

[COMMITTEE PRINT]

APRIL 28, 2008

[Showing the Amendment Adopted by the Committee on Natural Resources Subcommittee on Fisheries, Wildlife and Oceans]

110TH CONGRESS
2^D 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.**

4 This Act may be cited as the “Ocean Conservation,
 5 Education, and National Strategy for the 21st Century
 6 Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Purpose.
- Sec. 4. Definitions.

TITLE I—NATIONAL OCEAN GOVERNANCE

- Sec. 101. National Ocean Policy and principles.
- Sec. 102. National Ocean Advisor.
- Sec. 103. Committee on Ocean Policy.
- Sec. 104. Coordination plan.
- Sec. 105. Council of Advisors on Ocean Policy.

TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC
 ADMINISTRATION ORGANIC ACT

- Sec. 201. National Oceanic and Atmospheric Administration.
- Sec. 202. Functions.
- Sec. 203. Administration leadership.
- Sec. 204. National Weather Service.
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- Sec. 206. Restructuring plan.
- Sec. 207. Reprogramming requests.
- Sec. 208. Savings provisions.
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- Sec. 210. Function defined.

TITLE III—REGIONAL COORDINATION AND PLANNING

- Sec. 301. Regional ocean coordination.
- Sec. 302. Regional Ocean Partnerships.
- Sec. 303. Regional Ocean Strategic Plans.
- Sec. 304. Regulations.
- Sec. 305. Other authority.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND
 ESTABLISHMENT OF TRUST FUND

- Sec. 401. Establishment of fund.
- Sec. 402. Payments to States.

- Sec. 403. Eligibility for funding.
- Sec. 404. Funding procedures.
- Sec. 405. Equitable allocation.
- Sec. 406. Authorization of appropriations.
- Sec. 407. Healthy Ocean Stamp.
- Sec. 408. Limitation on use of available amounts for administration.
- Sec. 409. Recordkeeping requirements.
- Sec. 410. Maintenance of effort and matching funding.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to secure, for present and
3 future generations of people of the United States, the full
4 range of ecological, economic, educational, social, cultural,
5 nutritional, and recreational benefits of healthy marine
6 ecosystems, by—

7 (1) establishing and implementing a National
8 Ocean Policy;

9 (2) promoting ecologically sustainable ocean re-
10 source use and management by strengthening and
11 empowering ocean governance on regional and Fed-
12 eral levels;

13 (3) promoting ecosystem-based approaches to
14 management of United States ocean waters, coastal
15 waters, and ocean resources; and

16 (4) establishing an ocean and Great Lakes con-
17 servation trust fund to support the purposes and
18 policies of this Act.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

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

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

7 (3) ADVISOR.—The term “Advisor” means the
8 National Ocean Advisor appointed under section
9 102.

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

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

22 (6) COASTAL STATE.—The term “coastal
23 State”—

24 (A) subject to subparagraph (B), means a
25 State of the United States in, or bordering on,

1 the Atlantic, Pacific, or Arctic Ocean, the Gulf
2 of Mexico, Long Island Sound, or one or more
3 of the Great Lakes; and

4 (B) includes Puerto Rico, the Virgin Is-
5 lands, Guam, the Commonwealth of the North-
6 ern Mariana Islands, and American Samoa.

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

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

15 (A) considers the entire ecosystem, includ-
16 ing humans, and accounts for interactions
17 among the ecosystem, the range of activities af-
18 fecting the ecosystem, and the management of
19 such activities;

20 (B) aims to maintain ecosystems in a
21 healthy, productive, sustainable, and resilient
22 condition so that they can provide the services
23 humans want and need;

1 (C) emphasizes the protection of ecosystem
2 structure, function, patterns, and important
3 processes;

4 (D) considers the impacts, including cumu-
5 lative impacts, of the range of activities affect-
6 ing an ecosystem that fall within geographical
7 boundaries of the ecosystem;

8 (E) explicitly accounts for the inter-
9 connectedness within an ecosystem, such as
10 food webs, and acknowledges the interconnect-
11 edness among systems, such as between air,
12 land, and sea; and

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

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

19 (10) IMPORTANT ECOLOGICAL AREA.—The term
20 “important ecological area” means an area that con-
21 tributes significantly to local or larger marine eco-
22 system health or is an especially unique or sensitive
23 marine ecosystem.

24 (11) MARINE ECOSYSTEM HEALTH.—The term
25 “marine ecosystem health” means the ability of an

1 ecosystem in ocean waters or coastal waters to sup-
2 port and maintain patterns, important processes,
3 and productive, sustainable, and resilient commu-
4 nities of organisms, having a species composition, di-
5 versity, and functional organization resulting from
6 the natural habitat of the region, such that it is ca-
7 pable of supporting a variety of activities and pro-
8 vides a complete range of ecological benefits includ-
9 ing—

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

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

19 (12) NATIONAL OCEAN POLICY.—The term
20 “National Ocean Policy” means the policy set forth
21 in section 101(a).

22 (13) OCEAN REGION.—The term “ocean re-
23 gion” means such a region designated under section
24 301(c).

1 (14) OCEAN RESOURCES.—The term “ocean re-
2 resources” means any living, nonliving, or cultural
3 amenities in ocean waters or coastal waters.

4 (15) OCEAN WATERS.—The term “ocean wa-
5 ters” means the zone extending from the baseline
6 from which the breadth of the United States terri-
7 torial sea is measured to the extent of the Exclusive
8 Economic Zone as specified in Presidential Procla-
9 mation Number 5030, dated March 10, 1983, in-
10 cluding the territorial waters of the Great Lakes and
11 the waters of the continental shelf to which the
12 United States is granted sovereign rights under
13 international law.

14 **TITLE I—NATIONAL OCEAN**
15 **GOVERNANCE**

16 **SEC. 101. NATIONAL OCEAN POLICY AND PRINCIPLES.**

17 (a) NATIONAL OCEAN POLICY.—

18 (1) IN GENERAL.—It is the policy of the United
19 States to protect, maintain, and restore marine eco-
20 system health in order to fulfill the ecological, eco-
21 nomic, educational, social, cultural, nutritional, rec-
22 reational, and other requirements of current and fu-
23 ture generations of Americans.

1 (2) PRINCIPLES.—The National Ocean Policy
2 shall be implemented in accordance with the fol-
3 lowing principles:

4 (A) Policies, programs, and activities
5 should minimize negative environmental im-
6 pacts to ocean waters, coastal waters, and
7 ocean resources and be conducted so that by
8 themselves or cumulatively they do not under-
9 mine efforts to protect, maintain, and restore
10 marine ecosystem health.

11 (B) Ocean waters, coastal waters, and
12 ocean resources should be managed to meet the
13 needs of the present generation without com-
14 promising the ability of future generations to
15 meet their needs.

16 (C) Ocean waters, coastal waters, and
17 ocean resources should be managed using eco-
18 system-based management.

19 (D) The lack of scientific certainty should
20 not be used as justification for postponing ac-
21 tion to prevent negative environmental impacts.
22 In cases in which significant threats to marine
23 ecosystem health exist, the best of the available
24 science should be used to manage ocean waters,
25 coastal waters, and ocean resources in a man-

1 ner that gives the greatest weight to the protec-
2 tion, maintenance, and restoration of marine
3 ecosystem health.

4 (E) Policies, programs, and activities rec-
5 ognize the interconnectedness of the land, at-
6 mosphere including climate, and oceans includ-
7 ing ocean waters, coastal waters, and ocean re-
8 sources, and should recognize that actions af-
9 fecting one of these, such as the climate, are
10 likely to affect another, such as ocean re-
11 sources.

12 (F) Potential uses of ocean waters, coastal
13 waters, and ocean resources should be managed
14 in a way that balances competing uses and does
15 not undermine efforts to protect, maintain, and
16 restore marine ecosystem health.

17 (b) IMPLEMENTATION.—

18 (1) REQUIREMENT.—To the fullest extent pos-
19 sible and to the extent not inconsistent with other
20 laws, each Federal agency shall interpret and admin-
21 ister policies, regulations and laws in accordance
22 with the National Ocean Policy.

23 (2) GUIDANCE.—

24 (A) IN GENERAL.—Not later than 1 year
25 after the date of the enactment of this Act, the

1 National Ocean Advisor shall develop and issue
2 guidance, consistent with the National Ocean
3 Policy, for the development of Federal agency
4 regulations to implement the National Ocean
5 Policy.

6 (B) PUBLIC PARTICIPATION.—The Na-
7 tional Ocean Advisor shall provide adequate op-
8 portunity for public comment and review during
9 the development of the guidance under subpara-
10 graph (A).

11 (c) AGENCY ACTIONS.—

12 (1) REGULATIONS.—

13 (A) IN GENERAL.—Within 2 years after
14 the issuance of the guidance under subsection
15 (b)(2), each Federal agency shall issue new or
16 revised regulations as necessary to ensure con-
17 sistency with the National Ocean Policy for ac-
18 tions undertaken, authorized, or funded by the
19 agency that may significantly affect ocean wa-
20 ters, coastal waters, or ocean resources.

