

108TH CONGRESS
2D SESSION

H. R. 4900

To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a National Oceans Council, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. GREENWOOD (for himself, Mr. FARR, Mr. WELDON of Pennsylvania, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a National Oceans Council, 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 “Oceans Conservation, Education, and National Strategy
6 for the 21st Century Act”.

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

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

TITLE I—CONGRESSIONAL DECLARATION OF NATIONAL OCEANS
 POLICY

- Sec. 101. National oceans policy.

TITLE II—NATIONAL STANDARDS

- Sec. 201. National standards.
- Sec. 202. Determination of compliance with national oceans policy and national standards.
- Sec. 203. Implementation.
- Sec. 204. Stricter standards.

TITLE III—NATIONAL OCEANIC AND ATMOSPHERIC
 ADMINISTRATION

- Sec. 301. Existence in Department of Commerce; mission.
- Sec. 302. Administrator; functions.
- Sec. 303. Other officers.
- Sec. 304. Qualifications of Administration officers.
- Sec. 305. Transfer of marine mammals management functions to the Administrator.
- Sec. 306. Science Advisory Board.
- Sec. 307. Report of recommendations for reorganization to establish a Department of Natural Resources.

TITLE IV—NATIONAL OCEANS ADVISOR

- Sec. 401. Executive Advisor; mission.
- Sec. 402. Staffing.

TITLE V—NATIONAL OCEANS COUNCIL

- Sec. 501. Establishment of Council; mission.
- Sec. 502. Chair; membership; functions.
- Sec. 503. Limitations on voting.

TITLE VI—COUNCIL OF ADVISORS ON OCEANS POLICY

- Sec. 601. Establishment of Council.
- Sec. 602. Duties.
- Sec. 603. Membership.
- Sec. 604. Meetings.

TITLE VII—REGIONAL PLANNING

- Sec. 701. Findings.
- Sec. 702. Designation of ocean regions; Regional Administrators.
- Sec. 703. Regional Ocean Councils.

- Sec. 704. Regional Ocean Ecosystem Plans.
- Sec. 705. Consistency requirements.
- Sec. 706. Regional Ocean Council advisory committees.
- Sec. 707. Financial assistance to States.
- Sec. 708. Citizen suits.

TITLE VIII—OCEAN SCIENCE, EXPLORATION, AND RESEARCH COORDINATION

- Sec. 801. Committee on Ocean Science, Education, and Operations.
- Sec. 802. National Strategy for Ocean and Coastal Science.
- Sec. 803. National Ocean Partnership Program.
- Sec. 804. Ocean Research and Education Advisory Panel.
- Sec. 805. Marine ecosystems research.
- Sec. 806. Authorization of appropriations.

TITLE IX—OCEAN EDUCATION

- Sec. 901. Subcommittee on Ocean Education.
- Sec. 902. Ocean and coastal education program.
- Sec. 903. Ocean Science and Technology Scholarship Program.
- Sec. 904. National Oceanic and Atmospheric Administration Office of Education.
- Sec. 905. Amendment to the National Sea Grant College Program Act.
- Sec. 906. National ocean awareness media campaign.
- Sec. 907. Authorization of appropriations.

TITLE X—OCEAN EXPLORATION

- Sec. 1001. National Oceanic and Atmospheric Administration Office of Ocean Exploration.
- Sec. 1002. Subcommittee on Ocean Exploration.
- Sec. 1003. Authorization of appropriations.

TITLE XI—OCEAN AND GREAT LAKES CONSERVATION TRUST FUND

- Sec. 1101. Establishment of Fund.
- Sec. 1102. Limitation on use of available amounts for administration.
- Sec. 1103. Recordkeeping requirements.
- Sec. 1104. Maintenance of effort and matching funding.
- Sec. 1105. Sunset.
- Sec. 1106. Community assistance formula and payments.
- Sec. 1107. Approval of State funding and spending plans.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

- 3 (1) United States ocean waters and the ocean
- 4 resources they contain are vital for the national se-
- 5 curity, environment, economy, and culture of the
- 6 United States.

1 (2) Consistent with customary international
2 law, the United States exercises sovereign rights
3 over ocean resources within United States ocean wa-
4 ters.

5 (3) These ocean resources are the property of
6 the people of the United States, are held in trust for
7 them by Federal, State, local, and tribal govern-
8 ments, and should be managed to preserve the full
9 range of their benefits for present and future gen-
10 erations.

11 (4) Marine, terrestrial, and atmospheric sys-
12 tems are interdependent, requiring that policy, infor-
13 mation transfer, and the management of human ac-
14 tivities be coordinated across systems.

15 (5) Healthy and productive coastal and marine
16 ecosystems are the keys to securing the full range of
17 benefits from ocean resources for the people of the
18 United States.

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

24 (A) global climate change;

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

3 (C) unwise land use and coastal develop-
4 ment;

5 (D) habitat damage;

6 (E) overfishing; and

7 (F) invasive species.

8 (7) These threats are exacerbated by the legal
9 and geographic fragmentation of authority over
10 ocean space and ocean resources.

11 (8) Activities harming coastal and marine eco-
12 systems jeopardize the economies and social struc-
13 ture of coastal communities dependent on these re-
14 sources.

15 (9) While there is a plethora of laws, govern-
16 ment agencies, and programs dealing with coastal
17 resources and ocean resources, activities thereunder
18 are poorly coordinated and do not constitute a uni-
19 fied and comprehensive public policy toward the
20 oceans.

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

1 human activities affecting the health and produc-
2 tivity of marine ecosystems.

3 **SEC. 3. PURPOSE.**

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

9 (1) establishing a comprehensive national
10 oceans policy that is binding on all covered actions
11 that may significantly affect United States ocean
12 waters and ocean resources;

13 (2) requiring covered actions to be consistent
14 with the purposes and policies of this Act;

15 (3) mandating that clear standards be set
16 against which compliance with the national oceans
17 policy can be measured;

18 (4) providing a mechanism through which com-
19 pliance with this Act can be assured;

20 (5) consolidating and restructuring Federal
21 ocean programs to support this Act; and

22 (6) promoting ecologically sustainable ocean re-
23 source management by strengthening and empow-
24 ering ocean governance.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) COVERED ACTION.—The term “covered ac-
4 tion” means any activity affecting United States
5 ocean waters or ocean resources, that is carried
6 out—

7 (A) by a Federal agency, including the
8 issuance of a Federal license or permit; or

9 (B) by any other person using Federal
10 funds.

11 (2) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the National
13 Oceanic and Atmospheric Administration.

14 (3) ADMINISTRATION.—The term “Administra-
15 tion” means the National Oceanic and Atmospheric
16 Administration provided for in section 301.

17 (4) ADVISOR.—The term “Advisor” means the
18 National Oceans Advisor appointed under section
19 401.

20 (5) BIOLOGICAL DIVERSITY.—The term “bio-
21 logical diversity” means a collection of genomes, spe-
22 cies, and ecosystems occurring in a geographically
23 defined region.

24 (6) ECOLOGICALLY SUSTAINABLE.—The term
25 “ecologically sustainable” means capable of main-
26 taining biological diversity and ecosystem structure

1 and functioning from 1 human generation to the
2 next, so as not to deny future generations the goods
3 and services provided by marine ecosystems that are
4 enjoyed today.

5 (7) FUNCTION.—The term “function”, when
6 used in reference to a function of a government
7 agency or official, includes authorities, powers,
8 rights, privileges, immunities, programs, projects,
9 activities, duties, and responsibilities.

10 (8) MARINE ECOSYSTEM HEALTH AND HEALTH
11 OF MARINE ECOSYSTEMS.—Each of the terms “ma-
12 rine ecosystem health” and “health of marine eco-
13 systems” means the ability of a marine ecosystem to
14 support and maintain a productive and resilient
15 community of organisms, having a species composi-
16 tion, diversity, and functional organization resulting
17 from the natural habitat of the region, such that it
18 provides a complete range of ecological benefits, in-
19 cluding—

20 (A) a complete diversity of native species
21 and habitats wherein each native species is able
22 to maintain an abundance, population struc-
23 ture, and distribution supporting its ecological
24 and evolutionary functions and processes; and

1 (B) a physical, chemical, geological, and
2 microbial environment that is supportive of the
3 requirements of this paragraph.

4 (9) HEALTHY MARINE ECOSYSTEM.—The term
5 “healthy marine ecosystem” means a marine eco-
6 system with the ability to support and maintain a
7 productive and resilient community of organisms,
8 having a species composition, diversity, and func-
9 tional organization resulting from the natural habi-
10 tat of the region, such that it provides a complete
11 range of ecological benefits, including—

12 (A) a complete diversity of native species
13 and habitats wherein each native species is able
14 to maintain an abundance, population struc-
15 ture, and distribution supporting its ecological
16 and evolutionary functions and processes; and

17 (B) a physical, chemical, geological, and
18 microbial environment that is supportive of the
19 requirements of this paragraph.

20 (10) ECOSYSTEM-BASED MANAGEMENT.—The
21 term “ecosystem-based management” means an ap-
22 proach to the management of human activities and
23 natural resources affected by such activities that in-
24 corporates the following:

25 (A) Long term ecological sustainability.

1 (B) Clear, operational goals, with reference
2 to a desired future status of ecosystem proc-
3 esses and components.

4 (C) Use of the best available scientific in-
5 formation regarding ecosystems and their func-
6 tions, including, but not limited to, multiple in-
7 dicators, including models and other quan-
8 titative and qualitative techniques at varying
9 scales.

10 (D) Awareness of complexity, interconnect-
11 edness, and resiliency.

12 (E) Recognition that ecosystems are dy-
13 namic.

14 (F) Attention to context and scale, as nec-
15 essary to align decision processes with eco-
16 system processes that vary across space and
17 time.

18 (G) Acknowledgement of humans as eco-
19 system components who must be engaged to
20 achieve long term management goals.

21 (H) Accountability.

22 (I) Identification of uncertainties.

23 (J) Adaptiveness, including approaches
24 that supplement limited predictive capacities

1 and respond to changes in ecosystems, informa-
2 tion, and anthropogenic stressors.

3 (11) UNITED STATES OCEAN WATERS.—The
4 term “United States ocean waters” means the zone
5 extending from the baseline from which the breadth
6 of the United States territorial sea is measured to
7 the extent of the Exclusive Economic Zone as speci-
8 fied in Presidential Proclamation Number 5030,
9 dated March 10, 1983, including the territorial wa-
10 ters of the Great Lakes and the waters of the conti-
11 nental shelf to which the United States is granted
12 sovereign rights under international law.

13 (12) OCEAN RESOURCES.—The term “ocean re-
14 sources” means any living, nonliving, or cultural
15 amenity in United States ocean waters.

16 (13) COASTAL.—The term “coastal” includes
17 coastal areas of United States ocean waters of the
18 Great Lakes.

19 (14) MARINE.—The term “marine” includes of
20 or relating to United States ocean waters of the
21 Great Lakes.

22 (15) REGIONAL OCEAN COUNCIL.—The term
23 “Regional Ocean Council” means such a council es-
24 tablished by the Administrator under section 703.

1 (16) OCEAN REGION.—The term “ocean re-
2 gion” means such a region designated under section
3 702(a).

4 (17) QUALIFIED OUTER CONTINENTAL SHELF
5 REVENUES.—The term ‘qualified Outer Continental
6 Shelf revenues’ means (except as otherwise provided
7 in this paragraph) all moneys received by the United
8 States from each leased tract or portion of a leased
9 tract lying seaward of the zone defined and governed
10 by section 8(g) of the Outer Continental Shelf Lands
11 Act (43 U.S.C. 1337(g)), or lying within such zone
12 but to which section 8(g) does not apply, the geo-
13 graphic center of which lies within a distance of 200
14 miles from any part of the coastline of any coastal
15 State, including bonus bids, rents, royalties (includ-
16 ing payments for royalty taken in kind and sold),
17 net profit share payments, and related late-payment
18 interest from natural gas and oil leases issued pur-
19 suant to the Outer Continental Shelf Lands Act.
20 Such term does not include any revenues from a
21 leased tract or portion of a leased tract that is lo-
22 cated in a geographic area subject to a leasing mora-
23 torium on January 1, 2001, unless the lease was
24 issued prior to the establishment of the moratorium
25 and was in production on January 1, 2001.

1 (18) COASTAL STATE.—The term “coastal
2 State”—

3 (A) means a State of the United States in,
4 or bordering on, the Atlantic, Pacific, or Arctic
5 Ocean, the Gulf of Mexico, Long Island Sound,
6 or 1 or more of the Great Lakes; and

7 (B) includes Puerto Rico, the Virgin Is-
8 lands, Guam, the Commonwealth of the North-
9 ern Mariana Islands, and the Trust Territories
10 of the Pacific Islands, and American Samoa.

11 (19) COASTAL POLITICAL SUBDIVISION.—The
12 term “coastal political subdivision” means a political
13 subdivision of a coastal State all or part of which
14 political subdivision is within the coastal zone (as de-
15 fined in section 304 of the Coastal Zone Manage-
16 ment Act of 1972 (16 U.S.C.1453)).

17 (20) COASTAL POPULATION DENSITY.—The
18 term “coastal population density” means the popu-
19 lation as determined by the most recent census data
20 in the States coastal zone as determined pursuant to
21 the Coastal Zone Management Act of 1972. (16
22 U.S.C.1451 et seq.).

1 **TITLE I—CONGRESSIONAL DEC-**
2 **LARATION OF NATIONAL**
3 **OCEANS POLICY**

4 **SEC. 101. NATIONAL OCEANS POLICY.**

5 (a) **POLICY.**—The Congress declares that it is the
6 continuing policy of the United States to protect, main-
7 tain, and restore the health of marine ecosystems in order
8 to fulfill the social, economic, and other requirements of
9 present and future generations of Americans.

10 (b) **RESPONSIBILITY OF FEDERAL GOVERNANCE**
11 **SYSTEM.**—In order to carry out the policy set forth in this
12 Act, the President, acting through the Administrator of
13 the National Oceanic and Atmospheric Administration
14 and top officials of other Federal agencies and depart-
15 ments, shall—

16 (1) protect, maintain, and restore marine bio-
17 logical diversity and the functioning of marine eco-
18 systems;

19 (2) require that ocean resources be used in a
20 manner that is ecologically sustainable;

21 (3) manage covered actions affecting the oceans
22 on an ecosystem basis;

23 (4) exercise precaution in support of protecting,
24 restoring, and maintaining the health of marine eco-

1 systems in the case of uncertain or inadequate infor-
2 mation;

3 (5) use the best available scientific, social, and
4 economic information to make decisions;

5 (6) support research and education to improve
6 basic understanding of marine ecosystems and their
7 management and restoration;

8 (7) promote and support international collabo-
9 ration on research of marine ecosystems and the
10 conservation of healthy marine ecosystems;

11 (8) adapt in a timely manner to new informa-
12 tion on the health of marine ecosystems and the ef-
13 fectiveness of management decisions;

14 (9) be equitable and transparent, and promote
15 cooperation among all stakeholders; and

16 (10) provide accountability.

17 **TITLE II—NATIONAL**
18 **STANDARDS**

19 **SEC. 201. NATIONAL STANDARDS.**

20 (a) ESTABLISHMENT OF STANDARDS.—To the fullest
21 extent possible the policies, regulations, and Public Laws
22 of the United States shall be interpreted and administered
23 in accordance with the following national standards:

24 (1) Covered actions affecting United States
25 ocean waters or ocean resources must be conducted

1 in a manner that is consistent with the protection
2 and maintenance of healthy marine ecosystems and,
3 where appropriate, the restoration of degraded ma-
4 rine ecosystems.

5 (2) Any covered action that may significantly
6 affect United States ocean waters or ocean resources
7 may proceed only if the covered action, individually
8 and in combination with other covered actions—

9 (A) is not likely to significantly harm the
10 health of any marine ecosystem; and

11 (B) is not likely to significantly impede the
12 restoration of the health of any marine eco-
13 system.

14 (3) In the case of incomplete or inconclusive in-
15 formation as to the effects of a covered action on
16 United States ocean waters or ocean resources, deci-
17 sions shall be made in such a way as will ensure pro-
18 tection, maintenance, and restoration of healthy ma-
19 rine ecosystems.

