

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2939

To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a Committee on Ocean Policy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2005

Mr. WELDON of Pennsylvania (for himself, Mr. FARR, Mr. ALLEN, and Mr. SAXTON) 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

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## A BILL

To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a Committee on Ocean Policy, 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

Subtitle A—National Oceans Policy

- Sec. 101. National oceans policy.

Subtitle B—National Standards

- Sec. 111. National standards.
- Sec. 112. Determination of compliance with national oceans policy and national standards.
- Sec. 113. Implementation.
- Sec. 114. Stricter standards.
- Sec. 115. Citizen suits.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

- Sec. 201. Existence in Department of Commerce; mission.
- Sec. 202. Administrator; functions.
- Sec. 203. Other officers.
- Sec. 204. Qualifications of Administration officers.
- Sec. 205. National Oceanic and Atmospheric Administration Regional Offices.
- Sec. 206. Transfer of marine mammals management functions to the Administrator.
- Sec. 207. Science Advisory Board.
- Sec. 208. Report on recommendations for reorganization of Federal programs.

TITLE III—OCEAN LEADERSHIP AND COORDINATION

Subtitle A—National Oceans Advisor

- Sec. 301. Executive Advisor; mission.
- Sec. 302. Staffing.

Subtitle B—Committee on Ocean Policy

- Sec. 311. Establishment of Committee; mission.
- Sec. 312. Chair; membership; functions.
- Sec. 313. Establishing a coordinated management regime for activities in federal waters.

Subtitle C—Council of Advisors on Oceans Policy

- Sec. 321. Establishment of Council.
- Sec. 322. Duties.
- Sec. 323. Membership.
- Sec. 324. Meetings.

## TITLE IV—REGIONAL COORDINATION AND PLANNING

- Sec. 401. Findings.
- Sec. 402. Regional Ocean Partnerships.
- Sec. 403. Regional Ocean Strategic Plans.
- Sec. 404. National Academy of Sciences study of regional oceans governance.
- Sec. 405. Regulations.
- Sec. 406. Other authority.
- Sec. 407. Ocean ecosystem resource information systems.
- Sec. 408. Authorization of appropriations.

TITLE V—OCEAN SCIENCE, EXPLORATION, AND RESEARCH  
COORDINATION

- Sec. 501. Committee on Ocean Science, Education, and Operations.
- Sec. 502. National Strategy for Ocean and Coastal Science.
- Sec. 503. National Ocean Partnership Program.
- Sec. 504. Ocean Research and Education Advisory Panel.
- Sec. 505. Marine ecosystems research.
- Sec. 506. Authorization of appropriations.

## TITLE VI—OCEAN EDUCATION

- Sec. 601. Subcommittee on Ocean Education.
- Sec. 602. Ocean and coastal education program.
- Sec. 603. National Marine Scholarship Program.
- Sec. 604. National Oceanic and Atmospheric Administration Office of Education.
- Sec. 605. Amendment to the National Sea Grant College Program Act.
- Sec. 606. Authorization of appropriations.

## TITLE VII—OCEAN EXPLORATION

- Sec. 701. National Oceanic and Atmospheric Administration Office of Ocean Exploration.
- Sec. 702. Subcommittee on Ocean Exploration.
- Sec. 703. Authorization of appropriations.

TITLE VIII—OCEAN AND GREAT LAKES CONSERVATION TRUST  
FUND

- Sec. 801. Establishment of Fund.
- Sec. 802. Limitation on use of available amounts for administration.
- Sec. 803. Recordkeeping requirements.
- Sec. 804. Maintenance of effort and matching funding.
- Sec. 805. Community assistance formula and payments.
- Sec. 806. Approval of State funding and spending plans.
- Sec. 807. Special postage stamp.
- Sec. 808. Sunset.

**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-

1       curity, environment, economy, and culture of the  
2       United States.

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

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

13              (4) Knowledge of the world's oceans is critically  
14      important to the operations of the United  
15      States Armed Forces, particularly the Navy and  
16      Coast Guard operations, and therefore to the na-  
17      tional security of the United States.

18              (5) Marine, terrestrial, and atmospheric sys-  
19      tems are interdependent, requiring that policy, infor-  
20      mation transfer, and the management of human ac-  
21      tivities be coordinated across systems.

22              (6) Healthy and productive coastal and marine  
23      ecosystems are the keys to securing the full range of  
24      benefits from ocean resources, including important

1 economic uses such as productive fisheries, for the  
2 people of the United States.

3 (7) A variety of threats and practices have  
4 caused dramatic declines in the health and produc-  
5 tivity of coastal and marine ecosystems of the  
6 United States. Among the major threats to marine  
7 ecosystem health are—

8 (A) global climate change;

9 (B) chemical, nutrient, and biological pol-  
10 lution;

11 (C) unwise land use and coastal develop-  
12 ment;

13 (D) habitat damage;

14 (E) overfishing;

15 (F) bycatch; and

16 (G) invasive species.

17 (8) These threats are exacerbated by the legal  
18 and geographic fragmentation of authority over  
19 ocean space and ocean resources.

20 (9) Activities harming coastal and marine eco-  
21 systems jeopardize the economies and social struc-  
22 ture of coastal communities dependent on these re-  
23 sources.

1           (10) Healthy marine ecosystems provide more  
2 goods and services, such as seafood and tourism op-  
3 portunities, than degraded marine ecosystems.

4           (11) While there is a plethora of laws, govern-  
5 ment agencies, and programs dealing with coastal  
6 resources and ocean resources, activities thereunder  
7 are poorly coordinated and do not constitute a uni-  
8 fied and comprehensive public policy toward the  
9 oceans.

10          (12) To better enable the various levels of gov-  
11 ernment with authority over coastal and ocean  
12 space, coastal resources, and ocean resources to ful-  
13 fill their public trust responsibilities, a unified na-  
14 tional oceans policy is needed to govern the range of  
15 human activities affecting the health and produc-  
16 tivity of marine ecosystems.

17 **SEC. 3. PURPOSE.**

18          The purpose of this Act is to secure, for present and  
19 future generations of people of the United States, the full  
20 range of ecological, economic, educational, social, cultural,  
21 nutritional, and recreational benefits of healthy marine  
22 ecosystems, by—

23           (1) establishing a comprehensive national  
24 oceans policy that is binding on all covered actions

1 that may significantly affect United States ocean  
2 waters and ocean resources;

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

5 (3) mandating that clear standards be set  
6 against which compliance with the national oceans  
7 policy can be measured;

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

10 (5) consolidating and restructuring Federal  
11 ocean programs to support this Act;

12 (6) promoting ecologically sustainable ocean re-  
13 source use and management by strengthening and  
14 empowering ocean governance; and

15 (7) enhancing responsible ocean stewardship.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) COVERED ACTION.—The term “covered ac-  
19 tion” means any activity affecting United States  
20 ocean waters or ocean resources, that is carried  
21 out—

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

24 (B) by any other person using Federal  
25 funds.

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

4           (3) ADMINISTRATION.—The term “Administra-  
5           tion” means the National Oceanic and Atmospheric  
6           Administration provided for in section 201.

7           (4) ADVISOR.—The term “Advisor” means the  
8           National Oceans Advisor appointed under section  
9           301.

10          (5) BIOLOGICAL DIVERSITY.—The term “bio-  
11          logical diversity” means a collection of genomes, spe-  
12          cies, and ecosystems occurring in a geographically  
13          defined region.

14          (6) ECOLOGICALLY SUSTAINABLE.—The term  
15          “ecologically sustainable” means capable of main-  
16          taining biological diversity and ecosystem structure  
17          and functioning from one human generation to the  
18          next, so as not to deny future generations the goods  
19          and services that healthy marine ecosystems provide.

20          (7) FUNCTION.—The term “function”, when  
21          used in reference to a function of a government  
22          agency or official, includes authorities, powers,  
23          rights, privileges, immunities, programs, projects,  
24          activities, duties, and responsibilities.



1           (8) MARINE ECOSYSTEM HEALTH AND HEALTH  
2           OF MARINE ECOSYSTEMS.—Each of the terms “ma-  
3           rine ecosystem health” and “health of marine eco-  
4           systems” means the ability of a marine ecosystem to  
5           support and maintain a productive and resilient  
6           community of organisms, having a species composi-  
7           tion, diversity, and functional organization resulting  
8           from the natural habitat of the region, such that it  
9           provides a complete range of ecological benefits, in-  
10          cluding—

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

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

19          (9) HEALTHY MARINE ECOSYSTEM.—The term  
20          “healthy marine ecosystem” means a marine eco-  
21          system with the ability to support and maintain a  
22          productive and resilient community of organisms,  
23          having a species composition, diversity, and func-  
24          tional organization resulting from the natural habi-

1       tat of the region, such that it provides a complete  
2       range of ecological benefits, including—

3               (A) a complete diversity of native species  
4               and habitats wherein each native species is able  
5               to maintain an abundance, population struc-  
6               ture, and distribution supporting its ecological  
7               and evolutionary functions and processes; and

8               (B) a physical, chemical, geological, and  
9               microbial environment that is supportive of the  
10              requirements of this paragraph.

11       (10) ECOSYSTEM-BASED MANAGEMENT.—The  
12       term “ecosystem-based management” means an inte-  
13       grated approach to management that—

14              (A) considers the entire ecosystem, includ-  
15              ing humans;

16              (B) has as its goal the maintenance of eco-  
17              systems in a healthy, productive, and resilient  
18              condition so that they can provide the services  
19              humans want and need;

20              (C) accounts for the interactions among  
21              species, activities, and sectors of management;

22              (D) considers the cumulative impacts of  
23              different sectors;

24              (E) emphasizes the protection of ecosystem  
25              structure, functioning, and key processes;

1 (F) is place-based in focusing on a specific  
2 ecosystem and the range of activities affecting  
3 it;

4 (G) explicitly accounts for the inter-  
5 connectedness within systems, recognizing the  
6 importance of interactions between many target  
7 species or key services and other nontarget spe-  
8 cies;

9 (H) acknowledges interconnectedness  
10 among systems, such as between air, land, and  
11 sea; and

12 (I) integrates ecological, social, economic,  
13 and institutional perspectives, recognizing their  
14 strong interdependences.

15 (11) UNITED STATES OCEAN WATERS.—The  
16 term “United States ocean waters” means the zone  
17 extending from the baseline from which the breadth  
18 of the United States territorial sea is measured to  
19 the extent of the Exclusive Economic Zone as speci-  
20 fied in Presidential Proclamation Number 5030,  
21 dated March 10, 1983, including the territorial wa-  
22 ters of the Great Lakes and the waters of the conti-  
23 nental shelf to which the United States is granted  
24 sovereign rights under international law.

1           (12) OCEAN RESOURCES.—The term “ocean re-  
2 resources” means any living, nonliving, or cultural  
3 amenity in United States ocean waters.

4           (13) COASTAL.—The term “coastal” means  
5 being located in the coastal zone as defined in sec-  
6 tion 304 of the Coastal Zone Management Act of  
7 1972 (16 U.S.C. 1453).

8           (14) MARINE.—The term “marine” includes of  
9 or relating to United States ocean waters.

10          (15) REGIONAL OCEAN PARTNERSHIPS.—The  
11 term “Regional Ocean Partnerships” means such a  
12 council established by the Administrator under sec-  
13 tion 402.

14          (16) OCEAN REGION.—The term “ocean re-  
15 gion” means such a region designated under section  
16 402(f).

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

19               (A) means a State of the United States in,  
20 or bordering on, the Atlantic, Pacific, or Arctic  
21 Ocean, the Gulf of Mexico, Long Island Sound,  
22 or one or more of the Great Lakes; and

23               (B) includes Puerto Rico, the Virgin Is-  
24 lands, Guam, the Commonwealth of the North-

1           ern Mariana Islands, and the Trust Territories  
2           of the Pacific Islands, and American Samoa.

3           (18) COASTAL POLITICAL SUBDIVISION.—The  
4           term “coastal political subdivision” means a political  
5           subdivision of a coastal State all or part of which  
6           political subdivision is within the coastal zone (as de-  
7           fined in section 304 of the Coastal Zone Manage-  
8           ment Act of 1972 (16 U.S.C. 1453)).

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

15          (20) OCEAN STEWARDSHIP.—The term “ocean  
16          stewardship” means the careful and responsible  
17          management of coastal and ocean resources by cur-  
18          rent generations such that it ensures future genera-  
19          tions can obtain the full range of benefits from those  
20          resources.

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

4 **Subtitle A—National Oceans Policy**

5 **SEC. 101. NATIONAL OCEANS POLICY.**

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

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

18 (1) protect, maintain, and restore the health of  
19 marine ecosystems;

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

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

24 (4) exercise precaution in support of protecting,  
25 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 and participation among all stake-  
16 holders;

17 (10) provide accountability; and

18 (11) foster responsible stewardship of the  
19 oceans.

## 20 **Subtitle B—National Standards**

### 21 **SEC. 111. NATIONAL STANDARDS.**

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

1           (1) Covered actions affecting United States  
2 ocean waters or ocean resources must be conducted  
3 in a manner that is consistent with the protection  
4 and maintenance of healthy marine ecosystems and,  
5 where appropriate, the restoration of degraded ma-  
6 rine ecosystems.

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

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

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

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

22           (4) To the extent practicable, and consistent  
23 with other provisions of this Act, including the other  
24 national standards under this subsection, adverse so-  
25 cial and economic impacts on communities that are



1 significantly resource dependent shall be minimized.  
2 Consideration of impacts on resource dependent  
3 communities shall include, but not be limited to, cu-  
4 mulative impacts.

5 (b) RULEMAKING.—

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

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

17 **SEC. 112. DETERMINATION OF COMPLIANCE WITH NA-**  
18 **TIONAL OCEANS POLICY AND NATIONAL**  
19 **STANDARDS.**

20 (a) REQUIREMENT.—Any determination of whether a  
21 covered action complies with section 111 shall be made  
22 in accordance with regulations issued under section 111.

23 (b) GUIDANCE.—Within 12 months after the date of  
24 the enactment of this Act, the Administrator, in consulta-  
25 tion with the Committee on Ocean Policy, shall issue de-

1 tailed guidance regarding the application of the national  
2 standards under section 111. The guidance shall ad-  
3 dress—

4           (1) assessing and monitoring the health of ma-  
5 rine ecosystems;

6           (2) how to apply the definition of “marine eco-  
7 system health”, including establishing marine eco-  
8 system health criteria and indicators;

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

12           (4) conducting ecosystem-based management of  
13 United States ocean waters and ocean resources;  
14 and

15           (5) the types of covered actions that are likely  
16 to have a significant effect on the health of marine  
17 ecosystems.

18       (c) NATIONAL RESEARCH COUNCIL.—To assist the  
19 Administrator in issuing guidance under subsection (b),  
20 the Administrator may request the National Research  
21 Council to—

22           (1) convene a panel with expertise on marine  
23 science and the management of ocean resources to  
24 develop recommendations; and

1           (2) update such recommendations every 5  
2       years.

