

Union Calendar No. 511

117TH CONGRESS
2D SESSION

H. R. 3764

[Report No. 117–695, Part I]

To direct the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2021

Mr. GRIJALVA (for himself, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BROWNLEY, Mr. CARTWRIGHT, Mr. CASE, Ms. CASTOR of Florida, Mr. CLEAVER, Mr. COHEN, Mr. CRIST, Ms. DEGETTE, Mr. ESPAILLAT, Mr. EVANS, Mr. GOMEZ, Mr. HUFFMAN, Mr. KHANNA, Ms. JOHNSON of Texas, Mr. LEVIN of California, Mr. LIEU, Mr. LOWENTHAL, Ms. MATSUI, Ms. NORTON, Ms. PINGREE, Mr. SABLAN, Mr. SIRES, and Mr. SWALWELL) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Science, Space, and Technology, House Administration, Ways and Means, Transportation and Infrastructure, Foreign Affairs, and Armed Services, 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

DECEMBER 30, 2022

Additional sponsors: Mr. CONNOLLY, Mr. WELCH, Mrs. NAPOLITANO, Mr. NADLER, Ms. CLARKE of New York, Mr. LEVIN of Michigan, Mr. DESAULNIER, Ms. LEE of California, Ms. SCHAKOWSKY, Mrs. DINGELL, Mr. McEACHIN, Ms. BARRAGÁN, Ms. STANSBURY, Mr. AGUILAR, Mr. KAHELE, Mr. CARBAJAL, Mrs. MCBATH, Mr. VARGAS, Mr. SCHIFF, and Mr. MCGOVERN

DECEMBER 30, 2022

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 30, 2022

Committees on Science, Space, and Technology, House Administration, Ways and Means, Transportation and Infrastructure, Foreign Affairs, and Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 8, 2021]

A BILL

To direct the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; 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-Based Climate*
 5 *Solutions Act of 2022”.*

6 **SEC. 2. TABLE OF CONTENTS.**

7 *The table of contents of this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—BLUE CARBON

Sec. 101. Blue Carbon Program.

Sec. 102. National map of coastal and marine blue carbon ecosystems.

Sec. 103. Report on blue carbon in the United States.

Sec. 104. Blue Carbon Partnership Grant Program.

Sec. 105. Integrated pilot programs to protect and restore degraded blue carbon ecosystems.

Sec. 106. Interagency working group.

Sec. 107. Blue carbon areas of significance.

Sec. 108. Authorization of Smithsonian Institution blue carbon activities.

Sec. 109. Federal coastal and marine blue carbon restoration and protections; funding.

Sec. 110. Authorization of appropriations.

Sec. 111. Rule of construction.

Sec. 112. Definitions.

TITLE II—OFFSHORE ENERGY

Subtitle A—Oil and Gas Leasing in the Outer Continental Shelf

Sec. 201. Prohibition of oil and gas leasing and other activities in certain areas of the Outer Continental Shelf.

Sec. 202. Best available technology.

Subtitle B—Offshore Renewable Energy

Sec. 211. Findings; Sense of Congress on the importance of offshore wind energy.

Sec. 212. Outer Continental Shelf offshore wind targets.

Sec. 213. Removing roadblocks for data sharing.

Sec. 214. Increasing funding for scientific research.

Sec. 215. Extending collaboration with industry.

Sec. 216. Developing strategies to protect wildlife.

Sec. 217. Offshore wind for the Territories.

Sec. 218. Increasing funding for coastal conservation and resilience.

Sec. 219. Restoring Offshore Wind Opportunities.

*TITLE III—CLIMATE-READY FISHERIES, EFFICIENT FISHERY
VESSELS, AND BUY AMERICAN SEAFOOD*

- Sec. 301. Sense of Congress.*
Sec. 302. Caught in the USA.
Sec. 303. Eliminate fish subsidies in trade agreements.
Sec. 304. Fuel efficient fishing vessels.
Sec. 305. Climate and fisheries research and management program.
Sec. 306. Climate-ready fisheries innovation program.
*Sec. 307. Report on shifting stocks and ways to adapt fisheries for the impacts
of climate change.*
Sec. 308. Essential fish habitat consultation.
Sec. 309. Ocean Aquaculture Research and Policy Program.

