oceanic, atmospheric, and environmental
23 policy goals through a variety of oceanic and atmos-
24 pheric programs;

1 (17) undertaking activities involving the inte-
2 gration of domestic and international policy relating
3 to the oceans, Great Lakes, and the atmosphere, in-
4 cluding the provision of technical advice to the Presi-
5 dent on international negotiations involving ocean
6 resources, ocean technologies, and climate matters;

7 (18) providing for, encouraging, and assisting
8 public participation in the development and imple-
9 mentation of oceanic and atmospheric policies and
10 programs;

11 (19) conducting, supporting, and coordinating
12 efforts to enhance public awareness of NOAA, its
13 purposes, programs, and activities, and the results
14 thereof, including education and outreach to the
15 public, teachers, students, and ocean resource man-
16 agers;

17 (20) partnering with other government agen-
18 cies, States, academia, and the private sector, via co-
19 operative agreements or other formal or informal ar-
20 rangements, to improve the acquisition of data and
21 information and the implementation of management,
22 monitoring, research, exploration, education, and
23 other programs;

24 (21) partnering with other Federal agencies
25 and with States and communities to address the

1 issues of land-based activities and their impact on
2 the ocean environment;

3 (22) working with other Federal agencies,
4 State, tribal, and local governments, and the public
5 to improve regional coordination and integration and
6 promote ecosystem-based management of coasts,
7 oceans, and the Great Lakes; and

8 (23) coordinating with other Federal agencies
9 that have related responsibilities.

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

11 (a) DELEGATION.—Unless otherwise prohibited by
12 law or reserved by the Secretary of Commerce, the respon-
13 sibilities of the Administrator may be delegated by the Ad-
14 ministrator to other officials in NOAA, and may be redele-
15 gated as authorized by the Administrator.

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

22 (c) CONTRACTS.—The Administrator may, without
23 regard to subsection (a) or (b) of section 3324 of title 31,
24 United States Code, enter into and perform such con-
25 tracts, leases, grants, cooperative agreements, or other

1 transactions (without regard to chapter 63 of title 31,
 2 United States Code), as may be necessary to carry out
 3 NOAA's purposes and authorities, on terms the Adminis-
 4 trator deems appropriate, with Federal agencies, instru-
 5 mentalities, and laboratories, State and local governments,
 6 regional and interstate entities, Native American tribes
 7 and organizations, international organizations, foreign
 8 governments, educational institutions, nonprofit organiza-
 9 tions, commercial organizations, and other public and pri-
 10 vate persons or entities.

11 (d) GIFTS AND DONATIONS.—

12 (1) IN GENERAL.—Notwithstanding section
 13 1342 of title 31, United States Code, and subject to
 14 such conditions and covenants as the Administrator
 15 deems appropriate, the Administrator may accept,
 16 hold, administer, and utilize—

17 (A) gifts, bequests, or donations of serv-
 18 ices, money, or property, real or personal (in-
 19 cluding patents and rights thereunder), mixed,
 20 tangible or intangible, or any interest therein;

21 (B) contributions of funds; and

22 (C) funds from Federal agencies, instru-
 23 mentalities, and laboratories, State and local
 24 governments, Native American tribes and orga-
 25 nizations, international organizations, foreign

1 governments, educational institutions, nonprofit
2 organizations, commercial organizations, and
3 other public and private persons or entities.

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

5 (A) PROPERTY AND SERVICES.—The Ad-
6 ministrator may use property and services ac-
7 cepted by NOAA under paragraph (1) to carry
8 out the mission and purposes of NOAA.

9 (B) FUNDS.—Amounts accepted by NOAA
10 under paragraph (1) shall be available for obli-
11 gation and expenditure by NOAA to carry out
12 the mission and purposes of NOAA.

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

22 (f) INFORMATION.—The Administrator shall provide
23 for the most practicable and widest appropriate dissemina-
24 tion of information concerning NOAA, its purposes, pro-
25 grams, and activities, and the results thereof, including

1 authority to conduct education, technical assistance, and
 2 outreach to the public, teachers, students, and ocean and
 3 coastal resource managers.

4 (g) ACQUISITION AND CONSTRUCTION.—The Admin-
 5 istrator may—

6 (1) acquire (by purchase, lease, condemnation,
 7 or otherwise), lease, sell, or convey, services, money
 8 or property, real or personal (including patents and
 9 rights thereunder), mixed, tangible or intangible, or
 10 any interest therein; and

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

14 **SEC. 117. ENFORCEMENT.**

15 (a) AUTHORITY.—The Administrator is authorized to
 16 enforce the applicable provisions of any Act, the enforce-
 17 ment of which is, in whole or in part, assigned, delegated,
 18 or transferred to the Administrator, and any term of a
 19 license, permit, regulation, or order issued pursuant to
 20 such Act. The Administrator may designate any person,
 21 officer, or agency to exercise the authority of the Adminis-
 22 trator under this title.

23 (b) USE OF STATE PERSONNEL.—

24 (1) IN GENERAL.—The Administrator may—

1 (A) utilize by agreement, with or without
2 reimbursement, the personnel, services, and fa-
3 cilities of any State agency to the extent the
4 Administrator deems it necessary and appro-
5 priate for effective enforcement of any law for
6 which the Administrator has enforcement au-
7 thority; and

8 (B) designate such personnel to exercise
9 the enforcement authority of the Administrator
10 under subsection (a).

11 (2) STATUS AND POWERS.—Any personnel des-
12 ignated by the Administrator under paragraph
13 (1)(B)—

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

1 (B) shall be considered to be investigative
2 or law enforcement officers of the United States
3 for purposes of the tort claim provisions of title
4 28, United States Code;

5 (C) may, to the extent specified by the Ad-
6 ministrator, search, seize, arrest, and exercise
7 any other law enforcement functions or authori-
8 ties described in this title where such authori-
9 ties are made applicable by this or other law to
10 employees, officers, or other persons designated
11 or employed by the Administrator; and

12 (D) shall be considered to be officers or
13 employees of the Department of Commerce for
14 purposes of section 112 and section 1114 of
15 title 18, United States Code.

16 (c) COOPERATIVE ENFORCEMENT AGREEMENTS.—
17 The Administrator may—

18 (1) enter into cooperative agreements with
19 State authorities to ensure coordinated enforcement
20 of State and Federal laws;

21 (2) by such agreements, assume enforcement
22 authority under State law when the Administrator
23 and State authorities jointly determine that such as-
24 sumption of authority is appropriate; and

1 (3) when so authorized, function, or designate
 2 another to function, as a State law enforcement offi-
 3 cer within the scope of the delegation, except that
 4 Federal law shall control the resolution of any con-
 5 flict concerning the employee status of any Federal
 6 officer while enforcing State law.

7 **SEC. 118. REGIONAL CAPABILITIES.**

8 The Administrator shall—

9 (1) organize agency activities and programs
 10 around common ecoregional boundaries identified
 11 through a process established by the Council on
 12 Ocean Stewardship, based upon recommendations
 13 contained in the report of the Commission on Ocean
 14 Policy, and coordinated with the Regional Ocean
 15 Partnerships, in order to—

16 (A) enhance inter- and intra-agency co-
 17 operation;

18 (B) maximize Federal capabilities in such
 19 region;

20 (C) develop coordinated, ecosystem-based
 21 management and research programs;

22 (D) develop research partnerships with
 23 States, Regional Ocean Partnerships, and aca-
 24 demic institutions;

1 (E) substantially improve the ability of the
2 public to contact and work with all relevant
3 Federal agencies; and

4 (F) maximize opportunities to work in
5 partnership with States and Regional Ocean
6 Partnerships in order to facilitate ecoregional
7 management and enhance State, Regional
8 Ocean Partnership, and local capacity to man-
9 age issues on an ecoregional basis;

10 (2) work with other Federal agencies, including
11 the Environmental Protection Agency, the United
12 States Fish and Wildlife Service, Army Corps of En-
13 gineers, and State agencies to—

14 (A) encourage similar ecoregional organiza-
15 tion and, if appropriate, colocation of related
16 programs and facilities to achieve goals de-
17 scribed in paragraph (1); and

18 (B) plan and implement ecoregional activi-
19 ties to encourage early cooperation, coordina-
20 tion, and integration across the Federal agen-
21 cies and with relevant State programs, and to
22 assure applicable Federal and State ocean poli-
23 cies; and

24 (3) ensure that NOAA consults with the States
25 and Regional Ocean Partnerships established under

1 section 302, develop regional information programs
2 as recommended by the Commission on Ocean Pol-
3 icy, including—

4 (A) coordinated research strategies;

5 (B) integrated oceanic and atmospheric
6 monitoring and observation activities; and

7 (C) establishment of service centers and
8 coordinators to support development of innova-
9 tive tools, technologies, training, and technical
10 assistance to facilitate the implementation of
11 ecosystem-based management.

12 **SEC. 119. INTERGOVERNMENTAL COORDINATION.**

13 (a) AVOIDANCE OF DUPLICATIVE REQUIREMENTS.—

14 In carrying out the provisions of this Act, the Adminis-
15 trator shall consult and coordinate with the head of any
16 Federal agency having authority to issue any license,
17 lease, or permit to engage in an activity related to the
18 functions of the Administrator for purposes of assuring
19 that inconsistent or duplicative requirements are not im-
20 posed upon any applicant for, or holder of, any such li-
21 cense, lease, or permit.

22 (b) AVOIDANCE OF INCONSISTENT AND CONFLICTING
23 ACTIVITIES AND POLICIES.—To identify and resolve in-
24 consistent or conflicting Federal oceanic and atmospheric
25 activities and policies, the Administrator shall—

1 (1) consult and coordinate with the head of any
2 Federal agency on the activities and policies of that
3 agency to provide services related to the functions of
4 the Administrator;

5 (2) request the head of any Federal agency to
6 provide clarification and justification of those activi-
7 ties and policies that the Administrator determines
8 are inconsistent or conflicting with the Administra-
9 tor's functions; and

10 (3) issue, as the Administrator determines to be
11 appropriate, reports to the President, the Council on
12 Ocean Stewardship, the head of any Federal agency,
13 and Congress concerning inconsistent or conflicting
14 activities and policies of any Federal agency relating
15 to oceanic and atmospheric activities, including rec-
16 ommendations on how to reconcile inconsistent and
17 conflicting Federal oceanic and atmospheric activi-
18 ties and policies throughout the Federal Govern-
19 ment.

20 (c) CONSULTATION WITH ADMINISTRATOR.—The
21 head of any Federal agency or department, and all other
22 Federal officials, having responsibilities related to the
23 functions of the Administrator shall consult with the Ad-
24 ministrator on any subject matter that directly involves

1 any actions or activities described in this Act, to ensure
2 that all such activities are well coordinated.

3 (d) COORDINATION WITH STATES.—The Adminis-
4 trator shall ensure that NOAA employees work with the
5 States to encourage early cooperation, coordination, and
6 integration of Federal and State oceanic and atmospheric
7 programs, including planning and implementing
8 ecoregional activities.

9 (e) OFFICE OF INTERGOVERNMENTAL AFFAIRS.—
10 The Administrator shall establish an Office of Intergov-
11 ernmental Affairs, which shall—

12 (1) assist in implementing this section; and

13 (2) facilitate planning of joint programs be-
14 tween NOAA line offices and other Federal agencies
15 or departments, including the Department of De-
16 fense.

17 **SEC. 120. INTERNATIONAL CONSULTATION AND COOPERA-**
18 **TION.**

19 (a) COOPERATION WITH SECRETARY OF STATE.—
20 The Administrator shall cooperate with the Secretary of
21 State to the fullest extent practicable in providing rep-
22 resentation at all meetings and conferences relating to ac-
23 tions or activities described in this Act in which represent-
24 atives of the United States and foreign countries partici-
25 pate.

1 (b) CONSULTATION WITH ADMINISTRATOR.—The
 2 Secretary of State and all other officials having respon-
 3 sibilities for agreements, treaties, or understandings with
 4 foreign nations and international bodies shall consult with
 5 the Administrator when the subject matter or activities
 6 described in this Act are involved, with a view to ensuring
 7 that such interests are adequately represented.

8 **SEC. 121. REPORT ON OCEANIC AND ATMOSPHERIC CONDI-**
 9 **TIONS AND TRENDS.**

10 Not later than 1 year after the date of the enactment
 11 of this Act, and biennially thereafter, the Administrator,
 12 in consultation with relevant Federal and State agencies
 13 and departments, shall submit a report to Congress that
 14 describes—

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

18 (2) current and foreseeable trends in the qual-
 19 ity, management, and utilization of such environ-
 20 ments; and

21 (3) the effects of such trends on the social, eco-
 22 nomic, ecological, and other requirements of the
 23 United States.

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

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

4 (b) REFERENCES TO NOAA.—Any reference to the
5 National Oceanic and Atmospheric Administration, the
6 Under Secretary of Commerce for Oceans and Atmosphere
7 (either by that title or by the title of the Administrator
8 of NOAA), or any other official of the National Oceanic
9 and Atmospheric Administration, in any law, rule, regula-
10 tion, certificate, directive, instruction, or other official
11 paper in force on the day before the date of the enactment
12 of this Act shall be deemed to refer and apply to the Na-
13 tional Oceanic and Atmospheric Administration estab-
14 lished under this Act, or to the position of Administrator
15 established under this Act, respectively.

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

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

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

26 (A) by striking paragraph (1);

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

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

6 (d) CONFORMING AMENDMENT.—Section 5315 of
 7 title 5, United States Code, is amended by striking “As-
 8 sistant Secretaries of Commerce (11).” and inserting “As-
 9 sistant Secretaries of Commerce (10).”.

