

116TH CONGRESS
1ST SESSION

H. R. 729

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2019

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend the Coastal Zone Management Act of 1972 to authorize grants to Indian Tribes to further achievement of Tribal coastal zone objectives, 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,*

1 **SECTION 1. FRONT MATTER.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Coastal and Great Lakes Communities Enhancement
4 Act”.

5 (b) **DETERMINATION OF BUDGETARY EFFECTS.**—
6 The budgetary effects of this Act, for the purpose of com-
7 plying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the House Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.

14 (c) **TABLE OF CONTENTS.**—The table of contents for
15 this Act is as follows:

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TITLE III—MEETING 21ST CENTURY OCEAN AND COASTAL DATA NEEDS

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- Sec. 301. Findings.
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- Sec. 314. Advanced Research Projects Agency—Oceans.

TITLE IV—NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS

- Sec. 401. References to the National Sea Grant College Program Act.
- Sec. 402. Modification of Dean John A. Knauss Marine Policy Fellowship.
- Sec. 403. Modification of authority of Secretary of Commerce to accept donations for National Sea Grant College Program.
- Sec. 404. Repeal of requirement for report on coordination of oceans and coastal research activities.
- Sec. 405. Reduction in frequency required for National Sea Grant Advisory Board report.
- Sec. 406. Modification of elements of National Sea Grant College Program.
- Sec. 407. Direct hire authority; Dean John A. Knauss Marine Policy Fellowship.

Sec. 408. Authorization of appropriations for National Sea Grant College Program.

Sec. 409. Technical corrections.

1 **TITLE I—COASTAL RESILIENCE**
 2 **AND ECONOMIC ENHANCEMENT**
 3 **SEC. 101. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
 4 **COASTAL ZONE OBJECTIVES.**

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

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

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

14 “(b) COST SHARE.—

15 “(1) IN GENERAL.—The Federal share of the
 16 cost of any activity carried out with a grant under
 17 this section shall be—

18 “(A) in the case of a grant of less than
 19 \$200,000, 100 percent of such cost; and

20 “(B) in the case of a grant of \$200,000 or
 21 more, 95 percent of such cost, except as pro-
 22 vided in paragraph (2).

23 “(2) WAIVER.—The Secretary may waive the
 24 application of paragraph (1)(B) with respect to a

1 grant to an Indian Tribe, or otherwise reduce the
2 portion of the share of the cost of an activity re-
3 quired to be paid by an Indian Tribe under such
4 paragraph, if the Secretary determines that the
5 Tribe does not have sufficient funds to pay such por-
6 tion.

7 “(c) COMPATIBILITY.—The Secretary may not award
8 a grant under this section unless the Secretary determines
9 that the activities to be carried out with the grant are
10 compatible with this title and that the grantee has con-
11 sulted with the affected coastal state regarding the grant
12 objectives and purposes.

13 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—
14 Amounts awarded as a grant under this section shall be
15 used for one or more of the objectives and purposes au-
16 thorized under subsections (b) and (c), respectively, of sec-
17 tion 306A.

18 “(e) FUNDING.—Of amounts appropriated to carry
19 out this Act, \$5,000,000 is authorized to carry out this
20 section for each fiscal year.

21 “(f) DEFINITIONS.—In this section:

22 “(1) INDIAN LAND.—The term ‘Indian land’
23 has the meaning that term has under section 2601
24 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

1 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
2 means an Indian tribe, as that term is defined in
3 section 4 of the Indian Self-Determination and Edu-
4 cation Assistance Act (25 U.S.C. 5304).

5 “(3) TRIBAL COASTAL ZONE.—The term ‘Tribal
6 coastal zone’ means any Indian land of an Indian
7 Tribe that is within the coastal zone.

8 “(4) TRIBAL COASTAL ZONE OBJECTIVE.—The
9 term ‘Tribal coastal zone objective’ means, with re-
10 spect to an Indian Tribe, any of the following objec-
11 tives:

12 “(A) Protection, restoration, or preserva-
13 tion of areas in the Tribal coastal zone of such
14 Tribe that hold—

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

17 “(ii) traditional, historic, and esthetic
18 values essential to such Tribe.

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

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

1 (b) GUIDANCE.—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary of Com-
3 merce shall issue guidance for the program established
4 under the amendment made by subsection (a), including
5 the criteria for awarding grants under such program based
6 on consultation with Indian Tribes (as that term is defined
7 in that amendment).

8 (c) USE OF STATE GRANTS TO FULFILL TRIBAL OB-
9 JECTIVES.—Section 306A(c)(2) of the Coastal Zone Man-
10 agement Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended
11 by striking “and” after the semicolon at the end of sub-
12 paragraph (D), by striking the period at the end of sub-
13 paragraph (E) and inserting “; and”, and by adding at
14 the end the following:

15 “(F) fulfilling any Tribal coastal zone ob-
16 jective (as that term is defined in section
17 320).”.

18 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
19 this section shall be construed to affect the ability of an
20 Indian Tribe to apply for, receive assistance under, or par-
21 ticipate in any program authorized by the Coastal Zone
22 Management Act of 1972 (16 U.S.C. 1451 et seq.) or
23 other related Federal laws.

1 **SEC. 102. LIVING SHORELINE GRANT PROGRAM.**

2 (a) ESTABLISHMENT.—The Administrator shall
3 make grants to eligible entities for purposes of—

4 (1) designing and implementing large- and
5 small-scale, climate-resilient living shoreline projects;
6 and

7 (2) applying innovative uses of natural mate-
8 rials and systems to protect coastal communities,
9 habitats, and natural system functions.

10 (b) PROJECT PROPOSALS.—To be eligible to receive
11 a grant under this section, an eligible entity shall—

12 (1) submit to the Administrator a proposal for
13 a living shoreline project, including monitoring, data
14 collection, and measurable performance criteria with
15 respect to the project;

16 (2) demonstrate to the Administrator that the
17 entity has any permits or other authorizations from
18 local, State, and Federal government agencies nec-
19 essary to carry out the living shoreline project or
20 provide evidence demonstrating general support from
21 such agencies; and

22 (3) include an outreach or education component
23 that seeks and solicits feedback from the local or re-
24 gional community most directly affected by the pro-
25 posal.

26 (c) PROJECT SELECTION.—

1 (1) DEVELOPMENT OF CRITERIA.—The Admin-
2 istrator shall select eligible entities to receive grants
3 under this section based on criteria developed by the
4 Administrator, in consultation with relevant offices
5 of the National Oceanic and Atmospheric Adminis-
6 tration, such as the Office of Habitat Conservation,
7 the Office for Coastal Management, and the Res-
8 toration Center.

9 (2) CONSIDERATIONS.—In developing criteria
10 under paragraph (1) to evaluate a proposed living
11 shoreline project, the Administrator shall take into
12 account—

13 (A) the potential of the project to protect
14 the community and maintain the viability of the
15 environment, such as through protection of eco-
16 system functions, environmental benefits, or
17 habitat types, in the area where the project is
18 to be carried out;

19 (B) the historic and future environmental
20 conditions of the project site, particularly those
21 environmental conditions affected by climate
22 change;

23 (C) the ecological benefits of the project;

24 (D) the ability of the entity proposing the
25 project to demonstrate the potential of the

1 project to protect the coastal community where
2 the project is to be carried out, including
3 through—

4 (i) mitigating the effects of erosion;

5 (ii) attenuating the impact of coastal
6 storms and storm surge;

7 (iii) mitigating shoreline flooding;

8 (iv) mitigating the effects of sea level
9 rise, accelerated land loss, and extreme
10 tides;

11 (v) sustaining, protecting, or restoring
12 the functions and habitats of coastal eco-
13 systems; or

14 (vi) such other forms of coastal pro-
15 tection as the Administrator considers ap-
16 propriate; and

17 (E) the potential of the project to support
18 resiliency at a military installation or commu-
19 nity infrastructure supportive of a military in-
20 stallation (as such terms are defined in section
21 2391 of title 10, United States Code).

22 (3) PRIORITY.—In selecting living shoreline
23 projects to receive grants under this section, the Ad-
24 ministrator shall give priority consideration to a pro-
25 posed project to be conducted in an area—

1 (A) for which the President has declared,
2 during the 10-year period preceding the submis-
3 sion of the proposal for the project under sub-
4 section (b), that a major disaster exists pursu-
5 ant to section 401 of the Robert T. Stafford
6 Disaster Relief and Emergency Assistance Act
7 (42 U.S.C. 5170) because of a hurricane, tropi-
8 cal storm, coastal storm, or flooding;

9 (B) that has a documented history of
10 coastal erosion or frequent coastal inundation
11 during that 10-year period; or

12 (C) which include communities that may
13 not have adequate resources to prepare for or
14 respond to coastal hazards, including low in-
15 come communities, communities of color, Tribal
16 communities, and rural communities.

17 (4) MINIMUM STANDARDS.—

18 (A) IN GENERAL.—The Administrator
19 shall develop minimum standards to be used in
20 selecting eligible entities to receive grants under
21 this section, taking into account—

22 (i) the considerations described in
23 paragraph (2);

1 (ii) the need for such standards to be
2 general enough to accommodate concerns
3 relating to specific project sites; and

4 (iii) the consideration of an estab-
5 lished eligible entity program with systems
6 to disburse funding from a single grant to
7 support multiple small-scale projects.

8 (B) CONSULTATIONS.—In developing
9 standards under subparagraph (A), the Admin-
10 istrator—

11 (i) shall consult with relevant offices
12 of the National Oceanic and Atmospheric
13 Administration, such as the Office of Habi-
14 tat Conservation, the Office for Coastal
15 Management, and the Restoration Center;
16 and

17 (ii) may consult with—

18 (I) relevant interagency councils,
19 such as the Estuary Habitat Restora-
20 tion Council;

21 (II) Tribes and Tribal organiza-
22 tions;

23 (III) State coastal management
24 agencies; and

1 (IV) relevant nongovernmental
2 organizations.

3 (d) USE OF FUNDS.—A grant awarded under this
4 section to an eligible entity to carry out a living shoreline
5 project may be used by the eligible entity only—

6 (1) to carry out the project, including adminis-
7 tration, design, permitting, entry into negotiated in-
8 direct cost rate agreements, and construction;

9 (2) to monitor, collect, and report data on the
10 performance (including performance over time) of
11 the project, in accordance with standards issued by
12 the Administrator under subsection (f)(2); and

13 (3) to incentivize landowners to engage in living
14 shoreline projects.

15 (e) COST-SHARING.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), an eligible entity that receives a grant
18 under this section to carry out a living shoreline
19 project shall provide, from non-Federal sources,
20 funds or other resources (such as land or conserva-
21 tion easements or in-kind matching from private en-
22 tities) valued at not less than 50 percent of the total
23 cost, including administrative costs, of the project.

24 (2) REDUCED MATCHING REQUIREMENT FOR
25 CERTAIN COMMUNITIES.—The Administrator may

1 reduce or waive the matching requirement under
2 paragraph (1) for an eligible entity representing a
3 community or nonprofit organization if—

4 (A) the eligible entity submits to the Ad-
5 ministrator in writing—

6 (i) a request for such a reduction and
7 the amount of the reduction; and

8 (ii) a justification for why the entity
9 cannot meet the matching requirement;
10 and

11 (B) the Administrator agrees with the jus-
12 tification.

13 (f) MONITORING AND REPORTING.—

14 (1) IN GENERAL.—The Administrator shall re-
15 quire each eligible entity receiving a grant under this
16 section (or a representative of the entity) to carry
17 out a living shoreline project—

18 (A) to transmit to the Administrator data
19 collected under the project;

20 (B) to monitor the project and to collect
21 data on—

22 (i) the ecological benefits of the
23 project and the protection provided by the
24 project for the coastal community where

1 the project is carried out, including
2 through—

3 (I) mitigating the effects of ero-
4 sion;

5 (II) attenuating the impact of
6 coastal storms and storm surge;

7 (III) mitigating shoreline flood-
8 ing;

9 (IV) mitigating the effects of sea
10 level rise, accelerated land loss, and
11 extreme tides;

12 (V) sustaining, protecting, or re-
13 storing the functions and habitats of
14 coastal ecosystems; or

15 (VI) such other forms of coastal
16 protection as the Administrator con-
17 siders appropriate; and

18 (ii) the performance of the project in
19 providing such protection;

20 (C) to make data collected under the
21 project available on a publicly accessible inter-
22 net website of the National Oceanic and Atmos-
23 pheric Administration; and

24 (D) not later than 1 year after the entity
25 receives the grant, and annually thereafter until

1 the completion of the project, to submit to the
2 Administrator a report on—

3 (i) the measures described in subpara-
4 graph (B); and

5 (ii) the effectiveness of the project in
6 increasing protection of the coastal com-
7 munity where the project is carried out
8 through living shorelines techniques, in-
9 cluding—

10 (I) a description of—

11 (aa) the project;

12 (bb) the activities carried
13 out under the project; and

14 (cc) the techniques and ma-
15 terials used in carrying out the
16 project; and

17 (II) data on the performance of
18 the project in providing protection to
19 that coastal community.

20 (2) GUIDELINES.—In developing guidelines re-
21 lating to paragraph (1)(C), the Administrator shall
22 consider how additional data could safely be col-
23 lected before and after major disasters or severe
24 weather events to measure project performance and
25 project recovery.

1 (3) STANDARDS.—

2 (A) IN GENERAL.—Not later than 90 days
3 after the date of the enactment of this Act, the
4 Administrator shall, in consultation with rel-
5 evant offices of the National Oceanic and At-
6 mospheric Administration, relevant interagency
7 councils, and relevant nongovernmental organi-
8 zations, issue standards for the monitoring, col-
9 lection, and reporting under subsection (d)(2)
10 of data regarding the performance of living
11 shoreline projects for which grants are awarded
12 under this section.

13 (B) REPORTING.—The standards issued
14 under subparagraph (A) shall require an eligi-
15 ble entity receiving a grant under this section
16 to report the data described in that subpara-
17 graph to the Administrator on a regular basis.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated \$50,000,000 to the Ad-
20 ministrator for each of fiscal years 2020 through 2025
21 for purposes of carrying out this section.

22 (h) MINIMUM REQUIRED FUNDS FOR SHORELINE
23 PROJECTS LOCATED WITHIN THE GREAT LAKES.—The
24 Secretary shall make not less than 10 percent of the funds

1 awarded under this section to projects located in the Great
2 Lakes.

3 (i) DEFINITIONS.—In this section:

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

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means any of the following:

9 (A) A unit of a State or local government.

10 (B) An organization described in section
11 501(c)(3) of the Internal Revenue Code of 1986
12 that is exempt from taxation under section
13 501(a) of such Code.

14 (C) An Indian Tribe (as defined in section
15 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304)).

17 (3) LIVING SHORELINE PROJECT.—The term
18 “living shoreline project”—

19 (A) means a project that—

20 (i) restores or stabilizes a shoreline,
21 including marshes, wetlands, and other
22 vegetated areas that are part of the shore-
23 line ecosystem, by using natural materials
24 and systems to create buffers to attenuate
25 the impact of coastal storms, currents,

1 flooding, and wave energy and to prevent
2 or minimize shoreline erosion while sup-
3 porting coastal ecosystems and habitats;

4 (ii) incorporates as many natural ele-
5 ments as possible, such as native wetlands,
6 submerged aquatic plants, corals, oyster
7 shells, native grasses, shrubs, or trees;

8 (iii) utilizes techniques that incor-
9 porate ecological and coastal engineering
10 principles in shoreline stabilization; and

11 (iv) to the extent possible, maintains
12 or restores existing natural slopes and con-
13 nections between uplands and adjacent
14 wetlands or surface waters;

15 (B) may include the use of—

16 (i) natural elements, such as sand,
17 wetland plants, logs, oysters or other shell-
18 fish, submerged aquatic vegetation, corals,
19 native grasses, shrubs, trees, or coir fiber
20 logs;

21 (ii) project elements that provide eco-
22 logical benefits to coastal ecosystems and
23 habitats in addition to shoreline protection;
24 and

1 (iii) structural materials, such as
2 stone, concrete, wood, vinyl, oyster domes,
3 or other approved engineered structures in
4 combination with natural materials; and

5 (C) may include a project that expands
6 upon or restores natural living shorelines or ex-
7 isting living shoreline projects.