TITLE IV—COASTAL BARRIER RESOURCE ACT AMENDMENTS

- Sec. 401. Undeveloped coastal barrier.*
Sec. 402. Coastal hazard pilot project.
*Sec. 403. Report on expanding Coastal Barrier Resources Act to the Pacific
Coast, including Pacific Territories and Freely Associated
States.*
*Sec. 404. Require disclosure to prospective buyers that property is in the Coastal
Barrier Resources System.*
*Sec. 405. Improve Federal agency compliance with Coastal Barrier Resources
Act.*
Sec. 406. Excess Federal property.
Sec. 407. Emergency exceptions to limitations on expenditures.
Sec. 408. Authorization of appropriations.

TITLE V—COASTAL ZONE MANAGEMENT ACT AMENDMENTS

- Sec. 501. Grants to further achievement of Tribal coastal zone objectives.*
Sec. 502. Eligibility of District of Columbia for Federal funding.
Sec. 503. Coastal and Estuarine Resilience and Restoration Program.
Sec. 504. Coastal Zone Management Fund.
Sec. 505. Authorization of appropriations.
Sec. 506. Amendments to National Estuarine Research Reserve System Program.
Sec. 507. Working Waterfronts Grant Program.

TITLE VI—INSULAR AFFAIRS

- Sec. 601. Definitions.*
Sec. 602. Insular Area Climate Change Interagency Task Force.
Sec. 603. Runit Dome report and monitoring activities.
Sec. 604. Coastal management technical assistance and report.
Sec. 605. Climate Change Insular Research Grant Program.
Sec. 606. National Weather Service technical assistance grants.
Sec. 607. Coral reef prize competitions.
Sec. 608. Ocean and Coastal Mapping Integration Act.
Sec. 609. Office of Insular Affairs Technical Assistance Program.
Sec. 610. Non-Federal cost-share waiver.
Sec. 611. Disaster relief non-Federal cost-share waiver.

TITLE VII—STRENGTHENING MARINE MAMMAL CONSERVATION

- Sec. 701. Conservation of marine mammals adversely affected by climate change.*
Sec. 702. Vessel restrictions in marine mammal habitat.

- Sec. 703. Monitoring ocean noise for marine mammal protection.*
Sec. 704. Grants for seaports to establish programs to reduce the impacts of vessel traffic and port operations on marine mammals.
Sec. 705. Near real-time monitoring and mitigation program for large whales.
Sec. 706. Grants to support technology that reduces underwater noise from vessels.
Sec. 707. Naval technology transfer for quieting Federal noncombatant vessels.

TITLE VIII—INTERNATIONAL AGREEMENTS, EFFORTS IN THE ARCTIC, AND BUREAU OF INDIAN AFFAIRS TRIBAL RESILIENCE PROGRAM

Subtitle A—International Agreements

- Sec. 801. Law of the Sea Convention.*
Sec. 802. United Nations Sustainable Development Goal 14.
Sec. 803. Marine protected areas in areas beyond national jurisdiction.

Subtitle B—Efforts in the Arctic

- Sec. 811. Plan for the United States to cut black carbon emissions to 33 percent below 2013 levels by 2025.*

Subtitle C—Bureau of Indian Affairs Tribal Resilience Program

- Sec. 821. Bureau of Indian Affairs Tribal Resilience Program.*

TITLE IX—COASTAL RESILIENCY AND ADAPTATION

- Sec. 901. Living Shoreline Grant Program.*
Sec. 902. National Oceanic and Atmospheric Administration Research Programs.
Sec. 903. Improvements to the National Oceans and Coastal Security Act.
Sec. 904. Shovel-ready restoration grants for coastlines and fisheries.
Sec. 905. Strategic Climate Change Relocation Initiative and Program.
Sec. 906. National Centers of Excellence in Coastal Resilience Research and Education.
Sec. 907. Initiate designation process for successful sanctuary nominations and technical corrections to the National Marine Sanctuaries Act.
Sec. 908. Grants to further resilience and climate research with indigenous and Tribal communities.
Sec. 909. Grants for conserving, recovering, and maintaining kelp forest ecosystems.

TITLE X—OCEAN HEALTH: OCEAN ACIDIFICATION AND HARMFUL ALGAL BLOOMS

Subtitle A—Coastal Communities Ocean Acidification Act

- Sec. 1001. Coastal community vulnerability assessment.*

Subtitle B—Ocean Acidification Act

- Sec. 1011. Prize competitions.*

Subtitle C—Harmful Algal Bloom Essential Forecasting

- Sec. 1021. Centers of Excellence in Harmful Algal Bloom Research, Prevention, Response, and Mitigation.*

TITLE XI—OCEAN DATA AND COLLABORATIVE EFFORTS

Subtitle A—Regional Ocean Partnerships

Sec. 1101. Purposes.