20 (4) To the extent practicable, and consistent
21 with other provisions of this Act, including the other
22 National Standards under this subsection, adverse
23 social and economic impacts on communities that
24 are significantly resource dependent shall be mini-
25 mized. Consideration of impacts on resource depend-

1 ent communities shall include, but not be limited to,
2 cumulative impacts.

3 (b) RULEMAKING.—

4 (1) APPLICATION OF NATIONAL STANDARDS TO
5 COVERED ACTIONS.—Within 12 months after the
6 date of the enactment of this Act, the Administrator,
7 in consultation with the National Oceans Council,
8 shall issue regulations that shall govern the applica-
9 tion of the national standards set forth in subsection
10 (a) with respect to covered actions.

11 (2) OTHER REGULATIONS.—The Administrator
12 may issue other regulations regarding implementa-
13 tion of subsection (a) as the Administrator considers
14 necessary.

15 **SEC. 202. DETERMINATION OF COMPLIANCE WITH NA-**
16 **TIONAL OCEANS POLICY AND NATIONAL**
17 **STANDARDS.**

18 (a) REQUIREMENT.—Any determination of whether a
19 covered action complies with section 201 shall be made
20 in accordance with

21 (1) regulations issued under section 201; and

22 (2) any applicable Regional Ocean Ecosystem
23 Plan that is approved or prepared by the Adminis-
24 trator under this Act.

1 (b) APPLICATION OF NATIONAL STANDARDS NOT AF-
2 FECTED.—This section shall not be construed as limiting
3 the application of section 201 before the approval or
4 issuance of a Regional Ocean Ecosystem Plan by the Ad-
5 ministrator.

6 (c) GUIDANCE.—Within 12 months after the date of
7 the enactment of this Act, the Administrator, in consulta-
8 tion with the National Oceans Council, shall issue detailed
9 guidance to the Regional Ocean Councils, based on the
10 national standards listed in section 201, for the issuance
11 of Regional Ocean Ecosystem Plans under title VII. The
12 guidance shall address—

13 (1) assessing and monitoring the health of ma-
14 rine ecosystems;

15 (2) how to apply the definition of “marine eco-
16 system health” at the regional level, including estab-
17 lishing marine ecosystem health criteria and indica-
18 tors;

19 (3) predicting the likely effects of proposed cov-
20 ered actions on the health of marine ecosystems, and
21 determining whether those effects are significant;

22 (4) facilitating ecosystem-based management of
23 United States ocean waters and ocean resources;
24 and

1 (5) the types of covered actions that are likely
2 to have a significant effect on the health of marine
3 ecosystems.

4 (d) NATIONAL RESEARCH COUNCIL.—To assist the
5 Administrator in issuing guidance under subsection (c),
6 the Administrator may request the National Research
7 Council to—

8 (1) convene a panel with expertise on marine
9 science and the management of ocean resources to
10 develop recommendations; and

11 (2) update such recommendations every 5
12 years.

13 **SEC. 203. IMPLEMENTATION.**

14 (a) IN GENERAL.—The head of each Federal agency
15 shall, in consultation with the Administrator, ensure that
16 all covered actions of the agency comply with the national
17 standards set forth in section 201.

18 (b) COMPLIANCE REVIEW.—In conducting an envi-
19 ronmental review authorized under the National Environ-
20 mental Policy Act of 1969, the head of each Federal agen-
21 cy shall, after consultation with the Administrator, include
22 in the review an assessment of the impact of the proposed
23 covered action on the health of marine ecosystems. The
24 Administrator, after considering any findings of the Re-
25 gional Administrator concerned, shall determine whether

1 the proposed covered action is in compliance with the poli-
2 cies, national standards, and any applicable Regional
3 Ocean Ecosystem Plan that is approved or prepared by
4 the Administrator under this Act.

5 (c) CHANGES OR ALTERNATIVES.—If the Adminis-
6 trator determines that a proposed covered action is not
7 in compliance with the policies, national standards, and
8 any applicable approved Regional Ocean Ecosystem Plan
9 under this Act, the Administrator shall propose changes
10 or alternatives to the proposed covered action that would
11 make the covered action be in compliance with this Act.

12 (d) RESOLUTION OF DISPUTES.—

13 (1) APPEAL TO COUNCIL.—If the Administrator
14 determines that a proposed covered action is not in
15 compliance with the policies and national standards
16 set forth in this Act, the head of the agency pro-
17 posing the covered action may appeal the determina-
18 tion to the National Oceans Council.

19 (2) POLICIES AND PROCEDURES FOR AP-
20 PEALS.—The National Oceans Council shall issue
21 policies and procedures for hearing appeals under
22 this subsection.

23 (3) DETERMINATION OF APPEAL.—If an appeal
24 is granted, the National Oceans Council shall, by a
25 vote of at least two-thirds of the members of the

1 Council, determine whether or not the proposed cov-
2 ered action is in compliance with the policies and na-
3 tional standards set forth in this Act.

4 (4) CONDITIONAL DETERMINATION OF COMPLI-
5 ANCE.—

6 (A) CONDITIONAL DETERMINATION.—The
7 National Oceans Council may determine that a
8 proposed covered action is in compliance with
9 this Act subject to the agency complying, in
10 conducting the action, with requirements, re-
11 strictions, or other conditions established by the
12 National Oceans Council.

13 (B) COMPLIANCE WITH CONDITIONS RE-
14 QUIRED.—If the National Oceans Council es-
15 tablishes conditions for a proposed covered ac-
16 tion under subparagraph (A), the agency may
17 not conduct the action except in compliance
18 with such conditions.

19 (5) REFERRAL TO PRESIDENT.—If the National
20 Oceans Council does not determine in accordance
21 with paragraph (2) that the proposed covered action
22 is in compliance with the policies and national stand-
23 ards set forth in this Act—

24 (A) the National Oceans Council shall, by
25 vote of a majority of the members of the Coun-

1 cil, approve and submit to the President a rec-
2 ommendation for resolving the matter; and

3 (B) the President, after consideration of
4 such recommendations, shall determine whether
5 the proposed covered action is in compliance
6 with the policies and national standards set
7 forth in this Act.

8 (e) ENSURING COMPLIANCE.—The head of each Fed-
9 eral agency and department shall ensure that final covered
10 actions of such agency or department comply with this
11 Act, including the implementation of changes rec-
12 ommended by the Administrator, the Council, or the
13 President.

14 **SEC. 204. STRICTER STANDARDS.**

15 Nothing in this Act shall be construed to limit the
16 authority of a local or State government or the Federal
17 Government to establish more stringent standards, re-
18 quirements, or restrictions within their respective jurisdic-
19 tions, in order to provide greater protection of marine eco-
20 system health (including to be consistent with other appli-
21 cable law), than the protection provided by a Regional
22 Ocean Ecosystem Plan that is approved or prepared by
23 the Administrator under this Act.

1 **TITLE III—NATIONAL OCEANIC**
2 **AND ATMOSPHERIC ADMINIS-**
3 **TRATION**

4 **SEC. 301. EXISTENCE IN DEPARTMENT OF COMMERCE; MIS-**
5 **SION.**

6 (a) ESTABLISHMENT.—There shall be in the Depart-
7 ment of Commerce the National Oceanic and Atmospheric
8 Administration. Reorganization Plan No. 4 of 1970 shall
9 have no further force or effect.

10 (b) MISSION.—The primary mission of the Adminis-
11 tration is to—

12 (1) act as the non-military Federal agency with
13 responsibility for providing oversight of all United
14 States ocean waters and ocean resources;

15 (2) understand and predict changes in the
16 Earth's environment and conserve and manage
17 ocean resources to meet our Nation's economic, so-
18 cial, and environmental needs;

19 (3) protect, maintain, and restore the health of
20 marine ecosystems; and

21 (4) promote the ecologically sustainable use and
22 management of United States ocean waters and
23 ocean resources.

24 (c) DUTIES.—It is the duty of the Administration
25 to—

1 (1) protect, maintain, and restore the health of
2 marine ecosystems through ecosystem-based man-
3 agement in the United States;

4 (2) assess climate variability and change to un-
5 derstand and predict climate system dynamics and
6 the impacts of coupled atmosphere/oceans/land sys-
7 tems;

8 (3) meet society’s diverse and expanding needs
9 for weather-related information, and enhance pre-
10 paredness for responding to weather conditions;

11 (4) support research that provides a com-
12 prehensive understanding of marine systems to meet
13 the environmental, economic, and public safety needs
14 of the United States;

15 (5) use the best available technology to explore
16 and map United States ocean waters, and work col-
17 laboratively with other countries to use the best
18 available technology to explore and map their ocean
19 waters, in order to better understand ocean dynam-
20 ics;

21 (6) educate the United States about earth’s dy-
22 namic biosphere and how humans impact it;

23 (7) carry out all functions of entities trans-
24 ferred to the Administration, including by acting as

1 a focal point regarding oceans research and manage-
2 ment;

3 (8) ensure that people of the United States
4 have access to the full range of environmental, eco-
5 nomic, educational, social, cultural, nutritional, and
6 recreational benefits of healthy marine ecosystems;
7 and

8 (9) perform functions authorized to be carried
9 out by the National Oceanic and Atmospheric Ad-
10 ministration immediately before the enactment of
11 this Act.

12 (d) OFFICES.—There shall be in the Administration
13 the following offices:

14 (1) The Office of Oceans Ecosystem Manage-
15 ment and Protection, which, subject to the other
16 provisions of this Act, shall perform the functions
17 performed immediately before the enactment of this
18 Act by—

19 (A) the National Ocean Service; and

20 (B) the National Marine Fisheries Service.

21 (2) The National Weather Service.

22 (3) The Office of Oceans and Atmospheric Re-
23 search and Data Services, which, subject to the
24 other provisions of this Act, shall perform the func-

1 tions performed immediately before the enactment of
2 this Act by—

3 (A) the Office of Ocean and Atmospheric
4 Research; and

5 (B) the National Environmental Satellite,
6 Data, and Information Service.

7 (4) The Office of Education.

8 (5) The Office of Personnel, Program, and Fa-
9 cilities Management, which, subject to the other pro-
10 visions of this Act, shall perform the functions per-
11 formed immediately before the enactment of this Act
12 by—

13 (A) the Office of Program Planning and
14 Integration; and

15 (B) Office of Marine and Aviation Oper-
16 ations.

17 **SEC. 302. ADMINISTRATOR; FUNCTIONS.**

18 (a) ADMINISTRATOR.—

19 (1) IN GENERAL.—There is an Under Secretary
20 of Commerce for Oceans and Atmosphere. The
21 Under Secretary shall be the Administrator of the
22 National Oceanic and Atmospheric Administration,
23 and shall be appointed by the President, by and with
24 the advice and consent of the Senate.

25 (2) HEAD OF AGENCY.—The Administrator—

1 (A) is the head of the Administration; and

2 (B) shall be responsible for ensuring that
3 the duties of the Administration under section
4 301(c) are performed.

5 (3) FUNCTIONS VESTED IN ADMINISTRATOR.—

6 All functions of all officers, employees, and organiza-
7 tional units of the Administration are vested in the
8 Administrator.

9 (4) PAY.—The Administrator shall be paid at
10 the rate of basic pay for level III of the Executive
11 Schedule under section 5314 of title 5, United
12 States Code.

13 (b) AUTHORITIES.—The Administrator—

14 (1) except as otherwise provided in this Act,
15 may delegate any of the Administrator's functions to
16 any officer, employee, or organizational unit of the
17 Administration;

18 (2) may make contracts, grants, and coopera-
19 tive agreements, and enter into agreements with
20 other executive agencies, Indian tribes, States, re-
21 gional agencies, interstate agencies, and local gov-
22 ernments, as may be necessary and proper to carry
23 out the Administrator's responsibilities under this
24 Act or as otherwise provided by law;

1 (3) shall take reasonable steps to ensure that
2 information systems and databases of the Adminis-
3 tration are compatible with each other and with ap-
4 propriate databases of other agencies;

5 (4) has the authority to hire personnel, includ-
6 ing the selection, appointment, distribution, super-
7 vision, compensation, and separation of personnel;

8 (5) may procure services of experts and consult-
9 ants in accordance with section 3109 of title 5,
10 United States Code;

11 (6) shall develop policy and guidance;

12 (7) shall perform general management; and

13 (8) may prescribe external affairs, including
14 legal, legislative, and public affairs.

15 (c) COORDINATION WITH NON-FEDERAL ENTI-
16 TIES.—With respect to the duties of the Administration
17 under section 301(c), the Administrator shall coordinate
18 with State and local government personnel, agencies, and
19 authorities, with the private sector, and with other enti-
20 ties.

21 (d) REPORT TO CONGRESS.—The Administrator shall
22 transmit to the Congress once every 3 years a report that
23 sets forth—

24 (1) the status and condition of the health of
25 marine ecosystems in United States ocean waters;

1 (2) past, current, and projected trends in the
2 quality, management, and utilization of United
3 States ocean waters and the effects of those trends
4 on the social, economic, recreational, and other re-
5 quirements of the United States;

6 (3) a review of the programs and covered ac-
7 tions (including regulatory activities) of the Federal
8 Government, State and local governments, and non-
9 governmental entities or individuals with particular
10 reference to their effect on ocean waters and on the
11 conservation, development, and utilization of ocean
12 resources;

13 (4) a description of activities of the Administra-
14 tion to perform its duties under section 301(c) dur-
15 ing the period covered by the report; and

16 (5) a program for remedying the deficiencies of
17 existing programs and activities, including rec-
18 ommendations for legislation.

19 **SEC. 303. OTHER OFFICERS.**

20 (a) DEPUTY ADMINISTRATOR.—

21 (1) IN GENERAL.—There is a Deputy Adminis-
22 trator of the National Oceanic and Atmospheric Ad-
23 ministration, who shall be appointed by the Adminis-
24 trator. The position of Deputy Administrator shall
25 be a Senior Executive Service general position au-

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

3 (2) FUNCTIONS.—The Deputy Administrator
4 is—

5 (A) the Administrator’s first assistant and
6 serves as an advisor to the Administrator on all
7 program and policy issues;

8 (B) responsible for ensuring the timely and
9 effective implementation of Administration poli-
10 cies and objectives; and

11 (C) acts in the position of the Adminis-
12 trator in the absence or disability of the Admin-
13 istrator, or in the event of a vacancy of that po-
14 sition.

15 (b) ASSISTANT ADMINISTRATORS.—

16 (1) IN GENERAL.—There are the following offi-
17 cers with specified functions of the Administration,
18 who shall each be appointed by the Administrator:

19 (A) An Assistant Administrator for Oceans
20 Ecosystem Management and Protection, who
21 shall be the head of the Office of Oceans Eco-
22 system Management and Protection and shall
23 oversee programs and activities of the Adminis-
24 tration relating to marine ecosystem health and

- 1 ecosystem-based management of United States
2 ocean waters, including—
- 3 (i) coastal, estuary, Great Lakes, and
4 ocean management;
 - 5 (ii) watershed monitoring;
 - 6 (iii) coral reefs;
 - 7 (iv) harmful algal blooms;
 - 8 (v) hypoxia;
 - 9 (vi) response and restoration;
 - 10 (vii) fisheries research and manage-
11 ment;
 - 12 (viii) protected resources research and
13 management;
 - 14 (ix) habitat conservation research and
15 management;
 - 16 (x) enforcement and surveillance serv-
17 ices;
 - 18 (xi) marine and estuarine aquaculture;
 - 19 (xii) coastal and estuarine land con-
20 servation and restoration;
 - 21 (xiii) sanctuaries and marine pro-
22 tected areas;
 - 23 (xiv) invasive species; and
 - 24 (xv) ocean and coastal partnerships.

1 (B) An Assistant Administrator for Weath-
2 er Services, who shall be the head of the Na-
3 tional Weather Service and shall oversee pro-
4 grams and activities of the Administration re-
5 lating to—

6 (i) weather research;

7 (ii) air quality research; and

8 (iii) weather systems operations and
9 management.