3 **SEC. 113. IMPLEMENTATION.**

4       (a) COMPLIANCE REVIEW.—In conducting an envi-  
5       ronmental review authorized under the National Environ-  
6       mental Policy Act of 1969 of a proposed covered action,  
7       the head of each Federal agency shall, after consultation  
8       with the Administrator, include in the review an assess-  
9       ment of the impact of the proposed covered action on the  
10      health of marine ecosystems.

11      (b) WRITTEN OPINION.—The Administrator, after  
12      considering any findings of the Regional Administrator  
13      concerned, shall prepare a written opinion as to whether  
14      the proposed covered action is in compliance with the poli-  
15      cies, and national standards.

16      (c) CHANGES OR ALTERNATIVES.—If the Adminis-  
17      trator's written opinion states that a proposed covered ac-  
18      tion is not in compliance with the policies, or national  
19      standards under this Act, the Administrator shall propose  
20      changes or alternatives to the proposed covered action that  
21      would make the covered action be in compliance with this  
22      Act.

23      (d) ENSURING COMPLIANCE.—The head of each Fed-  
24      eral agency and department shall ensure that all covered  
25      actions of such agency or department comply with the poli-

1 icy and national standards set forth in sections 101 and  
2 111.

3 **SEC. 114. STRICTER STANDARDS.**

4 Nothing in this Act shall be construed to limit the  
5 authority of a local or State government or the Federal  
6 Government to establish stricter standards, requirements,  
7 or restrictions within their respective jurisdictions, in  
8 order to provide greater protection of marine ecosystem  
9 health (including to be consistent with other applicable  
10 law), than the protection provided by the national stand-  
11 ards under section 111 of this Act. In the case of a con-  
12 flicting standard, requirement, or restriction, the stricter  
13 standard, requirement, or restriction shall be followed.

14 **SEC. 115. CITIZEN SUITS.**

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

17 (1) to enjoin any person, including the United  
18 States or any other governmental instrumentality or  
19 agency (to the extent permitted by the eleventh  
20 amendment to the Constitution), that is alleged to  
21 be in violation of this Act or any regulation issued  
22 under this Act; or

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

1 (b) JURISDICTION.—The district courts of the United  
2 States shall have jurisdiction, without regard to the  
3 amount in controversy or the citizenship of the parties,  
4 to enforce this Act or any such regulation or to order the  
5 Administrator to perform such act or duty, as the case  
6 may be.

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

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

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

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

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

4 **SEC. 201. 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 nonmilitary 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 ecological, economic,  
5 educational, social, cultural, nutritional, recreational,  
6 and other benefits of healthy marine ecosystems; and

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

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

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

18 (A) the National Ocean Service; and

19 (B) the National Marine Fisheries Service.

20 (2) The National Weather Service.

21 (3) The Office of Oceans and Atmospheric Re-  
22 search and Data Services, which, subject to the  
23 other provisions of this Act, shall perform the func-  
24 tions performed immediately before the enactment of  
25 this Act by—



1 (A) the Office of Ocean and Atmospheric  
2 Research; and

3 (B) the National Environmental Satellite,  
4 Data, and Information Service.

5 (4) The Office of Education.

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

11 (A) the Office of Program Planning and  
12 Integration; and

13 (B) the Office of Marine and Aviation Op-  
14 erations.

15 **SEC. 202. ADMINISTRATOR; FUNCTIONS.**

16 (a) ADMINISTRATOR.—

17 (1) IN GENERAL.—There is an Under Secretary  
18 of Commerce for Oceans and Atmosphere. The  
19 Under Secretary shall be the Administrator of the  
20 National Oceanic and Atmospheric Administration,  
21 and shall be appointed by the President, by and with  
22 the advice and consent of the Senate. The term of  
23 office of any individual appointed after the date of  
24 enactment of this Act to serve as Administrator is  
25 5 years.

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

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

3                   (B) shall be responsible for ensuring that  
4           the duties of the Administration under section  
5           201(c) are performed.

6           (3) FUNCTIONS VESTED IN ADMINISTRATOR.—

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

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

14           (b) AUTHORITIES.—The Administrator—

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

19                   (2) may make contracts, grants, and coopera-  
20           tive agreements, and enter into agreements with  
21           other executive agencies, Indian tribes, States, re-  
22           gional agencies, universities, research institutions,  
23           interstate agencies, and local governments, as may  
24           be necessary and proper to carry out the Adminis-

1       trator’s responsibilities under this Act or as other-  
2       wise provided by law;

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

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

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

13          (6) shall develop policy and guidance;

14          (7) shall perform general management;

15          (8) may prescribe external affairs, including  
16       legal, legislative, and public affairs;

17          (9) shall be subject to the policy direction of the  
18       Secretary of Commerce, but otherwise shall retain  
19       responsibility for decisions regarding the manage-  
20       ment and administration of the operations of the  
21       Administration and shall exercise independent con-  
22       trol of its budget allocation, formulation, and ex-  
23       penditures, personnel decisions and processes, pro-  
24       curement, and other administrative and management

1 functions in accordance with this title and other ap-  
2 plicable provisions of law; and

3 (10) shall submit annual budget requests for  
4 the Administration to the Director of the Office of  
5 Management and Budget, who shall provide for ex-  
6 amination of the budget and programs of the Ad-  
7 ministration within natural resource programs.

8 (c) COORDINATION WITH NON-FEDERAL ENTI-  
9 TIES.—With respect to the duties of the Administration  
10 under section 201(c), the Administrator shall coordinate  
11 with State and local government personnel, agencies, and  
12 authorities, with the private sector, and with other enti-  
13 ties.

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

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

19 (2) past, current, and projected trends in the  
20 quality, management, and utilization of United  
21 States ocean waters and the effects of those trends  
22 on the ecological, economic, educational, social, cul-  
23 tural, nutritional, recreational, and other require-  
24 ments of the United States;

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

8           (4) a description of activities of the Administra-  
9           tion to perform its duties under section 201(c) dur-  
10          ing the period covered by the report; and

11          (5) a program for remedying the deficiencies of  
12          existing programs and activities, including rec-  
13          ommendations for legislation.

14 **SEC. 203. OTHER OFFICERS.**

15          (a) DEPUTY ADMINISTRATOR.—

16           (1) IN GENERAL.—There is a Deputy Adminis-  
17           trator of the National Oceanic and Atmospheric Ad-  
18           ministration, who shall be appointed by the Adminis-  
19           trator. The position of Deputy Administrator shall  
20           be a Senior Executive Service general position au-  
21           thorized under section 3133 of title 5, United States  
22           Code.

23           (2) FUNCTIONS.—The Deputy Administrator  
24           is—

1 (A) the Administrator's first assistant and  
2 serves as an advisor to the Administrator on all  
3 program and policy issues;

4 (B) responsible for ensuring the timely and  
5 effective implementation of Administration poli-  
6 cies and objectives; and

7 (C) acts in the position of the Adminis-  
8 trator in the absence or disability of the Admin-  
9 istrator, or in the event of a vacancy of that po-  
10 sition.

11 (b) ASSISTANT ADMINISTRATORS.—

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

15 (A) An Assistant Administrator for Oceans  
16 Ecosystem Management and Protection, who  
17 shall be the head of the Office of Oceans Eco-  
18 system Management and Protection and shall  
19 oversee programs and activities of the Adminis-  
20 tration relating to marine ecosystem health and  
21 ecosystem-based management of United States  
22 ocean waters, including—

23 (i) coastal, estuary, Great Lakes, and  
24 ocean management;

- 1 (ii) regional coordination and plan-  
2 ning;
- 3 (iii) watershed monitoring;
- 4 (iv) coral reefs;
- 5 (v) harmful algal blooms;
- 6 (vi) hypoxia;
- 7 (vii) response and restoration;
- 8 (viii) fisheries research and manage-  
9 ment;
- 10 (ix) protected resources research and  
11 management;
- 12 (x) habitat conservation research and  
13 management;
- 14 (xi) enforcement and surveillance  
15 services;
- 16 (xii) marine and estuarine aqua-  
17 culture;
- 18 (xiii) coastal and estuarine land con-  
19 servation and restoration;
- 20 (xiv) sanctuaries and marine protected  
21 areas;
- 22 (xv) invasive species; and
- 23 (xvi) ocean and coastal partnerships.
- 24 (B) An Assistant Administrator for Weath-  
25 er Services, who shall be the head of the Na-

1 tional Weather Service and shall oversee pro-  
2 grams and activities of the Administration re-  
3 lating to—

4 (i) weather research;

5 (ii) air quality research; and

6 (iii) weather systems operations and  
7 management.

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

15 (i) oceans, coastal, and Great Lakes  
16 research;

17 (ii) navigation;

18 (iii) coastal and ocean observing sys-  
19 tems;

20 (iv) climate research;

21 (v) the National Sea Grant College  
22 Program;

23 (vi) the National Undersea Research  
24 Program;



- 1 (vii) ocean exploration, including as  
2 described in section 701;  
3 (viii) polar research;  
4 (ix) environmental satellite observing  
5 systems; and  
6 (x) data centers and information serv-  
7 ices.

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

- 14 (i) the JASON Project;  
15 (ii) ocean science competition;  
16 (iii) educational partnership pro-  
17 grams; and  
18 (iv) other responsibilities as described  
19 in section 604.

20 (E) An Assistant Administrator for Per-  
21 sonnel, Program, and Facilities Management,  
22 who shall be the head of the Office of Per-  
23 sonnel, Program, and Facilities Management,  
24 shall oversee the programs and activities of the  
25 Administration relating to general management

1 of personnel, programs, facilities (including all  
2 vessels and aircraft), and financial matters, in-  
3 cluding—

4 (i) program management and direc-  
5 tion;

6 (ii) budget formulation, guidance, and  
7 execution;

8 (iii) resource requirements determina-  
9 tion and allocation;

10 (iv) environment, safety, and health  
11 operations; and

12 (v) administration of contracts, real  
13 property, and facilities.

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

17 (G) A General Counsel, who shall—

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

22 (ii) perform such other functions and  
23 exercise such powers as the Administrator  
24 may prescribe.

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

4 **SEC. 204. QUALIFICATIONS OF ADMINISTRATION OFFICERS.**

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

11 **SEC. 205. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
12                                   **ISTRATION REGIONAL OFFICES.**

13          (a) ESTABLISHMENT.—The Administrator shall, by  
14          not later than 1 year after the date of the enactment of  
15          this Act—

16                (1) establish for each ocean region designated  
17                under section 402 a National Oceanic and Atmos-  
18                pheric Administration Regional Office, which shall  
19                be relatively centrally located in the coastal area of  
20                the ocean region; and

21                (2) appoint a Regional Administrator of the  
22                National Oceanic and Atmospheric Administration  
23                for that region.

1 (b) FUNCTIONS OF REGIONAL ADMINISTRATORS.—A  
2 Regional Administrator appointed under paragraph (1)  
3 for an ocean region shall—

4 (1) be the head of the National Oceanic and At-  
5 mospheric Administration Regional Office estab-  
6 lished for that region;

7 (2) be responsible for implementation of this  
8 Act with respect to that ocean region;

9 (3) provide a written opinion to the Adminis-  
10 trator on the consistency of proposed covered ac-  
11 tions;

12 (4) support coordination and information trans-  
13 fer between Regional Oceans Partnerships and agen-  
14 cies and groups at the international, Federal, State,  
15 tribal, territorial, local, and other levels;

16 (5) conduct other tasks as considered necessary  
17 by the Administrator to fulfill the mission of the Ad-  
18 ministration; and

19 (6) report directly to the Administrator on mat-  
20 ters relating to regional implementation of this Act.

21 (c) STAFF.—The Regional Administrator appointed  
22 under paragraph (1) for an ocean region shall appoint  
23 staff for the National Oceanic and Atmospheric Adminis-  
24 tration Regional Office for the ocean region.

1 **SEC. 206. TRANSFER OF MARINE MAMMALS MANAGEMENT**  
2 **FUNCTIONS TO THE ADMINISTRATOR.**

3 There is hereby transferred to the Administrator the  
4 function of marine mammals management authorized by  
5 the Marine Mammal Protection Act of 1972 and under  
6 the jurisdiction of the United States Fish and Wildlife  
7 Service immediately before the date of enactment of this  
8 Act.

9 **SEC. 207. SCIENCE ADVISORY BOARD.**

10 (a) **IN GENERAL.**—There shall be in the Administra-  
11 tion a Science Advisory Board, which shall report to the  
12 Administrator.

13 (b) **PURPOSE.**—The purpose of the Science Advisory  
14 Board is to advise the Administrator on long-range and  
15 short-range strategies for research, education, and appli-  
16 cation of science to ocean resource management and envi-  
17 ronmental assessment and prediction.

18 (c) **MEMBERS.**—

19 (1) **IN GENERAL.**—The Science Advisory Board  
20 shall consist of not less than 11 members, and not  
21 more than 15 members, appointed by the Adminis-  
22 trator to assure a balanced representation among  
23 scientists, engineers, educators, and science policy  
24 experts who are preeminent in their field and have  
25 demonstrated experience reflecting the full breadth  
26 of the Administration's areas of responsibility.

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

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

4                   (B) may be reappointed once; and

5                   (C) shall serve at the discretion of the Ad-  
6       ministrators.

7       (d) COMPENSATION AND EXPENSES.—A member of  
8       the Science Advisory Board shall not receive compensation  
9       for service on such board, but upon request by the member  
10      may be allowed travel expenses, including per diem in lieu  
11      of subsistence, in accordance with subchapter I of chapter  
12      57 of title 5, United States Code.

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

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

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

21      (h) ADMINISTRATIVE SUPPORT.—The Administrator  
22      shall provide administrative support to the Science Advi-  
23      sory Board.

1 **SEC. 208. REPORT ON RECOMMENDATIONS FOR REORGA-**  
2 **NIZATION OF FEDERAL PROGRAMS.**

3 The President, in consultation with the Committee on  
4 Ocean Policy, shall submit to the Congress by not later  
5 than 2 years after the date of the enactment of this Act  
6 recommendations on, and a plan and proposed schedule  
7 for—

8 (1) the transfer of relevant oceanic or atmos-  
9 pheric programs, functions, services, and associated  
10 resources to the National Oceanic and Atmospheric  
11 Administration from any other Federal agency;

12 (2) consolidation or elimination of oceanic or  
13 atmospheric programs, functions, services, or re-  
14 sources within or among Federal agencies, if their  
15 consolidation or elimination would not undermine  
16 policy goals set forth in this Act; and

17 (3) reorganization, including establishment of  
18 the Administration as an independent agency, ele-  
19 vation of the Administration to departmental status,  
20 or the establishment of a new department that  
21 would provide increased national attention and re-  
22 sources to oceanic and atmospheric needs and prior-  
23 ities and promote an integrated ecosystem and wa-  
24 tershed-based approach.