Sec. 1102. Regional ocean partnerships.

Subtitle B—National Coastal Resilience Data and Services

Sec. 1111. Authorization of NOAA activities.

Sec. 1112. Interagency coordination.

Subtitle C—Centralized Website for Resiliency Grants

Sec. 1121. Centralized website for resiliency grants.

Subtitle D—Automatic Identification Systems

Sec. 1131. Automatic identification systems.

Subtitle E—Authorization of Appropriations

Sec. 1141. Authorization of appropriations.

*TITLE XII—MEASURES TO ADDRESS GREENHOUSE GAS POLLUTION
FROM SHIPPING VESSELS*

Sec. 1201. Greenhouse gas emissions from shipping.

Sec. 1202. Quiet Seas and Clear Skies Vessel Speed Reduction Award Program.

TITLE XIII—VIRGIN PLASTIC EXCISE TAX

Sec. 1301. Virgin plastic excise tax.

Sec. 1302. Establishment of the Virgin Plastic Trust Fund.

TITLE XIV—STUDIES AND REPORTS

Sec. 1401. Deep sea mining.

Sec. 1402. National Academies assessment of oceanic blue carbon.

Sec. 1403. Report on the ecological and economic effects of high seas fishing in the ocean areas beyond national jurisdiction.

Sec. 1404. National Academies assessment of public access to the coasts.

Sec. 1405. Study examining the impact of acidification and other environmental stressors on estuaries environments.

Sec. 1406. Study examining the causes and impacts of black carbon.

Sec. 1407. Marine areas inventory.

Sec. 1408. Marine biodiversity census.

Sec. 1409. Marine biodiversity gap analysis.

1 SEC. 3. DEFINITIONS.

2 *In this Act:*

3 (1) ADMINISTRATOR.—The term “Adminis-
4 *trator” means the Secretary of Commerce, acting*

1 *through the Administrator of the National Oceanic*
2 *and Atmospheric Administration.*

3 (2) *EXCLUSIVE ECONOMIC ZONE.*—*The term*
4 *“Exclusive Economic Zone” means the zone estab-*
5 *lished by Proclamation Numbered 5030, dated March*
6 *10, 1983.*

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

11 (4) *INSTITUTION OF HIGHER EDUCATION.*—*The*
12 *term “institution of higher education” has the mean-*
13 *ing given such term in section 101(a) of the Higher*
14 *Education Act of 1965 (20 U.S.C. 1001(a)).*

15 (5) *NATIONAL ACADEMIES.*—*The term “National*
16 *Academies” means the National Academies of Science,*
17 *Engineering, and Medicine.*

18 (6) *STATE.*—*The term “State” means each of the*
19 *several States, the District of Columbia, and the*
20 *United States Territories of American Samoa, the*
21 *Commonwealth of the Northern Mariana Islands,*
22 *Guam, Puerto Rico, and the Virgin Islands of the*
23 *United States.*

24 (7) *UNITED STATES.*—*The term “United States”*
25 *means the several States, the District of Columbia,*

1 *and the United States Territories of American*
2 *Samoa, the Commonwealth of the Northern Mariana*
3 *Islands, Guam, Puerto Rico, and the Virgin Islands*
4 *of the United States.*

5 ***TITLE I—BLUE CARBON***

6 ***SEC. 101. BLUE CARBON PROGRAM.***

7 (a) *ESTABLISHMENT.*—*The Administrator shall estab-*
8 *lish and maintain a program within the National Oceanic*
9 *and Atmospheric Administration to further conservation*
10 *and restoration objectives for fish and wildlife habitat and*
11 *coastal resilience, including the development of ways to in-*
12 *corporate ecosystem services from carbon storage into exist-*
13 *ing domestic and international policies, programs, and ac-*
14 *tivities.*

15 (b) *ADDITIONAL AUTHORITY.*—*In conducting the pro-*
16 *gram, the Administrator may enter into and perform such*
17 *contracts, leases, grants, or cooperative agreements as may*
18 *be necessary to carry out the purposes of this title on such*
19 *terms as the Administrator considers appropriate.*