10 (C) An Assistant Administrator for Oceans
11 and Atmospheric Research and Data Services,
12 who shall be the head of the Office of Oceans
13 and Atmospheric Research and Data Services
14 and shall oversee programs and activities of the
15 Administration relating to oceans and atmos-
16 pheric science and research, including—

17 (i) oceans, coastal, and Great Lakes
18 research;

19 (ii) navigation;

20 (iii) coastal and ocean observing sys-
21 tems;

22 (iv) climate research;

23 (v) the National Sea Grant College
24 Program;

1 (vi) the National Undersea Research
2 Program;

3 (vii) ocean exploration, including as
4 described in section 1001;

5 (viii) polar research;

6 (ix) environmental satellite observing
7 systems; and

8 (x) data centers and information serv-
9 ices.

10 (D) An Assistant Administrator for Oceans
11 and Atmospheric Education, who shall be the
12 head of the Office of Education and shall over-
13 see programs and activities of the Administra-
14 tion relating to marine education and outreach,
15 including—

16 (i) the JASON Project;

17 (ii) ocean science competition;

18 (iii) educational partnership pro-
19 grams; and

20 (iv) other responsibilities as described
21 in section 904.

22 (E) An Assistant Administrator for Per-
23 sonnel, Program, and Facilities Management,
24 who shall be the head of the Office of Per-
25 sonnel, Program, and Facilities Management,

1 shall oversee the programs and activities of the
2 Administration relating to general management
3 of personnel, programs, facilities (including all
4 vessels and aircraft), and financial matters, in-
5 cluding—

6 (i) program management and direc-
7 tion;

8 (ii) budget formulation, guidance, and
9 execution;

10 (iii) resource requirements determina-
11 tion and allocation;

12 (iv) environment, safety, and health
13 operations; and

14 (v) administration of contracts, real
15 property, and facilities.

16 (F) A Chief Scientist, who shall be the
17 chair of the Science Advisory Board of the Ad-
18 ministration.

19 (G) A General Counsel, who shall—

20 (i) be the chief legal officer of the Ad-
21 ministration for all legal matters that arise
22 in connection with the conduct of the func-
23 tions of the Administration; and

1 (ii) perform such other functions and
2 exercise such powers as the Administrator
3 may prescribe.

4 (2) PAY.—The Chief Scientist, General Coun-
5 sel, and each Assistant Administrator is a Senior
6 Executive Service general position.

7 **SEC. 304. QUALIFICATIONS OF ADMINISTRATION OFFICERS.**

8 The Chief Scientist, General Counsel, Assistant Ad-
9 ministrators, and Regional Administrators of the Adminis-
10 tration shall be appointed from among individuals who are
11 qualified by reason of background and experience to direct
12 the implementation and administration of the functions
13 for which they are responsible.

14 **SEC. 305. TRANSFER OF MARINE MAMMALS MANAGEMENT**
15 **FUNCTIONS TO THE ADMINISTRATOR.**

16 There is hereby transferred to the Administrator the
17 function of marine mammals management authorized by
18 the Marine Mammal Protection Act of 1972 and under
19 the jurisdiction of the United States Fish and Wildlife
20 Service immediately before the date of enactment of this
21 Act.

22 **SEC. 306. SCIENCE ADVISORY BOARD.**

23 (a) IN GENERAL.—There shall be in the Administra-
24 tion a Science Advisory Board, which shall report to the
25 Administrator.

1 (b) PURPOSE.—The purpose of the Science Advisory
2 Board is to advise the Administrator on long-range and
3 short-range strategies for research, education, and appli-
4 cation of science to ocean resource management and envi-
5 ronmental assessment and prediction.

6 (c) MEMBERS.—

7 (1) IN GENERAL.—The Science Advisory Board
8 shall consist of not less than 11 members, and not
9 more than 15 members, appointed by the Adminis-
10 trator to assure a balanced representation among
11 scientists, engineers, educators, and science policy
12 experts who are preeminent in their field and have
13 demonstrated experience reflecting the full breadth
14 of the Administration’s areas of responsibility.

15 (2) TERMS.—Members of the Science Advisory
16 Board—

17 (A) shall be appointed for a 3-year term;

18 (B) may be reappointed once; and

19 (C) shall serve at the discretion of the Ad-
20 ministratoꝛ.

21 (d) COMPENSATION AND EXPENSES.—A member of
22 the Science Advisory Board shall not receive compensation
23 for service on such board, but upon request by the member
24 may be allowed travel expenses, including per diem in lieu

1 of subsistence, in accordance with subchapter I of chapter
2 57 of title 5, United States Code.

3 (e) ETHICAL STANDARDS.—Members of the Science
4 Advisory Board are subject to the ethical standards appli-
5 cable to special Government employees.

6 (f) CHAIR.—The Chief Scientist is the chair of the
7 Science Advisory Board.

8 (g) MEETINGS.—The Science Advisory Board shall
9 meet at least twice a year, and at other times at the call
10 of the Administrator or the chair of the Board.

11 (h) ADMINISTRATIVE SUPPORT.—The Administrator
12 shall provide administrative support to the Science Advi-
13 sory Board.

14 **SEC. 307. REPORT OF RECOMMENDATIONS FOR REORGA-**
15 **NIZATION TO ESTABLISH A DEPARTMENT OF**
16 **NATURAL RESOURCES.**

17 The President shall submit to the Congress by not
18 later than 2 years after the date of the enactment of this
19 Act recommendations for reorganizing functions and com-
20 ponents of existing Federal departments and agencies for
21 the purpose of establishing a Department of Natural Re-
22 sources having authority for Federal programs relating to
23 land, air, and water resources, including freshwater and
24 ocean resources.

1 **TITLE IV—NATIONAL OCEANS**
2 **ADVISOR**

3 **SEC. 401. EXECUTIVE ADVISOR; MISSION.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—There is established in the
6 Executive Office of the President a National Oceans
7 Advisor, who shall be appointed by the President, by
8 and with the advice and consent of the Senate.

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

13 (b) DUTIES.—The Advisor shall—

14 (1) advise the President on implementation of
15 this Act, activities of the National Oceans Council,
16 section 501, and other covered actions relating to
17 United States ocean waters and marine ecosystem
18 health;

19 (2) serve as the Executive Director of the Na-
20 tional Oceans Council established by section 501;
21 and

22 (3) in consultation with the Administrator, co-
23 ordinate Federal agency covered actions related to
24 United States ocean waters and marine ecosystem
25 health.

1 **SEC. 402. STAFFING.**

2 (a) IN GENERAL.—The Advisor, without regard to
3 the civil service laws and regulations governing employ-
4 ment in the competitive service, may employ such officers
5 and employees as may be necessary to carry out the func-
6 tions of the National Oceans Advisor under this Act.

7 (b) VOLUNTARY AND UNCOMPENSATED SERVICES.—
8 The Advisor may accept, employ, and terminate voluntary
9 and uncompensated services in furtherance of the pur-
10 poses of the Advisor.

11 **TITLE V—NATIONAL OCEANS**
12 **COUNCIL**

13 **SEC. 501. ESTABLISHMENT OF COUNCIL; MISSION.**

14 (a) ESTABLISHMENT.—There is established in the
15 Executive Office of the President a National Oceans Coun-
16 cil.

17 (b) DUTIES.—The Council shall—

18 (1) facilitate interagency coordination on Fed-
19 eral agency covered actions related to United States
20 ocean waters and marine ecosystem health and the
21 implementation of this Act;

22 (2) review and appraise the various programs
23 and activities of the Federal Government for consist-
24 ency with the policy set forth in section 101 and
25 make recommendations to the President with respect

1 thereto no later than 1 year after the date of enact-
2 ment of this Act;

3 (3) resolve interagency disputes regarding ma-
4 rine ecosystem health and in particular the imple-
5 mentation of this Act;

6 (4) coordinate and certify agency ocean budgets
7 regarding their sufficiency to achieve the policy set
8 forth in section 101; and

9 (5) submit to the President and publish at least
10 once every 2 years a report on the condition of
11 United States ocean waters.

12 (c) **RESOURCES.**—In carrying out its functions under
13 this Act, the Council may secure directly from any Federal
14 agency or department any information it considers to be
15 necessary to carry out its functions under this Act. Each
16 such agency or department may cooperate with the Coun-
17 cil and, to the extent permitted by law, shall furnish such
18 information (other than information described in section
19 552(b)(1)(A) of title 5, United States Code) to the Coun-
20 cil, upon request of the Council.

21 **SEC. 502. CHAIR; MEMBERSHIP; FUNCTIONS.**

22 (a) **CHAIR.**—The National Oceans Advisor shall be
23 the Chair of the Council.

24 (b) **MEMBERSHIP.**—

1 (1) IN GENERAL.—The Council shall have 19
2 voting members, as follows:

3 (A) The Administrator of the National
4 Oceanic and Atmospheric Administration.

5 (B) The Secretary of State.

6 (C) The Secretary of the Interior.

7 (D) The Secretary of Defense.

8 (E) The Secretary of Agriculture.

9 (F) The Secretary of Transportation.

10 (G) The Secretary of Homeland Security.

11 (H) The Secretary of Education.

12 (I) The Secretary of Energy.

13 (J) The Secretary of Health and Human
14 Services.

15 (K) The Administrator of the Environ-
16 mental Protection Agency.

17 (L) The Director of the Office of Manage-
18 ment and Budget.

19 (M) The Director of the National Science
20 Foundation.

21 (N) Four State governors appointed by the
22 National Governors Association, who shall rep-
23 resent State and local interests.

24 (O) The Administrator of the National
25 Aeronautics and Space Administration.

1 (P) The Chair of the National Research
2 Council Governing Board.

3 (2) STATE GOVERNOR MEMBERS.—

4 (A) TERMS.—Of the members appointed
5 under paragraph (1)(N)—

6 (i) except as provided in clause (iii),
7 their term as a member shall be 3 years;

8 (ii) one member shall be appointed to
9 an initial 3-year term that begins in a Fed-
10 eral election year in which there occurs an
11 election of the President;

12 (iii) one member shall be appointed to
13 an initial 3-year term that begins in a Fed-
14 eral election year in which there does not
15 occur an election of the President; and

16 (iv) at least 2 shall be governors of
17 coastal States.

18 (B) LIMITATION ON APPOINTMENT.—A
19 governor of a State may not be appointed under
20 paragraph (1)(K) to a term on the Council that
21 begins before the end of the 3-year period that
22 begins upon the expiration of a prior term on
23 the Council served by a governor of the State.

24 (c) STAFF.—

1 (1) IN GENERAL.—The Chair, without regard
2 to the civil service laws and regulations, may employ
3 and terminate such employees as may be necessary
4 to carry out its function under this Act.

5 (2) VOLUNTARY AND UNCOMPENSATED SERV-
6 ICES.—The Chair may accept, employ, and termi-
7 nate voluntary and uncompensated services in fur-
8 therance of the purposes of the Council.

9 **SEC. 503. LIMITATIONS ON VOTING.**

10 (a) ADMINISTRATOR.—The Administrator may not
11 participate in any vote of the National Oceans Council on
12 any matter concerning resolution of an interagency dis-
13 pute regarding marine ecosystem health.

14 (b) HEAD OF AGENCY.—A member of the National
15 Oceans Council may not participate in any vote of the Na-
16 tional Oceans Council on any matter concerning resolution
17 of an interagency dispute regarding a covered action by
18 a Federal agency that is under the administrative jurisdic-
19 tion of the member.

20 **TITLE VI—COUNCIL OF**
21 **ADVISORS ON OCEANS POLICY**

22 **SEC. 601. ESTABLISHMENT OF COUNCIL.**

23 There is established the Council of Advisors on
24 Oceans Policy.

1 **SEC. 602. DUTIES.**

2 The Council shall advise the President, the National
3 Oceans Advisor, and the National Oceans Council on poli-
4 cies to protect, maintain, and restore the health of marine
5 ecosystems on a regional and national basis.

6 **SEC. 603. MEMBERSHIP.**

7 (a) IN GENERAL.—The Council shall have not less
8 than 13 members and not more than 17 members (as de-
9 termined by the President) appointed by the President.

10 (b) INCLUDED MEMBERS.—The members of the
11 Council shall include at least 1 representative of each of
12 the following:

13 (1) State, tribal, and local governments.

14 (2) The marine science research community.

15 (3) The marine science education community.

16 (4) Fisheries.

17 (5) Non-fishing marine activities.

18 (6) Agriculture, which may include timber.

19 (7) Watershed organizations (other than organi-
20 zations represented under paragraph (8)), which
21 may include resource conservation districts.

22 (8) Non-governmental organizations (other than
23 organizations represented under paragraph (7)), in-
24 cluding groups interested in marine conservation.

25 (c) TERMS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the term of a member of the Council shall
3 be 3 years.

4 (2) INITIAL APPOINTEES.—Of the members ini-
5 tially appointed to the Council—

6 (A) one-half shall be appointed to a 3-year
7 term that ends in a Federal election year in
8 which there occurs an election of the President;
9 and

10 (B) one-half shall be appointed to a 3-year
11 term that ends in a Federal election year in
12 which there does not occur an election of the
13 President;

14 (d) QUALIFICATION.—Members of the Council shall
15 be appointed based on their knowledge and experience in
16 coastal, ocean, and atmospheric science, policy, and other
17 related areas.

18 (e) VACANCIES.—Any member appointed to fill a va-
19 cancy occurring before the expiration of the term for which
20 the member's predecessor was appointed shall be ap-
21 pointed only for the remainder of that term.

22 (f) LIMITATION.—An individual may not serve more
23 than 2 terms as a member of the Council.

24 (g) COMPENSATION AND EXPENSES.—A member of
25 the Council shall not receive compensation for service on

1 the Council, but upon request by the member may be al-
2 lowed travel expenses, including per diem in lieu of sub-
3 sistence, in accordance with subchapter I of chapter 57
4 of title 5, United States Code.

5 **SEC. 604. MEETINGS.**

6 The Council shall meet at least 2 times each year and
7 more often at the President's discretion.

8 **TITLE VII—REGIONAL**
9 **PLANNING**

10 **SEC. 701. FINDINGS.**

11 The Congress finds the following:

12 (1) Ecosystem-based management of United
13 States ocean waters—

14 (A) is needed to protect, maintain, and re-
15 store the health of marine ecosystems;

16 (B) may occur at scales larger or smaller
17 than the ocean regions designated by this title;

18 (C) will coordinate among management of
19 terrestrial, atmospheric, and ocean resources;

20 (D) requires partnerships among State,
21 local, tribal, and Federal governments that pro-
22 mote coordination of such governments; and

23 (E) will be greatly enhanced by regional
24 ocean observing systems.

1 **SEC. 702. DESIGNATION OF OCEAN REGIONS; REGIONAL**
2 **ADMINISTRATORS.**

3 (a) ESTABLISHMENT OF REGIONS.—There are here-
4 by designated the following ocean regions:

5 (1) NORTH PACIFIC OCEAN REGION.—The
6 North Pacific Ocean Region, which shall consist of
7 United States ocean waters off the coast of the
8 State of Alaska, including such waters of the Arctic
9 Ocean, Bering Sea, and Pacific Ocean seaward of
10 Alaska.

11 (2) PACIFIC OCEAN REGION.—The Pacific
12 Ocean Region, which shall consist of United States
13 ocean waters off the coast of the States of Cali-
14 fornia, Oregon, and Washington.

15 (3) WESTERN PACIFIC OCEAN REGION.—The
16 Western Pacific Ocean Region, which shall consist of
17 United States ocean waters off the coast of the
18 State of Hawaii and of American Samoa, Guam, and
19 the Northern Mariana Islands, including such waters
20 of the Pacific Ocean seaward of the Commonwealths,
21 territories, and possessions of the United States in
22 the Pacific Ocean area.

23 (4) GULF OF MEXICO OCEAN REGION.—The
24 Gulf of Mexico Ocean Region, which shall consist of
25 United States ocean waters of the Gulf of Mexico off

1 the coast of the States of Texas, Louisiana, Mis-
2 sissippi, Alabama, and Florida.

3 (5) SOUTH ATLANTIC OCEAN REGION.—The
4 South Atlantic Ocean Region, which shall consist of
5 United States ocean waters of the Atlantic Ocean off
6 the coast of the States of North Carolina, South
7 Carolina, Georgia, and Florida.

8 (6) CARIBBEAN OCEAN REGION.—The Carib-
9 bean Ocean Region, which shall consist of United
10 States ocean waters of the Caribbean Sea and Atlan-
11 tic Ocean off the coast of the Virgin Islands and the
12 Commonwealth of Puerto Rico.