21 (B) PUBLIC COMMENT.—The head of each
22 Federal agency shall—

23 (i) publish proposed regulations under
24 this subsection in the Federal Register;
25 and

1 (ii) provide a period for public com-
2 ment of not less than 60 days before final
3 regulations are published under this sub-
4 section.

5 (2) REVIEW.—Within 1 year after the issuance
6 of the guidance under subsection (b)(2), each Fed-
7 eral agency, shall—

8 (A) conduct a review of the existing poli-
9 cies, regulations, and laws that apply to the
10 agency and identify any inconsistencies that
11 preclude the agency from fully implementing
12 the National Ocean Policy; and

13 (B) submit to the Committee on Ocean
14 Policy, the Committee on Natural Resources of
15 the House of Representatives, and the Com-
16 mittee on Commerce, Science, and Transpor-
17 tation of the Senate a report on such review
18 that includes proposals as may be necessary to
19 eliminate such inconsistencies.

20 **SEC. 102. NATIONAL OCEAN ADVISOR.**

21 (a) ESTABLISHMENT.—

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

1 shall not be an employee of any Federal agency rep-
2 resented on the Committee on Ocean Policy.

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

7 (3) QUALIFICATIONS.—The individual ap-
8 pointed as the Advisor must be a person who, as a
9 result of his or her training, experience, and attain-
10 ments, is well qualified—

11 (A) to analyze and interpret marine eco-
12 system trends and all relevant information re-
13 lated to such trends;

14 (B) to appraise programs and activities of
15 the Federal Government in light of the National
16 Ocean Policy; and

17 (C) to formulate and recommend actions
18 and decisions to promote marine ecosystem
19 health.

20 (b) FUNCTIONS.—The Advisor shall—

21 (1) advise the President on implementation of
22 this Act, activities of the Committee on Ocean Pol-
23 icy, and other matters relating to ocean waters,
24 coastal waters, ocean resources, and maintaining
25 marine ecosystem health;

1 (2) serve as the chair of the Committee on
2 Ocean Policy established by section 103;

3 (3) lead efforts to coordinate Federal agency
4 actions to implement the National Ocean Policy;

5 (4) establish a process, in consultation with the
6 Committee on Ocean Policy, for resolving inter-
7 agency disputes and advise Federal agencies as re-
8 quested regarding the implementation of the Na-
9 tional Ocean Policy; and

10 (5) develop, issue, and revise as needed, the
11 guidance required under section 101(b)(2).

12 (c) STAFFING.—

13 (1) STAFF.—The Advisor may employ such
14 staff as may be necessary to carry out his or her
15 functions under this Act.

16 (2) UNCOMPENSATED SERVICES.—The Advisor
17 may accept, utilize, and terminate voluntary and un-
18 compensated services in furtherance of his or her
19 functions.

20 **SEC. 103. COMMITTEE ON OCEAN POLICY.**

21 (a) ESTABLISHMENT.—There is established in the
22 Executive Office of the President a Committee on Ocean
23 Policy, which succeeds the Committee on Ocean Policy es-
24 tablished on December 17, 2004, by Executive Order
25 13366 and shall continue the activities of that committee

1 as it was in existence on the day before the date of enact-
2 ment of this Act unless otherwise stated by this Act.

3 (b) FUNCTIONS.—The Committee shall—

4 (1) within 2 years after the date of enactment
5 of this Act, review and appraise the various laws,
6 programs, and activities of the Federal Government
7 for consistency with the National Ocean Policy, de-
8 termine whether existing Federal agencies' authori-
9 ties are adequate to implement the National Ocean
10 Policy, and prepare recommendations regarding any
11 resources or new authorities that are needed for that
12 implementation;

13 (2) review and prepare recommendations re-
14 garding agency ocean budgets and their sufficiency
15 to achieve the National Ocean Policy;

16 (3) obtain and provide information to facilitate
17 and advance the efforts of Regional Ocean Partner-
18 ships in accordance with title III; and

19 (4) facilitate coordination and integration of
20 Federal activities in ocean waters and coastal waters
21 and develop, and update as needed, a coordination
22 plan in accordance with section 104.

23 (c) CHAIR.—The National Ocean Advisor shall be the
24 Chair of the Committee, and shall, in that capacity, be
25 responsible for—

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

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

4 (3) establishing and directing subcommittees of
5 the Committee, as appropriate.

6 (d) MEMBERSHIP.—

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

9 (A) The Secretary of Commerce.

10 (B) The Secretary of State.

11 (C) The Secretary of the Interior.

12 (D) The Secretary of Defense.

13 (E) The Secretary of Agriculture.

14 (F) The Secretary of Transportation.

15 (G) The Secretary of Homeland Security.

16 (H) The Secretary of Energy.

17 (I) The Administrator of the Environ-
18 mental Protection Agency.

19 (J) The Director of the Office of Manage-
20 ment and Budget.

21 (K) The Director of the National Science
22 Foundation.

23 (L) Six State Governors appointed by the
24 National Governors Association, who shall rep-
25 resent State and local interests.

1 (M) The Administrator of the National
2 Aeronautics and Space Administration.

3 (N) The Chair of the Council on Environ-
4 mental Quality.

5 (2) DELEGATION.—A member of the Com-
6 mittee may delegate the authority to perform the
7 Committee or subcommittee functions of the mem-
8 ber, to any individual who is employed by such mem-
9 ber's department, agency, or office and who is—

10 (A) an officer of the United States ap-
11 pointed by the President;

12 (B) a member of the Senior Executive
13 Service; or

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

16 (3) STATE GOVERNOR MEMBERS.—

17 (A) REQUIREMENT.—The members ap-
18 pointed under paragraph (1)(L) shall be chosen
19 to provide broad geographical representation.
20 Of those members, at least 4 shall be Governors
21 of coastal States.

22 (B) LIMITATION ON APPOINTMENT.—A
23 Governor of a State may not be appointed
24 under paragraph (1)(L) to serve on the Com-
25 mittee in the 4-year period following the prior

1 service on the Committee by a Governor of that
2 State.

3 (C) TERM; REAPPOINTMENT.—A member
4 appointed under paragraph (1)(L)—

5 (i) shall be appointed for a term of 4
6 years; and

7 (ii) shall be eligible for reappointment
8 consistent with subparagraph (B).

9 (D) REPLACEMENT.—Any member who
10 cannot serve the full length of the member's
11 term may be replaced by another individual who
12 can serve the remainder of that term.

13 (e) SUBCOMMITTEES.—The Chair of the Committee,
14 in consultation with the Administrator, may create such
15 subcommittees of the Committee as necessary to help
16 carry out the functions of the Committee.

17 (f) COORDINATION.—The Chair of the Council on
18 Environmental Quality and the National Ocean Advisor
19 shall ensure appropriate coordination of the activities of
20 the Committee and other policy coordination structures re-
21 lating to ocean or maritime issues.

22 (g) STAFF.—

23 (1) IN GENERAL.—The Chair may employ such
24 employees as may be necessary to carry out the
25 functions of the Committee under this Act.

1 (2) VOLUNTARY AND UNCOMPENSATED SERV-
2 ICES.—The Chair may accept, utilize, and terminate
3 voluntary and uncompensated services in furtherance
4 of the functions of the Committee.

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

14 (i) FEDERAL ADVISORY COMMITTEE ACT.—

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

20 (2) COMPLIANCE.—Notwithstanding paragraph
21 (1), the Committee and its subcommittees shall be
22 appointed and operate in a manner consistent with
23 all provisions of the Federal Advisory Committee Act
24 with respect to—

25 (A) the balance of its membership;

1 (B) provision of public notice regarding its
2 activities;

3 (C) open meetings; and

4 (D) public access to documents created by
5 the Committee.

6 **SEC. 104. COORDINATION PLAN.**

7 (a) COORDINATION PLAN.—The Committee on Ocean
8 Policy shall submit to the Congress by not later than 2
9 years after the date of the enactment of this Act, a plan
10 for coordinating Federal activities in ocean waters and
11 coastal waters that—

12 (1) is consistent with the National Ocean Pol-
13 icy;

14 (2) designates a lead Federal agency for each
15 existing activity and new activity in Federal waters
16 and identifies a process for coordination of such ac-
17 tivities among agencies;

18 (3) identifies the process by which Federal
19 agencies will coordinate with and participate in the
20 Regional Ocean Partnerships established under title
21 III and establishes Federal regional ocean partner-
22 ship teams to participate in that process;

23 (4) considers possible consolidation of oceanic
24 or atmospheric programs, functions, services, or re-
25 sources within or among Federal agencies, if their

1 consolidation would not undermine the National
2 Ocean Policy;

3 (5) includes recommendations prepared under
4 section 103(b)(1) for any resources or new authori-
5 ties that Federal agencies may need to implement
6 the National Ocean Policy;

7 (6) includes recommendations prepared under
8 section 103(b)(2) regarding agency ocean budgets
9 and their sufficiency to achieve the National Ocean
10 Policy; and

11 (7) includes a report on the condition of ocean
12 waters, coastal waters, and ocean resources and the
13 progress toward meeting the goals of the National
14 Ocean Policy.

