

110TH CONGRESS
1ST SESSION

H. R. 21

To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a national and regional ocean governance structure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

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

A BILL

To establish a national policy for our oceans, to strengthen the National Oceanic and Atmospheric Administration, to establish a national and regional ocean governance structure, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Oceans Conservation, Education, and National Strategy
6 for the 21st Century Act”.

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

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

TITLE I—ESTABLISHMENT OF A NATIONAL OCEANS POLICY

- Sec. 101. National oceans policy.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC
 ADMINISTRATION ORGANIC ACT

- Sec. 201. National Oceanic and Atmospheric Administration.
- Sec. 202. Administration leadership.
- Sec. 203. National Weather Service.
- Sec. 204. Resource management.
- Sec. 205. Operations and services.
- Sec. 206. Research and technology development.
- Sec. 207. Education and outreach.
- Sec. 208. Science Advisory Board.
- Sec. 209. Reports.
- Sec. 210. Public-private partnerships.
- Sec. 211. Reorganization plan.
- Sec. 212. Facility evaluation process.
- Sec. 213. Administration budget.
- Sec. 214. Baselines and cost controls.
- Sec. 215. Offshore performance of contracts for the procurement of goods and services.

TITLE III—NATIONAL OCEAN LEADERSHIP AND COORDINATION

- Sec. 301. National Oceans Advisor.
- Sec. 302. Committee on Ocean Policy.
- Sec. 303. Establishing a coordinated management regime for activities in Federal waters.
- Sec. 304. Council of Advisors on Oceans Policy.

TITLE IV—REGIONAL COORDINATION AND ECOSYSTEM
 PLANNING

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

TITLE V—OCEAN AND GREAT LAKES CONSERVATION TRUST
 FUND

- Sec. 501. Establishment of fund.

- Sec. 502. Limitation on use of available amounts for administration.
- Sec. 503. Recordkeeping requirements.
- Sec. 504. Maintenance of effort and matching funding.
- Sec. 505. Community assistance formula and payments.
- Sec. 506. Approval of State funding and spending plans.
- Sec. 507. Special postage stamp.

TITLE VI—ADMINISTRATION FUNDING

- Sec. 601. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

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

7 (2) The National Oceanic and Atmospheric Ad-
8 ministration is the lead ocean agency in the United
9 States, performing critical services and activities for
10 the nation and its citizens.

11 (3) Recent reports by the United States Com-
12 mission on Ocean Policy and the Pew Oceans Com-
13 mission call for, among other things—

14 (A) a more comprehensive and integrated
15 ecosystem-based management approach to ad-
16 dress current and future ocean and coastal
17 challenges;

18 (B) coordination and increased efficiency
19 of ocean governance;

1 (C) a strengthened National Oceanic and
2 Atmospheric Administration to enhance its abil-
3 ity to fulfill its core missions; and

4 (D) the need for a dedicated source of
5 funds for improved management and under-
6 standing of ocean and coastal resources.

7 (4) Consistent with customary international
8 law, the United States exercises sovereign rights
9 over ocean resources within United States ocean wa-
10 ters.

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

17 (6) Knowledge of the world's oceans is critically
18 important to the operations of the United States
19 Armed Forces, particularly the Navy and Coast
20 Guard operations, and therefore to the national se-
21 curity of the United States.

22 (7) Marine, terrestrial, and atmospheric sys-
23 tems are interdependent, requiring that policy, infor-
24 mation transfer, and the management of human ac-
25 tivities be coordinated across systems.

1 (8) Healthy and productive coastal and marine
2 ecosystems are the keys to securing the full range of
3 benefits from ocean resources, including important
4 economic uses such as productive fisheries, for the
5 people of the United States.

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

11 (A) global climate change;

12 (B) chemical, nutrient, and biological pol-
13 lution;

14 (C) unwise land use and coastal develop-
15 ment;

16 (D) habitat damage;

17 (E) overfishing;

18 (F) bycatch; and

19 (G) invasive species.

20 (10) These threats are exacerbated by the legal
21 and geographic fragmentation of authority over
22 ocean space and ocean resources.

23 (11) Activities harming coastal and marine eco-
24 systems jeopardize the economies and social struc-

1 ture of coastal communities dependent on these re-
2 sources.

3 (12) Healthy marine ecosystems provide more
4 goods and services, such as seafood and tourism op-
5 portunities, than degraded marine ecosystems.

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

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

19 **SEC. 3. PURPOSE.**

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

1 (1) establishing a comprehensive national
2 oceans policy regarding all covered actions that may
3 significantly affect United States ocean waters and
4 ocean resources;

5 (2) requiring covered actions to be consistent
6 with the policies and standards of this Act;

7 (3) setting clear standards against which com-
8 pliance with the national oceans policy can be meas-
9 ured;

10 (4) providing standards through which compli-
11 ance with this Act can be assured;

12 (5) promoting ecologically sustainable ocean re-
13 source use and management by strengthening and
14 empowering ocean governance on regional and Fed-
15 eral levels;

16 (6) promoting ecosystem-based approaches to
17 management of ocean waters and resources;

18 (7) enhancing responsible ocean stewardship
19 through education, information collection, and cit-
20 izen involvement; and

21 (8) establishing a ocean and great lakes con-
22 servation trust fund to support the purposes and
23 policies of this Act.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) UNITED STATES OCEAN WATERS OR
2 OCEANS.—The term “United States ocean waters”
3 or “oceans” means the zone extending from the
4 baseline from which the breadth of the United
5 States territorial sea is measured to the extent of
6 the Exclusive Economic Zone as specified in Presi-
7 dential Proclamation Number 5030, dated March
8 10, 1983, including the territorial waters of the
9 Great Lakes and the waters of the continental shelf
10 to which the United States is granted sovereign
11 rights under international law.

12 (2) COASTAL WATERS.—The term “coastal wa-
13 ters” means the waters within the coastal zone as
14 defined in section 304 of the Coastal Zone Manage-
15 ment Act of 1972 (16 U.S.C. 1453), which includes
16 such waters as bays and estuaries.

17 (3) OCEAN RESOURCES OR COASTAL RE-
18 SOURCES.—The term “ocean resources” or “coastal
19 resources” means any living, nonliving, or cultural
20 amenity in United States ocean waters or coastal
21 waters.

22 (4) COVERED ACTION.—The term “covered ac-
23 tion” means any activity affecting United States
24 ocean or coastal waters or resources, that is author-

1 ized (including the issuance of a Federal license or
2 permit), carried out, or funded by a Federal agency.

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

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

9 (7) ADVISOR.—The term “Advisor” means the
10 National Oceans Advisor appointed under section
11 301.

12 (8) FUNCTION.—The term “function”, when
13 used in reference to a function of a government
14 agency or official, includes authorities, powers,
15 rights, privileges, immunities, programs, projects,
16 activities, duties, and responsibilities.

17 (9) BIOLOGICAL DIVERSITY.—The term “bio-
18 logical diversity” means a collection of genomes, spe-
19 cies, and ecosystems occurring in a geographically
20 defined region.

21 (10) ECOLOGICALLY SUSTAINABLE.—The term
22 “ecologically sustainable” means capable of main-
23 taining biological diversity and ecosystem structure
24 and functioning from one human generation to the

1 next, so as not to deny future generations the goods
2 and services that healthy marine ecosystems provide.

3 (11) MARINE.—The term “marine” includes of
4 or relating to United States ocean and coastal wa-
5 ters.

6 (12) MARINE ECOSYSTEM HEALTH AND
7 HEALTH OF MARINE ECOSYSTEMS.—Each of the
8 terms “marine ecosystem health” and “health of
9 marine ecosystems” means the ability of a marine
10 ecosystem to support and maintain a productive and
11 resilient community of organisms, having a species
12 composition, diversity, and functional organization
13 resulting from the natural habitat of the region,
14 such that it provides a complete range of ecological
15 benefits, including—

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

21 (B) a physical, chemical, geological, and
22 microbial environment that is supportive of the
23 requirements of this paragraph.

24 (13) HEALTHY MARINE ECOSYSTEM.—The term
25 “healthy marine ecosystem” means a marine eco-

1 system with the ability to support and maintain a
2 productive and resilient community of organisms,
3 having a species composition, diversity, and func-
4 tional organization resulting from the natural habi-
5 tat of the region, such that it provides a complete
6 range of ecological benefits, including—

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

12 (B) a physical, chemical, geological, and
13 microbial environment that is supportive of the
14 requirements of this paragraph.

15 (14) ECOSYSTEM-BASED MANAGEMENT.—The
16 term “ecosystem-based management” means an inte-
17 grated approach to management that—

18 (A) considers the entire ecosystem, includ-
19 ing humans;

20 (B) has as its goal the maintenance of eco-
21 systems in a healthy, productive, and resilient
22 condition so that they can provide the services
23 humans want and need;

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

1 (D) considers the cumulative impacts of
2 different sectors;

3 (E) emphasizes the protection of ecosystem
4 structure, functioning, and key processes;

5 (F) is place-based in focusing on a specific
6 ecosystem and the range of activities affecting
7 it;

8 (G) explicitly accounts for the inter-
9 connectedness within systems, recognizing the
10 importance of interactions between many target
11 species or key services and other non-target
12 species;

13 (H) acknowledges interconnectedness
14 among systems, such as between air, land, and
15 sea; and

16 (I) integrates ecological, social, economic,
17 and institutional perspectives, recognizing their
18 strong interdependences.

19 (15) IMPORTANT ECOLOGICAL AREA.—The term
20 “Important Ecological Area” means an area that
21 contributes significantly to the health of the local or
22 larger marine ecosystem, such as areas that are crit-
23 ical habitats because they are breeding, feeding,
24 spawning or nursery grounds for one or more species

1 and/or are especially unique or sensitive marine eco-
2 systems.

3 (16) FEDERAL AGENCY.—The term “Federal
4 agency” means any department, agency, or instru-
5 mentality of the United States.

6 (17) REGIONAL OCEAN PARTNERSHIPS.—The
7 term “Regional Ocean Partnerships” means such a
8 council established by the Administrator under sec-
9 tion 402.

10 (18) OCEAN REGION.—The term “ocean re-
11 gion” means such a region designated under section
12 402(b).

13 (19) COASTAL STATE.—The term “coastal
14 State”—

15 (A) means a State of the United States in,
16 or bordering on, the Atlantic, Pacific, or Arctic
17 Ocean, the Gulf of Mexico, Long Island Sound,
18 or one or more of the Great Lakes; and

19 (B) includes Puerto Rico, the Virgin Is-
20 lands, Guam, the Commonwealth of the North-
21 ern Mariana Islands, and the Trust Territories
22 of the Pacific Islands, and American Samoa.

23 (20) COASTAL POLITICAL SUBDIVISION.—The
24 term “coastal political subdivision” means a political
25 subdivision of a coastal State all or part of which

1 political subdivision is within the coastal zone (as de-
2 fined in section 304 of the Coastal Zone Manage-
3 ment Act of 1972 (16 U.S.C. 1453)).

4 (21) COASTAL POPULATION DENSITY.—The
5 term “coastal population density” means the popu-
6 lation as determined by the most recent census data
7 in the State’s coastal zone as determined pursuant
8 to the Coastal Zone Management Act of 1972 (16
9 U.S.C. 1451 et seq.).

10 (22) OCEAN STEWARDSHIP.—The term “ocean
11 stewardship” means the careful and responsible
12 management of coastal and ocean resources by cur-
13 rent generations such that it ensures future genera-
14 tions can obtain the full range of benefits from those
15 resources.

16 (23) PRECAUTIONARY APPROACH.—The term
17 “precautionary approach” means the approach used
18 to ensure the health and sustainability of marine
19 ecosystems for the benefit of current and future gen-
20 erations, in which lack of full scientific certainty
21 shall not be used as a justification for postponing
22 action to prevent environmental degradation.

1 **TITLE I—ESTABLISHMENT OF A**
2 **NATIONAL OCEANS POLICY**

3 **SEC. 101. NATIONAL OCEANS POLICY.**

4 (a) POLICY.—It is the continuing policy of the United
5 States to protect, maintain, and restore the health of ma-
6 rine ecosystems in order to fulfill the ecological, economic,
7 educational, social, cultural, nutritional, recreational and
8 other requirements of current and future generations of
9 Americans.

10 (b) NATIONAL STANDARDS.—

11 (1) IN GENERAL.—To the fullest extent pos-
12 sible, the policies, regulations, and Public Laws of
13 the United States shall be interpreted and adminis-
14 tered by any Federal agency in accordance with the
15 policy in subsection (a) for any covered actions.

16 (2) COVERED ACTIONS.—

17 (A) Covered actions affecting United
18 States ocean waters or ocean resources must be
19 conducted in a manner that is consistent with
20 the protection, maintenance, and restoration of
21 healthy ecosystems.

22 (B) Any covered action that may signifi-
23 cantly affect United States ocean waters or
24 ocean resources may proceed only if the covered

1 action, individually and in combination with
2 other covered actions—

3 (i) is not likely to significantly harm
4 the health of any marine ecosystem; and

5 (ii) is not likely to significantly im-
6 pede the restoration of the health of any
7 marine ecosystem.

8 (C) In the case of incomplete or inconclu-
9 sive information as to the effects of a covered
10 action on United States ocean waters or ocean
11 resources, decisions shall be made using the
12 precautionary approach to ensure protection,
13 maintenance, and restoration of healthy marine
14 ecosystems.

15 (D) Adverse social and economic impacts
16 on communities that are significantly resource
17 dependent shall be minimized to the extent
18 practicable, while remaining consistent with
19 other provisions of this Act that include the
20 other national standards under this subsection.
21 Consideration of impacts on resource dependent
22 communities shall include, but not be limited to,
23 cumulative impacts.

24 (c) REGULATIONS.—Within 1 year after the date of
25 enactment of this Act, the Administrator, in consultation

1 with the Committee on Ocean Policy, shall issue such reg-
2 ulations as are necessary to implement this section of the
3 Act.

4 (d) IMPLEMENTATION.—Each Federal agency that
5 undertakes, authorizes, or funds a covered action shall en-
6 sure, in consultation with and with the assistance of the
7 Administrator, that any covered action by such agency
8 complies with the policy and national standards in sub-
9 section (a) and (b) of this section, in accordance with the
10 following schedule:

11 (1) Not less than 180 days prior to taking final
12 agency action on a covered action, the head of each
13 Federal agency shall certify whether the action com-
14 plies with the policy and national standards, and
15 submit the certification to the Administrator for re-
16 view.

17 (2) Not later than 90 days after receipt of the
18 agency's certification under subparagraph (a), the
19 administrator shall determine whether he concurs
20 with the agency's finding and provide the head of
21 such agency a written analysis documenting the
22 basis for the administrator's determination. this
23 analysis shall include—

1 (A) a summary of the information on
2 which the Administrator's determination is
3 based;

4 (B) a detailed assessment of the effects the
5 covered action has on marine ecosystem health;
6 and

7 (C) recommendations to remedy any iden-
8 tified deficiencies.