20 (c) *ACTIVITIES.*—*The Administrator shall lead the de-*
21 *velopment and coordination of the strategic plan described*
22 *in section 106(e) and shall—*

23 (1) *collaborate with Federal agencies, the inter-*
24 *agency working group, State agencies, Indian Tribes,*
25 *Native American Pacific Islander organizations, and*

1 *nongovernmental organizations on research, restora-*
2 *tion, and protection efforts relating to blue carbon*
3 *ecosystems;*

4 (2) *develop a database of blue carbon stocks and*
5 *fluxes in the United States;*

6 (3) *assist in exploration of the potential for a*
7 *market for carbon credits and other financial instru-*
8 *ments for protection and restoration initiatives, in-*
9 *cluding research, development of protocols, and eval-*
10 *uation of protocols and the efficacy of blue carbon*
11 *markets as a tool for protecting ecosystems;*

12 (4) *develop and provide informational materials*
13 *and guidance relating to using blue carbon ecosystems*
14 *as a tool to further conservation and biodiversity ob-*
15 *jectives;*

16 (5) *use existing models or develop new models to*
17 *assess blue carbon storage potential that include*
18 *quantification, verifiability, additionality as com-*
19 *pared to a historical baseline, and permanence of*
20 *those benefits;*

21 (6) *quantify current total and net ecosystem car-*
22 *bon storage and sequestration in coastal and marine*
23 *areas;*

24 (7) *project future total and net ecosystem carbon*
25 *storage and sequestration under different scenarios in-*

1 *fluenced by human population growth, sea level rise,*
2 *and other system-wide changes;*

3 *(8) protect and restore habitats, waters, and or-*
4 *ganisms that are long-term carbon sinks or will be*
5 *subject to habitat change as a result of climate change*
6 *and development;*

7 *(9) provide staff and technical expertise to the*
8 *interagency working group;*

9 *(10) quantify co-benefits of blue carbon eco-*
10 *systems, including flood-risk reduction, habitat pro-*
11 *tection and restoration for endangered and threatened*
12 *species, habitat protection and restoration for com-*
13 *mercial and recreational fisheries, water quality im-*
14 *provements, habitat maintenance and restoration, cy-*
15 *cling of nutrients other than carbon, commercial and*
16 *recreational fishing, and other responsible marine*
17 *recreation benefits;*

18 *(11) assess regional and national ecosystem and*
19 *socioeconomic impacts of carbon sequestration and*
20 *storage;*

21 *(12) research variability, long-term storage, and*
22 *innovative techniques for effective, long-term, natural*
23 *ocean or coastal ecosystem-based carbon sequestration;*

24 *(13) identify areas of particularly high rates of*
25 *carbon sequestration and storage, including locations*

1 *within existing or proposed coastal and marine pro-*
2 *tected areas;*

3 *(14) assess legal issues of landownership in blue*
4 *carbon markets, and develop guidelines to help land-*
5 *owners navigate the requirements of such markets;*

6 *(15) assess the impacts of protection and restora-*
7 *tion efforts in blue carbon ecosystems on methane*
8 *emissions; and*

9 *(16) coordinate with Federal agencies, other*
10 *countries, and international organizations to advance*
11 *resilience strategies that reflect the co-benefits of blue*
12 *carbon for adaptation and mitigation, and the inte-*
13 *gration of blue carbon in National Greenhouse Gas*
14 *Inventories and Nationally Determined Contribu-*
15 *tions.*

16 **SEC. 102. NATIONAL MAP OF COASTAL AND MARINE BLUE**
17 **CARBON ECOSYSTEMS.**

18 *(a) NATIONAL MAP.—The Administrator, in consulta-*
19 *tion with the interagency working group established under*
20 *section 106, shall—*

21 *(1) produce and maintain, by updating every*
22 *three years, a national map and inventory of coastal*
23 *and marine blue carbon ecosystems in the coastal*
24 *zone, the territorial waters of the United States, and*

1 *the United States Exclusive Economic Zone includ-*
2 *ing—*

3 *(A) with respect to each such ecosystem—*

4 *(i) the species and types of habitat in*
5 *the ecosystem;*

6 *(ii) the condition of such habitats in-*
7 *cluding whether a habitat is degraded,*
8 *drained, eutrophic, or tidally restricted;*

9 *(iii) the type of public or private own-*
10 *ership relating to such ecosystem and any*
11 *protected status;*