15 (b) REVIEW AND UPDATE.—The Committee on
16 Ocean Policy shall review and update the coordination
17 plan as needed, but at least every 6 years.

18 **SEC. 105. COUNCIL OF ADVISORS ON OCEAN POLICY.**

19 (a) ESTABLISHMENT.—There is established the
20 Council of Advisors on Ocean Policy, which shall advise
21 the President on policies to protect, maintain, and restore
22 marine ecosystem health on a regional and national basis.

23 (b) CHAIR.—The President shall designate a non-
24 Federal member of the Council to serve as Chair of the

1 Council. The term of the Chair shall be 4 years. The Chair
2 shall be responsible for—

3 (1) convening meetings at least two times a
4 year; and

5 (2) directing the work of the Council.

6 (c) MEMBERSHIP.—The Council shall have at least
7 20 members appointed by the President, in consultation
8 with the National Ocean Advisor (who shall serve as an
9 ex officio member of the Council). Such members of the
10 Council shall—

11 (1) be appointed based on their knowledge and
12 experience in coastal, ocean, and atmospheric
13 science, policy, and other related areas; and

14 (2) include at least 1 representative from—

15 (A) local governments;

16 (B) Indian tribes;

17 (C) the marine science research commu-
18 nity;

19 (D) the marine science education commu-
20 nity;

21 (E) the commercial fishing sector;

22 (F) the commercial seafood sector;

23 (G) the recreational fishing sector;

1 (H) the energy development, the shipping
2 and transportation, and the marine tourism in-
3 dustries;

4 (I) agriculture, which may include timber;

5 (J) watershed organizations (other than
6 organizations represented under subparagraph
7 (J)), which may include resource conservation
8 districts; and

9 (K) nongovernmental organizations (other
10 than organizations represented under subpara-
11 graph (I)), including groups interested in ma-
12 rine conservation.

13 (d) TERMS OF MEMBERSHIP.—

14 (1) IN GENERAL.—The term of a member of
15 the Council shall be 4 years.

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

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

22 (B) at least one-half shall be appointed to
23 a 4-year term that ends in a Federal election
24 year in which there does not occur an election
25 of the President.

1 (3) VACANCIES.—Any member appointed to fill
2 a vacancy occurring before the expiration of the
3 term for which the member's predecessor was ap-
4 pointed shall be appointed only for the remainder of
5 that term.

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

8 (e) COMPENSATION AND EXPENSES.—A member of
9 the Council shall not receive compensation for service on
10 the Council, but upon request by the member may be al-
11 lowed travel expenses, including per diem in lieu of sub-
12 sistence, in accordance with subchapter I of chapter 57
13 of title 5, United States Code.

14 (f) FEDERAL ADVISORY COMMITTEE ACT.—

15 (1) IN GENERAL.—The Federal Advisory Com-
16 mittee Act (5 U.S.C. App.) shall not apply to the
17 Council.

18 (2) COMPLIANCE.—Notwithstanding paragraph
19 (1), the Council shall be appointed and operate in a
20 manner consistent with all provisions of the Federal
21 Advisory Committee Act with respect to—

22 (A) the balance of its membership;

23 (B) provision of public notice regarding its
24 activities;

25 (C) open meetings; and

1 (D) public access to documents created by
2 the Council.

3 **TITLE II—NATIONAL OCEANIC**
4 **AND ATMOSPHERIC ADMINIS-**
5 **TRATION ORGANIC ACT**

6 **SEC. 201. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
7 **ISTRATION.**

8 (a) IN GENERAL.—The National Oceanic and Atmos-
9 pheric Administration, as in effect immediately before the
10 enactment of this Act, shall be an administration in the
11 Department of Commerce. Except as otherwise provided
12 in this Act (including the amendments and repeals made
13 by this Act)—

14 (1) the Administration shall have the adminis-
15 trative structure, officers, functions, and authorities
16 it had immediately before the enactment of this Act,
17 including under Reorganization Plan No. 4 of 1970
18 (5 U.S.C. App.); and

19 (2) the Administrator shall have the authority,
20 subject to the availability of appropriations—

21 (A) to create, support, and maintain joint
22 centers, and to enter into and perform con-
23 tracts, leases, grants, or cooperative agreements
24 on terms the Administrator considers appro-
25 priate;

1 (B) to disseminate information and con-
2 duct education and outreach in direct support
3 of the purposes of this Act; and

4 (C) to accept interagency financing of
5 boards or similar groups to carry out inter-
6 agency activities for which the Administration
7 serves as a lead agency.

8 (b) MISSION.—The Administration shall be the civil-
9 ian agency of the Federal Government principally respon-
10 sible for—

11 (1) providing to the Nation oceanic, weather,
12 atmospheric, and climate services and research;

13 (2) monitoring changes in the earth's environ-
14 ment; and

15 (3) conducting and supporting research, con-
16 servation, management, education and outreach re-
17 garding ocean and coastal resources, weather, and
18 climate.

19 **SEC. 202. FUNCTIONS.**

20 (a) IN GENERAL.—The Administrator shall perform
21 the following functions to carry out the mission set forth
22 in section 201(b) in a coordinated, integrated, and eco-
23 system-based manner for the benefit of the Nation:

24 (1) Management, conservation, protection, and
25 restoration of ocean and coastal resources, including

1 living marine resources, habitats, maritime heritage
2 resources, and ocean ecosystems.

3 (2) Observation, monitoring, assessment, fore-
4 casting, prediction, operations, and exploration for
5 ocean, coastal, and atmospheric environments in-
6 cluding weather, space weather, climate, navigation,
7 and marine resources.

8 (3) Research, education and outreach, develop-
9 ment of hydrographic products and services, tech-
10 nical assistance, technology development, and inno-
11 vation activities relating to ocean and atmospheric
12 environments including basic and applied scientific
13 research and activities that support other agency
14 functions and missions.

15 (b) STATE AND FEDERAL COORDINATION.—The Ad-
16 ministrator shall ensure that Administration programs
17 and activities collaborate with State and Federal programs
18 to encourage cooperation, coordination, and integration of
19 State and Federal coastal, oceanic, and atmospheric pro-
20 grams, including the planning and implementation of re-
21 gional and ecosystem-based activities.

22 (c) INTERNATIONAL COORDINATION.—

23 (1) COOPERATION BY ADMINISTRATOR.—The
24 Administrator shall cooperate to the fullest extent
25 practicable with the Secretary of State in providing

1 representation at all meetings and conferences relat-
2 ing to actions or activities described in this Act in
3 which representatives of the United States and for-
4 eign countries participate.

5 (2) CONSULTATION WITH ADMINISTRATOR.—

6 The Secretary of State and any other officer of the
7 United States with responsibility for agreements,
8 treaties, or understandings with foreign nations and
9 international organizations shall consult with the
10 Administrator whenever the subject matter or activ-
11 ity involved relates to a function of the Adminis-
12 trator.

13 (3) AUTHORITY OF SECRETARY OF COMMERCE

14 NOT AFFECTED.—This subsection does not affect
15 the authority of the Secretary of Commerce with re-
16 spect to international fishing agreements.

17 (d) PARTNERSHIPS.—The Administrator may pro-

18 mote, support, and enter into agreements with academia,
19 industry, conservation groups, educators, and other inter-
20 ested persons to improve the effectiveness of Administra-
21 tion programs and activities and enhance public awareness
22 and understanding of Administration science, service, and
23 stewardship missions.

1 **SEC. 203. ADMINISTRATION LEADERSHIP.**

2 (a) UNDER SECRETARY OF COMMERCE FOR OCEANS
3 AND ATMOSPHERE AND ADMINISTRATOR.—

4 (1) IN GENERAL.—There shall be, as the Ad-
5 ministrator and head of the Administration, an
6 Under Secretary of Commerce for Oceans and At-
7 mosphere. The Administrator shall be appointed by
8 the President, by and with the advice and consent
9 of the Senate.

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

12 (A) the functions under section 202(a);

13 (B) general management and supervision
14 of the operations of the Administration;

15 (C) policy development and guidance;

16 (D) formulation, guidance, and execution
17 of budget for the Administration;

18 (E) serving as the Department of Com-
19 merce official for all ocean and atmosphere
20 issues with other elements of the Department of
21 Commerce and with other Federal agencies,
22 State, tribal, and local governments, and the
23 public; and

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

1 (b) ASSISTANT SECRETARY OF COMMERCE FOR
2 OCEANS AND ATMOSPHERE AND DEPUTY ADMINIS-
3 TRATOR.—

4 (1) IN GENERAL.—There shall be, as Deputy
5 Administrator of the Administration, an Assistant
6 Secretary of Commerce for Oceans and Atmosphere.
7 The Deputy Administrator shall be appointed by the
8 President, by and with the advice and consent of the
9 Senate. The Deputy Administrator shall be the Ad-
10 ministrator's first assistant for purposes of sub-
11 chapter III of chapter 33 of title 5, United States
12 Code.