8 (4) STATE.—The term “State” means each of
9 the several States, the District of Columbia, the
10 Commonwealth of Puerto Rico, the United States
11 Virgin Islands, Guam, American Samoa, and the
12 Commonwealth of the Northern Mariana Islands.

13 **SEC. 103. WORKING WATERFRONTS GRANT PROGRAM.**

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

17 **“SEC. 321. WORKING WATERFRONTS GRANT PROGRAM.**

18 **“(a) WORKING WATERFRONT TASK FORCE.—**

19 **“(1) ESTABLISHMENT AND FUNCTIONS.—**The
20 Secretary of Commerce shall establish a task force
21 to work directly with coastal States, user groups,
22 and coastal stakeholders to identify and address crit-
23 ical needs with respect to working waterfronts.

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

4 “(A) experts in the unique economic, so-
5 cial, cultural, ecological, geographic, and re-
6 source concerns of working waterfronts; and

7 “(B) representatives from the National
8 Oceanic and Atmospheric Administration’s Of-
9 fice of Coastal Management, the United States
10 Fish and Wildlife Service, the Department of
11 Agriculture, the Environmental Protection
12 Agency, the United States Geological Survey,
13 the Navy, the National Marine Fisheries Serv-
14 ice, the Economic Development Agency, and
15 such other Federal agencies as the Secretary
16 considers appropriate.

17 “(3) FUNCTIONS.—The task force shall—

18 “(A) identify and prioritize critical needs
19 with respect to working waterfronts in States
20 that have a management program approved by
21 the Secretary of Commerce pursuant to section
22 306, in the areas of—

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

1 “(ii) changing environments and
2 threats working waterfronts face from en-
3 vironment changes, trade barriers, sea level
4 rise, extreme weather events, ocean acidifi-
5 cation, and harmful algal blooms; and

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

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

12 “(C) identify Federal agencies that are re-
13 sponsible under existing law for addressing such
14 critical needs; and

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

18 “(4) INFORMATION TO BE CONSIDERED.—In
19 identifying and prioritizing policy gaps pursuant to
20 paragraph (3), the task force shall consider the find-
21 ings and recommendations contained in section VI of
22 the report entitled ‘The Sustainable Working Water-
23 fronts Toolkit: Final Report’, dated March 2013.

24 “(5) REPORT.—Not later than 18 months after
25 the date of the enactment of this section, the task

1 force shall submit a report to Congress on its find-
2 ings.

3 “(6) IMPLEMENTATION.—The head of each
4 Federal agency identified in the report pursuant to
5 paragraph (3)(C) shall take such action as is nec-
6 essary to implement the recommendations contained
7 in the report by not later than 1 year after the date
8 of the issuance of the report.

9 “(b) WORKING WATERFRONT GRANT PROGRAM.—

10 “(1) The Secretary shall establish a Working
11 Waterfront Grant Program, in cooperation with ap-
12 propriate State, regional, and other units of govern-
13 ment, under which the Secretary may make a grant
14 to any coastal State for the purpose of implementing
15 a working waterfront plan approved by the Secretary
16 under subsection (c).

17 “(2) Subject to the availability of appropria-
18 tions, the Secretary shall award matching grants
19 under the Working Waterfronts Grant Program to
20 coastal States with approved working waterfront
21 plans through a regionally equitable, competitive
22 funding process in accordance with the following:

23 “(A) The Governor, or the lead agency
24 designated by the Governor for coordinating the
25 implementation of this section, where appro-

1 appropriate in consultation with the appropriate local
2 government, shall determine that the applica-
3 tion is consistent with the State’s or territory’s
4 approved coastal zone plan, program, and poli-
5 cies prior to submission to the Secretary.

6 “(B) In developing guidelines under this
7 section, the Secretary shall consult with coastal
8 States, other Federal agencies, and other inter-
9 ested stakeholders with expertise in working
10 waterfront planning.

11 “(C) Coastal States may allocate grants to
12 local governments, agencies, or nongovern-
13 mental organizations eligible for assistance
14 under this section.

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

17 “(A) the economic, cultural, and historical
18 significance of working waterfront to the coast-
19 al State;

20 “(B) the demonstrated working waterfront
21 needs of the coastal State as outlined by a
22 working waterfront plan approved for the coast-
23 al State under subsection (c), and the value of
24 the proposed project for the implementation of
25 such plan;

1 “(C) the ability to successfully leverage
2 funds among participating entities, including
3 Federal programs, regional organizations, State
4 and other government units, landowners, cor-
5 porations, or private organizations;

6 “(D) the potential for rapid turnover in
7 the ownership of working waterfront in the
8 coastal State, and where applicable the need for
9 coastal States to respond quickly when prop-
10 erties in existing or potential working water-
11 front areas or public access areas as identified
12 in the working waterfront plan submitted by
13 the coastal State come under threat or become
14 available; and

15 “(E) the impact of the working waterfront
16 plan approved for the coastal State under sub-
17 section (c) on the coastal ecosystem and the
18 users of the coastal ecosystem.

19 “(4) The Secretary shall approve or reject an
20 application for such a grant within 60 days after re-
21 ceiving an application for the grant.

22 “(c) WORKING WATERFRONT PLANS.—

23 “(1) To be eligible for a grant under subsection
24 (b), a coastal State must submit and have approved
25 by the Secretary a comprehensive working water-

1 front plan in accordance with this subsection, or be
2 in the process of developing such a plan and have an
3 established working waterfront program at the State
4 or local level, or the Secretary determines that an
5 existing coastal land use plan for that State is in ac-
6 cordance with this subsection.

7 “(2) Such plan—

8 “(A) must provide for preservation and ex-
9 pansion of access to coastal waters to persons
10 engaged in commercial fishing, recreational
11 fishing and boating businesses, aquaculture,
12 boatbuilding, or other water-dependent, coastal-
13 related business;

14 “(B) shall include one or more of—

15 “(i) an assessment of the economic,
16 social, cultural, and historic value of work-
17 ing waterfront to the coastal State;

18 “(ii) a description of relevant State
19 and local laws and regulations affecting
20 working waterfront in the geographic areas
21 identified in the working waterfront plan;

22 “(iii) identification of geographic
23 areas where working waterfronts are cur-
24 rently under threat of conversion to uses
25 incompatible with commercial and rec-

1 recreational fishing, recreational fishing and
2 boating businesses, aquaculture,
3 boatbuilding, or other water-dependent,
4 coastal-related business, and the level of
5 that threat;

6 “(iv) identification of geographic areas
7 with a historic connection to working wa-
8 terfronts where working waterfronts are
9 not currently available, and, where appro-
10 priate, an assessment of the environmental
11 impacts of any expansion or new develop-
12 ment of working waterfronts on the coastal
13 ecosystem;

14 “(v) identification of other working
15 waterfront needs including improvements
16 to existing working waterfronts and work-
17 ing waterfront areas;

18 “(vi) a strategic and prioritized plan
19 for the preservation, expansion, and im-
20 provement of working waterfronts in the
21 coastal State;

22 “(vii) for areas identified under
23 clauses (iii), (iv), (v), and (vi), identifica-
24 tion of current availability and potential

1 for expansion of public access to coastal
2 waters;

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

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

10 “(C) may include detailed environmental
11 impacts on working waterfronts, including haz-
12 ards, sea level rise, inundation exposure, and
13 other resiliency issues;

14 “(D) may be part of the management pro-
15 gram approved under section 306;

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

21 “(F) shall incorporate the policies and reg-
22 ulations adopted by communities under local
23 working waterfront plans or strategies in exist-
24 ence before the date of the enactment of this
25 section.

1 “(3) A working waterfront plan—

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

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

7 “(C) shall be complimentary to and incor-
8 porate the policies and objectives of regional or
9 local working waterfront plans as in effect be-
10 fore the date of enactment of this section or as
11 subsequently revised.

12 “(4) The Secretary may—

13 “(A) award planning grants to coastal
14 States for the purpose of developing or revising
15 comprehensive working waterfront plans; and

16 “(B) award grants consistent with the pur-
17 poses of this section to States undertaking the
18 working waterfront planning process under this
19 section, for the purpose of preserving and pro-
20 tecting working waterfronts during such pro-
21 cess.

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

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

4 “(B) coordinate development and imple-
5 mentation of such a plan with other coastal
6 management programs, regulations, and activi-
7 ties of the coastal State; and

8 “(C) if the coastal State allows qualified
9 holders (other than the coastal State) to enter
10 into working waterfront covenants, provide as
11 part of the working waterfront plan under this
12 subsection a mechanism or procedure to ensure
13 that the qualified holders are complying their
14 duties to enforce the working waterfront cov-
15 enant.

16 “(d) USES, TERMS, AND CONDITIONS.—

17 “(1) Each grant made by the Secretary under
18 this section shall be subject to such terms and condi-
19 tions as may be appropriate to ensure that the grant
20 is used for purposes consistent with this section.

21 “(2) A grant under this section may be used—

22 “(A) to acquire a working waterfront, or
23 an interest in a working waterfront;

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

4 “(C) for necessary climate adaptation miti-
5 gation.

6 “(e) PUBLIC ACCESS REQUIREMENT.—A working
7 waterfront project funded by grants made under this sec-
8 tion must provide for expansion, improvement, or preser-
9 vation of reasonable and appropriate public access to
10 coastal waters at or in the vicinity of a working water-
11 front, except for commercial fishing or other industrial ac-
12 cess points where the coastal State determines that public
13 access would be unsafe.

14 “(f) LIMITATIONS.—

15 “(1) Except as provided in paragraph (2), a
16 grant awarded under this section may be used to
17 purchase working waterfront or an interest in work-
18 ing waterfront, including an easement, only from a
19 willing seller and at fair market value.

20 “(2) A grant awarded under this section may
21 be used to acquire working waterfront or an interest
22 in working waterfront at less than fair market value
23 only if the owner certifies to the Secretary that the
24 sale is being entered into willingly and without coer-
25 cion.

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

5 “(g) ALLOCATION OF GRANTS TO LOCAL GOVERN-
6 MENTS AND OTHER ENTITIES.—

7 “(1) The Secretary shall encourage coastal
8 States to broadly allocate amounts received as
9 grants under this section among working water-
10 fronts identified in working waterfront plans ap-
11 proved under subsection (c).

12 “(2) Subject to the approval of the Secretary,
13 a coastal State may, as part of an approved working
14 waterfront plan, designate as a qualified holder any
15 unit of State or local government or nongovern-
16 mental organization, if the coastal State is ulti-
17 mately responsible for ensuring that the property
18 will be managed in a manner that is consistent with
19 the purposes for which the land entered into the pro-
20 gram.

21 “(3) A coastal State or a qualified holder des-
22 ignated by a coastal State may allocate to a unit of
23 local government, nongovernmental organization,
24 fishing cooperative, or other entity, a portion of any
25 grant made under this section for the purpose of

1 carrying out this section, except that such an alloca-
2 tion shall not relieve the coastal State of the respon-
3 sibility for ensuring that any funds so allocated are
4 applied in furtherance of the coastal State’s ap-
5 proved working waterfront plan.

6 “(4) A qualified holder may hold title to or in-
7 terest in property acquired under this section, except
8 that—

9 “(A) all persons holding title to or interest
10 in working waterfront affected by a grant under
11 this section, including a qualified holder, private
12 citizen, private business, nonprofit organization,
13 fishing cooperative, or other entity, shall enter
14 into a working waterfront covenant;

15 “(B) such covenant shall be held by the
16 coastal State or a qualified holder designated
17 under paragraph (2);

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

22 “(i) all right, title, and interest in and
23 to the working waterfront covered by such
24 covenant shall, except as provided in sub-

1 paragraph (D), revert to the coastal State;

2 and

3 “(ii) the coastal State shall have the
4 right of immediate entry onto the working
5 waterfront;

6 “(D) if a coastal State makes a determina-
7 tion under subparagraph (C), the coastal State
8 may convey or authorize the qualified holder to
9 convey the working waterfront or interest in
10 working waterfront to another qualified holder;
11 and

12 “(E) nothing in this subsection waives any
13 legal requirement under any Federal or State
14 law.

15 “(h) MATCHING CONTRIBUTIONS.—

16 “(1) Except as provided in paragraph (2), the
17 Secretary shall require that each coastal State that
18 receives a grant under this section, or a qualified
19 holder designated by that coastal State under sub-
20 section (g), shall provide matching funds in an
21 amount equal to at least 25 percent of the total cost
22 of the project carried out with the grant.

23 “(2) The Secretary may waive the application
24 of paragraph (1) for any qualified holder that is an
25 underserved community, a community that has an

1 inability to draw on other sources of funding because
2 of the small population or low income of the commu-
3 nity, or for other reasons the Secretary considers ap-
4 propriate.

5 “(3) A local community designated as a quali-
6 fied holder under subsection (g) may utilize funds or
7 other in-kind contributions donated by a nongovern-
8 mental partner to satisfy the matching funds re-
9 quirement under this subsection.

10 “(4) As a condition of receipt of a grant under
11 this section, the Secretary shall require that a coast-
12 al State provide to the Secretary such assurances as
13 the Secretary determines are sufficient to dem-
14 onstrate that the share of the cost of each eligible
15 project that is not funded by the grant awarded
16 under this section has been secured.

17 “(5) If financial assistance under this section
18 represents only a portion of the total cost of a
19 project, funding from other Federal sources may be
20 applied to the cost of the project. Each portion shall
21 be subject to match requirements under the applica-
22 ble provision of law.

23 “(6) The Secretary shall treat as non-Federal
24 match the value of a working waterfront or interest
25 in a working waterfront, including conservation and

1 other easements, that is held in perpetuity by a
2 qualified holder, if the working waterfront or inter-
3 est is identified in the application for the grant and
4 acquired by the qualified holder within 3 years of
5 the grant award date, or within 3 years after the
6 submission of the application and before the end of
7 the grant award period. Such value shall be deter-
8 mined by an appraisal performed at such time before
9 the award of the grant as the Secretary considers
10 appropriate.

11 “(7) The Secretary shall treat as non-Federal
12 match the costs associated with acquisition of a
13 working waterfront or an interest in a working wa-
14 terfront, and the costs of restoration, enhancement,
15 or other improvement to a working waterfront, if the
16 activities are identified in the project application and
17 the costs are incurred within the period of the grant
18 award, or, for working waterfront described in para-
19 graph (6), within the same time limits described in
20 that paragraph. These costs may include either cash
21 or in-kind contributions.

22 “(i) LIMIT ON ADMINISTRATIVE COSTS.—No more
23 than 5 percent of the funds made available to the Sec-
24 retary under this section may be used by the Secretary

1 for planning or administration of the program under this
2 section.

3 “(j) OTHER TECHNICAL AND FINANCIAL ASSIST-
4 ANCE.—

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

9 “(2) The Secretary shall—

10 “(A) provide technical assistance to coastal
11 States and local governments in identifying and
12 obtaining other sources of available Federal
13 technical and financial assistance for the devel-
14 opment and revision of a working waterfront
15 plan and the implementation of an approved
16 working waterfront plan;

17 “(B) provide technical assistance to States
18 and local governments for the development, im-
19 plementation, and revision of comprehensive
20 working waterfront plans, which may include,
21 subject to the availability of appropriations,
22 planning grants and assistance, pilot projects,
23 feasibility studies, research, and other projects
24 necessary to further the purposes of this sec-
25 tion;

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

3 “(D) collect and disseminate to States
4 guidance for best storm water management
5 practices in regards to working waterfronts;

6 “(E) provide technical assistance to States
7 and local governments on integrating resilience
8 planning into working waterfront preservation
9 efforts; and

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

12 “(k) REPORTS.—

13 “(1) The Secretary shall—

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

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

23 “(2) The Secretary may submit the biennial re-
24 port under paragraph (1)(B) by including it in the
25 biennial report required under section 316.