13 (7) MID-ATLANTIC OCEAN REGION.—The Mid-
14 Atlantic Ocean Region, which shall consist of United
15 States ocean waters of the Atlantic Ocean off the
16 coast of the States of New York, New Jersey, Dela-
17 ware, Pennsylvania, Maryland, and Virginia.

18 (8) NEW ENGLAND OCEAN REGION.—The New
19 England Ocean Region, which shall consist of
20 United States ocean waters of the Atlantic Ocean off
21 the coast of the States of Maine, New Hampshire,
22 Massachusetts, Rhode Island, and Connecticut.

23 (9) GREAT LAKES REGION.—The Great Lakes
24 Region, which shall consist of United States ocean
25 waters of the Great Lakes off the coast of Min-

1 nesota, Wisconsin, Illinois, Indiana, Michigan, Ohio,
2 Pennsylvania, and New York.

3 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
4 STRATION REGIONAL OFFICES.—

5 (1) ESTABLISHMENT.—The Administrator
6 shall, by not later than 1 year after the date of the
7 enactment of this Act—

8 (A) establish for each ocean region des-
9 ignated under subsection (a) a National Oce-
10 anic and Atmospheric Administration Regional
11 Office, which shall be relatively centrally located
12 in the coastal area of the ocean region; and

13 (B) appoint a Regional Administrator of
14 the National Oceanic and Atmospheric Admin-
15 istration for that region.

16 (2) FUNCTIONS OF REGIONAL ADMINISTRA-
17 TORS.—A Regional Administrator appointed under
18 paragraph (1) for an ocean region shall—

19 (A) be the head of the National Oceanic
20 and Atmospheric Administration Regional Of-
21 fice established for that region;

22 (B) be responsible for implementation of
23 this title with respect to that ocean region;

24 (C) provide a written opinion to the Ad-
25 ministrator on the consistency of a proposed

1 covered action with an approved Regional
2 Ocean Ecosystem Plan;

3 (D) support coordination and information
4 transfer between Regional Oceans Councils and
5 agencies and groups at the international, Fed-
6 eral, State, tribal, territorial, local, and other
7 levels;

8 (E) conduct other tasks as deemed nec-
9 essary by the Administrator to fulfill the mis-
10 sion of the Agency; and

11 (F) report directly to the Administrator on
12 matters relating to regional implementation of
13 this Act.

14 (3) STAFF.—The Regional Administrator ap-
15 pointed under paragraph (1) for an ocean region
16 shall appoint staff for the National Oceanic and At-
17 mospheric Administration Regional Office for the
18 ocean region.

19 **SEC. 703. REGIONAL OCEAN COUNCILS.**

20 (a) ESTABLISHMENT.—The Administrator shall es-
21 tablish, within 120 days after the date of the enactment
22 of this Act, a Regional Ocean Council for each of the re-
23 gions designated under section 702(a), as follows:

24 (1) NORTH PACIFIC COUNCIL.—The North Pa-
25 cific Regional Ocean Council, which shall include at

1 least 1 representative of the State of Alaska and
2 shall have authority to develop and implement a Re-
3 gional Ocean Ecosystem Plan as required under sec-
4 tion 704 for United States ocean waters of the
5 North Pacific Ocean Region.

6 (2) PACIFIC COUNCIL.—The Pacific Regional
7 Ocean Council, which shall include at least 1 rep-
8 resentative of each of the States of California, Or-
9 egon, and Washington, and shall have authority to
10 develop and implement a Regional Ocean Ecosystem
11 plan as required under section 704 for United States
12 ocean waters of the Pacific Ocean Region.

13 (3) WESTERN PACIFIC COUNCIL.—The Western
14 Pacific Regional Ocean Council, which shall include
15 at least 1 representative of each of the State of Ha-
16 waii and American Samoa, Guam, and the Northern
17 Mariana Islands and shall have authority to develop
18 and implement a Regional Ocean Ecosystem Plan as
19 required under section 704 for United States ocean
20 waters of the Pacific Ocean Region.

21 (4) GULF OF MEXICO COUNCIL.—The Gulf of
22 Mexico Regional Ocean Council, which shall include
23 at least 1 representative of each of the States of
24 Texas, Louisiana, Mississippi, Alabama, and Florida
25 and shall have authority to develop and implement

1 a Regional Ocean Ecosystem Plan as required under
2 section 704 for United States ocean waters of the
3 Gulf of Mexico Ocean Region.

4 (5) SOUTH ATLANTIC COUNCIL.—The South
5 Atlantic Regional Ocean Council, which shall include
6 at least 1 representative of each of the States of
7 North Carolina, South Carolina, Georgia, and Flor-
8 ida and shall have authority to develop and imple-
9 ment a Regional Ocean Ecosystem Plan as required
10 under section 704 for United Sates ocean waters of
11 the Atlantic Ocean Region.

12 (6) CARIBBEAN COUNCIL.—The Caribbean Re-
13 gional Ocean Council, which shall include at least 1
14 representative of each of the Virgin Islands and the
15 Commonwealth of Puerto Rico and shall have au-
16 thority to develop and implement a Regional Ocean
17 Ecosystem Plan as required under section 704 for
18 United States ocean waters of the Caribbean Ocean
19 Region.

20 (7) MID-ATLANTIC COUNCIL.—The Mid-Atlantic
21 Regional Ocean Council, which shall include at least
22 1 representative of each of the States of New York,
23 New Jersey, Delaware, Pennsylvania, Maryland, and
24 Virginia and shall have authority to develop and im-
25 plement a Regional Ocean Ecosystem Plan as re-

1 quired under section 704 for United States ocean
2 waters of the Atlantic Ocean Region.

3 (8) NEW ENGLAND COUNCIL.—The New Eng-
4 land Regional Ocean Council, which shall include at
5 least 1 representative of each of the States of Maine,
6 New Hampshire, Massachusetts, Rhode Island, and
7 Connecticut and shall have authority to develop and
8 implement a Regional Ocean Ecosystem Plan as re-
9 quired under section 704 for United States ocean
10 waters of the New England Ocean Region.

11 (9) GREAT LAKES COUNCIL.—The Great Lakes
12 Oceans Council, which shall include at least 1 rep-
13 resentative of each of the States of Minnesota, Wis-
14 consin, Illinois, Indiana, Michigan, Ohio, Pennsyl-
15 vania, and New York and shall have authority to de-
16 velop and implement a Regional Ocean Ecosystem
17 Plan as required under section 704 for United
18 States ocean waters of the Great Lakes Region.

19 (b) MEMBERSHIP.—

20 (1) NUMBER.—Each Council shall consist of—

21 (A) the Regional Administrator for the
22 ocean region under the authority of the Council,
23 who shall be the chairperson of the Council; and

1 (B) a number of additional members deter-
2 mined by the Administrator consistent with this
3 subsection.

4 (2) EQUAL NUMBERS OF FEDERAL AND STATE
5 MEMBERS.—Of the total number of members of each
6 Council under paragraph (1)(B)—

7 (A) one half shall be Federal representa-
8 tives appointed under paragraph (3); and

9 (B) one half shall be State representatives
10 appointed under paragraph (4).

11 (3) FEDERAL REPRESENTATIVES.—

12 (A) IN GENERAL.—The Administrator, in
13 consultation with the National Oceans Council,
14 shall appoint representatives of the Federal
15 Government to each Council from among offi-
16 cers or employees of Federal agencies or de-
17 partments whose actions relate to protecting,
18 maintaining, and restoring marine ecosystem
19 health of United States ocean waters.

20 (B) INCLUDED AGENCIES.—The members
21 appointed to each Council under this para-
22 graph—

23 (i) may include officers or employees
24 of the Department of the Interior, the En-
25 vironmental Protection Agency, the Corps

1 of Engineers, and other agencies consid-
2 ered by the Regional Administrator for the
3 ocean region under the authority of the
4 Council to be appropriate to implement
5 ecosystem-based management; and

6 (ii) shall include an officer or em-
7 ployee of the Administration.

8 (C) PACIFIC AND NORTH PACIFIC COUN-
9 CILS.—The members appointed to each of the
10 Pacific Regional Ocean Council and the North
11 Pacific Regional Ocean Council shall include
12 tribal representation.

13 (4) STATE REPRESENTATIVES.—

14 (A) STATE APPOINTMENTS.—The Gov-
15 ernor of each State, Commonwealth, territory,
16 and possession of the United States with a rep-
17 resentative on a Council under subsection (a)
18 shall appoint as such member of the Council an
19 officer or employee of a State agency having re-
20 sponsibilities relating to marine ecosystem
21 health.

22 (B) ADDITIONAL APPOINTMENTS.—The
23 Administrator shall appoint to each Council
24 such total number of additional representatives
25 of States, Commonwealths, territories, and pos-

1 sessions of the United States with a representa-
2 tive on the Council under subsection (a) as is
3 necessary to comply with paragraph (2).

4 (c) PROCEDURES.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), each Council shall operate in accordance
7 with procedures established by the Council and ap-
8 proved by the Administrator.

9 (2) INTERIM PROCEDURES.—Each Council shall
10 operate in accordance with interim procedures pre-
11 scribed by the Administrator until such time as the
12 Administrator approves procedures established by
13 the Council under paragraph (1).

14 (3) REQUIRED PROCEDURES.—The Adminis-
15 trator shall prescribe requirements for approval of
16 procedures under paragraph (1), and interim proce-
17 dures for purposes of paragraph (2), including such
18 requirements and interim procedures that address—

19 (A) issues of transparency in decision mak-
20 ing; and

21 (B) opportunities for public comment.

22 (d) STAFF.—

23 (1) HIRING AUTHORITY.—Each Council may
24 hire such staff as is necessary to perform the func-
25 tions of the Council.

1 (2) TREATMENT.—Staff hired by a Council
2 shall be treated as employees of the Administration.

3 (e) CONSIDERATION OF OTHER REGIONAL EF-
4 FORTS.—In performing functions under this title, each
5 Council shall—

6 (1) to the extent practicable and consistent with
7 other provisions of this Act, consider and build on
8 other efforts within the region relating to the eco-
9 logically sustainable management of United States
10 ocean waters, including regional ocean observing
11 programs and restoration projects; and

12 (2) in cases in which marine ecosystem health
13 may be better ensured by activities at a scale larger
14 or smaller than the ocean region of the Council,
15 make every effort to consider and support such ac-
16 tivities.

17 (f) INTERNATIONAL COOPERATION.—Each Council is
18 encouraged to foster non-binding relationships with for-
19 eign governments, agencies, States, provinces, and other
20 entities as appropriate, at scales appropriate to the region
21 under the authority of the Council, including by providing
22 opportunities for non-voting participation by foreign rep-
23 resentatives at meetings of the Council, its advisory com-
24 mittees, and other working groups.

1 **SEC. 704. REGIONAL OCEAN ECOSYSTEM PLANS.**

2 (a) REQUIREMENT.—Each Regional Ocean Council
3 shall, within 5 years after the establishment of the Coun-
4 cil, prepare and submit to the Administrator a Regional
5 Ocean Ecosystem Plan for the ocean region under the au-
6 thority of the Council.

7 (b) CONTENTS.—Each Regional Ocean Ecosystem
8 Plan prepared under this section shall include, at a min-
9 imum, provisions that accomplish the following with re-
10 spect to the ocean region for which it is prepared:

11 (1) Provide guidance for implementing eco-
12 system-based management of all United States
13 ocean waters.

14 (2) Assess the history and state of the ocean re-
15 gion, including the health of marine ecosystems
16 within the ocean region.

17 (3) Identify the key threats to marine eco-
18 system health and describe ways to address those
19 threats.

20 (4) Identify gaps in knowledge and information
21 that would inform ecosystem-based management.

22 (5) Prioritize research and conservation efforts
23 needed, including research and conservation carried
24 out by the Administration.

1 (6) Provide for the development and monitoring
2 of criteria and indicators, as described in section
3 202, of the health of marine ecosystems.

4 (7) Establish clear and measurable manage-
5 ment and restoration goals for marine ecosystem
6 health.

7 (8) Provide for the development and implemen-
8 tation of enforceable policies to protect, maintain,
9 and restore marine ecosystem health.

10 (9) Comply with the national standards and
11 policy under section 201.

12 (10) Assign clear roles and responsibilities re-
13 garding efforts to protect, maintain, and restore ma-
14 rine ecosystem health.

15 (11) Coordinate with existing ecosystem-based
16 management efforts within the ocean region.

17 (c) REVIEW OF PLANS.—

18 (1) REVIEW BY ADMINISTRATOR.—Upon sub-
19 mission by a Council to the Administrator of a Re-
20 gional Ocean Ecosystem Plan or amendment to such
21 a plan, the Administrator shall—

22 (A) immediately commence a review of the
23 plan or amendment to determine whether it is
24 consistent with the national standards, the

1 other provisions of this Act, and any other ap-
2 plicable law; and

3 (B) immediately publish in the Federal
4 Register a notice stating that the plan or
5 amendment is available and that written infor-
6 mation, views, or comments of interested per-
7 sons on the plan or amendment may be sub-
8 mitted to the Administrator—

9 (i) during the 120-day period begin-
10 ning on the date the notice is published, in
11 the case of a plan; or

12 (ii) 90-day period beginning on the
13 date the notice is published, in the case of
14 an amendment.

15 (2) CONSIDERATIONS AND CONSULTATION.—In
16 undertaking the review required under paragraph
17 (1), the Administrator shall—

18 (A) take into account the information,
19 views, and comments received from interested
20 persons;

21 (B) consult with the Secretary of State
22 with respect to foreign use of United States
23 ocean waters;

1 (C) consult with the Secretary of the de-
2 partment in which the Coast Guard is operating
3 with respect to enforcement at sea; and

4 (D) consult with the Secretary of the Inte-
5 rior and other Federal agencies, as appropriate.

6 (3) APPROVAL OR DISAPPROVAL.—

7 (A) REQUIREMENT.—The Administrator
8 shall approve, disapprove, or partially approve a
9 Regional Ocean Ecosystem Plan or amendment
10 within 60 days after the end of the comment
11 period under paragraph (1) in the case of a
12 plan, or within 30 days after the end of the
13 comment period under paragraph (1) in the
14 case of an amendment, by written notice to the
15 Council. A notice of disapproval or partial ap-
16 proval shall specify—

17 (i) the applicable law with which the
18 plan or amendment is inconsistent;

19 (ii) the nature of such inconsistencies;
20 and

21 (iii) recommendations concerning the
22 actions that could be taken by the Council
23 to conform such plan or amendment to the
24 requirements of applicable law.

1 (B) AUTOMATIC EFFECTIVENESS.—If the
2 Administrator does not notify a Council within
3 60 days after the end of the comment period in
4 the case of a plan, or within 30 days after the
5 end of the comment period in the case of an
6 amendment, of the approval, disapproval, or
7 partial approval of a Regional Ocean Ecosystem
8 Plan or amendment, then such plan or amend-
9 ment shall take effect as if approved.

10 (4) SUBMISSION OF REVISIONS FOR FULL AP-
11 PROVAL.—If the Administrator disapproves or par-
12 tially approves a Regional Ocean Ecosystem Plan or
13 amendment, the Council may submit a revised plan
14 or amendment to the Administrator for review under
15 this subsection.

16 (5) IMMEDIATELY DEFINED.—For purposes of
17 this subsection, the term “immediately” means on or
18 before the 5th day after the day on which a Council
19 transmits to the Administrator a Regional Ocean
20 Ecosystem Plan or amendment to such a plan that
21 the Council characterizes as final.

22 (d) INTERIM REPORT.—Each Council shall submit to
23 the Administrator, by not later than 30 months after the
24 date of completion of appointment of the members of the
25 Council, an interim report on progress made by the Coun-

1 cil in preparing a Regional Ocean Ecosystem Plan under
2 this section.