10 **SEC. 123. SAVINGS PROVISION.**

11 All rules and regulations, determinations, standards,
 12 contracts, certifications, authorizations, appointments,
 13 delegations, results and findings of investigations, or other
 14 actions duly issued, made, or taken pursuant to or under
 15 the authority of any statute that resulted in the assign-
 16 ment of functions or activities to the Secretary, the De-
 17 partment of Commerce, the Under Secretary, the Admin-
 18 istrator, or any other officer of NOAA, in effect imme-
 19 diately before the date of the enactment of this Act shall
 20 continue in full force and effect after the date of the enact-
 21 ment of this Act until modified or rescinded.

22 **SEC. 124. TRANSITION.**

23 (a) EFFECTIVE DATE.—The provisions of this sub-
 24 title shall become effective on the date that is 2 years after
 25 the date of the enactment of this Act.

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

(1) meets the requirements of this title;

(2) reflects the recommendations of the Commission on Ocean Policy, particularly with respect to ecosystem-based science and management and additional budgetary requirements; and

(3) provide integrated oceanic and atmospheric programs and services for the benefit of the United States.

Subtitle B—Federal Coordination and Advice

SEC. 131. NATIONAL OCEAN ADVISOR.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive Office of the President the position of National Ocean Advisor (referred to in this section as the “Advisor”), who—

1 (A) shall be appointed by the President, by
 2 and with the advice and consent of the Senate;
 3 and

4 (B) may not be an employee of an agency
 5 or department of the United States.

6 (2) COMPENSATION.—The Advisor shall be paid
 7 at a rate specified by the President not to exceed the
 8 rate payable for level V of the Executive Schedule
 9 under section 5136 of title 5, United States Code.

10 (3) QUALIFICATIONS.—The individual ap-
 11 pointed as the Advisor shall be a person who, as a
 12 result of the individual's training, experience, and
 13 attainments, is well qualified—

14 (A) to analyze and interpret marine eco-
 15 system trends and all relevant information re-
 16 lated to such trends;

17 (B) to appraise programs and activities of
 18 the Federal Government with consideration of
 19 the goals of the National Ocean Policy; and

20 (C) to formulate and recommend actions
 21 and decisions to promote marine ecosystem
 22 health.

23 (b) FUNCTIONS.—The Advisor shall—

24 (1) advise the President on implementation of
 25 this Act, activities of the Council on Ocean Steward-

1 ship, and other matters relating to ocean waters,
2 coastal waters, ocean resources, and maintaining
3 marine ecosystem health;

4 (2) serve as the chairperson of the Council on
5 Ocean Stewardship;

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

8 (4) establish a process, in consultation with the
9 Council on Ocean Stewardship, for resolving inter-
10 agency disputes and advise Federal agencies as re-
11 quested regarding the implementation of the Na-
12 tional Ocean Policy; and

13 (5) develop, issue, and revise as needed, the
14 guidance required under section 102(b)(2).

15 (c) STAFFING.—

16 (1) STAFF.—The Advisor may employ such
17 staff as may be necessary to carry out this section.

18 (2) UNCOMPENSATED SERVICES.—The Advisor
19 may accept, utilize, and terminate voluntary and un-
20 compensated services to carry out this section.

21 **SEC. 132. COUNCIL ON OCEAN STEWARDSHIP.**

22 There is established in the Executive Office of the
23 President the Council on Ocean Stewardship (referred to
24 in this subtitle as the “Council”).

1 **SEC. 133. MEMBERSHIP OF COUNCIL ON OCEAN STEWARD-**
2 **SHIP.**

3 (a) MEMBERSHIP.—The Council shall be composed of
4 at least 3 members and not more than 5 members who
5 shall be appointed by the President, by and with the advice
6 and consent of the Senate.

7 (b) QUALIFICATIONS.—Each member of the Council
8 shall be, as a result of training, experience, and attach-
9 ments, exceptionally well qualified—

10 (1) to analyze and interpret all types of oceanic
11 and atmospheric trends and information;

12 (2) to appraise programs and activities of the
13 Federal Government in comparison with the Na-
14 tional Ocean Policy;

15 (3) to be conscious of and responsive to the sci-
16 entific, environmental, ecosystem, economic, social,
17 aesthetic, and cultural needs and interests of the
18 United States; and

19 (4) to formulate and recommend national poli-
20 cies to promote the improvement and the quality of
21 the ocean and atmospheric environments, including
22 as those environments relate to practices on land.

23 **SEC. 134. FUNCTIONS OF COUNCIL ON OCEAN STEWARD-**
24 **SHIP.**

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

1 (1) shall coordinate oceanic and atmospheric ac-
2 tivities among the agencies and departments of the
3 United States, particularly focusing on the National
4 Ocean Policy, while minimizing duplication, includ-
5 ing ensuring that other ocean-related agencies work
6 together at the operation, program, and research lev-
7 els in cooperation with NOAA;

8 (2) shall provide a forum for improving plan-
9 ning among such agencies and departments, budget
10 and program coordination, administration, outreach,
11 and cooperation on such programs and activities;

12 (3) shall ensure that such agencies and depart-
13 ments engaged in oceanic and atmospheric activities
14 adopt and implement the principle of ecosystem-
15 based management and take necessary steps to im-
16 prove regional coordination and delivery of services
17 around common ecoregional boundaries;

18 (4) shall review and evaluate the various pro-
19 grams and activities of the Federal Government in
20 light of the National Ocean Policy for the purpose
21 of determining the extent to which such programs
22 and activities are effective and contributing to the
23 achievement of such policy and the overall health of
24 the oceanic and atmospheric environment, including
25 marine ecosystems;

1 (5) shall conduct an annual review and analysis
2 of funding proposed for oceanic and atmospheric re-
3 search and management in the budgets of such
4 agencies and departments, and provide budget rec-
5 ommendations to the President, the agencies, and
6 the Office of Management and Budget to carry out
7 the National Ocean Policy, improve coordination, co-
8 operation, and effectiveness of such activities, elimi-
9 nate unnecessary overlap, and identify areas of high-
10 est priority for funding and support;

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

14 (A) providing more effective protection and
15 restoration of marine ecosystems;

16 (B) improving predictions of climate
17 change and variability (weather), including their
18 effects on coastal communities and the Nation;

19 (C) improving the safety and efficiency of
20 marine operations;

21 (D) more effectively mitigating the effects
22 of natural hazards;

23 (E) reducing public health risks from oce-
24 anic and atmospheric sources;

1 (F) ensuring sustainable use of resources;
2 and

3 (G) improving national and homeland secu-
4 rity;

5 (7) shall promote efforts to increase and en-
6 hance partnerships with States that border a coast
7 or a Great Lake and other non-Federal entities to
8 support Regional Ocean Partnerships and enhanced
9 regional research, resource, hazards, ecosystem-
10 based management, education and outreach, and
11 marine ecosystem protection, maintenance, and res-
12 toration;

13 (8) shall identify statutory and regulatory
14 redundancies or omissions and develop strategies to
15 resolve conflicts, fill gaps, and address new and
16 emerging oceanic and atmospheric issues for na-
17 tional and regional benefit;

18 (9) shall emphasize the development and sup-
19 port of partnerships among government agencies
20 and nongovernmental organizations, academia, and
21 the private sector, including regional partnerships;

22 (10) shall expand research, education, and out-
23 reach efforts by all Federal agencies undertaking
24 oceanic and atmospheric activities;

1 (11) may establish a Federal Coordinating
 2 Committee on Oceans, chaired by the Chair of the
 3 Council, to carry out the coordination of oceanic and
 4 atmospheric programs and priorities required under
 5 this title; and

6 (12) may establish any other ocean-related com-
 7 mittee the Council determines to be appropriate.

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

10 (1) consult with the Administrator and the
 11 Presidential Panel of Advisers on Oceans and Cli-
 12 mate established under section 139 to ensure input
 13 from potentially affected States, the public, and
 14 other stakeholders;

15 (2) work in close consultation and cooperation
 16 with the Council on Environmental Quality, the Of-
 17 fice of Science and Technology Policy, the Council of
 18 Economic Advisers, and other offices within the Ex-
 19 ecutive Office of the President;

20 (3) utilize the expertise and coordinate the ca-
 21 pabilities of the Joint Subcommittee on Ocean
 22 Science and Technology of the National Science and
 23 Technology Council and any ocean-related commit-
 24 tees formed under the Council with respect to oce-
 25 anic and atmospheric science, technology, and edu-

1 cation matters, including development of a national
2 research strategy; and

3 (4) utilize, to the fullest extent possible, the
4 services, facilities, and information (including statis-
5 tical information) of public and private agencies and
6 organizations and individuals, in order to avoid du-
7 plication of effort and expense, and ensure that the
8 Council's activities will not unnecessarily overlap or
9 conflict with similar activities authorized by law and
10 performed by the Administrator or the head of any
11 other agency or department of the United States.

12 (c) **REVIEWS AND REPORTS.**—The Council shall
13 make and furnish such studies, reports, and recommenda-
14 tions with respect to matters of policy and legislation as
15 the President may request.

16 **SEC. 135. PERSONNEL OF COUNCIL ON OCEAN STEWARD-**
17 **SHIP.**

18 (a) **ASSISTANCE FROM OTHER AGENCIES OR DE-**
19 **PARTMENTS.**—

20 (1) **IN GENERAL.**—For the purpose of carrying
21 out the functions of the Council, each agency or de-
22 partment of the United States that conducts oceanic
23 or atmospheric activities shall furnish any assistance
24 requested by the Council.

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

3 (A) detailing employees to the Council to
4 perform such functions, consistent with the pur-
5 poses of this subtitle, as the Chair of the Coun-
6 cil may assign; and

7 (B) undertaking, upon the request of the
8 Chair of the Council, such special studies for
9 the Council as are necessary to carry out the
10 functions of the Council.

11 (3) PERSONNEL MANAGEMENT.—The Chair of
12 the Council shall have the authority to make per-
13 sonnel decisions regarding any employees detailed to
14 the Council.

15 (b) EMPLOYMENT OF PERSONNEL, EXPERTS, AND
16 CONSULTANTS.—The Council may—

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

20 (2) employ and fix the compensation of such ex-
21 perts and consultants as may be necessary to carry
22 out the functions of the Council under this subtitle,
23 in accordance subsection (b) of section 3109(b) of
24 title 5, United States Code (without regard to the
25 last sentence of such subsection); and

1 (3) notwithstanding section 1342 of title 31,
2 United States Code, accept and employ voluntary
3 and uncompensated services in furtherance of the
4 purposes of the Council.

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

6 The Council, in coordination with the Joint Sub-
7 committee on Ocean Science and Technology of the Na-
8 tional Science and Technology Council, shall ensure that
9 the Federal agencies conducting oceanic and atmospheric
10 activities give priority attention and develop coordinated
11 Federal budgets, programs, and operations that will mini-
12 mize duplication and foster improved services and other
13 benefits to the United States in the following areas:

14 (1) Prevention, management, and control of
15 nonpoint source pollution, including regional or wa-
16 tershed strategies.

17 (2) An integrated ocean and coastal observing
18 system and an associated Earth observing system.

19 (3) Ecosystem-based management, protection,
20 and restoration of oceanic and atmospheric resources
21 and environments, including management-oriented
22 research, technical assistance and organization of
23 programs, and activities along common ecoregional
24 boundaries.

25 (4) Ocean education and outreach.

1 (5) Regionally based coastal land protection,
2 conservation, maintenance, and restoration.

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

5 (A) oceans and human health;

6 (B) social science and economics;

7 (C) atmospheric monitoring and climate
8 change;

9 (D) marine ecosystems, marine biodiver-
10 sity, and ocean exploration;

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

13 (F) marine aquaculture.

14 (7) Characterization and mapping of the coastal
15 zone, coastal State waters, the territorial sea, the ex-
16 clusive economic zone and Outer Continental Shelf,
17 including ocean resources.

18 **SEC. 137. COORDINATION PLAN.**

19 (a) COORDINATION PLAN.—Not later than 2 years
20 after the date of the enactment of this Act, the Council
21 shall submit to Congress a plan for coordinating activities
22 of each agency or department of the United States related
23 to ocean waters that—

24 (1) is consistent with the National Ocean Pol-
25 icy;

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

5 (3) identifies the process by which such agen-
6 cies or departments may coordinate with and partici-
7 pate in the Regional Ocean Partnerships and estab-
8 lishes Federal regional ocean partnership teams to
9 participate in that process;

10 (4) considers possible consolidation of oceanic
11 or atmospheric programs, functions, services, or re-
12 sources within or among such agencies or depart-
13 ments, if such consolidation would not undermine
14 the National Ocean Policy;

15 (5) includes recommendations prepared for any
16 resources or new authorities that such agencies or
17 departments may need to implement the National
18 Ocean Policy; and

19 (6) includes recommendations regarding agency
20 ocean budgets and the sufficiency of such budgets to
21 carry out the National Ocean Policy.

22 (b) REVIEW AND UPDATE.—The Council shall review
23 and update the coordination plan under this section as
24 needed, but not less frequently than once every 6 years.