1 “(1) DEFINITIONS.—In this section:

2 “(1) The term ‘qualified holder’ means a coast-
3 al State or a unit of local or coastal State govern-
4 ment or a non-State organization designated by a
5 coastal State under subsection (g).

6 “(2) The term ‘Secretary’ means the Secretary,
7 acting through the National Oceanic and Atmos-
8 pheric Administration.

9 “(3) The term ‘working waterfront’ means real
10 property (including support structures over water
11 and other facilities) that provides access to coastal
12 waters to persons engaged in commercial and rec-
13 reational fishing, recreational fishing and boating
14 businesses, boatbuilding, aquaculture, or other
15 water-dependent, coastal-related business and is
16 used for, or that supports, commercial and rec-
17 reational fishing, recreational fishing and boating
18 businesses, boatbuilding, aquaculture, or other
19 water-dependent, coastal-related business.

20 “(4) The term ‘working waterfront covenant’
21 means an agreement in recordable form between the
22 owner of working waterfront and one or more quali-
23 fied holders, that provides such assurances as the
24 Secretary may require that—

1 “(A) the title to or interest in the working
2 waterfront will be held by a grant recipient or
3 qualified holder in perpetuity, except as pro-
4 vided in subparagraph (C);

5 “(B) the working waterfront will be man-
6 aged in a manner that is consistent with the
7 purposes for which the property is acquired
8 pursuant to this section, and the property will
9 not be converted to any use that is inconsistent
10 with the purpose of this section;

11 “(C) if the title to or interest in the work-
12 ing waterfront is sold or otherwise exchanged—

13 “(i) all working waterfront owners
14 and qualified holders involved in such sale
15 or exchange shall accede to such agree-
16 ment; and

17 “(ii) funds equal to the fair market
18 value of the working waterfront or interest
19 in working waterfront shall be paid to the
20 Secretary by parties to the sale or ex-
21 change, and such funds shall, at the dis-
22 cretion of the Secretary, be paid to the
23 coastal State in which the working water-
24 front is located for use in the implementa-
25 tion of the working waterfront plan of the

1 State approved by the Secretary under this
2 section; and

3 “(D) such covenant is subject to enforce-
4 ment and oversight by the coastal State or by
5 another person as determined appropriate by
6 the Secretary.

7 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to the Grant Program
9 \$12,000,000 for each of fiscal years 2020 through 2024.”.

10 **SEC. 104. WORKING WATERFRONTS PRESERVATION FUND;**
11 **GRANTS.**

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

15 **“SEC. 322. WORKING WATERFRONTS PRESERVATION LOAN**
16 **FUND.**

17 “(a) FUND.—There is established in the Treasury a
18 separate account that shall be known as the ‘Working Wa-
19 terfronts Preservation Loan Fund’ (in this section re-
20 ferred to as the ‘Fund’).

21 “(b) USE.—

22 “(1) Subject to the availability of appropria-
23 tions, amounts in the Fund may be used by the Sec-
24 retary to make loans to coastal States for the pur-
25 pose of implementing a working waterfront plan ap-

1 proved by the Secretary under section 321(c)
2 through preservation, improvement, restoration, re-
3 habilitation, acquisition of working waterfront prop-
4 erties under criteria established by the Secretary.

5 “(2) Upon enactment of this section, the Sec-
6 retary of Commerce shall conduct a feasibility study
7 on the administration of the development and man-
8 agement of a Working Waterfronts Preservation
9 Loan Fund.

10 “(3) Upon the completion of the study under
11 paragraph (2), the Secretary shall establish a fund
12 in accordance with the results of that study, and es-
13 tablish such criteria as referenced in subsection (c)
14 in consultation with States that have a management
15 program approved by the Secretary of Commerce
16 pursuant to section 306 and local government coast-
17 al management programs.

18 “(c) AWARD CRITERIA.—The Secretary shall award
19 loans under this section through a regionally equitable,
20 competitive funding process, and in accordance with the
21 following:

22 “(1) The Governor, or the lead agency des-
23 igned by the Governor for coordinating the imple-
24 mentation of this section, where appropriate in con-
25 sultation with the appropriate local government,

1 shall determine that an application for a loan is con-
2 sistent with the State’s approved coastal zone plan,
3 program, and policies prior to submission to the Sec-
4 retary.

5 “(2) In developing guidelines under this section,
6 the Secretary shall consult with coastal States, other
7 Federal agencies, and other interested stakeholders
8 with expertise in working waterfront planning.

9 “(3) Coastal States may allocate amounts
10 loaned under this section to local governments, agen-
11 cies, or nongovernmental organizations eligible for
12 loans under this section.

13 “(4) In awarding a loan for activities in a
14 coastal State, the Secretary shall consider—

15 “(A) the economic and cultural significance
16 of working waterfront to the coastal State;

17 “(B) the demonstrated working waterfront
18 needs of the coastal State as outlined by a
19 working waterfront plan approved for the coast-
20 al State under section 321(e), and the value of
21 the proposed loan for the implementation of
22 such plan;

23 “(C) the ability to successfully leverage
24 loan funds among participating entities, includ-
25 ing Federal programs, regional organizations,

1 State and other government units, landowners,
2 corporations, or private organizations;

3 “(D) the potential for rapid turnover in
4 the ownership of working waterfront in the
5 coastal State, and where applicable the need for
6 coastal States to respond quickly when prop-
7 erties in existing or potential working water-
8 front areas or public access areas as identified
9 in the working waterfront plan submitted by
10 the coastal State come under threat or become
11 available;

12 “(E) the impact of the loan on the coastal
13 ecosystem and the users of the coastal eco-
14 system; and

15 “(F) the extent of the historic connection
16 between working waterfronts for which the loan
17 will be used and the local communities within
18 the coastal State.

19 “(d) LOAN AMOUNT AND TERMS.—

20 “(1) The amount of a loan under this section—

21 “(A) shall be not less than \$100,000; and

22 “(B) shall not exceed 15 percent of the
23 amount in the Fund as of July 1 of the fiscal
24 year in which the loan is made.

1 “(2) The interest rate for a loan under this sec-
2 tion shall not exceed 4 percent.

3 “(3) The repayment term for a loan under this
4 section shall not exceed 20 years.

5 “(e) DEADLINE FOR APPROVAL.—The Secretary
6 shall approve or reject an application for a loan under this
7 section within 60 days after receiving an application for
8 the loan.

9 “(f) LIMIT ON ADMINISTRATIVE COSTS.—No more
10 than 5 percent of the funds made available to the Sec-
11 retary under this section may be used by the Secretary
12 for planning or administration of the program under this
13 section.

14 “(g) DEFINITIONS.—The definitions in section 321(l)
15 shall apply to this section.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to the Fund \$12,000,000
18 for each of fiscal years 2020 through 2024.”.

19 **SEC. 105. ELIGIBILITY OF DISTRICT OF COLUMBIA FOR**
20 **FEDERAL FUNDING UNDER THE COASTAL**
21 **ZONE MANAGEMENT ACT OF 1972.**

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

1 **SEC. 106. CLIMATE CHANGE PREPAREDNESS IN THE**
2 **COASTAL ZONE.**

3 (a) IN GENERAL.—The Coastal Zone Management
4 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 323. CLIMATE CHANGE ADAPTATION PREPAREDNESS**
7 **AND RESPONSE PROGRAM.**

8 “(a) IN GENERAL.—The Secretary shall establish,
9 consistent with the national policies set forth in section
10 303, a coastal climate change adaptation preparedness
11 and response program to—

12 “(1) provide assistance to coastal States to vol-
13 untarily develop coastal climate change adaptation
14 plans, pursuant to approved management programs
15 approved under section 306, to minimize contribu-
16 tions to climate change and to prepare for and re-
17 duce the negative consequences that may result from
18 climate change in the coastal zone; and

19 “(2) provide financial and technical assistance
20 and training to enable coastal States to implement
21 plans developed pursuant to this section through
22 coastal States’ enforceable policies.

23 “(b) COASTAL CLIMATE CHANGE ADAPTATION
24 PLANNING AND PREPAREDNESS GRANTS.—

25 “(1) IN GENERAL.—The Secretary, subject to
26 the availability of appropriations, may make a grant

1 to any coastal State for the purpose of developing
2 climate change adaptation plans pursuant to guide-
3 lines issued by the Secretary under paragraph (8).

4 “(2) PLAN CONTENT.—A plan developed with a
5 grant under this subsection shall include the fol-
6 lowing:

7 “(A) Identification of public facilities and
8 public services, working waterfronts, coastal re-
9 sources of national significance, coastal waters,
10 energy facilities, or other land and water uses
11 located in the coastal zone that are likely to be
12 impacted by climate change.

13 “(B) Adaptive management strategies for
14 land use to respond or adapt to changing envi-
15 ronmental conditions, including strategies to
16 combat invasive species, protect biodiversity,
17 protect water quality, and establish habitat
18 buffer zones, migration corridors, and climate
19 refugia.

20 “(C) Adaptive management strategies for
21 ocean-based ecosystems and resources, includ-
22 ing strategies to plan for and respond to geo-
23 graphic or temporal shifts in marine resources,
24 to create protected areas that will provide cli-

1 mate refugia, and to maintain and restore
2 ocean ecosystem function.

3 “(D) Adaptive management strategies for
4 Great Lakes ecosystems and resources, includ-
5 ing strategies to support freshwater fisheries,
6 monitor ice cover, manage phosphorous and ni-
7 trogen chemical loads, minimize invasive species
8 and harmful blooms of algae, and create pro-
9 tected areas to maintain Great Lakes eco-
10 systems.

11 “(E) Requirements to initiate and main-
12 tain long-term monitoring of environmental
13 change to assess coastal zone adaptation and to
14 adjust when necessary adaptive management
15 strategies and new planning guidelines to attain
16 the policies under section 303.

17 “(F) A description of how the plan will ad-
18 dress the impact of climate change affecting
19 coastal communities will have on nearby Tribes,
20 Tribal communities, and low-income or low-re-
21 source communities and how those stakeholders
22 will be included in and informed about the de-
23 velopment of the plan.

24 “(G) Other information considered nec-
25 essary by the Secretary to identify the full

1 range of climate change impacts affecting coast-
2 al communities.

3 “(3) STATE HAZARD MITIGATION PLANS.—
4 Plans developed with a grant under this subsection
5 shall be consistent with State hazard mitigation
6 plans and natural disaster response and recovery
7 programs developed under State or Federal law.

8 “(4) ALLOCATION.—Grants under this sub-
9 section shall be available only to coastal States with
10 management programs approved by the Secretary
11 under section 306 and shall be allocated among such
12 coastal States in a manner consistent with regula-
13 tions promulgated pursuant to section 306(c).

14 “(5) PRIORITY.—In the awarding of grants
15 under this subsection, the Secretary may give pri-
16 ority to any coastal State that has received grant
17 funding to develop program changes pursuant to
18 paragraphs (1), (2), (3), (5), (6), (7), and (8) of sec-
19 tion 309(a).

20 “(6) TECHNICAL ASSISTANCE.—The Secretary
21 may provide technical assistance to a coastal State
22 consistent with section 310 to ensure the timely de-
23 velopment of plans supported by grants awarded
24 under this subsection.

1 “(7) FEDERAL APPROVAL.—In order to be eligi-
2 ble for a grant under subsection (c), a coastal State
3 must have its plan developed under this subsection
4 approved by the Secretary.

5 “(8) GUIDELINES.—Within 180 days after the
6 date of enactment of this section, the Secretary, in
7 consultation with the coastal States, shall issue
8 guidelines for the implementation of the grant pro-
9 gram established under this subsection.

10 “(c) COASTAL CLIMATE CHANGE ADAPTATION
11 PROJECT IMPLEMENTATION GRANTS.—

12 “(1) IN GENERAL.—The Secretary, subject to
13 the availability of appropriations, may make grants
14 to any coastal State that has a climate change adap-
15 tation plan approved under subsection (b)(7), in
16 order to support projects that implement strategies
17 contained within such plans.

18 “(2) PROGRAM REQUIREMENTS.—The Sec-
19 retary, within 90 days after approval of the first
20 plan approved under subsection (b)(7), shall publish
21 in the Federal Register requirements regarding ap-
22 plications, allocations, eligible activities, and all
23 terms and conditions for grants awarded under this
24 subsection. No less than 30 percent, and no more
25 than 50 percent, of the funds appropriated in any

1 fiscal year for grants under this subsection shall be
2 awarded through a merit-based competitive process.

3 “(3) ELIGIBLE ACTIVITIES.—The Secretary
4 may award grants to coastal States to implement
5 projects in the coastal zone to address stress factors
6 in order to improve coastal climate change adapta-
7 tion, including the following:

8 “(A) Activities to address physical disturb-
9 ances within the coastal zone, especially activi-
10 ties related to public facilities and public serv-
11 ices, tourism, sedimentation, ocean acidification,
12 coastal acidification, hypoxia, harmful algal
13 blooms, and other factors negatively impacting
14 coastal waters.

15 “(B) Monitoring, control, or eradication of
16 disease organisms and invasive species.

17 “(C) Activities to address the loss, deg-
18 radation, or fragmentation of wildlife habitat
19 through projects to establish or protect marine,
20 avian, and terrestrial habitat buffers, wildlife
21 refugia, other wildlife refuges, or networks
22 thereof, preservation of migratory wildlife cor-
23 ridors and other transition zones, and restora-
24 tion of fish, avian, and wildlife habitat.

1 “(D) Projects to reduce, mitigate, or other-
2 wise address likely impacts caused by natural
3 hazards in the coastal zone, including sea level
4 rise, coastal inundation, storm water manage-
5 ment, coastal erosion and subsidence, severe
6 weather events such as cyclonic storms,
7 tsunamis and other seismic threats, and fluc-
8 tuating Great Lakes water levels. The Secretary
9 shall give priority to projects that utilize green
10 infrastructure solutions.

11 “(E) Projects to adapt existing infrastruc-
12 ture, including enhancements to both built and
13 natural environments, such as sea walls and liv-
14 ing shorelines.

15 “(F) Provision of technical training and
16 assistance to local coastal policy makers to in-
17 crease awareness of science, management, and
18 technology information related to climate
19 change and adaptation strategies.

20 “(G) Projects to assess the impact on
21 coastal resiliency of water level regulating prac-
22 tices on the Great Lakes.

23 “(H) Activities or projects to address the
24 immediate and long-term degradation or loss of
25 coral and coral reefs in response to bacteria,

1 fungi, viruses, increased sea surface tempera-
2 tures, ultraviolet radiation, and pollutants.

3 “(4) PROMOTION AND USE OF NATIONAL ESTU-
4 ARINE RESEARCH RESERVES.—The Secretary shall
5 promote and encourage the use of National Estua-
6 rine Research Reserves as sites for pilot or dem-
7 onstration projects carried out with grants awarded
8 under this section.”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
10 318(a) of the Coastal Zone Management Act of 1972 (16
11 U.S.C. 1464(a)) is amended—

12 (1) by striking “and” after the semicolon at the
13 end of paragraph (1);

14 (2) by striking the period at the end of para-
15 graph (2) and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(3) for grants under section 323, such sums
18 as are necessary.”.

