

H.R. 21: Section by Section—May 1

Oceans-21: “Oceans Conservation, Education, and National Strategy for the 21st Century Act”

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H.R. 21	
§ 1. Short Title	“Oceans Conservation, Education, and National Strategy for the 21 st Century Act”
§ 2. Table of Contents	
§ 3. Purpose	To secure, for present and future generations of people of the United States, the full range of ecological, economic, educational, social, cultural, nutritional, and recreational benefits of healthy marine ecosystems.
§ 4. Definitions	Includes the key terms that define the scope of the bill including: Coastal Waters, Ecosystem-based Management, Important Ecological Areas, Marine Ecosystem Health, Ocean Resources, and Ocean Waters.
Title I. National Ocean Governance	
§ 101. National Ocean Policy and Principles	<p>Policy: To protect, maintain, and restore the health of marine ecosystems in order to fulfill the ecological, economic, educational, social, cultural, nutritional, recreational, and other requirements of current and future generations of Americans.</p> <p>Federal agencies shall interpret and administer their existing authorities in accordance with this policy to the fullest extent possible and to the extent not inconsistent with other laws.</p> <p>The National Ocean Advisor (created in the Sec.102) shall issue guidance for implementing the policy. The guidance will be based on principles described in this section and that are drawn from the Guiding Principles for a National Ocean Policy found in the U.S. Commission on Ocean Policy report.</p> <p>Public input is required for developing the guidance and any regulations promulgated under this Act.</p>
§ 102. National Ocean Advisor	<p>Establishes a National Oceans Advisor whose functions include:</p> <ul style="list-style-type: none"> • advising the President on <ul style="list-style-type: none"> ○ the implementation of this Act ○ the activities of the Committee on Ocean Policy, ○ activities relating to ocean waters, coastal waters, ocean resources and maintaining marine ecosystem health; • serving as Chair of the Committee on Ocean Policy; • coordinating federal agency actions; and • leading efforts and working with Federal agencies to implement the national ocean policy.
§ 103. Committee on Ocean Policy	<p>Codifies the existing Committee on Ocean Policy that was developed by President Bush’s Executive Order. The Committee is comprised of the Secretaries of Federal agencies, heads of relevant independent agencies, and State representatives.</p> <p>The Committee’s responsibilities include:</p> <ul style="list-style-type: none"> • reviewing federal agency activities for consistency with the policy; • assessing whether agencies’ existing authorities and resources are sufficient to

	<p>implement the policy; and</p> <ul style="list-style-type: none"> • assisting in the advancement of regional efforts to improve marine ecosystem health.
§ 104. Coordination Plan	<p>The Committee on Ocean Policy shall also develop a plan for coordinating Federal Activities in ocean waters and coastal water that:</p> <ul style="list-style-type: none"> • is consistent with the National Ocean Policy; • designates a lead agency for different activities and a process for coordination amongst agencies; • identifies a process for coordinating with and participating in the Regional Ocean Partnerships established in Sec.302; • includes recommendations regarding new authorities that may be necessary to implement the policy; and • includes a report on the conditions of ocean and coastal waters and resources.
§ 105. Council of Advisors on Oceans Policy	<p>Establishes a 20 member council of non-federal advisers composed of representatives from:</p> <ul style="list-style-type: none"> • states, tribes, and local governments; • marine science and education communities; • commercial and recreational fisheries; • non-fishing marine activities including energy development, shipping and transportation, and marine tourism; • agriculture and timber; • watershed organizations; • non-governmental organizations. <p>The Council will advise the president on policies to protect, maintain, and restore marine ecosystem health on a regional and national basis.</p>
Title II. <i>National Oceanic and Atmospheric Administration Organic Act</i>	
§ 201. National Oceanic and Atmospheric Administration	<p>Establishes NOAA by law as it currently exists under Reorganization Plan No. 4 of 1970 and provides some additional authorities.</p> <p>NOAA's mission is to be the agency principally responsible for:</p> <ol style="list-style-type: none"> 1) providing oceanic, weather, atmospheric, and climate services, as well as research and monitoring changes in the Earth's environment; and 2) supporting research, conservation, management, and education regarding ocean and coastal resources, weather and climate.
§ 202. Functions	<p>Identifies 3 main organizing functions of NOAA as:</p> <ul style="list-style-type: none"> • Management, conservation, protection, and restoration of ocean and coastal resources; • Observation, monitoring, assessment, forecasting, predicting, and exploration the ocean and atmospheric environments; and • Research, education and outreach, technical assistance, technology development, and innovation activities relating to ocean and atmospheric environments. <p>Ensure cooperation, coordination, and integration of State and Federal coastal, oceanic, and atmospheric programs.</p>

