

118TH CONGRESS
2D SESSION

H. R. 10340

To direct the Secretary of the Interior to establish a National Climate Adaptation Science Center and Regional Climate Adaptation Science Centers to respond to the effects of extreme weather events and climate trends, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2024

Mr. GRIJALVA (for himself, Ms. SCANLON, Mr. CASTEN, Mr. MULLIN, Mr. CARTER of Louisiana, Mr. CASE, Mr. LEVIN, Mr. SOTO, Mr. NEGUSE, Ms. MCCOLLUM, Ms. NORTON, Ms. MATSUI, Ms. BONAMICI, Ms. JAYAPAL, Ms. GARCIA of Texas, Mr. SMITH of Washington, Ms. CASTOR of Florida, Mr. ESPAILLAT, Mr. HUFFMAN, Mr. GARAMENDI, Mr. COHEN, Mr. MAGAZINER, and Ms. BROWNLEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of the Interior to establish a National Climate Adaptation Science Center and Regional Climate Adaptation Science Centers to respond to the effects of extreme weather events and climate trends, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Climate Adaptation
5 Science Centers Act” or the “CASC Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADAPTATION.—The term “adaptation”
4 means—

5 (A) the process of adjustment to actual or
6 expected climate and the effects of extreme
7 weather, climate trends, and climate variability;
8 and

9 (B) protection, management, and conserva-
10 tion efforts designed to maintain or enhance the
11 ability of people, fish, wildlife, plants, land, eco-
12 systems, and water of the United States to
13 withstand, adjust to, or recover from the effects
14 of extreme weather, climate trends, and climate
15 variability.

16 (2) ADVISORY SERVICE ACTIVITIES.—The term
17 “advisory service activities” means activities includ-
18 ing—

19 (A) sharing climate science and climate ad-
20 aptation knowledge between National and Re-
21 gional Climate Adaptation Science Center re-
22 searchers, stakeholders, and other partners;

23 (B) building collaborations between Na-
24 tional and Regional Climate Adaptation Science
25 Center researchers, stakeholders, and other
26 partners; and

1 (C) integrating climate adaptation science
2 into natural and cultural resource management,
3 decision-making and planning.

4 (3) CULTURAL RESOURCES.—The term “cul-
5 tural resources”—

6 (A) means those features and values re-
7 lated to cultural heritage; and

8 (B) includes—

9 (i) biological species with cultural her-
10 itage or ceremonial importance, and his-
11 toric and precontact sites, cultural land-
12 scapes, trails, structures, inscriptions, art,
13 and artifacts on Federal lands or rep-
14 resentative of the culture of Indian Tribes,
15 Native Hawaiians, and Native American
16 Pacific Islanders; and

17 (ii) resources considered to be cultural
18 resources according to the traditional
19 knowledge of Indian Tribes, Native Hawai-
20 ians, and Native American Pacific Island-
21 ers.

22 (4) COMMITTEE.—The term “Committee”
23 means the Advisory Committee on Climate and Nat-
24 ural Resource Sciences established under section 6.

1 (5) CONSORTIUM INSTITUTION.—The term
2 “consortium institution” means college, university,
3 State cooperative institution, State agency, Indian
4 Tribe, Tribal College or University, Historically
5 Black College or University, Tribal organization,
6 Native Hawaiian organization, minority-serving in-
7 stitution, or other educational institution or organi-
8 zation, Federal agency, public or private organiza-
9 tion, or any other party within each regional center
10 other than the United States Geological Survey and
11 the host institution.

12 (6) DEPARTMENT.—The term “Department”
13 means the Department of the Interior.

14 (7) ECOSYSTEM SERVICES.—The term “eco-
15 system services” means those benefits that eco-
16 systems provide humans and human society, includ-
17 ing clean air, clean water, and other economically
18 important services.

19 (8) HISTORICALLY BLACK COLLEGES AND UNI-
20 VERSITIES.—The term “Historically Black Colleges
21 and Universities” has the same meaning given the
22 term “part B institutions” in section 322 of the
23 Higher Education Act of 1965 (20 U.S.C. 1061).

1 (9) HOST INSTITUTION.—The term “host insti-
2 tution” means the non-Federal lead organization
3 within each regional center.