13 (2) FUNCTIONS.—The Deputy Administrator
14 shall—

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

17 (B) perform such functions and exercise
18 such powers as the Administrator may pre-
19 scribe; and

20 (C) act as Administrator during the ab-
21 sence or disability of the Administrator or in
22 the event of a vacancy in the office of Adminis-
23 trator.

1 (c) DEPUTY UNDER SECRETARY OF COMMERCE FOR
2 OCEANS AND ATMOSPHERE AND CHIEF OPERATING OF-
3 FICER.—

4 (1) IN GENERAL.—There shall, be as the Chief
5 Operating Officer of the Administration, a Deputy
6 Under Secretary of Commerce for Oceans and At-
7 mosphere. The Deputy Under Secretary shall be ap-
8 pointed by the Secretary. The position of Deputy
9 Under Secretary shall be a Senior Executive Service
10 position authorized under section 3133 of title 5,
11 United States Code.

12 (2) FUNCTIONS.—The Deputy Under Secretary
13 shall—

14 (A) ensure the timely and effective imple-
15 mentation of Administration policies and objec-
16 tives;

17 (B) be responsible for all aspects of the
18 Administration's operations and management,
19 including budget, financial operations, informa-
20 tion services, facilities, human resources, pro-
21 curements, and associated services;

22 (C) act as the Assistant Secretary during
23 the absence or disability of the Assistant Sec-
24 retary or in the event of a vacancy in such posi-
25 tion; and

1 (D) perform such other duties as the Ad-
2 ministrator shall prescribe.

3 (d) DEPUTY ASSISTANT SECRETARIES.—

4 (1) IN GENERAL.—There shall be in the Admin-
5 istration three Deputy Assistant Secretaries.

6 (2) FUNCTIONS.—The Secretary shall—

7 (A) designate the functions of each Deputy
8 Assistant Secretary; and

9 (B) assign to each Deputy Assistant Sec-
10 retary one of the functions under paragraphs
11 (1), (2), and (3) of section 202(a).

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

21 (e) GENERAL COUNSEL.—

22 (1) IN GENERAL.—There shall be in the Admin-
23 istration a General Counsel. The General Counsel
24 shall be appointed by the Secretary. The General

1 Counsel shall be paid at the rate of basic pay for
2 level V of the Executive Schedule.

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

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

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

11 (f) ADDITIONAL POSITIONS.—The Administrator
12 may appoint individuals to such additional positions in the
13 Administration as may be appropriate to reflect any re-
14 structuring of the Administration.

15 (g) CONFORMING AMENDMENTS TO REORGANIZA-
16 TION PLAN.—

17 (1) REORGANIZATION PLAN NO. 4 OF 1970.—Re-
18 organization Plan No. 4 of 1970 (5 U.S.C. App.) is
19 amended—

20 (A) in section 1, by adding at the end the
21 following:

22 “(g) The functions vested in the Secretary of the In-
23 terior and the Secretaries by the Act of June 8 1906, (16
24 U.S.C. 433 et seq.), popularly known as the Antiques Act

1 of 1906, relating to national monuments comprised of
2 ocean or coastal resources.”; and

3 (B) in section 2, by striking subsection (e).

4 (2) TITLE 5, U.S.C.—Section 5316 of title 5,
5 United States Code, is amended by striking “Assist-
6 ant Administrator for Coastal Zone Management,”
7 and all that follows through “Assistant Administra-
8 tors (3), National Oceanic and Atmospheric Admin-
9 istration.”.

10 **SEC. 204. NATIONAL WEATHER SERVICE.**

11 (a) IN GENERAL.—There shall be in the Administra-
12 tion the National Weather Service.

13 (b) MISSION.—The mission of the National Weather
14 Service is to provide weather, water, climate, tsunami, and
15 space weather forecasts and warnings for the United
16 States, its territories, adjacent waters, and ocean areas for
17 the protection of life and property and the enhancement
18 of the national economy. In carrying out the mission of
19 the National Weather Service, the Administrator shall
20 seek to ensure that the National Weather Service—

21 (1) provides timely and accurate weather,
22 water, climate, tsunami, and space weather fore-
23 casts; and

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

4 (c) FUNCTIONS.—To accomplish the mission de-
5 scribed in section 201(b), and in addition to the functions
6 described in section 202(a), the functions of the National
7 Weather Service shall include—

8 (1) maintaining a network of local weather fore-
9 cast offices;

10 (2) maintaining a network of observation sys-
11 tems to collect weather, water, and climate data;

12 (3) operating national centers to deliver guid-
13 ance, forecasts, warnings, and analysis about weath-
14 er, water, climate, tsunami, and space weather phe-
15 nomena for use by the Administration and the pub-
16 lic;

17 (4) providing information to Federal, State, and
18 local agencies and other organizations responsible
19 for emergency preparedness and response;

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

23 (6) other functions to serve the mission of the
24 National Weather Service described in subsection
25 (b).

1 **SEC. 205. SCIENCE ADVISORY BOARD.**

2 There shall be within the Administration a Science
3 Advisory Board, in accordance with the document entitled
4 “U.S. Department of Commerce Charter of the NOAA
5 Science Advisory Board”, dated August 9, 2005.

6 **SEC. 206. RESTRUCTURING PLAN.**

7 (a) IN GENERAL.—The Administrator shall develop
8 a plan and budget setting forth a proposal for restruc-
9 turing the Administration and its programs, as they ex-
10 isted immediately before enactment of this title, that im-
11 plement this title, are consistent with section 101, and
12 consider the recommendations of the U.S. Commission on
13 Ocean Policy so as to provide improved services to the Na-
14 tion.

15 (b) CONTENT.—The plan shall—

16 (1) describe leadership positions and roles, and
17 program offices and duties;

18 (2) consider—

19 (A) regional approaches to management
20 and ecosystem-based management;

21 (B) coordination with outside entities, both
22 nationally and internationally; and

23 (C) needs to expand or downsize employees
24 or facilities (or both);

25 (3) be consistent with section 202 and the other
26 provisions of this Act, and maximize the efficiency

1 with which the Administration carries out and
2 assures the effectiveness of the functions of the Ad-
3 ministrator described in section 202(a);

4 (4) improve the sharing of research and other
5 information and the compilation of available data,
6 that is of use across programmatic themes; and

7 (5) to the maximum extent practicable, elimi-
8 nate duplication of effort or overlapping efforts
9 among offices.

10 (c) CONSULTATION.—The Administrator shall de-
11 velop the plan in consultation with interested persons, in-
12 cluding representatives of the States, academia, industry,
13 conservation organizations, and labor organizations cer-
14 tified as the exclusive representatives of Administration
15 employees pursuant to chapter 71 of title 5, United States
16 Code.

17 (d) SCHEDULE.—

18 (1) IN GENERAL.—Not later than 18 months
19 after the date of enactment of this Act, the Adminis-
20 trator shall develop the plan and shall publish the
21 plan in the Federal Register.

22 (2) PUBLIC COMMENT.—The Federal Register
23 notice shall solicit comments for a period of 60 days.

24 (3) FINAL PLAN.—Not later than 120 days
25 after the expiration date of the comment period de-

1 scribed in paragraph (2), the Administrator shall
2 complete a final plan that takes into account the
3 comments received.

4 (4) TRANSMITTAL.—Upon completing the final
5 plan, the Administrator shall—

6 (A) transmit the final plan, and an expla-
7 nation of how the Administrator addressed each
8 issue raised by the public comments received, to
9 the Committee on Commerce, Science, and
10 Transportation of the Senate and the Commit-
11 tees on Science and on Natural Resources of
12 the House of Representatives for review; and

13 (B) publish the final plan and explanation
14 in the Federal Register.

15 (e) REPORTING.—

16 (1) ADMINISTRATION INTERNAL REVIEW.—
17 Once every 3 years after implementation of the reor-
18 ganization plan, the Administrator shall transmit a
19 report to Congress assessing the effectiveness and
20 efficiency of the Administration in carrying out its
21 functions and fulfilling its mission, as set forth in
22 sections 201(b).

23 (2) GOVERNMENT ACCOUNTABILITY OFFICE RE-
24 VIEW.—Not later than 3 years after the Administra-
25 tion implements the reorganization plan, and every

1 6 years thereafter, the Comptroller General of the
2 United States shall conduct an independent review
3 of the effectiveness and efficiency of the Administra-
4 tion in fulfilling its mission, as set forth in section
5 201(b), and carrying out the functions set forth in
6 section 202. Upon completing the review, the Comp-
7 troller General shall transmit a report to Congress
8 with his or her findings.