1 **TITLE III—OCEAN LEADERSHIP**  
2 **AND COORDINATION**  
3 **Subtitle A—National Oceans**  
4 **Advisor**

5 **SEC. 301. EXECUTIVE ADVISOR; MISSION.**

6 (a) ESTABLISHMENT.—

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

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

15 (b) DUTIES.—The Advisor shall—

16 (1) advise the President on implementation of  
17 this Act, activities of the Committee on Ocean Pol-  
18 icy, section 311, and other covered actions relating  
19 to United States ocean waters and marine ecosystem  
20 health;

21 (2) serve as the Executive Director of the Com-  
22 mittee on Ocean Policy established by section 311;  
23 and

24 (3) in consultation with the Administrator, co-  
25 ordinate Federal agency covered actions related to



1 United States ocean waters and marine ecosystem  
2 health.

3 **SEC. 302. STAFFING.**

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

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

13 **Subtitle B—Committee on Ocean**  
14 **Policy**

15 **SEC. 311. ESTABLISHMENT OF COMMITTEE; MISSION.**

16 (a) ESTABLISHMENT.—There is established in the  
17 Executive Office of the President a Committee on Ocean  
18 Policy (in this subtitle referred to as the “Committee”),  
19 which succeeds the Committee on Ocean Policy established  
20 on December 17, 2004, by Executive Order 13366 and  
21 shall continue the activities of that committee as it was  
22 in existence on the day before the date of enactment of  
23 this Act.

24 (b) DUTIES.—The Committee shall—

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

5           (2) review and appraise the various programs  
6           and activities of the Federal Government for consist-  
7           ency with the policy set forth in section 101 and  
8           make recommendations to the President with respect  
9           thereto no later than 1 year after the date of enact-  
10          ment of this Act;

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

14          (4) coordinate and certify agency ocean budgets  
15          regarding their sufficiency to achieve the policy set  
16          forth in section 101;

17          (5) submit to the President and publish at least  
18          once every 2 years a report on the condition of  
19          United States ocean waters; and

20          (6) obtain and provide information to facilitate  
21          and advance ecosystem-based management of Re-  
22          gional Ocean Partnerships in accordance with title  
23          IV.

24          (c) RESOURCES.—In carrying out its functions under  
25          this Act, the Committee may secure directly from any

1 Federal agency or department any information it con-  
2 siders to be necessary to carry out its functions under this  
3 Act. Each such agency or department may cooperate with  
4 the Committee and, to the extent permitted by law, shall  
5 furnish such information (other than information de-  
6 scribed in section 552(b)(1)(A) of title 5, United States  
7 Code) to the Committee, upon request of the Committee.

8 **SEC. 312. CHAIR; MEMBERSHIP; FUNCTIONS.**

9 (a) CHAIR.—The Secretary of Commerce shall be the  
10 Chair of the Committee.

11 (b) MEMBERSHIP.—

12 (1) IN GENERAL.—The Committee shall have  
13 20 voting members, as follows:

14 (A) The Secretary of Commerce.

15 (B) The Secretary of State.

16 (C) The Secretary of the Interior.

17 (D) The Secretary of Defense.

18 (E) The Secretary of Agriculture.

19 (F) The Secretary of Transportation.

20 (G) The Secretary of Homeland Security.

21 (H) The Secretary of Education.

22 (I) The Secretary of Energy.

23 (J) The Secretary of Health and Human  
24 Services.

1           (K) The Administrator of the Environ-  
2           mental Protection Agency.

3           (L) The Director of the Office of Manage-  
4           ment and Budget.

5           (M) The Director of the National Science  
6           Foundation.

7           (N) Four State Governors appointed by  
8           the National Governors Association, who shall  
9           represent State and local interests.

10          (O) The Administrator of the National  
11          Aeronautics and Space Administration.

12          (P) The Chair of the National Research  
13          Council Governing Board.

14          (Q) The Chair of the Council on Environ-  
15          mental Quality.

16          (2) STATE GOVERNOR MEMBERS.—

17           (A) TERMS.—Of the members appointed  
18           under paragraph (1)(N)—

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

21           (ii) one member shall be appointed to  
22           an initial 3-year term that begins in a Fed-  
23           eral election year in which there occurs an  
24           election of the President;

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

5 (iv) at least 2 shall be Governors of  
6 coastal States.

7 (B) LIMITATION ON APPOINTMENT.—A  
8 Governor of a State may not be appointed  
9 under paragraph (1)(N) to a term on the Com-  
10 mittee that begins before the end of the 3-year  
11 period that begins upon the expiration of a  
12 prior term on the Committee served by a Gov-  
13 ernor of the State.

14 (c) STAFF.—

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

19 (2) VOLUNTARY AND UNCOMPENSATED SERV-  
20 ICES.—The Chair may accept, employ, and termi-  
21 nate voluntary and uncompensated services in fur-  
22 therance of the purposes of the Committee.

1 **SEC. 313. ESTABLISHING A COORDINATED MANAGEMENT**  
2 **REGIME FOR ACTIVITIES IN FEDERAL WA-**  
3 **TERS.**

4 The Committee shall submit to the Congress by not  
5 later than 2 years after the date of the enactment of this  
6 Act recommendations on, and a plan and proposed sched-  
7 ule for creating, a balanced, ecosystem-based management  
8 regime for activities in Federal waters that—

9 (1) considers the use of ocean zoning and cu-  
10 mulative impacts of multiple uses;

11 (2) designates a lead Federal agency for each  
12 existing activity and new activity in Federal waters;

13 (3) ensures that each such lead Federal agency  
14 coordinates with other applicable authorities, includ-  
15 ing States and Regional Ocean Partnerships estab-  
16 lished under title IV of this Act;

17 (4) fully considers the public interest; and

18 (5) establishes a set of guiding principles for  
19 new activities in Federal waters that ensures the  
20 health of marine ecosystems.

21 **Subtitle C—Council of Advisors on**  
22 **Oceans Policy**

23 **SEC. 321. ESTABLISHMENT OF COUNCIL.**

24 There is established the Council of Advisors on  
25 Oceans Policy (in this subtitle referred to as the “Coun-  
26 cil”).

1 **SEC. 322. DUTIES.**

2 The Council shall advise the President, the National  
3 Oceans Advisor, and the Committee on Ocean Policy on  
4 policies to protect, maintain, and restore the health of ma-  
5 rine ecosystems on a regional and national basis.

6 **SEC. 323. 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) Nonfishing 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) Nongovernmental 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. 324. MEETINGS.**

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

8 **TITLE IV—REGIONAL**  
9 **COORDINATION AND PLANNING**

10 **SEC. 401. FINDINGS.**

11 The Congress finds the following:

12 (1) Recent reports by the Commission on Ocean  
13 Policy and the Pew Oceans Commission call for a  
14 more comprehensive and integrated ecosystem-based  
15 management approach to address current and future  
16 ocean and coastal challenges.

17 (2) Establishing a national network of govern-  
18 ance planning bodies at the regional level is essential  
19 for solving many pressing United States ocean and  
20 coastal issues.

21 (3) Several States and regions have developed  
22 ocean management strategies that can be used as  
23 templates for coordinating among various govern-  
24 ment entities. A new national framework is needed  
25 to extend, integrate, and support these efforts.

1           (4) Large marine ecosystems are biogeographi-  
2 cally distinct ecosystem units and provide an appro-  
3 priate spatial scale for ecosystem-based regional  
4 ocean governance.

5           (5) Because ecosystems do not align with polit-  
6 ical jurisdictions, regional ocean governance mecha-  
7 nisms must provide for cooperation and collaboration  
8 within and among multiple levels of government, in-  
9 cluding local, State, tribal, and Federal govern-  
10 ments.

11           (6) Effective regional ocean governance requires  
12 transparency and must include ample opportunities  
13 for input and participation by stakeholders and the  
14 public.

15           (7) Additional funding and other resources are  
16 necessary to promote regional coordination and col-  
17 laboration and to implement regional solutions to  
18 current and future ocean and coastal management  
19 challenges.

20 **SEC. 402. REGIONAL OCEAN PARTNERSHIPS.**

21           (a) IN GENERAL.—Within one year after the date of  
22 the enactment of this Act, the Administrator and appro-  
23 priate States, in consultation with the Committee on  
24 Ocean Policy, shall establish a Regional Ocean Partner-

1 ship for each of the ocean regions established by this sec-  
2 tion in order to—

3 (1) provide for more systematic communication,  
4 collaboration, and integration of Federal and State  
5 coastal and ocean environmental and resource man-  
6 agement efforts;

7 (2) provide for regional ecosystem assessment  
8 and information programs to guide management de-  
9 cisions;

10 (3) create a strategic plan for and implement  
11 adaptive, ecosystem-based management of coastal  
12 and ocean resources within ocean regions, building  
13 on and complementing local, State, and regional ef-  
14 forts; and

15 (4) encourage improved citizen and community  
16 stewardship of coastal and ocean resources.

17 (b) GUIDING PRINCIPLES.—The guiding principles  
18 for Regional Ocean Partnerships and Regional Ocean  
19 Strategic Plans under this title are—

20 (1) to protect, maintain, and restore the health  
21 of marine ecosystems, and

22 (2) to provide for the ecologically sustainable  
23 use and management of ocean and coastal resources.

24 (c) MEMBERSHIP.—

25 (1) FEDERAL REPRESENTATIVES.—

1           (A) IN GENERAL.—Within 90 days after  
2 the date of the enactment of this Act, the Ad-  
3 ministrator, in consultation with the Committee  
4 on Ocean Policy, shall coordinate representa-  
5 tives of the Federal Government to form each  
6 Regional Ocean Partnership. Such representa-  
7 tives shall be officers or employees of Federal  
8 agencies and departments that have expertise in  
9 and oversee ocean and coastal policy or resource  
10 management. Each Federal agency or depart-  
11 ment shall select and appoint their representa-  
12 tives to each Regional Ocean Partnership. The  
13 Administrator, or his or her designated rep-  
14 resentative, shall serve as the chairperson of  
15 each Regional Ocean Partnership.

16           (B) INCLUDED ENTITIES.—The represent-  
17 atives appointed to each Regional Ocean Part-  
18 nership under this paragraph shall include one  
19 or more officers or employees of the Adminis-  
20 tration, the Department of the Interior, the En-  
21 vironmental Protection Agency, the Department  
22 of Agriculture, the Army Corps of Engineers,  
23 the Department of Defense, the Department of  
24 Homeland Security, the Department of Com-

1 merce, and other Federal agencies and depart-  
2 ments as necessary.

3 (2) STATE AND TRIBAL REPRESENTATIVES.—

4 (A) COASTAL STATE APPOINTMENTS.—The  
5 Governor of each Coastal State within the  
6 ocean region of a Regional Ocean Partnership  
7 shall appoint an officer or employee of the State  
8 agency with primary responsibility for over-  
9 seeing ocean and coastal policy or resource  
10 management to that Regional Ocean Partner-  
11 ship.

12 (B) INLAND STATE APPOINTMENT.—  
13 Where appropriate, the Administrator shall re-  
14 ceive nominations and select one representative  
15 from one of the inland States that, according to  
16 maps and data of the United States Geological  
17 Survey, have jurisdiction over waters that feed  
18 into the ocean region for which a Regional  
19 Ocean partnership must prepare an ecosystem  
20 plan.

21 (C) WESTERN PACIFIC AND CARIBBEAN  
22 REGIONAL OCEAN PARTNERSHIPS.—The Gov-  
23 ernors of American Samoa, Guam, and the  
24 Northern Mariana Islands shall each appoint an  
25 officer or employee of the agency with primary

1 responsibility for overseeing ocean and coastal  
2 policy or resource management to the Western  
3 Pacific Regional Ocean Partnership. The Gov-  
4 ernors of the Virgin Islands and the Common-  
5 wealth of Puerto Rico shall each appoint an of-  
6 ficer or employee of the agency with primary re-  
7 sponsibility for overseeing ocean and coastal  
8 policy or resource management to the Carib-  
9 bean Regional Ocean Partnership.

10 (D) NORTH PACIFIC REGIONAL OCEAN  
11 PARTNERSHIP.—The Governor of the State of  
12 Washington shall appoint an officer or employee  
13 of the Washington State agency with primary  
14 responsibility for overseeing ocean and coastal  
15 policy or resource management to the North  
16 Pacific Regional Ocean Partnership.

17 (3) INTERNATIONAL REPRESENTATIVES.—  
18 Where appropriate, each Regional Ocean Partner-  
19 ship shall foster nonbinding relationships with for-  
20 eign governments, agencies, States, provinces, and  
21 other entities as appropriate, at scales appropriate  
22 to the region under the authority of a Regional  
23 Ocean Partnership, including by providing opportu-  
24 nities for nonvoting participation by foreign rep-  
25 resentatives at meetings of the Regional Ocean Part-

1       nership, its advisory committees, and other working  
2       groups.

3               (4) REGIONAL FISHERIES MANAGEMENT COUN-  
4       CIL REPRESENTATIVE.—The executive director of  
5       each Regional Fishery Management Council having  
6       jurisdiction over the ocean region of a Regional  
7       Ocean Partnership shall serve as a voting member of  
8       the Partnership, and shall be considered a Federal  
9       representative for the purposes of section  
10      402(c)(6)(A).

11              (5) LOCAL GOVERNMENT REPRESENTATIVE.—  
12      Where appropriate, the Administrator will receive  
13      nominations and select one representative from a  
14      coastal political subdivision to represent the interests  
15      of local and county governments on the Regional  
16      Ocean Partnership.

17              (6) ADDITIONAL APPOINTMENTS.—

18                      (A) TOTALS.—The Administrator shall de-  
19      termine the total number of additional rep-  
20      resentatives of Indian tribes, Coastal  
21      States within an ocean region of a Regional  
22      Ocean Partnership as is necessary to ensure  
23      that the combined number of non-Federal vot-  
24      ing representatives equals the number of Fed-

1           eral voting representatives on each Regional  
2           Ocean Partnership.

3           (B) SOLICITING NOMINATIONS.—The Ad-  
4           ministrators shall solicit nominations for quali-  
5           fied governmental officers or employees from  
6           Indian tribes, States, Commonwealths, terri-  
7           tories, and possessions of the United States  
8           within an ocean region of a Regional Ocean  
9           Partnership and select nominees to fill any va-  
10          cant seats on that Regional Ocean Partnership.

11          (C) SELECTING NOMINEES.—In selecting  
12          among nominees to serve on each Regional  
13          Ocean Partnership, the Administrator shall  
14          strive to ensure a balanced representation  
15          among these governmental entities.

16          (d) ADVISORY COMMITTEES.—

17           (1) AUTHORITY.—Each Regional Ocean Part-  
18           nership may establish and appoint members of advi-  
19           sory committees and working groups as necessary  
20           for preparation of a Regional Ocean Strategic Plan  
21           under this title.

22           (2) CITIZENS ADVISORY COMMITTEE.—Each  
23           Regional Ocean Partnership shall establish and ap-  
24           point members of a Citizens Advisory Committee  
25           comprised of nongovernmental members of the pub-



1       lic, including a wide range of citizens interested in  
2       multiple uses of United States ocean waters and  
3       ocean resources.

4               (3) ADVICE AND INPUT.—Each Regional Ocean  
5       Partnership shall take the advice and input of any  
6       Advisory Committee into consideration in the devel-  
7       opment of a Regional Ocean Strategic Plan.

8       (e) COORDINATION.—

9               (1) IN GENERAL.—Immediately following the  
10      appointment of representatives to each Regional  
11      Ocean Partnership, the representatives shall take  
12      steps to identify opportunities and better coordinate  
13      and integrate existing programs or activities with  
14      the other governmental entities in the ocean region  
15      of the Regional Ocean Partnership.