3 (e) PREPARATION BY ADMINISTRATOR.—If a Council
4 fails to prepare and submit a Regional Ocean Ecosystem
5 Plan in accordance with this section within 5 years after
6 the date of the enactment of this Act, the Administrator
7 shall prepare such plan within 7 years after the date of
8 the enactment of this Act. If a Council fails to have a
9 fully approved Regional Ocean Ecosystem Plan for that
10 ocean region within 7 years after the date of enactment
11 of this Act, the Administrator shall prepare such amend-
12 ments as necessary to make the plan be in compliance with
13 this Act within 8 years after the date of enactment of this
14 Act. The Regional Administrator for that ocean region
15 shall be responsible for monitoring the progress of the
16 Council’s development of the Regional Ocean Ecosystem
17 Plan and offering comment regarding the extent to which
18 the plan is consistent with this Act.

19 (f) UPDATING OF PLANS.—Each Council shall review
20 and, as appropriate, submit to the Administrator amend-
21 ments to revise the Regional Ocean Ecosystem Plan that
22 applies to the ocean region over which it has authority
23 at least once every 8 years.

1 **SEC. 705. CONSISTENCY REQUIREMENTS.**

2 Each covered action that may significantly affect
3 United States ocean waters in an ocean region shall be
4 carried out in a manner that is consistent to the fullest
5 extent possible with the enforceable policies of any Re-
6 gional Ocean Ecosystem Plan that is approved or prepared
7 by the Administrator under this title.

8 **SEC. 706. REGIONAL OCEAN COUNCIL ADVISORY COMMIT-**
9 **TEES.**

10 (a) **AUTHORITY.**—Each Council may establish and
11 appoint the members of advisory committees and working
12 groups as necessary for preparation of a Regional Ocean
13 Ecosystem Plan under this title.

14 (b) **REQUIRED ADVISORY COMMITTEES.**—Each
15 Council shall establish and appoint the members of the
16 following advisory committees:

17 (1) A Science Advisory Committee in accord-
18 ance with subsection (c).

19 (2) A Citizens Advisory Committee in accord-
20 ance with subsection (d).

21 (3) An Inland States Advisory Committee in ac-
22 cordance with subsection (e).

23 (c) **ADVICE AND INPUT.**—The Council, advisory com-
24 mittees, and any associated working groups may seek ad-
25 vice and input from any interested or knowledgeable per-
26 son as deemed necessary.

1 (d) SCIENCE ADVISORY COMMITTEE.—

2 (1) MEMBERSHIP.—The Science Advisory Com-
3 mittee established under subsection (b) shall be com-
4 prised of an interdisciplinary membership that in-
5 cludes individuals who are qualified by reason of
6 academic background and experience to represent
7 natural and social science fields of study, including
8 biology, ecology, oceanography, atmospheric science,
9 geology, geography, sociology, anthropology, and eco-
10 nomics.

11 (2) FUNCTIONS.—The Science Advisory Com-
12 mittee established under subsection (b) shall—

13 (A) provide scientific expertise on the va-
14 lidity and overall approach taken by the Council
15 in its efforts to protect, maintain, and restore
16 the health of marine ecosystems;

17 (B) oversee the peer-review of documents
18 and technical reports produced by the Council
19 and the quality of documents and technical re-
20 ports used by the Council; and

21 (C) provide consultation to Council staff in
22 their efforts to provide information or guidance
23 requested by the Council, its committees and
24 working groups.

1 (3) EFFECT OF RECOMMENDATIONS.—The
2 Science Advisory Committee may issue publicly
3 available Implementation Instructions. In such
4 cases, the Council shall, within 90 days of issuance
5 of Implementation Instructions, consult with advi-
6 sory committees and working groups as deemed ap-
7 propriate, and—

8 (A) implement the recommendation; or

9 (B) provide publicly available written ex-
10 planation as to why the Implementation In-
11 structions were not implemented.

12 (4) OTHER GUIDANCE.—The Science Advisory
13 Committee may issue guidance and other statements
14 not subject to the above provision.

15 (e) CITIZENS ADVISORY COMMITTEE.—

16 (1) MEMBERSHIP.—The Citizens Advisory
17 Committee shall be comprised of nongovernmental
18 members of the public, including, but not limited to,
19 a wide range of citizens interested in multiple uses
20 of United States ocean waters and ocean resources.

21 (2) FUNCTIONS.—The Citizens Advisory Com-
22 mittee shall—

23 (A) provide information about the activities
24 encompassed in, affected by, or pertinent to Re-
25 gional Ocean Ecosystem Plans;

1 (B) advise the Council as appropriate; and

2 (C) provide consultation to Council staff in
3 their efforts to provide information or guidance
4 requested by the Council, its committees, and
5 working groups.

6 (f) INLAND STATES ADVISORY COMMITTEE.—The
7 Inland-States Advisory Committee established under sub-
8 section (b) shall—

9 (1) have a membership that is comprised of
10 representatives of inland States that, according to
11 maps and data of the United States Geological Sur-
12 vey, have jurisdiction over waters that feed into the
13 ocean region over which the Council has authority;

14 (2) facilitate communication between such in-
15 land States and coastal States regarding important
16 coastal and ocean issues that cannot be solved with-
17 out inland State participation; and

18 (3) provide consultation to Council staff in their
19 efforts to provide information or guidance requested
20 by the Council, its committees, and working groups.

21 (g) FACA.—The Federal Advisory Committee Act (5
22 App. U.S.C.) shall not apply to any advisory committee
23 established by a Council.

1 **SEC. 707. FINANCIAL ASSISTANCE TO STATES.**

2 The Administrator shall provide financial assistance
3 to States for expenses incurred in participating on a Re-
4 gional Ocean Council or an Inland States Advisory Com-
5 mittee under this title.

6 **SEC. 708. CITIZEN SUITS.**

7 (a) **SUITS AUTHORIZED.**—Any person may com-
8 mence a civil suit on the person’s own behalf—

9 (1) to enjoin any person, including the United
10 States or any other governmental instrumentality or
11 agency (to the extent permitted by the eleventh
12 amendment to the Constitution), that is alleged to
13 be in violation of this Act or any regulation issued
14 under this Act;

15 (2) seeking judicial review of the compliance—

16 (A) of a Regional Ocean Ecosystem Plan
17 with the requirements of this Act; or

18 (B) of the actions of any person with a Re-
19 gional Ocean Ecosystem Plan approved or pre-
20 pared by the Administrator under this Act; or

21 (3) against the Administrator for a failure of
22 the Administrator to perform any act or duty under
23 this Act that is not discretionary.

24 (b) **JURISDICTION.**—The district courts of the United
25 States shall have jurisdiction, without regard to the
26 amount in controversy or the citizenship of the parties,

1 to enforce this Act or any such regulation or to order the
2 Administrator to perform such act or duty, as the case
3 may be.

4 (c) VENUE.—Any suit under this section shall be
5 brought in the Federal judicial district in which occurs
6 the violation or failure, as applicable.

7 (d) INTERVENTION BY UNITED STATES.—In any suit
8 under this section in which the United States is not a
9 party, the Attorney General, at the request of the Admin-
10 istrator, may intervene on behalf of the United States as
11 a matter of right.

12 (e) AWARD OF COSTS.—The court, in issuing any
13 final order in any suit brought under this section, may
14 award costs of litigation (including reasonable attorney
15 and expert witness fees) to any party, whenever the court
16 determines such award is appropriate.

17 (f) PRESERVATION OF OTHER RIGHTS.—This section
18 shall not restrict any right that any person or class of per-
19 sons may have under any statute or common law to seek
20 enforcement of any standard or limitation or to seek any
21 other relief, including relief against the Administrator or
22 a State agency.

1 **TITLE VIII—OCEAN SCIENCE, EX-**
2 **PLORATION, AND RESEARCH**
3 **COORDINATION**

4 **SEC. 801. COMMITTEE ON OCEAN SCIENCE, EDUCATION,**
5 **AND OPERATIONS.**

6 (a) COMMITTEE.—The Chair of the National Oceans
7 Council created under section 502 of this Act shall estab-
8 lish a Committee on Ocean Science, Education, and Oper-
9 ations (referred to in this Act as the “Committee”).

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

12 (1) The Administrator.

13 (2) The Secretary of the Navy.

14 (3) The Director of the National Science Foun-
15 dation.

16 (4) The Administrator of the National Aero-
17 nautics and Space Administration.

18 (5) The Under Secretary of Energy for Energy,
19 Science, and Environment.

20 (6) The Administrator of the Environmental
21 Protection Agency.

22 (7) The Under Secretary of Homeland Security
23 for Science and Technology.

24 (8) The Commandant of the Coast Guard.

1 (9) The Director of the United States Geologi-
2 cal Survey.

3 (10) The Director of the Minerals Management
4 Service.

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

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

10 (13) The Director of the Defense Advanced Re-
11 search Projects Agency.

12 (14) The Director of the Office of Science and
13 Technology Policy.

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

16 (16) The Under Secretary of Education.

17 (17) The leadership of such other Federal agen-
18 cies and departments as the chair and vice chairs of
19 the Committee consider appropriate.

20 (c) CHAIR AND VICE CHAIRS.—The chair and vice
21 chairs of the Committee shall be appointed every two years
22 by a selection subcommittee of the Committee composed
23 of, at a minimum, the Administrator, the Secretary of the
24 Navy, the Director of the United States Geological Survey,
25 and the Director of the National Science Foundation. The

1 term of office of the chair and vice chairs shall be two
2 years. A person who has previously served as chair or vice
3 chair may be reappointed.

4 (d) RESPONSIBILITIES.—The Committee shall—

5 (1) serve as the primary source of advice and
6 support on scientific research, technology, education,
7 and operational matters for the National Oceans
8 Council and assist in carrying out the functions of
9 the National Oceans Council as they relate to such
10 matters, including budgetary analyses;

11 (2) improve cooperation among Federal depart-
12 ments and agencies with respect to ocean and coast-
13 al science budgets;

14 (3) develop and recommend to the National
15 Oceans Council the National Strategy for Ocean and
16 Coastal Science under section 802, and oversee its
17 implementation;

18 (4) prescribe policies and procedures and pro-
19 vide support for the National Ocean Partnership
20 Program under section 803;

21 (5) establish interagency subcommittees and
22 working groups as appropriate to develop com-
23 prehensive and balanced Federal programs and ap-
24 proaches to ocean and coastal science issues and
25 needs;

1 (6) consult with Regional Ocean Councils and
2 academic, State, industry, foundation, and other
3 partners in the conduct of coastal and marine oper-
4 ations, research, and education and with actual and
5 potential users of ocean science information in estab-
6 lishing priorities and developing plans for research
7 and technology and education;

8 (7) cooperate with the Secretary of State in—

9 (A) coordinating United States Govern-
10 ment activities with those of other nations and
11 with international research and technology and
12 education relating to or affecting issues ad-
13 dressed by the National Oceans Council; and

14 (B) providing, as appropriate, support for
15 and representation on United States delegations
16 to relevant international meetings; and

17 (8) carry out such other activities as the Na-
18 tional Oceans Council may require.

19 **SEC. 802. NATIONAL STRATEGY FOR OCEAN AND COASTAL**
20 **SCIENCE.**

21 (a) GOALS AND PRIORITIES.—The Chair of the Na-
22 tional Oceans Council, after consultation with Regional
23 Ocean Councils established under title VII and through
24 the Committee, shall develop a National Strategy for
25 Ocean and Coastal Science. The Chair shall submit the

1 strategy to the Congress within two years after the date
2 of enactment of this Act, and a revised strategy shall be
3 submitted at least once every five years thereafter. The
4 strategy shall establish, for the 10-year period beginning
5 in the year the strategy is submitted, the scientific goals
6 and priorities for ocean and coastal research, technology,
7 education, and operations which most effectively advance
8 knowledge and provide usable information as the basis for
9 policy decisions to—

10 (1) understand, assess, and respond to human-
11 induced and natural processes of global climate and
12 environmental change;

13 (2) improve public forecasts and warnings and
14 mitigate natural hazards;

15 (3) enhance safety and efficiency of marine op-
16 erations to benefit the public, the economy, and the
17 environment;

18 (4) support efforts to protect, maintain, and re-
19 store the health of marine ecosystems and to imple-
20 ment ecosystem-based management of United States
21 ocean waters and ocean resources, including how
22 marine ecosystems function on varying spatial and
23 temporal scales and how biological, physical, geologi-
24 cal, chemical, and socioeconomic processes interact;

1 (5) implement and monitor the effectiveness of
2 ocean and coastal environmental policies;

3 (6) contribute to public understanding of coast-
4 al and global ocean systems and public awareness of
5 the importance and health of marine ecosystems;

6 (7) respond to environmental changes that af-
7 fect human health; and

8 (8) strengthen homeland security and military
9 preparedness.

10 (b) STRATEGY.—The strategy shall—

11 (1) describe specific activities required to
12 achieve established goals and priorities including re-
13 search and education programs, observation collec-
14 tion and analysis requirements, technology develop-
15 ment, facility and equipment investments, informa-
16 tion management, student support and training,
17 data stewardship and access, and participation in
18 international research, education, and other capac-
19 ity-building efforts;

20 (2) identify and address relevant programs and
21 activities of the Federal agencies and departments
22 represented on the Committee that will contribute to
23 scientific goals and priorities and set forth the role
24 of the National Ocean Partnership Program and

1 each Federal agency and department in imple-
2 menting the strategy;

3 (3) consider and use, as appropriate, reports
4 and studies conducted by Federal agencies and de-
5 partments, Regional Ocean Councils, the National
6 Research Council, or other entities;

7 (4) make recommendations for the coordination
8 of ocean and coastal science activities of the United
9 States with those of other nations and international
10 organizations, including bilateral and multilateral
11 proposals for cooperation on major projects, for im-
12 proving worldwide access to scientific data and infor-
13 mation, and for encouraging participation in inter-
14 national ocean science research and education pro-
15 grams by developing nations; and

16 (5) estimate, to the extent practicable, Federal
17 funding for ocean and coastal science activities to be
18 conducted pursuant to the strategy.

19 (c) STRATEGIC ELEMENTS.—The strategy shall pro-
20 vide for, but not be limited to, the following elements:

21 (1) Global measurements on all relevant spatial
22 and time scales, establishing worldwide observations
23 necessary to study and assess coastal and global
24 ocean systems, including health of marine eco-

1 systems, and support information needs for goals
2 and priorities identified in section 802(a).

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

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

14 (4) Focused research initiatives, using a com-
15 petitive process to select and fund grants to advance
16 understanding of, the nature of, and interaction
17 among physical, chemical, geological, and biological
18 processes of the oceans, including the effects of
19 human activities on such processes and assessment
20 and development of methods for restoration of these
21 processes.

22 (5) Technology development, supporting devel-
23 opment of new technologies and sensors to achieve
24 strategic and program goals, and development of al-

1 algorithms, analysis methods, and long-term data
2 records for emerging operational sensors.

3 (6) Workforce development, building and main-
4 taining a diverse national ocean science professional
5 workforce through traineeships, scholarships, fellow-
6 ships, and internships.

7 (7) Ocean science education, providing national
8 coordination of formal and informal ocean science
9 education programs at all education levels and estab-
10 lishing mechanisms to improve ocean literacy, con-
11 tribute to public awareness of the importance of
12 healthy marine ecosystems, and create an oceans
13 stewardship ethic among citizens.

14 (8) Information management, establishing and
15 maintaining information systems that promote effi-
16 cient stewardship, transfer, and use of data, create
17 globally accessible data standards and formats, and
18 allow analysis of data from varied sources to
19 produce information readily usable by policymakers
20 and stakeholders.

21 (d) PUBLIC PARTICIPATION.—In developing the
22 strategy, the Committee shall consult with Regional Ocean
23 Councils and academic, State, industry, and environ-
24 mental groups and representatives. Not later than 90 days
25 before the Chair of the Council submits the strategy, or

1 any revision thereof, to the Congress, a summary of the
2 proposed strategy shall be published in the Federal Reg-
3 ister for a public comment period of not less than 60 days.

4 **SEC. 803. NATIONAL OCEAN PARTNERSHIP PROGRAM.**

5 (a) PURPOSES.—Building on the program established
6 under section 7901 of title 10, United States Code, the
7 Committee shall strengthen and maintain the National
8 Ocean Partnership Program for the purposes of—

9 (1) coordinating and strengthening ocean and
10 coastal science efforts to promote interagency goals
11 and priorities established in the National Strategy
12 for Ocean and Coastal Science;

13 (2) identifying and providing support for part-
14 nerships among Federal agencies, academia, indus-
15 tries, and other members of the ocean and coastal
16 science community in the areas of research and tech-
17 nology, education, data systems, observations, and
18 communication;

19 (3) monitoring trends in the Federal investment
20 in ocean sciences research and development and in
21 education for marine-oriented professions, focusing
22 in particular on Federal workforce needs; and

23 (4) reporting to Congress on the progress of
24 partnership activities under the program.