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

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of the enactment of this Act, and biennially there-
4 after, the President, through the Council, shall submit a
5 report to Congress on Federal oceanic and atmospheric
6 programs, priorities, and accomplishments, which shall in-
7 clude—

8 (1) a comprehensive description of the oceanic
9 and atmospheric programs and accomplishments of
10 all agencies of the United States;

11 (2) an evaluation of such programs and accom-
12 plishments in terms of the National Ocean Policy
13 and the national priorities identified in section 136,
14 which specifies the progress made with respect to
15 the goals set out in this title;

16 (3) a report on progress in improving Federal,
17 State, and Regional Ocean Partnership coordination
18 on ocean and atmospheric activities, including co-
19 ordination efforts required under this Act;

20 (4) an analysis of the Federal budget allocated
21 to such programs including estimates of the funding
22 requirements of each such agency for such programs
23 during the succeeding 5 to 10 fiscal years;

24 (5) recommendations for remedying deficiencies,
25 and for improving organization, effectiveness, and
26 outreach of Federal oceanic and atmospheric pro-

1 grams and services, on a regional and national basis,
2 including support for State and local efforts that le-
3 verage public, nongovernmental, and private sector
4 involvement; and

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

7 (b) **PRESIDENTIAL TRANSMITTAL.**—The President
8 shall submit the biennial report prepared pursuant to this
9 section to the President of the Senate and the Speaker
10 of the House of Representatives not later than December
11 31 of the year in which such report is due.

12 (c) **AGENCY COOPERATION.**—Each Federal agency
13 shall cooperate by providing—

14 (1) such data and information without cost as
15 may be requested by the Council for the purpose of
16 this section; and

17 (2) services and personnel on a cost reimburs-
18 able basis at the request of the Chair of the Council
19 for the purpose of accomplishing the requirements of
20 this section.

21 **SEC. 139. PRESIDENTIAL PANEL OF ADVISERS ON OCEANS**
22 **AND CLIMATE.**

23 (a) **ESTABLISHMENT.**—

24 (1) **IN GENERAL.**—The President shall establish
25 a Presidential Panel of Advisers on Oceans and Cli-

1 mate (referred to in this section as the “Presidential
2 Panel”).

3 (2) PURPOSE.—The purpose of the Presidential
4 Panel shall be—

5 (A) to advise and assist the President and
6 the Chair of the Ocean Stewardship Council in
7 identifying and fostering policies to protect,
8 manage, and restore oceanic and atmospheric
9 environments and resources, on a regional and
10 national basis; and

11 (B) to undertake a continuing review, on a
12 selective basis, of priority issues relating to—

13 (i) national oceanic and atmospheric
14 policy (including climate change);

15 (ii) conservation and management of
16 ocean environments and resources; and

17 (iii) the status of the oceanic and at-
18 mospheric science and service programs of
19 the United States.

20 (b) MEMBERSHIP.—

21 (1) IN GENERAL.—The Presidential Panel shall
22 include at least 20 members appointed by the Presi-
23 dent, in consultation with the National Ocean Advi-
24 sor (who shall serve as an ex officio member of the
25 Presidential Panel)—

1 (A) who shall be appointed based on their
2 knowledge of and experience with coastal,
3 ocean, and atmospheric science, policy, and
4 other related areas; and

5 (B) which shall include at least 1 rep-
6 resentative from—

7 (i) local governments;

8 (ii) Indian tribes;

9 (iii) the marine science research com-
10 munity;

11 (iv) the marine science education com-
12 munity;

13 (v) the commercial fishing sector;

14 (vi) the recreational fishing sector;

15 (vii) the energy development, the ship-
16 ping and transportation, and the marine
17 tourism industries;

18 (viii) agriculture, which may include
19 timber;

20 (ix) watershed organizations (other
21 than organizations represented under
22 clause (x)), which may include resource
23 conservation districts; and

24 (x) nongovernmental organizations
25 (other than organizations represented

1 under clause (ix)), including groups inter-
2 ested in marine conservation.

3 (2) CHAIRPERSON.—The Chairperson of the
4 Council on Ocean Stewardship shall serve as co-
5 chairperson of the Presidential Panel with a non-
6 Federal member designated by the President.

7 (c) APPOINTMENT AND QUALIFICATIONS.—Each
8 member of the Presidential Panel shall be appointed by
9 the President for a 3-year term from among individuals
10 with diverse perspectives and expertise in 1 or more of
11 the disciplines or fields associated with oceanic and atmos-
12 pheric policy, including—

13 (1) marine-related State, tribal, and local gov-
14 ernment functions;

15 (2) ocean and coastal resource conservation and
16 management;

17 (3) atmospheric or oceanic science, engineering,
18 and technology;

19 (4) the marine industry (including recreation
20 and tourism);

21 (5) climate change;

22 (6) atmospheric or coastal hazards; and

23 (7) other fields appropriate for consideration of
24 matters of oceanic or atmospheric policy.

1 (d) VACANCIES.—An individual appointed to fill a va-
2 cancy occurring before the expiration of the term for which
3 the individual's predecessor was appointed shall be ap-
4 pointed only for the remainder of such term. No individual
5 may be reappointed to the Presidential Panel for more
6 than 1 additional 3-year term. A member may serve after
7 the date of the expiration of the term of office for which
8 appointed until the individual's successor takes office.

9 (e) COMPENSATION.—Each member of the Presi-
10 dential Panel shall, while serving on business of the Com-
11 mission, be entitled to receive compensation at a rate not
12 to exceed a daily rate to be determined by the President
13 consistent with other Federal advisory boards. Federal
14 and State officials serving on the Commission and serving
15 in their official capacity shall not receive compensation in
16 addition to their Federal or State salaries for their time
17 on the Commission. Members of the Presidential Panel
18 may be compensated for reasonable travel expenses while
19 performing their duties as members.

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

22 (g) REPORTS.—

23 (1) IN GENERAL.—Beginning not later than the
24 first June 30 that is at least 2 years after the date
25 of the enactment of this Act, the Presidential Panel

1 shall submit an annual report to the President and
 2 to Congress setting forth an assessment, on a selec-
 3 tive basis, of the status of the Nation's ocean activi-
 4 ties, and shall submit such other reports as may
 5 from time to time be requested by the President or
 6 Congress.

7 (2) COMMENT AND REVIEW BY COUNCIL.—
 8 Each annual report shall be submitted to the Chair-
 9 person of the Council on Ocean Stewardship who, in
 10 consultation with the Administrator, not later than
 11 60 days after the receipt of such report, shall submit
 12 the Chairperson's comments and recommendations
 13 to the President and to Congress.

14 **SEC. 140. CONSTRUCTION.**

15 Except as explicitly provided, nothing in this subtitle
 16 or the amendments made by this subtitle may be con-
 17 strued to modify the authority of the Administrator under
 18 any other provision of law.

19 **TITLE II—REGIONAL**
 20 **COORDINATION AND PLANNING**

21 **SEC. 201. REGIONAL OCEAN COORDINATION.**

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

1 (1) the designation of distinct ocean regions;
2 and

3 (2) the establishment of Regional Ocean Part-
4 nerships and the development and implementation of
5 regional ocean strategic plans.

6 (b) OBJECTIVES OF REGIONAL EFFORTS.—Regional
7 efforts described in subsection (a) shall—

8 (1) provide for more systematic communication,
9 coordination, and alignment of State and Federal
10 governmental authorities and programs with the
11 size, scale, and characteristics of regional marine
12 ecosystems while recognizing regional economic and
13 social patterns;

14 (2) build on and improve existing regional pro-
15 grams and initiatives and foster the creation of new
16 regional efforts in areas where effective interstate
17 and Federal cooperative efforts are lacking;

18 (3) provide for regional and subregional ocean
19 assessments, based on the best available science, to
20 determine status and trends and to provide the in-
21 formation needed to improve management decisions;

22 (4) identify shared Federal and State priority
23 issues and address such issues in a collaborative and
24 coordinated way based on existing legal authorities;

1 (5) improve the integration of government ef-
2 forts and maximize government efficiency;

3 (6) identify and provide data and information
4 needed by the Regional Ocean Partnerships; and

5 (7) provide for opportunities for public input on
6 regional priorities and plans and for improved cit-
7 izen and community stewardship of ocean waters,
8 coastal waters, and ocean resources.

9 (c) REGIONS.—

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

12 (A) The North Pacific Ocean Region,
13 which shall consist of the coastal zone and wa-
14 tershed areas of the State of Alaska that have
15 a significant impact on coastal waters of the
16 State of Alaska seaward to the extent of the
17 Exclusive Economic Zone.

18 (B) The Pacific Ocean Region, which shall
19 consist of the coastal zone and watershed areas
20 of the States that have a significant impact on
21 coastal waters of the States of Washington, Or-
22 egon, and California seaward to the extent of
23 the Exclusive Economic Zone.

24 (C) The Western Pacific Ocean Region,
25 which shall consist of the coastal zone of the

1 States of Hawaii, Guam, American Samoa, and
2 the Northern Mariana Islands seaward to the
3 extent of the Exclusive Economic Zone.

4 (D) The Gulf of Mexico Ocean Region,
5 which shall consist of the coastal zone and wa-
6 tershed areas of the States that have a signifi-
7 cant impact on coastal waters of the States of
8 Texas, Louisiana, Mississippi, Alabama, and
9 Florida seaward to the extent of the Exclusive
10 Economic Zone.

11 (E) The Caribbean Ocean Region, which
12 shall consist of the coastal zone and watershed
13 areas of the States that have a significant im-
14 pact on coastal waters of the Commonwealth of
15 Puerto Rico and the Virgin Islands seaward to
16 the extent of the Exclusive Economic Zone.

17 (F) The Southeast Atlantic Ocean Region,
18 which shall consist of the coastal zone and wa-
19 tershed areas of the States that have a signifi-
20 cant impact on coastal waters of the States of
21 Florida, Georgia, North Carolina, and South
22 Carolina seaward to the extent of the Exclusive
23 Economic Zone.

24 (G) The Northeast Atlantic Ocean Region,
25 which shall consist of the coastal zone and wa-

1 tershed areas of the States that have a signifi-
 2 cant impact on coastal waters of the States of
 3 Connecticut, Maine, Massachusetts, New
 4 Hampshire, and Rhode Island seaward to the
 5 extent of the Exclusive Economic Zone.

6 (H) The Mid-Atlantic Ocean Region, which
 7 shall consist of the coastal zone and watershed
 8 areas of the States that have a significant im-
 9 pact on coastal waters of the States of Dela-
 10 ware, Maryland, New Jersey, New York, Penn-
 11 sylvania, and Virginia seaward to the extent of
 12 the Exclusive Economic Zone.

13 (I) The Great Lakes Region, which shall
 14 consist of the coastal zone and watershed areas
 15 of the States that have a significant impact on
 16 coastal waters of the States of Illinois, Indiana,
 17 Michigan, Minnesota, New York, Ohio, Pennsyl-
 18 vania, and Wisconsin to the extent of the terri-
 19 torial waters of the United States in the Great
 20 Lakes.

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

1 (3) COASTAL ZONE DEFINED.—In this sub-
 2 section, the term “coastal zone” has the meaning
 3 given such term in section 304 of the Coastal Zone
 4 Management Act of 1972 (16 U.S.C. 1453).

5 **SEC. 202. REGIONAL OCEAN PARTNERSHIPS.**

6 (a) IN GENERAL.—

7 (1) ESTABLISHMENT.—Not later than 1 year
 8 after the date of the enactment of this Act, the Ad-
 9 ministrator, in consultation with the Council on
 10 Ocean Stewardship and the appropriate States, shall
 11 establish or designate a Regional Ocean Partnership
 12 (referred to in this section as a “Partnership”) for
 13 each of the ocean regions established under section
 14 201.

15 (2) FUNCTIONS.—Each Partnership shall, for
 16 the ocean region for which it is established or des-
 17 ignated—

18 (A) pursue the objectives set forth in sec-
 19 tion 201(b);

20 (B) further the implementation of the Na-
 21 tional Ocean Policy; and

22 (C) develop and implement a Regional
 23 Ocean Strategic Plan under section 203.

24 (b) EXISTING REGIONAL EFFORTS.—

1 (1) IN GENERAL.—For any ocean region for
2 which a regional ocean governance effort exists, the
3 relevant coastal States shall work with the Adminis-
4 trator to determine whether—

5 (A) the Partnership established or des-
6 ignated for the ocean region should build upon
7 and expand that effort; or

8 (B) the Administrator should initiate a
9 new effort.

10 (2) GREAT LAKES REGION.—For the Great
11 Lakes Region, the Regional Ocean Partnership shall
12 build upon, rather than duplicate or supercede, the
13 efforts of the Great Lakes Regional Collaboration
14 established under Executive Order 13340 (69 Fed.
15 Reg. 29043; relating to the Great Lakes Interagency
16 Task Force).

17 (c) MEMBERSHIP.—

18 (1) FEDERAL REPRESENTATIVES.—Not later
19 than 270 days after the date of the enactment of
20 this Act, the Council on Ocean Stewardship shall
21 designate the agencies and departments of the
22 United States that shall participate in each Partner-
23 ship. Among such agencies and departments des-
24 ignated for each Partnership, the Council shall in-
25 clude such agencies and departments that have ex-

1 pertise in ocean and coastal policy, oversee ocean
 2 and coastal policy or resource management, or en-
 3 gage in activities that significantly affect ocean wa-
 4 ters, coastal waters, or ocean resources. The head of
 5 each such agency or department designated by the
 6 Council shall select and appoint officers or employ-
 7 ees of such agency or department to serve as rep-
 8 resentatives to each Partnership. The Administrator,
 9 or designated representative of the Administrator,
 10 shall serve as the chairperson of each Partnership.

11 (2) STATE REPRESENTATIVES.—

12 (A) COASTAL STATE REPRESENTATIVES.—

13 Subject to subparagraph (C), the Governor of
 14 each coastal State within each ocean region des-
 15 ignated under section 201(c) shall—

16 (i) not later than 9 months after the
 17 date of the enactment of this Act, inform
 18 the Administrator if the State intends to
 19 participate in the Partnership for the
 20 ocean region; and

21 (ii) if the State intends to participate
 22 in such Partnership, not later than 1 year
 23 after the date of the enactment of this Act,
 24 appoint an officer or employee of the coast-
 25 al State agency with primary responsibility

for overseeing ocean and coastal policy or
resource management to that Partnership.