16              (2) EXISTING PROGRAMS.—Each Regional  
17      Ocean Partnership shall not supplant the functions  
18      or authorities of existing regional entities and shall,  
19      to the maximum extent possible, build upon current  
20      State, multistate, and regional capacity and govern-  
21      ance and institutional mechanisms to manage ocean  
22      and coastal resources. This shall include mechanisms  
23      to—

24                      (A) conduct coastal and ocean monitoring,  
25                      mapping, assessment, and observations;

1 (B) provide for ecologically sustainable  
2 growth;

3 (C) restore and conserve habitat;

4 (D) manage State and Federal fisheries;

5 (E) maintain and improve the quality of  
6 coastal and ocean waters; and

7 (F) protect and restore the resources of  
8 the Nation's coastal zone.

9 (3) INLAND REGIONS.—Each Regional Ocean  
10 Partnership shall collaborate and coordinate as nec-  
11 essary and appropriate with inland States that may  
12 significantly impact the health of marine ecosystems  
13 in the ocean region.

14 (f) REGIONS.—

15 (1) IN GENERAL.—There are hereby designated  
16 the following ocean regions:

17 (A) NORTH PACIFIC OCEAN REGION.—The  
18 North Pacific Ocean Region, which shall consist  
19 of the coastal zone (as defined in section 304  
20 of the Coastal Zone Management Act of 1972  
21 (16 U.S.C. 1453)) and watershed areas of the  
22 State of Alaska that have a significant impact  
23 on coastal waters of the State of Alaska sea-  
24 ward to the extent of the Exclusive Economic

1 Zone as specified in Presidential Proclamation  
2 Number 5030, dated March 10, 1983.

3 (B) PACIFIC OCEAN REGION.—The Pacific  
4 Ocean Region, which shall consist of the coastal  
5 zone (as defined in section 304 of the Coastal  
6 Zone Management Act of 1972 (16 U.S.C.  
7 1453)) and watershed areas of the States that  
8 have a significant impact on coastal waters of  
9 the States of Washington, Oregon, and Cali-  
10 fornia seaward to the extent of the Exclusive  
11 Economic Zone as specified in Presidential  
12 Proclamation Number 5030, dated March 10,  
13 1983.

14 (C) WESTERN PACIFIC OCEAN REGION.—  
15 The Western Pacific Ocean Region, which shall  
16 consist of the coastal zone (as defined in section  
17 304 of the Coastal Zone Management Act of  
18 1972 (16 U.S.C. 1453)) and watershed areas of  
19 the States that have a significant impact on  
20 coastal waters of the States of Hawaii, Guam,  
21 American Samoa, and the Northern Mariana  
22 Islands seaward to the extent of the Exclusive  
23 Economic Zone as specified in Presidential  
24 Proclamation Number 5030, dated March 10,  
25 1983, including the territorial waters of the

1 Commonwealths, territories, and possessions of  
2 the United States in the Pacific Ocean.

3 (D) GULF OF MEXICO OCEAN REGION.—

4 The Gulf of Mexico Ocean Region, which shall  
5 consist of the coastal zone (as defined in section  
6 304 of the Coastal Zone Management Act of  
7 1972 (16 U.S.C. 1453)) and watershed areas of  
8 the States that have a significant impact on  
9 coastal waters of the States of Texas, Lou-  
10 isiana, Mississippi, Alabama, and Florida sea-  
11 ward to the extent of the Exclusive Economic  
12 Zone as specified in Presidential Proclamation  
13 Number 5030, dated March 10, 1983.

14 (E) CARIBBEAN OCEAN REGION.—The  
15 Caribbean Ocean Region, which shall consist of  
16 the coastal zone (as defined in section 304 of  
17 the Coastal Zone Management Act of 1972 (16  
18 U.S.C. 1453)) and watershed areas of the  
19 States that have a significant impact on coastal  
20 waters of the Virgin Islands and the Common-  
21 wealth of Puerto Rico seaward to the extent of  
22 the Exclusive Economic Zone as specified in  
23 Presidential Proclamation Number 5030, dated  
24 March 10, 1983, including the territorial waters  
25 of the Caribbean Sea and Atlantic Ocean.

1           (F) SOUTHEAST ATLANTIC OCEAN RE-  
2 REGION.—The Southeast Atlantic Ocean Region,  
3 which shall consist of the coastal zone (as de-  
4 fined in section 304 of the Coastal Zone Man-  
5 agement Act of 1972 (16 U.S.C. 1453)) and  
6 watershed areas of the States that have a sig-  
7 nificant impact on coastal waters of the States  
8 of Florida, Georgia, South Carolina, and North  
9 Carolina seaward to the extent of the Exclusive  
10 Economic Zone as specified in Presidential  
11 Proclamation Number 5030, dated March 10,  
12 1983.

13           (G) NORTHEAST ATLANTIC OCEAN RE-  
14 GION.—The Northeast Atlantic Ocean Region,  
15 which shall consist of the coastal zone (as de-  
16 fined in section 304 of the Coastal Zone Man-  
17 agement Act of 1972 (16 U.S.C. 1453)) and  
18 watershed areas of the States that have a sig-  
19 nificant impact on coastal waters of the States  
20 of Maine, New Hampshire, Massachusetts,  
21 Rhode Island, Connecticut, New York, New  
22 Jersey, Delaware, Maryland, Pennsylvania, and  
23 Virginia seaward to the extent of the Exclusive  
24 Economic Zone as specified in Presidential

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

3 (H) GREAT LAKES REGION.—The Great  
4 Lakes Region, which shall consist of the coastal  
5 zone (as defined in section 304 of the Coastal  
6 Zone Management Act of 1972 (16 U.S.C.  
7 1453)) and watershed areas of the States that  
8 have a significant impact on coastal waters of  
9 the States of Wisconsin, Minnesota, Michigan,  
10 Illinois, Indiana, Ohio, New York, and Pennsyl-  
11 vania to the extent of the territorial waters of  
12 the United States in the Great Lakes.

13 (2) SUBREGIONS.—Each Regional Ocean Part-  
14 nership may establish such subregions, or geographi-  
15 cally specified management areas, as necessary for  
16 efficient and effective management of ecosystem  
17 problems.

18 (g) PROCEDURES.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graph (2), each Regional Ocean Partnership shall  
21 operate in accordance with procedures established by  
22 the Regional Ocean Partnership and approved by  
23 the Administrator.

24 (2) INTERIM PROCEDURES.—Each Regional  
25 Ocean Partnership shall operate in accordance with

1 interim procedures prescribed by the Administrator  
2 until such time as the Administrator approves proce-  
3 dures established by the Partnership under para-  
4 graph (1).

5 (3) REQUIRED PROCEDURES.—The Adminis-  
6 trator shall prescribe requirements for approval of  
7 procedures under paragraph (1), and interim proce-  
8 dures for purposes of paragraph (2), including such  
9 requirements and interim procedures that provide  
10 for—

11 (A) transparency in decisionmaking;

12 (B) opportunities for public input and par-  
13 ticipation; and

14 (C) the use of science, local government,  
15 and citizen advisory committees.

16 (h) STAFF.—

17 (1) HIRING AUTHORITY.—Each Regional Ocean  
18 Partnership may hire such staff as is necessary to  
19 perform the functions of the Partnership.

20 (2) TREATMENT.—Staff hired by a Regional  
21 Ocean Partnership shall be treated as employees of  
22 the Administration.

23 (i) FACA.—The Federal Advisory Committee Act (5  
24 U.S.C. App.) shall not apply to the Regional Ocean Part-

1 nerships or to any advisory committees established under  
2 this title.

3 **SEC. 403. REGIONAL OCEAN STRATEGIC PLANS.**

4 (a) REQUIREMENT.—Each Regional Ocean Partner-  
5 ship shall, within 3 years after establishment of the Part-  
6 nership, prepare and submit to the Administrator and the  
7 Committee on Ocean Policy for review and consultation  
8 and approval by the Administration pursuant to this sec-  
9 tion a Regional Ocean Strategic Plan for the ocean region  
10 of the Partnership.

11 (b) CONTENTS.—Each Regional Ocean Strategic  
12 Plan prepared by a Regional Ocean Partnership shall, at  
13 a minimum, include the following:

14 (1) An assessment of the ocean region in order  
15 to guide management decisions, including consider-  
16 ation of ecological, economic, educational, social, cul-  
17 tural nutritional, and recreational factors.

18 (2) Identification of multiple indicators that  
19 measure ecosystem health and the effectiveness of  
20 current management efforts, and an analysis of their  
21 current status.

22 (3) Determination of priority issues within the  
23 region and adjoining inland regions and an assess-  
24 ment of the capacity of existing governance mecha-  
25 nisms to address those problems.



1           (4) Determination of solutions and specific poli-  
2           cies to address the priority problems that take an  
3           adaptive, ecosystem-based approach.

4           (5) Identification of short and long-term eco-  
5           system goals, responsibilities for taking actions to  
6           implement solutions to priority problems and to  
7           achieve those ecosystem goals, and the necessary re-  
8           sources.

9           (6) An analysis of the gaps in authority, coordi-  
10          nation, and resources, including funding, that must  
11          be filled in order to fully achieve the plan's goals.

12          (7) Identification of model programs whose ex-  
13          isting infrastructure aid in implementation of the  
14          plan.

15          (c) MEETINGS.—Each Regional Ocean Partnership  
16 shall meet—

17           (1) at least twice each year—

18           (A) during the development of the Re-  
19           gional Ocean Strategic Plan; and

20           (B) after completion of such plan to mon-  
21           itor the implementation of the plan's goals and  
22           objectives and develop strategies for adaptive  
23           management; and

24           (2) at other times at the call of the Adminis-  
25           trator.

1 (d) AMENDING PLANS.—Each approved Regional  
2 Ocean Strategic Plan shall be reviewed and revised by the  
3 relevant Regional Ocean Partnership at least once every  
4 five years. Any proposed amendments to the plan shall be  
5 transmitted to the Administrator for review pursuant to  
6 this section.

7 (e) ACTION BY ADMINISTRATOR.—

8 (1) REVIEW OF PLANS.—

9 (A) COMMENCEMENT OF REVIEW.—Within  
10 10 days after transmittal of a Regional Ocean  
11 Strategic Plan by a Regional Ocean Partner-  
12 ship to the Administrator and the Committee  
13 on Ocean Policy, or any amendment to such a  
14 plan, the Administrator in consultation with the  
15 Committee on Ocean Policy shall commence a  
16 review of the plan or amendment.

17 (B) PUBLIC NOTICE AND COMMENT.—Im-  
18 mediately after receipt of such a plan, the Ad-  
19 ministrator shall publish in the Federal Reg-  
20 ister a notice stating that the plan or amend-  
21 ment is available and that public comments  
22 may be submitted to the Administrator within  
23 60 days after the date the notice is published.

24 (C) REQUIREMENTS FOR APPROVAL.—Be-  
25 fore approving a Regional Ocean Strategic

1 Plan, or any amendments to such a plan, sub-  
2 mitted by a Regional Ocean Partnership, the  
3 Administrator, in consultation with the Com-  
4 mittee on Ocean Policy, must find that the  
5 plan—

6 (i) is consistent with the guiding prin-  
7 ciples under section 402(b), and

8 (ii) adequately addresses the required  
9 elements under subsection (b) of this sec-  
10 tion.

11 (D) DEADLINE FOR REVIEW.—Within 120  
12 days after transmittal by the Regional Ocean  
13 Partnership to the Administrator of a Regional  
14 Ocean Strategic Plan, or an amendment to such  
15 a plan, the Administrator in consultation with  
16 the Committee on Ocean Policy shall approve or  
17 disapprove the plan by written notice. If the  
18 Administrator disapproves a Regional Ocean  
19 Strategic Plan or amendment, the Adminis-  
20 trator in consultation with the Committee on  
21 Ocean Policy shall make conforming rec-  
22 ommendations to the Regional Ocean Partner-  
23 ship. The Regional Ocean Partnership may sub-  
24 mit a revised plan or amendment to the Admin-

1           istrator and the Committee on Ocean Policy for  
2           review under this title.

3           (2) GRANTS.—The Administrator, subject to  
4           the availability of funds in the Ocean and Great  
5           Lakes Conservation Trust Fund established in sec-  
6           tion 801, may award grants to members of a Re-  
7           gional Ocean Partnership, other than representatives  
8           of the Federal Government, to cover expenses in-  
9           curred in developing a draft Ocean and Coastal  
10          Strategic Plan or to implement an approved plan.

11         (f) IMPLEMENTATION.—

12           (1) IN GENERAL.—Indian tribes, States, Com-  
13          monwealths, territories and possessions of the  
14          United States with a representative on a Regional  
15          Ocean Partnership, and the Federal Government  
16          shall, to the maximum extent practicable, implement  
17          an approved Regional Ocean Strategic Plan con-  
18          sistent with existing legal authorities.

19           (2) RECOMMENDATIONS FOR MORE RE-  
20          SOURCE.—If existing legal authority is inadequate  
21          or other resources are needed to successfully imple-  
22          ment an approved Regional Ocean Strategic Plan in  
23          consultation with the Committee on Ocean Policy,  
24          the representatives of Indian tribes, States, Com-  
25          monwealths, territories and possessions of the

1 United States, and of the Federal Government serv-  
2 ing on a Regional Ocean Partnership shall make rec-  
3 ommendations to the Congress and States regarding  
4 necessary changes.

5 **SEC. 404. NATIONAL ACADEMY OF SCIENCES STUDY OF RE-**  
6 **GIONAL OCEANS GOVERNANCE.**

7 (a) **STUDY REQUIRED.**—The Administrator and the  
8 Committee on Ocean Policy shall, as soon as practicable,  
9 enter into an arrangement with the National Research  
10 Council of the National Academy of Sciences to carry out  
11 a study of existing regional and ecosystem-based ap-  
12 proaches to coastal and ocean governance.

13 (b) **MATTERS INCLUDED.**—The study required by  
14 subsection (a) shall evaluate—

15 (1) current coastal and oceans approaches to  
16 ecosystem-based management and their effectiveness  
17 at maintaining healthy marine ecosystems;

18 (2) approaches to regional governance currently  
19 in use in the United States; and

20 (3) mechanisms for engaging Federal, State,  
21 and local governments, special interest groups, and  
22 the general public in the management process.

23 (c) **RECOMMENDATIONS.**—In carrying out the study  
24 required by subsection (a), the National Research Council  
25 may develop recommendations it considers appropriate

1 and directly related to the subject matter of the study.  
2 It is the sense of the Congress that the National Research  
3 Council should develop recommendations on the best  
4 methods of creating governance structures, specific to  
5 each of the Regional Ocean Partnerships created in sec-  
6 tion 402, that include ecosystem-based management strat-  
7 egies and broad participation.

8 (d) REPORTS.—The National Research Council shall  
9 submit to the Administrator, the Committee on Ocean Pol-  
10 icy, and each of the Regional Ocean Partnerships created  
11 in section 402 by not later than one year after entering  
12 into the arrangement required by subsection (a), a final  
13 report on the study that includes all findings, conclusions,  
14 and recommendations. Upon receipt of the final report,  
15 each of the Regional Ocean Partnerships shall consider  
16 and integrate recommendations of the National Research  
17 Council to improve regional governance structures.