9 (e) SAVINGS CLAUSE.—Nothing in this Act shall be
10 construed to supersede or diminish the authority and re-
11 sponsibility, under any other provision of law, of any Fed-
12 eral agency or State, or any political subdivision thereof,
13 to establish or implement more stringent requirements to
14 conserve ocean resources.

15 (f) JUDICIAL REVIEW.—Regulations promulgated by
16 the Administrator and determinations on covered actions,
17 under this section of the Act, shall be subject to judicial
18 review to the extent authorized by, and in accordance with,
19 chapter 7 of title 5, United States Code.

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

4 **SEC. 201. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
5 **ISTRATION.**

6 (a) IN GENERAL.—There shall be an agency known
7 as the National Oceanic and Atmospheric Administration.
8 Reorganization Plan No. 4 of 1970 shall have no further
9 force or effect.

10 (b) MISSION.—The mission of the administration is
11 to—

12 (1) act as the nonmilitary Federal agency with
13 responsibility for providing oversight of all United
14 States coastal, ocean, and Great Lakes waters and
15 resources;

16 (2) understand the systems of the Earth's
17 oceans and atmosphere and predict changes in the
18 Earth's oceans and atmosphere and the effects of
19 such changes on the land environment;

20 (3) conserve and manage coastal, ocean, and
21 Great Lakes resources and ecosystems to meet na-
22 tional economic, social, and environmental needs,
23 and promote the ecologically sustainable use of these
24 resources so such future needs of the nation can be
25 met;

1 (4) protect, maintain, and restore the health of
2 coastal, ocean, and Great Lakes ecosystems; and

3 (5) educate the public about these topics.

4 (c) FUNCTIONS.—The functions of the Administra-
5 tion, through which it shall carry out the policy and stand-
6 ards set forth in section 101, shall include—

7 (1) conducting and supporting basic and ap-
8 plied research, development, and technology transfer
9 as may be necessary to carry out the mission de-
10 scribed in subsection (b);

11 (2) protecting, restoring, and maintaining the
12 health and sustainability of the coasts, oceans, and
13 Great Lakes through ecosystem-based research, de-
14 velopment, demonstration, and management;

15 (3) collecting, through observation and other
16 means, communicating, analyzing, processing, and
17 disseminating comprehensive scientific data and in-
18 formation about weather and climate, solar and geo-
19 physical events on the Sun and in the space environ-
20 ment, and about the coasts, oceans, Great Lakes,
21 upper reaches of estuaries, and hydrologic systems;

22 (4) operating and maintaining a system for the
23 storage, retrieval, and dissemination of data relating
24 to weather and climate, solar and geophysical events
25 on the Sun and in the space environment, and about

1 the coasts, oceans, Great Lakes, upper reaches of es-
2 tuaries, and hydrologic systems;

3 (5) using observational data and technologies
4 developed by other Federal agencies to improve the
5 Administration's operations;

6 (6) coordinating efforts of Federal agencies
7 with respect to meteorological and oceanic services,
8 and acting as a focal point regarding oceans re-
9 search and management;

10 (7) using the best available technology to ex-
11 plore and map the coastal, ocean, and Great Lakes
12 waters of the United States, and work collabo-
13 ratively with other countries to use the best available
14 technology to explore and map their coastal and
15 ocean waters and other significant water bodies, in
16 order to better understand ocean dynamics;

17 (8) issuing weather, water, climate, space
18 weather, tsunami, and other forecasts and warnings
19 related to Earth's oceans and atmosphere as to en-
20 hance society's preparedness for responding to such
21 weather-related conditions;

22 (9) working with other Federal agencies, State,
23 tribal, and local governments, and the public to im-
24 prove regional coordination and integration and pro-

1 mote ecosystem-based management of coasts,
2 oceans, and Great Lakes;

3 (10) understanding the science of Earth's cli-
4 mate and the impact of related systems on climate
5 variability and change, and undertaking research
6 and development to enhance society's ability to plan
7 for and respond to climate variability and change;

8 (11) administering public outreach and edu-
9 cation programs and services to increase scientific
10 and environmental literacy about—

11 (A) coasts, oceans, Great Lakes, upper
12 reaches of estuaries, and hydrologic systems;

13 (B) weather and climate;

14 (C) solar and geophysical events on the
15 Sun and in the space environment; and

16 (D) direct and indirect human impacts on
17 the systems of Earth's oceans, atmosphere, and
18 related systems;

19 (12) providing, as appropriate and in coopera-
20 tion with the Secretary of State, representation at
21 all international meetings and conferences relating
22 to the mission of the Administration, including mete-
23 orological, climate, and Earth and ocean observing
24 issues;

1 (13) any other function assigned to the Admin-
2 istration by law; and

3 (14) such other functions as are necessary to
4 accomplish the mission described in subsection (b).

5 **SEC. 202. ADMINISTRATION LEADERSHIP.**

6 (a) UNDER SECRETARY OF COMMERCE FOR OCEANS
7 AND ATMOSPHERE AND ADMINISTRATOR.—

8 (1) IN GENERAL.—There shall be, as the Ad-
9 ministrator of the Administration, an Under Sec-
10 retary of Commerce for Oceans and Atmosphere.
11 The Administrator shall be appointed by the Presi-
12 dent, by and with the advice and consent of the Sen-
13 ate. The term of office of any individual appointed
14 after the date of enactment of this Act to serve as
15 Administrator shall be 6 years, with eligibility for re-
16 appointment.

17 (2) FUNCTIONS.—The Administrator, as head
18 of the Administration, shall be responsible for—

19 (A) ensuring that the functions of the Ad-
20 ministration under section 201(c) are fulfilled;

21 (B) general management and supervision
22 of the operations of the Administration;

23 (C) policy development and guidance;

24 (D) formulation, guidance, and execution
25 of budget for the Administration, including sub-

1 mission of annual budget requests to the Direc-
2 tor of the Office of Management and Budget;

3 (E) serving as the Department of Com-
4 merce official for all ocean and atmosphere
5 issues with other elements of the Department of
6 Commerce and with other Federal agencies,
7 State, tribal, and local governments, and the
8 public; and

9 (F) such other duties with respect to the
10 Administration as the Secretary may prescribe.

11 (3) DELEGATION OF AUTHORITY.—The Admin-
12 istrator may, except as otherwise prohibited by
13 law—

14 (A) delegate any functions, powers, or du-
15 ties of the Administrator to such officers and
16 employees of the Administration as the Admin-
17 istrator may designate; and

18 (B) authorize such successive redelegations
19 of such functions, powers, or duties within the
20 Administration as the Administrator considers
21 necessary or appropriate.

22 (4) PAY.—The Administrator shall be paid at
23 the rate of basic pay for level III of the Executive
24 Schedule under section 5314 of title 5, United
25 States Code.

1 (5) AUTHORITIES.—

2 (A) IN GENERAL.—As may be necessary or
3 proper to carry out the Administration’s func-
4 tions under this Act or as otherwise provided by
5 law, the Administrator may—

6 (i) promulgate rules and regulations;

7 (ii) hire personnel, including the selec-
8 tion, appointment, distribution, super-
9 vision, compensation, and separation of
10 personnel;

11 (iii) enter into and perform contracts,
12 leases, grants, and cooperative agreements
13 with Federal agencies, State and local gov-
14 ernments, regional and interstate agencies,
15 Indian tribes, international organizations,
16 foreign governments, educational institu-
17 tions, research institutions, nonprofit orga-
18 nizations, and commercial organizations;

19 (iv) use, with their consent, and with
20 or without reimbursement, the services,
21 equipment, personnel, and facilities of
22 other departments, agencies, and instru-
23 mentalities of the Federal Government;

1 (v) conduct education and outreach in
2 direct support of the mission described in
3 section 201(b);

4 (vi) take reasonable steps to ensure
5 that information systems and databases of
6 the Administration are compatible with
7 each other and with appropriate databases
8 of other agencies;

9 (vii) procure services of experts and
10 consultants in accordance with section
11 3109 of title 5, United States Code; and

12 (viii) prescribe external affairs, includ-
13 ing legal, legislative, and public affairs.

14 (B) EXCEPTION.—The authorities con-
15 ferred on the Administrator by this paragraph
16 do not include the authority to contract for
17 services that are an inherently governmental
18 function as defined in section 5 of the Federal
19 Activities Inventory Reform Act of 1998 (31
20 U.S.C. 501 note).

21 (b) ASSISTANT SECRETARY FOR OCEANS AND AT-
22 MOSPHERE AND DEPUTY ADMINISTRATOR.—

23 (1) IN GENERAL.—There shall be, as Deputy
24 Administrator of the Administration, an Assistant
25 Secretary of Commerce for Oceans and Atmosphere.

1 The Deputy Administrator shall be appointed by the
2 President, by and with the advice and consent of the
3 Senate. The Deputy Administrator shall be the Ad-
4 ministrator's first assistant for purposes of sub-
5 chapter III of chapter 33 of title 5, United States
6 Code.

7 (2) FUNCTIONS.—The deputy administrator
8 shall—

9 (A) serve as an advisor to the Adminis-
10 trator on all program and policy issues;

11 (B) perform such functions and exercise
12 such powers as the Administrator may pre-
13 scribe; and

14 (C) act as Administrator during the ab-
15 sence or disability of the Administrator or in
16 the event of a vacancy in the office of Adminis-
17 trator.

18 (3) PAY.—The Assistant Secretary shall be
19 paid at the rate of basic pay for level IV of the Ex-
20 ecutive Schedule.

21 (c) DEPUTY UNDER SECRETARY FOR OCEANS AND
22 ATMOSPHERE AND CHIEF OPERATING OFFICER.—

23 (1) IN GENERAL.—There shall, be as the Chief
24 Operating Officer of the Administration, a Deputy
25 Under Secretary of Commerce for Oceans and At-

1 mosphere. The Deputy Under Secretary shall be ap-
2 pointed by the Secretary. The position of Deputy
3 Under Secretary shall be a Senior Executive Service
4 position authorized under section 3133 of title 5,
5 United States Code.

6 (2) FUNCTIONS.—The Deputy Under Secretary
7 shall—

8 (A) ensure the timely and effective imple-
9 mentation of Administration policies and objec-
10 tives;

11 (B) be responsible for all aspects of the
12 Administration’s operations and management,
13 including budget, financial operations, informa-
14 tion services, facilities, human resources, pro-
15 curements, and associated services;

16 (C) act as Assistant Secretary during the
17 absence or disability of the Assistant Secretary
18 or in the event of a vacancy in such position;
19 and

20 (D) perform such other duties as the Ad-
21 ministrator shall prescribe.

22 (d) DEPUTY ASSISTANT SECRETARIES.—

23 (1) IN GENERAL.—There may be in the Admin-
24 istration no more than three Deputy Assistant Sec-
25 retaries.

1 (2) FUNCTIONS.—The functions of the Deputy
2 Assistant Secretaries shall be designated by the Sec-
3 retary and must be consistent with at least one of
4 the three primary functions of the Administration—

5 (A) assessment, prediction, and operations;

6 (B) management, especially ecosystem-
7 based; and

8 (C) research and education.

9 (3) QUALIFICATIONS.—The Deputy Assistant
10 Secretaries shall be appointed by the Secretary from
11 among individuals who are qualified by reason of
12 background and experience to direct the implementa-
13 tion and administration of the functions for which
14 they are responsible. The positions of Deputy Assist-
15 ant Secretaries shall be Senior Executive Service po-
16 sitions authorized under section 3133 of title 5,
17 United States Code.

18 (e) ASSISTANT ADMINISTRATORS.—

19 (1) IN GENERAL.—There shall be in the Admin-
20 istration no more than five Assistant Administrators
21 who shall head one of each of the operating offices
22 of the Administration, overseeing the programs and
23 activities of each such office.

24 (2) FUNCTIONS.—The functions of the Assist-
25 ant Administrators shall be specified by the Admin-

1 istrator to fulfill the duties of the offices they over-
2 see and must be consistent with at least one of the
3 three primary functions of the Administration, while
4 minimizing overlap of such functions between them,
5 including—

6 (A) assessment, prediction, and operations;

7 (B) management, especially ecosystem-
8 based; and

9 (C) research and education.

10 (3) QUALIFICATIONS.—Each Assistant Admin-
11 istrator shall be appointed by the Administrator
12 from among individuals who are qualified by reason
13 of background and experience to direct the imple-
14 mentation and administration of the functions for
15 which they are responsible shall be designated by the
16 Secretary and must be consistent with at least one
17 of the three primary functions of the Administra-
18 tion—

19 (A) assessment, prediction, and operations;

20 (B) management, especially ecosystem-
21 based; and

22 (C) research and education.

23 (f) GENERAL COUNSEL.—

24 (1) IN GENERAL.—There shall be in the Admin-
25 istration a General Counsel. The General Counsel

1 shall be appointed by the Secretary. The General
2 Counsel shall be paid at the rate of basic pay for
3 level V of the Executive Schedule.

4 (2) FUNCTIONS.—The General Counsel shall—

5 (A) serve as the chief legal officer of the
6 Administration for all legal matters that arise
7 in connection with the conduct of the functions
8 of the Administration; and

9 (B) perform such other functions and exer-
10 cise such powers as the Administrator may pre-
11 scribe.

12 (g) CONTINUATION OF SERVICE.—Any individual
13 serving on the effective date of this Act in a position pro-
14 vided for in this Act may continue to serve in that position
15 until a successor is appointed under this Act. Nothing in
16 this Act shall be construed to require the appointment of
17 a successor under this Act sooner than would have been
18 required under law as in effect before the effective date
19 of this Act.

20 **SEC. 203. NATIONAL WEATHER SERVICE.**

21 (a) IN GENERAL.—The Secretary shall maintain
22 within the Administration the National Weather Service.

23 (b) MISSION.—The mission of the National Weather
24 Service is to provide weather, water, climate, tsunami, and
25 space weather forecasts and warnings for the United

1 States, its territories, adjacent waters, and ocean areas for
2 the protection of life and property and the enhancement
3 of the national economy. In carrying out the mission of
4 the National Weather Service, the Administrator shall en-
5 sure that the National Weather Service—

6 (1) provides timely and accurate weather,
7 water, climate, tsunami, and space weather fore-
8 casts; and

9 (2) provides timely and accurate warnings of
10 natural hazards related to weather, water, climate,
11 and tsunamis, and of space weather hazards.