(B) NONCOASTAL STATE APPOINT-
MENTS.—

(i) IN GENERAL.—Not later than 9
months after the date of the enactment of
this Act, the Governor of each noncoastal
State within each ocean region designated
under section 201(c) shall notify the Ad-
ministrator if the State seeks to participate
in the Partnership for the ocean region.
Subject to clause (ii), the Partnership for
that region shall appoint to the Partner-
ship 1 or more representatives of each non-
coastal State that notifies the Adminis-
trator of its intent to participate in the
Partnership.

(ii) APPOINTMENTS FOR MULTIPLE
NONCOASTAL STATES.—If more than 1
noncoastal State notifies the Administrator
under clause (i) that it seeks to participate
in the Partnership for an ocean region—

(I) the Partnership shall estab-
lish a process for nominating and ap-

1 pointing representatives under this
2 subparagraph;

3 (II) the total number of rep-
4 resentatives appointed under this sub-
5 paragraph for the Partnership may
6 not exceed the number of coastal
7 State representatives on the Partner-
8 ship; and

9 (III) in appointing representa-
10 tives to the Partnership, the Partner-
11 ship shall consider the relative impact
12 on the ocean region for which the
13 Partnership must prepare a Regional
14 Ocean Strategic Plan of the waters
15 under each such noncoastal State's ju-
16 risdiction that feed into the ocean re-
17 gion.

18 (C) NORTH PACIFIC REGIONAL OCEAN
19 PARTNERSHIP.—The Governor of the State of
20 Washington—

21 (i) not later than 9 months after the
22 date of the enactment of this Act, shall no-
23 tify the Administrator if the State intends
24 to participate in the North Pacific Re-
25 gional Ocean Partnership; and

(ii) if such State intends to participate in such Partnership, not later than 1 year after the date of the enactment of this Act, shall appoint to such Partnership an officer or employee of the Washington State agency with primary responsibility for overseeing ocean and coastal policy or resource management.

(3) REGIONAL FISHERY MANAGEMENT COUNCIL REPRESENTATION.—The executive director of each Regional Fishery Management Council with jurisdiction in the ocean region of a Partnership and the executive director of the interstate marine fisheries commission with jurisdiction in the ocean region of a Partnership shall each serve as a member of the Partnership, and shall be considered non-Federal representatives for the purposes of paragraph (5)(A).

(4) LOCAL GOVERNMENT REPRESENTATIVE.—Each Partnership shall receive nominations and select 1 representative from a coastal political subdivision to represent the interests of local and county governments on the Partnership.

(5) ADDITIONAL APPOINTMENTS.—

(A) BALANCE.—Each Partnership shall—

(i) identify the total number of additional non-Federal representatives within the ocean region of the Partnership necessary to ensure that the combined number of non-Federal representatives on the Partnership equals the number of Federal representatives on the Partnership; and

(ii) identify a process for selecting such non-Federal representatives that, to the maximum extent practicable, assures balanced and broad non-Federal representation.

(B) INTERNATIONAL REPRESENTATIVES.—

In cooperation with the Secretary of State, each Partnership may foster nonbinding relationships with foreign governments, agencies, States, provinces, and other entities as appropriate, at scales appropriate to the ocean region under the authority of the Partnership, including by providing opportunities for participation by foreign representatives at meetings of the Partnership, its advisory committees, and other working groups.

(d) STEERING COMMITTEE.—

1 (1) IN GENERAL.—Each Partnership may es-
 2 tablish a Steering Committee to provide leadership
 3 with respect to the development and implementation
 4 of the Regional Ocean Strategic Plan under section
 5 203 and to ensure that the goals set forth in such
 6 Regional Ocean Strategic Plan are being met within
 7 the time lines established by that section.

8 (2) MEMBERSHIP.—The Steering Committee
 9 shall include—

10 (A) 1 representative from each coastal
 11 State that appoints a representative to the
 12 Partnership; and

13 (B) 1 representative from each of not more
 14 3 Federal agencies or departments that have ju-
 15 risdiction over ocean or Great Lakes resources.

16 (e) ADVISORY COMMITTEES.—

17 (1) AUTHORITY.—Each Partnership may estab-
 18 lish and appoint members of advisory committees
 19 and working groups as necessary for preparation
 20 and implementation of its Regional Ocean Strategic
 21 Plan under this title.

22 (2) ADVICE AND INPUT.—Each Partnership
 23 shall provide opportunities for citizen and stake-
 24 holder input in the development and implementation
 25 of its Regional Ocean Strategic Plan.

1 (f) COORDINATION.—

2 (1) EXISTING PROGRAMS.—Each Partnership
3 shall build upon and complement State, multistate,
4 and regional capacity and governance and institu-
5 tional mechanisms to manage and protect ocean wa-
6 ters, coastal waters, and ocean resources.

7 (2) INLAND REGIONS.—Each Partnership shall
8 collaborate and coordinate, as necessary and appro-
9 priate, with noncoastal States that may significantly
10 impact marine ecosystem health in the ocean region
11 or the Partnership.

12 (g) PROCEDURES.—

13 (1) IN GENERAL.—Each Partnership shall oper-
14 ate in accordance with procedures established by the
15 Partnership and approved by the Administrator.

16 (2) REQUIRED PROCEDURES.—The Adminis-
17 trator shall prescribe requirements for the approval
18 of procedures under paragraph (1) that provide, at
19 a minimum, for—

20 (A) transparency in decision making;

21 (B) opportunities for public input and par-
22 ticipation; and

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

25 (h) STAFF.—

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

4 (2) TREATMENT.—Staff hired by a Partnership
5 shall be treated as employees of the Administration,
6 except for any staff that are hired by participating
7 States.

8 (i) FEDERAL ADVISORY COMMITTEE ACT.—

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

13 (2) COMPLIANCE.—Notwithstanding paragraph
14 (1), each Partnership and each advisory committee
15 of a Partnership shall be appointed and operate in
16 a manner consistent with all provisions of the Fed-
17 eral Advisory Committee Act with respect to—

18 (A) the balance of their membership;

19 (B) provision of public notice regarding
20 their activities;

21 (C) open meetings; and

22 (D) public access to documents created by
23 the Partnerships or advisory committees of the
24 Partnerships.

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

2 (a) INITIAL OCEAN REGION ASSESSMENT.—

3 (1) IN GENERAL.—The Administrator, in con-
4 sultation with the Regional Ocean Partnership for
5 an ocean region and other experts, shall, not later
6 than 1 year after the date of the establishment or
7 designation of such Partnership, prepare an initial
8 assessment of the ocean region to guide the develop-
9 ment of the Regional Ocean Strategic Plan prepared
10 for such ocean region under subsection (b).

11 (2) CONTENTS.—Each initial assessment under
12 paragraph (1) shall include a summary of—

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

15 (B) existing, emerging, and cumulative
16 threats to marine ecosystem health of the ocean
17 region;

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

20 (D) important ecological areas within the
21 ocean region.

22 (3) PUBLIC PARTICIPATION.—The Adminis-
23 trator, in consultation with the Regional Ocean
24 Partnership, shall provide opportunities for public
25 input in the development of the initial assessment
26 and updates of the assessment under subsection (c).

1 Such opportunities shall include sharing the latest
2 science and local knowledge regarding the ocean re-
3 gion's ocean waters, coastal waters, and ocean re-
4 sources using annual public ecosystem forums.

5 (b) REGIONAL OCEAN STRATEGIC PLAN.—

6 (1) REQUIREMENT.—Not later than 2 years
7 after the completion of the initial assessment for
8 each ocean region, the Regional Ocean Partnership
9 shall prepare and submit, to the Administrator for
10 review, consultation, and approval, a Regional Ocean
11 Strategic Plan for adaptive, ecosystem-based man-
12 agement of United States ocean waters, coastal wa-
13 ters, and ocean resources for the ocean region of the
14 Partnership in accordance with the National Ocean
15 Policy.

16 (2) CONTENTS.—Each Plan prepared by a Re-
17 gional Ocean Partnership under paragraph (1)
18 shall—

19 (A) be based on the ocean region assess-
20 ment required under subsections (a) and (c);

21 (B) describe short-term and long-term
22 goals for improving marine ecosystem health in
23 the ocean region covered by the Plan;

1 (C) recommend long-term monitoring
2 measures for important ecological areas within
3 the ocean region covered by the Plan;

4 (D) identify Federal and State priority
5 issues within the ocean region covered by the
6 Plan;

7 (E) describe ecosystem-based management
8 solutions and policies to address the priority
9 issues;

10 (F) describe short-term and long-term in-
11 dicators for measuring improvements in eco-
12 nomic sustainability in the ocean region that re-
13 sult from improved ecological conditions and
14 improved collaboration and coordination among
15 Federal and State agencies;

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

18 (H) identify performance measures and
19 benchmarks for purposes of subparagraphs (B),
20 (C), and (E) to be used to evaluate the effec-
21 tiveness of the Plan; and

22 (I) define responsibilities and include an
23 analysis of the gaps in authority, coordination,
24 and resources, including funding, which must
25 be filled in order to fully achieve the perform-

1 ance measures and benchmarks identified under
2 subparagraph (H).

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

7 (c) UPDATED OCEAN REGION ASSESSMENTS.—Not
8 later than 4 years after the approval of the Plan and at
9 least once every 6 years thereafter, the Administrator, in
10 consultation with the appropriate Regional Ocean Part-
11 nership and other experts, shall update the initial ocean
12 region assessment prepared under subsection (a)—

13 (1) to provide more detailed information re-
14 garding the required elements of the assessment;
15 and

16 (2) to include any new information that has be-
17 come available.

18 (d) PLAN REVISION.—Each approved Regional
19 Ocean Strategic Plan shall be reviewed and revised by the
20 relevant Regional Ocean Partnership at least once every
21 6 years. Such review and revision shall be based on a re-
22 cently updated ocean region assessment. Any proposed re-
23 visions to the Plan shall be submitted to the Administrator
24 for review and approval pursuant to this section.

25 (e) ACTION BY THE ADMINISTRATOR.—

1 (1) REVIEW OF PLANS.—

2 (A) COMMENCEMENT OF REVIEW.—Not
3 later than 10 days after the submission of a
4 Regional Ocean Strategic Plan, or any revision
5 to such a Plan, by a Regional Ocean Partner-
6 ship, the Administrator shall commence a re-
7 view of the Plan or the revised Plan, respec-
8 tively.

9 (B) PUBLIC NOTICE AND COMMENT.—Im-
10 mediately after the receipt of such a Plan or re-
11 vision, the Administrator shall—

12 (i) publish the plan or revision in the
13 Federal Register; and

14 (ii) provide an opportunity for the
15 submission of public comment during the
16 60-day period beginning on the date of
17 such publication.

18 (C) REQUIREMENTS FOR APPROVAL.—The
19 Administrator shall not approve a plan, or any
20 revision to a plan, unless the Administrator de-
21 termines that the plan or revision—

22 (i) is consistent with the National
23 Ocean Policy; and

24 (ii) adequately addresses the required
25 elements described in subsection (b).

1 (D) DEADLINE FOR REVIEW.—Not later
2 than 120 days after the date on which a Plan,
3 or a revision to a Plan, is submitted, the Ad-
4 ministrator shall approve or disapprove the
5 Plan or revision by written notice.

6 (2) REGIONAL INFORMATION SYSTEMS.—Not
7 later than 1 year after the date of the enactment of
8 this Act, the Administrator, in collaboration with
9 marine laboratories and academic and other relevant
10 institutions, shall establish a network of regional
11 ocean ecosystem resource information systems for
12 each ocean region—

13 (A) to provide access to geophysical, at-
14 mospheric, oceanographic, and marine biological
15 data, including genetic research, studies, data,
16 maps, and analyses necessary to the under-
17 standing of the ocean ecosystem;

18 (B) from which to draw information for
19 the establishment of policies and priorities re-
20 lated to the conservation, use, and management
21 of ocean waters, coastal waters, and ocean re-
22 sources; and

23 (C) to provide information regarding the
24 development and implementation of Plans under
25 this section.

1 (f) IMPLEMENTATION.—Members of a Regional
 2 Ocean Partnership shall, to the maximum extent prac-
 3 ticable, implement a Regional Ocean Strategic Plan that
 4 is prepared by the Partnership and approved by the Ad-
 5 ministrator under this section, consistent with existing
 6 legal authorities.

7 **SEC. 204. REGULATIONS.**

8 The Administrator shall issue such regulations as the
 9 Administrator considers necessary to ensure proper ad-
 10 ministration of this title.

11 **SEC. 205. OTHER AUTHORITY.**

12 This title may not be construed to supersede or di-
 13 minish the authorities and responsibilities, under any
 14 other provision of law, of the Administrator or any other
 15 Federal, State, or tribal officer, employee, department, or
 16 agency.