18 (e) PROVISION OF INFORMATION.—The Adminis-  
19 trator and the Regional Ocean Partnerships shall, in a  
20 timely manner, make available to the National Research  
21 Council all information that the National Research Coun-  
22 cil considers necessary to carry out its responsibilities  
23 under this section.

24 (f) RULE OF CONSTRUCTION.—This section shall not  
25 be construed to affect section 402.

1 (g) FUNDING.—Of the amounts made available to the  
2 National Oceanic and Atmospheric Administration pursu-  
3 ant to the authorization of appropriations, an appropriate  
4 amount shall be available only for carrying out the study  
5 required by this section.

6 **SEC. 405. REGULATIONS.**

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

10 **SEC. 406. OTHER AUTHORITY.**

11 This title shall not be construed as superseding or  
12 diminishing the authorities and responsibilities, under any  
13 other provision of law, of the Administrator or any other  
14 Federal, State, or tribal officer, employee, department, or  
15 agency.

16 **SEC. 407. OCEAN ECOSYSTEM RESOURCE INFORMATION**  
17 **SYSTEMS.**

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

19 (1) Ecosystem-based management will require  
20 development of an ocean information systems com-  
21 prised of a set of information management tools and  
22 products capable of integrating and disseminating  
23 information essential for informed decision-making.

24 (2) Information generated by ocean monitoring  
25 systems, including the National Environmental Ob-

1 servatory Network, will be more useful if fully inte-  
2 grated into resource information systems developed  
3 for ecosystem-based management applications. Data  
4 from these offshore monitoring programs, coupled  
5 with other information on ocean and aquatic eco-  
6 systems, will provide a basis for understanding nat-  
7 ural and anthropogenic environmental variability, in-  
8 cluding climate change and the resulting impacts on  
9 living marine resources.

10 (3) Natural resource information systems have  
11 been developed and are presently a successful man-  
12 agement tool for onshore uses, including some Pa-  
13 cific Coast watersheds, and they should now be ap-  
14 plied to the ocean environment to facilitate eco-  
15 system-based management of the United States  
16 oceans waters.

17 (b) ESTABLISHMENT.—

18 (1) REQUIREMENT.—The Administrator shall,  
19 within 90 days after the date of the enactment of  
20 this Act, establish a network of regional ocean eco-  
21 system resource information systems to act as an or-  
22 ganized repository of geophysical, atmospheric,  
23 oceanographic, and marine biological data, including  
24 genetic research, studies, data, maps, and analyses  
25 necessary to the understanding of the ocean eco-



1 system, and from which to draw information for the  
2 establishment of national policies and priorities re-  
3 lated to the conservation, use, and management of  
4 United States ocean waters and the marine re-  
5 sources therein.

6 (2) INCLUDED INFORMATION.—Information  
7 maintained in each regional ocean ecosystem re-  
8 source information system may include—

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

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

18 (3) REVIEW OF INCLUDED ANALYSES AND IN-  
19 TERPRETATIONS.—Each draft analysis and interpre-  
20 tation of data to explain ecosystem relationships that  
21 is included in a regional ocean ecosystem resource  
22 information system shall be reviewed by qualified ex-  
23 perts before being broadly disseminated through the  
24 system to the public.

25 (4) CONTRACTS AND OTHER AGREEMENTS.—

1           (A) AUTHORITY.—The Administrator, sub-  
2           ject to the availability of appropriations, may  
3           enter into contracts and other agreements with  
4           other Federal agencies, State agencies, non-gov-  
5           ernmental organizations, universities, and pri-  
6           vate academic institutions for development of  
7           portions of each regional ocean ecosystem re-  
8           source information system.

9           (B) OPEN-SOURCE SOFTWARE AND THE  
10          END-PRODUCT LICENSES.—The Administrator  
11          shall include in such agreements appropriate  
12          provisions requiring use of general public li-  
13          cense open-source software and licensing of  
14          end-products to the Administration or to any  
15          joint authority considered appropriate by the  
16          Administrator for efficient regional operations.

17          (5) ACCESS TO INFORMATION.—The Adminis-  
18          trator shall ensure that information in each regional  
19          ocean ecosystem resource information system estab-  
20          lished under this section shall be readily accessible  
21          at no cost, or at nominal cost, to the Congress, all  
22          Federal agencies, States, academic and scientific in-  
23          stitutions, and the public through the Internet, li-  
24          braries, and such other mediums as may be appro-  
25          priate and practical.

1 (c) INCLUDED REGIONS AND WATERS; SCHEDULE.—

2 (1) OCEAN REGIONS.—The Administrator shall  
3 establish by not later than January 1, 2010, a re-  
4 gional ocean ecosystem resource information system  
5 for each ocean region.

6 (2) OTHER WATERS.—The Administrator, in  
7 cooperation with the affected States, shall establish  
8 by not later than January 1, 2015, a regional ocean  
9 ecosystem resource information system for each of  
10 the following bodies of water:

11 (A) The United States territorial waters of  
12 each of the Great Lakes.

13 (B) Long Island Sound.

14 (C) The Gulf of Maine.

15 (D) Chesapeake Bay.

16 (E) The Mississippi River Delta.

17 (F) San Francisco Bay and Delta.

18 (G) The United States territorial waters of  
19 Puget Sound.

20 (3) MODIFICATION OF REGIONS AND WA-  
21 TERS.—The Administrator, with respect to the es-  
22 tablishment of regional ocean ecosystem resource in-  
23 formation systems, and for purposes of administra-  
24 tive convenience and to ensure the timely completion  
25 of such systems, may divide the regions and waters

1 referred to in paragraphs (1) and (2) or include  
2 other waters not listed in those paragraphs.

3 (d) COORDINATION .—

4 (1) OBTAINING INFORMATION.—In establishing  
5 regional ocean ecosystem resource information sys-  
6 tems, the Administrator—

7 (A) shall cooperate and coordinate with the  
8 United States Geological Survey, the United  
9 States Fish and Wildlife Service, the Minerals  
10 Management Service, the Environmental Pro-  
11 tection Agency, the Coast Guard, and the Navy,  
12 and all Administration offices, including the  
13 National Marine Sanctuaries program and Re-  
14 gional Fishery Management Councils, in order  
15 to obtain from such agencies and offices and  
16 use all unclassified information necessary for  
17 the development and operation of the systems;  
18 and

19 (B) may seek to enter into cooperative  
20 agreements with States, local governments, uni-  
21 versities, or private academic institutions in  
22 order to obtain access to information necessary  
23 or useful for the development and operation of  
24 the systems.

1           (2) AVOIDANCE OF DUPLICATION.—To avoid  
2 duplication, in establishing regional ocean ecosystem  
3 resource information systems the Administrator  
4 shall coordinate with other ocean data acquisition  
5 and distribution systems, including the National  
6 Geospatial Data Clearinghouse and the Sanctuary  
7 Integrated Monitoring Network program of the Ad-  
8 ministration.

9           (3) INTEGRATION OF WATERSHED, BAY, AND  
10 ESTUARINE INFORMATION SYSTEMS.—The Adminis-  
11 trator, in recognition of the effects of land-based and  
12 watershed uses on ocean ecosystems, shall facilitate  
13 to the extent practical the integration of watershed,  
14 bay, and estuarine information systems with the ap-  
15 propriate regional ocean ecosystem resource informa-  
16 tion system.

17           (4) INTERNATIONAL AGREEMENTS.—The Ad-  
18 ministrator may, in consultation with the Secretary  
19 of State, enter into agreements with the Govern-  
20 ments of Canada, Mexico, and the Russian Federa-  
21 tion with respect to establishment of regional a  
22 ocean ecosystem resource information system for  
23 United States coastal waters that abut the territorial  
24 waters of any or those countries, for purposes of in-  
25 clusion in such a system of any information or data

1 that may be necessary or useful in the development  
2 and operation of such system.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—For de-  
4 velopment and implementation of the ocean ecosystem re-  
5 source information systems under this section, there is au-  
6 thorized to be appropriated to the Administrator  
7 \$12,000,000 for each of the fiscal years 2007 through  
8 2011.

9 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to the Admin-  
11 istrator for carrying out this title, including development,  
12 implementation, and monitoring of approved Regional  
13 Ocean Strategic Plans, \$25,000,000 for each of fiscal  
14 years 2007 through 2011.

15 **TITLE V—OCEAN SCIENCE, EX-**  
16 **PLORATION, AND RESEARCH**  
17 **COORDINATION**

18 **SEC. 501. COMMITTEE ON OCEAN SCIENCE, EDUCATION,**  
19 **AND OPERATIONS.**

20 (a) COMMITTEE.—The Chair of the Committee on  
21 Ocean Policy created under subtitle B of title III shall es-  
22 tablish a Committee on Ocean Science, Education, and  
23 Operations.

1 (b) MEMBERSHIP.—The Committee on Ocean  
2 Science, Education, and Operations shall be composed of  
3 the following members:

4 (1) The Administrator.

5 (2) The Secretary of the Navy.

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

8 (4) The Director of the National Science Foun-  
9 dation.

10 (5) The Administrator of the National Aero-  
11 nautics and Space Administration.

12 (6) The Under Secretary of Energy for Energy,  
13 Science, and Environment.

14 (7) The Administrator of the Environmental  
15 Protection Agency.

16 (8) The Executive Director of the Marine Mam-  
17 mal Commission.

18 (9) The Under Secretary of Homeland Security  
19 for Science and Technology.

20 (10) The Commandant of the Coast Guard.

21 (11) The Director of the United States Geologi-  
22 cal Survey.

23 (12) The Director of the Minerals Management  
24 Service.

1           (13) The Under Secretary of Agriculture for  
2           Research, Education, and Economics.

3           (14) The Assistant Secretary of State for  
4           Oceans and International Environmental and Sci-  
5           entific Affairs.

6           (15) The Director of the Defense Advanced Re-  
7           search Projects Agency.

8           (16) The Director of the Office of Science and  
9           Technology Policy.

10          (17) The Director of the Office of Management  
11          and Budget.

12          (18) The Under Secretary of Education.

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

16          (c) CHAIR AND VICE CHAIRS.—The chair and vice  
17          chairs of the Committee shall be appointed every two years  
18          by a selection subcommittee of the Committee composed  
19          of, at a minimum, the Administrator, the Secretary of the  
20          Navy, the Director of the United States Fish and Wildlife  
21          Service, and the Director of the National Science Founda-  
22          tion. The term of office of the chair and vice chairs shall  
23          be two years. A person who has previously served as chair  
24          or vice chair may be reappointed.



1 (d) RESPONSIBILITIES.—The Committee on Ocean  
2 Science, Education, and Operations shall—

3 (1) serve as the primary source of advice and  
4 support on scientific research, technology, education,  
5 and operational matters for the Committee on Ocean  
6 Policy and assist in carrying out the functions of the  
7 Committee on Ocean Policy as they relate to such  
8 matters, including budgetary analyses;

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

12 (3) develop and recommend to the Committee  
13 on Ocean Policy the National Strategy for Ocean  
14 and Coastal Science under section 502, and oversee  
15 its implementation;

16 (4) prescribe policies and procedures and pro-  
17 vide support for the National Ocean Partnership  
18 Program under section 503;

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

24 (6) consult with Regional Ocean Partnerships  
25 and academic, State, industry, foundation, and other

1 partners in the conduct of coastal and marine oper-  
2 ations, research, and education and with actual and  
3 potential users of ocean science information in estab-  
4 lishing priorities and developing plans for research  
5 and technology and education;

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

7 (A) coordinating United States Govern-  
8 ment activities with those of other nations and  
9 with international research and technology and  
10 education relating to or affecting issues ad-  
11 dressed by the Committee on Ocean Policy; and

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

15 (8) carry out such other activities as the Com-  
16 mittee on Ocean Policy may require.

17 **SEC. 502. NATIONAL STRATEGY FOR OCEAN AND COASTAL**  
18 **SCIENCE.**

19 (a) GOALS AND PRIORITIES.—The Chair of the Com-  
20 mittee on Ocean Policy, after consultation with Regional  
21 Ocean Partnerships established under title IV and through  
22 the Committee on Ocean Science, Education, and Oper-  
23 ations, shall develop a National Strategy for Ocean and  
24 Coastal Science. The Chair shall submit the strategy to  
25 the Congress within two years after the date of enactment

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

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

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

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

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

24           (5) implement and monitor the effectiveness of  
25 ocean and coastal environmental policies;

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

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

6           (8) strengthen homeland security and military  
7           preparedness.

8           (b) STRATEGY.—The strategy shall—

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

18           (2) identify and address relevant programs and  
19           activities of the Federal agencies and departments  
20           represented on the Committee on Ocean Science,  
21           Education, and Operations that will contribute to  
22           scientific goals and priorities and set forth the role  
23           of the National Ocean Partnership Program and  
24           each Federal agency and department in imple-  
25           menting the strategy;

1           (3) consider and use, as appropriate, reports  
2           and studies conducted by Federal agencies and de-  
3           partments, Regional Ocean Partnerships, the Na-  
4           tional Research Council, or other entities;

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

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

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

19               (1) Global measurements on all relevant spatial  
20               and time scales, establishing worldwide observations  
21               necessary to study and assess coastal and global  
22               ocean systems, including health of marine eco-  
23               systems, and support information needs for goals  
24               and priorities identified in section 502(a).

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

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

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

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

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

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

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

19          (d) PUBLIC PARTICIPATION.—In developing the  
20          strategy, the Committee on Ocean Science, Education, and  
21          Operations shall consult with Regional Ocean Partner-  
22          ships and academic, State, industry, and environmental  
23          groups and representatives. Not later than 90 days before  
24          the Chair of the Committee on Ocean Policy submits the  
25          strategy, or any revision thereof, to the Congress, a sum-

1 mary of the proposed strategy shall be published in the  
2 Federal Register for a public comment period of not less  
3 than 60 days.

4 **SEC. 503. 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 on Ocean Science, Education, and Operations  
8 shall strengthen and maintain the National Ocean Part-  
9 nership Program for the purposes of—

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

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

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

24 (4) reporting to the Congress on the progress of  
25 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 on Ocean Science, Education,  
20 and Operations shall submit to the Congress a report on  
21 the National Ocean Partnership Program. The report  
22 shall contain the following:

23 (1) A description of activities of the program  
24 carried out during the fiscal year before the fiscal  
25 year in which the report is prepared, together with

1 a list of the members of the Ocean Research and  
2 Education Advisory Panel and any working groups  
3 in existence during the fiscal year covered.

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

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

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

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

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

1 such programs, projects, and activities during such  
2 following fiscal year.