	<p>Cooperate with the Secretary of State on related international activities.</p> <p>Improve effectiveness of NOAA programs by partnering with academia, industry, conservation groups, educators, and other interested persons.</p>
§ 203. Administration Leadership	<p>Establishes NOAA leadership and their functions.</p> <ul style="list-style-type: none"> • NOAA Administrator • Deputy Administrator • Chief Operating Officer • 3 Deputy Assistant Secretaries to carry out the 3 functions described in Sec.202 • General Counsel <p>Allows the Administrator to appoint additional positions to reflect any restructuring of the Administration.</p>
§ 204. National Weather Service	Maintains the National Weather Service (NWS) within NOAA.
§ 205. Science Advisory Board	<p>Codifies the Science Advisory Board established by Department of Commerce charter.</p> <p>The Board will provide scientific advice to NOAA, Senate Commerce Committee, House Science Committee, House Natural Resources Committee on long and short-term strategies for research, education, and the application of science to coastal, ocean, and Great Lake resource management.</p>
§ 206. Restructuring Plan	NOAA shall develop a restructuring plan and conduct an independent review of the plan's effectiveness and efficiency within 5 years after reorganizing and every 5 years thereafter.
§ 207. Reprogramming Requests	Requires the Administrator to submit copies of budget reprogramming requests to the House Natural Resources Committee and Science Committee, and the Senate Commerce, Science, and Transportation Committee.
§ 208. Savings Provision	Asserts that this legislation will not supersede existing mandates or impact ongoing legal cases.
§ 209. Report	Requires the Administrator to submit within 1 year a report on the implementation of this Act, including recommendations for changes to existing law.
§ 210. Function Defined	Defines the term function as including authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.
Title III. <i>Regional Coordination and Ecosystem Planning</i>	
§ 301. Regional Ocean Coordination	<p>Promotes coordinated regional efforts to further the implementation of the National Ocean Policy.</p> <p>The objectives of regional efforts are to provide for more systematic communication, coordination, and alignment of government authorities and programs; build on and improve existing regional initiatives; provide for regional assessments that will provide the information needed to improve management; identify and address shared priority issues; maximize government efficiency; identify other data and informational needs of the regional ocean partnerships; and provide opportunities for public input on regional ocean activities.</p> <p>Establishes 9 regions: North Pacific, Pacific, Western Pacific, Gulf of Mexico, Caribbean, Southeast Atlantic, Northeast Atlantic, Mid-Atlantic, and Great Lakes.</p> <p>The regions may establish subregions as necessary.</p>

<p>§ 302. Regional Ocean Partnerships</p>	<p>Establishes a Regional Ocean Partnership for each of the regions to seek to achieve the goals set forth in Sec.301 to further the implementation of the National Ocean Policy, and develop and implement a Regional Ocean Strategic Plan under Sec.303.</p> <p>The Partnerships may either build upon existing regional efforts or establish new efforts.</p> <p>The Partnerships are comprised of Federal agencies, States, representatives from regional and interstate fisheries management entities, and local governments. Federal participation is mandatory, but State participation is voluntary.</p> <p>Each Partnership may establish a steering committee to provide leadership with respect to the development and implementation of their Regional Ocean Strategic Plan and to ensure the goals set for in such Plan are being met within the timelines established.</p> <p>Each Partnership may establish and appoint members of advisory committees and working groups as necessary for preparation and implementation of its Regional Ocean Strategic Plan.</p> <p>Each Partnership shall provide opportunity for citizen and stakeholder input in the development and implementation of its Regional Ocean Strategic Plan.</p> <p>Partnerships are intended to coordinate and integrate existing programs and to build upon and complement existing mechanisms to manage and protect ocean waters, coastal waters, and ocean resources.</p>
<p>§ 303. Regional Ocean Strategic Plans</p>	<p>Each Partnership is responsible for preparing a Regional Ocean Strategic Plan for adaptive, ecosystem-based management of ocean waters, coastal waters, and ocean resources, and to further the implementation of the National Ocean Policy.</p> <p>Plans will be developed with public input and based on regional assessments of the ocean region’s marine ecosystem health, culture, and economy; and existing, emerging, and cumulative threats to marine ecosystem health.</p> <p>Plans will include short-term and long-term goals for improving marine ecosystem health, long-term monitoring measures for important ecological areas, State and Federal priority issues within the ocean region, collaborative and coordinated ecosystem-based management solutions and policies to address the priority issues, and the research, information, and data needed to carry out the plan.</p> <p>The NOAA Administrator will perform the regional assessments and review the plans. In addition, the Administrator will establish a system of regional ocean ecosystem resource information systems to serve as an organized repository of data necessary to the understanding of the ocean ecosystem.</p> <p>The members of each Partnership shall, to the maximum extent practicable, implement an approved Plan consistent with existing legal authorities.</p>
<p>§ 304. Regulations</p>	<p>Authorizes the Administrator to issue regulations required to implement this title.</p>
<p>§ 305. Other Authority</p>	<p>Makes clear that this title does not supersede or diminish any responsibilities or authorities that already exist under other laws.</p>
<p>Title IV: <i>Authorization of Appropriations and Establishment of Trust Fund</i></p>	
<p>§ 401. Establishment of Funds</p>	<p>Establishes the “Ocean and Great Lakes Conservation Trust Fund,” a permanent source of revenues to provide annual funding for the implementation of this Act.</p> <p>Uses money generated from a healthy oceans stamp, amounts not dispersed, and interest to replace amounts authorized earlier in this title.</p>