9 **SEC. 207. REPROGRAMMING REQUESTS.**

10 Whenever the Administrator transmits a budget re-
11 programming request to the Appropriations Committees
12 of the House of Representatives and the Senate, the Ad-
13 ministrator shall simultaneously submit a copy of the re-
14 quest to the Committee on Science and the Committee on
15 Natural Resources of the House of Representatives and
16 the Committee on Commerce, Science, and Transportation
17 of the Senate.

18 **SEC. 208. SAVINGS PROVISIONS.**

19 Except as otherwise provided in this Act, all rules and
20 regulations, determinations, standards, contracts, certifi-
21 cations, authorizations, appointments, delegations, results
22 and findings of investigations, and other actions duly
23 issued, made, or taken by or pursuant to or under the
24 authority of any statute that resulted in the assignment
25 of functions or activities to the Secretary of Commerce,

1 the Department of Commerce, the Under Secretary of
2 Commerce for Oceans and Atmosphere, or any other offi-
3 cial of the National Oceanic and Atmospheric Administra-
4 tion, as are in effect immediately before the enactment of
5 this Act, shall continue in full force and effect after enact-
6 ment of this Act until modified or rescinded.

7 **SEC. 209. REPORT.**

8 Not later than 1 year after the date of the enactment
9 of this Act, the Administrator shall submit a report to the
10 Congress on the implementation of this Act, including
11 such recommendations as the Administrator considers ap-
12 propriate regarding changes to existing law (including
13 granting of additional authority to the Administrator).

14 **SEC. 210. FUNCTION DEFINED.**

15 In this title the term “function” includes authorities,
16 powers, rights, privileges, immunities, programs, projects,
17 activities, duties, and responsibilities.

18 **TITLE III—REGIONAL**
19 **COORDINATION AND PLANNING**

20 **SEC. 301. REGIONAL OCEAN COORDINATION.**

21 (a) IN GENERAL.—The purpose of this title is to pro-
22 mote coordinated regional efforts to further the implemen-
23 tation of the National Ocean Policy through—

- 24 (1) the designation of distinct ocean regions;
25 and

1 (2) the establishment of regional ocean partner-
2 ships, and the development and implementation of
3 regional ocean strategic plans.

4 (b) OBJECTIVES OF REGIONAL EFFORTS.—Such re-
5 gional efforts shall achieve the following:

6 (1) Provide for more systematic communication,
7 coordination, and alignment of State and Federal
8 governmental authorities and programs with the
9 size, scale, and characteristics of regional marine
10 ecosystems while recognizing regional economic and
11 social patterns.

12 (2) Build on and improve existing regional pro-
13 grams and initiatives and foster the creation of new
14 regional efforts in areas where effective interstate
15 and Federal cooperative efforts are currently lack-
16 ing.

17 (3) Provide for regional and subregional ocean
18 assessments, based on the best available science, to
19 determine status and trends and to provide the in-
20 formation needed to improve management decisions.

21 (4) Identify shared State and Federal priority
22 issues and address them in a collaborative and co-
23 ordinated way based on existing legal authorities.

24 (5) Improve integration of government efforts
25 and maximize government efficiency.

1 (6) Identify and provide data and information
2 needed by the Regional Ocean Partnerships estab-
3 lished under section 302.

4 (7) Provide for opportunities for public input on
5 regional priorities and plans and for improved cit-
6 izen and community stewardship of ocean waters,
7 coastal waters, and ocean resources.

8 (c) REGIONS.—

9 (1) DESIGNATION.—There are hereby des-
10 ignated the following ocean regions:

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

21 (B) PACIFIC OCEAN REGION.—The Pacific
22 Ocean Region, which shall consist of the coastal
23 zone (as defined in section 304 of the Coastal
24 Zone Management Act of 1972 (16 U.S.C.
25 1453)) and watershed areas of the States that

1 have a significant impact on coastal waters of
2 the States of Washington, Oregon, Idaho, and
3 California seaward to the extent of the Exclu-
4 sive Economic Zone as specified in Presidential
5 Proclamation Number 5030, dated March 10,
6 1983.

7 (C) WESTERN PACIFIC OCEAN REGION.—
8 The Western Pacific Ocean Region, which shall
9 consist of the coastal zone (as defined in section
10 304 of the Coastal Zone Management Act of
11 1972 (16 U.S.C. 1453) of the States of Hawaii,
12 Guam, American Samoa, and the Northern
13 Mariana Islands seaward to the extent of the
14 Exclusive Economic Zone as specified in Presi-
15 dential Proclamation Number 5030, dated
16 March 10, 1983, including the territorial waters
17 of the Commonwealths, territories, and posses-
18 sions of the United States in the Pacific Ocean.

19 (D) GULF OF MEXICO OCEAN REGION.—
20 The Gulf of Mexico Ocean Region, which shall
21 consist of the coastal zone (as defined in section
22 304 of the Coastal Zone Management Act of
23 1972 (16 U.S.C. 1453)) and watershed areas of
24 the States that have a significant impact on
25 coastal waters of the States of Texas, Lou-

1 isiana, Mississippi, Alabama, and Florida sea-
2 ward to the extent of the Exclusive Economic
3 Zone as specified in Presidential Proclamation
4 Number 5030, dated March 10, 1983.

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

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

1 Economic Zone as specified in Presidential
2 Proclamation Number 5030, dated March 10,
3 1983.

4 (G) NORTHEAST ATLANTIC OCEAN RE-
5 GION.—The Northeast Atlantic Ocean Region,
6 which shall consist of the coastal zone (as de-
7 fined in section 304 of the Coastal Zone Man-
8 agement Act of 1972 (16 U.S.C. 1453)) and
9 watershed areas of the States that have a sig-
10 nificant impact on coastal waters of the States
11 of Maine, New Hampshire, Massachusetts,
12 Rhode Island, and Connecticut seaward to the
13 extent of the Exclusive Economic Zone as speci-
14 fied in Presidential Proclamation Number
15 5030, dated March 10, 1983.

16 (H) MID-ATLANTIC OCEAN REGION.—The
17 Mid-Atlantic Ocean Region, which shall consist
18 of the coastal zone (as defined in section 304
19 of the Coastal Zone Management Act of 1972
20 (16 U.S.C. 1453)) and watershed areas of the
21 States that have a significant impact on coastal
22 waters of the States of New York, New Jersey,
23 Delaware, Maryland, Pennsylvania, and Vir-
24 ginia seaward to the extent of the Exclusive
25 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 Regional Ocean Part-
14 nership established under section 302 may establish
15 such subregions, or geographically specified manage-
16 ment areas, as necessary for efficient and effective
17 management of region-specific ecosystem issues.

18 **SEC. 302. REGIONAL OCEAN PARTNERSHIPS.**

19 (a) IN GENERAL.—

20 (1) ESTABLISHMENT.—Within 1 year after the
21 date of the enactment of this Act, the Administrator,
22 in consultation with the Committee on Ocean Policy
23 and the appropriate coastal States, shall establish or
24 designate a Regional Ocean Partnership for each of
25 the ocean regions established by section 301.

1 (2) FUNCTIONS.—Each Partnership shall, for
2 the ocean region for which it is established or des-
3 ignated—

4 (A) pursue the objectives set forth in sec-
5 tion 301(b);

6 (B) further the implementation of the Na-
7 tional Ocean Policy; and

8 (C) develop and implement a Regional
9 Ocean Strategic Plan under section 303.

10 (b) EXISTING REGIONAL EFFORTS.—For any ocean
11 region for which a regional ocean governance effort al-
12 ready exists, the relevant coastal States shall work with
13 the Administrator to determine whether the Partnership
14 established or designated for the ocean region should build
15 upon and expand that effort, or whether the Administrator
16 should initiate a new effort.

17 (c) MEMBERSHIP.—

18 (1) FEDERAL REPRESENTATIVES.—Within 270
19 days after the date of the enactment of this Act, the
20 Committee on Ocean Policy shall designate the Fed-
21 eral agencies and departments that shall participate
22 in each Partnership. Among the agencies and de-
23 partment designated for each Partnership, the Com-
24 mittee shall include all Federal agencies and depart-
25 ments that have expertise in ocean and coastal pol-

1 icy, oversee ocean and coastal policy or resource
2 management, or engage in activities that signifi-
3 cantly affect ocean waters, coastal waters, or ocean
4 resources. The head of each Federal agency or de-
5 partment designated by the Committee on Ocean
6 Policy shall select and appoint officers or employees
7 of their agency or department to serve as their rep-
8 resentatives to each Partnership. The Administrator,
9 or his or her designated representative, shall serve
10 as the chairperson of each Partnership.

11 (2) STATE REPRESENTATIVES.—

12 (A) COASTAL STATE REPRESENTATIVES.—

13 The Governor of each coastal State within each
14 ocean region designated under section 301(c)
15 shall—

16 (i) within 9 months after the date of
17 enactment of this Act, inform the Adminis-
18 trator whether or not the State intends to
19 participate in the Partnership for the
20 ocean region; and

21 (ii) if the State intends to participate
22 in such Partnership, within 1 year of en-
23 actment of this Act, appoint an officer or
24 employee of the coastal State agency with
25 primary responsibility for overseeing ocean

1 and coastal policy or resource management
2 to that Partnership.