1 (b) SELECTION CRITERIA.—Partnership projects for
2 implementation under the program shall be reviewed, se-
3 lected, identified, and allocated funding based on the fol-
4 lowing criteria:

5 (1) The project addresses critical scientific re-
6 search or education objectives or operational goals
7 which add value through interagency cooperation.

8 (2) The project has broad participation within
9 the marine community.

10 (3) The partners have a long-term commitment
11 to the objectives of the project.

12 (4) Resources supporting the project are shared
13 among the partners.

14 (5) The project includes a plan for education
15 and outreach.

16 (6) The project has been subjected to peer re-
17 view.

18 (c) ANNUAL REPORT.—Not later than March 1 of
19 each year, the Committee shall submit to Congress a re-
20 port on the National Ocean Partnership Program. The re-
21 port shall contain the following:

22 (1) A description of activities of the program
23 carried out during the fiscal year before the fiscal
24 year in which the report is prepared, together with
25 a list of the members of the Ocean Research and

1 Education Advisory Panel and any working groups
2 in existence during the fiscal year covered.

3 (2) A general outline of the activities planned
4 for the program during the fiscal year in which the
5 report is prepared.

6 (3) A summary of projects continued from the
7 fiscal year before the fiscal year in which the report
8 is prepared and projects expected to be started dur-
9 ing the fiscal year in which the report is prepared
10 and during the following fiscal year.

11 (4) An analysis of trends in ocean-related
12 human resource development, focusing in particular
13 on Federal workforce needs, and in the Federal in-
14 vestment in ocean sciences research and develop-
15 ment.

16 (5) A description of the involvement of the pro-
17 gram with Federal interagency coordinating entities.

18 (6) The amounts requested, in the budget sub-
19 mitted to Congress pursuant to section 1105(a) of
20 title 31, United States Code, for the fiscal year fol-
21 lowing the fiscal year in which the report is pre-
22 pared, for the programs, projects, and activities of
23 the program and the estimated expenditures under
24 such programs, projects, and activities during such
25 following fiscal year.

1 (d) PARTNERSHIP PROGRAM OFFICE.—The Com-
2 mittee shall establish a partnership program office for the
3 National Ocean Partnership Program. The Committee
4 shall use competitive procedures in selecting an operator
5 for the partnership program office and supervise perform-
6 ance of duties by such office. Responsibilities of the part-
7 nership program office shall include—

8 (1) establishment and oversight of working
9 groups to identify potential themes suitable for part-
10 nership projects to the Committee and recommenda-
11 tions to the Committee on such projects;

12 (2) management of the process for proposing
13 partnership projects to the Committee, including the
14 peer review process for such projects;

15 (3) preparation and submission to the Com-
16 mittee of the annual status of all partnership
17 projects and activities of the office;

18 (4) development and maintenance of a database
19 on investments by Federal agencies in ocean and
20 coastal research and education and on the status of
21 the national ocean and coastal workforce; and

22 (5) any additional duties for the administration
23 of the National Ocean Partnership Program or to
24 support Committee activities that the Committee
25 considers appropriate.

1 (e) CONTRACT AND GRANT AUTHORITY.—The Com-
2 mittee may authorize 1 or more of the departments or
3 agencies represented on the Committee to enter into con-
4 tracts and make grants, using funds appropriated pursu-
5 ant to an authorization for the National Ocean Partner-
6 ship Program, for the purpose of implementing the pro-
7 gram and carrying out the responsibilities of the National
8 Oceans Council.

9 (f) INTERAGENCY FINANCING.—The departments
10 and agencies represented on the Committee are authorized
11 to participate in interagency financing and share, transfer,
12 receive, and spend funds appropriated to any member of
13 the Committee for the purposes of carrying out any ad-
14 ministrative or programmatic project or activity under the
15 National Ocean Partnership Program, including support
16 for a common infrastructure and system integration for
17 an ocean observing system. Funds may be transferred
18 among such departments and agencies through an appro-
19 priate instrument that specifies the goods, services, or
20 space being acquired from another Committee member
21 and the costs of the same.

22 (g) FORMS OF PARTNERSHIP PROJECTS AND ACTIVI-
23 TIES.—(1) A partnership project or activity under the Na-
24 tional Ocean Partnership Program may be established by
25 any instrument that the Committee considers appropriate,

1 including grants, memoranda of understanding, coopera-
2 tive research and development agreements, and similar in-
3 struments.

4 (2) The Committee shall establish uniform proposal
5 request and application procedures and reporting require-
6 ments for use by each department and agency represented
7 on the Committee that are applicable to all projects and
8 activities under the National Ocean Partnership Program.

9 (3) Projects under the program may include dem-
10 onstration projects.

11 **SEC. 804. OCEAN RESEARCH AND EDUCATION ADVISORY**

12 **PANEL.**

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

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

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

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

23 (4) Members selected from among individuals
24 representing ocean industries, State governments,
25 academia, nongovernmental organizations, and such

1 other participants in ocean and coastal activities as
2 the chair considers appropriate.

3 (5) Members selected from among individuals
4 eminent in the fields of marine science, marine pol-
5 icy, ocean engineering, or related fields.

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

8 (b) TERM LIMITS.—Members shall be appointed for
9 3 years.

10 (c) RESPONSIBILITIES.—The Advisory Panel shall
11 advise the Committee on the following:

12 (1) Development and implementation of the Na-
13 tional Strategy for Ocean and Coastal Science.

14 (2) Policies and procedures to implement the
15 National Ocean Partnership Program and on selec-
16 tion of partnership projects and allocation of funds
17 to implement partnership projects under the pro-
18 gram.

19 (3) Matters relating to national oceanographic
20 data requirements, ocean and coastal observing sys-
21 tems, ocean science education and training, and
22 oceanographic facilities including renewal of the na-
23 tional academic research fleet.

24 (4) Any additional matters that the Committee
25 considers appropriate.

1 (d) PROCEDURAL MATTERS.—(1) All meetings of the
2 Advisory Panel shall be open to the public, except that
3 a meeting or any portion of it may be closed to the public
4 if it concerns matters or information that pertains to na-
5 tional security, employment matters, litigation, or other
6 reasons provided under section 552b of title 5, United
7 States Code. Interested persons shall be permitted to ap-
8 pear at open meetings and present oral or written state-
9 ments on the subject matter of the meeting. The Advisory
10 Panel may administer oaths or affirmations to any person
11 appearing before it.

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

15 (3) Minutes of each meeting shall be kept and shall
16 include a record of the people present, a description of
17 the discussion that occurred, and copies of all statements
18 filed. Subject to section 552 of title 5, United States Code,
19 the minutes and records of all meetings and other docu-
20 ments that were made available to or prepared for the Ad-
21 visory Panel shall be available for public inspection and
22 copying at a single location in the partnership program
23 office.

24 (4) The Federal Advisory Committee Act (5 U.S.C.
25 App.) does not apply to the Advisory Panel.

1 (e) FUNDING.—The chair and vice chairs of the Com-
2 mittee annually shall make funds available to support the
3 activities of the Advisory Panel.

4 **SEC. 805. MARINE ECOSYSTEMS RESEARCH.**

5 (a) ECOSYSTEM-BASED APPROACHES.—The Admin-
6 istrator shall work with the Committee to identify research
7 efforts for improving ecosystem-based management efforts
8 to protect, maintain, and restore marine ecosystem health
9 while accommodating human use and occupancy.

10 (b) MARINE BIODIVERSITY RESEARCH PROGRAM.—
11 As part of this effort, the Administrator, in cooperation
12 with the Office of Naval Research, the National Science
13 Foundation, the Department of Energy, and other Federal
14 agencies represented on the Committee, shall establish and
15 maintain a ten-year interagency research program to as-
16 sess and explain the diversity, conservation, distribution,
17 functions, and abundance of marine organisms in the
18 world’s oceans for the purposes of—

19 (1) understanding the patterns, causes, proc-
20 esses, and consequences of changing marine biologi-
21 cal diversity;

22 (2) improving the linkages between marine eco-
23 logical and oceanographic sciences and guiding eco-
24 system-based management efforts, so as to protect,
25 maintain, and restore marine ecosystem health;

1 (3) strengthening and expanding the field of
2 marine taxonomy, including use of genomics and
3 proteomics;

4 (4) facilitating and encouraging the use of new
5 technological advances, predictive models, and his-
6 torical perspectives to investigate marine biodiver-
7 sity;

8 (5) using new understanding gained through
9 the program to improve predictions of the impacts of
10 human activities on the health of the marine envi-
11 ronment, and of the impacts of changes in the
12 health of the marine environment on human well-
13 being; and

14 (6) enhancing formal and informal outreach
15 and education efforts through research-generated
16 knowledge, information, and tools.

17 (c) PROGRAM ELEMENTS.—The research program
18 established under this section shall provide for, but not
19 be limited to, the following:

20 (1) Dynamic access to biological data through
21 an ocean biogeographic information system that
22 links marine databases, manages data generated by
23 the program, and supports analysis of biodiversity
24 and related physical and ecological parameters.

1 (2) Integrated regional studies of marine eco-
2 systems that focus on appropriate scales to support
3 ecosystem-based management.

4 (3) Improved biological sensors for ocean ob-
5 serving systems.

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

8 (5) Studies of earlier changes in marine popu-
9 lations to trace information on biological abundance,
10 distribution, function, and diversity to the earliest
11 historical periods of minimum human impact.

12 (6) Improved predictive capability to enhance
13 the effectiveness of ecosystem-based management
14 and minimize adverse impacts of human activities on
15 United States ocean waters and ocean resources.

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

19 (1) integrates, evaluates, and interprets the
20 findings of the program and discusses the scientific
21 uncertainties associated with such findings; and

22 (2) analyzes current trends in marine and
23 coastal ecosystems, both human-induced and nat-
24 ural, including marine ecosystem health, and
25 projects major trends for the subsequent decade.

1 **SEC. 806. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) PARTNERSHIP PROJECTS AND ADMINISTRA-
3 TION.—There are authorized to be appropriated annually
4 to the Department of the Navy, the National Science
5 Foundation, the National Oceanic and Atmospheric Ad-
6 ministration, and the National Aeronautics and Space Ad-
7 ministration for fiscal year 2005 through fiscal year
8 2010—

9 (1) \$25,000,000 for each agency for the Na-
10 tional Ocean Partnership Program projects under
11 section 803; and

12 (2) at least \$600,000 or 3 percent of the
13 amount appropriated for the National Oceano-
14 graphic Partnership Program, whichever is greater,
15 shall be available for operations of the partnership
16 program office established under section 803.

17 (b) MARINE ECOSYSTEMS RESEARCH.—For develop-
18 ment and implementation of the research program under
19 section 805, there are authorized to be appropriated
20 \$50,000,000 for each of fiscal years 2005 through 2010.

21 (c) AVAILABILITY.—Sums appropriated under this
22 section shall remain available until expended.

23 **TITLE IX—OCEAN EDUCATION**

24 **SEC. 901. SUBCOMMITTEE ON OCEAN EDUCATION.**

25 (a) MEMBERSHIP.—The Committee shall establish a
26 Subcommittee on Ocean Education (in this title referred

1 to as the “Subcommittee”). Each member of the Com-
2 mittee may designate a senior representative with exper-
3 tise in education to serve on the Subcommittee. The Com-
4 mittee shall select a Chair and 1 or more Vice Chairs for
5 the Subcommittee from the membership of the Sub-
6 committee.

7 (b) RESPONSIBILITIES.—The Subcommittee shall—

8 (1) support and advise the Committee and the
9 National Oceans Council on matters related to ocean
10 and coastal education for the purpose of increasing
11 the overall effectiveness and productivity of Federal
12 education and outreach efforts;

13 (2) provide recommendations on education goals
14 and priorities for and implementation of the Na-
15 tional Strategy for Ocean and Coastal Science devel-
16 oped under section 802 and guidance for educational
17 investments;

18 (3) coordinate Federal ocean and coastal edu-
19 cation activities for students at all levels, including
20 funding for educational opportunities at the under-
21 graduate, graduate; and postdoctoral levels;

22 (4) identify and work to establish linkages
23 among Federal programs and those of States, aca-
24 demic institutions, museums and aquaria, industry,

1 foundations, and other nongovernmental organiza-
2 tions;

3 (5) facilitate Federal agency efforts to work
4 with minority-serving institutions and historically
5 black colleges and universities, and also with tradi-
6 tionally majority-serving institutions, to ensure that
7 students of underrepresented groups have access to
8 and support for pursuing ocean-related careers;

9 (6) lead development of effective strategies with
10 common perspectives and messages for formal and
11 informal ocean and coastal education efforts; and

12 (7) carry out such other activities as the Com-
13 mittee and the National Oceans Council request.

14 **SEC. 902. OCEAN AND COASTAL EDUCATION PROGRAM.**

15 (a) ESTABLISHMENT.—Consistent with the National
16 Strategy for Ocean and Coastal Science, the Committee,
17 through the Subcommittee, shall establish an interagency
18 ocean and coastal education program to improve public
19 awareness, understanding, and appreciation of the role of
20 the oceans in meeting our Nation’s economic, social, and
21 environmental needs.

22 (b) SCOPE.—The ocean and coastal education pro-
23 gram shall include formal education activities for elemen-
24 tary, secondary, undergraduate, graduate, and
25 postdoctoral students, continuing education activities for

1 adults, and informal education activities for learners of all
2 ages.

3 (c) ELEMENTS.—The program shall use the National
4 Ocean Partnership Program and other appropriate mecha-
5 nisms and shall, at a minimum, provide sustained funding
6 for the following:

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

10 (2) A regional education network, in coordina-
11 tion with the Regional Ocean Councils, to support
12 academic competition and experiential learning op-
13 portunities for high school students.

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

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

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

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

1 (7) Dissemination of ocean and coastal informa-
2 tion that is relevant for a wider public audience.

3 **SEC. 903. OCEAN SCIENCE AND TECHNOLOGY SCHOLAR-**
4 **SHIP PROGRAM.**

5 (a) ESTABLISHMENT.—(1) The Committee shall es-
6 tablish a National Ocean Science and Technology Scholar-
7 ship Program that is designed to recruit and prepare stu-
8 dents for careers in the departments or agencies that are
9 represented on the Committee (in this section referred to
10 as “participating agencies”). The Program shall award
11 scholarships to individuals who are selected through a
12 competitive process primarily on the basis of academic
13 merit, with consideration given to financial need and the
14 goal of promoting the participation of individuals identi-
15 fied in section 33 or 34 of the Science and Engineering
16 Equal Opportunities Act.

17 (2) To carry out the Program, participating agencies
18 shall enter into contractual agreements with individuals
19 selected under paragraph (1) under which the individuals
20 agree to serve as full-time employees of the participating
21 agency, for the period of time to be determined by the
22 participating agency, and stated in the contractual agree-
23 ments, in positions needed by the participating agency and
24 for which the individuals are qualified, in exchange for re-
25 ceiving a scholarship.

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

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

9 (2) be a United States citizen or national; and

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

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

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

22 (e) SCHOLARSHIP LIMITS.—(1) The participating
23 agency may provide a scholarship under the Program for
24 an academic year if the individual applying for the scholar-
25 ship has submitted to the participating agency, as part

1 of the application required under subsection (d), a pro-
2 posed academic program leading to a degree in a program
3 or field of study on the list made available under sub-
4 section (c).

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

8 (3) The dollar amount of a scholarship under this
9 section for an academic year shall be established by regu-
10 lation but shall in no case exceed the cost of attendance
11 as such cost is determined in section 472 of the Higher
12 Education Act of 1965.

13 (4) A scholarship provided under this section may be
14 expended for tuition, fees, and other authorized expenses
15 as established by regulation.

16 (5) The participating agency may enter into a con-
17 tractual agreement with an institution of higher education
18 under which the amounts provided for a scholarship under
19 this section for tuition, fees, and other authorized ex-
20 penses are paid directly to the institution with respect to
21 which the scholarship is provided.