17 **TITLE III—OCEAN SCIENCE,**
 18 **RESEARCH, AND EDUCATION**

19 **SEC. 301. COMMITTEE ON OCEAN SCIENCE, EDUCATION,**
 20 **AND OPERATIONS.**

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

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

- 1 (1) The Administrator.
- 2 (2) The Director of the National Science Foun-
3 dation.
- 4 (3) The Administrator of the National Aero-
5 nautics and Space Administration.
- 6 (4) The Under Secretary of Energy
- 7 (5) The Administrator of the Environmental
8 Protection Agency.
- 9 (6) The Under Secretary of Homeland Security
10 for Science and Technology.
- 11 (7) The Commandant of the Coast Guard.
- 12 (8) The Director of the Office of Naval Re-
13 search.
- 14 (9) The Director of the United States Geologi-
15 cal Survey.
- 16 (10) The Director of the Minerals Management
17 Service.
- 18 (11) Under Secretary of Agriculture for Re-
19 search, Education, and Economics.
- 20 (12) The Assistant Secretary of State for
21 Oceans and International Environmental and Sci-
22 entific Affairs.
- 23 (13) The Director of the Defense Advanced Re-
24 search Projects Agency.

1 (14) The Director of the Office of Science and
2 Technology Policy.

3 (15) The Director of the Office of Management
4 and Budget.

5 (16) The Under Secretary of Education.

6 (17) The leadership of such other agency or de-
7 partment as the chairperson and vice chairpersons of
8 the Committee consider appropriate.

9 (c) CHAIRPERSON AND VICE CHAIRPERSONS.—The
10 chairperson and vice chairpersons of the Committee shall
11 be appointed every 2 years by a selection subcommittee
12 of the Committee composed of, at a minimum, the Admin-
13 istrator, the Director of the National Science Foundation,
14 and the Director of the United States Geological Survey.
15 The term of office of the chairperson and vice chairpersons
16 shall be 2 years. A person who has previously served as
17 chairperson or vice chairperson may be reappointed.

18 (d) RESPONSIBILITIES.—The Committee shall—

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

22 (2) improve cooperation among Federal depart-
23 ments and agencies with respect to ocean and coast-
24 al science budgets;

1 (3) review, update, and modify, as necessary
2 the National Ocean Research Priorities Plan and
3 Implementation Strategy referred to in section
4 302(a) and oversee the implementation of such
5 Strategy;

6 (4) establish interagency subcommittees and
7 working groups as appropriate to develop com-
8 prehensive and balanced Federal programs and ap-
9 proaches to ocean and coastal science issues and
10 needs;

11 (5) consult with academic institutions, fisheries,
12 States, industries, foundations, and other partners
13 in the conduct of coastal and marine operations, re-
14 search, and education, and with actual and potential
15 users of ocean science information in establishing
16 priorities and developing plans for research and
17 technology and education;

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

19 (A) coordinating United States Govern-
20 ment activities with those of other nations and
21 with international research and technology and
22 education; and

23 (B) providing, as appropriate, support for
24 and representation on United States delegations
25 to relevant international meetings; and

1 (7) carry out such other activities as may be re-
2 quired.

3 **SEC. 302. NATIONAL OCEAN RESEARCH PRIORITIES PLAN**
4 **AND IMPLEMENTATION STRATEGY.**

5 (a) REVIEW, UPDATE, AND MODIFY.—Not later than
6 2 years after the date of the enactment of this Act, and
7 not less frequently than once every 5 years thereafter, the
8 Committee shall review, update, and modify, as necessary,
9 the National Ocean Research Priorities Plan and Imple-
10 mentation Strategy developed by the National Science and
11 Technology Council’s Joint Subcommittee on Ocean
12 Science and Technology (referred to in this section as the
13 “Strategy”). The Committee shall ensure that the Strat-
14 egy establishes, for the 10-year period beginning in the
15 year the Strategy is submitted, the scientific goals and pri-
16 orities for ocean and coastal research, technology, edu-
17 cation, outreach, and operations which most effectively ad-
18 vance knowledge and provide usable information as the
19 basis for policy decisions to—

20 (1) understand, assess, and respond to human-
21 induced and natural processes of global climate
22 change;

23 (2) improve understanding, public forecasts,
24 and warnings and mitigate natural hazards;

1 (3) enhance public safety and efficiency of ma-
2 rine operations;

3 (4) support efforts to protect, maintain, and re-
4 store the health of marine ecosystems and to imple-
5 ment ecosystem-based management of United States
6 ocean waters, including how marine ecosystems func-
7 tion on varying spatial and temporal scales and how
8 biological, physical, chemical, and socioeconomic
9 processes interact;

10 (5) implement and monitor the effectiveness of
11 ocean and coastal environmental policies;

12 (6) contribute to public understanding of coast-
13 al and global ocean systems and public awareness of
14 the importance and health of marine ecosystems;

15 (7) respond to environmental changes that af-
16 fect human health;

17 (8) strengthen homeland security and military
18 preparedness; and

19 (9) improve understanding of sea level changes,
20 shoreline erosion, and the condition of the beaches
21 in the United States.

22 (b) CONTENT.—The Committee shall ensure that the
23 Strategy—

24 (1) describes specific activities required to
25 achieve established goals and priorities including re-

1 search and education programs, observation collec-
2 tion and analysis requirements, technology develop-
3 ment, facility and equipment investments, informa-
4 tion management, student support and training, pro-
5 fessional certification and training for persons en-
6 gaged in fishing and other maritime activities, data
7 stewardship and access, and participation in inter-
8 national research and education and other capacity-
9 building efforts;

10 (2) identifies and addresses relevant programs
11 and activities of the Federal agencies and depart-
12 ments represented on the Committee that will con-
13 tribute to scientific goals and priorities and set forth
14 the role of each Federal agency and department in
15 implementing the strategy;

16 (3) considers and uses, as appropriate, reports
17 and studies conducted by Federal agencies and de-
18 partments, the National Research Council, or other
19 entities;

20 (4) makes recommendations for the coordina-
21 tion of ocean and coastal science activities of the
22 United States with those of other nations and inter-
23 national organizations, including bilateral and multi-
24 lateral proposals for cooperation on major projects,
25 for improving worldwide access to scientific data and

1 information, and for encouraging participation in
2 international ocean science research and education
3 programs by developing nations;

4 (5) provides estimates, to the extent practicable,
5 of Federal funding for ocean and coastal science ac-
6 tivities to be conducted pursuant to the strategy;
7 and

8 (6) ensures the integrity of ocean and coastal
9 science and research.

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

12 (1) Global measurements on all relevant spatial
13 and time scales, establishing worldwide observations
14 necessary to study and assess coastal and global
15 ocean systems and support information needs, in-
16 cluding marine ecosystem health.

17 (2) National ocean partnerships, building part-
18 nerships among Federal agencies, academia, fishing
19 industries, and other members of the ocean and
20 coastal science community in the areas of research,
21 education, data systems, and communication.

22 (3) Marine science facility support, ensuring the
23 procurement, maintenance, and operation of the na-
24 tional oceanographic research fleet and related infra-
25 structure to provide for sustained ocean and coastal

1 observations from in situ, remote, aircraft, and ves-
2 sel platforms.

3 (4) Focused research initiatives, funding com-
4 petitive research grants to advance understanding of
5 the nature of and interaction among physical, chem-
6 ical, and biological processes of the oceans, including
7 the effect of human activities on such processes.

8 (5) Technology development, supporting devel-
9 opment of new technologies and sensors to achieve
10 strategic and program goals, and development of al-
11 gorithms, analysis methods, and long-term data
12 records for emerging operational sensors.

13 (6) Workforce development, building and main-
14 taining a diverse national ocean science professional
15 workforce through traineeships, scholarships, fellow-
16 ships, and internships.

17 (7) Ocean science education, providing national
18 coordination and support of formal and informal
19 ocean science education programs at all education
20 levels and establishing mechanisms to improve ocean
21 literacy, contribute to public awareness of the impor-
22 tance and health of marine ecosystems, and create
23 an oceans stewardship ethic among citizens.

24 (8) Professional training, including certification
25 and continuing education programs, for persons en-

1 gaged in the harvest, handling, and processing of
2 fish and seafood aboard vessels to assure the highest
3 levels of care are taken to selectively harvest fish
4 from the sea with the minimum impact on habitat
5 to handle fish onboard vessels with techniques that
6 assure the safety and highest quality of fish landed,
7 and improve the safety of vessels and their personnel
8 at sea.

9 (9) Information management, establishing and
10 maintaining information systems that promote effi-
11 cient stewardship, transfer, and use of data, create
12 globally accessible data standards and formats, and
13 allow analysis of data from varied sources to
14 produce information readily usable by policymakers
15 and stakeholders.

16 (d) PUBLIC PARTICIPATION.—In developing the
17 Strategy, the Committee shall consult with academic,
18 State, industry, fisheries, and environmental groups and
19 representatives. Not later than 90 days before the chair-
20 person of the Committee submits the strategy, or any revi-
21 sion of the strategy, to Congress, a summary of the pro-
22 posed strategy shall be published in the Federal Register
23 for a public comment period of not less than 60 days.

1 **SEC. 303. OCEAN RESEARCH AND EDUCATION ADVISORY**
2 **PANEL.**

3 (a) MEMBERSHIP.—The Committee shall maintain
4 an Ocean Research and Education Advisory Panel (re-
5 ferred to in this section as the “Advisory Panel”) con-
6 sisting of not less than 10 members and not more than
7 18 members appointed by the chair, including—

8 (1) 1 member representing the National Acad-
9 emy of Sciences;

10 (2) 1 member representing the National Acad-
11 emy of Engineering;

12 (3) 1 member representing the Institute of
13 Medicine;

14 (4) 1 Sea Grant director;

15 (5) members selected from among individuals
16 representing ocean industries, State governments,
17 tribal governments, academia, fisheries, nongovern-
18 mental organizations, and such other participants in
19 ocean and coastal activities as the chair considers
20 appropriate;

21 (6) members selected from among individuals
22 eminent in the fields of marine science, marine pol-
23 icy, ocean engineering, or related fields; and

24 (7) members selected from among individuals
25 eminent in the field of education.

1 (b) RESPONSIBILITIES.—The Advisory Panel shall
2 advise the Committee on—

3 (1) revision and implementation of the National
4 Ocean Priorities Plan and Implementation Strategy;

5 (2) matters relating to national oceanographic
6 data requirements, ocean and coastal observation
7 systems, ocean science education and training, and
8 oceanographic facilities including renewal of the na-
9 tional academic research fleet; and

10 (3) any additional matters that the Committee
11 considers appropriate.

12 (c) PROCEDURAL MATTERS.—

13 (1) PUBLIC MEETINGS.—All meetings of the
14 Advisory Panel shall be open to the public, except
15 that a meeting or any portion of it may be closed
16 to the public if it concerns matters or information
17 that pertain to national security, employment mat-
18 ters, litigation, or other reasons provided under sec-
19 tion 552b of title 5, United States Code. Interested
20 persons shall be permitted to appear at open meet-
21 ings and present oral or written statements on the
22 subject matter of the meeting. The Advisory Panel
23 may administer oaths or affirmations to any person
24 appearing before it.

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

5 (3) MINUTES.—Minutes of each meeting shall
6 be kept and shall include a record of the people
7 present, a description of the discussion that oc-
8 curred, and copies of all statements filed. Subject to
9 section 552 of title 5, United States Code, the min-
10 utes and records of all meetings and other docu-
11 ments that were made available to or prepared for
12 the Advisory Panel shall be available for public in-
13 spection and copying at a single location in the part-
14 nership program office.

15 (4) DISCLOSURES.—

16 (A) RELATIONSHIP TO FACA.—The Fed-
17 eral Advisory Committee Act (5 U.S.C. App.)
18 does not apply to the Advisory Panel.

19 (B) PUBLIC AVAILABILITY.—Any product
20 or recommendation made by the Advisory Panel
21 shall be made available to the public and to
22 Congress.

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

1 **SEC. 304. MARINE ECOSYSTEMS RESEARCH.**

2 (a) ECOSYSTEM-BASED APPROACHES.—The Admin-
3 istrator shall work with the Committee to identify research
4 efforts for improving the implementation of this Act by
5 informing ecosystem-based management efforts to protect,
6 maintain, and restore marine ecosystem health.

7 (b) MARINE BIODIVERSITY RESEARCH PROGRAM.—
8 As part of this effort, the Administrator, in cooperation
9 with the National Science Foundation and other Federal
10 agencies represented on the Committee, shall establish and
11 maintain a 10-year interagency research program to as-
12 sess and explain the diversity, distribution, functions, and
13 abundance of marine organisms in the world's oceans for
14 the purposes of—

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

17 (2) improving the linkages between marine eco-
18 logical and oceanographic sciences and informing
19 ecosystem-based management efforts so as to pro-
20 tect, maintain, and restore marine ecosystem health;

21 (3) strengthening and expanding the field of
22 marine taxonomy, including the use of genomics and
23 proteomics;

24 (4) facilitating and encouraging the use of new
25 technological advances, predictive models, and his-

1 torical perspectives to investigate marine biodiver-
2 sity;

3 (5) using new understanding gained through
4 the program to improve predictions of the impacts of
5 human activities on the health of the marine envi-
6 ronment, and of the impacts of changes in the ma-
7 rine environment on human well-being; and

8 (6) enhancing formal and informal outreach
9 and education efforts through research-generated
10 knowledge, information, and tools.

11 (c) PROGRAM ELEMENTS.—The research program
12 established under this section shall provide for—

13 (1) dynamic access to biological data through
14 an ocean biogeographic information system that
15 links marine databases, manages data generated by
16 the program, and supports analysis of biodiversity
17 and related physical and ecological parameters;

18 (2) integrated regional studies that focus on ap-
19 propriate scales to support ecosystem-based manage-
20 ment;

21 (3) improved biological sensors for ocean ob-
22 serving systems;

23 (4) investment in exploration and taxonomy to
24 study little known areas and describe new species;

1 (5) studies of earlier changes in marine popu-
2 lations to trace information on biological abundance,
3 distribution, function, and diversity to the earliest
4 historical periods of minimum human impact; and

5 (6) improved predictive capability to enhance
6 the effectiveness of conservation and ecosystem-
7 based management programs and minimize adverse
8 impacts of human activities and natural processes on
9 United States ocean waters.