3 (d) PARTNERSHIP PROGRAM OFFICE.—The Com-  
4 mittee on Ocean Science, Education, and Operations shall  
5 establish a partnership program office for the National  
6 Ocean Partnership Program. The Committee on Ocean  
7 Science, Education, and Operations shall use competitive  
8 procedures in selecting an operator for the partnership  
9 program office and supervise performance of duties by  
10 such office. Responsibilities of the partnership program of-  
11 fice shall include—

12 (1) establishment and oversight of working  
13 groups to identify potential themes suitable for part-  
14 nership projects to the Committee on Ocean Science,  
15 Education, and Operations and recommendations to  
16 the Committee on Ocean Science, Education, and  
17 Operations on such projects;

18 (2) management of the process for proposing  
19 partnership projects to the Committee on Ocean  
20 Science, Education, and Operations, including the  
21 peer review process for such projects;

22 (3) preparation and submission to the Com-  
23 mittee on Ocean Science, Education, and Operations  
24 of the annual status of all partnership projects and  
25 activities of the office;

1           (4) development and maintenance of a database  
2           on investments by Federal agencies in ocean and  
3           coastal research and education and on the status of  
4           the national ocean and coastal workforce; and

5           (5) any additional duties for the administration  
6           of the National Ocean Partnership Program or to  
7           support Committee on Ocean Science, Education,  
8           and Operations activities that the Committee on  
9           Ocean Science, Education, and Operations considers  
10          appropriate.

11          (e) CONTRACT AND GRANT AUTHORITY.—The Com-  
12          mittee on Ocean Science, Education, and Operations may  
13          authorize 1 or more of the departments or agencies rep-  
14          resented on the Committee on Ocean Science, Education,  
15          and Operations to enter into contracts and make grants,  
16          using funds appropriated pursuant to an authorization for  
17          the National Ocean Partnership Program, for the purpose  
18          of implementing the program and carrying out the respon-  
19          sibilities of the Committee on Ocean Policy.

20          (f) INTERAGENCY FINANCING.—The departments  
21          and agencies represented on the Committee on Ocean  
22          Science, Education, and Operations are authorized to par-  
23          ticipate in interagency financing and share, transfer, re-  
24          ceive, and spend funds appropriated to any member of the  
25          Committee on Ocean Science, Education, and Operations

1 for the purposes of carrying out any administrative or pro-  
2 grammatic project or activity under the National Ocean  
3 Partnership Program, including support for a common in-  
4 frastructure and system integration for an ocean observing  
5 system. Funds may be transferred among such depart-  
6 ments and agencies through an appropriate instrument  
7 that specifies the goods, services, or space being acquired  
8 from another Committee on Ocean Science, Education,  
9 and Operations member and the costs of the same.

10 (g) FORMS OF PARTNERSHIP PROJECTS AND ACTIVITI-  
11 TIES.—(1) A partnership project or activity under the Na-  
12 tional Ocean Partnership Program may be established by  
13 any instrument that the Committee on Ocean Science,  
14 Education, and Operations considers appropriate, includ-  
15 ing grants, memoranda of understanding, cooperative re-  
16 search and development agreements, and similar instru-  
17 ments.

18 (2) The Committee on Ocean Science, Education, and  
19 Operations shall establish uniform proposal request and  
20 application procedures and reporting requirements for use  
21 by each department and agency represented on the Com-  
22 mittee on Ocean Science, Education, and Operations that  
23 are applicable to all projects and activities under the Na-  
24 tional Ocean Partnership Program.

1           (3) Projects under the program may include dem-  
2 onstration projects.

3 **SEC. 504. OCEAN RESEARCH AND EDUCATION ADVISORY**

4                           **PANEL.**

5           (a) **MEMBERSHIP.**—The Committee on Ocean  
6 Science, Education, and Operations shall maintain an  
7 Ocean Research and Education Advisory Panel consisting  
8 of not less than 10 and not more than 18 members ap-  
9 pointed by the chair, including the following:

10                   (1) One member representing the National  
11 Academy of Sciences.

12                   (2) One member representing the National  
13 Academy of Engineering.

14                   (3) One member representing the Institute of  
15 Medicine.

16                   (4) One director of a State Sea Grant program.

17                   (5) Members selected from among individuals  
18 representing ocean industries, State governments,  
19 academia, nongovernmental organizations, and such  
20 other participants in ocean and coastal activities as  
21 the chair considers appropriate.

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

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

3           (b) TERM LIMITS.—Members shall be appointed for  
4 3 years.

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

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

9           (2) Policies and procedures to implement the  
10 National Ocean Partnership Program and on selec-  
11 tion of partnership projects and allocation of funds  
12 to implement partnership projects under the pro-  
13 gram.

14           (3) Matters relating to national oceanographic  
15 data requirements, ocean and coastal observing sys-  
16 tems, ocean science education and training, and  
17 oceanographic facilities including renewal of the na-  
18 tional academic research fleet.

19           (4) Any additional matters that the Committee  
20 on Ocean Science, Education, and Operations con-  
21 siders appropriate.

22           (d) PROCEDURAL MATTERS.—

23           (1) All meetings of the Advisory Panel shall be  
24 open to the public, except that a meeting or any por-  
25 tion of it may be closed to the public if it concerns

1 matters or information that pertains to national se-  
2 curity, employment matters, litigation, or other rea-  
3 sons provided under section 552b of title 5, United  
4 States Code. Interested persons shall be permitted to  
5 appear at open meetings and present oral or written  
6 statements on the subject matter of the meeting.  
7 The Advisory Panel may administer oaths or affir-  
8 mations to any person appearing before it.

9 (2) All open meetings of the Advisory Panel  
10 shall be preceded by timely public notice in the Fed-  
11 eral Register of the time, place, and subject of the  
12 meeting.

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

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

24 (e) FUNDING.—The chair and vice chairs of the Com-  
25 mittee on Ocean Science, Education, and Operations an-



1 nually shall make funds available to support the activities  
2 of the Advisory Panel.

3 **SEC. 505. MARINE ECOSYSTEMS RESEARCH.**

4 (a) ECOSYSTEM-BASED APPROACHES.—The Admin-  
5 istrator shall work with the Committee on Ocean Science,  
6 Education, and Operations to identify research efforts for  
7 improving ecosystem-based management efforts to protect,  
8 maintain, and restore marine ecosystem health while ac-  
9 commodating 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, United States Fish and Wildlife Service, the  
14 Environmental Protection Agency, and other Federal  
15 agencies represented on the Committee on Ocean Science,  
16 Education, and Operations, shall establish and maintain  
17 a ten-year interagency research program to assess and ex-  
18 plain the diversity, conservation, distribution, functions,  
19 and abundance of marine organisms in the world's oceans  
20 for the purposes of—

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

24 (2) improving the linkages between marine eco-  
25 logical and oceanographic sciences and guiding eco-

1 system-based management efforts, so as to protect,  
2 maintain, and restore marine ecosystem health;

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

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

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

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

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

22 (1) Dynamic access to biological data through  
23 an ocean biogeographic information system that  
24 links marine databases, manages data generated by

1 the program, and supports analysis of biodiversity  
2 and related physical and ecological parameters.

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

6 (3) Improved biological sensors for ocean ob-  
7 serving systems.

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

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

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

18 (d) SCIENTIFIC ASSESSMENT.—The Administrator,  
19 through the Committee on Ocean Science, Education, and  
20 Operations, shall prepare and submit to the President and  
21 the Congress a biennial assessment that—

22 (1) integrates, evaluates, and interprets the  
23 findings of the program and discusses the scientific  
24 uncertainties associated with such findings; and

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

5 **SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

6           (a) PARTNERSHIP PROJECTS AND ADMINISTRA-  
7           TION.—There are authorized to be appropriated annually  
8           to the Department of the Navy, the National Science  
9           Foundation, the National Oceanic and Atmospheric Ad-  
10          ministration, and the National Aeronautics and Space Ad-  
11          ministration for fiscal year 2005 through fiscal year  
12          2010—

13           (1) \$25,000,000 for each agency for the Na-  
14          tional Ocean Partnership Program projects under  
15          section 503; and

16           (2) at least \$600,000, or 3 percent of the  
17          amount appropriated for the National Oceano-  
18          graphic Partnership Program, whichever is greater,  
19          for operations of the partnership program office es-  
20          tablished under section 503.

21           (b) MARINE ECOSYSTEMS RESEARCH.—For develop-  
22          ment and implementation of the research program under  
23          section 505, there is authorized to be appropriated  
24          \$50,000,000 for each of fiscal years 2007 through 2012.

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

### 3 **TITLE VI—OCEAN EDUCATION**

#### 4 **SEC. 601. SUBCOMMITTEE ON OCEAN EDUCATION.**

5 (a) MEMBERSHIP.—The Committee on Ocean  
6 Science, Education, and Operations shall establish a Sub-  
7 committee on Ocean Education (in this title referred to  
8 as the “Subcommittee”). Each member of the Committee  
9 on Ocean Science, Education, and Operations may des-  
10 ignate a senior representative with expertise in education  
11 to serve on the Subcommittee. The Committee on Ocean  
12 Science, Education, and Operations shall select a Chair  
13 and 1 or more Vice Chairs for the Subcommittee from the  
14 membership of the Subcommittee.

15 (b) RESPONSIBILITIES.—The Subcommittee shall—

16 (1) support and advise the Committee on Ocean  
17 Science, Education, and Operations and the Com-  
18 mittee on Ocean Policy on matters related to na-  
19 tional-level ocean and coastal education for the pur-  
20 pose of increasing the overall effectiveness and pro-  
21 ductivity of Federal education and outreach efforts;

22 (2) provide recommendations on education goals  
23 and priorities for and implementation of the Na-  
24 tional Strategy for Ocean and Coastal Science devel-

1 oped under section 502 and guidance for educational  
2 investments;

3 (3) coordinate Federal ocean and coastal edu-  
4 cation activities for students, including funding for  
5 educational opportunities at the undergraduate,  
6 graduate, and postdoctoral levels;

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

12 (5) facilitate Federal agency efforts to work  
13 with minority-serving institutions and historically  
14 Black colleges and universities, and also with tradi-  
15 tionally majority-serving institutions, to ensure that  
16 students of underrepresented groups have access to  
17 and support for pursuing ocean-related careers;

18 (6) lead development of effective strategies with  
19 common perspectives and messages for national-level  
20 formal and informal ocean and coastal education ef-  
21 forts; and

22 (7) carry out such other activities as the Com-  
23 mittee on Ocean, Science, Education, and Oper-  
24 ations and the Committee on Ocean Policy request.

1 **SEC. 602. OCEAN AND COASTAL EDUCATION PROGRAM.**

2 (a) ESTABLISHMENT.—Consistent with the National  
3 Strategy for Ocean and Coastal Science, the Committee  
4 on Ocean Science, Education, and Operations, through the  
5 Subcommittee, shall establish an interagency ocean and  
6 coastal education program to improve public awareness,  
7 understanding, and appreciation of the role of the oceans  
8 in meeting our Nation’s economic, social, and environ-  
9 mental needs.

10 (b) SCOPE.—The ocean and coastal education pro-  
11 gram shall include national-level formal education activi-  
12 ties for elementary, secondary, undergraduate, graduate,  
13 and postdoctoral students, continuing education activities  
14 for adults, and informal education activities for learners  
15 of all ages.

16 (c) ELEMENTS.—The program shall use the National  
17 Ocean Partnership Program and other appropriate mecha-  
18 nisms and shall, at a minimum, provide sustained funding  
19 for the following:

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

23 (2) A regional education network, in coordina-  
24 tion with the Regional Ocean Partnerships, to sup-  
25 port academic competition and experiential learning  
26 opportunities for high school students.

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

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

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

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

11          (7) Professional training, certification, and con-  
12 tinuing education programs for commercial fisher-  
13 men and other mariners.

14          (8) Mentoring programs and partnerships with  
15 minority-serving institutions to ensure diversity in  
16 the ocean and coastal workforce.

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

19 **SEC. 603. NATIONAL MARINE SCHOLARSHIP PROGRAM.**

20 (a) DEFINITIONS.—In this section:

21          (1) INSTITUTION OF HIGHER EDUCATION.—The  
22 term “institution of higher education” has the  
23 meaning that term has under section 101(a) of the  
24 Higher Education Act of 1965 (20 U.S.C. 1001(a)).



1           (2) PROGRAM.—The term “Program” means  
2 the National Marine Scholarship Program estab-  
3 lished by the Administrator under this section.

4           (b) ESTABLISHMENT OF PROGRAM.—

5           (1) REQUIREMENT.—The Administrator shall  
6 establish a National Marine Scholarship Program  
7 that is designed to recruit and prepare students for  
8 careers in the fields of marine science and such  
9 other related fields as the Administrator may des-  
10 ignate. Under the program, the Secretary shall  
11 award scholarships for those academic programs and  
12 fields of study described in the list made available  
13 under subsection (d).

14           (2) EMPLOYMENT OBLIGATION.—As a condition  
15 of the award of each scholarship under the Program,  
16 the Administrator shall require the recipient to enter  
17 into a contractual agreement under which the indi-  
18 vidual is obligated to serve as a full-time employee  
19 of the Administration in a position needed by the  
20 Administration and for which the individual is quali-  
21 fied, for a period of time to be determined by the  
22 Administrator and stated in the contractual agree-  
23 ment. If a full-time equivalent position is not avail-  
24 able within the Administration at the time the schol-  
25 arship recipient is obligated to begin their employ-

1       ment, the scholarship recipient may fulfill such em-  
2       ployment obligation in a full-time position in another  
3       Federal agency with administrative jurisdiction over  
4       programs relating to the marine environment that is  
5       approved by the Administrator.

6       (c) ELIGIBILITY CRITERIA.—In order to be eligible  
7       for a scholarship under the Program, an individual  
8       must—

9               (1) be enrolled or accepted for enrollment as a  
10       full-time graduate student at an institution of higher  
11       education in an academic program and field of study  
12       described in the list made available under subsection  
13       (d);

14              (2) be a United States citizen or national or a  
15       permanent resident of the United States; and

16              (3) at the time of the initial scholarship award,  
17       not be an employee of the Administration.

18       (d) ELIGIBLE ACADEMIC PROGRAMS AND FIELDS OF  
19       STUDY.—The Administrator shall make publicly available  
20       a list of academic programs and fields of study for which  
21       scholarships under this section may be used, and shall up-  
22       date the list as necessary.

23       (e) COMPETITIVE AWARD PROCESS.—

1           (1) IN GENERAL.—Under the Program, the Ad-  
2           ministrator shall award scholarships to individuals  
3           who are selected through a competitive process—

4                   (A) under which awards are made pri-  
5                   marily on the basis of academic merit;

6                   (B) in which consideration is given to pro-  
7                   moting the participation in the Program by in-  
8                   dividuals referred to in section 33 or 34 of the  
9                   Science and Engineering Equal Opportunities  
10                  Act (42 U.S.C. 1885a, 1885b); and

11                  (C) in which consideration may be given to  
12                  financial need.

13           (2) APPLICATION.—An individual seeking a  
14           scholarship under this section shall submit an appli-  
15           cation to the Administrator at such time, in such  
16           manner, and containing such information, agree-  
17           ments, or assurances as the Administrator may re-  
18           quire.

19           (f) SCHOLARSHIP LIMITS.—

20                   (1) NUMBER OF ACADEMIC YEARS.—An indi-  
21                   vidual may not receive a scholarship under this sec-  
22                   tion for a masters degree program for more than 2  
23                   academic years, or for a doctorate program for more  
24                   than 4 academic years, except as specifically author-  
25                   ized by a waiver issued by the Administrator.