4 (10) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (11) MINORITY-SERVING INSTITUTION.—The
9 term “minority-serving institution” means a His-
10 panic-serving institution, an Alaska Native-serving
11 institution, a Native Hawaiian-serving institution, a
12 Predominantly Black Institution, an Asian American
13 and Native American Pacific Islander-serving insti-
14 tution, or a Native American-serving nontribal insti-
15 tution (as described in section 371(a) of the Higher
16 Education Act of 1965 (20 U.S.C. 1067q(a))).

17 (12) NATIONAL CENTER.—The term “National
18 Center” means the National Climate Adaptation
19 Science Center established under section 3(a).

20 (13) NATIVE AMERICAN PACIFIC ISLANDERS.—
21 The term “Native American Pacific Islanders”
22 means any descendent of the aboriginal people of
23 any island in the Pacific Ocean that is a territory
24 of the United States.

1 (14) NATIVE HAWAIIAN.—The term “Native
2 Hawaiian” means any individual who is a descend-
3 ant of the aboriginal people who, prior to 1778, oc-
4 cupied and exercised sovereignty in the area that
5 now constitutes the State of Hawaii.

6 (15) NATIVE HAWAIIAN ORGANIZATION.—The
7 term “Native Hawaiian organization” means—

8 (A) the Office of Hawaiian Affairs;

9 (B) Hui Malama I Na Kupuna O Hawai'i
10 Nei; and

11 (C) any other organization that—

12 (i) serves and represents the interests
13 of Native Hawaiians;

14 (ii) has as a primary and stated pur-
15 pose the provision of services to Native
16 Hawaiians; and

17 (iii) has expertise in Native Hawaiian
18 Affairs.

19 (16) NATURAL RESOURCES.—The term “nat-
20 ural resources” has the meaning given that term in
21 section 11.14 of title 43, Code of Federal Regula-
22 tions.

23 (17) REGIONAL CENTER.—The term “regional
24 center” means one of the Regional Climate Adapta-
25 tion Science Centers established under section 3(a)

1 that provide support for specific geographic locations
2 in the United States.

3 (18) SECRETARY.—The term “Secretary”
4 means the Secretary of the Interior.

5 (19) STATE.—The term “State” means—

6 (A) a State of the United States;

7 (B) the District of Columbia;

8 (C) American Samoa;

9 (D) Guam;

10 (E) the Commonwealth of the Northern
11 Mariana Islands;

12 (F) Puerto Rico; and

13 (G) the Virgin Islands of the United
14 States.

15 (20) TRIBAL COLLEGE OR UNIVERSITY.—The
16 term “Tribal College or University” means an insti-
17 tution that—

18 (A) qualifies for funding under the Tribally
19 Controlled Colleges and Universities Assistance
20 Act of 1978 (25 U.S.C. 1801 et seq.) or the
21 Navajo Community College Act (25 U.S.C.
22 640a note); or

23 (B) is cited in section 532 of the Equity in
24 Educational Land-Grant Status Act of 1994 (7
25 U.S.C. 301 note).

1 (21) TRIBAL ORGANIZATION.—The term “Trib-
2 al organization” means—

3 (A) the recognized governing body of any
4 Indian Tribe; or

5 (B) any legally established organization of
6 Indians that is—

7 (i) controlled, sanctioned, or chartered
8 by the recognized governing body of an In-
9 dian Tribe; or

10 (ii)(I) democratically elected by the
11 adult members of the Indian community to
12 be served by such organization; and

13 (II) includes the maximum participa-
14 tion of Indians in all phases of its activi-
15 ties.

16 (22) UNIVERSITY.—The term “university” has
17 the meaning given to the term “institution of higher
18 education” in section 101(a) of the Higher Edu-
19 cation Act of 1965 (20 U.S.C. 1001(a)).

20 **SEC. 3. ESTABLISHMENT AND DUTIES.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Secretary, in collabora-
23 tion with States, Indian Tribes, and other partner
24 organizations, shall establish a program to be known

1 as the “National and Regional Climate Adaptation
2 Science Centers”, which shall—

3 (A) provide scientific expertise to agencies,
4 organizations, individuals, Indian Tribes, tribal
5 organizations, and Native Hawaiian organiza-
6 tions engaged in the management of natural re-
7 sources, cultural resources, and ecosystem serv-
8 ices for the purpose of informing decisions that
9 aid adaptation to a changing climate and ex-
10 treme weather events; and

11 (B) include a National Climate Adaptation
12 Science Center and Regional Climate Adapta-
13 tion Science Centers.