10 (d) **SCIENTIFIC ASSESSMENT.**—The Administrator,
11 through the Committee, shall prepare and submit to the
12 President and the Congress a biennial assessment that—

13 (1) integrates, evaluates, and interprets the
14 findings of the program and discusses the scientific
15 uncertainties associated with such findings; and

16 (2) analyzes current trends in marine and
17 coastal ecosystems, both human-induced and nat-
18 ural, and projects major trends, including marine
19 ecosystem health, for the subsequent decade.

20 **SEC. 305. OCEAN ECOSYSTEM RESOURCE INFORMATION**
21 **SYSTEMS.**

22 (a) **FINDINGS.**—Congress makes the following find-
23 ings:

24 (1) Conservation and management of the
25 United States ocean waters requires an under-

1 standing of the ocean ecosystem in order to make
2 knowledgeable decisions regarding the uses of the
3 oceans, or extractions therefrom, and their effect on
4 other ocean uses and resources.

5 (2) The United States Commission on Ocean
6 Policy and the President's Ocean Action Plan both
7 call for ecosystem-based management of the United
8 States ocean waters.

9 (3) Ecosystem-based management will require
10 development of an ocean information system and
11 products representing integration of data useful to
12 management decisions. This information includes
13 terrestrial, aquatic, oceanographic, and biological
14 data to accomplish the following:

15 (A) Serve as a repository of existing infor-
16 mation and new research and data sets as they
17 become available.

18 (B) Help understand relationships of ocean
19 and ecosystem functions and factors affecting
20 oceans and their resources.

21 (C) Provide a foundation upon which to
22 base policies and decisions for conserving and
23 managing the Nation's ocean water and living
24 marine resources.

1 (D) Identify gaps in the knowledge of the
2 Nation's oceans and living marine resources
3 that may serve as a guide in the development
4 of new research priorities.

5 (4) Information generated by ocean monitoring
6 systems, including the National Environmental Ob-
7 servatory Network (NEON), will be more useful if
8 fully integrated into resource information systems
9 developed for ecosystem-based management applica-
10 tions. Data from these offshore monitoring pro-
11 grams, coupled with other information on ocean and
12 aquatic ecosystems, will provide a basis for under-
13 standing natural and anthropogenic environmental
14 variability, including climate change and the result-
15 ing impacts on living marine resources.

16 (5) Natural resource information systems have
17 been developed and are presently a successful man-
18 agement tool for terrestrial uses, including some Pa-
19 cific Coast watersheds, and they should now be ap-
20 plied to the aquatic environment to facilitate eco-
21 system-based management of the United States
22 oceans.

23 (b) ESTABLISHMENT.—

24 (1) IN GENERAL.—Not later than June 30,
25 2008, the Administrator shall cause to be estab-

1 lished a network of regional Ocean Ecosystem Re-
2 source Information Systems to act as an organized
3 repository of geophysical, relevant atmospheric,
4 oceanographic, and marine biological data, including
5 genetic research, studies, data, maps, and analyses
6 necessary to the understanding of the ocean eco-
7 system, and from which to draw information for the
8 establishment of national policies and priorities re-
9 lated to the conservation, use, and management of
10 the United States ocean waters and the marine re-
11 sources therein. The Administrator shall coordinate
12 with current ocean data acquisition and distribution
13 systems, such as the National Geospatial Data
14 Clearinghouse, to avoid duplication.

15 (2) INFORMATION INCLUDED.—Information for
16 inclusion in each regional Ocean Ecosystem Re-
17 source Information System may include—

18 (A) relevant historic or social science infor-
19 mation that may aid in the understanding of
20 ocean ecosystems or their management; or

21 (B) published and unpublished research,
22 data, and scientifically peer-reviewed analysis,
23 developed by State agencies, academic or sci-
24 entific institutions, fishermen's collaborative re-

1 search programs, and any other reliable and
2 relevant information sources.

3 (3) REQUIREMENT FOR PEER REVIEW.—All
4 analysis and interpretations of data to explain eco-
5 system relationships in any regional Ocean Eco-
6 system Resource Information System shall be sci-
7 entifically peer reviewed.

8 (4) AUTHORITY TO CONTRACT.—The Adminis-
9 trator may contract with other Federal agencies,
10 State agencies, nongovernmental organizations, uni-
11 versities, or private academic institutions for devel-
12 opment of portions of each regional Ocean Eco-
13 system Resource Information System, provided such
14 work will be open source and the end product will
15 be solely the property of NOAA.

16 (5) SCHEDULE.—The Ocean Ecosystem Re-
17 source Information Systems shall be established and
18 in operation for each region described in section
19 201(c) not later than January 1, 2012.

20 (6) AVAILABILITY.—The system shall be readily
21 accessible at no, or nominal, cost to Congress, all
22 Federal agencies, the States, academic and scientific
23 institutions, and the public through the Internet, li-
24 braries, and such other mediums as may be appro-
25 priate and practical.

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

4 (d) COORDINATION.—

5 (1) IN GENERAL.—The Administrator in the
6 preparation of the regional Ocean Ecosystem Re-
7 source Information Systems, shall request the co-
8 operation and coordination with the United States
9 Geological Survey, the United States Fish and Wild-
10 life Service, the Minerals Management Service, the
11 United States Environmental Protection Agency, the
12 United States Coast Guard, and the United States
13 Navy, together with all NOAA agencies for all un-
14 classified information necessary for the development
15 and operation of the systems. The Administrator
16 may request and enter into cooperative agreements
17 with States, universities, or private academic institu-
18 tions for access to information necessary or useful
19 for the development and operation of the systems.

20 (2) INTERNATIONAL AGREEMENTS.—The Ad-
21 ministrator may enter into agreements with the Gov-
22 ernment of Canada, of Mexico, or of Russia in the
23 preparation of a regional Ocean Ecosystem Resource
24 Information System where an international border of
25 the United States or the coastal waters of the

1 United States about such country or the territorial
2 waters of such country, for any information or data
3 that may be necessary or useful in the development
4 and operation of such system.

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

6 (a) MEMBERSHIP.—The Committee shall establish a
7 Subcommittee on Ocean Education (referred to in this sec-
8 tion as the “Subcommittee”). Each member of the Com-
9 mittee may designate a senior representative with exper-
10 tise in education to serve on the Subcommittee. The Com-
11 mittee shall select a chair and 1 or more vice chairs for
12 the Subcommittee from the membership of the Sub-
13 committee.

14 (b) RESPONSIBILITIES.—The Subcommittee shall—

15 (1) support and advise the Committee on mat-
16 ters related to ocean and coastal education for the
17 purpose of increasing the overall effectiveness and
18 productivity of Federal education and outreach ef-
19 forts;

20 (2) provide recommendations on education goals
21 and priorities for and implementation of the revised
22 National Ocean Priorities Plan and Implementation
23 Strategy developed under section 302 and guidance
24 for educational investments;

1 (3) coordinate Federal ocean, coastal, and wa-
2 tershed education activities for students, including
3 funding for educational opportunities at the under-
4 graduate, graduate, and postdoctoral levels;

5 (4) identify and work to establish linkages
6 among Federal programs, such as the National Sea
7 Grant College Program, and those of States, aca-
8 demic institutions, State Sea Grant programs, muse-
9 ums and aquaria, industry, foundations, and other
10 nongovernmental organizations;

11 (5) support existing marine, coastal, and Great
12 Lakes education and outreach programs, including
13 those at the State, regional, and local levels;

14 (6) facilitate Federal agency efforts to work
15 with minority-serving institutions, historically Black
16 colleges and universities, and traditionally majority-
17 serving institutions to ensure that students of under-
18 represented groups have access to and support for
19 pursuing ocean-related careers;

20 (7) promote the establishment of professional
21 certification, training, and continuing education pro-
22 grams for persons engaged in fishing or other mari-
23 time activities, including partnerships with academic
24 or nongovernmental organizations to carry out such
25 programs;

1 (8) lead development of effective national strat-
2 egies with common perspectives and messages for
3 formal and informal ocean and coastal education ef-
4 forts; and

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

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

8 (a) ESTABLISHMENT.—Consistent with the revised
9 National Ocean Priorities Plan and Implementation Strat-
10 egy, the Committee, through the Subcommittee, shall es-
11 tablish a national, interagency ocean and coastal education
12 program to improve public awareness, understanding, and
13 appreciation of the role of the oceans in meeting the eco-
14 nomic, social, and environmental needs of the United
15 States. To the extent practicable, the interagency program
16 shall utilize and build from existing Federal programs and
17 mechanisms for ocean and coastal outreach and education
18 at the State, regional, and local levels.

19 (b) SCOPE.—The national, interagency ocean, and
20 coastal education program shall include formal education
21 activities for elementary, secondary, undergraduate, grad-
22 uate, and postdoctoral students, continuing education ac-
23 tivities for adults, and informal education activities for
24 learners of all ages.

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

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

8 (2) The National Sea Grant College Program’s
9 education and outreach efforts.

10 (3) A regional education network to support
11 academic competition and experiential learning op-
12 portunities for elementary and secondary school stu-
13 dents.

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

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

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

22 (7) Mentoring programs and partnerships with
23 minority-serving institutions to ensure diversity in
24 the ocean and coastal workforce.

1 (8) A network of regional facilities, operated by
 2 nongovernmental organizations or academic institu-
 3 tions that provide training and continuing education
 4 for persons engaged in fishing or other maritime ac-
 5 tivities, including establishment of criteria for pro-
 6 fessional certification programs in consultation with
 7 the fishing industry.

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

10 **SEC. 308. OCEAN SCIENCE AND TECHNOLOGY SCHOLAR-**
 11 **SHIP PROGRAM.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—The Committee shall estab-
 14 lish a National Ocean Science and Technology Schol-
 15 arship Program (referred to in this section as the
 16 “Program”) that is designed to recruit and prepare
 17 students for careers in the departments or agencies
 18 that are represented on the Committee (referred to
 19 in this section as “participating agencies”). The
 20 Program shall award scholarships to individuals who
 21 are selected through a competitive process primarily
 22 on the basis of academic merit, with consideration
 23 given to financial need and the goal of promoting
 24 the participation of individuals identified in section

1 33 or 34 of the Science and Engineering Equal Op-
2 portunities Act (42 U.S.C. 1885a and 1885b).

3 (2) CONTRACTUAL AGREEMENTS.—To carry
4 out the Program, participating agencies shall enter
5 into contractual agreements with individuals selected
6 under paragraph (1) under which the individuals
7 agree to serve as full-time employees of the partici-
8 pating agency, for the period of time to be deter-
9 mined by the participating agency, and stated in the
10 contractual agreements, in positions needed by the
11 participating agency and for which the individuals
12 are qualified, in exchange for receiving a scholarship.

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

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

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

22 (3) at the time of the initial scholarship award,
23 not be an employee of the department or agency pro-
24 viding the award.

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

5 (d) APPLICATION.—An individual seeking a scholar-
6 ship under this section shall submit an application to a
7 participating agency at such time, in such manner, and
8 containing such information, agreements, or assurances as
9 the participating agency may require.

10 (e) SCHOLARSHIP LIMITS.—

11 (1) ACADEMIC REQUIREMENTS.—The partici-
12 pating agency may provide a scholarship under the
13 Program for an academic year if the individual ap-
14 plying for the scholarship has submitted to the par-
15 ticipating agency, as part of the application required
16 under subsection (d), a proposed academic program
17 leading to a degree in a program or field of study
18 on the list made available under subsection (c).

19 (2) TIME LIMITATION.—An individual may not
20 receive a scholarship under this section for more
21 than 4 academic years, unless the participating
22 agency grants a waiver.

23 (3) DOLLAR LIMITATION.—The dollar amount
24 of a scholarship under this section for an academic
25 year shall be established by regulation but may not

1 exceed the cost of attendance as such cost is deter-
2 mined in section 472 of the Higher Education Act
3 of 1965 (20 U.S.C. 1087ll).

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

8 (5) CONTRACTUAL AGREEMENT.—The partici-
9 pating agency may enter into a contractual agree-
10 ment with an institution of higher education under
11 which the amounts provided for a scholarship under
12 this section for tuition, fees, and other authorized
13 expenses are paid directly to the institution with re-
14 spect to which the scholarship is provided.

15 (f) PERIOD OF SERVICE.—

16 (1) IN GENERAL.—The period of service for
17 which an individual shall be obligated to serve as an
18 employee of the participating agency, except as pro-
19 vided in subsection (h)(2), shall be determined by
20 the participating agency as stated in subsection
21 (a)(2).

22 (2) START OF SERVICE.—Except as provided in
23 paragraph (3), obligated service under paragraph (1)
24 shall begin not later than 60 days after the indi-

vidual obtains the educational degree for which the scholarship was provided.

(3) DEFERRAL.—The participating agency may defer the obligation of an individual to provide a period of service under paragraph (1) if the participating agency determines that such a deferral is appropriate. The Administrator shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) REPAYMENT.—

(1) REQUIREMENT.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the participating agency by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h). The repayment period may be ex-

1 tended by the participating agency when determined
 2 to be necessary.