3 (B) NONCOASTAL STATE APPOINT-
4 MENTS.—

5 (i) IN GENERAL.—Within 9 months
6 after the date of enactment of this Act, the
7 Governor of each noncoastal State within
8 each ocean region designated under section
9 301(c) shall notify the Administrator
10 whether or not the State seeks to partici-
11 pate in the Partnership for the ocean re-
12 gion. The Partnership for that region shall
13 appoint to the Partnership one or more
14 representatives of noncoastal States that
15 notify the Administrator, subject to clause
16 (ii).

17 (ii) APPOINTMENTS FOR MORE THAN
18 ONE NONCOASTAL STATE.—If more than
19 one noncoastal State notifies the Adminis-
20 trator under clause (i) with respect to a
21 Partnership—

22 (I) the Partnership shall estab-
23 lish a process for nominating and ap-
24 pointing representatives under this
25 subparagraph;

1 (II) the total number of rep-
2 resentatives appointed under this sub-
3 paragraph for the Partnership may
4 not exceed the number of coastal
5 State representatives on the Partner-
6 ship; and

7 (III) in appointing representa-
8 tives to the Partnership, the Partner-
9 ship shall consider the relative impact
10 on the ocean region for which the
11 Partnership must prepare a Regional
12 Ocean Strategic Plan of the waters
13 under each such noncoastal State's ju-
14 risdiction that feed into the ocean re-
15 gion.

16 (C) NORTH PACIFIC REGIONAL OCEAN
17 PARTNERSHIP.—The Governor of the State of
18 Washington—

19 (i) within 9 months after the date of
20 enactment of this Act, shall notify the Ad-
21 ministrator whether or not the State in-
22 tends to participate in the North Pacific
23 Regional Ocean Partnership; and

24 (ii) if such State intends to partici-
25 pate in such Partnership, within 1 year

1 after the date of enactment of this Act
2 shall appoint to such Partnership an offi-
3 cer or employee of the Washington State
4 agency with primary responsibility for
5 overseeing ocean and coastal policy or re-
6 source management.

7 (3) REGIONAL FISHERY MANAGEMENT COUNCIL
8 REPRESENTATION.—The executive director of each
9 Regional Fishery Management Council with jurisdic-
10 tion in the ocean region of a Partnership and the ex-
11 ecutive director of the interstate marine fisheries
12 commission with jurisdiction in the ocean region of
13 a Partnership shall each serve as a member of the
14 Partnership, and shall be considered non-Federal
15 representatives for the purposes of paragraph
16 (5)(A).

17 (4) LOCAL GOVERNMENT REPRESENTATIVE.—
18 Each Partnership shall receive nominations and se-
19 lect one representative from a coastal political sub-
20 division to represent the interests of local and coun-
21 ty governments on the Partnership.

22 (5) ADDITIONAL APPOINTMENTS.—

23 (A) BALANCE.—Each Partnership shall—

24 (i) identify the total number of addi-
25 tional non-Federal representatives within

1 the ocean region of the Partnership nec-
2 essary to ensure that the combined number
3 of non-Federal representatives on the Part-
4 nership equals the number of Federal rep-
5 resentatives on the Partnership; and

6 (ii) identify a process for selecting
7 such non-Federal representatives that, to
8 the maximum extent practicable, assures
9 balanced and broad non-Federal represen-
10 tation.

11 (B) INTERNATIONAL REPRESENTATIVES.—

12 In cooperation with the Secretary of State, each
13 Partnership may foster nonbinding relation-
14 ships with foreign governments, agencies,
15 States, provinces, and other entities as appro-
16 priate, at scales appropriate to the ocean region
17 under the authority of the Partnership, includ-
18 ing by providing opportunities for participation
19 by foreign representatives at meetings of the
20 Partnership, its advisory committees, and other
21 working groups.

22 (d) STEERING COMMITTEE.—

23 (1) IN GENERAL.—Each Partnership may es-
24 tablish a Steering Committee to provide leadership
25 with respect to the development and implementation

1 of the Regional Ocean Strategic Plan under section
2 303 and to ensure that the goals set forth in such
3 Regional Ocean Strategic Plan are being met within
4 the timelines established by that section.

5 (2) MEMBERSHIP.—The Steering Committee
6 shall include—

7 (A) one representative from each coastal
8 State that appoints a representative to the
9 Partnership; and

10 (B) one representative from each of three
11 Federal agencies designated by the Committee
12 on Ocean Policy.

13 (e) ADVISORY COMMITTEES.—

14 (1) AUTHORITY.—Each Partnership may estab-
15 lish and appoint members of advisory committees
16 and working groups as necessary for preparation
17 and implementation of its Regional Ocean Strategic
18 Plan under this title.

19 (2) ADVICE AND INPUT.—Each Partnership
20 shall provide opportunities for citizen and stake-
21 holder input in the development and implementation
22 of its Regional Ocean Strategic Plan.

23 (f) COORDINATION.—

24 (1) EXISTING PROGRAMS.—Each Partnership
25 shall build upon and complement current State,

1 multistate, and regional capacity and governance
2 and institutional mechanisms to manage and protect
3 ocean waters, coastal waters, and ocean resources.

4 (2) INLAND REGIONS.—Each Partnership shall
5 collaborate and coordinate as necessary and appro-
6 priate with noncoastal States that may significantly
7 impact marine ecosystem health in the ocean region
8 or the Partnership.

9 (g) PROCEDURES.—

10 (1) IN GENERAL.—Each Partnership shall oper-
11 ate in accordance with procedures established by the
12 Partnership and approved by the Administrator.

13 (2) REQUIRED PROCEDURES.—The Adminis-
14 trator shall prescribe requirements for approval of
15 procedures under paragraph (1) that at minimum
16 provide for—

17 (A) transparency in decisionmaking;

18 (B) opportunities for public input and par-
19 ticipation; and

20 (C) the use of advisory committees that
21 may be established under subsection (e).

22 (h) STAFF.—

23 (1) HIRING AUTHORITY.—Each Partnership
24 may hire such staff as is necessary to perform the
25 functions of the Partnership.

1 (2) TREATMENT.—Staff hired by a Partnership
2 shall be treated as employees of the Administration,
3 except for any staff that are hired by participating
4 States.

5 (i) FEDERAL ADVISORY COMMITTEE ACT.—

6 (1) IN GENERAL.—The Federal Advisory Com-
7 mittee Act (5 U.S.C. App.) shall not apply to Part-
8 nerships, steering committees, or any advisory com-
9 mittee established under this title.

10 (2) COMPLIANCE.—Notwithstanding paragraph
11 (1), each Partnership and each advisory committee
12 of a Partnership shall be appointed and operate in
13 a manner consistent with all provisions of the Fed-
14 eral Advisory Committee Act with respect to—

15 (A) the balance of their membership;

16 (B) provision of public notice regarding
17 their activities;

18 (C) open meetings; and

19 (D) public access to documents created by
20 the Partnerships or advisory committees of the
21 Partnerships.

22 **SEC. 303. REGIONAL OCEAN STRATEGIC PLANS.**

23 (a) INITIAL OCEAN REGION ASSESSMENT.—

24 (1) IN GENERAL.—The Administrator, in con-
25 sultation with the Regional Ocean Partnership for

1 an ocean region and other experts, shall, within 1
2 year after establishment or designation of such Part-
3 nership, prepare an initial ocean region assessment
4 of the ocean region in order to guide the develop-
5 ment of the Regional Ocean Strategic Plan prepared
6 for such ocean region under subsection (b).

7 (2) CONTENTS.—Each initial assessment shall
8 include a summary of—

9 (A) the ocean region’s marine ecosystem
10 health, culture, and economy;

11 (B) existing, emerging, and cumulative
12 threats to marine ecosystem health of the ocean
13 region;

14 (C) indicators that measure marine eco-
15 system health of the ocean region; and

16 (D) important ecological areas within the
17 ocean region.

18 (3) PUBLIC PARTICIPATION.—The Adminis-
19 trator, in consultation with the Regional Ocean
20 Partnership, shall provide opportunities for public
21 input in the development of the assessment and up-
22 dates of the assessment under subsection (c). Such
23 opportunities shall include opportunities for sharing
24 of the latest science and local knowledge regarding
25 the ocean region’s ocean waters, coastal waters, and

1 ocean resources using annual public ecosystem fo-
2 rums.

3 (b) REGIONAL OCEAN STRATEGIC PLAN.—

4 (1) REQUIREMENT.—Each Regional Ocean
5 Partnership shall, within 2 years after the comple-
6 tion of the initial ocean region assessment, prepare
7 and submit to the Administrator for review, con-
8 sultation, and approval a Regional Ocean Strategic
9 Plan for adaptive, ecosystem-based management of
10 United States ocean waters, coastal waters, and
11 ocean resources for the ocean region of the Partner-
12 ship consistent with the National Ocean Policy.