19 (c) INTENT OF CONGRESS.—Nothing in this section
20 shall be construed to require any coastal State to amend
21 or modify its approved management program pursuant to
22 section 306(e) of the Coastal Zone Management Act of
23 1972 (16 U.S.C. 1455(e)) or to extend the enforceable
24 policies of a coastal State beyond the coastal zone as iden-

1 tified in the coastal State’s approved management pro-
2 gram.

3 **SEC. 107. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX**
4 **PRODUCTS OF NATIONAL OCEANIC AND AT-**
5 **MOSPHERIC ADMINISTRATION FOR GREAT**
6 **LAKES.**

7 (a) UPDATE REQUIRED ENVIRONMENTAL SENSI-
8 TIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later
9 than 180 days after the date of the enactment of this Act,
10 the Under Secretary for Oceans and Atmosphere shall
11 commence updating the environmental sensitivity index
12 products of the National Oceanic and Atmospheric Admin-
13 istration for each coastal area of the Great Lakes.

14 (b) PERIODIC UPDATES FOR ENVIRONMENTAL SEN-
15 SITIVITY INDEX PRODUCTS GENERALLY.—Subject to the
16 availability of appropriations and the priorities set forth
17 in subsection (c), the Under Secretary shall—

18 (1) periodically update the environmental sensi-
19 tivity index products of the Administration; and

20 (2) endeavor to do so not less frequently than
21 once every 7 years.

22 (c) PRIORITIES.—When prioritizing geographic areas
23 to update environmental sensitivity index products, the
24 Under Secretary shall consider—

1 (1) the age of existing environmental sensitivity
2 index products for the areas;

3 (2) the occurrence of extreme events, be it nat-
4 ural or man-made, which have significantly altered
5 the shoreline or ecosystem since the last update;

6 (3) the natural variability of shoreline and
7 coastal environment; and

8 (4) the volume of vessel traffic and general vul-
9 nerability to spilled pollutants.

10 (d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT

11 DEFINED.—In this subsection, the term “environmental
12 sensitivity index product” means a map or similar tool
13 that is utilized to identify sensitive shoreline, coastal or
14 offshore, resources prior to an oil spill event in order to
15 set baseline priorities for protection and plan cleanup
16 strategies, typically including information relating to
17 shoreline type, biological resources, and human use re-
18 sources.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to the Under Secretary \$7,500,000 to
22 carry out subsection (a).

23 (2) AVAILABILITY.—Amounts appropriated or
24 otherwise made available pursuant to paragraph (1)

1 shall be available to the Under Secretary for the
2 purposes set forth in such paragraph until expended.

3 **SEC. 108. PRIZE COMPETITIONS.**

4 (a) IN GENERAL.—The Secretary may carry out a
5 program to award prizes competitively under section 24
6 of the Stevenson-Wydler Technology Innovation Act of
7 1980 (15 U.S.C. 3719), for the purpose described in sub-
8 section (b).

9 (b) PURPOSE.—The purpose described in this sub-
10 section is to stimulate innovation to advance the following
11 coastal risk reduction and resilience measures:

12 (1) Natural features, including dunes, reefs,
13 and wetlands.

14 (2) Nature-based features, including beach
15 nourishment, dune restoration, wetland and other
16 coastal habitat restoration, and living shoreline con-
17 struction.

18 (3) Nonstructural measures, including flood
19 proofing of structures, flood warning systems, and
20 elevated development.

1 **SEC. 109. CATALOG OF RESEARCH ON APPLICABLE COAST-**
2 **AL RISK REDUCTION AND RESILIENCE MEAS-**
3 **URES.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary of Commerce,
6 acting through the Administrator, shall—

7 (1) identify all Department of Commerce re-
8 search activities regarding applicable coastal risk re-
9 duction and resilience measures;

10 (2) consult with the heads of other Federal
11 agencies to identify what activities, if any, those
12 Federal agencies are conducting regarding applicable
13 coastal risk reduction and resilience measures;

14 (3) evaluate the effectiveness of the activities
15 identified under paragraphs (1) and (2); and

16 (4) appoint one or more officers or employees of
17 the National Oceanic and Atmospheric Administra-
18 tion to liaise with non-Federal entities conducting
19 research related to applicable coastal risk reduction
20 and resilience measures in order to eliminate
21 redundancies, cooperate for common climate re-
22 search goals, and to make research findings readily
23 available to the public.

24 (b) DEFINITION OF APPLICABLE COASTAL RISK RE-
25 Duction AND RESILIENCE MEASURES.—In this section,
26 the term “applicable coastal risk reduction and resilience

1 measures” means natural features, nature-based features,
2 or nonstructural measures.

3 **TITLE II—FISHERY RESEARCH**
4 **AND CONSERVATION**
5 **Subtitle A—National Fish Habitat**
6 **Conservation Through Partner-**
7 **ships**

8 **SEC. 201. PURPOSE.**

9 The purpose of this subtitle is to encourage partner-
10 ships among public agencies and other interested persons
11 to promote fish conservation—

12 (1) to achieve measurable habitat conservation
13 results through strategic actions of Fish Habitat
14 Partnerships that lead to better fish habitat condi-
15 tions and increased fishing opportunities by—

16 (A) improving ecological conditions;

17 (B) restoring natural processes; or

18 (C) preventing the decline of intact and
19 healthy systems;

20 (2) to establish a consensus set of national con-
21 servation strategies as a framework to guide future
22 actions and investment by Fish Habitat Partner-
23 ships;

24 (3) to broaden the community of support for
25 fish habitat conservation by—

1 (A) increasing fishing opportunities;

2 (B) fostering the participation of local
3 communities, especially young people in local
4 communities, in conservation activities; and

5 (C) raising public awareness of the role
6 healthy fish habitat play in the quality of life
7 and economic well-being of local communities;

8 (4) to fill gaps in the National Fish Habitat As-
9 sessment and the associated database of the Na-
10 tional Fish Habitat Assessment—

11 (A) to empower strategic conservation ac-
12 tions supported by broadly available scientific
13 information; and

14 (B) to integrate socioeconomic data in the
15 analysis to improve the lives of humans in a
16 manner consistent with fish habitat conserva-
17 tion goals; and

18 (5) to communicate to the public and conserva-
19 tion partners—

20 (A) the conservation outcomes produced
21 collectively by Fish Habitat Partnerships; and

22 (B) new opportunities and voluntary ap-
23 proaches for conserving fish habitat.

24 **SEC. 202. DEFINITIONS.**

25 In this subtitle:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Commerce, Science,
5 and Transportation and the Committee on En-
6 vironment and Public Works of the Senate; and

7 (B) the Committee on Natural Resources
8 of the House of Representatives.

9 (2) BOARD.—The term “Board” means the Na-
10 tional Fish Habitat Board established by section
11 203.

12 (3) DIRECTOR.—The term “Director” means
13 the Director of the United States Fish and Wildlife
14 Service.

15 (4) ENVIRONMENTAL PROTECTION AGENCY AS-
16 SISTANT ADMINISTRATOR.—The term “Environ-
17 mental Protection Agency Assistant Administrator”
18 means the Assistant Administrator for Water of the
19 Environmental Protection Agency.

20 (5) INDIAN TRIBE.—The term “Indian Tribe”
21 has the meaning given to the term “Indian tribe” in
22 section 4 of the Indian Self-Determination and Edu-
23 cation Assistance Act (25 U.S.C. 5304).

24 (6) NATIONAL OCEANIC AND ATMOSPHERIC AD-
25 MINISTRATION ASSISTANT ADMINISTRATOR.—The

1 term “National Oceanic and Atmospheric Adminis-
2 tration Assistant Administrator” means the Assist-
3 ant Administrator for Fisheries of the National Oce-
4 anic and Atmospheric Administration.

5 (7) PARTNERSHIP.—The term “Partnership”
6 means an entity designated by Congress as a Fish
7 Habitat Partnership under section 204.

8 (8) REAL PROPERTY INTEREST.—The term
9 “real property interest” means an ownership interest
10 in—

11 (A) land; or

12 (B) water (including water rights).

13 (9) MARINE FISHERIES COMMISSIONS.—The
14 term “Marine Fisheries Commissions” means—

15 (A) the Atlantic States Marine Fisheries
16 Commission;

17 (B) the Gulf States Marine Fisheries Com-
18 mission; and

19 (C) the Pacific States Marine Commission.

20 (10) SECRETARY.—The term “Secretary”
21 means the Secretary of the Interior.

22 (11) STATE.—The term “State” means each of
23 the several States, Puerto Rico, American Samoa,
24 Guam, the Northern Mariana Islands, the United
25 States Virgin Islands, and the District of Columbia.

1 (12) STATE AGENCY.—The term “State agen-
2 cy” means—

3 (A) the fish and wildlife agency of a State;

4 and

5 (B) any department or division of a de-
6 partment or agency of a State that manages in
7 the public trust the inland or marine fishery re-
8 sources of the State or sustains the habitat for
9 those fishery resources pursuant to State law or
10 the constitution of the State.

11 **SEC. 203. NATIONAL FISH HABITAT BOARD.**

12 (a) ESTABLISHMENT.—

13 (1) FISH HABITAT BOARD.—There is estab-
14 lished a board, to be known as the “National Fish
15 Habitat Board”, whose duties are—

16 (A) to promote, oversee, and coordinate the
17 implementation of this subtitle;

18 (B) to establish national goals and prior-
19 ities for fish habitat conservation;

20 (C) to recommend to Congress entities for
21 designation as Partnerships; and

22 (D) to review and make recommendations
23 regarding fish habitat conservation projects.

24 (2) MEMBERSHIP.—The Board shall be com-
25 posed of 26 members, of whom—

1 (A) one shall be a representative of the De-
2 partment of the Interior;

3 (B) one shall be a representative of the
4 United States Geological Survey;

5 (C) one shall be a representative of the De-
6 partment of Commerce;

7 (D) one shall be a representative of the
8 Department of Agriculture;

9 (E) one shall be a representative of the As-
10 sociation of Fish and Wildlife Agencies;

11 (F) four shall be representatives of State
12 agencies, one of whom shall be nominated by a
13 regional association of fish and wildlife agencies
14 from each of the Northeast, Southeast, Mid-
15 west, and Western regions of the United States;

16 (G) two shall be representatives of either—

17 (i) Indian Tribes in the State of Alas-
18 ka; or

19 (ii) Indian Tribes in States other than
20 the State of Alaska;

21 (H) one shall be a representative of ei-
22 ther—

23 (i) the Regional Fishery Management
24 Councils established under section 302 of
25 the Magnuson-Stevens Fishery Conserva-

1 tion and Management Act (16 U.S.C.
2 1852); or

3 (ii) a representative of the Marine
4 Fisheries Commissions;

5 (I) one shall be a representative of the
6 Sportfishing and Boating Partnership Council;

7 (J) seven shall be representatives selected
8 from at least one from each of the following:

9 (i) the recreational sportfishing indus-
10 try;

11 (ii) the commercial fishing industry;

12 (iii) marine recreational anglers;

13 (iv) freshwater recreational anglers;

14 (v) habitat conservation organizations;

15 and

16 (vi) science-based fishery organiza-
17 tions;

18 (K) one shall be a representative of a na-
19 tional private landowner organization;

20 (L) one shall be a representative of an ag-
21 ricultural production organization;

22 (M) one shall be a representative of local
23 government interests involved in fish habitat
24 restoration;

1 (N) two shall be representatives from dif-
2 ferent sectors of corporate industries, which
3 may include—

4 (i) natural resource commodity inter-
5 ests, such as petroleum or mineral extrac-
6 tion;

7 (ii) natural resource user industries;
8 and

9 (iii) industries with an interest in fish
10 and fish habitat conservation; and

11 (O) one shall be a leadership private sector
12 or landowner representative of an active part-
13 nership.

14 (3) COMPENSATION.—A member of the Board
15 shall serve without compensation.

16 (4) TRAVEL EXPENSES.—A member of the
17 Board may be allowed travel expenses, including per
18 diem in lieu of subsistence, at rates authorized for
19 an employee of an agency under subchapter I of
20 chapter 57 of title 5, United States Code, while
21 away from the home or regular place of business of
22 the member in the performance of the duties of the
23 Board.

24 (b) APPOINTMENT AND TERMS.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this section, a member of the Board de-
3 scribed in any of subparagraphs (F) through (O) of
4 subsection (a)(2) shall serve for a term of 3 years.

5 (2) INITIAL BOARD MEMBERSHIP.—

6 (A) IN GENERAL.—The initial Board shall
7 consist of representatives as described in sub-
8 paragraphs (A) through (F) of subsection
9 (a)(2).

10 (B) REMAINING MEMBERS.—Not later
11 than 60 days after the date of enactment of
12 this Act, the representatives of the initial Board
13 under subparagraph (A) shall appoint the re-
14 maining members of the Board described in
15 subparagraphs (H) through (O) of subsection
16 (a)(2).

17 (C) TRIBAL REPRESENTATIVES.—Not later
18 than 60 days after the enactment of this Act,
19 the Secretary shall provide to the Board a rec-
20 ommendation of not fewer than three Tribal
21 representatives, from which the Board shall ap-
22 point one representative pursuant to subpara-
23 graph (G) of subsection (a)(2).

1 (3) STAGGERED TERMS.—Of the members de-
2 scribed in subsection (a)(2)(J) initially appointed to
3 the Board—

4 (A) two shall be appointed for a term of 1
5 year;

6 (B) two shall be appointed for a term of 2
7 years; and

8 (C) three shall be appointed for a term of
9 3 years.

10 (4) VACANCIES.—

11 (A) IN GENERAL.—A vacancy of a member
12 of the Board described in subparagraph (H),
13 (I), (J), (K), (L), (M), (N), or (O) of sub-
14 section (a)(2) shall be filled by an appointment
15 made by the remaining members of the Board.

16 (B) TRIBAL REPRESENTATIVES.—Fol-
17 lowing a vacancy of a member of the Board de-
18 scribed in subparagraph (G) of subsection
19 (a)(2), the Secretary shall recommend to the
20 Board a list of not fewer than three Tribal rep-
21 resentatives, from which the remaining mem-
22 bers of the Board shall appoint a representative
23 to fill the vacancy.

24 (5) CONTINUATION OF SERVICE.—An individual
25 whose term of service as a member of the Board ex-

1 pires may continue to serve on the Board until a
2 successor is appointed.

3 (6) REMOVAL.—If a member of the Board de-
4 scribed in any of subparagraphs (H) through (O) of
5 subparagraph (a)(2) misses three consecutive regu-
6 larly scheduled Board meetings, the members of the
7 Board may—

8 (A) vote to remove that member; and

9 (B) appoint another individual in accord-
10 ance with paragraph (4).

11 (c) CHAIRPERSON.—

12 (1) IN GENERAL.—The representative of the
13 Association of Fish and Wildlife Agencies appointed
14 under subsection (a)(2)(E) shall serve as Chair-
15 person of the Board.

16 (2) TERM.—The Chairperson of the Board shall
17 serve for a term of 3 years.

18 (d) MEETINGS.—

19 (1) IN GENERAL.—The Board shall meet—

20 (A) at the call of the Chairperson; but

21 (B) not less frequently than twice each cal-
22 endar year.

23 (2) PUBLIC ACCESS.—All meetings of the
24 Board shall be open to the public.

25 (e) PROCEDURES.—

1 (1) IN GENERAL.—The Board shall establish
2 procedures to carry out the business of the Board,
3 including—

4 (A) a requirement that a quorum of the
5 members of the Board be present to transact
6 business;

7 (B) a requirement that no recommenda-
8 tions may be adopted by the Board, except by
9 the vote of two-thirds of all members;

10 (C) procedures for establishing national
11 goals and priorities for fish habitat conservation
12 for the purposes of this subtitle;

13 (D) procedures for designating Partner-
14 ships under section 204; and

15 (E) procedures for reviewing, evaluating,
16 and making recommendations regarding fish
17 habitat conservation projects.