12 (c) FUNCTIONS.—To accomplish the mission de-
13 scribed in section 201(b), and in addition to the functions
14 described in section 201(e), the functions of the National
15 Weather Service shall include—

16 (1) maintaining a network of local weather fore-
17 cast offices;

18 (2) maintaining a network of observation sys-
19 tems to collect weather and climate data;

20 (3) operating national centers to deliver guid-
21 ance, forecasts, warnings, and analysis about weath-
22 er, water, climate, tsunami, and space weather phe-
23 nomena for the Administration and the public;

1 (4) providing information to Federal agencies
2 and other organizations responsible for emergency
3 preparedness and response as required by law;

4 (5) conducting and supporting applied research
5 to facilitate the rapid incorporation of weather and
6 climate science advances into operational tools; and

7 (6) other functions to serve the mission of the
8 National Weather Service described in subsection
9 (b).

10 **SEC. 204. RESOURCE MANAGEMENT.**

11 (a) IN GENERAL.—The Secretary shall maintain
12 within the Administration programs to protect, maintain
13 and restore the health and sustainability of coastal, ocean,
14 and Great Lakes resources through ecosystem-based man-
15 agement.

16 (b) FUNCTIONS.—To accomplish the mission de-
17 scribed in section 201(b), and in addition to the functions
18 described in section 201(c), the resource management as-
19 pects of the Administration shall take an ecosystem-based
20 approach to fulfilling its responsibilities with respect to—

21 (1) management of domestic and international
22 fisheries for increased sustainability;

23 (2) conservation of marine mammals, protected
24 species, coral reefs, and other living marine re-
25 sources;

1 (3) protection and management of ocean and
2 coastal areas, including areas designated under the
3 National Marine Sanctuary, National Estuarine Re-
4 search Reserve, and National Monument systems,
5 other managed areas, areas considered essential fish
6 habitat, and other important ecological areas as ap-
7 propriate;

8 (4) management of coastal zones and water-
9 sheds;

10 (5) response to, mitigation of, and adequate
11 compensation for pollution events, including oil and
12 other hazardous waste spills;

13 (6) restoration of degraded coastal and ocean
14 areas, including through a community-based ap-
15 proach;

16 (7) partnerships with other Federal agencies
17 and with States and communities to address the
18 issues of land-based activities and their impact on
19 the ocean environment;

20 (8) mitigation of the impacts of natural and
21 manmade hazards;

22 (9) control and minimization of invasive species
23 proliferation and marine debris;

24 (10) assessment, monitoring, and promotion of
25 the long-term health, productivity, and diversity of

1 the coasts, oceans, and Great Lakes, and their nat-
2 ural resources; and

3 (11) such other ecosystem-based resource man-
4 agement functions to serve the mission of the Ad-
5 ministration as the Administrator may prescribe.

6 **SEC. 205. OPERATIONS AND SERVICES.**

7 (a) IN GENERAL.—The Secretary shall maintain
8 within the Administration programs to support efforts, on
9 a continuing basis, to collect data and provide information
10 and products regarding satellites, observations, and coast-
11 al, ocean and Great Lakes information.

12 (b) FUNCTIONS.—To accomplish the mission de-
13 scribed in section 201(b), and in addition to the functions
14 described in section 201(c), the operations and service
15 functions of the Administration include—

16 (1) acquiring, managing, and operating coastal,
17 ocean, and Great Lakes observing systems;

18 (2) contributing to the operation of a global
19 Earth-observing system;

20 (3) integrating Administration remote sensing
21 and in situ assets that provide critical data needed
22 to support the mission of the Administration, and
23 providing that data to decision-makers and the pub-
24 lic;

1 (4) developing, acquiring, and managing oper-
2 ational environmental satellite programs and associ-
3 ated ground control and data acquisition and deliv-
4 ery facilities to support the mission of the Adminis-
5 tration;

6 (5) managing and distributing atmospheric,
7 geophysical, and marine data and data products for
8 the Administration through national environmental
9 data centers;

10 (6) providing for long-term stewardship of envi-
11 ronmental data, products, and information via data
12 processing, storage, reanalysis, reprocessing, and ar-
13 chive facilities;

14 (7) issuing licenses for private remote sensing
15 space systems under the Land Remote Sensing Pol-
16 icy Act of 1992;

17 (8) administering a national water level obser-
18 vation network, which shall include monitoring of
19 the Great Lakes;

20 (9) providing charts and other information for
21 safe navigation of the oceans and inland waters, as
22 provided by law;

23 (10) maintaining a fleet of ships and aircraft to
24 support the mission of the Administration; and

1 (11) such other operations and services func-
2 tions to serve the mission of the Administration as
3 the Administrator may prescribe.

4 **SEC. 206. RESEARCH AND TECHNOLOGY DEVELOPMENT.**

5 (a) IN GENERAL.—The Secretary shall maintain
6 within the Administration programs to conduct and sup-
7 port research and the development of technologies relating
8 to weather, climate, and the coasts, oceans, and Great
9 Lakes.

10 (b) FUNCTIONS.—To accomplish the mission de-
11 scribed in section 201(b), and in addition to the functions
12 described in section 201(c), the research and development
13 functions of the Administration shall include—

14 (1) conducting and supporting research and
15 technology development to improve the Administra-
16 tion’s capabilities to collect, through observation and
17 otherwise, communicate, analyze, process, and dis-
18 seminate comprehensive scientific data and informa-
19 tion about weather, climate, and the coasts, oceans,
20 and Great Lakes;

21 (2) improving ecological prediction and manage-
22 ment capabilities through ecosystem-based research
23 and technology development;

24 (3) contributing information on the Earth’s cli-
25 mate and related systems, obtained through research

1 and observation, that addresses questions con-
2 fronting policymakers, resources managers, and
3 other users;

4 (4) reducing uncertainty in projections of how
5 the Earth's climate and related systems may change
6 in the future;

7 (5) conducting and supporting research and de-
8 velopment of technology for exploration of the
9 oceans;

10 (6) maintaining a system of laboratories to per-
11 form the functions described in this subsection;

12 (7) supporting extramural peer-reviewed com-
13 petitive grant programs to assist the Administration
14 in performing the functions described in this sub-
15 section; and

16 (8) such other research and technology develop-
17 ment functions to serve the mission of the Adminis-
18 tration as the Administrator may prescribe.

19 **SEC. 207. EDUCATION AND OUTREACH.**

20 (a) **IN GENERAL.**—The Secretary shall maintain
21 within the Administration the Office of Education.

22 (b) **MISSION.**—The mission of the Office of Edu-
23 cation is to conduct and support education programs and
24 outreach activities related to oceans and atmosphere, and
25 to provide interagency and intra-agency coordination of

1 such programs and activities on the national, regional,
2 State, and local levels.

3 (c) FUNCTIONS.—To accomplish the mission de-
4 scribed in section 201(b), and in addition to the functions
5 described in section 201(c), the education and outreach
6 functions of the Administration, through the Office of
7 Education, shall include—

8 (1) fostering the public’s ability to understand
9 and integrate scientific information into consider-
10 ations of national environmental issues through edu-
11 cation and public outreach activities;

12 (2) informing the public about how the Earth’s
13 climate and related systems may change in the fu-
14 ture, based on the best available science;

15 (3) supporting and partnering with educational
16 institutions to foster ocean literacy and promote the
17 ocean workforce, especially minority-serving institu-
18 tions;

19 (4) support professional development and a pro-
20 gram for certification of individuals engaged in com-
21 mercial uses of ocean waters;

22 (5) create and implement effective approaches
23 to disseminate agency products and ocean informa-
24 tion to the general public, including improving ac-

1 cess to the Administration’s educational resources;
2 and

3 (6) such other education and outreach functions
4 to serve the mission of the Administration as the
5 Administrator may prescribe.

6 **SEC. 208. SCIENCE ADVISORY BOARD.**

7 (a) IN GENERAL.—There shall be within the Admin-
8 istration a Science Advisory Board, which shall provide
9 such scientific advice as may be requested by the Adminis-
10 trator, the Committee on Commerce, Science, and Trans-
11 portation of the Senate, or the Committee on Science or
12 on Resources of the House of Representatives.

13 (b) PURPOSE.—The purpose of the Science Advisory
14 Board is to advise the Administrator and Congress on
15 long-range and short-range strategies for research, edu-
16 cation, and the application of science to coastal, ocean,
17 and Great Lakes resource management and environmental
18 assessment and prediction.

19 (c) MEMBERS.—

20 (1) IN GENERAL.—The Science Advisory board
21 shall be composed of at least 15 members appointed
22 by the administrator. Each member of the board
23 shall—

24 (A) be qualified by education, training, and
25 experience to evaluate scientific and technical

1 information on matters referred to the Board
2 under this section; and

3 (B) collectively represent a balanced group
4 of experts reflecting the full breadth of the Ad-
5 ministration's areas of responsibility.

6 (2) TERMS OF SERVICE.—Members shall be ap-
7 pointed for 3-year terms, renewable once, and shall
8 serve at the discretion of the Administrator. An indi-
9 vidual serving a term as a member of the Science
10 Advisory Board on the date of enactment of this Act
11 may complete that term, and may be reappointed
12 once for another term of 3 years unless the term
13 being served on such date of enactment is the second
14 term served by that individual. Vacancy appoint-
15 ments shall be for the remainder of the unexpired
16 term of the vacancy, and an individual so appointed
17 may subsequently be appointed for 2 full 3-year
18 terms if the remainder of the unexpired term is less
19 than one year.

20 (3) CHAIRPERSON.—The Administrator shall
21 designate a chairperson from among the members of
22 the Board.

23 (4) APPOINTMENT.—Members of the Science
24 Advisory Board shall be appointed as special Gov-
25 ernment employees, within the meaning given such

1 term in section 202(a) of title 18, United States
2 Code, and subject to the ethical standards therein.

3 (d) ADMINISTRATIVE PROVISIONS.—

4 (1) REPORTING.—The Science Advisory Board
5 shall report to the Administrator and the appro-
6 priate requesting party.

7 (2) ADMINISTRATIVE SUPPORT.—The Adminis-
8 trator shall provide administrative support to the
9 Science Advisory Board.

10 (3) MEETINGS.—The Science Advisory Board
11 shall meet at least twice each year, and at other
12 times at the call of the Administrator or the Chair-
13 person.

14 (4) COMPENSATION AND EXPENSES.—A mem-
15 ber of the Science Advisory Board shall not be com-
16 pensated for service on such board, but may be al-
17 lowed travel expenses, including per diem in lieu of
18 subsistence, in accordance with subchapter I of
19 chapter 57 of title 5, United States Code.

20 (5) SUBCOMMITTEES.—The Science Advisory
21 Board may establish such subcommittees of its
22 members as may be necessary. The Science Advisory
23 Board may establish task forces and working groups
24 consisting of Board members and outside experts as
25 may be necessary.

1 (e) FEDERAL ADVISORY COMMITTEE ACT.—

2 (1) IN GENERAL.—The Federal Advisory Com-
3 mittee Act (5 App. U.S.C.) shall not apply to the
4 Science Advisory Board.

5 (2) COMPLIANCE.—Notwithstanding paragraph
6 (1), the Science Advisory Board shall be appointed
7 and operate in a manner consistent with all provi-
8 sions of the Federal Advisory Committee Act with
9 respect to—

10 (A) the balance of its membership;

11 (B) provision of public notice regarding its
12 activities;

13 (C) open meetings; and

14 (D) public access to documents created by
15 Science Advisory Board.

16 **SEC. 209. REPORTS.**

17 (a) REPORT ON STATUS OF OCEAN ECOSYSTEMS
18 AND RESOURCES.—

19 (1) CONTENTS.—Not later than 2 years after
20 the date of enactment of this Act, the Administrator
21 shall develop a baseline report on the status and
22 condition of the ocean ecosystems and resources
23 under United States jurisdiction. Once every 3 years
24 thereafter, there shall be updates to the report. In
25 preparing the report, the Administrator shall consult

1 with the heads of other departments and agencies as
2 appropriate. The plan shall include—

3 (A) a description of the related activities of
4 the Administration to perform its functions
5 under section 201(c) during the period covered
6 by the report;

7 (B) an assessment of the status and condi-
8 tion of the health of ecosystems in United
9 States coastal, ocean, and Great Lakes waters;

10 (C) an analysis of past, current, and pro-
11 jected trends in the quality, management, and
12 utilization of United States coastal, ocean, and
13 Great Lakes waters and the effects of those
14 trends on the economic, social, educational, eco-
15 logical, and other needs of the United States;

16 (D) a review of the programs and covered
17 actions (including regulatory activities) of the
18 Federal Government, State and local govern-
19 ments, and nongovernmental entities or individ-
20 uals with particular reference to their effect on
21 coastal, ocean, and Great Lakes waters and on
22 the conservation, development, and utilization
23 of coastal, ocean, and Great Lakes resources;

24 (E) an analysis of whether the programs
25 and activities (including regulatory activities) of

1 the Administration fully implemented the na-
2 tional oceans policy under section 3 during the
3 period covered by the report; and

4 (F) a program for remedying the defi-
5 ciencies of existing programs and activities, in-
6 cluding recommendations for legislation and
7 funding priorities.

8 (2) TRANSMITTAL TO CONGRESS.—The Admin-
9 istrator shall transmit to the Committee on Com-
10 merce, Science, and Transportation of the Senate
11 and the Committee on Resources of the House of
12 Representatives the report, and subsequent reports,
13 as outlined in paragraph (1) upon completion.

14 (b) REPORT ON DATA MANAGEMENT, ARCHIVAL,
15 AND DISTRIBUTION.—

16 (1) CONTENTS.—Not later than 1 year after
17 the date of enactment of this Act, and once every 5
18 years thereafter, the Administrator shall do the fol-
19 lowing:

20 (A) Enter into an arrangement with the
21 National Academy of Sciences to review the en-
22 vironmental data and information systems of
23 the Administration and to provide recommenda-
24 tions to address any inadequacies identified by
25 the review. The review shall assess the ade-

1 quacy of the environmental data and informa-
2 tion systems of the Administration to—

3 (i) provide adequate capacity to man-
4 age, archive and disseminate environmental
5 information collected and processed, or ex-
6 pected to be collected and processed, by
7 the Administration, including data gath-
8 ered by other agencies that is processed or
9 stored by the Administration;

10 (ii) establish, develop, and maintain
11 information bases, including necessary
12 management systems, which will provide
13 for consistent, efficient, and compatible
14 transfer and use of data;

15 (iii) develop effective interfaces among
16 the environmental data and information
17 systems of the Administration and other
18 appropriate departments and agencies;

19 (iv) develop and use nationally accept-
20 ed formats and standards for data col-
21 lected by various national and international
22 sources;

23 (v) integrate and interpret data from
24 different sources to produce information
25 that can be used by decision-makers in de-

1 veloping policies that effectively respond to
2 national and global environmental con-
3 cerns; and

4 (vi) reanalyze and reprocess the
5 archived data as better science is developed
6 to integrate diverse data sources.