14 (2) CHIEF; DIRECTORS.—

15 (A) CHIEF.—The Chief of the National
16 Center shall be a United States Geological Sur-
17 vey employee and shall be responsible for na-
18 tional-scale and network-wide strategic initia-
19 tives, science direction, and partnerships.

20 (B) DIRECTORS.—Each regional center
21 shall have—

22 (i) a Federal Director who shall—

23 (I) be a United States Geological
24 Survey employee;

1 (II) report directly to the Chief
2 of the National Center; and

3 (III) be responsible for region-
4 specific and cross-regional strategic
5 initiatives and implementation of cli-
6 mate science research agendas; and

7 (ii) a Host Institution Director who
8 shall—

9 (I) carry out the terms and con-
10 ditions of the financial assistance
11 award;

12 (II) lead the institutional consor-
13 tium in each region; and

14 (III) oversee training and capac-
15 ity building at the host and consor-
16 tium institutions.

17 (C) COOPERATIVE WORK.—Each Regional
18 Federal Director and each Host Institution Di-
19 rector shall work cooperatively to further the
20 mission of the relevant regional center.

21 (D) ADMINISTRATION.—The National Cen-
22 ter and all regional centers shall be adminis-
23 tered by the United States Geological Survey.

24 (b) DUTIES OF THE NATIONAL CENTER.—In collabo-
25 ration with Federal agencies, States, Indian Tribes, Tribal

1 organizations, Native Hawaiians, Native Hawaiian organi-
2 zations, Native American Pacific Islanders, and other
3 partner organizations, the National Center shall—

4 (1) serve as the national office for the regional
5 centers;

6 (2) provide leadership and guidance on adminis-
7 tration, partnerships, information management, and
8 communications;

9 (3) develop and facilitate coordination among
10 the regional centers;

11 (4) coordinate and collaborate with other Fed-
12 eral agencies working on similar research and activi-
13 ties to—

14 (A) minimize, as much as possible, the du-
15 plication of research and effort; and

16 (B) use, as much as possible, existing data
17 in the development of new or ongoing research;

18 (5) conduct research on cross-regional and na-
19 tional science priorities;

20 (6) support regional centers that—

21 (A) are hosted at a university, or a consor-
22 tium of universities or other research institu-
23 tions, within the region of each regional center;

24 (B) are collaborations between the Federal
25 Director and the Host Institution Director and

1 their staffs to address the broad scientific mis-
2 sion and goals as defined by the National Cen-
3 ter in a manner that is relevant to its specific
4 geographic region and in cooperation with State
5 and local governments, Indian Tribes, Tribal
6 organizations, Native Hawaiians, Native Hawai-
7 ian organizations, Native American Pacific Is-
8 landers, and other entities within that region;

9 (C) promote research, education, training,
10 and advisory service activities to stakeholders,
11 Tribal governments, and the public via informa-
12 tional publications, trainings, and other out-
13 reach methods; and

14 (D) receive funding at the host institution
15 through cooperative agreements, contracts, and
16 grants under section 4; and

17 (7) acting through the Chief of the National
18 Center, with respect to the regional centers—

19 (A) evaluate and assess the performance of
20 the programs of regional centers every five
21 years, using the priorities, guidelines, and quali-
22 fications established by the Secretary under this
23 section, and determine if the programs are well
24 managed and carry out high-quality research,

1 education, training, and advisory service activi-
2 ties; and

3 (B) subject to the availability of appropria-
4 tions, allocate funding among regional centers
5 so as to—

6 (i) conduct regionally relevant re-
7 search, education, training, and advisory
8 service activities in each of the regions;

9 (ii) encourage collaborations among
10 regional centers to address regional and
11 national priorities established under this
12 section;

13 (iii) ensure successful implementation
14 and operation of regional centers;

15 (iv) to the maximum extent consistent
16 with other provisions of this Act, provide a
17 stable base of funding in support of the re-
18 gional centers on 5-year terms, with addi-
19 tional funds available annually subject to
20 the availability of appropriations;

21 (v) encourage and promote coordina-
22 tion and cooperation between the research,
23 education, training, and advisory service
24 activities of the Department and those of
25 the host and consortium institutions; and

1 (vi) pay the official Federal Govern-
2 ment negotiated overhead rate to the host
3 institution and partners on the basic
4 agreement establishing the location of the
5 regional center.