3 (2) FAILURE TO COMPLETE SERVICE REQUIRE-
 4 MENT.—Scholarship recipients who, for any reason,
 5 fail to begin or complete their service obligation
 6 after completion of academic training, or fail to com-
 7 ply with the terms and conditions of deferment es-
 8 tablished by the participating agency pursuant to
 9 subsection (f)(3), shall be in breach of their contrac-
 10 tual agreement. When recipients breach their agree-
 11 ments for the reasons stated in the preceding sen-
 12 tence, the recipient shall be liable to the United
 13 States for an amount equal to—

14 (A) the total amount of scholarships re-
 15 ceived by such individual under this section;
 16 plus

17 (B) the interest that would have been ac-
 18 crued if such amount was treated as a loan
 19 bearing interest at the maximum legal pre-
 20 vailing rate, as determined by the Treasurer of
 21 the United States, multiplied by 3.

22 (h) CANCELLATION OR WAIVER.—

23 (1) CANCELLATION.—Any obligation of an indi-
 24 vidual incurred under the Program (or a contractual
 25 agreement under the Program) for service or pay-

1 ment shall be canceled upon the death of the indi-
2 vidual.

3 (2) WAIVER.—The participating agency shall by
4 regulation provide for the partial or total waiver or
5 suspension of any obligation of service or payment
6 incurred by an individual under the Program (or a
7 contractual agreement under the Program) whenever
8 compliance by the individual is impossible or would
9 involve extreme hardship to the individual, or if en-
10 forcement of such obligation with respect to the indi-
11 vidual would be contrary to the best interests of the
12 Government.

13 **SEC. 309. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
14 **ISTRATION OFFICE OF EDUCATION.**

15 (a) IN GENERAL.—The Administrator shall conduct,
16 develop, support, promote, and coordinate national edu-
17 cation activities described in section 307 that enhance
18 public awareness and understanding of the science, serv-
19 ice, and stewardship missions of NOAA. In planning ac-
20 tivities under this section, the Administrator shall consult
21 with the Subcommittee and build upon the educational
22 programs and activities of the National Sea Grant College
23 Program, the National Marine Sanctuaries Program, the
24 National Estuarine Research Reserve System, and Coastal
25 Zone Management programs. Authorized activities shall

1 include education of the general public, teachers, students
2 at all levels, and ocean and coastal managers and stake-
3 holders. In carrying out educational activities, the Admin-
4 istrator may enter into grants, contracts, cooperative
5 agreements, resource sharing agreements, or interagency
6 financing with Federal, State, and regional agencies,
7 tribes, commercial organizations, educational institutions,
8 nonprofit organizations, or other persons.

9 (b) ESTABLISHMENT.—The Administrator shall es-
10 tablish within NOAA an Office of Education to provide
11 interagency and intra-agency coordination of the edu-
12 cation activities of NOAA and to ensure full participation
13 in the ocean and coastal education program established
14 under section 307. The Office of Education shall promote
15 and provide oversight of agency education activities and
16 shall—

17 (1) integrate agency science into high-quality
18 educational materials;

19 (2) improve access to NOAA educational re-
20 sources;

21 (3) support educator professional development
22 programs to improve understanding and use of agen-
23 cy sciences;

1 (4) promote participation in agency-related
2 sciences and careers, particularly by members of
3 underrepresented groups;

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

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

8 (7) create and implement effective approaches
9 to disseminate agency products and ocean informa-
10 tion to the general public; and

11 (8) encourage public involvement in coastal and
12 ocean stewardship.

13 (c) EDUCATIONAL PARTNERSHIP PROGRAM.—The
14 Administrator shall establish an educational partnership
15 with minority-serving institutions to provide support for
16 cooperative science centers, an environmental entrepre-
17 neurship program, a graduate sciences program, and an
18 undergraduate scholarship program.

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

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

24 (b) COORDINATION WITH STATE, REGIONAL, AND
25 LOCAL EFFORTS.—To the extent practicable, the cam-

1 paign referred to in subsection (a) shall be conducted in
 2 a manner to coordinate with existing State, regional, and
 3 local education efforts.

4 (c) USE OF FUNDS.—

5 (1) IN GENERAL.—Amounts made available to
 6 carry out the campaign referred to in subsection (a)
 7 may only be used for—

8 (A) the purchase media time or space;

9 (B) creative and talent costs;

10 (C) advertising production costs;

11 (D) testing and evaluation of advertising;

12 (E) evaluation of the effectiveness of the
 13 media campaign;

14 (F) the negotiated fees for the winning
 15 bidder on requests for proposals issued either
 16 by the Administrator or a designee for purposes
 17 otherwise authorized in this section;

18 (G) partnerships with community, civic,
 19 and professional groups and government organi-
 20 zations related to the media campaign;

21 (H) entertainment industry outreach,
 22 interactive outreach, media projects and activi-
 23 ties, public information, news media outreach,
 24 and corporate sponsorship and participation;
 25 and

1 (I) operational and management expenses.

2 (2) SPECIFIC REQUIREMENTS.—

3 (A) CREATIVE SERVICES.—In using
4 amounts for creative and talent costs under
5 paragraph (1)(B), the Administrator shall use
6 creative services donated at no cost to the Gov-
7 ernment wherever feasible and may only pro-
8 cure creative services for advertising—

9 (i) responding to high-priority or
10 emergent campaign needs that cannot
11 timely be obtained at no cost; or

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

15 (B) TESTING AND EVALUATION OF ADVER-
16 TISING.—In using amounts for testing and eval-
17 uation of advertising under paragraph (1)(D),
18 the Administrator shall test all advertisements
19 prior to use in the media campaign to ensure
20 that the advertisements are effective and meet
21 industry-accepted standards. The Administrator
22 may waive this requirement for advertisements
23 using no more than 10 percent of the purchase
24 of advertising time purchased under this section
25 in a fiscal year and no more than 10 percent

1 of the advertising space purchased under this
2 section in a fiscal year, if the advertisements re-
3 spond to emergent and time-sensitive campaign
4 needs or the advertisements will not be widely
5 utilized in the media campaign.

6 (C) EVALUATION OF EFFECTIVENESS OF
7 MEDIA CAMPAIGN.—In using amounts for the
8 evaluation of the effectiveness of the media
9 campaign under paragraph (1)(E), the Admin-
10 istrator shall—

11 (i) designate an independent entity to
12 evaluate annually the effectiveness of the
13 national media campaign based on data
14 from—

15 (I) public feedback; and

16 (II) other relevant studies or
17 publications, as determined by the Ad-
18 ministrator, including tracking and
19 evaluation data collected according to
20 marketing and advertising industry
21 standards; and

22 (ii) ensure that the effectiveness of
23 the media campaign is evaluated in a man-
24 ner that enables consideration of whether
25 the media campaign has contributed to in-

1 creasing the ocean literacy of the public
 2 and such other measures of evaluation as
 3 the Director determines are appropriate.

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

9 (d) ADVERTISING.—In carrying out this section, the
 10 Administrator shall devote sufficient funds to the adver-
 11 tising portion of the national media campaign to meet the
 12 goals of the campaign.

13 (e) PROHIBITIONS.—None of the amounts made
 14 available to carry out this section may be obligated or ex-
 15 pended—

16 (1) to supplant current oceans community-
 17 based coalitions;

18 (2) to supplant pro bono public service time do-
 19 nated by national and local broadcasting networks
 20 for other public service campaigns;

21 (3) for partisan political purposes, or express
 22 advocacy in support of or to defeat any clearly iden-
 23 tified candidate, clearly identified ballot initiative, or
 24 clearly identified legislative or regulatory proposal;

1 (4) to fund advertising that features any elected
 2 officials, persons seeking elected office, cabinet level
 3 officials, or other Federal officials described in
 4 schedule C of part 213 of title 5, Code of Federal
 5 Regulations (or any similar successor regulation);

6 (5) to fund advertising that does not contain a
 7 primary message intended to increase awareness and
 8 promote the protection, maintenance, and restora-
 9 tion of marine ecosystem health; or

10 (6) to fund advertising containing a primary
 11 message intended to promote support for the media
 12 campaign or private sector contributions to the
 13 media campaign.

14 (f) FINANCIAL AND PERFORMANCE ACCOUNT-
 15 ABILITY.—The Administrator shall cause to be per-
 16 formed—

17 (1) audits and reviews of costs of the media
 18 campaign pursuant to section 304C of the Federal
 19 Property and Administrative Services Act of 1949
 20 (41 U.S.C. 254d); and

21 (2) an audit of the cost of the media campaign
 22 described in section 306 of such Act (41 U.S.C.
 23 256).

24 (g) STRATEGIC ADVISOR.—

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

7 (2) SELECTION.—The Administrator shall se-
8 lect the strategic advisor based solely on merit and
9 the demonstrated success and experience of the can-
10 didates. The Administrator may consider the Na-
11 tional Marine Sanctuaries Foundation, the National
12 Fish and Wildlife Foundation, or any other entity
13 for the strategic advisor.

14 (3) ROLE OF STRATEGIC ADVISOR.—The Ad-
15 ministrator shall inform the advisor of the strategic
16 goals of the campaign and consider such advice of
17 the selected advisor on media campaign strategy.

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

20 (1) the strategy of the media campaign and
21 whether specific objectives of the media campaign
22 were accomplished;

23 (2) steps taken to ensure that the media cam-
24 paign operates in an effective and efficient manner

1 consistent with the overall strategy and focus of the
2 media campaign;

3 (3) plans to purchase advertising time and
4 space;

5 (4) policies and practices implemented to ensure
6 that Federal funds are used responsibly to purchase
7 advertising time and space and eliminate the poten-
8 tial for waste, fraud, and abuse; and

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

12 (i) LOCAL TARGET REQUIREMENT.—The Adminis-
13 trator shall, to the maximum extent feasible, use amounts
14 made available to carry out this section for media that
15 focuses on, or includes specific information on, prevention
16 or treatment resources for consumers within specific local
17 areas.

18 **TITLE IV—OCEAN AND GREAT**
19 **LAKES CONSERVATION**
20 **TRUST FUND AND AUTHOR-**
21 **IZATION OF APPROPRIA-**
22 **TIONS**

23 **SEC. 401. OCEAN AND GREAT LAKES CONSERVATION TRUST**
24 **FUND.**

25 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established in the
2 Treasury of the United States a fund which shall be
3 known as the “Ocean and Great Lakes Conservation
4 Trust Fund” (referred to in this section as the
5 “Fund”). For each fiscal year beginning after the
6 date of the enactment of this Act, the Secretary of
7 the Treasury shall deposit into the Fund the fol-
8 lowing amounts:

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

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

14 (C) AMOUNTS NOT DISBURSED.—Amounts
15 that were appropriated to carry out section 402
16 but not disbursed for such purpose during such
17 fiscal year.

18 (D) INTEREST.—All interest earned pursu-
19 ant to subsection (b).

20 (2) LEASE PAYMENTS.—The Administrator
21 shall establish by rule, in consultation with the
22 Council on Ocean Stewardship, appropriate forms of
23 payment for any permit or authorization granted for
24 wind, wave, and tidal energy, bioprospecting, carbon
25 sequestration, ecosystem services, and other emerg-

1 ing activities in Federal waters excluding fishing and
2 mineral, oil, natural gas, or methane hydrate leas-
3 ing, exploration, development, or production. Such
4 payments must be derived only from activities con-
5 sistent with the National Ocean Policy and may in-
6 clude fees, rents, royalties, cash bonus payments, or
7 other payments.

8 (b) INTEREST.—The Secretary of the Treasury shall
9 invest amounts in the Fund (including interest) in public
10 debt securities with maturities suitable to the needs of the
11 Fund, as determined by the Secretary of the Treasury,
12 and bearing interest at rates determined by the Secretary
13 of the Treasury, taking into consideration current market
14 yields on outstanding marketable obligations of the United
15 States of comparable maturity. Such invested amounts
16 shall remain invested until needed to meet requirements
17 for disbursement for the programs financed under this
18 Act.

19 (c) USE OF FUND.—The Administrator may use
20 amounts available in the Fund to supplement appropria-
21 tions made pursuant to the authorization of appropriation
22 in section 410.

23 **SEC. 402. PAYMENTS TO STATES.**

24 (a) IN GENERAL.—The Administrator shall make
25 payments to those coastal States that are eligible for fund-

1 ing under section 403, subject to the availability of appro-
2 priations under section 410. The total of the amount paid
3 each fiscal year to States included in an ocean region de-
4 scribed under section 201(c) may not exceed the amount
5 allocated for such ocean region for that fiscal year under
6 section 405.

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

9 (1) agreed to provide such reports to the Ad-
10 ministrator, in such form and containing such infor-
11 mation, as may be reasonably necessary to enable
12 the Administrator to perform the duties of the Ad-
13 ministrator under this title; and

14 (2) adopted such fiscal control and fund ac-
15 counting procedures as may be necessary to assure
16 proper disbursement and accounting for Federal rev-
17 enues paid to the State under this title.

18 (c) UNEXPENDED FUNDS.—At the end of each fiscal
19 year, the Administrator shall deposit in the Fund estab-
20 lished in section 401(a) any amount appropriated pursu-
21 ant to an authorization of appropriations in section 410
22 but not disbursed to a State under this section.

23 **SEC. 403. ELIGIBILITY FOR FUNDING.**

24 (a) ELIGIBILITY OF STATE.—A State shall not be eli-
25 gible to receive funds under section 402 unless the Admin-

1 istrator, in consultation with the appropriate Regional
2 Ocean Partnership, determines that the State is partici-
3 pating actively and sufficiently in the development and im-
4 plementation of the appropriate Regional Ocean Strategic
5 Plan under section 203.