7 (B) Develop a strategic plan, with respect
8 to the environmental data and information sys-
9 tems of the Administration, to—

10 (i) respond to each of the rec-
11 ommendations in the review conducted
12 under subparagraph (A);

13 (ii) set forth modernization and im-
14 provement objectives for an integrated na-
15 tional environmental data access and ar-
16 chive system for the 10-year period begin-
17 ning with the year in which the plan is
18 transmitted, including facility requirements
19 and critical new technology components
20 that would be necessary to meet the objec-
21 tives set forth;

22 (iii) propose specific Administration
23 programs and activities for implementing
24 the plan;

1 (iv) identify the data and information
2 management, reanalysis, reprocessing, ar-
3 chival, and distribution responsibilities of
4 the Administration with respect to other
5 Federal departments and agencies and
6 international organizations; and

7 (v) provide an implementation sched-
8 ule and estimate funding levels necessary
9 to achieve modernization and improvement
10 objectives.

11 (2) TRANSMITTAL TO CONGRESS.—Not later
12 than 18 months after the date of enactment of this
13 Act, the Administrator shall transmit to the Com-
14 mittee on Commerce, Science, and Transportation of
15 the Senate and the Committee on Science of the
16 House of Representatives the initial review and stra-
17 tegic plan developed under paragraph (1). Subse-
18 quent reviews and strategic plans developed under
19 paragraph (1) shall also be transmitted to those
20 committees upon completion.

21 (c) STRATEGIC PLAN FOR RESEARCH AND DEVELOP-
22 MENT.—

23 (1) CONTENTS.—Not later than 1 year after
24 the date of enactment of this Act, and once every 5
25 years thereafter, the Administrator shall develop a

1 strategic plan for research and development at the
2 Administration. The plan shall include—

3 (A) an assessment of the science and tech-
4 nology needs of the Administration based on
5 the Administration’s operational requirements
6 and on input provided by external stakeholders
7 at the national, regional, State, and local levels;
8 and

9 (B) a strategic plan that assigns specific
10 programs within the administration the respon-
11 sibility to meet each need identified under sub-
12 paragraph (A) and that describes the extent to
13 which each need identified in subparagraph (A)
14 will be addressed through—

15 (i) intramural research;

16 (ii) extramural, peer-reviewed, com-
17 petitive grant programs; and

18 (iii) work done in cooperation with
19 other Federal agencies.

20 (2) NATIONAL ACADEMY OF SCIENCES RE-
21 VIEW.—The Administrator shall enter into an ar-
22 rangement with the National Academy of Sciences
23 for a review of the plan developed under paragraph
24 (1).

1 (3) TRANSMITTAL TO CONGRESS.—Not later
2 than 18 months after the date of enactment of this
3 Act, the Administrator shall transmit to the Com-
4 mittee on Commerce, Science, and Transportation of
5 the Senate and the Committee on Science of the
6 House of Representatives the initial strategic plan
7 developed under paragraph (1) and the review pre-
8 pared pursuant to paragraph (2). Subsequent stra-
9 tegic plans developed under paragraph (1) shall also
10 be transmitted to those committees upon completion.

11 (d) OTHER REPORTS.—

12 (1) The Administrator shall submit to Congress
13 other reports and written notifications as explicitly
14 described elsewhere in this Act.

15 (2) Nothing in this section shall be construed to
16 waive any other reporting required of the Adminis-
17 trator prior to enactment of this Act.

18 **SEC. 210. PUBLIC-PRIVATE PARTNERSHIPS.**

19 Not less than once every 5 years, the Secretary shall
20 develop and submit to Congress a policy that defines proc-
21 esses for making decisions about the roles of the Adminis-
22 tration, the private sector, and the academic community
23 in providing environmental information, products, tech-
24 nologies, and services. The first such submission shall be
25 completed not less than 3 years after the date of enact-

1 ment of this Act. At least 90 days before each submission
2 of the policy to Congress, the Secretary shall publish the
3 policy in the Federal Register for a public comment period
4 of not less than 60 days. Nothing in this section shall be
5 construed to require changes in the policy in effect on the
6 date of enactment of this Act.

7 **SEC. 211. REORGANIZATION PLAN.**

8 (a) IN GENERAL.—The Administrator shall develop
9 a reorganization plan for the Administration as described
10 in this section, and in accordance with section 101. In de-
11 veloping the plan, the Administrator shall consult with in-
12 terested parties, including the States, academia, industry,
13 conservation organizations, and Administration employees.

14 (b) CONTENT.—The plan, to the greatest extent prac-
15 ticable, shall—

16 (1) consider aspects of the administration, such
17 as—

18 (A) leadership positions and roles;

19 (B) program offices and duties;

20 (C) regional and ecosystem-wide ap-
21 proaches to management;

22 (D) coordination with outside entities, both
23 nationally and internationally; and

24 (E) needs to expand or downsize employees
25 and/or facilities.

1 (2) consistent with section 201 and the other
2 provisions of this Act, maximize the efficiency with
3 which the Administration carries out and assures the
4 effectiveness of the functions of—

5 (A) operations and services;

6 (B) research and education; and

7 (C) resource management;

8 (3) improve the sharing of research and other
9 information that is of use across programmatic
10 themes; and

11 (4) eliminate duplication of effort or overlap-
12 ping efforts among offices.

13 (c) SCHEDULE.—

14 (1) Not later than 18 months after the date of
15 enactment of this Act, the Administrator shall de-
16 velop the plan and shall publish the plan in the Fed-
17 eral Register.

18 (2) The Federal Register notice shall solicit
19 comments for a period of 60 days.

20 (3) Not later than 120 days after the expiration
21 date of the comment period described in paragraph
22 (2), the Administrator shall complete a revised
23 version of the plan that takes into account the com-
24 ments received.

1 (4) Upon completing the revision, along with an
2 explanation of how the administrator addressed each
3 issue raised by the public comments received, the ad-
4 ministrator shall—

5 (A) transmit the revised plan and expla-
6 nation to the National Oceans Advisor, estab-
7 lished in section 301 for review;

8 (B) transmit the revised plan and expla-
9 nation to the Committee on Commerce, Science,
10 and Transportation of the Senate and the Com-
11 mittees on Science and on Resources of the
12 House of Representatives for review; and

13 (C) publish the revised plan and expla-
14 nation in the Federal Register.

15 (d) IMPLEMENTATION.—If no objections are received
16 from the National Oceans Advisor or Congress within 90
17 days of transmittal of the revised plan, the Administrator
18 shall implement the such plan.

19 (e) REPORTING.—

20 (1) ADMINISTRATION INTERNAL REVIEW.—
21 Once every 3 years after implementation of the reor-
22 ganization plan, the Administrator shall transmit a
23 report to Congress assessing the effectiveness and
24 efficiency of the Administration in carrying out its

1 functions and fulfilling its mission, as set forth in
2 sections 201(b) and 201(c), respectively;

3 (2) GOVERNMENT ACCOUNTABILITY OFFICE RE-
4 VIEW.—Not later than 5 years after the Administra-
5 tion implements the reorganization plan, and every
6 5 years thereafter, the Government Accountability
7 Office shall conduct an independent review of the ef-
8 fectiveness and efficiency of the Administration in
9 carrying out its functions and fulfilling its mission,
10 as set forth in sections 201(b) and 201(c), respec-
11 tively. Upon completing the review, the Government
12 Accountability Office shall transmit a report to Con-
13 gress with its findings.

14 **SEC. 212. FACILITY EVALUATION PROCESS.**

15 (a) DEFINITION.—For purposes of this section—

16 (1) the term “facility” means a laboratory, op-
17 erations office, administrative service center, or
18 other establishment of the Administration; and

19 (2) the term “field office” has the same mean-
20 ing given that term in section 702 of the Weather
21 Service Modernization Act.

22 (b) PUBLIC NOTIFICATION AND ASSESSMENT PROC-
23 ESS.—

24 (1) IN GENERAL.—The Administrator shall not
25 close, consolidate, relocate, subdivide, or establish a

1 facility of the Administration, unless and until the
2 Administrator has followed the procedures required
3 by this section.

4 (2) REVIEW PROCESS.—The Administrator
5 shall not close, consolidate, relocate, subdivide, or es-
6 tablish a facility of the Administration with an an-
7 nual operating budget of \$5,000,000 or greater, or
8 a National Weather Service field office, unless and
9 until—

10 (A) the Administrator has published in the
11 Federal Register the proposed action and a de-
12 scription of the offices, personnel, and activities
13 of the Administration that would be affected by
14 the proposed change, and has provided for a
15 minimum of 60 days for public comment;

16 (B) if the proposed change involves a
17 science facility of the Administration, the
18 Science Advisory Board has reviewed the pro-
19 posed change and provided to the Administrator
20 written findings regarding the proposed change;

21 (C) if the proposed change involves a Na-
22 tional Weather Service field office, the Adminis-
23 trator has prepared a report including—

24 (i) a description of local weather char-
25 acteristics and weather-related concerns

1 which affect the weather services provided
2 within the service area;

3 (ii) a detailed comparison of the serv-
4 ices provided within the service area and
5 the services to be provided after the pro-
6 posed change;

7 (iii) a description of any recent or ex-
8 pected modernization of National Weather
9 Service operations which will enhance serv-
10 ices in the service area;

11 (iv) an identification of any area with-
12 in any State which would not receive cov-
13 erage (at an elevation of 10,000 feet) due
14 to the proposed change; and

15 (v) evidence, based on operational
16 demonstration of National Weather Service
17 operations, which was considered in reach-
18 ing the conclusion that no degradation in
19 service will result from the proposed
20 change;

21 (D) the Administrator has prepared an
22 analysis of the anticipated costs and savings as-
23 sociated with the proposed facility change, in-
24 cluding both costs and savings in the first fiscal
25 year following the change, and changes in oper-

1 ations and maintenance costs and savings over
2 a ten-year period; and

3 (E) the Administrator has prepared an
4 analysis of the effects of the facility change on
5 operations and research of the Administration,
6 and the potential impacts on cooperative insti-
7 tutes, other external Administration partner-
8 ships, partnerships with other Federal agencies,
9 and any State and local partnerships.

10 (3) NOTICE TO CONGRESS.—

11 (A) The Administrator shall provide to
12 Congress, at least 90 days before any closure,
13 consolidation, relocation, subdivision, or estab-
14 lishment of a facility of the Administration with
15 an annual budget of \$5,000,000 or greater, or
16 any National Weather Service field office, a
17 summary of the public comments received pur-
18 suant to paragraph (2)(A), any written findings
19 prepared under paragraph (2)(B), any report
20 prepared under paragraph (2)(C), and the anal-
21 yses prepared under paragraph (2)(D) and (E).

22 (B) The Administrator shall provide to
23 Congress, at least 90 days before any closure,
24 consolidation, relocation, subdivision, or estab-
25 lishment of a facility of the Administration not

1 described in subparagraph (A), written notifica-
2 tion of the planned closure, consolidation, relo-
3 cation, subdivision, or establishment.

4 (c) NATIONAL WEATHER SERVICE MODERNIZA-
5 TION.—Nothing in this Act shall be construed to alter the
6 Weather Service Modernization Act (15 U.S.C. 313 note).

7 **SEC. 213. ADMINISTRATION BUDGET.**

8 (a) EXAMINATION.—When the Administrator sub-
9 mits the annual budget request for the Administration and
10 its programs to the Director of the Office of Management
11 and Budget, examination shall take place within natural
12 resource programs.

13 (b) REPROGRAMMING.—Whenever the Administrator
14 transmits a budget reprogramming request to the Appro-
15 priations Committees of the House of Representatives and
16 the Senate, the Administrator shall simultaneously submit
17 a copy of the request to the Committee on Science and
18 the Committee on Resources of the House of Representa-
19 tives and the Committee on Commerce, Science, and
20 Transportation of the Senate.

21 **SEC. 214. BASELINES AND COST CONTROLS.**

22 (a) DEFINITIONS.—For the purposes of this sec-
23 tion—

24 (1) the term “development” means the phase of
25 a program following the formulation phase and be-

1 ginning with the approval to proceed to implementa-
2 tion;

3 (2) the term “development cost” means the
4 total of all costs, including construction of facilities
5 and civil servant costs, from the period beginning
6 with the approval to proceed to implementation
7 through the achievement of operational readiness,
8 without regard to funding source or management
9 control, for the life of the program;

10 (3) the term “life-cycle cost” means the total of
11 the direct, indirect, recurring, and nonrecurring
12 costs, including the construction of facilities and civil
13 servant costs, and other related expenses incurred or
14 estimated to be incurred in the design, development,
15 verification, production, operation, maintenance,
16 support, and retirement of a program over its
17 planned lifespan, without regard to funding source
18 or management control; and

19 (4) the term “major program” means an activ-
20 ity approved to proceed to implementation that has
21 an estimated life-cycle cost of more than
22 \$250,000,000.

23 (b) CONDITIONS FOR DEVELOPMENT.—

24 (1) IN GENERAL.—The Administration shall
25 not enter into a contract for the development of a

1 major program unless the Administrator determines
2 that—

3 (A) the technical, cost, and schedule risks
4 of the program are clearly identified and the
5 program has developed a plan to minimize those
6 risks;

7 (B) the technologies required for the pro-
8 gram have been demonstrated in a relevant lab-
9 oratory or test environment; and

10 (C) the program complies with all relevant
11 policies, regulations, and directives of the Ad-
12 ministration.

13 (2) REPORT.—The Administrator shall trans-
14 mit a report describing the basis for the determina-
15 tion required under paragraph (1) to the Committee
16 on Science of the House of Representatives and the
17 Committee on Commerce, Science, and Transpor-
18 tation of the Senate at least 30 days before entering
19 into a contract for development under a major pro-
20 gram.

21 (3) NON-DELEGATION.—The Administrator
22 may not delegate the determination requirement
23 under this subsection, except in cases in which the
24 Administrator has a conflict of interest.

25 (c) MAJOR PROGRAM ANNUAL REPORTS.—

1 (1) REQUIREMENT.—Annually, at the same
2 time as the President’s annual budget submission to
3 the Congress, the Administrator shall transmit to
4 the Committee on Science of the House of Rep-
5 resentatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a report
7 that includes the information required by this sec-
8 tion for each major program for which the Adminis-
9 tration proposes to expend funds in the subsequent
10 fiscal year. Reports under this paragraph shall be
11 known as Major Program Annual Reports.

12 (2) BASELINE REPORT.—The first Major Pro-
13 gram Annual Report for each major program shall
14 include a Baseline Report that shall, at a minimum,
15 include—

16 (A) the purposes of the program and key
17 technical characteristics necessary to fulfill
18 those purposes;

19 (B) an estimate of the life-cycle cost for
20 the program, with a detailed breakout of the
21 development cost, program reserves, and an es-
22 timate of the annual costs until development is
23 completed;

24 (C) the schedule for development, including
25 key program milestones;

1 (D) the plan for mitigating technical, cost,
2 and schedule risks identified in accordance with
3 subsection (b)(1)(A); and

4 (E) the name of the person responsible for
5 making notifications under subsection (d), who
6 shall be an individual whose primary responsi-
7 bility is overseeing the program.