6 (c) AUTHORITIES OF THE NATIONAL CENTER.—The
7 National Center may—

8 (1) procure the services of appropriate public
9 and private agencies and institutions and other
10 qualified persons to conduct its work; and

11 (2) operate and fund a network of not fewer
12 than nine regional centers that shall address the im-
13 pacts of climate trends and variability, including ex-
14 treme weather events, on natural and cultural re-
15 sources and ecosystem services.

16 (d) DESIGNATION OF THE REGIONAL CENTERS.—

17 (1) EXISTING REGIONAL CENTER DESIGNA-
18 TIONS.—

19 (A) IN GENERAL.—Any institution or con-
20 sortium of institutions designated as a regional
21 center before the date of enactment of this Act
22 shall participate in one final competition for its
23 status as a regional center upon the conclusion
24 of its existing 5-year term to assure that the
25 host institutions and association consortium in-

stitutions update proposals recognizing the long-term commitment as a host.

(B) RECOMPETES.—After the next competition for regional center after the date of enactment of this Act, a designated regional center shall not have to recompete on 5-year terms, but shall be subject to review on 5-year terms as described in paragraph (2). After competed, the final agreements shall only be recompeted in the event of a failed review.

(2) REVIEWS OF THE REGIONAL CENTERS.—

(A) The Chief of the National Center, in consultation with the Committee, shall establish guidelines for 5-year merit reviews of each regional center, which shall include guidelines for—

(i) the establishment of a statement of objectives, agreed upon by the National Center and regional host institutions at the beginning of the 5-year term, that outline the expectations of activities or measures of success to be completed during the agreed upon period; and

(ii) an independent merit review, conducted by the National Center, of the host

1 institution's activities as related to the
2 statement of objectives.

3 (B) If a regional center does not meet the
4 requirements included in the statement of ob-
5 jective as determined by the independent merit
6 review referred to in subparagraph (A)(ii), the
7 host institution or consortium of institutions
8 may not continue as a host of a regional center.

9 (C) If a host institution or consortium of
10 institution fails a merit review referred to in
11 subparagraph (A)(ii), the Chief of the National
12 Center may give the host institution or consor-
13 tium of institutions a probationary period of
14 one year. After the one-year probationary pe-
15 riod, the Chief of the National Center shall un-
16 dertake an additional review referred to in sub-
17 paragraph (A)(ii) to determine if the host insti-
18 tution or consortium of institutions shall—

19 (i) continue as a host of a regional
20 center; or

21 (ii) not continue as a host of a re-
22 gional center, in which case the Chief of
23 the National Center shall initiate a com-
24 petitive process to select a new host insti-
25 tution.

1 (D) The Chief of the National Center shall
2 ensure that reviews completed pursuant to this
3 paragraph are publicly available.

4 (3) CHANGES TO CONSORTIUM INSTITUTIONS.—
5 The Chief of the National Center, in consultation
6 with the Federal Director and Host Institution Di-
7 rector of a regional center, may add or remove con-
8 sortium institutions at any time to address regional
9 and national priorities established under this section.

10 (4) FACA.—Committees, subcommittees, and
11 working groups appointed by Federal Directors of
12 the regional centers pursuant to this subsection shall
13 not be subject to the Federal Advisory Committee
14 Act (5 U.S.C. App.).

15 (e) DUTIES OF THE REGIONAL CENTERS.—In col-
16 laboration with Federal and State natural resources agen-
17 cies and departments, Indian Tribes, Tribal organizations,
18 Native Hawaiians, Native Hawaiian organizations, Native
19 American Pacific Islanders, Tribal Colleges or Univer-
20 sities, Historically Black Colleges or Universities, minor-
21 ity-serving institutions, universities, other research or edu-
22 cational institutions, and other partner organizations, re-
23 gional centers shall develop research, education, training,
24 and advisory service priorities regarding the impacts of cli-
25 mate trends and variability on natural and cultural re-

1 source management in their regions for the purpose of cli-
2 mate adaptation.

3 (f) PROJECT SOLICITATION.—Subject to the avail-
4 ability of appropriations, each regional center shall under-
5 go a project solicitation process annually that shall—

6 (1) include regionally identified science priority
7 topics;

8 (2) work with science partners in the region to
9 develop a scientific review process to assure the
10 highest quality of proposals are selected; and

11 (3) final decisions on annual project selections
12 shall be made by the Federal Directors of the re-
13 gional centers.