13 (2) CONTENTS.—Each Plan prepared by a Re-
14 gional Ocean Partnership shall—

15 (A) be based on the ocean region assess-
16 ment required under subsection (a) and (c);

17 (B) describe short-term and long-term
18 goals for improving marine ecosystem health in
19 the ocean region covered by the Plan;

20 (C) recommend long-term monitoring
21 measures for important ecological areas within
22 the ocean region covered by the Plan;

23 (D) identify State and Federal priority
24 issues within the ocean region covered by the
25 Plan;

1 (E) describe ecosystem-based management
2 solutions and policies to address the priority
3 issues;

4 (F) describe short-term and long-term in-
5 dicators for measuring improvements in eco-
6 nomic sustainability in the ocean region that re-
7 sult from improved ecological conditions and
8 improved collaboration and coordination
9 amongst Federal and State agencies;

10 (G) identify research, information, and
11 data needed to carry out the Plan;

12 (H) identify performance measures and
13 benchmarks for purposes of subparagraphs (B),
14 (C), and (E) to be used to evaluate the Plan's
15 effectiveness; and

16 (I) define responsibilities and include an
17 analysis of the gaps in authority, coordination,
18 and resources, including funding, that must be
19 filled in order to fully achieve those perform-
20 ance measures and benchmarks.

21 (3) PUBLIC PARTICIPATION.—Each Regional
22 Ocean Partnership shall provide adequate opportuni-
23 ties for public input during the development of the
24 Plan and any Plan revisions.

1 (c) UPDATED OCEAN REGION ASSESSMENTS.—The
2 Administrator, in consultation with the appropriate Re-
3 gional Ocean Partnership and other experts, shall, within
4 4 years after approval of the Plan and at least once every
5 6 years thereafter, update the initial ocean region assess-
6 ment prepared under subsection (a) to provide more de-
7 tailed information regarding the required elements of the
8 assessment and to include any new information that has
9 become available.

10 (d) PLAN REVISION.—Each approved Regional
11 Ocean Strategic Plan shall be reviewed and revised by the
12 relevant Regional Ocean Partnership at least once every
13 6 years. Such review and revision shall be based on a re-
14 cently updated ocean region assessment. Any proposed re-
15 visions to the Plan shall be transmitted to the Adminis-
16 trator for review and approval pursuant to this section.

17 (e) ACTION BY THE ADMINISTRATOR.—

18 (1) REVIEW OF PLANS.—

19 (A) COMMENCEMENT OF REVIEW.—Within
20 10 days after transmittal of a Regional Ocean
21 Strategic Plan, or any revision to such a Plan,
22 by a Regional Ocean Partnership, the Adminis-
23 trator shall commence a review of the Plan or
24 the revised Plan, respectively.

1 (B) PUBLIC NOTICE AND COMMENT.—Im-
2 mediately after receipt of such a Plan or revi-
3 sion, the Administrator shall publish the plan
4 or revision in the Federal Register and provide
5 an opportunity for the submission of public
6 comment for a 60-day period beginning on the
7 date of such publication.

8 (C) REQUIREMENTS FOR APPROVAL.—Be-
9 fore approving a plan, or any revision to a plan,
10 the administrator must find that the plan or re-
11 vision—

12 (i) is consistent with the National
13 Ocean Policy; and

14 (ii) adequately addresses the required
15 elements under subsection (b) of this sec-
16 tion.

17 (D) DEADLINE FOR REVIEW.—Within 120
18 days after transmittal of a Plan, or a revision
19 to a Plan, the Administrator shall approve or
20 disapprove the Plan or revision by written no-
21 tice.

22 (2) REGIONAL INFORMATION SYSTEMS.—The
23 Administrator shall, within 1 year after the date of
24 the enactment of this Act and in collaboration with
25 marine laboratories and academic and other relevant

1 institutions, establish a network of regional ocean
2 ecosystem resource information systems for each
3 ocean region—

4 (A) to provide access to geophysical, at-
5 mospheric, oceanographic, and marine biological
6 data, including genetic research, studies, data,
7 maps, and analyses necessary to the under-
8 standing of the ocean ecosystem;

9 (B) from which to draw information for
10 the establishment of policies and priorities re-
11 lated to the conservation, use, and management
12 of ocean waters, coastal waters, and ocean re-
13 sources; and

14 (C) to provide information of the develop-
15 ment and implementation of Plans.

16 (f) IMPLEMENTATION.—Members of a Regional
17 Ocean Partnership shall, to the maximum extent prac-
18 ticable, implement a Regional Ocean Strategic Plan that
19 is prepared by the Partnership and approved by the Ad-
20 ministrator under this section, consistent with existing
21 legal authorities.

22 **SEC. 304. REGULATIONS.**

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

1 **SEC. 305. 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 **TITLE IV—AUTHORIZATION OF**
8 **APPROPRIATIONS AND ES-**
9 **TABLISHMENT OF TRUST**
10 **FUND**

11 **SEC. 401. ESTABLISHMENT OF FUND.**

12 (a) ESTABLISHMENT OF FUND.—There is estab-
13 lished in the Treasury of the United States a fund which
14 shall be known as the “Ocean and Great Lakes Conserva-
15 tion Trust Fund”. For each fiscal year after the date of
16 enactment of this Act, the Secretary of the Treasury shall
17 deposit into the Fund the following amounts:

18 (1) HEALTHY OCEAN STAMP.—Amounts re-
19 ceived by the United States from the sale of a
20 Healthy Ocean Stamp under section 407.

21 (2) AMOUNTS NOT DISBURSED.—All appro-
22 priated but un-disbursed amounts deposited under
23 section 402(c) each fiscal year.

24 (3) INTEREST.—All interest earned under sub-
25 section (b).

1 (b) INTEREST.—The Secretary of the Treasury shall
2 invest monies in the Fund (including interest) in public
3 debt securities with maturities suitable to the needs of the
4 Fund, as determined by the Secretary of the Treasury,
5 and bearing interest at rates determined by the Secretary
6 of the Treasury, taking into consideration current market
7 yields on outstanding marketable obligations of the United
8 States of comparable maturity. Such invested monies shall
9 remain invested until needed to meet requirements for dis-
10 bursement for the programs financed under this Act.

11 (c) USE OF FUND.—The Administrator may, subject
12 to appropriation, use funds available in the Ocean and
13 Great Lakes Conservation Fund to supplement appropria-
14 tions made under section 406(a).

15 **SEC. 402. PAYMENTS TO STATES.**

16 (a) IN GENERAL.—The Administrator shall make
17 payments to those coastal States that are eligible for fund-
18 ing under section 403, subject to the availability of appro-
19 priations under section 406. The total of the amount paid
20 each fiscal year to coastal States in any ocean region shall
21 not exceed the amount allocated for the ocean region for
22 that fiscal year under section 405.

23 (b) REPORT REQUIREMENT.—No payment shall be
24 made to any State under this section until the State has—

1 (1) agreed to provide such reports to the Ad-
2 ministrator, in such form and containing such infor-
3 mation, as may be reasonably necessary to enable
4 the Administrator to perform the duties of the Ad-
5 ministrator under this title; and

6 (2) adopted such fiscal control and fund ac-
7 counting procedures as may be necessary to assure
8 proper disbursement and accounting for Federal rev-
9 enues paid to the State under this title.

10 (c) UNEXPENDED FUNDS.—At the end of each fiscal
11 year, the Administrator shall deposit in the Fund estab-
12 lished in section 401 any amount appropriated under sec-
13 tion 406 but not disbursed to a State under this section.

14 **SEC. 403. ELIGIBILITY FOR FUNDING.**

15 (a) ELIGIBILITY OF STATE.—A State shall not be eli-
16 gible for funding for purposes of section 402 unless the
17 Administrator, in consultation with the Partnership, de-
18 termines that the State is participating actively and suffi-
19 ciently in the development and implementation of the rel-
20 evant Regional Ocean Strategic Plan under section 303.

21 (b) ELIGIBLE PURPOSES.—States that receive funds
22 under this title may only use such funds for purposes of
23 fulfilling the State's obligations and responsibilities for

24 (1) implementation of a Regional Ocean Stra-
25 tegic Plan approved under section 303 in accordance

1 with a spending plan approved under section
2 404(c)(1);

3 (2) development of the Regional Ocean Stra-
4 tegic Plan under section 303(b) until such Plan is
5 complete, in accordance with a budget approved
6 under section 404(c)(2);

7 (3) providing assistance to the Administrator in
8 conducting the initial ocean region assessment under
9 section 303(a) until such assessment is complete in
10 accordance with a budget approved under section
11 404(c)(2); and

12 (4) implementation of other regional efforts
13 that also implement the National Ocean Policy dur-
14 ing the 3-year period beginning on the date of the
15 designation or establishment of the relevant Re-
16 gional Ocean Partnership under section 302 in ac-
17 cordance with the applications approved under sec-
18 tion 404(c)(3).