8 (3) INFORMATION UPDATES.—For major pro-
9 grams for which a Baseline Report has been sub-
10 mitted, each subsequent Major Program Annual Re-
11 port shall describe any changes to the information
12 that had been provided in the Baseline Report, and
13 the reasons for those changes.

14 (d) NOTIFICATION.—

15 (1) REQUIREMENT.—The individual identified
16 under subsection (c)(2)(E) shall immediately notify
17 the Administrator any time that individual has rea-
18 sonable cause to believe that, for the major program
19 for which he or she is responsible—

20 (A) the development cost of the program is
21 likely to exceed the estimate provided in the
22 Baseline Report of the program by 15 percent
23 or more; or

24 (B) a milestone of the program is likely to
25 be delayed by 6 months or more from the date

1 provided for it in the Baseline Report of the
2 program.

3 (2) REASONS.—Not later than 30 days after
4 the notification required under paragraph (1), the
5 individual identified under subsection (c)(2)(E) shall
6 transmit to the Administrator a written notification
7 explaining the reasons for the change in the cost or
8 milestone of the program for which notification was
9 provided under paragraph (1).

10 (3) NOTIFICATION OF CONGRESS.—Not later
11 than 15 days after the Administrator receives a writ-
12 ten notification under paragraph (2), the Adminis-
13 trator shall transmit the notification to the Com-
14 mittee on Science of the House of Representatives
15 and the Committee on Commerce, Science, and
16 Transportation of the Senate.

17 (e) FIFTEEN PERCENT, SIX-MONTH THRESHOLD.—
18 Not later than 30 days after receiving a written notifica-
19 tion under subsection (d)(2), the Administrator shall de-
20 termine whether the development cost of the program is
21 likely to exceed the estimate provided in the Baseline Re-
22 port of the program by 15 percent or more, or whether
23 a milestone is likely to be delayed by 6 months or more.
24 If the determination is affirmative, the Administrator
25 shall—

1 (1) transmit to the Committee on Science of the
2 House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Sen-
4 ate, not later than 15 days after making the deter-
5 mination, a report that includes—

6 (A) a description of the increase in cost or
7 delay in schedule and a detailed explanation for
8 the increase or delay;

9 (B) a description of actions taken or pro-
10 posed to be taken in response to the cost in-
11 crease or delay; and

12 (C) a description of any impacts the cost
13 increase or schedule delay, or the actions de-
14 scribed under subparagraph (B), will have on
15 any other program within the Administration;
16 and

17 (2) if the Administrator intends to continue
18 with the program, promptly initiate an analysis of
19 the program, which shall include, at a minimum—

20 (A) the projected cost and schedule for
21 completing the program if current requirements
22 of the program are not modified;

23 (B) the projected cost and the schedule for
24 completing the program after instituting the ac-
25 tions described under paragraph (1)(B); and

1 (C) a description of, and the projected cost
2 and schedule for, a broad range of alternatives
3 to the program.

4 The Administration shall complete an analysis initi-
5 ated under paragraph (2) not later than 3 months
6 after the Administrator makes a determination
7 under this subsection. The Administrator shall
8 transmit the analysis to the Committee on Science
9 of the House of Representatives and Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate not later than 30 days after its completion.

12 (f) THIRTY PERCENT THRESHOLD.—If the Adminis-
13 trator determines under subsection (d) that the develop-
14 ment cost of a program will exceed the estimate provided
15 in the Baseline Report of the program by more than 30
16 percent, then, beginning 18 months after the date the Ad-
17 ministrator transmits a report under section (e)(1), the
18 Administrator shall not expend any additional funds on
19 the program, other than termination costs, unless the Con-
20 gress has subsequently authorized continuation of the pro-
21 gram by law. An appropriation for the specific program
22 enacted subsequent to a report being transmitted shall be
23 considered an authorization for purposes of this sub-
24 section. If the program is continued, the Administrator
25 shall submit a new Baseline Report for the program no

1 later than 90 days after the date of enactment of the Act
2 under which Congress has authorized continuation of the
3 program.

4 **SEC. 215. OFFSHORE PERFORMANCE OF CONTRACTS FOR**
5 **THE PROCUREMENT OF GOODS AND SERV-**
6 **ICES.**

7 (a) LIMITATIONS.—

8 (1) CONVERSIONS TO CONTRACTOR PERFORM-
9 ANCE OF ADMINISTRATION ACTIVITIES.—Except as
10 provided in paragraph (3), an activity or function of
11 the Administration that is converted to contractor
12 performance under Office of Management and Budg-
13 et Circular A-76 may not be performed by the con-
14 tractor or any subcontractor at a location outside
15 the United States.

16 (2) CONTRACTS FOR THE PROCUREMENT OF
17 SERVICES.—

18 (A) Except as provided in paragraph (3),
19 a contract for the procurement of goods or serv-
20 ices that is entered into by the Administrator
21 may not be performed outside the United
22 States unless it is to meet a requirement of the
23 Administration for goods or services specifically
24 at a location outside the United States.

1 (B) The President may waive the prohibi-
2 tion in subparagraph (A) in the case of any
3 contract for which the President determines in
4 writing that it is necessary in the national secu-
5 rity interests of the United States for goods or
6 services under the contract to be performed out-
7 side the United States.

8 (C) The Administrator may waive the pro-
9 hibition in subparagraph (A) in the case of any
10 contract for which the Administrator deter-
11 mines in writing that essential goods or services
12 under the contract are only available from a
13 source outside the United States.

14 (3) EXCEPTION.—Paragraphs (1) and (2)(A)
15 shall not apply to the extent that the activity or
16 function under the contract was previously per-
17 formed by Federal Government employees outside
18 the United States.

19 (4) CONSISTENCY WITH INTERNATIONAL
20 AGREEMENTS.—The provisions of this section shall
21 not apply to the extent that they are inconsistent
22 with obligations of the United States under inter-
23 national agreements.

24 (b) RECORDKEEPING AND REPORTING REQUIRE-
25 MENT.—The Administrator shall transmit to Congress,

1 not later than 120 days after the end of each fiscal year
2 beginning with the first fiscal year after the date of enact-
3 ment of this Act, a report on the contracts and sub-
4 contracts performed overseas and the amount of purchases
5 directly or indirectly by the Administration from foreign
6 entities in that fiscal year. The report shall separately in-
7 dicate—

8 (1) the contracts and subcontracts and their
9 dollar values for which the Administrator determines
10 that essential goods or services under the contract
11 are available only from a source outside the United
12 States; and

13 (2) the items and their dollar values for which
14 the Buy American Act was waived pursuant to obli-
15 gations of the United States under international
16 agreements.

17 **TITLE III—NATIONAL OCEAN**
18 **LEADERSHIP AND COORDINA-**
19 **TION**

20 **SEC. 301. NATIONAL OCEANS ADVISOR.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—There is established in the
23 Executive Office of the President a National Oceans
24 Advisor, who shall be appointed by the President, by
25 and with the advice and consent of the Senate.

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

5 (b) FUNCTIONS.—The Advisor shall—

6 (1) advise the President on implementation of
7 this Act, activities of the Committee on Ocean Pol-
8 icy, section 302, and other covered actions relating
9 to United States ocean and coastal waters and ma-
10 rine ecosystem health;

11 (2) serve as the Executive Director and Chair
12 of the Committee on Ocean Policy established by
13 section 302; and

14 (3) in consultation with the Administrator, co-
15 ordinate Federal agency covered actions related to
16 United States ocean waters and marine ecosystem
17 health.

18 (c) STAFFING.—

19 (1) The Advisor, without regard to the civil
20 service laws and regulations governing employment
21 in the competitive service, may employ such officers
22 and employees as may be necessary to carry out the
23 functions of the National Oceans Advisor under this
24 Act.

1 (2) The Advisor may accept, employ, and termi-
2 nate voluntary and uncompensated services in fur-
3 therance of the purposes of the Advisor.

4 **SEC. 302. COMMITTEE ON OCEAN POLICY.**

5 (a) ESTABLISHMENT.—There is established in the
6 Executive Office of the President a Committee on Ocean
7 Policy (in this title referred to as the “Committee”), which
8 succeeds the Committee on Ocean Policy established on
9 December 17, 2004, by Executive Order 13366 and shall
10 continue the activities of that committee as it was in exist-
11 ence on the day before the date of enactment of this Act.

12 (b) FUNCTIONS.—The Committee shall—

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

17 (2) review and appraise the various programs
18 and activities of the Federal Government for consist-
19 ency with the policy and standards set forth in sec-
20 tion 101 and make recommendations to the Presi-
21 dent with respect thereto no later than 18 months
22 after the date of enactment of this Act;

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

1 (4) coordinate and certify agency ocean budgets
2 regarding their sufficiency to achieve the policy and
3 standards set forth in section 101;

4 (5) in coordination with the Administrator, sub-
5 mit to the President and publish at least once every
6 3 years a report on the condition of United States
7 ocean waters; and

8 (6) obtain and provide information to facilitate
9 and advance ecosystem-based management of Re-
10 gional Ocean Partnerships in accordance with title
11 IV.

12 (c) CHAIR.—The National Oceans Advisor shall be a
13 non-voting member and the chair of the committee as set
14 forth in section 301(b)(2), and shall, in this capacity, be
15 responsible for—

16 (1) regularly convening and presiding at meet-
17 ings of the Committee;

18 (2) directing the work of the Committee; and

19 (3) establishing and directing subcommittees of
20 the Committee, as appropriate.

21 (d) MEMBERSHIP.—

22 (1) IN GENERAL.—The Committee shall have
23 the following voting members:

24 (A) The Secretary of Commerce.

25 (B) The Secretary of State.

- 1 (C) The Secretary of the Interior.
- 2 (D) The Secretary of Defense.
- 3 (E) The Secretary of Agriculture.
- 4 (F) The Secretary of Transportation.
- 5 (G) The Secretary of Homeland Security.
- 6 (H) The Secretary of Education.
- 7 (I) The Secretary of Energy.
- 8 (J) The Secretary of Health and Human
9 Services.
- 10 (K) The Secretary of Labor
- 11 (L) The Attorney General
- 12 (M) The Administrator of the Environ-
13 mental Protection Agency.
- 14 (N) The Director of the Office of Manage-
15 ment and Budget.
- 16 (O) The Director of the National Science
17 Foundation.
- 18 (P) Six State Governors appointed by the
19 National Governors Association, who shall rep-
20 resent State and local interests.
- 21 (Q) The Administrator of the National
22 Aeronautics and Space Administration.
- 23 (R) The Chair of the National Research
24 Council Governing Board.

1 (S) The Chair of the Council on Environ-
2 mental Quality.

3 (2) DELEGATION.—A member of the Com-
4 mittee may designate, to perform the Committee or
5 subcommittee functions of the member, any person
6 who is within such member’s department, agency, or
7 office and who is—

8 (A) an officer of the United States ap-
9 pointed by the President;

10 (B) a member of the Senior Executive
11 Service; or

12 (C) an officer or employee within the Exec-
13 utive Office of the President.

14 (3) STATE GOVERNOR MEMBERS.—

15 (A) TERMS.—Of the members appointed
16 under paragraph (1)(P)—

17 (i) their term as a member shall be 4
18 years, with eligibility for reappointment;

19 (ii) at least 4 shall be Governors of
20 coastal States; and

21 (iii) any that cannot serve the full
22 length of their term shall be replaced by
23 the new Governor or acting Governor of
24 that State to carry out the remainder of
25 that term.

1 (B) LIMITATION ON APPOINTMENT.—A
2 Governor of a State may not be appointed
3 under paragraph (1)(P) to a term on the Com-
4 mittee that begins before the end of the 4-year
5 period that begins upon the expiration of a
6 prior term on the Committee served by the Gov-
7 ernor.

8 (e) SUBCOMMITTEES.—The Chair of the Committee,
9 with consultation with the Administrator, has the author-
10 ity to create such subcommittees of the Committee as nec-
11 essary to help carry out the functions of the Committee.

12 (f) COORDINATION.—The Chair of the Council on
13 Environmental Quality and the National Oceans Advisor
14 shall ensure appropriate coordination of the activities of
15 the Committee and other policy coordination structures re-
16 lating to ocean or maritime issues.

17 (g) FUNDING.—Consistent with applicable law and
18 subject to the availability of appropriations, the Council
19 on Environmental Quality shall provide the funding, in-
20 cluding through the Office of Environmental Quality and
21 administrative support for the Committee necessary to im-
22 plement this section.

23 (h) STAFF.—

24 (1) IN GENERAL.—The Chair, without regard
25 to the civil service laws and regulations, may employ

1 and terminate such employees as may be necessary
2 to carry out its function under this Act.

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

7 (i) RESOURCES.—In carrying out its functions under
8 this Act, the Committee may secure directly from any
9 Federal agency or department any information it con-
10 sidered to be necessary to carry out its functions under this
11 Act. Each such agency or department may cooperate with
12 the Committee and, to the extent permitted by law, shall
13 furnish such information (other than information de-
14 scribed in section 552(b)(1)(A) of title 5, United States
15 Code) to the Committee, upon request of the Committee.

16 (j) FEDERAL ADVISORY COMMITTEE ACT.—

17 (1) IN GENERAL.—The Federal Advisory Com-
18 mittee Act (5 App. U.S.C.) shall not apply to the
19 Committee on Ocean Policy, or any of its sub-
20 committees formed in accordance with section
21 302(e).

22 (2) COMPLIANCE.—Notwithstanding paragraph
23 (1), the Committee and its subcommittees shall be
24 appointed and operate in a manner consistent with

1 all provisions of the Federal Advisory Committee Act
2 with respect to—

3 (A) the balance of its of the Committee;

4 (B) provision of public notice regarding its
5 activities;

6 (C) open meetings; and

7 (D) public access to documents created by
8 the Committee.

9 **SEC. 303. ESTABLISHING A COORDINATED MANAGEMENT**
10 **REGIME FOR ACTIVITIES IN FEDERAL WA-**
11 **TERS.**

12 The Committee shall submit to the Congress by not
13 later than 2 years after the date of the enactment of this
14 Act recommendations with justifications, a plan, and pro-
15 posed schedule for creating a balanced, efficient, and effec-
16 tive ecosystem-based management regime for activities in
17 Federal waters that—

18 (1) consider the use of ocean zoning and cumu-
19 lative impacts of multiple uses;

20 (2) designate a lead Federal agency for each ex-
21 isting activity and new activity in Federal waters;

22 (3) ensure that each such lead Federal agency
23 coordinates with other applicable authorities, includ-
24 ing States and Regional Ocean Partnerships estab-
25 lished under title IV of this Act;

1 (4) consider possible consolidation of oceanic or
2 atmospheric programs, functions, services, or re-
3 sources within or among Federal agencies, if their
4 consolidation would not undermine policy goals set
5 forth in this Act;

6 (5) fully consider the public interest; and

7 (6) are consistent with the national ocean policy
8 and standards as set forth in section 101 of this
9 Act.