14 **SEC. 4. GENERAL AUTHORITY TO ENTER INTO CONTRACTS,**
15 **GRANTS, COOPERATIVE AGREEMENTS, AND**
16 **INTERAGENCY AGREEMENTS.**

17 (a) AUTHORITY.—The Director of the United States
18 Geological Survey is authorized to enter into contracts,
19 grants, and cooperative agreements with a host institution
20 or consortium institution to further the research, edu-
21 cation, training, and advisory service activities of the De-
22 partment or its partners relating to impacts of climate
23 trends and variability. This authority supplements all
24 other laws relating to the Department and is not to be
25 construed as limiting or repealing any existing authorities.

1 (b) LEGAL INSTRUMENTS.—The Director of the
2 United States Geological Survey may use a contract,
3 grant, cooperative agreement, or interagency agreement as
4 the legal instrument reflecting a relationship between the
5 Secretary and a host institution or consortium institution,
6 to further the duties under section 3 without regard to—

7 (1) any requirements for competition;

8 (2) section 6101 of title 41, United States
9 Code; or

10 (3) subsections (a) and (b) of section 3324 of
11 title 31, United States Code.

12 (c) PARTICIPATION OF FEDERAL AGENCIES.—Not-
13 withstanding any other provision of law, any Federal
14 agency may participate in any such cooperative agreement
15 under this section by contributing funds through the Na-
16 tional Center or otherwise if it is mutually agreed that
17 the objectives of the agreement shall further the author-
18 ized programs of the contributing agency.

19 (d) APPROVAL REQUIRED.—In any case where a con-
20 tract is let or grant made to an organization to perform
21 services benefitting more than one Indian Tribe, the ap-
22 proval of each such Indian Tribe shall be a prerequisite
23 to the letting or making of such contract or grant.

1 **SEC. 5. INTERAGENCY COOPERATION.**

2 Each department, agency, or other instrumentality of
3 the Federal Government, that is engaged in or concerned
4 with, or that has authority over, matters relating to nat-
5 ural and cultural resources, ecosystem services, or climate
6 variability or change, including all member agencies of the
7 United States Global Change Research Program—

8 (1) shall, upon a written request from the Sec-
9 retary, furnish any available data or other informa-
10 tion that the Secretary deems necessary to carry out
11 any provision of section 3;

12 (2) shall cooperate with the National Center,
13 regional centers, and duly authorized officials there-
14 of;

15 (3) may make available, on a reimbursable
16 basis or otherwise, any personnel (with their consent
17 and without prejudice to their position and rating),
18 service, or facility which the Chief of the National
19 Center deems necessary to carry out any provision
20 of section 3; and

21 (4) may transfer budgetary resources or other-
22 wise enter into interagency agreements, including
23 funding, facilities, computational resources, data, or
24 other tangible or intangible resources, between the
25 National Center or regional centers to aid collabo-
26 rative work among Federal agencies, when approved

1 by the Chief of the National Center and their coun-
2 terpart in the other Federal agency.

3 **SEC. 6. COMMITTEES.**

4 (a) **AUTHORITY TO ESTABLISH COMMITTEES.**—The
5 Chief of the National Center may establish committees or
6 working groups and procedures to facilitate public partici-
7 pation in the advisory process, such as a national advisory
8 committee for the National Center, stakeholder advisory
9 committees and science implementation panels for the re-
10 gional centers, and working groups for review of competi-
11 tive.

12 (b) **ADVISORY COMMITTEE.**—

13 (1) **ESTABLISHMENT.**—Not later than 180 days
14 after the date of the enactment of this Act, and pur-
15 suant to the Federal Advisory Committee Act (5
16 U.S.C. App.), the Secretary shall establish an Advi-
17 sory Committee on Climate and Natural Resource
18 Sciences to advise the National and Regional Cli-
19 mate Adaptation Science Centers on the following:

20 (A) The contents of a national strategy
21 identifying key climate adaptation science prior-
22 ities to advance the management of natural and
23 cultural resources in the face of climate change.

1 (B) The nature, extent, and quality of re-
2 lations with and facilitating engagement of key
3 partners at the regional center level.

4 (C) The nature and effectiveness of mecha-
5 nisms to effectively deliver science information
6 and tools, and build capacity, to aid the natural
7 and cultural resource management community
8 and decision-makers in adapting to a changing
9 climate.