22 (f) PERIOD OF SERVICE.—(1) The period of service
23 for which an individual shall be obligated to serve as an
24 employee of the participating agency, except as provided

1 in subsection (h)(2), shall be determined by the partici-
2 pating agency as stated in subsection (a)(2).

3 (2)(A) Except as provided in subparagraph (B), obli-
4 gated service under paragraph (1) shall begin not later
5 than 60 days after the individual obtains the educational
6 degree for which the scholarship was provided.

7 (B) The participating agency may defer the obliga-
8 tion of an individual to provide a period of service under
9 paragraph (1) if the participating agency determines that
10 such a deferral is appropriate. The Administrator shall
11 prescribe the terms and conditions under which a service
12 obligation may be deferred through regulation.

13 (g) REPAYMENT.—(1) Scholarship recipients who fail
14 to maintain a high level of academic standing, as defined
15 by the participating agency by regulation, who are dis-
16 missed from their educational institutions for disciplinary
17 reasons, or who voluntarily terminate academic training
18 before graduation from the educational program for which
19 the scholarship was awarded, shall be in breach of their
20 contractual agreement and, in lieu of any service obliga-
21 tion arising under such agreement, shall be liable to the
22 United States for repayment within 1 year after the date
23 of default of all scholarship funds paid to them and to
24 the institution of higher education on their behalf under
25 the agreement, except as provided in subsection (h)(2).

1 The repayment period may be extended by the partici-
2 pating agency when determined to be necessary.

3 (2) Scholarship recipients who, for any reason, fail
4 to begin or complete their service obligation after comple-
5 tion of academic training, or fail to comply with the terms
6 and conditions of deferment established by the partici-
7 pating agency pursuant to subsection (f)(2)(B), shall be
8 in breach of their contractual agreement. When recipients
9 breach their agreements for the reasons stated in the pre-
10 ceding sentence, the recipient shall be liable to the United
11 States for an amount equal to—

12 (A) the total amount of scholarships received by
13 such individual under this section; plus

14 (B) the interest on the amounts of such awards
15 which would be payable if at the time the awards
16 were received they were loans bearing interest at the
17 maximum legal prevailing rate, as determined by the
18 Treasurer of the United States, multiplied by 3.

19 (h) CANCELLATION OR WAIVER.—(1) Any obligation
20 of an individual incurred under the Program (or a contrac-
21 tual agreement thereunder) for service or payment shall
22 be canceled upon the death of the individual.

23 (2) The participating agency shall by regulation pro-
24 vide for the partial or total waiver or suspension of any
25 obligation of service or payment incurred by an individual

1 under the Program (or a contractual agreement there-
2 under) whenever compliance by the individual is impos-
3 sible or would involve extreme hardship to the individual,
4 or if enforcement of such obligation with respect to the
5 individual would be contrary to the best interests of the
6 Government.

7 **SEC. 904. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
8 **ISTRATION OFFICE OF EDUCATION.**

9 (a) IN GENERAL.—The Administrator shall conduct,
10 develop, support, promote, and coordinate education ac-
11 tivities described in section 902(b) that enhance public
12 awareness and understanding of the science, service, and
13 stewardship missions of the National Oceanic and Atmos-
14 pheric Administration. In planning activities under this
15 section, the Administrator shall consult with the Sub-
16 committee and build upon the educational programs and
17 activities of the National Sea Grant College Program, the
18 National Marine Sanctuary Program, the National Oce-
19 anic and Atmospheric Administration Office of Ocean Ex-
20 ploration, and the National Estuarine Research Reserve
21 System. Authorized activities shall include education of
22 the general public, teachers, students at all levels, and
23 ocean and coastal managers and stakeholders. In carrying
24 out educational activities, the Administrator may enter
25 into grants, contracts, cooperative agreements, resource

1 sharing agreements, or interagency financing with Fed-
2 eral, State, and regional agencies, tribes, commercial orga-
3 nizations, educational institutions, nonprofit organiza-
4 tions, or other persons.

5 (b) ESTABLISHMENT.—As set forth in title III, the
6 Administrator shall establish an Office of Education to
7 provide interagency and intraagency coordination of the
8 education activities of the National Oceanic and Atmos-
9 pheric Administration and to ensure full participation in
10 the ocean and coastal education program established
11 under section 902. The Office of Education shall promote
12 and provide oversight of agency education activities as de-
13 scribed in section 303 and shall—

14 (1) integrate agency science into high-quality
15 educational materials;

16 (2) improve access to National Oceanic and At-
17 mospheric Administration educational resources;

18 (3) support educator professional development
19 programs to improve understanding and use of agen-
20 cy sciences;

21 (4) promote participation in agency-related
22 sciences and careers, particularly by members of
23 underrepresented groups;

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

1 (6) build capability within the agency for edu-
2 cational excellence; and

3 (7) create and implement effective approaches
4 to disseminate agency products and ocean informa-
5 tion to the general public.

6 (c) EDUCATIONAL PARTNERSHIP PROGRAM.—The
7 Administrator shall establish an educational partnership
8 with minority-serving institutions to provide support for
9 cooperative science centers, an environmental entrepre-
10 neurship program, a graduate sciences program, an under-
11 graduate scholarship program, and other activities as re-
12 quired to meet program objectives.

13 **SEC. 905. AMENDMENT TO THE NATIONAL SEA GRANT COL-**
14 **LEGE PROGRAM ACT.**

15 Section 212(a) of the National Sea Grant College
16 Program Act (33 U.S.C. 1131(a)) is amended by adding
17 at the end the following new paragraph:

18 “(3) MARINE AND AQUATIC SCIENCE EDU-
19 CATION.—In addition to the amounts authorized for
20 each fiscal year under paragraphs (1) and (2), there
21 are authorized to be appropriated for marine and
22 aquatic science education for each of fiscal years
23 2005 through 2010—

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

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

5 “(C) \$4,000,000 for competitive grants to
6 support educational partnerships under the
7 ocean and coastal education program estab-
8 lished under section 902 of the Oceans Con-
9 servation, Education, and National Strategy for
10 the 21st Century Act or other appropriate
11 mechanism.”.

12 **SEC. 906. NATIONAL OCEAN AWARENESS MEDIA CAMPAIGN.**

13 (a) FINDINGS.—The Congress finds the following:

14 (1) Ninety-five percent of the deep ocean is un-
15 explored and unknown, and is truly the last frontier
16 on Earth for science and civilization.

17 (2) The United States has more than 95,000
18 miles of coastline and more than 50 percent of the
19 population of the United States lives within 50 miles
20 of the United States ocean waters.

21 (3) Coastal areas are regions of remarkably
22 high biological productivity, are of considerable im-
23 portance for a variety of recreational and commer-
24 cial activities, and provide a vital means of transpor-
25 tation.

1 (4) The rich biodiversity of marine organisms
2 provides society with resources that sustain many
3 economically important industries including fisheries
4 and tourism, as well as contributing novel com-
5 pounds with therapeutic potentials to the biomedical
6 industry.

7 (5) One out of six jobs in the United States is
8 marine-related.

9 (6) One-third of our Gross National Product is
10 produced in coastal areas, where most major cities
11 are located.

12 (7) National Science Foundation surveys in
13 2000 showed that while the majority (greater than
14 73 percent) of the United States public holds a posi-
15 tive attitude toward science and technology, that
16 same group was only able to correctly answer 58
17 percent of the questions asked about basic scientific
18 concepts. Furthermore, only 26 percent of those sur-
19 veyed actually understand the nature of scientific in-
20 quiry.

21 (8) The oceans provide an exciting context in
22 which to teach the fundamental concepts of biology,
23 chemistry, the physical sciences, and mathematics in
24 accordance with the National Science Education

1 Standards (NRC, 1996) and Benchmarks for
2 Science Literacy (AAAS, 1993).

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

7 (c) USE OF FUNDS.—

8 (1) IN GENERAL.—Amounts made available to
9 carry out this section for the media campaign may
10 only be used for the following:

11 (A) The research, development, production,
12 and launch of a multimedia campaign.

13 (B) Evaluation of the effectiveness of the
14 multimedia campaign.

15 (C) Media monitoring.

16 (D) Distribution (public relations and
17 grassroots community based outreach).

18 (E) Partnerships with community, civic,
19 and professional groups and government organi-
20 zations related to the media campaign.

21 (2) SPECIFIC REQUIREMENTS.—

22 (A) EVALUATION OF EFFECTIVENESS OF
23 MEDIA CAMPAIGN.—In using amounts for the
24 evaluation of the effectiveness of the media

1 campaign under paragraph (1)(B), the Admin-
2 istrator shall—

3 (i) designate an independent entity to
4 evaluate annually the effectiveness of the
5 national media campaign based on data
6 from—

7 (I) public feedback; and

8 (II) other relevant studies or
9 publications, as determined by the Ad-
10 ministrator, including tracking and
11 evaluation data collected according to
12 marketing and advertising industry
13 standards; and

14 (ii) ensure that the effectiveness of
15 the media campaign is evaluated in a man-
16 ner that enables consideration of whether
17 the media campaign has contributed to in-
18 creasing the ocean literacy of the public
19 and such other measures of evaluation as
20 the Director determines are appropriate.

21 (B) PURCHASE OF ADVERTISING TIME AND
22 SPACE.—For each fiscal year, not less than 77
23 percent of the amounts appropriated under this
24 section shall be used for the purchase of adver-
25 tising time and space for the media campaign.

1 (C) ADVERTISING.—In carrying out this
2 section, the Administrator shall devote suffi-
3 cient funds to the advertising portion of the na-
4 tional media campaign to meet the goals of the
5 campaign.

6 (D) PROHIBITIONS.—None of the amounts
7 made available to carry out this section may be
8 obligated or expended for any of the following:

9 (i) To supplant current oceans com-
10 munity-based coalitions.

11 (ii) To supplant pro bono public serv-
12 ice time donated by national and local
13 broadcasting networks for other public
14 service campaigns.

15 (iii) For partisan political purposes, or
16 express advocacy in support of or to defeat
17 any clearly identified candidate, clearly
18 identified ballot initiative, or clearly identi-
19 fied legislative or regulatory proposal.

20 (iv) To fund advertising that features
21 any elected officials, persons seeking elect-
22 ed office, cabinet level officials, or other
23 Federal officials employed pursuant to sec-
24 tion 213 of schedule C of title 5, Code of
25 Federal Regulations.

1 (v) To fund advertising that does not
2 contain a primary message intended to in-
3 crease awareness and promote the protec-
4 tion, maintenance, and restoration of ma-
5 rine ecosystem health.

6 (vi) To fund advertising containing a
7 primary message intended to promote sup-
8 port for the media campaign or private
9 sector contributions to the media cam-
10 paign.

11 (E) FINANCIAL AND PERFORMANCE AC-
12 COUNTABILITY.—The Administrator shall cause
13 to be performed—

14 (i) audits and reviews of costs of the
15 media campaign pursuant to section 304C
16 of the Federal Property and Administra-
17 tive Services Act of 1949 (41 U.S.C.
18 254d); and

19 (ii) an audit of the cost of the media
20 campaign described in section 306 of such
21 Act (41 U.S.C. 256).

22 (F) STRATEGIC GUIDANCE AND DONA-
23 TIONS.—The National Marine Sanctuary Foun-
24 dation shall serve as the primary outside stra-
25 tegic advisor to the media campaign and be re-

1 responsible for coordinating donations of creative
2 and other services to the campaign, except with
3 respect to advertising created using funds as
4 permitted in this subsection. The Administrator
5 shall inform the National Marine Sanctuary
6 Foundation of the strategic goals of the cam-
7 paign and consider advice from the National
8 Marine Sanctuary Foundation on media cam-
9 paign strategy.

10 (G) REPORT TO CONGRESS.—The Admin-
11 istrator shall submit on an annual basis a re-
12 port to Congress that describes—

13 (i) the strategy of the media campaign
14 and whether specific objectives of the
15 media campaign were accomplished;

16 (ii) steps taken to ensure that the
17 media campaign operates in an effective
18 and efficient manner consistent with the
19 overall strategy and focus of the media
20 campaign;

21 (iii) plans to purchase advertising
22 time and space;

23 (iv) policies and practices imple-
24 mented to ensure that Federal funds are
25 used responsibly to purchase advertising

1 time and space and eliminate the potential
2 for waste, fraud, and abuse; and

3 (v) all contracts entered into with a
4 corporation, partnership, or individual
5 working on behalf of the media campaign.

6 (3) NATIONAL MARINE SANCTUARY RE-
7 SOURCES.—In conducting advertising and activities
8 otherwise authorized under this section, the Admin-
9 istrator shall explore opportunities to emphasize the
10 preservation of coral reefs and other national marine
11 sanctuary resources.

12 **SEC. 907. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) NATIONAL OCEAN AND COASTAL EDUCATION
14 PROGRAM.—In addition to the amounts authorized annu-
15 ally to the Department of the Navy, the National Science
16 Foundation, the National Oceanic and Atmospheric Ad-
17 ministration, and the National Aeronautics and Space Ad-
18 ministration for fiscal year 2005 through fiscal year 2010,
19 \$25,000,000 is authorized to be appropriated for each
20 agency for the ocean and coastal education program under
21 section 902.

22 (b) SCHOLARSHIP PROGRAM.—Of the amounts au-
23 thorized annually to the Department of the Navy, the Na-
24 tional Science Foundation, the National Oceanic and At-
25 mospheric Administration, and the National Aeronautics

1 and Space Administration for fiscal year 2005 through fis-
2 cal year 2010, \$15,000,000 shall be available for National
3 Ocean Science and Technology Scholarships under section
4 903.

5 (c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
6 ISTRATION.—(1) In addition to the amounts authorized
7 under subsections (a) and (b) and under the National Sea
8 Grant College Program Act, there is authorized to be ap-
9 propriated to the Administrator \$25,000,000 for each of
10 fiscal years 2005 through 2010 for education activities
11 under section 904(b).

12 (2) There is authorized to be appropriated to the Ad-
13 ministrator \$15,000,000 for each of fiscal years 2005
14 through 2010 for education activities under section
15 904(c).

16 (d) NATIONAL OCEAN AWARENESS MEDIA CAM-
17 PAIGN.—Of the amounts authorized annually to the Na-
18 tional Oceanic and Atmospheric Administration, there is
19 authorized to be appropriated to carry out section 906,
20 \$2,000,000 for each of fiscal years 2005 through 2007.

21 (e) AVAILABILITY.—Sums appropriated under this
22 section shall remain available until expended.

1 **TITLE X—OCEAN EXPLORATION**

2 **SEC. 1001. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
3 **ISTRATION OFFICE OF OCEAN EXPLORATION.**

4 (a) IN GENERAL.—The Administrator shall—

5 (1) conduct, develop, support, promote, and co-
6 ordinate ocean exploration activities under this sec-
7 tion;

8 (2) support expeditions, exploration projects,
9 and related field campaigns for the purpose of dis-
10 covery and documentation of ocean voyages; and

11 (3) enhance public awareness and under-
12 standing of the science and stewardship missions of
13 the National Oceanic and Atmospheric Administra-
14 tion.

15 (b) PLANNING AND EXECUTION.—In planning activi-
16 ties under this title, the Administrator shall consult with
17 the Subcommittee established under section 1002. In car-
18 rying out exploration activities, the Administrator may
19 enter into grants, contracts, cooperative agreements, re-
20 source sharing agreements, or interagency financing with
21 Federal, State, and regional agencies, tribes, commercial
22 organizations, educational institutions, nonprofit organi-
23 zations, or other persons.

24 (c) ESTABLISHMENT.—The Administrator shall es-
25 tablish an Office of Ocean Exploration within the Ocean

1 and Atmospheric Research and Data Services Office to
2 provide interagency and intraagency coordination of the
3 ocean exploration activities of the National Oceanic and
4 Atmospheric Administration and to ensure full participa-
5 tion in the Subcommittee established under section 1002.