10 **SEC. 304. COUNCIL OF ADVISORS ON OCEANS POLICY.**

11 (a) ESTABLISHMENT.—There is established the
12 Council of Advisors on Oceans Policy (in this section re-
13 ferred to as the “Council”), which shall advise the Presi-
14 dent, the National Oceans Advisor, and the Committee on
15 Ocean Policy on policies to protect, maintain, and restore
16 the health of marine ecosystems on a regional and national
17 basis.

18 (b) MEMBERSHIP.—The Council shall have at least
19 15 members appointed by the president, in consultation
20 with the National Ocean Advisor established in section
21 301. Members of the Council shall—

22 (1) be appointed based on their knowledge and
23 experience in coastal, ocean, and atmospheric
24 science, policy, and other related areas; and

1 (2) include at least 1 representative of each of
2 the following:

3 (A) State governments;

4 (B) Local governments;

5 (C) Indian tribes;

6 (D) The marine science research commu-
7 nity;

8 (E) The marine science education commu-
9 nity;

10 (F) Fisheries;

11 (G) Non-fishing marine activities;

12 (H) Agriculture, which may include timber;

13 (I) Watershed organizations (other than
14 organizations represented under subparagraph
15 (J)), which may include resource conservation
16 districts; and

17 (J) Nongovernmental organizations (other
18 than organizations represented under subpara-
19 graph (I)), including groups interested in ma-
20 rine conservation.

21 (c) TERMS OF MEMBERSHIP.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), the term of a member of the Council shall
24 be 4 years.

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

3 (A) at least one-half shall be appointed to
4 a 4-year term that ends in a Federal election
5 year in which there occurs an election of the
6 President; and

7 (B) at least one-half shall be appointed to
8 a 4-year term that ends in a Federal election
9 year in which there does not occur an election
10 of the President.

11 (3) VACANCIES.—Any member appointed to fill
12 a vacancy occurring before the expiration of the
13 term for which the member's predecessor was ap-
14 pointed shall be appointed only for the remainder of
15 that term.

16 (4) LIMITATION.—An individual may not serve
17 more than 2 terms as a member of the Council.

18 (d) MEETINGS.—The Council shall meet at least 2
19 times each year and more often at the President's discre-
20 tion.

21 (e) COMPENSATION AND EXPENSES.—A member of
22 the Council shall not receive compensation for service on
23 the Council, but upon request by the member may be al-
24 lowed travel expenses, including per diem in lieu of sub-

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

3 (f) FEDERAL ADVISORY COMMITTEE ACT.—

4 (1) IN GENERAL.—The Federal Advisory Com-
5 mittee Act (5 App. U.S.C.) shall not apply to the
6 Council of Advisors on Oceans Policy.

7 (2) COMPLIANCE.—Notwithstanding paragraph
8 (1), the Council shall be appointed and operate in a
9 manner consistent with all provisions of the Federal
10 Advisory Committee Act with respect to

11 (A) the balance of its membership;

12 (B) provision of public notice regarding its
13 activities;

14 (C) open meetings; and

15 (D) public access to documents created by
16 the Council.

17 **TITLE IV—REGIONAL COORDI-**
18 **NATION AND ECOSYSTEM**
19 **PLANNING**

20 **SEC. 401. FINDINGS.**

21 The Congress finds the following:

22 (1) Establishing a national network of govern-
23 ance planning bodies at the regional level is essential
24 for solving many pressing United States ocean and
25 coastal issues.

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

6 (3) Large marine ecosystems are biogeographi-
7 cally distinct ecosystem units and provide an appro-
8 priate spatial scale for ecosystem-based regional
9 ocean governance.

10 (4) Because ecosystems do not align with polit-
11 ical jurisdictions, regional ocean governance mecha-
12 nisms must provide for cooperation and collaboration
13 within and among multiple levels of government, in-
14 cluding local, State, tribal, and Federal govern-
15 ments.

16 (5) Effective regional ocean governance requires
17 transparency and must include ample opportunities
18 for input and participation by stakeholders and the
19 public.

20 (6) Important ecological areas within each large
21 marine ecosystem need to be identified and mon-
22 itored.

23 (7) Additional funding and other resources are
24 necessary to promote regional coordination and col-
25 laboration and to implement regional solutions to

1 current and future ocean and coastal management
2 challenges.

3 **SEC. 402. REGIONAL OCEAN PARTNERSHIPS.**

4 (a) IN GENERAL.—Within 1 year after the date of
5 the enactment of this Act, the Administrator and appro-
6 priate States, in consultation with the Committee on
7 Ocean Policy, shall establish a Regional Ocean Partner-
8 ship (in this title referred to as “Partnership”) for each
9 of the ocean regions established by this section, and in
10 accordance with the policies and standards in section 101,
11 in order to—

12 (1) provide for more systematic communication,
13 collaboration, and integration of Federal and State
14 coastal and ocean environmental and resource man-
15 agement efforts;

16 (2) provide for regional ecosystem assessment
17 and information programs to guide management de-
18 cisions;

19 (3) provide for the identification and moni-
20 toring of important ecological areas;

21 (4) provide for the creation of a strategic plan
22 for and implement adaptive, ecosystem-based man-
23 agement of coastal and ocean resources within ocean
24 regions, building on and complementing local, State,
25 and regional efforts; and

1 (5) provide for improved citizen and community
2 stewardship of coastal and ocean resources.

3 (b) REGIONS.—

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

6 (A) NORTH PACIFIC OCEAN REGION.—The
7 North Pacific Ocean Region, which shall consist
8 of the coastal zone (as defined in section 304
9 of the Coastal Zone Management Act of 1972
10 (16 U.S.C. 1453)) and watershed areas of the
11 State of Alaska that have a significant impact
12 on coastal waters of the State of Alaska sea-
13 ward to the extent of the Exclusive Economic
14 Zone as specified in Presidential Proclamation
15 Number 5030, dated March 10, 1983.

16 (B) PACIFIC OCEAN REGION.—The Pacific
17 Ocean Region, which shall consist of the coastal
18 zone (as defined in section 304 of the Coastal
19 Zone Management Act of 1972 (16 U.S.C.
20 1453)) and watershed areas of the States that
21 have a significant impact on coastal waters of
22 the States of Washington, Oregon, and Cali-
23 fornia seaward to the extent of the Exclusive
24 Economic Zone as specified in Presidential

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

3 (C) WESTERN PACIFIC OCEAN REGION.—

4 The Western Pacific Ocean Region, which shall
5 consist of the coastal zone (as defined in section
6 304 of the Coastal Zone Management Act of
7 1972 (16 U.S.C. 1453)) and watershed areas of
8 the States that have a significant impact on
9 coastal waters of the States of Hawaii, Guam,
10 American Samoa, and the Northern Mariana
11 Islands seaward to the extent of the Exclusive
12 Economic Zone as specified in Presidential
13 Proclamation Number 5030, dated March 10,
14 1983, including the territorial waters of the
15 Commonwealths, territories, and possessions of
16 the United States in the Pacific Ocean.

17 (D) GULF OF MEXICO OCEAN REGION.—

18 The Gulf of Mexico Ocean Region, which shall
19 consist of the coastal zone (as defined in section
20 304 of the Coastal Zone Management Act of
21 1972 (16 U.S.C. 1453)) and watershed areas of
22 the States that have a significant impact on
23 coastal waters of the States of Texas, Lou-
24 isiana, Mississippi, Alabama, and Florida sea-
25 ward to the extent of the Exclusive Economic

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

3 (E) CARIBBEAN OCEAN REGION.—The
4 Caribbean Ocean Region, which shall consist of
5 the coastal zone (as defined in section 304 of
6 the Coastal Zone Management Act of 1972 (16
7 U.S.C. 1453)) and watershed areas of the
8 States that have a significant impact on coastal
9 waters of the Virgin Islands and the Common-
10 wealth of Puerto Rico seaward to the extent of
11 the Exclusive Economic Zone as specified in
12 Presidential Proclamation Number 5030, dated
13 March 10, 1983, including the territorial waters
14 of the Caribbean Sea and Atlantic Ocean.

15 (F) SOUTHEAST ATLANTIC OCEAN RE-
16 GION.—The Southeast Atlantic Ocean Region,
17 which shall consist of the coastal zone (as de-
18 fined in section 304 of the Coastal Zone Man-
19 agement Act of 1972 (16 U.S.C. 1453)) and
20 watershed areas of the States that have a sig-
21 nificant impact on coastal waters of the States
22 of Florida, Georgia, South Carolina, and North
23 Carolina seaward to the extent of the Exclusive
24 Economic Zone as specified in Presidential

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

3 (G) NORTHEAST ATLANTIC OCEAN RE-
4 GION.—The Northeast Atlantic Ocean Region,
5 which shall consist of the coastal zone (as de-
6 fined in section 304 of the Coastal Zone Man-
7 agement Act of 1972 (16 U.S.C. 1453)) and
8 watershed areas of the States that have a sig-
9 nificant impact on coastal waters of the States
10 of Maine, New Hampshire, Massachusetts,
11 Rhode Island, and Connecticut seaward to the
12 extent of the Exclusive Economic Zone as speci-
13 fied in Presidential Proclamation Number
14 5030, dated March 10, 1983.

15 (H) MID-ATLANTIC OCEAN REGION.—The
16 Mid-Atlantic Ocean Region, which shall consist
17 of the coastal zone (as defined in section 304
18 of the Coastal Zone Management Act of 1972
19 (16 U.S.C. 1453)) and watershed areas of the
20 States that have a significant impact on coastal
21 waters of the States of New York, New Jersey,
22 Delaware, Maryland, Pennsylvania, and Vir-
23 ginia seaward to the extent of the Exclusive
24 Economic Zone as specified in Presidential

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

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

13 (2) SUBREGIONS.—Each Partnership may es-
14 tablish such subregions, or geographically specified
15 management areas, as necessary for efficient and ef-
16 fective management of region-specific ecosystem
17 issues.

18 (c) MEMBERSHIP.—

19 (1) FEDERAL REPRESENTATIVES.—

20 (A) IN GENERAL.—Within 90 days after
21 the date of the enactment of this Act, the Ad-
22 ministrator, in consultation with the Committee
23 on Ocean Policy, shall coordinate representa-
24 tives of the Federal Government to form each
25 Partnership. Such representatives shall be offi-

1 cers or employees of Federal agencies and de-
2 partments that have expertise in and oversee
3 ocean and coastal policy or resource manage-
4 ment. Each Federal agency or department shall
5 select and appoint their representatives to each
6 Partnership. The Administrator, or his or her
7 designated representative, shall serve as the
8 chairperson of each Partnership.

9 (B) INCLUDED ENTITIES.—The represent-
10 atives appointed to each Partnership under this
11 paragraph shall include one or more officers or
12 employees of the Administration, the Depart-
13 ment of the Interior, the Environmental Protec-
14 tion Agency, the Department of Agriculture, the
15 Army Corps of Engineers, the Department of
16 Defense, the Department of Homeland Secu-
17 rity, the Department of Commerce, and other
18 Federal agencies and departments as necessary.

19 (2) STATE AND TRIBAL REPRESENTATIVES.—

20 (A) COASTAL STATE APPOINTMENTS.—The
21 Governor of each Coastal State within the
22 ocean region of a Partnership shall appoint an
23 officer or employee of the State agency with
24 primary responsibility for overseeing ocean and

1 coastal policy or resource management to that
2 Partnership.

3 (B) INLAND STATE APPOINTMENT.—

4 Where appropriate, the Administrator shall re-
5 ceive nominations and select one representative
6 from each of two of the inland States that, ac-
7 cording to maps and data of the United States
8 Geological Survey, have jurisdiction over waters
9 that feed into the ocean region for which a
10 Partnership must prepare a Regional Ocean
11 Strategic Plan.

12 (C) WESTERN PACIFIC AND CARIBBEAN
13 REGIONAL OCEAN PARTNERSHIPS.—The Gov-
14 ernors of American Samoa, Guam, and the
15 Northern Mariana Islands shall each appoint an
16 officer or employee of the agency with primary
17 responsibility for overseeing ocean and coastal
18 policy or resource management to the Western
19 Pacific Regional Ocean Partnership. The Gov-
20 ernors of the Virgin Islands and the Common-
21 wealth of Puerto Rico shall each appoint an of-
22 ficer or employee of the agency with primary re-
23 sponsibility for overseeing ocean and coastal
24 policy or resource management to the Carib-
25 bean Regional Ocean Partnership.

1 (D) NORTH PACIFIC REGIONAL OCEAN
2 PARTNERSHIP.—The Governor of the State of
3 Washington shall appoint an officer or employee
4 of the Washington State agency with primary
5 responsibility for overseeing ocean and coastal
6 policy or resource management to the North
7 Pacific Regional Ocean Partnership.

8 (3) INTERNATIONAL REPRESENTATIVES.—
9 Where appropriate, each Partnership shall foster
10 nonbinding relationships with foreign governments,
11 agencies, States, provinces, and other entities as ap-
12 propriate, at scales appropriate to the region under
13 the authority of a Partnership, including by pro-
14 viding opportunities for nonvoting participation by
15 foreign representatives at meetings of the Partner-
16 ship, its advisory committees, and other working
17 groups.

18 (4) REGIONAL FISHERIES MANAGEMENT COUN-
19 CIL REPRESENTATIVE.—The executive director of
20 each Regional Fishery Management Council having
21 jurisdiction over the ocean region of a Partnership
22 shall serve as a voting member of the Partnership,
23 and shall be considered a non-federal representative
24 for the purposes of section 402(c)(6)(A).

1 (5) LOCAL GOVERNMENT REPRESENTATIVE.—

2 Where appropriate, the Administrator will receive
3 nominations and select one representative from a
4 coastal political subdivision to represent the interests
5 of local and county governments on the Partnership.

6 (6) ADDITIONAL APPOINTMENTS.—

7 (A) TOTALS.—The Administrator shall de-
8 termine the total number of additional rep-
9 resentatives of Indian tribes, Coastal States,
10 and local governments within an ocean region
11 of a Partnership as is necessary to ensure that
12 the combined number of non-Federal voting
13 representatives equals the number of Federal
14 voting representatives on each Partnership.

15 (B) SOLICITING NOMINATIONS.—The Ad-
16 ministrator shall solicit nominations for quali-
17 fied governmental officers or employees from
18 Indian tribes, States, Commonwealths, terri-
19 tories, and possessions of the United States
20 within an ocean region of a Partnership and se-
21 lect nominees to fill any vacant seats on that
22 Partnership.

23 (C) SELECTING NOMINEES.—In selecting
24 among nominees to serve on each Regional
25 Ocean Partnership, the Administrator shall

1 strive to ensure a balanced representation
2 among these governmental entities.