10 (D) Mechanisms that may be employed by
11 the National Center to ensure high standards of
12 scientific quality and integrity in its products.

13 (E) The integration of equity, particularly
14 for historically underserved communities, in the
15 operation of the National Center and regional
16 centers.

17 (2) VOTING MEMBERS.—The Committee shall
18 have not fewer than 15 voting members who shall be
19 appointed by the Secretary. Each voting member
20 shall be an employee of—

- 21 (A) an Indian Tribe;
- 22 (B) a Tribal organization;
- 23 (C) a Native Hawaiian organization;
- 24 (D) a State or local government;

1 (E) nongovernmental organization whose
2 primary mission is conservation and related sci-
3 entific and advocacy activities;

4 (F) an academic institution; or

5 (G) other sectors, environmental justice or-
6 ganizations, or private industry.

7 (3) NON-VOTING MEMBERS.—A Host Institu-
8 tion Director who is elected by the various Host In-
9 stitution Directors shall serve as a non-voting mem-
10 ber of the Committee. No individual is eligible to be
11 a voting member of the Committee if the individual
12 is—

13 (A) a Host Institution Director;

14 (B) a full-time officer or employee of the
15 United States; or

16 (C) a voting member of the Committee
17 who is an applicant for or beneficiary of any
18 grant or contract under this Act shall abstain
19 from voting when there is a conflict of interest.

20 (4) CHAIR.—The Director of the United States
21 Geological Survey shall appoint a Committee Chair
22 from among the members of the Committee.

23 (5) VICE CHAIR.—The Committee shall select
24 one voting member to serve as the Vice Chair, who

1 shall act as Chair in the absence or incapacity of the
2 Chair.

3 (6) NOMINATIONS.—Not less than once each
4 year, the Secretary shall publish a notice in the Fed-
5 eral Register soliciting nominations for membership
6 on the Committee.

7 (7) TERM OF OFFICE.—(A) The term of office
8 of a voting member of the Committee shall be not
9 more than 3 years.

10 (B) No individual may serve more than two
11 consecutive terms as a voting member of the Com-
12 mittee.

13 (C) The Chair may extend the term of office of
14 a voting member of the Committee by up to 1 year.

15 (D) Any individual appointed to a partial or full
16 term may be reappointed for one additional full
17 term.

18 (8) DUTIES.—The Committee shall identify and
19 recommend priorities for ongoing research needs on
20 the issues described in section 3(e) to inform the re-
21 search priorities of the National Center.

22 (9) ESTIMATED NUMBER AND FREQUENCY OF
23 MEETINGS.—The Committee shall meet approxi-
24 mately one to two times annually, and at such other

1 times as designated by the Director of the United
2 States Geological Survey.

3 (c) COMMITTEES; WORKING GROUPS.—

4 (1) IN GENERAL.—At the direction of the Sec-
5 retary, the Chief of the National Center may estab-
6 lish committees or working groups to provide input
7 on the science priorities, implementation of science
8 programs, review of competitive proposals, and eval-
9 uation of the National Center and the regional cen-
10 ters.

11 (2) MEMBERS.—The committees or working
12 groups shall, to the extent practicable, include mem-
13 bers from Federal and State government, univer-
14 sities, private sector, nongovernmental organizations,
15 Indian Tribes, Tribal organizations, and Native Ha-
16 waiian organizations.

17 (3) PUBLIC PARTICIPATION.—The Secretary
18 may establish procedures to facilitate public partici-
19 pation in the advisory process, including providing
20 advance notice of meetings, providing adequate op-
21 portunity for public input and comment, maintaining
22 appropriate records, and making a record of the pro-
23 ceedings of meetings available for public inspection.

24 (4) IMPLEMENTATION; AVAILABILITY OF
25 RECORDS.—The Secretary shall ensure that the pro-

1 cedures described in paragraph (3) are adopted and
2 implemented and that the records described in para-
3 graph (3) are accurately maintained and available
4 for public inspection.

5 (5) FACA.—(A) The committees or working
6 groups shall not be considered advisory committees
7 under the Federal Advisory Committee Act (5
8 U.S.C. App.).

9 (B) Seeking advice and input under subpara-
10 graph (A) shall not be subject to the Federal Advi-
11 sory Committee Act (5 U.S.C. App.).

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