18 (2) QUORUM.—A majority of the members of
19 the Board shall constitute a quorum.

20 **SEC. 204. FISH HABITAT PARTNERSHIPS.**

21 (a) AUTHORITY TO RECOMMEND.—The Board may
22 recommend to Congress the designation of Fish Habitat
23 Partnerships in accordance with this section.

24 (b) PURPOSES.—The purposes of a Partnership shall
25 be—

1 (1) to work with other regional habitat con-
2 servation programs to promote cooperation and co-
3 ordination to enhance fish populations and fish habi-
4 tats;

5 (2) to engage local and regional communities to
6 build support for fish habitat conservation;

7 (3) to involve diverse groups of public and pri-
8 vate partners;

9 (4) to develop collaboratively a strategic vision
10 and achievable implementation plan that is scientif-
11 ically sound;

12 (5) to leverage funding from sources that sup-
13 port local and regional partnerships;

14 (6) to use adaptive management principles, in-
15 cluding evaluation of project success and
16 functionality;

17 (7) to develop appropriate local or regional
18 habitat evaluation and assessment measures and cri-
19 teria that are compatible with national habitat con-
20 dition measures; and

21 (8) to implement local and regional priority
22 projects that improve conditions for fish and fish
23 habitat.

24 (c) CRITERIA FOR DESIGNATION.—An entity seeking
25 to be designated by Congress as a Partnership shall—

1 (1) submit to the Board an application at such
2 time, in such manner, and containing such informa-
3 tion as the Board may reasonably require; and

4 (2) demonstrate to the Board that the entity
5 has—

6 (A) a focus on promoting the health of im-
7 portant fish and fish habitats;

8 (B) an ability to coordinate the implemen-
9 tation of priority projects that support the goals
10 and national priorities set by the Board that
11 are within the Partnership boundary;

12 (C) a self-governance structure that sup-
13 ports the implementation of strategic priorities
14 for fish habitat;

15 (D) the ability to develop local and re-
16 gional relationships with a broad range of enti-
17 ties to further strategic priorities for fish and
18 fish habitat;

19 (E) a strategic plan that details required
20 investments for fish habitat conservation that
21 addresses the strategic fish habitat priorities of
22 the Partnership and supports and meets the
23 strategic priorities of the Board;

24 (F) the ability to develop and implement
25 fish habitat conservation projects that address

1 strategic priorities of the Partnership and the
2 Board; and

3 (G) the ability to develop fish habitat con-
4 servation priorities based on sound science and
5 data, the ability to measure the effectiveness of
6 fish habitat projects of the Partnership, and a
7 clear plan as to how Partnership science and
8 data components will be integrated with the
9 overall Board science and data effort.

10 (d) REQUIREMENTS FOR RECOMMENDATION TO CON-
11 GRESS.—The Board may recommend to Congress for des-
12 ignation an application for a Partnership submitted under
13 subsection (c) if the Board determines that the appli-
14 cant—

15 (1) meets the criteria described in subsection
16 (c)(2);

17 (2) identifies representatives to provide support
18 and technical assistance to the Partnership from a
19 diverse group of public and private partners, which
20 may include State or local governments, nonprofit
21 entities, Indian Tribes, and private individuals, that
22 are focused on conservation of fish habitats to
23 achieve results across jurisdictional boundaries on
24 public and private land;

1 (3) is organized to promote the health of impor-
2 tant fish species and important fish habitats, includ-
3 ing reservoirs, natural lakes, coastal and marine en-
4 vironments, coral reefs, and estuaries;

5 (4) identifies strategic fish and fish habitat pri-
6 orities for the Partnership area in the form of geo-
7 graphical focus areas or key stressors or impair-
8 ments to facilitate strategic planning and decision
9 making;

10 (5) is able to address issues and priorities on a
11 nationally significant scale;

12 (6) includes a governance structure that—

13 (A) reflects the range of all partners; and

14 (B) promotes joint strategic planning and
15 decision making by the applicant;

16 (7) demonstrates completion of, or significant
17 progress toward the development of, a strategic plan
18 to address declines in fish populations, rather than
19 simply treating symptoms, in accordance with the
20 goals and national priorities established by the
21 Board; and

22 (8) promotes collaboration in developing a stra-
23 tegic vision and implementation program that is sci-
24 entifically sound and achievable.

25 (e) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than February 1
2 of the first fiscal year beginning after the date of en-
3 actment of this Act and each February 1 thereafter,
4 the Board shall develop and submit to the appro-
5 priate congressional committees an annual report, to
6 be entitled “Report to Congress on Future Fish
7 Habitat Partnerships and Modifications”, that—

8 (A) identifies each entity that—

9 (i) meets the requirements described
10 in subsection (d); and

11 (ii) the Board recommends to Con-
12 gress for designation as a Partnership;

13 (B) describes any proposed modifications
14 to a Partnership previously designated by Con-
15 gress under subsection (f);

16 (C) with respect to each entity rec-
17 ommended for designation as a Partnership, de-
18 scribes, to the maximum extent practicable—

19 (i) the purpose of the recommended
20 Partnership; and

21 (ii) how the recommended Partnership
22 fulfills the requirements described in sub-
23 section (d).

24 (2) PUBLIC AVAILABILITY; NOTIFICATION.—

25 The Board shall—

1 (A) make the report publicly available, in-
2 cluding on the internet; and

3 (B) provide to the appropriate congres-
4 sional committees and the State agency of any
5 State included in a recommended Partnership
6 area written notification of the public avail-
7 ability of the report.

8 (f) DESIGNATION OR MODIFICATION OF PARTNER-
9 SHIP.—Congress shall have the exclusive authority to des-
10 ignate or modify a Partnership.

11 (g) EXISTING PARTNERSHIPS.—

12 (1) DESIGNATION REVIEW.—Not later than 5
13 years after the date of enactment of this Act, any
14 partnership receiving Federal funds as of the date of
15 enactment of this Act shall be subject to a designa-
16 tion review by Congress in which Congress shall
17 have the opportunity to designate the partnership
18 under subsection (f).

19 (2) INELIGIBILITY FOR FEDERAL FUNDS.—A
20 partnership referred to in paragraph (1) that Con-
21 gress does not designate as described in that para-
22 graph shall be ineligible to receive Federal funds
23 under this subtitle.

1 **SEC. 205. FISH HABITAT CONSERVATION PROJECTS.**

2 (a) SUBMISSION TO BOARD.—Not later than March
3 31 of each year, each Partnership shall submit to the
4 Board a list of priority fish habitat conservation projects
5 recommended by the Partnership for annual funding
6 under this subtitle.

7 (b) RECOMMENDATIONS BY BOARD.—Not later than
8 July 1 of each year, the Board shall submit to the Sec-
9 retary a priority list of fish habitat conservation projects
10 that includes a description, including estimated costs, of
11 each project that the Board recommends that the Sec-
12 retary approve and fund under this subtitle for the fol-
13 lowing fiscal year.

14 (c) CRITERIA FOR PROJECT SELECTION.—The
15 Board shall select each fish habitat conservation project
16 recommended to the Secretary under subsection (b) after
17 taking into consideration, at a minimum, the following in-
18 formation:

19 (1) A recommendation of the Partnership that
20 is, or will be, participating actively in implementing
21 the fish habitat conservation project.

22 (2) The capabilities and experience of project
23 proponents to implement successfully the proposed
24 project.

25 (3) The extent to which the fish habitat con-
26 servation project—

1 (A) fulfills a local or regional priority that
2 is directly linked to the strategic plan of the
3 Partnership and is consistent with the purpose
4 of this subtitle;

5 (B) addresses the national priorities estab-
6 lished by the Board;

7 (C) is supported by the findings of the
8 habitat assessment of the Partnership or the
9 Board, and aligns or is compatible with other
10 conservation plans;

11 (D) identifies appropriate monitoring and
12 evaluation measures and criteria that are com-
13 patible with national measures;

14 (E) provides a well-defined budget linked
15 to deliverables and outcomes;

16 (F) leverages other funds to implement the
17 project;

18 (G) addresses the causes and processes be-
19 hind the decline of fish or fish habitats; and

20 (H) includes an outreach or education
21 component that includes the local or regional
22 community.

23 (4) The availability of sufficient non-Federal
24 funds to match Federal contributions for the fish

1 habitat conservation project, as required by sub-
2 section (e).

3 (5) The extent to which the fish habitat con-
4 servation project—

5 (A) will increase fish populations in a man-
6 ner that leads to recreational fishing opportuni-
7 ties for the public;

8 (B) will be carried out through a coopera-
9 tive agreement among Federal, State, and local
10 governments, Indian Tribes, and private enti-
11 ties;

12 (C) increases public access to land or
13 water for fish and wildlife-dependent rec-
14 reational opportunities;

15 (D) advances the conservation of fish and
16 wildlife species that have been identified by a
17 State agency as species of greatest conservation
18 need;

19 (E) where appropriate, advances the con-
20 servation of fish and fish habitats under the
21 Magnuson-Stevens Fishery Conservation and
22 Management Act (16 U.S.C. 1801 et seq.) and
23 other relevant Federal law and State wildlife
24 action plans; and

1 (F) promotes strong and healthy fish habi-
2 tats so that desired biological communities are
3 able to persist and adapt.

4 (6) The substantiality of the character and de-
5 sign of the fish habitat conservation project.

6 (d) LIMITATIONS.—

7 (1) REQUIREMENTS FOR EVALUATION.—No
8 fish habitat conservation project may be rec-
9 ommended by the Board under subsection (b) or
10 provided financial assistance under this subtitle un-
11 less the fish habitat conservation project includes an
12 evaluation plan designed using applicable Board
13 guidance—

14 (A) to appropriately assess the biological,
15 ecological, or other results of the habitat protec-
16 tion, restoration, or enhancement activities car-
17 ried out using the assistance;

18 (B) to reflect appropriate changes to the
19 fish habitat conservation project if the assess-
20 ment substantiates that the fish habitat con-
21 servation project objectives are not being met;

22 (C) to identify improvements to existing
23 fish populations, recreational fishing opportuni-
24 ties, and the overall economic benefits for the

1 local community of the fish habitat conservation
2 project; and

3 (D) to require the submission to the Board
4 of a report describing the findings of the assess-
5 ment.

6 (2) ACQUISITION AUTHORITIES.—

7 (A) IN GENERAL.—A State, local govern-
8 ment, or other non-Federal entity is eligible to
9 receive funds for the acquisition of real prop-
10 erty from willing sellers under this subtitle if
11 the acquisition ensures—

12 (i) public access for fish and wildlife-
13 dependent recreation; or

14 (ii) a scientifically based, direct en-
15 hancement to the health of fish and fish
16 populations, as determined by the Board.

17 (B) STATE AGENCY APPROVAL.—

18 (i) IN GENERAL.—All real property
19 interest acquisition projects funded under
20 this subtitle must be approved by the State
21 agency in the State in which the project is
22 occurring.

23 (ii) PROHIBITION.—The Board may
24 not recommend, and the Secretary may not
25 provide any funding for, any real property

1 interest acquisition that has not been ap-
2 proved by the State agency.

3 (C) ASSESSMENT OF OTHER AUTHORI-
4 TIES.—The Board may not recommend, and the
5 Secretary may not provide any funding under
6 this subtitle for, any real property interest ac-
7 quisition unless the Partnership that rec-
8 ommended the project has conducted a project
9 assessment, submitted with the funding request
10 and approved by the Board, to demonstrate all
11 other Federal, State, and local authorities for
12 the acquisition of real property have been ex-
13 hausted.

14 (D) RESTRICTIONS.—A real property in-
15 terest may not be acquired pursuant to a fish
16 habitat conservation project by a State, local
17 government, or other non-Federal entity con-
18 ducted with funds provided under this subtitle,
19 unless—

20 (i) the owner of the real property au-
21 thorizes the State, local government, or
22 other non-Federal entity to acquire the
23 real property; and

24 (ii) the Secretary and the Board de-
25 termine that the State, local government,

1 or other non-Federal entity would benefit
2 from undertaking the management of the
3 real property being acquired because that
4 is in accordance with the goals of a Part-
5 nership.

6 (e) NON-FEDERAL CONTRIBUTIONS.—

7 (1) IN GENERAL.—Except as provided in para-
8 graphs (2) and (4), no fish habitat conservation
9 project may be recommended by the Board under
10 subsection (b) or provided financial assistance under
11 this subtitle unless at least 50 percent of the cost of
12 the fish habitat conservation project will be funded
13 with non-Federal funds.

14 (2) NON-FEDERAL SHARE.—Such non-Federal
15 share of the cost of a fish habitat conservation
16 project—

17 (A) may not be derived from another Fed-
18 eral grant program; and

19 (B) may include in-kind contributions and
20 cash.

21 (3) SPECIAL RULE FOR INDIAN TRIBES.—Not-
22 withstanding paragraph (1) or any other provision of
23 law, any funds made available to an Indian Tribe
24 pursuant to this subtitle may be considered to be
25 non-Federal funds for the purpose of paragraph (1).

1 (4) WAIVER AUTHORITY.—The Secretary, in
2 consultation with the Secretary of Commerce with
3 respect to marine or estuarine projects, may waive
4 the application of paragraph (2)(A) with respect to
5 a State or an Indian Tribe, or otherwise reduce the
6 portion of the non-Federal share of the cost of an
7 activity required to be paid by a State or an Indian
8 Tribe under paragraph (1), if the Secretary deter-
9 mines that the State or Indian Tribe does not have
10 sufficient funds not derived from another Federal
11 grant program to pay such non-Federal share, or
12 portion of the non-Federal share, without the use of
13 loans.

14 (f) APPROVAL.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of receipt of the recommended priority list
17 of fish habitat conservation projects under sub-
18 section (b), and subject to subsection (d) and based,
19 to the maximum extent practicable, on the criteria
20 described in subsection (c), the Secretary, after con-
21 sulting with the Secretary of Commerce on marine
22 or estuarine projects, shall approve or reject any fish
23 habitat conservation project recommended by the
24 Board.

1 (2) FUNDING.—If the Secretary approves a fish
2 habitat conservation project under paragraph (1),
3 the Secretary shall use amounts made available to
4 carry out this subtitle to provide funds to carry out
5 the fish habitat conservation project.

6 (3) NOTIFICATION.—If the Secretary rejects
7 under paragraph (1) any fish habitat conservation
8 project recommended by the Board, not later than
9 90 days after the date of receipt of the recommenda-
10 tion, the Secretary shall provide to the Board, the
11 appropriate Partnership, and the appropriate con-
12 gressional committees a written statement of the
13 reasons that the Secretary rejected the fish habitat
14 conservation project.

15 **SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

16 (a) IN GENERAL.—The Director, the National Oce-
17 anic and Atmospheric Administration Assistant Adminis-
18 trator, the Environmental Protection Agency Assistant
19 Administrator, and the Director of the United States Geo-
20 logical Survey, in coordination with the Forest Service and
21 other appropriate Federal departments and agencies, may
22 provide scientific and technical assistance to Partnerships,
23 participants in fish habitat conservation projects, and the
24 Board.

1 (b) INCLUSIONS.—Scientific and technical assistance
2 provided under subsection (a) may include—

3 (1) providing technical and scientific assistance
4 to States, Indian Tribes, regions, local communities,
5 and nongovernmental organizations in the develop-
6 ment and implementation of Partnerships;

7 (2) providing technical and scientific assistance
8 to Partnerships for habitat assessment, strategic
9 planning, and prioritization;

10 (3) supporting the development and implemen-
11 tation of fish habitat conservation projects that are
12 identified as high priorities by Partnerships and the
13 Board;

14 (4) supporting and providing recommendations
15 regarding the development of science-based moni-
16 toring and assessment approaches for implementa-
17 tion through Partnerships;

18 (5) supporting and providing recommendations
19 for a national fish habitat assessment;

20 (6) ensuring the availability of experts to assist
21 in conducting scientifically based evaluation and re-
22 porting of the results of fish habitat conservation
23 projects; and

24 (7) providing resources to secure State agency
25 scientific and technical assistance to support Part-

1 nerships, participants in fish habitat conservation
2 projects, and the Board.