3 (d) ADVISORY COMMITTEES.—

4 (1) AUTHORITY.—Each Partnership may estab-
5 lish and appoint members of advisory committees
6 and working groups as necessary for preparation of
7 a Regional Ocean Strategic Plan under this title.

8 (2) CITIZENS ADVISORY COMMITTEE.—Each
9 Partnership shall establish and appoint members of
10 a Citizens Advisory Committee comprised of non-
11 governmental members of the public, including a
12 wide range of citizens interested in multiple uses of
13 United States ocean waters and ocean resources.

14 (3) ADVICE AND INPUT.—Each Partnership
15 shall take the advice and input of any Advisory
16 Committee into consideration in the development of
17 a Regional Ocean Strategic Plan.

18 (e) COORDINATION.—

19 (1) IN GENERAL.—Immediately following the
20 appointment of representatives to each Partnership,
21 the representatives shall take steps to identify oppor-
22 tunities and better coordinate and integrate existing
23 programs or activities with the other governmental
24 entities in the ocean region of the Partnership.

1 (2) EXISTING PROGRAMS.—Each Partnership
2 shall not supplant the functions or authorities of ex-
3 isting regional entities and shall, to the maximum
4 extent possible, build upon current State, multi-
5 state, and regional capacity and governance and in-
6 stitutional mechanisms to manage ocean and coastal
7 resources. This shall include mechanisms to—

8 (A) conduct coastal and ocean monitoring,
9 mapping, assessment, and observations;

10 (B) provide for ecologically sustainable
11 growth;

12 (C) restore and conserve habitat;

13 (D) manage State and Federal fisheries;

14 (E) maintain and improve the quality of
15 coastal and ocean waters; and

16 (F) protect and restore the resources of
17 the Nation’s coastal zone.

18 (3) INLAND REGIONS.—Each Partnership shall
19 collaborate and coordinate as necessary and appro-
20 priate with inland States that may significantly im-
21 pact the health of marine ecosystems in the ocean
22 region.

23 (f) PROCEDURES.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), each Partnership shall operate in accord-

1 ance with procedures established by the Partnership
2 and approved by the Administrator.

3 (2) INTERIM PROCEDURES.—Each Partnership
4 shall operate in accordance with interim procedures
5 prescribed by the Administrator until such time as
6 the Administrator approves procedures established
7 by the Partnership under paragraph (1).

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

14 (A) transparency in decision-making;

15 (B) opportunities for public input and par-
16 ticipation; and

17 (C) the use of science, local government,
18 and citizen advisory committees.

19 (g) STAFF.—

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

23 (2) TREATMENT.—Staff hired by a Partnership
24 shall be treated as employees of the Administration.

25 (h) FEDERAL ADVISORY COMMITTEE ACT.—

1 (1) IN GENERAL.—The Federal Advisory Com-
2 mittee Act (5 U.S.C. App.) shall not apply to the
3 Regional Ocean Partnerships or to any advisory
4 committees established under this title.

5 (2) COMPLIANCE.—Notwithstanding paragraph
6 (1), the Partnerships and any advisory committees
7 of the Partnerships shall be appointed and operate
8 in a manner consistent with all provisions of the
9 Federal Advisory Committee Act with respect to—

10 (A) the balance of their membership;

11 (B) provision of public notice regarding
12 their activities;

13 (C) open meetings; and

14 (D) public access to documents created by
15 the Partnerships or advisory committees of the
16 Partnerships.

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

18 (a) REQUIREMENT.—Each Regional Ocean Partner-
19 ship shall, within 3 years after establishment of the Part-
20 nership, prepare and submit to the Administrator and the
21 Committee on Ocean Policy for review and consultation
22 and approval by the Administration, pursuant to this sec-
23 tion, a Regional Ocean Strategic Plan (referred to in this
24 title as “Plan”) for the ocean region of the Partnership.

1 (b) CONTENTS.—Each Plan prepared by a Partner-
2 ship shall include such information as the following:

3 (1) An assessment of the ocean region in order
4 to guide management decisions, including consider-
5 ation of ecological, economic, educational, social, cul-
6 tural nutritional, and recreational factors.

7 (2) Identification of multiple indicators that
8 measure ecosystem health and the effectiveness of
9 current management efforts, and an analysis of their
10 current status.

11 (3) Identification of important ecological areas
12 within the region and recommendations for a long-
13 term monitoring plan of such areas.

14 (4) Determination of priority issues within the
15 region and adjoining inland regions and an assess-
16 ment of the capacity of existing governance mecha-
17 nisms to address those issues.

18 (5) Determination of solutions and specific poli-
19 cies to address the priority problems that take an
20 adaptive, ecosystem-based approach.

21 (6) Identification of short and long-term eco-
22 system goals, responsibilities for taking actions to
23 implement solutions to priority problems and to
24 achieve those ecosystem goals, and the necessary re-
25 sources.

1 (7) An analysis of the gaps in authority, coordi-
2 nation, and resources, including funding, that must
3 be filled in order to fully achieve the Plan's goals.

4 (8) Identification of model programs whose ex-
5 isting infrastructure aid in implementation of the
6 Plan.

7 (c) MEETINGS.—Each Partnership shall meet—

8 (1) at least twice each year—

9 (A) during the development of the Plan;
10 and

11 (B) after completion of such plan to mon-
12 itor the implementation of the plan's goals and
13 objectives and develop strategies for adaptive
14 management; and

15 (2) at other times at the call of the Adminis-
16 trator.

17 (d) AMENDING PLANS.—Each approved Plan shall be
18 reviewed and revised by the relevant Partnership at least
19 once every four years. Any proposed amendments to the
20 plan shall be transmitted to the Administrator for review
21 pursuant to this section.

22 (e) ACTION BY ADMINISTRATOR.—

23 (1) REVIEW OF PLANS.—

24 (A) COMMENCEMENT OF REVIEW.—Within
25 10 days after transmittal of a Plan by a Part-

1 nership to the Administrator and the Com-
2 mittee on Ocean Policy, or any amendment to
3 such a Plan, the Administrator in consultation
4 with the Committee on Ocean Policy shall com-
5 mence a review of the Plan or amendment.

6 (B) PUBLIC NOTICE AND COMMENT.—Im-
7 mediately after receipt of such a Plan, the Ad-
8 ministrator shall publish in the Federal Reg-
9 ister a notice stating that the plan or amend-
10 ment is available and that public comments
11 may be submitted to the Administrator within
12 60 days after the date the notice is published.

13 (C) REQUIREMENTS FOR APPROVAL.—Be-
14 fore approving a Regional Ocean Strategic
15 Plan, or any amendments to such a Plan, sub-
16 mitted by a Regional Ocean Partnership, the
17 Administrator, in consultation with the Com-
18 mittee on Ocean Policy, must find that the
19 Plan—

20 (i) is consistent with the policy and
21 standards set forth in section 101, and

22 (ii) adequately addresses the required
23 elements under subsection (a) of this sec-
24 tion.

1 (D) DEADLINE FOR REVIEW.—Within 120
2 days after transmittal by the Partnership to the
3 Administrator of a Regional Ocean Strategic
4 Plan, or an amendment to such a Plan, the Ad-
5 ministrator in consultation with the Committee
6 on Ocean Policy shall approve or disapprove the
7 plan by written notice. If the Administrator dis-
8 approves a Plan or amendment, the Adminis-
9 trator in consultation with the Committee on
10 Ocean Policy shall make conforming rec-
11 ommendations to the Partnership. Within 60
12 days of receiving the recommendations, the
13 Partnership shall submit a revised Plan or
14 amendment(s) to the Administrator and the
15 Committee on Ocean Policy for review under
16 this title.

17 (2) GRANTS.—The Administrator, subject to
18 the availability of funds in the Ocean and Great
19 Lakes Conservation Trust Fund established in sec-
20 tion 501, may award grants to members of a Part-
21 nership, other than representatives of the Federal
22 Government, to cover appropriate expenses incurred
23 in developing a draft Ocean Strategic plan or to im-
24 plement an approved plan.

25 (f) IMPLEMENTATION.—

1 and ecosystem-based approaches to coastal and ocean gov-
2 ernance.

3 (b) MATTERS INCLUDED.—The study required by
4 subsection (a) shall evaluate—

5 (1) current coastal and oceans approaches to
6 ecosystem-based management and their effectiveness
7 at maintaining healthy marine ecosystems;

8 (2) approaches to regional governance currently
9 in use in the United States; and

10 (3) mechanisms for engaging Federal, State,
11 and local governments, special interest groups, and
12 the general public in the management process.

13 (c) RECOMMENDATIONS.—In carrying out the study
14 required by subsection (a), the National Research Council
15 may develop recommendations it considers appropriate
16 and directly related to the subject matter of the study.
17 It is the sense of the Congress that the National Research
18 Council should develop recommendations on the best
19 methods of creating governance structures, specific to
20 each of the Regional Ocean Partnerships created in sec-
21 tion 402, that include ecosystem-based management strat-
22 egies and broad participation.

23 (d) REPORTS.—The National Research Council shall
24 submit to the Administrator, the Committee on Ocean Pol-
25 icy, and each of the Regional Ocean Partnerships created

1 in section 402 by not later than one year after entering
2 into the arrangement required by subsection (a), a final
3 report on the study that includes all findings, conclusions,
4 and recommendations. Upon receipt of the final report,
5 each of the Regional Ocean Partnerships shall consider
6 and integrate recommendations of the National Research
7 Council to improve regional governance structures.

8 (e) PROVISION OF INFORMATION.—The Adminis-
9 trator and the Regional Ocean Partnerships shall, in a
10 timely manner, make available to the National Research
11 Council all information that the National Research Coun-
12 cil considers necessary to carry out its responsibilities
13 under this section.

14 (f) RULE OF CONSTRUCTION.—This section shall not
15 be construed to affect section 402, except to advise on effi-
16 cient structure and operation of the partnerships for the
17 most effective ecosystem-based management of resources
18 as practicable.

19 (g) FUNDING.—Of the amounts made available to the
20 National Oceanic and Atmospheric Administration pursu-
21 ant to the authorization of appropriations, an appropriate
22 amount shall be available for carrying out the study re-
23 quired by this section.

1 **SEC. 405. OCEAN ECOSYSTEM RESOURCE INFORMATION**
2 **SYSTEMS.**

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

4 (1) Ecosystem-based management will require
5 development of an ocean information systems com-
6 prised of a set of information management tools and
7 products capable of integrating and disseminating
8 information essential for informed decision-making.

9 (2) Information generated by ocean monitoring
10 systems, including the National Environmental Ob-
11 servatory Network, will be more useful if fully inte-
12 grated into resource information systems developed
13 for ecosystem-based management applications. Data
14 from these offshore monitoring programs, coupled
15 with other information on ocean and aquatic eco-
16 systems, will provide a basis for understanding nat-
17 ural and anthropogenic environmental variability, in-
18 cluding climate change and the resulting impacts on
19 living marine resources.

20 (3) Natural resource information systems have
21 been developed and are presently a successful man-
22 agement tool for onshore uses, including some Pa-
23 cific Coast watersheds, and they should now be ap-
24 plied to the ocean environment to facilitate eco-
25 system-based management of the United States
26 oceans waters.

1 (b) ESTABLISHMENT.—

2 (1) REQUIREMENT.—The Administrator shall,
3 within 90 days after the date of the enactment of
4 this Act, establish a network of regional ocean eco-
5 system resource information systems to act as an or-
6 ganized repository of geophysical, atmospheric,
7 oceanographic, and marine biological data, including
8 genetic research, studies, data, maps, and analyses
9 necessary to the understanding of the ocean eco-
10 system, and from which to draw information for the
11 establishment of national policies and priorities re-
12 lated to the conservation, use, and management of
13 United States ocean waters and the marine re-
14 sources therein.

15 (2) INCLUDED INFORMATION.—Information
16 maintained in each regional ocean ecosystem re-
17 source information system may include—

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

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

1 search programs, and other reliable and rel-
2 evant information sources.

3 (3) REVIEW OF INCLUDED ANALYSES AND IN-
4 TERPRETATIONS.—Each draft analysis and interpre-
5 tation of data to explain ecosystem relationships that
6 is included in a regional ocean ecosystem resource
7 information system shall be reviewed by qualified ex-
8 perts before being broadly disseminated through the
9 system to the public.

10 (4) CONTRACTS AND OTHER AGREEMENTS.—

11 (A) AUTHORITY.—The Administrator, sub-
12 ject to the availability of appropriations, may
13 enter into contracts and other agreements with
14 other Federal agencies, State agencies, non-gov-
15 ernmental organizations, universities, and pri-
16 vate academic institutions for development of
17 portions of each regional ocean ecosystem re-
18 source information system.

19 (B) OPEN-SOURCE SOFTWARE AND THE
20 END-PRODUCT LICENSES.—The Administrator
21 shall include in such agreements appropriate
22 provisions requiring use of general public li-
23 cense open-source software and licensing of
24 end-products to the Administration or to any

1 joint authority considered appropriate by the
2 Administrator for efficient regional operations.

3 (5) ACCESS TO INFORMATION.—The Adminis-
4 trator shall ensure that information in each regional
5 ocean ecosystem resource information system estab-
6 lished under this section shall be readily accessible
7 at no cost, or at nominal cost, to the Congress, all
8 Federal agencies, States, academic and scientific in-
9 stitutions, and the public through the Internet, li-
10 braries, and such other mediums as may be appro-
11 priate and practical.

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

13 (1) OCEAN REGIONS.—The Administrator shall
14 establish by not later than 5 years after the enact-
15 ment of the Act, a regional ocean ecosystem resource
16 information system for each ocean region.

17 (2) OTHER WATERS.—The Administrator, in
18 cooperation with the affected States, shall establish
19 by not later than 10 years after the enactment of
20 this Act, a regional ocean ecosystem resource infor-
21 mation system for each of the following bodies of
22 water:

23 (A) The United States territorial waters of
24 each of the Great Lakes.

25 (B) Long Island Sound.

1 (C) The Gulf of Maine.

2 (D) Chesapeake Bay.

3 (E) The Mississippi River Delta.

4 (F) San Francisco Bay and Delta.

5 (G) The United States territorial waters of
6 Puget Sound.

7 (3) MODIFICATION OF REGIONS AND WA-
8 TERS.—The Administrator, with respect to the es-
9 tablishment of regional ocean ecosystem resource in-
10 formation systems, and for purposes of administra-
11 tive convenience and to ensure the timely completion
12 of such systems, may divide the regions and waters
13 referred to in paragraphs (1) and (2) or include
14 other waters not listed in those paragraphs.