1           (2) DOLLAR AMOUNT.—The dollar amount of a  
2           scholarship under this section shall not exceed the  
3           cost of attendance, as such cost is determined in ac-  
4           cordance with section 472 of the Higher Education  
5           Act of 1965 (20 U.S.C. 1087).

6           (3) USE.—Amounts received as a scholarship  
7           under this section may be expended only for tuition,  
8           fees, and other expenses authorized by regulations  
9           issued by the Administrator.

10          (4) PAYMENT OF SCHOLARSHIP AMOUNTS.—  
11          The Administrator may enter into a contractual  
12          agreement with an institution of higher education  
13          with respect to which a scholarship is provided  
14          under this section, under which the amounts pro-  
15          vided as the scholarship for tuition, fees, and other  
16          authorized expenses are paid directly to the institu-  
17          tion.

18          (g) PERIOD OF SERVICE UNDER EMPLOYMENT OB-  
19          LIGATION.—

20          (1) GENERAL REQUIREMENT.—Except as pro-  
21          vided in subsection (i)(2), the period of service for  
22          which an individual shall be obligated to serve as an  
23          employee of the Administration pursuant to this sec-  
24          tion shall be determined by the Administrator in ac-  
25          cordance with subsection (b)(2).

1 (2) BEGINNING OF SERVICE.—

2 (A) GENERAL RULE.—Except as provided  
3 in subparagraph (B), obligated service under  
4 subsection (b)(2) shall begin not later than 60  
5 days after the date on which individual obtains  
6 the educational degree for which the scholarship  
7 was provided.

8 (B) DEFERRAL.—The Administrator may  
9 defer the beginning of obligated service under  
10 subsection (b)(2) if the Administrator deter-  
11 mines that such a deferral is appropriate. The  
12 Administrator shall by regulation prescribe the  
13 terms and conditions under which a service obli-  
14 gation may be deferred under this subpara-  
15 graph.

16 (h) REPAYMENT.—

17 (1) FAILURE TO PERFORM ACADEMICALLY.—

18 (A) BREACH OF OBLIGATION.—A recipient  
19 of a scholarship under this section shall be in  
20 breach of the recipient's contractual agreement  
21 under this section if the recipient—

22 (i) fails to maintain a high level of  
23 academic standing, as defined by the Ad-  
24 ministrator by regulation;

1 (ii) is dismissed from the recipient's  
2 educational institution for disciplinary rea-  
3 sons; or

4 (iii) voluntarily terminates academic  
5 training before graduation from the edu-  
6 cational program for which the scholarship  
7 was awarded.

8 (B) PENALTY.—A recipient of a scholar-  
9 ship who under subparagraph (A) is in breach  
10 of the recipient's contractual agreement—

11 (i) shall be liable to the United States  
12 for repayment, within 2 years after the  
13 date of the breach, of all amounts paid  
14 under the scholarship to the recipient or to  
15 an institution of higher education on the  
16 recipient's behalf; and

17 (ii) shall not be required to fulfill any  
18 employment obligation under such agree-  
19 ment.

20 (2) FAILURE TO FULFILL EMPLOYMENT OBLI-  
21 GATION.—

22 (A) BREACH OF OBLIGATION.—A recipient  
23 of a scholarship under this section shall be in  
24 breach of the recipient's contractual agreement  
25 under this section if the recipient—

1 (i) fails to begin or complete the re-  
2 cipient's employment obligation under this  
3 section; or

4 (ii) fails to comply with the terms and  
5 conditions of deferment established by the  
6 Administrator pursuant to subsection  
7 (g)(2)(B).

8 (B) PENALTY.—A recipient of a scholar-  
9 ship who under subparagraph (A) is in breach  
10 of the recipient's contractual agreement shall be  
11 liable for payment to the United States, within  
12 3 years, of an amount equal to—

13 (i) the total amount of scholarships  
14 received by such individual under this sec-  
15 tion; plus

16 (ii) interest on the total amount of  
17 such scholarships at a rate that is equiva-  
18 lent to the rate of interest that would  
19 apply under section 427A of the Higher  
20 Education Authorization Act of 1965 if the  
21 scholarships were loans to cover the cost of  
22 education (as that term is used in that sec-  
23 tion).

24 (i) CANCELLATION OR WAIVER.—

1           (1) IN GENERAL.—Any obligation of an indi-  
2           vidual incurred under this section for service or pay-  
3           ment shall be canceled upon the death of the indi-  
4           vidual.

5           (2) WAIVER OR SUSPENSION OF ANY OBLIGA-  
6           TION BY ADMINISTRATOR.—The Administrator shall  
7           by regulation provide for the partial or total waiver  
8           or suspension of any obligation of employment or  
9           payment incurred by an individual under this section  
10          (including any contractual agreement under this sec-  
11          tion), if—

12                   (A) compliance by the individual is impos-  
13                   sible or would involve extreme hardship to the  
14                   individual; or

15                   (B) enforcement of such obligation with re-  
16                   spect to the individual would be contrary to the  
17                   best interests of the Government.

18          (j) REPORT TO CONGRESS.—Not later than 2 years  
19          after the date of the enactment of this Act, and every 2  
20          years thereafter, the Administrator shall transmit a report  
21          to the Congress that addresses each of the following:

22                   (1) The effectiveness of the National Marine  
23                   Scholarship Program established under this section  
24                   in increasing the number of marine science-related  
25                   service professionals.



1 (2) The effectiveness of such program in pre-  
2 paring scholarship recipients for temporary jobs  
3 within the Administration or other marine-related  
4 Federal agencies.

5 (k) DEADLINE FOR REGULATIONS.—The Adminis-  
6 trator shall issue such regulations as are necessary to  
7 carry out this section by not later than 90 days after the  
8 date of the enactment of this Act.

9 (l) AUTHORIZATION OF APPROPRIATIONS.—Of the  
10 amounts authorized for each of fiscal years 2006 through  
11 2011 for programs administered by the National Oceanic  
12 and Atmospheric Administration, \$5,000,000 shall be  
13 available for the National Marine Scholarship Program es-  
14 tablished under this section.

15 **SEC. 604. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
16 **ISTRATION OFFICE OF EDUCATION.**

17 (a) IN GENERAL.—The Administrator shall conduct,  
18 develop, support, promote, and coordinate national-level  
19 education activities described in section 602(b) that en-  
20 hance public awareness and understanding of the science,  
21 service, and stewardship missions of the National Oceanic  
22 and Atmospheric Administration. In planning activities  
23 under this section, the Administrator shall consult with  
24 the Subcommittee and build upon the educational pro-  
25 grams and activities of the National Sea Grant College

1 Program, the National Marine Sanctuary Program, the  
2 National Oceanic and Atmospheric Administration Office  
3 of Ocean Exploration, and the National Estuarine Re-  
4 search Reserve System. Authorized activities shall include  
5 education of the general public, teachers, students, and  
6 ocean and coastal managers, commercial fishermen, mari-  
7 ners, and other stakeholders at the national level. The  
8 ocean and coastal education program should consider ex-  
9 isting mechanisms for ocean and coastal outreach and  
10 education at the national, regional, State, and local levels.  
11 In carrying out educational activities, the Administrator  
12 may enter into grants, contracts, cooperative agreements,  
13 resource sharing agreements, or interagency financing  
14 with Federal, State, and regional agencies, Indian tribes,  
15 commercial organizations, educational institutions, non-  
16 profit organizations, or other persons.

17 (b) ESTABLISHMENT.—As set forth in title II, the  
18 Administrator shall establish an Office of Education to  
19 provide interagency and intraagency coordination of the  
20 education activities of the National Oceanic and Atmos-  
21 pheric Administration and to ensure full participation in  
22 the ocean and coastal education program established  
23 under section 602. The Office of Education shall promote  
24 and provide oversight of agency education activities as de-  
25 scribed in section 203 and shall—

- 1           (1) integrate agency science into high-quality  
2 educational materials;
- 3           (2) improve access to National Oceanic and At-  
4 mospheric Administration educational resources;
- 5           (3) consider existing mechanisms for ocean and  
6 coastal outreach and education at the national, re-  
7 gional, State, and local levels;
- 8           (4) support educator professional development  
9 programs to improve understanding and use of agen-  
10 cy sciences;
- 11          (5) promote participation in agency-related  
12 sciences and careers, particularly by members of  
13 underrepresented groups;
- 14          (6) leverage partnerships to enhance formal and  
15 informal environmental science education;
- 16          (7) build capability within the agency for edu-  
17 cational excellence;
- 18          (8) support professional development and a pro-  
19 gram for certification of individuals engaged in com-  
20 mercial fishing, including safe use of fishing gear,  
21 fishery and ocean law, fish identification and behav-  
22 ior, care of fish catch, marine ecology, and safety at  
23 sea;
- 24          (9) develop recreational fishing education pro-  
25 grams; and

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

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

11 **SEC. 605. AMENDMENT TO THE NATIONAL SEA GRANT COL-**  
12 **LEGE PROGRAM ACT.**

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

16           “(3) MARINE AND AQUATIC SCIENCE EDU-  
17 CATION.—In addition to the amounts authorized for  
18 each fiscal year under paragraphs (1) and (2), there  
19 are authorized to be appropriated for marine and  
20 aquatic science education for each of fiscal years  
21 2006 through 2011—

22           “(A) \$6,000,000 in increased funding for  
23           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           “(C) \$4,000,000 for competitive grants to  
5 support educational partnerships under the  
6 ocean and coastal education program estab-  
7 lished under section 602 of the Oceans Con-  
8 servation, Education, and National Strategy for  
9 the 21st Century Act or other appropriate  
10 mechanism; and

11           “(D) \$11,000,000 for graduate fellowships  
12 and competitive distinguished professorships in  
13 Marine Studies.”.

14 **SEC. 606. AUTHORIZATION OF APPROPRIATIONS.**

15       (a) NATIONAL OCEAN AND COASTAL EDUCATION  
16 PROGRAM.—In addition to the amounts authorized annu-  
17 ally to the Department of the Navy, the National Science  
18 Foundation, the National Oceanic and Atmospheric Ad-  
19 ministration, and the National Aeronautics and Space Ad-  
20 ministration for fiscal year 2006 through fiscal year 2011,  
21 \$25,000,000 is authorized to be appropriated for each  
22 agency for the ocean and coastal education program under  
23 section 602.

24       (b) SCHOLARSHIP PROGRAM.—Of the amounts au-  
25 thorized annually to the Department of the Navy, the Na-

1 tional Science Foundation, the National Oceanic and At-  
2 mospheric Administration, and the National Aeronautics  
3 and Space Administration for fiscal year 2006 through fis-  
4 cal year 2011, \$15,000,000 shall be available for National  
5 Ocean Science and Technology Scholarships under section  
6 603.

7 (c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
8 ISTRATION.—(1) In addition to the amounts authorized  
9 under subsections (a) and (b) and under the National Sea  
10 Grant College Program Act, there is authorized to be ap-  
11 propriated to the Administrator \$25,000,000 for each of  
12 fiscal years 2006 through 2011 for education activities  
13 under section 604(b).

14 (2) There is authorized to be appropriated to the Ad-  
15 ministrator \$15,000,000 for each of fiscal years 2006  
16 through 2011 for education activities under section  
17 604(c).

18 (d) AVAILABILITY.—Sums appropriated under this  
19 section shall remain available until expended.

## 20 **TITLE VII—OCEAN** 21 **EXPLORATION**

22 **SEC. 701. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
23 **ISTRATION OFFICE OF OCEAN EXPLORATION.**

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

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

4           (2) support expeditions, exploration projects,  
5           and related field campaigns for the purpose of dis-  
6           covery and documentation of ocean voyages; and

7           (3) enhance public awareness and under-  
8           standing of the science and stewardship missions of  
9           the National Oceanic and Atmospheric Administra-  
10          tion.

11          (b) PLANNING AND EXECUTION.—In planning activi-  
12          ties under this title, the Administrator shall consult with  
13          the Subcommittee established under section 702. In car-  
14          rying out exploration activities, the Administrator may  
15          enter into grants, contracts, cooperative agreements, re-  
16          source sharing agreements, or interagency financing with  
17          Federal, State, and regional agencies, Indian tribes, com-  
18          mercial organizations, educational institutions, nonprofit  
19          organizations, or other persons.

20          (c) ESTABLISHMENT.—The Administrator shall es-  
21          tablish an Office of Ocean Exploration within the Ocean  
22          and Atmospheric Research and Data Services Office to  
23          provide interagency and intraagency coordination of the  
24          ocean exploration activities of the National Oceanic and  
25          Atmospheric Administration and to ensure full participa-

1 tion in the Subcommittee established under section 702.

2 The Office of Ocean Exploration shall—

3 (1) lead and coordinate efforts in ocean dis-  
4 covery;

5 (2) explore and inventory the living and non-  
6 living resources of the oceans under jurisdiction of  
7 the United States, and throughout the world's  
8 oceans;

9 (3) support and promote interdisciplinary ap-  
10 proaches to ocean investigations;

11 (4) engage in education and outreach to in-  
12 crease public awareness and understanding of the  
13 oceans, in coordination with the Office of Education;

14 (5) provide new resources and facilities for ac-  
15 cess by researchers;

16 (6) provide a multidisciplinary archive of ocean  
17 data to serve as a source of basic data upon which  
18 to develop hypotheses for further investigation and  
19 to capitalize on the wide array of available data;

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

23 (8) identify areas that are infrequently ex-  
24 plored;



1           (9) develop ocean and coastal mapping strate-  
2           gies that identify priority coastal and ocean mapping  
3           needs, and cost-effective strategies to map those pri-  
4           ority areas;

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

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

9           (12) conduct hypothesis-driven science to un-  
10          derstand deep ocean ecosystem patterns, processes,  
11          and mechanisms.

12 **SEC. 702. SUBCOMMITTEE ON OCEAN EXPLORATION.**

13          (a) **MEMBERSHIP.**—The Committee on Ocean  
14          Science, Education, and Operations shall establish a Sub-  
15          committee on Ocean Exploration. Each member of the  
16          Committee on Ocean Science, Education, and Operations  
17          may designate a senior representative with expertise in  
18          ocean exploration to serve on the Subcommittee. The Com-  
19          mittee on Ocean Science, Education, and Operations shall  
20          select a Chair and 1 or more Vice Chairs for the Sub-  
21          committee from the membership of the Subcommittee.

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

23                 (1) support and advise the Committee on Ocean  
24                 Science, Education, and Operations, the Committee  
25                 on Ocean Policy, and the National Oceanic and At-

1       mospheric Administration Office of Ocean Explo-  
2       ration on matters related to ocean exploration for  
3       the purpose of increasing the overall effectiveness  
4       and productivity of Federal ocean exploration ef-  
5       forts;

6               (2) provide recommendations on ocean explo-  
7       ration goals and priorities for and implementation of  
8       the National Strategy for Ocean and Coastal Science  
9       developed under section 502 and guidance for ocean  
10      exploration investments;

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

16              (4) identify and work to establish linkages  
17      among Federal programs and those of States, aca-  
18      demic institutions, State Sea Grant programs, muse-  
19      ums and aquaria, industry, foundations, and other  
20      nongovernmental organizations;

21              (5) coordinate with the National Oceanic and  
22      Atmospheric Administration Office of Ocean Explo-  
23      ration and other Federal agency efforts to work with  
24      minority-serving institutions and historically Black  
25      colleges and universities, and also with traditionally

1 majority-serving institutions, to ensure that students  
2 of underrepresented groups have access to ocean ex-  
3 ploration educational opportunities;

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

7 (7) carry out such other activities as the Com-  
8 mittee on Ocean Science, Education, and Operations  
9 and the Committee on Ocean Policy request.