12 *(iv) the size of the ecosystem;*

13 *(v) the salinity boundaries of the eco-*
14 *system;*

15 *(vi) the tidal boundaries of the eco-*
16 *system;*

17 *(vii) an assessment of carbon seques-*
18 *tration potential, methane production, and*
19 *net greenhouse gas effects of the ecosystem—*

20 *(I) quantifying the amount of car-*
21 *bon stored in a particular geographic*
22 *area;*

23 *(II) the degree to which such*
24 *amounts can be verified;*

1 (III) *determination of how much*
2 *additional carbon may be stored in*
3 *such an area due to further carbon se-*
4 *questration; and*

5 (IV) *the permanence of such exist-*
6 *ing and future carbon storage;*

7 (viii) *an assessment of the ecosystem*
8 *co-benefits, such as habitat for commercial,*
9 *recreational, indigenous, and Tribal fish-*
10 *eries, biodiversity, flood risk reduction,*
11 *wave stress, storm protection, shoreline sta-*
12 *bilization, public access, water and air pol-*
13 *lution filtration, contributions to tradi-*
14 *tional and cultural practices, maintenance*
15 *of biodiversity, and recreational use and*
16 *benefits of the ecosystem;*

17 (ix) *the potential for landward migra-*
18 *tion of each ecosystem as a result of sea*
19 *level rise;*

20 (x) *an assessment of any upstream*
21 *structures or pollution sources that threaten*
22 *the health of each blue carbon ecosystem;*

23 (xi) *proximity of the ecosystem to*
24 *aquaculture uses or lease areas; and*

1 (xii) a depiction of the effects of
2 human stressors, including the conversion of
3 blue carbon ecosystems to other land uses
4 and the cause of such conversion; and

5 (B) a depiction of the effects of climate
6 change, including sea level rise, ocean acidifica-
7 tion, ocean warming, and other environmental
8 stressors on the sequestration rate, carbon stor-
9 age, and carbon sequestration and storage poten-
10 tial of blue carbon ecosystems; and

11 (2) in carrying out paragraph (1)—

12 (A) incorporate, to the extent possible, data
13 collected through federally and State funded re-
14 search, including data collected from—

15 (i) the Coastal Change Analysis Pro-
16 gram of the National Oceanic and Atmos-
17 pheric Administration;

18 (ii) the National Wetlands Inventory of
19 the United States Fish and Wildlife Service;

20 (iii) biologic carbon sequestration in-
21 formation of the United States Geological
22 Survey;

23 (iv) information from the Center for
24 LIDAR Information Coordination and
25 Knowledge of the United States Geological

1 *Survey and Federal Emergency Manage-*
2 *ment Agency;*

3 (i) *biological and environmental re-*
4 *search from the Department of Energy;*

5 (ii) *national aquatic resource surveys*
6 *of the Environmental Protection Agency;*

7 *and*

8 (iii) *data from the National Coastal*
9 *Blue Carbon Assessment of the Department*
10 *of Agriculture; and*

11 (B) *engage regional experts for additional*
12 *peer-reviewed data to ensure that best available*
13 *scientific information is incorporated.*

14 (b) *USE.—The interagency working group shall use the*
15 *national map and inventory created pursuant to subsection*

16 (i) —

17 (1) *to assess the existing and potential carbon se-*
18 *questration of different blue carbon ecosystems, and*
19 *account for any regional differences;*

20 (2) *to assess and quantify emissions from de-*
21 *graded and destroyed blue carbon ecosystems;*

22 (3) *to assist in the development of regional as-*
23 *sessments and to provide technical assistance to re-*
24 *gional, State, Tribal, and local government agencies,*
25 *regional information coordination entities (as such*

1 *term is defined in section 12303(6) of the Integrated*
2 *Coastal and Ocean Observation System Act (33*
3 *U.S.C. 3602)), and agencies, organizations, and other*
4 *entities that support communities that may not have*
5 *adequate resources, including low-income commu-*
6 *nities, communities of color, Tribal communities, In-*
7 *digenuous communities, and rural communities;*

8 *(4) to assist in efforts to assess degraded coastal*
9 *and marine blue carbon ecosystems and their poten-*
10 *tial for restoration, including vulnerability assess-*
11 *ments and developing scenario modeling to identify*
12 *vulnerable areas where management, protection, and*
13 *restoration efforts should be focused, including the po-*
14 *tential for an ecosystem to migrate inland to adapt*
15 *to sea level rise; and*