3 **SEC. 207. COORDINATION WITH STATES AND INDIAN**
4 **TRIBES.**

5 The Secretary shall provide a notice to, and cooperate
6 with, the appropriate State agency or Tribal agency, as
7 applicable, of each State and Indian Tribe within the
8 boundaries of which an activity is planned to be carried
9 out pursuant to this subtitle, including notification, by not
10 later than 30 days before the date on which the activity
11 is implemented.

12 **SEC. 208. INTERAGENCY OPERATIONAL PLAN.**

13 Not later than 1 year after the date of enactment
14 of this Act, and every 5 years thereafter, the Director, in
15 cooperation with the National Oceanic and Atmospheric
16 Administration Assistant Administrator, the Environ-
17 mental Protection Agency Assistant Administrator, the
18 Director of the United States Geological Survey, and the
19 heads of other appropriate Federal departments and agen-
20 cies (including, at a minimum, those agencies represented
21 on the Board) shall develop an interagency operational
22 plan that describes—

23 (1) the functional, operational, technical, sci-
24 entific, and general staff, administrative, and mate-

1 rial needs for the implementation of this subtitle;
2 and

3 (2) any interagency agreements between or
4 among Federal departments and agencies to address
5 those needs.

6 **SEC. 209. ACCOUNTABILITY AND REPORTING.**

7 (a) REPORTING.—

8 (1) IN GENERAL.—Not later than 5 years after
9 the date of enactment of this Act, and every 5 years
10 thereafter, the Board shall submit to the appropriate
11 congressional committees a report describing the
12 progress of this subtitle.

13 (2) CONTENTS.—Each report submitted under
14 paragraph (1) shall include—

15 (A) an estimate of the number of acres,
16 stream miles, or acre-feet, or other suitable
17 measures of fish habitat, that was maintained
18 or improved by Partnerships under this subtitle
19 during the 5-year period ending on the date of
20 submission of the report;

21 (B) a description of the public access to
22 fish habitats established or improved under this
23 subtitle during that 5-year period;

1 (C) a description of the improved opportu-
2 nities for public recreational fishing achieved
3 under this subtitle; and

4 (D) an assessment of the status of fish
5 habitat conservation projects carried out with
6 funds provided under this subtitle during that
7 period, disaggregated by year, including—

8 (i) a description of the fish habitat
9 conservation projects recommended by the
10 Board under section 205(b);

11 (ii) a description of each fish habitat
12 conservation project approved by the Sec-
13 retary under section 205(f), in order of
14 priority for funding;

15 (iii) a justification for—

16 (I) the approval of each fish
17 habitat conservation project; and

18 (II) the order of priority for
19 funding of each fish habitat conserva-
20 tion project;

21 (iv) a justification for any rejection of
22 a fish habitat conservation project rec-
23 ommended by the Board under section
24 205(b) that was based on a factor other

1 than the criteria described in section
2 205(e); and

3 (v) an accounting of expenditures by
4 Federal, State, or local governments, In-
5 dian Tribes, or other entities to carry out
6 fish habitat conservation projects under
7 this subtitle.

8 (b) STATUS AND TRENDS REPORT.—Not later than
9 December 31, 2020, and every 5 years thereafter, the
10 Board shall submit to the appropriate congressional com-
11 mittees a report that includes—

12 (1) a status of all Partnerships designated
13 under this subtitle;

14 (2) a description of the status of fish habitats
15 in the United States as identified by designated
16 Partnerships; and

17 (3) enhancements or reductions in public access
18 as a result of—

19 (A) the activities of the Partnerships; or

20 (B) any other activities carried out pursu-
21 ant to this subtitle.

22 **SEC. 210. EFFECT OF THIS SUBTITLE.**

23 (a) WATER RIGHTS.—Nothing in this subtitle—

24 (1) establishes any express or implied reserved
25 water right in the United States for any purpose;

1 (2) affects any water right in existence on the
2 date of enactment of this Act;

3 (3) preempts or affects any State water law or
4 interstate compact governing water; or

5 (4) affects any Federal or State law in exist-
6 ence on the date of enactment of the Act regarding
7 water quality or water quantity.

8 (b) **AUTHORITY TO ACQUIRE WATER RIGHTS OR**
9 **RIGHTS TO PROPERTY.**—Only a State, local government,
10 or other non-Federal entity may acquire, under State law,
11 water rights or rights to property with funds made avail-
12 able through section 212.

13 (c) **STATE AUTHORITY.**—Nothing in this subtitle—

14 (1) affects the authority, jurisdiction, or respon-
15 sibility of a State to manage, control, or regulate
16 fish and wildlife under the laws and regulations of
17 the State; or

18 (2) authorizes the Secretary to control or regu-
19 late within a State the fishing or hunting of fish and
20 wildlife.

21 (d) **EFFECT ON INDIAN TRIBES.**—Nothing in this
22 subtitle abrogates, abridges, affects, modifies, supersedes,
23 or alters any right of an Indian Tribe recognized by treaty
24 or any other means, including—

1 (1) an agreement between the Indian Tribe and
2 the United States;

3 (2) Federal law (including regulations);

4 (3) an Executive order; or

5 (4) a judicial decree.

6 (e) ADJUDICATION OF WATER RIGHTS.—Nothing in
7 this subtitle diminishes or affects the ability of the Sec-
8 retary to join an adjudication of rights to the use of water
9 pursuant to subsection (a), (b), or (c) of section 208 of
10 the Departments of State, Justice, Commerce, and The
11 Judiciary Appropriation Act, 1953 (43 U.S.C. 666).

12 (f) DEPARTMENT OF COMMERCE AUTHORITY.—
13 Nothing in this subtitle affects the authority, jurisdiction,
14 or responsibility of the Department of Commerce to man-
15 age, control, or regulate fish or fish habitats under the
16 Magnuson-Stevens Fishery Conservation and Manage-
17 ment Act (16 U.S.C. 1801 et seq.).

18 (g) EFFECT ON OTHER AUTHORITIES.—

19 (1) PRIVATE PROPERTY PROTECTION.—Nothing
20 in this subtitle permits the use of funds made avail-
21 able to carry out this subtitle to acquire real prop-
22 erty or a real property interest without the written
23 consent of each owner of the real property or real
24 property interest, respectively.

1 (2) MITIGATION.—Nothing in this subtitle au-
2 thorizes the use of funds made available to carry out
3 this subtitle for fish and wildlife mitigation purposes
4 under—

5 (A) the Federal Water Pollution Control
6 Act (33 U.S.C. 1251 et seq.);

7 (B) the Fish and Wildlife Coordination Act
8 (16 U.S.C. 661 et seq.);

9 (C) the Water Resources Development Act
10 of 1986 (Public Law 99–662; 100 Stat. 4082);
11 or

12 (D) any other Federal law or court settle-
13 ment.

14 (3) CLEAN WATER ACT.—Nothing in this sub-
15 title affects any provision of the Federal Water Pol-
16 lution Control Act (33 U.S.C. 1251 et seq.), includ-
17 ing any definition in that Act.

18 **SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
19 **MITTEE ACT.**

20 The Federal Advisory Committee Act (5 U.S.C. App.)
21 shall not apply to—

22 (1) the Board; or

23 (2) any Partnership.

24 **SEC. 212. FUNDING.**

25 (a) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) FISH HABITAT CONSERVATION PROJECTS.—

2 There is authorized to be appropriated to the Sec-
3 retary \$7,200,000 for each of fiscal years 2019
4 through 2023 to provide funds for fish habitat con-
5 servation projects approved under section 205(f), of
6 which 5 percent is authorized only for projects car-
7 ried out by Indian Tribes.

8 (2) ADMINISTRATIVE AND PLANNING EX-

9 PENSES.—There is authorized to be appropriated to
10 the Secretary for each of fiscal years 2019 through
11 2023 an amount equal to 5 percent of the amount
12 appropriated for the applicable fiscal year pursuant
13 to paragraph (1)—

14 (A) for administrative and planning ex-
15 penses under this subtitle; and

16 (B) to carry out section 209.

17 (3) TECHNICAL AND SCIENTIFIC ASSISTANCE.—

18 There is authorized to be appropriated for each of
19 fiscal years 2020 through 2024 to carry out, and
20 provide technical and scientific assistance under, sec-
21 tion 206—

22 (A) \$400,000 to the Secretary for use by
23 the United States Fish and Wildlife Service;

24 (B) \$400,000 to the National Oceanic and
25 Atmospheric Administration Assistant Adminis-

1 trator for use by the National Oceanic and At-
2 mospheric Administration;

3 (C) \$400,000 to the Environmental Pro-
4 tection Agency Assistant Administrator for use
5 by the Environmental Protection Agency;

6 (D) \$400,000 to the Secretary for use by
7 the United States Geological Survey; and

8 (E) \$400,000 to the Chief of the Forest
9 Service for use by the United States Depart-
10 ment of Agriculture Forest Service.

11 (b) AGREEMENTS AND GRANTS.—The Secretary
12 may—

13 (1) on the recommendation of the Board, and
14 notwithstanding sections 6304 and 6305 of title 31,
15 United States Code, and the Federal Financial As-
16 sistance Management Improvement Act of 1999 (31
17 U.S.C. 6101 note; Public Law 106–107), enter into
18 a grant agreement, cooperative agreement, or con-
19 tract with a Partnership or other entity to provide
20 funds authorized by this subtitle for a fish habitat
21 conservation project or restoration or enhancement
22 project;

23 (2) apply for, accept, and, subject to the avail-
24 ability of appropriations, use a grant from any indi-

1 vidual or entity to carry out the purposes of this
2 subtitle; and

3 (3) subject to the availability of appropriations,
4 make funds authorized by this Act available to any
5 Federal department or agency for use by that de-
6 partment or agency to provide grants for any fish
7 habitat protection project, restoration project, or en-
8 hancement project that the Secretary determines to
9 be consistent with this subtitle.

10 (c) DONATIONS.—

11 (1) IN GENERAL.—The Secretary may—

12 (A) enter into an agreement with any orga-
13 nization described in section 501(c)(3) of the
14 Internal Revenue Code of 1986 that is exempt
15 from taxation under section 501(a) of that
16 Code to solicit private donations to carry out
17 the purposes of this subtitle; and

18 (B) accept donations of funds, property,
19 and services to carry out the purposes of this
20 subtitle.

21 (2) TREATMENT.—A donation accepted under
22 this subtitle—

23 (A) shall be considered to be a gift or be-
24 quest to, or otherwise for the use of, the United
25 States; and

- 1 (B) may be—
- 2 (i) used directly by the Secretary; or
- 3 (ii) provided to another Federal de-
- 4 partment or agency through an inter-
- 5 agency agreement.

6 **SEC. 213. PROHIBITION AGAINST IMPLEMENTATION OF**

7 **REGULATORY AUTHORITY BY FEDERAL**

8 **AGENCIES THROUGH PARTNERSHIPS.**

- 9 Any Partnership designated under this subtitle—
- 10 (1) shall be for the sole purpose of promoting
- 11 fish conservation; and
- 12 (2) shall not be used to implement any regu-
- 13 latory authority of any Federal agency.

14 **Subtitle B—Great Lakes Fishery**

15 **Research Authorization**

16 **SEC. 221. DEFINITIONS.**

17 In this subtitle:

- 18 (1) **DIRECTOR.**—The term “Director” means
- 19 the Director of the United States Geological Survey.
- 20 (2) **GREAT LAKES BASIN.**—The term “Great
- 21 Lakes Basin” means the air, land, water, and living
- 22 organisms in the United States within the drainage
- 23 basin of the Saint Lawrence River at and upstream
- 24 from the point at which such river and the Great

1 Lakes become the international boundary between
2 Canada and the United States.

3 **SEC. 222. FINDINGS.**

4 Congress finds the following:

5 (1) The Great Lakes support a diverse eco-
6 system, on which the vibrant and economically valu-
7 able Great Lakes fisheries depend.

8 (2) To continue successful fisheries manage-
9 ment and coordination, as has occurred since signing
10 of the Convention on Great Lakes Fisheries between
11 the United States and Canada on September 10,
12 1954, management of the ecosystem and its fisheries
13 require sound, reliable science, and the use of mod-
14 ern scientific technologies.

15 (3) Fisheries research is necessary to support
16 multi-jurisdictional fishery management decisions
17 and actions regarding recreational and sport fishing,
18 commercial fisheries, tribal harvest, allocation deci-
19 sions, and fish stocking activities.

20 (4) President Richard Nixon submitted, and the
21 Congress approved, Reorganization Plan No. 4 (84
22 Stat. 2090), conferring science activities and man-
23 agement of marine fisheries to the National Oceanic
24 and Atmospheric Administration.

1 (5) Reorganization Plan No. 4 expressly ex-
2 cluded fishery research activities within the Great
3 Lakes from the transfer, retaining management and
4 scientific research duties within the already estab-
5 lished jurisdictions under the 1954 Convention on
6 Great Lakes Fisheries, including those of the Great
7 Lakes Fishery Commission and the Department of
8 the Interior.

9 **SEC. 223. GREAT LAKES MONITORING, ASSESSMENT,**
10 **SCIENCE, AND RESEARCH.**

11 (a) IN GENERAL.—The Director may conduct moni-
12 toring, assessment, science, and research, in support of
13 the binational fisheries within the Great Lakes Basin.

14 (b) SPECIFIC AUTHORITIES.—The Director shall,
15 under subsection (a)—

16 (1) execute a comprehensive, multi-lake, fresh-
17 water fisheries science program;

18 (2) coordinate with and work cooperatively with
19 regional, State, tribal, and local governments; and

20 (3) consult with other interested entities
21 groups, including academia and relevant Canadian
22 agencies.

23 (c) INCLUDED RESEARCH.—To properly serve the
24 needs of fisheries managers, monitoring, assessment,
25 science, and research under this section may include—

- 1 (1) deepwater ecosystem sciences;
- 2 (2) biological and food-web components;
- 3 (3) fish movement and behavior investigations;
- 4 (4) fish population structures;
- 5 (5) fish habitat investigations;
- 6 (6) invasive species science;
- 7 (7) harmful algal bloom development research;
- 8 (8) research on the impacts of harmful algal
- 9 blooms, nutrient pollution, and dead zones on Great
- 10 Lakes fisheries;
- 11 (9) research into the effects of per- and
- 12 polyfluoroalkyl substances, mercury, and other con-
- 13 taminants on fisheries and fishery ecosystems;
- 14 (10) use of existing, new, and experimental bio-
- 15 logical assessment tools, equipment, vessels, other
- 16 scientific instrumentation and laboratory capabilities
- 17 necessary to support fishery management decisions;
- 18 and
- 19 (11) studies to assess impacts on Great Lakes
- 20 fishery resources.
- 21 (d) SAVINGS CLAUSE.—Nothing in this subtitle is in-
- 22 tended or shall be construed to impede, supersede, or alter
- 23 the authority of the Great Lakes Fishery Commission,
- 24 States, and Indian tribes under the Convention on Great
- 25 Lakes Fisheries between the United States of America and

1 Canada on September 10, 1954, and the Great Lakes
2 Fishery Act of 1956 (16 U.S.C. 931 et seq.).

3 **SEC. 224. AUTHORIZATION OF APPROPRIATIONS.**

4 For each of fiscal years 2020 through 2029, there
5 is authorized to be appropriated \$17,500,000 to carry out
6 this subtitle.