6 (b) ELIGIBLE PURPOSES.—A State that receives
7 funds under this title may only use such funds for pur-
8 poses of fulfilling the State’s obligations and responsibil-
9 ities—

10 (1) to provide assistance to the Administrator
11 in conducting the initial ocean region assessment
12 under section 203(a) until such assessment is com-
13 plete in accordance with an approved spending plan
14 referred to in section 404(c)(2);

15 (2) to develop a Regional Ocean Strategic Plan
16 under section 203(b) until such Plan is complete, in
17 accordance with such an approved spending plan;

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

21 (4) to implement other regional efforts to carry
22 out the National Ocean Policy during the 3-year pe-
23 riod beginning on the date of the designation or es-
24 tablishment of the appropriate Regional Ocean Part-

1 nership, in accordance with the applications ap-
2 proved under section 404(c).

3 **SEC. 404. FUNDING PROCEDURES.**

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

9 (b) APPROVAL.—The Administrator shall approve an
10 application submitted by a State under subsection (a) if,
11 in consultation with the Regional Ocean Partnership, the
12 Administrator—

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

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

19 (3) ensures that previous payments under this
20 title made to the State and coastal political subdivi-
21 sions in the State were used in accordance with sec-
22 tion 403(b).

23 (c) SPENDING PLANS, BUDGETS, AND OTHER RE-
24 GIONAL EFFORTS.—

1 (1) SPENDING PLAN FOR IMPLEMENTING RE-
2 GIONAL OCEAN STRATEGIC PLANS.—Each Regional
3 Ocean Partnership that has participating States that
4 are seeking funding under section 402 shall submit
5 to the Administrator a spending plan for such States
6 for each fiscal year. The total funds requested in the
7 spending plan shall not exceed the amount allocated
8 to the Region by the Administrator under section
9 405 for that fiscal year. In addition to such other
10 requirements as the Administrator by regulation
11 shall prescribe, each spending plan shall include—

12 (A) a list of the States participating in the
13 Regional Ocean Partnership;

14 (B) the name of the State agency for each
15 State listed in subparagraph (A) that will have
16 the authority to represent and act for the State
17 in dealing with the Administrator for purposes
18 of this title;

19 (C) a description of how funds provided
20 under this title will be used by each partici-
21 pating State to implement the Regional Ocean
22 Strategic Plan; and

23 (D) certification by the governor of each
24 participating State that all the funds provided
25 under this title to the State or a political sub-

1 divisions of the State shall be used for a pur-
2 pose described in section 403(b) and in a man-
3 ner consistent with carrying out the National
4 Ocean Policy.

5 (2) BUDGETS FOR DEVELOPING REGIONAL
6 OCEAN STRATEGIC PLANS AND ASSISTING WITH INI-
7 TIAL REGIONAL OCEAN ASSESSMENTS.—Each Re-
8 gional Ocean Partnership with participating States
9 that are seeking funding under section 402 shall
10 submit an annual budget for approval by the Admin-
11 istrator identifying—

12 (A) a list of the States participating in the
13 Regional Ocean Partnership;

14 (B) the name of the State agency for each
15 State listed in subparagraph (A) that will have
16 the authority to represent and act for the State
17 in dealing with the Administrator for purposes
18 of this title; and

19 (C) the costs under subsection (a) or (b) of
20 section 203 that require financial support from
21 the Administrator.

22 (3) OTHER REGIONAL EFFORTS.—Each coastal
23 State seeking funding for other regional efforts
24 under section 403(b)(4) shall submit an application

1 for approval by the Administrator that includes the
2 following:

3 (A) The name of the State agency that will
4 have the authority to represent and act for the
5 State in dealing with the Administrator for pur-
6 poses of this subsection.

7 (B) A description of how funds provided
8 pursuant to this subsection will be used for ac-
9 tivities that further the implementation of the
10 National Ocean Policy.

11 (C) Certification by the Governor of the
12 State that all the funds provided pursuant to
13 this subsection to the State will be used in a
14 manner consistent with the National Ocean pol-
15 icy.

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

24 (d) PROCEDURE AND TIMING; REVISIONS.—The Ad-
25 ministrator shall approve or disapprove in accordance with

1 this subsection each spending plan submitted under sub-
2 section (b)(1). If a Regional Ocean Partnership first sub-
3 mits a plan by not later than 90 days before the beginning
4 of the first fiscal year to which the plan applies, the Ad-
5 ministrator shall approve or disapprove the plan by not
6 later than 30 days before the beginning of that fiscal year.

7 (e) SPENDING PLAN AMENDMENT OR REVISION.—
8 Any amendment to or revision of the spending plan shall
9 be prepared in accordance with the requirements of this
10 section and shall be submitted to the Administrator for
11 approval or disapproval. Any such amendment or revision
12 shall take effect only for fiscal years after the fiscal year
13 in which the amendment or revision is approved by the
14 Administrator.

15 (f) PUBLIC COMMENT.—Before approving or dis-
16 approving a spending plan, or an amendment or revision
17 to such a plan, the Administrator shall provide for public
18 comment on the proposed expenditures in the spending
19 plan for the forthcoming year.

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

1 **SEC. 405. EQUITABLE ALLOCATION.**

2 (a) MAXIMUM AMOUNT AVAILABLE TO EACH OCEAN
3 REGION.—Of the amounts authorized to be appropriated
4 by section 410, the Administrator shall determine and al-
5 locate to each ocean region described in section 201(c) the
6 maximum amount of funds that the Administrator may
7 grant under this title for use in that region, based on the
8 following weighted formula:

9 (1) 35 percent of such amount shall be deter-
10 mined based on the ratio of the shoreline miles (as
11 that term is used in the Coastal Zone Management
12 Act of 1972 (16 U.S.C. 1451 et seq.)) of the ocean
13 region to the shoreline miles of all ocean regions.

14 (2) 65 percent of such amount shall be deter-
15 mined based on the ratio of the coastal population
16 density of the ocean region to the coastal population
17 density of all ocean regions.

18 (b) PAYMENTS TO POLITICAL SUBDIVISIONS.—The
19 governor of a State that receives funds under this title
20 may only use such funds for—

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

23 (2) awards to coastal political subdivisions of
24 the State, on a competitive basis, for such purposes.

1 **SEC. 406. HEALTHY OCEAN STAMP.**

2 (a) IN GENERAL.—In order to afford a convenient
3 way for members of the public to support efforts to pro-
4 tect, maintain, and restore marine ecosystems, the United
5 States Postal Service may consider providing for a special
6 postage stamp in accordance with this section.

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

11 (1) TRANSFERS.—All amounts becoming avail-
12 able from the sale of such stamp shall be transferred
13 to the Ocean and Great Lakes Conservation Trust
14 Fund established by section 401 through payments
15 which shall be made, at least twice a year, in the
16 manner required by subsection (d)(1) of section 416
17 of such title 39.

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

22 (3) DURATION.—Such stamp shall be made
23 available to the public over such period of time as
24 the Postal Service may determine, except that such
25 period—

1 (A) shall commence not later than 12
 2 months after the date of the enactment of this
 3 Act; and

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

7 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
 8 tion shall be considered to permit or require that any de-
 9 termination of the amounts becoming available from the
 10 sale of the stamp referred to in subsection (a) be made
 11 in a manner inconsistent with the requirements of sub-
 12 section (d) or section 416 of title 39, United States Code.

13 **SEC. 407. LIMITATION ON USE OF AVAILABLE AMOUNTS**
 14 **FOR ADMINISTRATION.**

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

18 **SEC. 408. RECORD KEEPING REQUIREMENTS.**

19 The Administrator, in consultation with the Council
 20 on Ocean Stewardship, shall establish such rules regarding
 21 record keeping by State and local governments and the
 22 auditing of expenditures made by State and local govern-
 23 ments from funds made available under this Act as may
 24 be necessary. Such rules shall be in addition to other re-
 25 quirements established regarding record keeping and the

1 auditing of such expenditures under other authority of
2 law.

3 **SEC. 409. MAINTENANCE OF EFFORT AND MATCHING FUND-**
4 **ING.**

5 (a) IN GENERAL.—It is the intent of the Congress
6 in this Act that States not use this Act as an opportunity
7 to reduce State or local resources for the programs funded
8 by this Act. Except as provided in subsection (b), no State
9 or local government shall receive any funds under this Act
10 during any fiscal year in which its expenditures of non-
11 Federal funds for recurrent expenditures for programs for
12 which funding is provided under this Act will be less than
13 its expenditures were for such programs during the pre-
14 ceding fiscal year. No State or local government shall re-
15 ceive funding under this Act with respect to a program
16 unless the Administrator is satisfied that such a grant will
17 be used to supplement and, to the extent practicable, in-
18 crease the level of State, local, or other non-Federal funds
19 available for such program.

20 (b) EXCEPTION.—The Administrator may waive the
21 requirements of subsection (a) if the Administrator deter-
22 mines that a reduction in expenditures—

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

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

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

10 **SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) REGIONAL OCEAN STRATEGIC PLANS.—

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

15 (A) \$40,000,000 for each of the fiscal
16 years 2010, 2011, and 2012 for developing a
17 Regional Ocean Strategic Plan under subsection
18 (b)(1) of section 203, for assisting the Adminis-
19 trator in conducting an initial ocean region as-
20 sessment under subsection (a) of such section,
21 and for implementing other regional efforts
22 under subsection (e)(2) of such section; and

23 (B) \$60,000,000 for each of the fiscal
24 years 2013 through 2020 for implementing and

1 updating Regional Ocean Strategic Plans under
2 section 203(d).

3 (2) ASSESSMENTS.—There are authorized to be
4 appropriated to the Administrator \$20,000,000 for
5 each of the fiscal years 2010 through 2020 there-
6 after for purposes of—

7 (A) conducting and updating assessments
8 for the ocean regions described under section
9 203; and

10 (B) supporting efforts by the Regional
11 Ocean Partnerships to develop Regional Ocean
12 Strategic Plans under such section.

13 (3) REGIONAL OCEAN STRATEGIC PLANS.—
14 There are authorized to be appropriated to the Ad-
15 ministrator for allocation, with concurrence of the
16 Council on Ocean Stewardship, for carrying out re-
17 sponsibilities of the Federal Government for develop-
18 ment and implementation of Regional Ocean Stra-
19 tegic Plans under section 203—

20 (A) \$30,000,000 for fiscal year 2013;

21 (B) \$40,000,000 for fiscal year 2014; and

22 (C) \$50,000,000 for each of the fiscal
23 years 2015 through 2020.

24 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
25 ISTRATION.—

1 (1) OFFICE OF EDUCATION.—In addition to the
2 amounts authorized under the National Sea Grant
3 College Program Act (33 U.S.C. 1121 et seq.), there
4 are authorized to be appropriated to the Adminis-
5 trator \$30,000,000 for each of the fiscal years 2010
6 through 2014 for educational activities under section
7 309(b).

8 (2) EDUCATIONAL PARTNERSHIP PROGRAM.—
9 There are authorized to be appropriated to the Ad-
10 ministrators \$20,000,000 for each of the fiscal years
11 2010 through 2014 for educational activities under
12 section 309(c).

13 (c) NATIONAL OCEAN AND COASTAL EDUCATION
14 PROGRAM.—Of the amounts authorized to be appro-
15 priated to NOAA, the Department of the Navy, the Na-
16 tional Science Foundation, and the National Aeronautics
17 and Space Administration for fiscal year 2010 through fis-
18 cal year 2014, \$25,000,000 from each agency shall be
19 available for the ocean and coastal education program
20 under section 307.

21 (d) SCHOLARSHIP PROGRAM.—Of the amounts au-
22 thorized to be appropriated to NOAA, the National
23 Science Foundation, the National Aeronautics and Space
24 Administration, and the Department of the Navy for fiscal
25 year 2010 through fiscal year 2014, \$15,000,000 shall be

1 available for National Ocean Science and Technology
2 Scholarships under section 308.

3 (e) NATIONAL OCEAN AWARENESS MEDIA CAM-
4 PAIGN.—Of the amounts authorized to be appropriated to
5 NOAA, there are authorized to be appropriated
6 \$2,000,000 for each of the fiscal years 2010 through 2012
7 to carry out section 311.

8 (f) FUNDING FOR MARINE ECOSYSTEM RE-
9 SEARCH.—

10 (1) MARINE ECOSYSTEM RESEARCH.—For de-
11 velopment and implementation of the research pro-
12 gram under section 302, there are authorized to be
13 appropriated \$50,000,000 for each of the fiscal
14 years 2010 through 2014.

15 (2) REGIONAL OCEAN ECOSYSTEM RESOURCE
16 INFORMATION SYSTEMS.—For development and im-
17 plementation of the regional Ocean Ecosystem Re-
18 source Information Systems under section 305, there
19 are authorized to be appropriated \$25,000,000 for
20 each of the fiscal years 2010 through 2014.

21 (g) AMENDMENT TO THE NATIONAL SEA GRANT
22 COLLEGE PROGRAM ACT.—Section 212(a) of the National
23 Sea Grant College Program Act (33 U.S.C. 1131(a)) is
24 amended by adding at the end the following:

1 “(3) MARINE AND AQUATIC SCIENCE EDU-
2 CATION.—In addition to the amounts authorized for
3 each fiscal year under paragraphs (1) and (2), there
4 are authorized to be appropriated for marine and
5 aquatic science education for each of fiscal years
6 2010 through 2014—

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

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

12 “(C) \$5,000,000 for competitive grants to
13 support educational partnerships under the
14 ocean and coastal education program estab-
15 lished under section 308 of the National Oceans
16 Protection Act of 2009 or other appropriate
17 mechanism; and

18 “(D) \$10,000,000 for graduate fellowships
19 and competitive distinguished professorships in
20 marine science.”.

21 (h) AVAILABILITY.—Amounts appropriated pursuant
22 to an authorization of appropriations under this section
23 shall remain available until expended.