10 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

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

14 (1) \$70,000,000 for each of fiscal years 2006  
15 through 2011; and

16 (2) \$80,000,000 for each of fiscal years 2012  
17 through 2017.

18 **TITLE VIII—OCEAN AND GREAT**  
19 **LAKES CONSERVATION**  
20 **TRUST FUND**

21 **SEC. 801. ESTABLISHMENT OF FUND.**

22 (a) ESTABLISHMENT OF FUND.—There is estab-  
23 lished in the Treasury of the United States a fund which  
24 shall be known as the “Ocean and Great Lakes Conserva-  
25 tion Trust Fund”, in this title referred to as the “Fund”.

1 In each fiscal year after fiscal year 2006, the Secretary  
2 of the Treasury shall deposit into the Fund the following  
3 amounts:

4 (1) GENERAL REVENUE.—An amount in each  
5 such fiscal year equal to the difference between  
6 \$1,300,000,000 and the amounts deposited in the  
7 Fund under paragraphs (2), (3), and (4).

8 (2) HEALTHY OCEAN STAMP.—Amounts gen-  
9 erated from the sale of a Healthy Oceans Stamp  
10 under section 807.

11 (3) AMOUNTS NOT DISBURSED.—All allocated  
12 but undisbursed amounts returned to the Fund  
13 under section 805(a)(2).

14 (4) INTEREST.—All interest earned under sub-  
15 section (d).

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

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

25 (A) \$350,000,000 for fiscal year 2007;

1 (B) \$700,000,000 for fiscal year 2008; and

2 (C) \$1,000,000,000 for fiscal year 2009

3 and each fiscal year thereafter.

4 (2) To the Administrator for allocation, with

5 concurrence of the Committee on Ocean Policy, only

6 for carrying out responsibilities of the Federal Gov-

7 ernment for development and implementation of Re-

8 gional Ocean Strategic Plans required under title

9 IV—

10 (A) \$50,000,000 for fiscal year 2007;

11 (B) \$100,000,000 for fiscal year 2008; and

12 (C) \$300,000,000 for fiscal year 2009 and

13 each fiscal year thereafter.

14 (c) SHORTFALL.—If amounts referred to in para-

15 graphs (1) through (3) of subsection (a) in any fiscal year

16 after fiscal year 2006 are less than \$1,300,000,000, the

17 amounts transferred under paragraphs (1) and (2) of sub-

18 section (b) for that fiscal year shall each be reduced pro-

19 portionately.

20 (d) INTEREST.—The Secretary of the Treasury shall

21 invest monies in the Fund (including interest), and in any

22 fund or account to which monies are transferred pursuant

23 to subsection (b) of this section, in public debt securities

24 with maturities suitable to the needs of the Fund, as de-

25 termined by the Secretary of the Treasury, and bearing

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

7 (e) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL  
8 APPROPRIATIONS FOR FEDERAL AGENCIES.—Amounts  
9 made available by this Act are intended by the Congress  
10 to supplement, and not detract from, annual appropria-  
11 tions for Federal agencies receiving funding under this  
12 title.

13 **SEC. 802. LIMITATION ON USE OF AVAILABLE AMOUNTS**  
14 **FOR ADMINISTRATION.**

15 Notwithstanding any other provision of law, of  
16 amounts made available by this title (including the amend-  
17 ments made by this title) for a particular activity, not  
18 more than 2 percent may be used for administrative ex-  
19 penses of that activity.

20 **SEC. 803. RECORDKEEPING REQUIREMENTS.**

21 The Administrator, in consultation with the Com-  
22 mittee on Ocean Policy, shall establish such rules regard-  
23 ing recordkeeping by State and local governments and the  
24 auditing of expenditures made by State and local govern-  
25 ments from funds made available under this Act as may

1 be necessary. Such rules shall be in addition to other re-  
2 quirements established regarding recordkeeping and the  
3 auditing of such expenditures under other authority of  
4 law.

5 **SEC. 804. MAINTENANCE OF EFFORT AND MATCHING FUND-**  
6 **ING.**

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

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

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

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

6           (c) **USE OF FUND TO MEET MATCHING REQUIRE-**  
7 **MENTS.**—All funds received by a State or local govern-  
8 ment under this Act shall be treated as Federal funds for  
9 purposes of compliance with any provision in effect under  
10 any other law requiring that non-Federal funds be used  
11 to provide a portion of the funding for any program or  
12 project.

13 **SEC. 805. COMMUNITY ASSISTANCE FORMULA AND PAY-**  
14 **MENTS.**

15           (a) **CONSERVATION PAYMENTS TO COASTAL**  
16 **STATES.**—

17           (1) **GRANT PROGRAM.**—Amounts transferred to  
18 the Administrator from the Fund under section  
19 801(b)(1) for purposes of making payments to coast-  
20 al States under this title in any fiscal year shall be  
21 allocated by the Administrator among coastal States  
22 as provided in this section each such fiscal year. In  
23 each such fiscal year, the Administrator shall, with-  
24 out further appropriation, disburse such allocated  
25 funds to those coastal States for which the Adminis-



1       trator has approved a spending plan under section  
2       806 and that have met all other requirements of this  
3       title. Payments for all projects shall be made by the  
4       Administrator to the Governor of the State or to the  
5       State official or agency designated by the Governor  
6       or by State law as having authority and responsi-  
7       bility to accept and to administer funds paid here-  
8       under. No payment shall be made to any State until  
9       the State has agreed to provide such reports to the  
10      Administrator, in such form and containing such in-  
11      formation, as may be reasonably necessary to enable  
12      the Administrator to perform the duties of the Ad-  
13      ministrator under this title, and provide such fiscal  
14      control and fund accounting procedures as may be  
15      necessary to assure proper disbursement and ac-  
16      counting for Federal revenues paid to the State  
17      under this title.

18           (2) FAILURE TO MAKE SUFFICIENT PROGRESS  
19      AT DEVELOPING OR IMPLEMENTING A REGIONAL  
20      OCEAN ECOSYSTEM PLAN.—At the end of each fiscal  
21      year, the Administrator shall return to the Fund any  
22      amount that the Administrator allocated, but did not  
23      disburse, in that fiscal year to a coastal State that,  
24      in the judgment of the Administrator, has failed to  
25      make sufficient progress in developing or imple-

1       menting a Regional Ocean Ecosystem Plan under  
2       title IV before the end of the fiscal year in which  
3       such grant is allocated, except that the Adminis-  
4       trator shall hold in escrow until the final resolution  
5       of the appeal any amount allocated, but not dis-  
6       bursed, to a coastal State that has appealed the dis-  
7       approval of such funding.

8       (b) ALLOCATION AMONG COASTAL STATES.—

9               (1) ALLOCABLE SHARE FOR EACH STATE.—For  
10       each coastal State, the Administrator shall deter-  
11       mine the State’s allocable share of the total amount  
12       transferred from the Fund under section 801(b)(1)  
13       for each fiscal year using the following weighted for-  
14       mula:

15               (A) Thirty-five percent of such amount  
16       shall be allocated to each coastal State based on  
17       the ratio of each State’s shoreline miles to the  
18       shoreline miles of all coastal States.

19               (B) Sixty-five percent of such amount shall  
20       be allocated to each coastal State based on the  
21       ratio of each State’s coastal population to the  
22       coastal population of all coastal States.

23       (2) MINIMUM STATE SHARE.—

24               (A) IN GENERAL.—The allocable share de-  
25       termined by the Administrator under this sub-

1 section for each coastal State with a manage-  
2 ment program approved by the Secretary of  
3 Commerce under the Coastal Zone Management  
4 Act of 1972 (16 U.S.C. 1451 et seq.), or that  
5 is making satisfactory progress toward one,  
6 shall not be less in any fiscal year than 0.50  
7 percent of the total amount transferred by the  
8 Secretary of the Treasury to the Administrator  
9 for that fiscal year under section 801(b)(1).  
10 For any other coastal State the allocable share  
11 shall not be less than 0.25 percent of such  
12 transferred amount.

13 (B) RECOMPUTATION.—If 1 or more coast-  
14 al States' allocable shares, as computed under  
15 paragraphs (1) and (2), are increased by any  
16 amount under this paragraph, the allocable  
17 share for all other coastal States shall be re-  
18 computed and reduced by the same amount so  
19 that not more than 100 percent of the amount  
20 transferred by the Secretary of the Treasury to  
21 the Administrator for that fiscal year under  
22 section 801(b)(1) is allocated to all coastal  
23 States. The reduction shall be divided pro rata  
24 among such other coastal States.

1           (c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the  
2 case of a coastal State, the Governor of the State shall  
3 hold 50 percent of the State’s allocable share, as deter-  
4 mined under subsection (b), in a State ocean grants fund.  
5 The Governor or his designee shall award, on a competi-  
6 tive basis, grants to coastal political subdivisions of the  
7 State from the State ocean grants fund only for activities  
8 relating to the development and implementation of feder-  
9 ally approved Regional Ocean Strategic Plans that are  
10 consistent with the standard set forth in subsection  
11 806(b).

12           (d) TIME OF PAYMENT.—Payments to coastal States  
13 and coastal political subdivisions under this section shall  
14 be made not later than December 31 of each year from  
15 revenues received during the immediately preceding fiscal  
16 year.

17 **SEC. 806. APPROVAL OF STATE FUNDING AND SPENDING**  
18 **PLANS.**

19           (a) DEVELOPMENT AND SUBMISSION OF REGIONAL  
20 OCEAN ECOSYSTEM PLANS.—Each coastal State seeking  
21 to receive grants under this title shall participate in the  
22 development and implementation of Regional Ocean and  
23 Coastal Strategic Plans under title IV.

1 (b) STANDARD GOVERNING THE EXPENDITURE OF  
2 FUNDS.—All Funds disbursed to coastal States and polit-  
3 ical subdivisions shall only be used for activities that—

4 (1) develop or implement federally approved Re-  
5 gional Ocean Strategic Plans, and

6 (2) are consistent with the national standards  
7 set forth in section 111.

8 (c) 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—

12 (1) describe how the funds will be used by the  
13 coastal State and its coastal political subdivisions to  
14 implement the responsibilities and obligations in de-  
15 veloping and implementing an approved Regional  
16 Ocean Strategic Plans; and

17 (2) ensure that the proposed funded activities  
18 by the coastal State and its coastal political subdivi-  
19 sion are consistent with the standard set forth in  
20 subsection 806(b).

21 (d) APPROVAL OR DISAPPROVAL.—

22 (1) REQUIREMENTS.—A coastal State shall re-  
23 ceive funding under this title if, in consultation with  
24 the Committee on Ocean Policy, the Adminis-  
25 trator—

1           (A) certifies that such coastal State is par-  
2           ticipating actively and sufficiently in the devel-  
3           opment and implementation of a Regional  
4           Ocean Ecosystem Plan under title IV;

5           (B) approves a spending plan submitted by  
6           such State that specifies how funds provided  
7           under this title will be used to meet the State's  
8           obligations and responsibilities in developing  
9           and implementing a Regional Ocean Ecosystem  
10          Plan under title IV; and

11          (C) ensures any payments under this title  
12          to coastal States and political subdivisions are  
13          used to develop and implement an approved Re-  
14          gional Ocean Strategic Plan in a manner that  
15          is consistent with the standard set forth in sub-  
16          section 806(b).

17          (2) CONTENTS OF PLANS.—In addition to such  
18          other requirements as the Administrator by regula-  
19          tion shall prescribe, each State spending plan shall  
20          include the following:

21                 (A) The name of the State agency that will  
22                 have the authority to represent and act for the  
23                 State in dealing with the Administrator for pur-  
24                 poses of this title.

1 (B) A description of how funds provided  
2 under this title will be used to meet the State's  
3 responsibilities to develop and implement the  
4 applicable Regional Ocean Ecosystem Plan.

5 (C) A description of how the funds pro-  
6 vided under this title will be used by coastal po-  
7 litical subdivisions to develop and implement  
8 the applicable Regional Ocean Strategic Plan.

9 (D) An analysis of how the funds provided  
10 under this title to both coastal States and  
11 coastal political subdivisions will be consistent  
12 with the standard set forth in subsection  
13 806(b).

14 (E) Certification by the Governor of the  
15 coastal State that all the funds provided under  
16 this title to coastal political subdivisions will be  
17 used to develop and implement a Regional  
18 Ocean Strategic Plan in a manner that is con-  
19 sistent with the standard set forth in subsection  
20 806(b).

21 (3) PROCEDURE AND TIMING; REVISIONS.—The  
22 Administrator shall approve or disapprove each  
23 spending plan submitted in accordance with this sec-  
24 tion. If a State first submits a plan by not later  
25 than 90 days before the beginning of the first fiscal

1 year to which the plan applies, the Administrator  
2 shall approve or disapprove the plan by not later  
3 than 30 days before the beginning of that fiscal  
4 year.

5 (4) AMENDMENT OR REVISION.—Any amend-  
6 ment to or revision of the plan shall be prepared in  
7 accordance with the requirements of this subsection  
8 and shall be submitted to the Administrator for ap-  
9 proval or disapproval. Any such amendment or revi-  
10 sion shall take effect only for fiscal years after the  
11 fiscal year in which the amendment or revision is ap-  
12 proved by the Administrator.

13 (5) PUBLIC COMMENT.—Before approving or  
14 disapproving a spending plan of a State, amend-  
15 ment, or revision to a plan, the Administrator shall  
16 provide for public comment on the State’s proposed  
17 expenditures for the forthcoming year.

18 **SEC. 807. SPECIAL POSTAGE STAMP.**

19 (a) IN GENERAL.—In order to afford a convenient  
20 way for members of the public to support efforts to pro-  
21 tect, maintain, and restore marine ecosystems, the United  
22 States Postal Service shall provide for a special postage  
23 stamp in accordance with succeeding provisions of this  
24 section.



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

5 (1) TRANSFERS.—All amounts becoming avail-  
6 able from the sale of such stamp shall be transferred  
7 to the Ocean and Great Lakes Conservation Trust  
8 Fund (as established by section 801) through pay-  
9 ments which shall be made, at least twice a year, in  
10 the manner required by subsection (d)(1) of section  
11 416 of such title 39.

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

16 (3) DURATION.—Such stamp shall be made  
17 available to the public over such period of time as  
18 the Postal Service may determine, except that such  
19 period—

20 (A) shall commence not later than 12  
21 months after the date of the enactment of this  
22 Act; and

23 (B) shall terminate not later than the close  
24 of the period referred to in subsection (g) of  
25 such section.

1       (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
2 tion shall be considered to permit or require that any de-  
3 termination of the amounts becoming available from the  
4 sale of the stamp referred to in subsection (a) be made  
5 in a manner inconsistent with the requirements of section  
6 416(d) of such title 39.

7 **SEC. 808. SUNSET.**

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

○