7 **Subtitle C—Chesapeake Bay Oyster**
8 **Research**

9 **SEC. 231. SENSE OF CONGRESS.**

10 It is the sense of Congress that the Chesapeake Bay
11 Office of the National Oceanic and Atmospheric Adminis-
12 tration shall be the primary representative of the Adminis-
13 tration in the Chesapeake Bay.

14 **SEC. 232. GRANTS FOR RESEARCHING OYSTERS IN THE**
15 **CHESAPEAKE BAY.**

16 (a) ESTABLISHMENT.—The Secretary of the Com-
17 merce, acting through the Administrator of the National
18 Oceanic and Atmospheric Administration, shall establish
19 a grant program (in this section referred to as the “Pro-
20 gram”) under which the Secretary shall award grants to
21 eligible entities for the purpose of conducting research on
22 the conservation, restoration, or management of oysters
23 in the Chesapeake Bay.

24 (b) APPLICATION.—To be eligible to receive a grant
25 under this section, an eligible entity shall submit to the

1 Secretary an application at such time, in such manner,
2 and containing such information as the Secretary may re-
3 quire.

4 (c) ALLOCATION OF GRANT FUNDS.—

5 (1) IN GENERAL.—The Secretary shall award a
6 grant under the Program to eligible entities that
7 submit an application under subsection (b).

8 (2) MATCHING REQUIREMENT.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), the total amount of Federal
11 funding received under the Program by an eligi-
12 ble entity may not exceed 85 percent of the
13 total cost of the research project for which the
14 funding was awarded. For the purposes of this
15 subparagraph, the non-Federal share of project
16 costs may be provided by in-kind contributions
17 and other noncash support.

18 (B) WAIVER.—The Secretary may waive
19 all or part of the requirement in subparagraph
20 (A) if the Secretary determines that no reason-
21 able means are available through which an eligi-
22 ble entity applying for a grant under this sec-
23 tion can meet such requirement and the prob-
24 able benefit of such research project outweighs
25 the public interest in such requirement.

1 (d) DEFINITIONS.—In this section, the following defi-
2 nitions apply:

3 (1) ACADEMIC COMMUNITY.—The term “aca-
4 demic community” means faculty, researchers, pro-
5 fessors, and representatives of State-accredited col-
6 leges and universities.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means a member of the academic community,
9 the seafood industry, a relevant nonprofit organiza-
10 tion, or a relevant State agency, that is proposing or
11 conducting a research project on the conservation,
12 restoration, or management of oysters in the Ches-
13 peake Bay developed through consultation with a
14 member of the academic community, a member of
15 the seafood industry, a relevant nonprofit organiza-
16 tion, or a relevant State agency.

17 (3) NONPROFIT ORGANIZATION.—The term
18 “nonprofit organization” means an organization de-
19 scribed in section 501(c)(3) of the Internal Revenue
20 Code of 1986 and exempt from tax under section
21 501(a) of such Code.

22 (4) SEAFOOD INDUSTRY.—The term “seafood
23 industry” means shellfish growers, shellfish har-
24 vesters, commercial fishermen, and recreational fish-
25 ermen.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Commerce, acting through the
3 Administrator of the National Oceanic and Atmos-
4 pheric Administration.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Secretary \$2,000,000
7 for each of the fiscal years 2020 through 2025 to carry
8 out this section.

9 **TITLE III—MEETING 21ST CEN-**
10 **TURY OCEAN AND COASTAL**
11 **DATA NEEDS**

12 **Subtitle A—Digital Coast**

13 **SEC. 301. FINDINGS.**

14 Congress makes the following findings:

15 (1) The Digital Coast is a model approach for
16 effective Federal partnerships with State and local
17 government, nongovernmental organizations, and the
18 private sector.

19 (2) Access to current, accurate, uniform, and
20 standards-based geospatial information, tools, and
21 training to characterize the United States coastal re-
22 gion is critical for public safety and for the environ-
23 ment, infrastructure, and economy of the United
24 States.

1 (3) Collaborations and partnerships between in-
2 stitutions of higher education and Federal agencies
3 help ensure digital data focused on coastal manage-
4 ment issues are communicated effectively between
5 such entities.

6 (4) More than half of all people of the United
7 States (153,000,000) currently live on or near a
8 coast and an additional 12,000,000 are expected in
9 the next decade.

10 (5) Coastal counties in the United States aver-
11 age 300 persons per square mile, compared with the
12 national average of 98.

13 (6) On a typical day, more than 1,540 permits
14 for construction of single-family homes are issued in
15 coastal counties, combined with other commercial,
16 retail, and institutional construction to support this
17 population.

18 (7) Over half of the economic productivity of
19 the United States is located within coastal regions.

20 (8) Highly accurate, high-resolution remote
21 sensing and other geospatial data play an increas-
22 ingly important role in decision making and manage-
23 ment of the coastal zone and economy, including
24 for—

1 (A) flood and coastal storm surge pre-
2 diction;

3 (B) hazard risk and vulnerability assess-
4 ment;

5 (C) emergency response and recovery plan-
6 ning;

7 (D) community resilience to longer range
8 coastal change;

9 (E) local planning and permitting;

10 (F) habitat and ecosystem health assess-
11 ments; and

12 (G) landscape change detection.

13 **SEC. 302. DEFINITIONS.**

14 In this subtitle:

15 (1) COASTAL REGION.—The term “coastal re-
16 gion” means the area of United States waters ex-
17 tending inland from the shoreline to include coastal
18 watersheds and seaward to the territorial sea.

19 (2) COASTAL STATE.—The term “coastal
20 State” has the meaning given the term “coastal
21 state” in section 304 of the Coastal Zone Manage-
22 ment Act of 1972 (16 U.S.C. 1453).

23 (3) FEDERAL GEOGRAPHIC DATA COM-
24 MITTEE.—The term “Federal Geographic Data
25 Committee” means the interagency committee that

1 promotes the coordinated development, use, sharing,
2 and dissemination of geospatial data on a national
3 basis.

4 (4) REMOTE SENSING AND OTHER
5 GEOSPATIAL.—The term “remote sensing and other
6 geospatial” means collecting, storing, retrieving, or
7 disseminating graphical or digital data depicting
8 natural or manmade physical features, phenomena,
9 or boundaries of the Earth and any information re-
10 lated thereto, including surveys, maps, charts, sat-
11 ellite and airborne remote sensing data, images,
12 LiDAR, and services performed by professionals
13 such as surveyors, photogrammetrists, hydrog-
14 raphers, geodesists, cartographers, and other such
15 services.

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of Commerce, acting through the Ad-
18 ministrator of the National Oceanic and Atmos-
19 pheric Administration.

20 **SEC. 303. ESTABLISHMENT OF THE DIGITAL COAST.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Secretary shall establish
23 a program for the provision of an enabling platform
24 that integrates geospatial data, decision-support
25 tools, training, and best practices to address coastal

1 management issues and needs. Under the program,
2 the Secretary shall strive to enhance resilient com-
3 munities, ecosystem values, and coastal economic
4 growth and development by helping communities ad-
5 dress their issues, needs, and challenges through
6 cost-effective and participatory solutions.

7 (2) DESIGNATION.—The program established
8 under paragraph (1) shall be known as the “Digital
9 Coast” (in this section referred to as the “pro-
10 gram”).

11 (b) PROGRAM REQUIREMENTS.—In carrying out the
12 program, the Secretary shall ensure that the program pro-
13 vides data integration, tool development, training, docu-
14 mentation, dissemination, and archiving by—

15 (1) making data and resulting integrated prod-
16 ucts developed under this section readily accessible
17 via the Digital Coast Internet website of the Na-
18 tional Oceanic and Atmospheric Administration, the
19 GeoPlatform.gov and data.gov Internet websites, and
20 such other information distribution technologies as
21 the Secretary considers appropriate;

22 (2) developing decision-support tools that use
23 and display resulting integrated data and provide
24 training on use of such tools;

1 (3) documenting such data to Federal Geo-
2 graphic Data Committee standards; and

3 (4) archiving all raw data acquired under this
4 title at the appropriate National Oceanic and Atmos-
5 pheric Administration data center or such other
6 Federal data center as the Secretary considers ap-
7 propriate.

8 (c) COORDINATION.—The Secretary shall coordinate
9 the activities carried out under the program to optimize
10 data collection, sharing and integration, and to minimize
11 duplication by—

12 (1) consulting with coastal managers and deci-
13 sion makers concerning coastal issues, and sharing
14 information and best practices, as the Secretary con-
15 siders appropriate, with—

16 (A) coastal States;

17 (B) local governments; and

18 (C) representatives of academia, the pri-
19 vate sector, and nongovernmental organizations;

20 (2) consulting with other Federal agencies, in-
21 cluding interagency committees, on relevant Federal
22 activities, including activities carried out under the
23 Ocean and Coastal Mapping Integration Act (33
24 U.S.C. 3501 et seq.), the Coastal Zone Management
25 Act of 1972 (16 U.S.C. 1451 et seq.), the Integrated

1 Coastal and Ocean Observation System Act of 2009
2 (33 U.S.C. 3601 et seq.), and the Hydrographic
3 Services Improvement Act of 1998 (33 U.S.C. 892
4 et seq.);

5 (3) participating, pursuant to section 216 of the
6 E-Government Act of 2002 (Public Law 107-347;
7 44 U.S.C. 3501 note), in the establishment of such
8 standards and common protocols as the Secretary
9 considers necessary to assure the interoperability of
10 remote sensing and other geospatial data with all
11 users of such information within—

12 (A) the National Oceanic and Atmospheric
13 Administration;

14 (B) other Federal agencies;

15 (C) State and local government; and

16 (D) the private sector;

17 (4) coordinating with, seeking assistance and
18 cooperation of, and providing liaison to the Federal
19 Geographic Data Committee pursuant to Office of
20 Management and Budget Circular A-16 and Execu-
21 tive Order No. 12906 of April 11, 1994 (59 Fed.
22 Reg. 17671), as amended by Executive Order No.
23 13286 of February 28, 2003 (68 Fed. Reg. 10619);
24 and

1 (5) developing and maintaining a best practices
2 document that sets out the best practices used by
3 the Secretary in carrying out the program and pro-
4 viding such document to the United States Geologi-
5 cal Survey, the Corps of Engineers, and other rel-
6 evant Federal agencies.

7 (d) FILLING NEEDS AND GAPS.—In carrying out the
8 program, the Secretary shall—

9 (1) maximize the use of remote sensing and
10 other geospatial data collection activities conducted
11 for other purposes and under other authorities;

12 (2) focus on filling data needs and gaps for
13 coastal management issues, including with respect to
14 areas that, as of the date of the enactment of this
15 Act, were underserved by coastal data and the areas
16 of the Arctic that are under the jurisdiction of the
17 United States;

18 (3) pursuant to the Ocean and Coastal Map-
19 ping Integration Act (33 U.S.C. 3501 et seq.), sup-
20 port continue improvement in existing efforts to co-
21 ordinate the acquisition and integration of key data
22 sets needed for coastal management and other pur-
23 poses, including—

24 (A) coastal elevation data;

25 (B) land use and land cover data;

- 1 (C) socioeconomic and human use data;
- 2 (D) critical infrastructure data;
- 3 (E) structures data;
- 4 (F) living resources and habitat data;
- 5 (G) cadastral data; and
- 6 (H) aerial imagery; and

7 (4) integrate the priority supporting data set
8 forth under paragraph (3) with other available data
9 for the benefit of the broadest measure of coastal re-
10 source management constituents and applications.

11 (e) FINANCIAL AGREEMENTS AND CONTRACTS.—

12 (1) IN GENERAL.—In carrying out the program,
13 the Secretary—

14 (A) may enter into financial agreements to
15 carry out the program, including—

16 (i) support to non-Federal entities
17 that participate in implementing the pro-
18 gram; and

19 (ii) grants, cooperative agreements,
20 interagency agreements, contracts, or any
21 other agreement on a reimbursable or non-
22 reimbursable basis, with other Federal,
23 tribal, State, and local governmental and
24 nongovernmental entities; and

1 (B) may, to the maximum extent prac-
2 ticable, enter into such contracts with private
3 sector entities for such products and services as
4 the Secretary determines may be necessary to
5 collect, process, and provide remote sensing and
6 other geospatial data and products for purposes
7 of the program.

8 (2) FEES.—

9 (A) ASSESSMENT AND COLLECTION.—The
10 Secretary may assess and collect fees to conduct
11 any planned training, workshop, or conference
12 that advances the purposes of the program.

13 (B) AMOUNTS.—The amount of a fee
14 under this paragraph may not exceed the sum
15 of costs incurred, or expected to be incurred, by
16 the Secretary as a direct result of the conduct
17 of the training, workshop, or conference, includ-
18 ing for subsistence expenses incidental to the
19 training, workshop, or conference, as applicable.

20 (C) USE OF FEES.—Amounts collected by
21 the Secretary in the form of fees under this
22 paragraph may be used to pay for—

- 23 (i) the costs incurred for conducting
24 an activity described in subparagraph (A);
25 or

1 (ii) the expenses described in subpara-
2 graph (B).

3 (3) SURVEY AND MAPPING.—Contracts entered
4 into under paragraph (1)(B) shall be considered
5 “surveying and mapping” services as such term is
6 used in and as such contracts are awarded by the
7 Secretary in accordance with the selection proce-
8 dures in chapter 11 of title 40, United States Code.

9 (f) OCEAN ECONOMY.—The Secretary may establish
10 publically available tools that track ocean and Great Lakes
11 economy data for each coastal State.

12 **Subtitle B—Integrated Coastal and** 13 **Ocean Observation System**

14 **SEC. 311. STAGGERED TERMS FOR NATIONAL INTEGRATED** 15 **COASTAL AND OCEAN OBSERVATION SYSTEM** 16 **ADVISORY COMMITTEE.**

17 Section 12304(d)(3)(B) of the Integrated Coastal
18 and Ocean Observation System Act of 2009 (33 U.S.C.
19 3603(d)(3)(B)) is amended—

20 (1) by striking “Members” and inserting the
21 following:

22 “(i) IN GENERAL.—Except as pro-
23 vided in clause (ii), members”; and

24 (2) by adding at the end the following:

1 “(ii) STAGGERED TERMS.—The Ad-
2 ministrator may appoint or reappoint a
3 member for a partial term of 1 or 2 years
4 in order to establish a system of staggered
5 terms. The Administrator may appoint or
6 reappoint a member under this clause only
7 once. A member appointed or reappointed
8 to a partial term under this clause may not
9 serve more than one full term.”.

10 **SEC. 312. INTEGRATED COASTAL AND OCEAN OBSERVA-**
11 **TION SYSTEM COOPERATIVE AGREEMENTS.**

12 Section 12305(a) of the Integrated Coastal and
13 Ocean Observation System Act of 2009 (33 U.S.C.
14 3604(a)) is amended by inserting “disburse appropriated
15 funds to,” after “agreements, with,”.

16 **SEC. 313. REAUTHORIZATION OF INTEGRATED COASTAL**
17 **AND OCEAN OBSERVATION SYSTEM ACT OF**
18 **2009.**

19 Section 12311 of the Integrated Coastal and Ocean
20 Observation System Act of 2009 (33 U.S.C. 3610) is
21 amended by striking “for fiscal years 2009 through 2013
22 such sums as are necessary” and inserting “\$47,500,000
23 for each of fiscal years 2020 through 2024”.

1 **SEC. 314. ADVANCED RESEARCH PROJECTS AGENCY-**
2 **OCEANS.**

3 (a) AGREEMENT.—Not later than 45 days after the
4 date of the enactment of this section, the Administrator
5 shall seek to enter into an agreement with the National
6 Academy of Sciences to conduct the comprehensive assess-
7 ment under subsection (b).