19 **SEC. 404. FUNDING PROCEDURES.**

20 (a) **REQUIREMENTS.**—Each State seeking funding
21 under this title shall submit to the Administrator an appli-
22 cation for such funds.

23 (b) **APPROVAL.**—The Administrator shall approve an
24 application submitted by a State under subsection (a) if,

1 in consultation with the Regional Ocean Partnership, the
2 Administrator—

3 (1) certifies that the State is eligible for fund-
4 ing under section 403(a);

5 (2) finds that the activities proposed in the ap-
6 plication are part of an approved spending plan sub-
7 mitted by the relevant Regional Ocean Partnership
8 under subsection (c); and

9 (3) ensures that previous payments under this
10 title made to the State and coastal political subdivi-
11 sions in the State were used in accordance with sec-
12 tion 403(b).

13 (c) SPENDING PLANS, BUDGETS, AND OTHER RE-
14 GIONAL EFFORTS.—

15 (1) SPENDING PLAN FOR IMPLEMENTING RE-
16 GIONAL OCEAN STRATEGIC PLANS.—Each Regional
17 Ocean Partnership that has participating States that
18 are seeking funding under section 403(b)(1) shall
19 submit to the Administrator a spending plan for
20 such States for each fiscal year. The total funds re-
21 quested in the spending plan shall not exceed the
22 amount allocated to the Region by the Administrator
23 under section 405 for that fiscal year. In addition to
24 such other requirements as the Administrator by

1 regulation shall prescribe, each spending plan shall
2 include—

3 (A) a list of the States participating in the
4 Regional Ocean Partnership;

5 (B) the name of the State agency for each
6 State listed in subparagraph (A) that will have
7 the authority to represent and act for the State
8 in dealing with the Administrator for purposes
9 of this title;

10 (C) a description of how funds provided
11 under this title will be used by each partici-
12 pating State to implement the Regional Ocean
13 Strategic Plan; and

14 (D) certification by the governor of each
15 participating State that all the funds provided
16 under this title to the State and coastal political
17 subdivisions of that State will be used in a
18 manner consistent with section 403(b)(1) and
19 the National Ocean Policy.

20 (2) BUDGETS FOR DEVELOPING REGIONAL
21 OCEAN STRATEGIC PLANS AND ASSISTING WITH INI-
22 TIAL REGIONAL OCEAN ASSESSMENTS.—Each Re-
23 gional Ocean Partnership with participating States
24 that are seeking funding under section 403(b)(2) or

1 section 403(b)(3) shall submit an annual budget for
2 approval by the Administrator identifying—

3 (A) a list of the States participating in the
4 Regional Ocean Partnership;

5 (B) the name of the State agency for each
6 State listed in subparagraph (A) that will have
7 the authority to represent and act for the State
8 in dealing with the Administrator for purposes
9 of this title; and

10 (C) the costs under section 303(a) or sec-
11 tion 303(b) that require financial support from
12 the Administrator.

13 (3) OTHER REGIONAL EFFORTS.—Each coastal
14 State seeking funding for other regional efforts
15 under section 403(b)(4) shall submit an application
16 for approval by the Administrator that includes the
17 following:

18 (A) The name of the State agency that will
19 have the authority to represent and act for the
20 State in dealing with the Administrator for pur-
21 poses of this subsection.

22 (B) A description of how funds provided
23 pursuant to this subsection will be used for ac-
24 tivities that further the implementation of the
25 National Ocean Policy.

1 (C) Certification by the Governor of the
2 State that all the funds provided pursuant to
3 this subsection to the State will be used in a
4 manner consistent with the National Ocean pol-
5 icy.

6 (4) LIMITATION ON OTHER USES.—Not more
7 than 50 percent of amounts paid to a State from
8 amounts appropriated under section 406(a)(1)(A)
9 may be used by the State to implement other re-
10 gional ocean governance efforts that further the im-
11 plementation of the National Ocean Policy as de-
12 scribed in the application under paragraph (3).

13 (d) PROCEDURE AND TIMING; REVISIONS.—The Ad-
14 ministrators shall approve or disapprove in accordance with
15 this subsection each spending plan submitted under sub-
16 section (c)(1). If a Regional Ocean Partnership first sub-
17 mits a plan by not later than 90 days before the beginning
18 of the first fiscal year to which the plan applies, the Ad-
19 ministrators shall approve or disapprove the plan by not
20 later than 30 days before the beginning of that fiscal year.

21 (e) SPENDING PLAN AMENDMENT OR REVISION.—
22 Any amendment to or revision of the spending plan shall
23 be prepared in accordance with the requirements of this
24 section and shall be submitted to the Administrator for
25 approval or disapproval. Any such amendment or revision

1 shall take effect only for fiscal years after the fiscal year
2 in which the amendment or revision is approved by the
3 Administrator.

4 (f) PUBLIC COMMENT.—Before approving or dis-
5 approving a spending plan, or an amendment or revision
6 to such a plan, the Administrator shall provide for public
7 comment on the proposed expenditures in the spending
8 plan for the forthcoming year.

9 (g) TIME OF PAYMENT.—Payments to States under
10 this title shall be made not later than December 31 of
11 each year from appropriations made during the imme-
12 diately preceding fiscal year.

13 **SEC. 405. EQUITABLE ALLOCATION.**

14 (a) MAXIMUM AMOUNT AVAILABLE TO EACH OCEAN
15 REGION.—Of the amounts appropriated under section
16 406, the Administrator shall determine and allocate to
17 each ocean region the maximum amount of funds that the
18 Administrator may grant under this title for use in that
19 region, based on the following weighted formula:

20 (1) 35 percent of such amount shall be deter-
21 mined based on the ratio of the shoreline miles (as
22 that term is used in the Coastal Zone Management
23 Act of 1972 (16 U.S.C. 1451 et seq.)) of the ocean
24 region to the shoreline miles of all ocean regions.

1 (2) 65 percent of such amount shall be deter-
2 mined based on the ratio of the coastal population
3 density of the ocean region to the coastal population
4 density of all ocean regions.

5 (b) PAYMENTS TO POLITICAL SUBDIVISIONS.—The
6 governor of a State that receives funds under this title
7 shall use such funds only—

8 (1) for the purposes under section 403(b) that
9 the State applied for and received the funds; or

10 (2) for awards to coastal political subdivisions
11 of the State, on a competitive basis, for such pur-
12 poses.

13 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated the following
15 amounts:

16 (1) To the Administrator for making payments
17 to coastal States under this title 4—

18 (A) \$40,000,000 for each of fiscal years
19 2010, 2011, and 2012 for developing a Re-
20 gional Ocean Strategic Plan under section
21 403(b)(2), for assisting the Administrator in
22 conducting an initial ocean region assessment
23 under section 403(b)(3), and for implementing
24 other regional efforts under section 403(b)(4);
25 and

1 (B) \$60,000,000 for each of fiscal years
2 2013 through 2020 and for implementing and
3 updating Regional Ocean Strategic Plans under
4 section 403(b)(1).

5 (2) To the Administrator \$20,000,000 for each
6 of fiscal years 2010 through 2020 thereafter for
7 purposes of—

8 (A) conducting and updating ocean region
9 assessments under section 303; and

10 (B) supporting efforts by the Regional
11 Ocean Partnerships to develop Regional Ocean
12 Strategic Plans under section 303.

13 (3) To the Administrator for allocation, with
14 concurrence of the Committee on Ocean Policy, for
15 carrying out responsibilities of the Federal Govern-
16 ment for development and implementation of Re-
17 gional Ocean Strategic Plans—

18 (A) \$30,000,000 for fiscal year 2013;

19 (B) \$40,000,000 for fiscal year 2014; and

20 (C) \$50,000,000 for each of fiscal years
21 2015 through 2020.

22 **SEC. 407. HEALTHY OCEAN STAMP.**

23 (a) IN GENERAL.—In order to afford a convenient
24 way for members of the public to support efforts to pro-
25 tect, maintain, and restore marine ecosystems, the United

1 States Postal Service shall provide for a special postage
2 stamp in accordance with this section.

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

7 (1) TRANSFERS.—All amounts becoming avail-
8 able from the sale of such stamp shall be transferred
9 to the Ocean and Great Lakes Conservation Trust
10 Fund (as established by section 401) through pay-
11 ments which shall be made, at least twice a year, in
12 the manner required by subsection (d)(1) of section
13 416 of such title 39.

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

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

22 (A) shall commence not later than 12
23 months after the date of the enactment of this
24 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 **SEC. 408. LIMITATION ON USE OF AVAILABLE AMOUNTS**
11 **FOR ADMINISTRATION.**

12 Of the amounts made available under this title (in-
13 cluding the amendments made by this title) for a par-
14 ticular activity, not more than 2 percent may be used for
15 administrative expenses of that activity.

16 **SEC. 409. 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. 410. 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 FUNDS 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.