6 The Office of Ocean Exploration shall—

7 (1) lead and coordinate efforts in ocean dis-
8 covery;

9 (2) explore and inventory the living and non-
10 living resources of the oceans under jurisdiction of
11 the United States, and throughout the world's
12 oceans;

13 (3) support and promote interdisciplinary ap-
14 proaches to ocean investigations;

15 (4) engage in education and outreach to in-
16 crease public awareness and understanding of the
17 oceans, in coordination with the Office of Education;

18 (5) provide new resources and facilities for ac-
19 cess by researchers;

20 (6) provide a multidisciplinary archive of ocean
21 data to serve as a source of basic data upon which
22 to develop hypotheses for further investigation and
23 to capitalize on the wide array of available data;

1 (7) create and implement effective approaches
2 to disseminate agency products and ocean informa-
3 tion to the general public;

4 (8) identify areas that are infrequently ex-
5 plored;

6 (9) develop ocean and coastal mapping strate-
7 gies that identify priority coastal and ocean mapping
8 needs, and cost effective strategies to map those pri-
9 ority areas;

10 (10) map the physical, biological, chemical, and
11 archaeological aspects of the ocean;

12 (11) develop sensors and systems to promote
13 United States leadership in ocean technology; and

14 (12) conduct hypothesis-driven science to un-
15 derstand deep ocean ecosystem patterns, processes,
16 and mechanisms.

17 **SEC. 1002. SUBCOMMITTEE ON OCEAN EXPLORATION.**

18 (a) **MEMBERSHIP.**—The Committee shall establish a
19 Subcommittee on Ocean Exploration. Each member of the
20 Committee may designate a senior representative with ex-
21 pertise in ocean exploration to serve on the Subcommittee.
22 The Committee shall select a Chair and 1 or more Vice
23 Chairs for the Subcommittee from the membership of the
24 Subcommittee.

25 (b) **RESPONSIBILITIES.**—The Subcommittee shall—

1 (1) support and advise the Committee, the Na-
2 tional Oceans Council, and the National Oceanic and
3 Atmospheric Administration Office of Ocean Explo-
4 ration on matters related to ocean exploration for
5 the purpose of increasing the overall effectiveness
6 and productivity of Federal ocean exploration ef-
7 forts;

8 (2) provide recommendations on ocean explo-
9 ration goals and priorities for and implementation of
10 the National Strategy for Ocean and Coastal Science
11 developed under section 802 and guidance for ocean
12 exploration investments;

13 (3) coordinate with the Subcommittee on Ocean
14 Education to provide for ocean exploration funding
15 and educational opportunities for students at all lev-
16 els including undergraduate, graduate, and
17 postdoctoral levels;

18 (4) identify and work to establish linkages
19 among Federal programs and those of States, aca-
20 demic institutions, museums and aquaria, industry,
21 foundations, and other nongovernmental organiza-
22 tions;

23 (5) coordinate with the National Oceanic and
24 Atmospheric Administration Office of Ocean Explo-
25 ration and other Federal agency efforts to work with

1 minority-serving institutions and historically black
2 colleges and universities, and also with traditionally
3 majority-serving institutions, to ensure that students
4 of underrepresented groups have access to ocean ex-
5 ploration educational opportunities;

6 (6) lead development of effective strategies with
7 common perspectives and messages for formal and
8 informal ocean exploration efforts; and

9 (7) carry out such other activities as the Com-
10 mittee and the National Oceans Council request.

11 **SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Na-
13 tional Oceanic and Atmospheric Administration to carry
14 out this title—

15 (1) \$70,000,000 for each of fiscal years 2005
16 through 2010; and

17 (2) \$80,000,000 for each of fiscal years 2011
18 through 2016.

19 **TITLE XI—OCEAN AND GREAT**
20 **LAKES CONSERVATION**
21 **TRUST FUND**

22 **SEC. 1101. ESTABLISHMENT OF FUND.**

23 (a) ESTABLISHMENT OF FUND.—There is estab-
24 lished in the Treasury of the United States a fund which
25 shall be known as the “Ocean and Great Lakes Conserva-

1 tion Trust Fund”, in this title referred to as the “Fund”.
2 In each fiscal year after fiscal year 2004, the Secretary
3 of the Treasury shall deposit into the Fund the following
4 amounts:

5 (1) OCS REVENUES.— An amount in each such
6 fiscal year from qualified Outer Continental Shelf
7 revenues equal to the difference between
8 \$1,300,000,000 and the amounts deposited in the
9 Fund under paragraphs (2) and (3), notwith-
10 standing section 9 of the Outer Continental Shelf
11 Lands Act (43 U.S.C. 1338).

12 (2) AMOUNTS NOT DISBURSED.—All allocated
13 but undisbursed amounts returned to the Fund
14 under section 1106(a)(2).

15 (3) INTEREST.—All interest earned under sub-
16 section (d).

17 (b) TRANSFER FOR EXPENDITURE.—The Secretary
18 of the Treasury shall transfer amounts deposited into the
19 Fund as follows:

20 (1) To the Administrator of the National Oce-
21 anic and Atmospheric Administration for purposes
22 of making payments to coastal states only for car-
23 rying out their responsibilities for developing and
24 implementing Regional Ocean Ecosystem Plans
25 under title VII—

- 1 (A) \$350,000,000 for fiscal year 2005;
2 (B) \$700,000,000 for fiscal year 2006; and
3 (C) \$1,000,000,000 for fiscal year 2007
4 and each fiscal year thereafter.

5 (2) To the Administrator for allocation, with
6 concurrence of the National Oceans Council, only for
7 carrying out responsibilities of the Federal Govern-
8 ment for development and implementation of Re-
9 gional Ocean Ecosystem Plans required under title
10 VII—

- 11 (A) \$50,000,000 for fiscal year 2005;
12 (B) \$100,000,000 for fiscal year 2006; and
13 (C) \$300,000,000 for fiscal year 2007 and
14 each fiscal year thereafter.

15 (c) SHORTFALL.—If amounts referred to in para-
16 graphs (1) through (3) of subsection (a) in any fiscal year
17 after fiscal year 2004 are less than \$1,300,000,000, the
18 amounts transferred under paragraphs (1) and (2) of sub-
19 section (b) for that fiscal year shall each be reduced pro-
20 portionately.

21 (d) INTEREST.—The Secretary of the Treasury shall
22 invest moneys in the Fund (including interest), and in any
23 fund or account to which moneys are transferred pursuant
24 to subsection (b) of this section, in public debt securities
25 with maturities suitable to the needs of the Fund, as de-

1 terminated by the Secretary of the Treasury, and bearing
2 interest at rates determined by the Secretary of the Treas-
3 ury, taking into consideration current market yields on
4 outstanding marketable obligations of the United States
5 of comparable maturity. Such invested moneys shall re-
6 main invested until needed to meet requirements for dis-
7 bursement for the programs financed under this Act.

8 (e) REFUNDS.—In those instances in which through
9 judicial decision, administrative review, arbitration, or
10 other means there are royalty refunds owed to entities
11 generating revenues under this title, refunds shall be paid
12 by the Secretary of the Treasury from amounts available
13 in the Fund to the extent that such refunds are attrib-
14 utable to qualified Outer Continental Shelf revenues de-
15 posited in the Fund under this Act.

16 (f) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL
17 APPROPRIATIONS FOR FEDERAL AGENCIES.—Amounts
18 made available by this Act are intended by the Congress
19 to supplement, and not detract from, annual appropria-
20 tions for Federal agencies receiving funding under this
21 title.

22 **SEC. 1102. LIMITATION ON USE OF AVAILABLE AMOUNTS**
23 **FOR ADMINISTRATION.**

24 Notwithstanding any other provision of law, of
25 amounts made available by this title (including the amend-

1 ments made by this title) for a particular activity, not
2 more than 2 percent may be used for administrative ex-
3 penses of that activity.

4 **SEC. 1103. RECORDKEEPING REQUIREMENTS.**

5 The Administrator, in consultation with the National
6 Oceans Council, shall establish such rules regarding rec-
7 ordkeeping by State and local governments and the audit-
8 ing of expenditures made by State and local governments
9 from funds made available under this Act as may be nec-
10 essary. Such rules shall be in addition to other require-
11 ments established regarding recordkeeping and the audit-
12 ing of such expenditures under other authority of law.

13 **SEC. 1104. MAINTENANCE OF EFFORT AND MATCHING**
14 **FUNDING.**

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

1 unless the Administrator is satisfied that such a grant will
2 be so used to supplement and, to the extent practicable,
3 increase the level of State, local, or other non-Federal
4 funds available for such program.

5 (b) EXCEPTION.—The Administrator may provide
6 funding under this Act to a State or local government not
7 meeting the requirements of subsection (a) if the Adminis-
8 trator determines that a reduction in expenditures—

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

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

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

21 **SEC. 1105. SUNSET.**

22 This title shall have no force or effect after Sep-
23 tember 30, 2024.

1 **SEC. 1106. COMMUNITY ASSISTANCE FORMULA AND PAY-**
2 **MENTS.**

3 (a) CONSERVATION PAYMENTS TO COASTAL
4 STATES.—

5 (1) GRANT PROGRAM.—Amounts transferred to
6 the Administrator from the Fund under section
7 1101(b)(1) for purposes of making payments to
8 coastal States under this title in any fiscal year shall
9 be allocated by the Administrator among coastal
10 States as provided in this section each such fiscal
11 year. In each such fiscal year, the Administrator
12 shall, without further appropriation, disburse such
13 allocated funds to those coastal States for which the
14 Administrator has approved a spending plan under
15 section 1107 and that have met all other require-
16 ments of this title. Payments for all projects shall be
17 made by the Administrator to the Governor of the
18 State or to the State official or agency designated by
19 the Governor or by State law as having authority
20 and responsibility to accept and to administer funds
21 paid hereunder. No payment shall be made to any
22 State until the State has agreed to provide such re-
23 ports to the Administrator, in such form and con-
24 taining such information, as may be reasonably nec-
25 essary to enable the Administrator to perform the
26 duties of the Administrator under this title, and pro-

1 vide such fiscal control and fund accounting proce-
2 dures as may be necessary to assure proper dis-
3 bursement and accounting for Federal revenues paid
4 to the State under this title.

5 (2) FAILURE TO MAKE SUFFICIENT PROGRESS
6 AT DEVELOPING OR IMPLEMENTING A REGIONAL
7 OCEAN ECOSYSTEM PLAN.—At the end of each fiscal
8 year, the Administrator shall return to the Fund any
9 amount that the Administrator allocated, but did not
10 disburse, in that fiscal year to a coastal State that,
11 in the judgment of the Administrator, has failed to
12 make sufficient progress in developing or imple-
13 menting a Regional Ocean Ecosystem Plan under
14 title VII before the end of the fiscal year in which
15 such grant is allocated, except that the Adminis-
16 trator shall hold in escrow until the final resolution
17 of the appeal any amount allocated, but not dis-
18 bursed, to a coastal State that has appealed the dis-
19 approval of such funding.

20 (b) ALLOCATION AMONG COASTAL STATES.—

21 (1) ALLOCABLE SHARE FOR EACH STATE.—For
22 each coastal State, the Administrator shall deter-
23 mine the State's allocable share of the total amount
24 transferred from the Fund under section 1101(b)(1)

1 for each fiscal year using the following weighted for-
2 mula:

3 (A) Thirty-five percent of such amount
4 shall be allocated to each coastal State based on
5 the ratio of each State's shoreline miles to the
6 shoreline miles of all coastal States.

7 (B) Sixty-five percent of such amount shall
8 be allocated to each coastal State based on the
9 ratio of each State's coastal population to the
10 coastal population of all coastal States.

11 (2) MINIMUM STATE SHARE.—

12 (A) IN GENERAL.—The allocable share de-
13 termined by the Administrator under this sub-
14 section for each coastal State with a manage-
15 ment program approved by the Secretary of
16 Commerce under the Coastal Zone Management
17 Act of 1972 (16 U.S.C. 1451 et seq.), or that
18 is making satisfactory progress toward one,
19 shall not be less in any fiscal year than 0.50
20 percent of the total amount transferred by the
21 Secretary of the Treasury to the Administrator
22 for that fiscal year under section 1101(b)(1).
23 For any other coastal State the allocable share
24 shall not be less than 0.25 percent of such
25 transferred amount.

1 (B) RECOMPUTATION.—If 1 or more coast-
2 al States' allocable shares, as computed under
3 paragraphs (1) and (2), are increased by any
4 amount under this paragraph, the allocable
5 share for all other coastal States shall be re-
6 computed and reduced by the same amount so
7 that not more than 100 percent of the amount
8 transferred by the Secretary of the Treasury to
9 the Administrator for that fiscal year under
10 section 1101(b)(1) is allocated to all coastal
11 States. The reduction shall be divided pro rata
12 among such other coastal States.

13 (c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the
14 case of a coastal State, the Governor of the State shall
15 pay 50 percent of the State's allocable share, as deter-
16 mined under subsection (b), to the coastal political sub-
17 divisions in such State. Such payments shall be allocated
18 among such coastal political subdivisions of the State ac-
19 cording to an allocation formula that is based on the coast-
20 al population density of each coastal political subdivision.

21 (d) TIME OF PAYMENT.—Payments to coastal States
22 and coastal political subdivisions under this section shall
23 be made not later than December 31 of each year from
24 revenues received during the immediately preceding fiscal
25 year.

1 **SEC. 1107. APPROVAL OF STATE FUNDING AND SPENDING**
2 **PLANS.**

3 (a) DEVELOPMENT AND SUBMISSION OF REGIONAL
4 OCEAN ECOSYSTEM PLANS.—Each coastal State seeking
5 to receive grants under this title shall participate in the
6 development and implementation of Regional Ocean Eco-
7 system Plans required under title VII.

8 (b) SUBMISSION OF SPENDING PLAN.—Each coastal
9 State seeking funding under this title shall submit annu-
10 ally to the Administrator a spending plan for funds pro-
11 vided under this title. Such spending plan shall describe
12 how the funds provided under this title will be used by
13 the State to implement the State’s responsibilities and ob-
14 ligations in developing and implementing a Regional
15 Ocean Ecosystem Plan.

16 (c) APPROVAL OR DISAPPROVAL.—

17 (1) REQUIREMENTS.—A coastal State shall re-
18 ceive funding under this title if, in consultation with
19 the National Oceans Council, the Administrator—

20 (A) certifies that such coastal State is par-
21 ticipating actively and sufficiently in the devel-
22 opment and implementation of a Regional
23 Ocean Ecosystem Plan under title VII;

24 (B) approves a spending plan submitted by
25 such State that specifies how funds provided
26 under this title will be used to meet the State’s

1 obligations and responsibilities in developing
2 and implementing a Regional Ocean Ecosystem
3 Plan under title VII; and

4 (C) ensures any payments under this sub-
5 section to political subdivisions are consistent
6 under title VII.

7 (2) CONTENTS OF PLANS.—In addition to such
8 other requirements as the Administrator by regula-
9 tion shall prescribe, each State spending plan shall
10 include the following:

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

15 (B) A description of how funds provided
16 under this title will be used to meet the State's
17 responsibilities to develop and implement the
18 applicable Regional Ocean Ecosystem Plan.

19 (C) A description of how the State will
20 evaluate the effectiveness of its efforts to imple-
21 ment a Regional Ocean Ecosystem Plan.

22 (D) Certification by the Governor of the
23 State that ample opportunity has been accorded
24 for public participation in the development and
25 revision of the plan.

1 (E) Measures for taking into account other
2 relevant Federal resources and programs.

3 (3) PROCEDURE AND TIMING; REVISIONS.—The
4 Administrator shall approve or disapprove each
5 spending plan submitted in accordance with this sec-
6 tion. If a State first submits a plan by not later
7 than 90 days before the beginning of the first fiscal
8 year to which the plan applies, the Administrator
9 shall approve or disapprove the plan by not later
10 than 30 days before the beginning of that fiscal
11 year.

12 (4) AMENDMENT OR REVISION.—Any amend-
13 ment to or revision of the plan shall be prepared in
14 accordance with the requirements of this subsection
15 and shall be submitted to the Administrator for ap-
16 proval or disapproval. Any such amendment or revi-
17 sion shall take effect only for fiscal years after the
18 fiscal year in which the amendment or revision is ap-
19 proved by the Administrator.

20 (5) PUBLIC COMMENT.—Before approving or
21 disapproving a spending plan of a State, amend-
22 ment, or revision to a plan, the Administrator shall
23 provide for public comment on the State's proposed
24 expenditures for the forthcoming year.

○