8 (b) COMPREHENSIVE ASSESSMENT.—

9 (1) IN GENERAL.—Under an agreement be-
10 tween the Administrator and the National Academy
11 of Sciences under this section, the National Acad-
12 emy of Sciences shall conduct a comprehensive as-
13 sessment of the need for and feasibility of estab-
14 lishing an Advanced Research Projects Agency-
15 Oceans (ARPA-O).

16 (2) ELEMENTS.—The comprehensive assess-
17 ment carried out pursuant to paragraph (1) shall in-
18 clude—

19 (A) an assessment of how an ARPA-O
20 could help overcome the long-term and high-risk
21 technological barriers in the development of
22 ocean technologies, with the goal of enhancing
23 the economic, ecological, and national security
24 of the United States through the rapid develop-
25 ment of technologies that result in—

- 1 (i) improved data collection, moni-
2 toring, and prediction of the ocean environ-
3 ment, including sea ice conditions;
- 4 (ii) overcoming barriers to the appli-
5 cation of new and improved technologies,
6 such as high costs and scale of operational
7 missions;
- 8 (iii) improved management practices
9 for protecting ecological sustainability;
- 10 (iv) improved national security capac-
11 ity;
- 12 (v) improved technology for fishery
13 population assessments;
- 14 (vi) expedited processes between and
15 among Federal agencies to successfully
16 identify, transition, and coordinate re-
17 search and development output to oper-
18 ations, applications, commercialization, and
19 other uses; and
- 20 (vii) ensuring that the United States
21 maintains a technological lead in devel-
22 oping and deploying advanced ocean tech-
23 nologies;

1 (B) an evaluation of the organizational
2 structures under which an ARPA–O could be
3 organized, which takes into account—

4 (i) best practices for new research
5 programs;

6 (ii) metrics and approaches for peri-
7 odic program evaluation;

8 (iii) capacity to fund and manage ex-
9 ternal research awards; and

10 (iv) options for oversight of the activ-
11 ity through a Federal agency, an inter-
12 agency organization, nongovernmental or-
13 ganization, or other institutional arrange-
14 ment; and

15 (C) an estimation of the scale of invest-
16 ment necessary to pursue high priority ocean
17 technology projects.

18 (c) REPORT.—Not later than 18 months after the
19 date of the enactment of this section, the Administrator
20 shall submit to Congress a report on the comprehensive
21 assessment conducted under subsection (b).

22 (d) DEFINITIONS.—In this section, the term “Admin-
23 istrator” means the Under Secretary of Commerce for
24 Oceans and Atmosphere in the Under Secretary’s capacity

1 as Administrator of the National Oceanic and Atmos-
2 pheric Administration.

3 **TITLE IV—NATIONAL SEA GRANT**
4 **COLLEGE PROGRAM AMEND-**
5 **MENTS**

6 **SEC. 401. REFERENCES TO THE NATIONAL SEA GRANT COL-**
7 **LEGE PROGRAM ACT.**

8 Except as otherwise expressly provided, wherever in
9 this title an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-
11 sion, the reference shall be considered to be made to a
12 section or other provision of the National Sea Grant Col-
13 lege Program Act (33 U.S.C. 1121 et seq.).

14 **SEC. 402. MODIFICATION OF DEAN JOHN A. KNAUSS MA-**
15 **RINE POLICY FELLOWSHIP.**

16 (a) IN GENERAL.—Section 208(b) (33 U.S.C.
17 1127(b)) is amended by striking “may” and inserting
18 “shall”.

19 (b) PLACEMENTS IN CONGRESS.—Such section is
20 further amended—

21 (1) in the first sentence, by striking “The Sec-
22 retary” and inserting the following:

23 “(1) IN GENERAL.—The Secretary”; and

1 (2) in paragraph (1), as designated by para-
2 graph (1) of this section, in the second sentence, by
3 striking “A fellowship” and inserting the following:

4 “(2) PLACEMENT PRIORITIES.—

5 “(A) IN GENERAL.—In each year in which
6 the Secretary awards a legislative fellowship
7 under this subsection, when considering the
8 placement of fellows, the Secretary shall
9 prioritize placement of fellows in the following:

10 “(i) Positions in offices of committees
11 of Congress that have jurisdiction over the
12 National Oceanic and Atmospheric Admin-
13 istration.

14 “(ii) Positions in offices of Members
15 of Congress who are on such committees.

16 “(iii) Positions in offices of Members
17 of Congress that have a demonstrated in-
18 terest in ocean, coastal, or Great Lakes re-
19 sources.

20 “(B) EQUITABLE DISTRIBUTION.—

21 “(i) FINDING AND RECOGNITION.—
22 Congress—

23 “(I) finds that both host offices
24 and fellows benefit when fellows have
25 the opportunity to choose from a

1 range of host offices from different
2 States and regions, both chambers of
3 Congress, and both political parties;
4 and

5 “(II) recognizes the steps taken
6 by the National Sea Grant College
7 Program to facilitate an equitable dis-
8 tribution of fellows among the political
9 parties.

10 “(ii) IN GENERAL.—The Secretary
11 shall ensure, to the maximum extent prac-
12 ticable, that fellows have the opportunity
13 to choose from offices that are described in
14 clauses (i), (ii), and (iii) of subparagraph
15 (A) and that are equitably distributed
16 among—

17 “(I) the political parties; and

18 “(II) the Senate and the House
19 of Representatives.

20 “(iii) POLITICAL AND CAMERAL EQ-
21 UITY.—The Secretary shall ensure that
22 placements are equitably distributed be-
23 tween—

24 “(I) the political parties; and

1 “(II) the Senate and the House
2 of Representatives.

3 “(3) DURATION.—A fellowship”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 subsection (b) shall apply with respect to the first calendar
6 year beginning after the date of the enactment of this Act
7 and each fiscal year thereafter.

8 (d) SENSE OF CONGRESS CONCERNING FEDERAL
9 HIRING OF FORMER FELLOWS.—It is the sense of Con-
10 gress that in recognition of the competitive nature of the
11 fellowship under section 208(b) of the National Sea Grant
12 College Program Act (33 U.S.C. 1127(b)), and of the ex-
13 ceptional qualifications of fellowship awardees—

14 (1) the Secretary of Commerce, acting through
15 the Under Secretary of Commerce for Oceans and
16 Atmosphere, should encourage participating Federal
17 agencies to consider opportunities for fellowship
18 awardees at the conclusion of their fellowships for
19 workforce positions appropriate for their education
20 and experience; and

21 (2) Members and committees of Congress
22 should consider opportunities for such awardees for
23 such positions.

1 **SEC. 403. MODIFICATION OF AUTHORITY OF SECRETARY OF**
2 **COMMERCE TO ACCEPT DONATIONS FOR NA-**
3 **TIONAL SEA GRANT COLLEGE PROGRAM.**

4 (a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C.
5 1123(c)(4)(E)) is amended to read as follows:

6 “(E) accept donations of money and, not-
7 withstanding section 1342 of title 31, United
8 States Code, of voluntary and uncompensated
9 services;”.

10 (b) PRIORITIES.—The Secretary of Commerce, acting
11 through the Under Secretary of Commerce for Oceans and
12 Atmosphere, shall establish priorities for the use of dona-
13 tions accepted under section 204(c)(4)(E) of the National
14 Sea Grant College Program Act (33 U.S.C.
15 1123(c)(4)(E)), and shall consider among those priorities
16 the possibility of expanding the Dean John A. Knauss Ma-
17 rine Policy Fellowship’s placement of additional fellows in
18 relevant legislative offices under section 208(b) of such
19 Act (33 U.S.C. 1127(b)), in accordance with the rec-
20 ommendations under subsection (c) of this section.

21 (c) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Director of the National
23 Sea Grant College Program, in consultation with the Na-
24 tional Sea Grant Advisory Board and the Sea Grant Asso-
25 ciation, shall—

1 (1) develop recommendations for the optimal
2 use of any donations accepted under section
3 204(c)(4)(E) of the National Sea Grant College Pro-
4 gram Act (33 U.S.C. 1123(c)(4)(E)); and

5 (2) submit to Congress a report on the rec-
6 ommendations developed under paragraph (1).

7 (d) CONSTRUCTION.—Nothing in this section shall be
8 construed to limit or otherwise affect any other amounts
9 available for marine policy fellowships under section
10 208(b) of the National Sea Grant College Program Act
11 (33 U.S.C. 1127(b)), including amounts—

12 (1) accepted under section 204(c)(4)(F) of such
13 Act (33 U.S.C. 1123(c)(4)(F)); or

14 (2) appropriated under section 212 of such Act
15 (33 U.S.C. 1131).

16 **SEC. 404. REPEAL OF REQUIREMENT FOR REPORT ON CO-**
17 **ORDINATION OF OCEANS AND COASTAL RE-**
18 **SEARCH ACTIVITIES.**

19 Section 9 of the National Sea Grant College Program
20 Act Amendments of 2002 (33 U.S.C. 857–20) is repealed.

21 **SEC. 405. REDUCTION IN FREQUENCY REQUIRED FOR NA-**
22 **TIONAL SEA GRANT ADVISORY BOARD RE-**
23 **PORT.**

24 Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amend-
25 ed—

1 (1) in the heading, by striking “BIENNIAL” and
2 inserting “PERIODIC”; and

3 (2) in the first sentence, by striking “The
4 Board shall report to the Congress every two years”
5 and inserting “Not less frequently than once every
6 4 years, the Board shall submit to Congress a re-
7 port”.

8 **SEC. 406. MODIFICATION OF ELEMENTS OF NATIONAL SEA**
9 **GRANT COLLEGE PROGRAM.**

10 Section 204(b) (33 U.S.C. 1123(b)) is amended by
11 inserting “for research, education, extension, training,
12 technology transfer, public service,” after “financial as-
13 sistance”.

14 **SEC. 407. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS**
15 **MARINE POLICY FELLOWSHIP.**

16 (a) IN GENERAL.—During fiscal year 2019 and any
17 fiscal year thereafter, the head of any Federal agency may
18 appoint, without regard to the provisions of subchapter I
19 of chapter 33 of title 5, United States Code, other than
20 sections 3303 and 3328 of such title, a qualified candidate
21 described in subsection (b) directly to a position with the
22 Federal agency for which the candidate meets Office of
23 Personnel Management qualification standards.

24 (b) QUALIFIED CANDIDATE.—Subsection (a) applies
25 with respect to a former recipient of a Dean John A.

1 Knauss Marine Policy Fellowship under section 208(b) of
2 the National Sea Grant College Program Act (33 U.S.C.
3 1127(b)) who—

4 (1) earned a graduate or post-graduate degree
5 in a field related to ocean, coastal, or Great Lakes
6 resources or policy from an institution of higher edu-
7 cation accredited by an agency or association recog-
8 nized by the Secretary of Education pursuant to sec-
9 tion 496(a) of the Higher Education Act of 1965
10 (20 U.S.C. 1099b(a));

11 (2) received a Dean John A. Knauss Marine
12 Policy Fellowship under section 208(b) of the Na-
13 tional Sea Grant College Program Act (33 U.S.C.
14 1127(b)) within 5 years before the date the indi-
15 vidual is appointed under this section; and

16 (3) successfully fulfilled the requirements of the
17 fellowship within the executive or legislative branch
18 of the United States Government.

19 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
20 **TIONAL SEA GRANT COLLEGE PROGRAM.**

21 (a) IN GENERAL.—Section 212(a) (33 U.S.C.
22 1131(a)) is amended—

23 (1) by amending paragraph (1) to read as fol-
24 lows:

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to the Secretary to carry out this
3 title—

4 “(A) \$87,520,000 for fiscal year 2020;

5 “(B) \$91,900,000 for fiscal year 2021;

6 “(C) \$96,500,000 for fiscal year 2022;

7 “(D) \$101,325,000 for fiscal year 2023;

8 “(E) \$106,380,000 for fiscal year 2024;

9 and

10 “(F) \$111,710,813 for fiscal year 2025.”;

11 and

12 (2) by amending paragraph (2) to read as fol-
13 lows:

14 “(2) PRIORITY ACTIVITIES FOR FISCAL YEARS
15 2020 THROUGH 2025.—In addition to the amounts
16 authorized to be appropriated under paragraph (1),
17 there are authorized to be appropriated \$6,000,000
18 for each of fiscal years 2020 through 2025 for com-
19 petitive grants for the following:

20 “(A) University research on the biology,
21 prevention, and control of aquatic nonnative
22 species.

23 “(B) University research on oyster dis-
24 eases, oyster restoration, and oyster-related
25 human health risks.

1 “(C) University research on the biology,
2 prevention, and forecasting of harmful algal
3 blooms.

4 “(D) University research, education, train-
5 ing, and extension services and activities fo-
6 cused on coastal resilience and United States
7 working waterfronts and other regional or na-
8 tional priority issues identified in the strategic
9 plan under section 204(c)(1).

10 “(E) University research and extension on
11 sustainable aquaculture techniques and tech-
12 nologies.

13 “(F) Fishery research and extension activi-
14 ties conducted by sea grant colleges or sea
15 grant institutes to enhance, and not supplant,
16 existing core program funding.”.

17 (b) MODIFICATION OF LIMITATIONS ON AMOUNTS
18 FOR ADMINISTRATION.—Paragraph (1) of section 212(b)
19 (33 U.S.C. 1131(b)) is amended to read as follows:

20 “(1) ADMINISTRATION.—

21 “(A) IN GENERAL.—There may not be
22 used for administration of programs under this
23 title in a fiscal year more than 5.5 percent of
24 the lesser of—

1 “(i) the amount authorized to be ap-
2 propriated under this title for the fiscal
3 year; or

4 “(ii) the amount appropriated under
5 this title for the fiscal year.

6 “(B) CRITICAL STAFFING REQUIRE-
7 MENTS.—

8 “(i) IN GENERAL.—The Director shall
9 use the authority under subchapter VI of
10 chapter 33 of title 5, United States Code,
11 to meet any critical staffing requirement
12 while carrying out the activities authorized
13 under this title.

14 “(ii) EXCEPTION FROM CAP.—For
15 purposes of subparagraph (A), any costs
16 incurred as a result of an exercise of au-
17 thority described in clause (i) shall not be
18 considered an amount used for administra-
19 tion of programs under this title in a fiscal
20 year.”.

21 (c) ALLOCATION OF FUNDING.—

22 (1) IN GENERAL.—Section 204(d)(3) (33
23 U.S.C. 1123(d)(3)) is amended—

24 (A) by striking “With respect to sea grant
25 colleges and sea grant institutes” and inserting

1 “With respect to sea grant colleges, sea grant
2 institutes, sea grant programs, and sea grant
3 projects”; and

4 (B) in subparagraph (B), by striking
5 “funding among sea grant colleges and sea
6 grant institutes” and inserting “funding among
7 sea grant colleges, sea grant institutes, sea
8 grant programs, and sea grant projects”.

9 (2) REPEAL OF REQUIREMENTS CONCERNING
10 DISTRIBUTION OF EXCESS AMOUNTS.—Section 212
11 (33 U.S.C. 1131) is amended—

12 (A) by striking subsection (c); and

13 (B) by redesignating subsections (d) and
14 (e) as subsections (c) and (d), respectively.

15 **SEC. 409. TECHNICAL CORRECTIONS.**

16 (a) Section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)(B))
17 is amended by moving clause (vi) 2 ems to the right.

18 (b) Section 209(b) (33 U.S.C. 1128(b)), as amended
19 by this Act, is further amended—

20 (1) in paragraph (2), by striking “The Sec-
21 retary shall” and all that follows; and

22 (2) by adding at the end the following:

1 “(3) AVAILABILITY OF RESOURCES OF DEPART-
2 MENT OF COMMERCE.—The Secretary shall”.

 Passed the House of Representatives December 10,
2019.

Attest: CHERYL L. JOHNSON,
 Clerk.