15 (d) COORDINATION.—

16 (1) OBTAINING INFORMATION.—In establishing
17 regional ocean ecosystem resource information sys-
18 tems, the Administrator—

19 (A) shall cooperate and coordinate with the
20 United States Geological Survey, the United
21 States Fish and Wildlife Service, the Minerals
22 Management Service, the Environmental Pro-
23 tection Agency, the Coast Guard, and the Navy,
24 and all Administration offices, including the
25 National Marine Sanctuaries program and Re-

1 regional Fishery Management Councils, in order
2 to obtain from such agencies and offices and
3 use all unclassified information necessary for
4 the development and operation of the systems;
5 and

6 (B) may seek to enter into cooperative
7 agreements with States, local governments, uni-
8 versities, or private academic institutions in
9 order to obtain access to information necessary
10 or useful for the development and operation of
11 the systems.

12 (2) AVOIDANCE OF DUPLICATION.—To avoid
13 duplication, in establishing regional ocean ecosystem
14 resource information systems the Administrator
15 shall coordinate with other ocean data acquisition
16 and distribution systems, including the National
17 Geospatial Data Clearinghouse and the Sanctuary
18 Integrated Monitoring Network program of the Ad-
19 ministration.

20 (3) INTEGRATION OF WATERSHED, BAY, AND
21 ESTUARINE INFORMATION SYSTEMS.—The Adminis-
22 trator, in recognition of the effects of land-based and
23 watershed uses on ocean ecosystems, shall facilitate
24 to the extent practical the integration of watershed,
25 bay, and estuarine information systems with the ap-

1 appropriate regional ocean ecosystem resource informa-
2 tion system.

3 (4) INTERNATIONAL AGREEMENTS.—The Ad-
4 ministrator may, in consultation with the Secretary
5 of State, enter into agreements with the Govern-
6 ments of Canada, Mexico, and the Russian Federa-
7 tion with respect to establishment of a regional
8 ocean ecosystem resource information system for
9 United States coastal waters that abut the territorial
10 waters of any of those countries, for purposes of in-
11 clusion in such a system of any information or data
12 that may be necessary or useful in the development
13 and operation of such system.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—For de-
15 velopment and implementation of the ocean ecosystem re-
16 source information systems for ocean regions and other
17 waters under this section, there is authorized to be appro-
18 priated to the Administrator \$12,000,000 for each of the
19 fiscal years 2009 through 2018.

20 **SEC. 406. REGULATIONS.**

21 The Administrator shall issue such regulations as the
22 Administrator considers necessary to ensure proper ad-
23 ministration of this title.

1 **SEC. 407. OTHER AUTHORITY.**

2 This title shall not be construed as superseding or
3 diminishing the authorities and responsibilities, under any
4 other provision of law, of the Administrator or any other
5 Federal, State, or tribal officer, employee, department, or
6 agency.

7 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to the Admin-
9 istrator for carrying out this title, including development,
10 implementation, and monitoring of approved Regional
11 Ocean Strategic Plans, \$25,000,000 for each of fiscal
12 years 2009 through 2013.

13 **TITLE V—OCEAN AND GREAT**
14 **LAKES CONSERVATION**
15 **TRUST FUND**

16 **SEC. 501. ESTABLISHMENT OF FUND.**

17 (a) ESTABLISHMENT OF FUND.—There is estab-
18 lished in the Treasury of the United States a fund which
19 shall be known as the “Ocean and Great Lakes Conserva-
20 tion Trust Fund”, in this title referred to as the “Fund”.
21 In each fiscal year after fiscal year 2007, the Secretary
22 of the Treasury shall deposit into the Fund the following
23 amounts:

24 (1) GENERAL REVENUE.—An amount in each
25 such fiscal year equal to the difference between

1 \$1,300,000,000 and the amounts deposited in the
2 Fund under paragraphs (2), (3), and (4).

3 (2) HEALTHY OCEAN STAMP.—Amounts gen-
4 erated from the sale of a Healthy Oceans Stamp
5 under section 507.

6 (3) AMOUNTS NOT DISBURSED.—All allocated
7 but undisbursed amounts returned to the Fund
8 under section 505(a)(2).

9 (4) INTEREST.—All interest earned under sub-
10 section (d).

11 (b) TRANSFER FOR EXPENDITURE.—The Secretary
12 of the Treasury shall transfer amounts deposited into the
13 Fund as follows:

14 (1) To the Administrator of the National Oce-
15 anic and Atmospheric Administration for purposes
16 of making payments to coastal States only for car-
17 rying out their responsibilities for developing and
18 implementing Regional Ocean Strategic Plans under
19 title IV—

20 (A) \$350,000,000 for fiscal year 2008;

21 (B) \$700,000,000 for fiscal year 2009; and

22 (C) \$1,000,000,000 for fiscal year 2010

23 and each fiscal year thereafter.

24 (2) To the Administrator for allocation, with
25 concurrence of the Committee on Ocean Policy, only

1 for carrying out responsibilities of the Federal Gov-
2 ernment for development and implementation of Re-
3 gional Ocean Strategic Plans required under title
4 IV—

5 (A) \$50,000,000 for fiscal year 2008;

6 (B) \$100,000,000 for fiscal year 2009; and

7 (C) \$300,000,000 for fiscal year 2010 and
8 each fiscal year thereafter.

9 (c) SHORTFALL.—If amounts referred to in para-
10 graphs (1) through (3) of subsection (a) in any fiscal year
11 after fiscal year 2007 are less than \$1,300,000,000, the
12 amounts transferred under paragraphs (1) and (2) of sub-
13 section (b) for that fiscal year shall each be reduced pro-
14 portionately.

15 (d) INTEREST.—The Secretary of the Treasury shall
16 invest monies in the Fund (including interest), and in any
17 fund or account to which monies are transferred pursuant
18 to subsection (b) of this section, in public debt securities
19 with maturities suitable to the needs of the Fund, as de-
20 termined by the Secretary of the Treasury, and bearing
21 interest at rates determined by the Secretary of the Treas-
22 ury, taking into consideration current market yields on
23 outstanding marketable obligations of the United States
24 of comparable maturity. Such invested monies shall re-

1 main invested until needed to meet requirements for dis-
2 bursement for the programs financed under this Act.

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

9 **SEC. 502. LIMITATION ON USE OF AVAILABLE AMOUNTS**
10 **FOR ADMINISTRATION.**

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

16 **SEC. 503. RECORDKEEPING REQUIREMENTS.**

17 The Administrator, in consultation with the Com-
18 mittee on Ocean Policy, shall establish such rules regard-
19 ing recordkeeping by State and local governments and the
20 auditing of expenditures made by State and local govern-
21 ments from funds made available under this Act as may
22 be necessary. Such rules shall be in addition to other re-
23 quirements established regarding recordkeeping and the
24 auditing of such expenditures under other authority of
25 law.

1 **SEC. 504. MAINTENANCE OF EFFORT AND MATCHING FUND-**
2 **ING.**

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

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

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

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

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

8 **SEC. 505. COMMUNITY ASSISTANCE FORMULA AND PAY-**
9 **MENTS.**

10 (a) CONSERVATION PAYMENTS TO COASTAL
11 STATES.—

12 (1) GRANT PROGRAM.—Amounts transferred to
13 the Administrator from the Fund under section
14 501(b)(1) for purposes of making payments to coast-
15 al States under this title in any fiscal year shall be
16 allocated by the Administrator among coastal States
17 as provided in this section each such fiscal year. In
18 each such fiscal year, the Administrator shall, with-
19 out further appropriation, disburse such allocated
20 funds to those coastal States for which the Adminis-
21 trator has approved a spending plan under section
22 506 and that have met all other requirements of this
23 title. Payments for all projects shall be made by the
24 Administrator to the Governor of the State or to the
25 State official or agency designated by the Governor

1 or by State law as having authority and responsi-
2 bility to accept and to administer funds paid here-
3 under. No payment shall be made to any State until
4 the State has agreed to provide such reports to the
5 Administrator, in such form and containing such in-
6 formation, as may be reasonably necessary to enable
7 the Administrator to perform the duties of the Ad-
8 ministrator under this title, and provide such fiscal
9 control and fund accounting procedures as may be
10 necessary to assure proper disbursement and ac-
11 counting for Federal revenues paid to the State
12 under this title.

13 (2) FAILURE TO MAKE SUFFICIENT PROGRESS
14 AT DEVELOPING OR IMPLEMENTING A REGIONAL
15 OCEAN STRATEGIC PLAN.—At the end of each fiscal
16 year, the Administrator shall return to the Fund any
17 amount that the Administrator allocated, but did not
18 disburse, in that fiscal year to a coastal State that,
19 in the judgment of the Administrator, has failed to
20 make sufficient progress in developing or imple-
21 menting a Regional Ocean Strategic Plan under title
22 IV before the end of the fiscal year in which such
23 grant is allocated, except that the Administrator
24 shall hold in escrow until the final resolution of the
25 appeal any amount allocated, but not disbursed, to

1 a coastal State that has appealed the disapproval of
2 such funding.

3 (b) ALLOCATION AMONG COASTAL STATES.—

4 (1) ALLOCABLE SHARE FOR EACH STATE.—For
5 each coastal State, the Administrator shall deter-
6 mine the State's allocable share of the total amount
7 transferred from the Fund under section 501(b)(1)
8 for each fiscal year using the following weighted for-
9 mula:

10 (A) Thirty-five percent of such amount
11 shall be allocated to each coastal State based on
12 the ratio of each State's shoreline miles to the
13 shoreline miles of all coastal States.

14 (B) Sixty-five percent of such amount shall
15 be allocated to each coastal State based on the
16 ratio of each State's coastal population to the
17 coastal population of all coastal States.

18 (2) MINIMUM STATE SHARE.—

19 (A) IN GENERAL.—The allocable share de-
20 termined by the Administrator under this sub-
21 section for each coastal State with a manage-
22 ment program approved by the Secretary of
23 Commerce under the Coastal Zone Management
24 Act of 1972 (16 U.S.C. 1451 et seq.), or that
25 is making satisfactory progress toward one,

1 shall not be less in any fiscal year than 0.50
2 percent of the total amount transferred by the
3 Secretary of the Treasury to the Administrator
4 for that fiscal year under section 501(b)(1).
5 For any other coastal State the allocable share
6 shall not be less than 0.25 percent of such
7 transferred amount.

8 (B) RECOMPUTATION.—If 1 or more coast-
9 al States' allocable shares, as computed under
10 paragraphs (1) and (2), are increased by any
11 amount under this paragraph, the allocable
12 share for all other coastal States shall be re-
13 computed and reduced by the same amount so
14 that not more than 100 percent of the amount
15 transferred by the Secretary of the Treasury to
16 the Administrator for that fiscal year under
17 section 501(b)(1) is allocated to all coastal
18 States. The reduction shall be divided pro rata
19 among such other coastal States.

20 (c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the
21 case of a coastal State, the Governor of the State shall
22 hold 50 percent of the State's allocable share, as deter-
23 mined under subsection (b), in a State ocean grants fund.
24 The Governor or his designee shall award, on a competi-
25 tive basis, grants to coastal political subdivisions of the

1 State from the State ocean grants fund only for activities
2 relating to the development and implementation of feder-
3 ally approved Regional Ocean Strategic Plans that are
4 consistent with the standard set forth in subsection
5 506(b).

6 (d) TIME OF PAYMENT.—Payments to coastal States
7 and coastal political subdivisions under this section shall
8 be made not later than December 31 of each year from
9 revenues received during the immediately preceding fiscal
10 year.

11 **SEC. 506. APPROVAL OF STATE FUNDING AND SPENDING**
12 **PLANS.**

13 (a) DEVELOPMENT AND SUBMISSION OF REGIONAL
14 OCEAN STRATEGIC PLANS.—Each coastal State seeking
15 to receive grants under this title shall participate in the
16 development and implementation of Regional Ocean Stra-
17 tegic Plans under title IV.

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

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

23 (2) are consistent with the national standards
24 set forth in section 101(b).

1 (c) SUBMISSION OF SPENDING PLAN.—Each coastal
2 State seeking funding under this title shall submit annu-
3 ally to the Administrator a spending plan for funds pro-
4 vided under this title. In addition to such other require-
5 ments as the Administrator by regulation shall prescribe,
6 each State spending plan shall include—

7 (1) The name of the State agency that will have
8 the authority to represent and act for the State in
9 dealing with the Administrator for purposes of this
10 title.

11 (2) A description of how funds provided under
12 this title will be used to meet the State’s responsibil-
13 ities to develop and implement the applicable Re-
14 gional Ocean Strategic Plan.

15 (3) A description of how the funds provided
16 under this title will be used by coastal political sub-
17 divisions to develop and implement the applicable
18 Regional Ocean Strategic Plan.

19 (4) An analysis of how the funds provided
20 under this title to both coastal States and coastal
21 political subdivisions will be consistent with the
22 standard set forth in subsection 506(b).

23 (5) Certification by the Governor of the coastal
24 State that all the funds provided under this title to
25 coastal political subdivisions will be used to develop

1 and implement a Regional Ocean Strategic Plan in
2 a manner that is consistent with the standard set
3 forth in subsection 506(b).

4 (d) APPROVAL OR DISAPPROVAL.—

5 (1) REQUIREMENTS.—A coastal State shall re-
6 ceive funding under this title if, in consultation with
7 the Committee on Ocean Policy, the Adminis-
8 trator—

9 (A) certifies that such coastal State is par-
10 ticipating actively and sufficiently in the devel-
11 opment and implementation of a Regional
12 Ocean Strategic Plan under title IV;

13 (B) approves a spending plan submitted by
14 such State that specifies how funds provided
15 under this title will be used to meet the State's
16 obligations and responsibilities in developing
17 and implementing a Regional Ocean Strategic
18 Plan under title IV; and

19 (C) ensures any payments under this title
20 to coastal States and political subdivisions are
21 used to develop and implement an approved Re-
22 gional Ocean Strategic Plan in a manner that
23 is consistent with the standard set forth in sub-
24 section 506(b).

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

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

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

23 **SEC. 507. SPECIAL POSTAGE STAMP.**

24 (a) IN GENERAL.—In order to afford a convenient
25 way for members of the public to support efforts to pro-

1 tect, maintain, and restore marine ecosystems, the United
2 States Postal Service shall provide for a special postage
3 stamp in accordance with this section.

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

8 (1) TRANSFERS.—All amounts becoming avail-
9 able from the sale of such stamp shall be transferred
10 to the Ocean and Great Lakes Conservation Trust
11 Fund (as established by section 501) through pay-
12 ments which shall be made, at least twice a year, in
13 the manner required by subsection (d)(1) of section
14 416 of such title 39.

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

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

23 (A) shall commence not later than 12
24 months after the date of the enactment of this
25 Act; and

1 (B) shall terminate not later than the close
2 of the period referred to in section 416(g) of
3 title 39, United States Code.

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

10 **TITLE VI—ADMINISTRATION** 11 **FUNDING**

12 **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

13 There is authorized to be appropriated to the Admin-
14 istrator such sums as necessary for the functions and ac-
15 tivities carried out by the Administration in accordance
16 with this Act. Sums appropriated under this section shall
17 remain available until expended.

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