<p>§ 402. Payments to States</p>	<p>Requires the Administrator to make payments, subject to the availability of funds, to eligible coastal States to further the requirements of this Act.</p>
<p>§ 403. Eligibility for Funding</p>	<p>States are eligible for funding for the development and implementation of a Regional Ocean Strategic Plan; for providing assistance to the Administrator in conducting the initial ocean region assessment, or for implementing other regional efforts that also implement the National Ocean Policy. They must have an approved spending plan and budget to receive funding.</p>
<p>§ 404. Funding Procedures</p>	<p>Each State must submit an application for funding to the Administrator which shows:</p> <ul style="list-style-type: none"> • the State is eligible for funding; • the activities proposed in the application are part of an approved spending plan by the Regional Ocean Partnership; and • any previous payments were used in accordance with sec 403. <p>Regional Ocean Partnership spending plans and budgets shall include—</p> <ul style="list-style-type: none"> • a list of the States participating in the Partnership; • a description of how funds will be used by each States to implement the Regional Ocean Strategic Plan; and • certification by the governor of each State that the funds will be used consistent with the spending plan and the National Ocean Policy. <p>Coastal State seeking funding for other regional efforts will submit an application for approval that includes a description of how funds will be used for activities that further the implementation of the National Ocean Policy and certification by the Governor of the State that all the funds provided in this bill will be used in a manner consistent with the National Ocean policy.</p> <p>Before approving or disapproving a spending plan, or an amendment or revision to such a plan, there will be public comment on the spending plan.</p>
<p>§ 405. Equitable Allocation</p>	<p>Allocates maximum amount of funding based on a weighted formula: 35% based on the ratio of the shoreline miles of the ocean region to the shoreline miles of all ocean regions and 65% based on the ratio of coastal population density of the ocean region to the coastal population density of all ocean regions.</p>
<p>§ 406. Authorization of Appropriations</p>	<p>Authorizes \$40,000,000 for fiscal years 2010, 2011, and 2012 for conducting and updating Regional Ocean Assessments and supporting efforts of the Partnerships to develop their Regional Ocean Strategic Plans.</p> <p>Authorizes \$60,000,000 in fiscal years 2013 through 2020 to the Administrator for making payments to coastal States to implement and update Regional Ocean Strategic Plans.</p> <p>Authorizes \$20,000,000 for fiscal years 2010 through 2020 for conducting and updating ocean assessments and supporting efforts to develop and implement Regional Ocean Strategic Plans.</p> <p>Authorizes \$30,000,000 in 2013, \$40,000,000 in 2014, and \$50,000,000 in 2015 through 2020 to the Administrator and for allocation to other Agencies for carrying out responsibilities for development and implementation of Regional Ocean Strategic Plans.</p>
<p>§ 407. Special Postage Stamp</p>	<p>Establishes the Healthy Oceans Stamp.</p>
<p>§ 408. Limitation on Use of Available Amounts for Administration</p>	<p>Limits the amounts used for administrative expenses to 2% of the amounts distributed under this Act.</p>

§ 409. Recordkeeping Requirements	Requires the Administrator to establish recordkeeping rules for States and local governments regarding use of funds made available under this act.
§ 410 Maintenance of Effort and Matching Funding	States the intent of Congress that States not use money made available under this act to reduce the amount of money they spend on programs that also benefit from this act or use this money to receive federal matching funds.