16 *(5) to produce predictions of blue carbon eco-*
17 *systems and carbon sequestration rates in the context*
18 *of climate change, environmental stressors, and*
19 *human stressors.*

20 **SEC. 103. REPORT ON BLUE CARBON IN THE UNITED**
21 **STATES.**

22 *Not later than one year after the date of the enactment*
23 *of this Act and every three years thereafter, the Adminis-*
24 *trator, in consultation with the interagency working group,*
25 *shall submit to the Committee on Natural Resources of the*

1 *House of Representatives and the Committee on Commerce,*
2 *Science, and Transportation of the Senate a report con-*
3 *taining the following:*

4 (1) *A summary of federally funded coastal and*
5 *marine blue carbon ecosystem research, monitoring,*
6 *conservation, and restoration activities, including the*
7 *budget for each of these activities and describe the*
8 *progress in advancing the national priorities estab-*
9 *lished by the interagency working group.*

10 (2) *With respect to each blue carbon ecosystem,*
11 *the type, location, and ownership of the ecosystem*
12 *(whether privately owned lands, State lands, Tribal*
13 *lands, or Federal lands).*

14 (3) *An assessment of the vulnerability of coastal*
15 *and marine blue carbon ecosystems to climate im-*
16 *pacts such as sea-level rise, acidification, and salt-*
17 *water intrusion, and other environmental and human*
18 *stressors, such as development, water pollution, and*
19 *aquaculture.*

20 (4) *An assessment of the greatest anthropogenic*
21 *threats to blue carbon ecosystems, including the Fed-*
22 *eral agency actions that have historically caused and*
23 *presently cause great adverse effects on such eco-*
24 *systems.*

1 (5) *An assessment of the carbon sequestration po-*
2 *tential of coastal and marine blue carbon ecosystems*
3 *and the probable changes to sequestration under cli-*
4 *mate change scenarios.*

5 (6) *An assessment of biophysical, social, and eco-*
6 *nommic impediments to coastal and marine blue car-*
7 *bon ecosystem protection and restoration and oppor-*
8 *tunities to restore and enhance the resilience of and*
9 *sequestration potential of blue carbon ecosystems.*

10 (7) *An assessment of aging or outdated artificial*
11 *structures, including dikes, levees, dams, culverts,*
12 *water storage structures, shoreline hardening projects,*
13 *impediments to fish passage, and other infrastructure*
14 *that impede the ecological or sequestration functions*
15 *of blue carbon areas and the feasibility of repairing,*
16 *retrofitting, or removing such structures.*

17 (8) *The economic, social, and environmental co-*
18 *benefits and impacts that these blue carbon ecosystems*
19 *provide including—*

20 (A) *protection of coasts from storms and*
21 *flooding;*

22 (B) *sustainable tourism and responsible rec-*
23 *reational use;*

24 (C) *benefits to fisheries;*

1 (D) water quality protection, including the
2 regulation and mitigation of nutrients, sediment,
3 and contaminants;

4 (E) maintenance of biodiversity;

5 (F) the number of jobs that are directly or
6 indirectly attributable to blue carbon ecosystems;
7 and

8 (G) the total economic activity that is at-
9 tributable to such blue carbon ecosystems.

10 (9) An assessment of the social and economic
11 makeup of the communities served by blue carbon eco-
12 systems.

13 **SEC. 104. BLUE CARBON PARTNERSHIP GRANT PROGRAM.**

14 (a) *ESTABLISHMENT.*—The Administrator shall estab-
15 lish a competitive grant program entitled the “Blue Carbon
16 Partnership Grant Program” to provide funds to eligible
17 entities for projects that—

18 (1) protect and restore blue carbon stocks, oce-
19 anic blue carbon, and blue carbon ecosystems and in-
20 crease the long-term carbon storage and sequestration;
21 and

22 (2) contribute to priorities identified in the most
23 recent strategic plan developed by the interagency
24 working group pursuant to section 106(e).

1 (b) *ELIGIBLE RECIPIENTS.*—A person or entity is eli-
2 gible to receive a grant under the grant program if such
3 person or entity is—

4 (1) a voluntary private landowner or group of
5 landowners;

6 (2) a State;

7 (3) an Indian Tribe;

8 (4) a Native American Pacific Islander organi-
9 zation as that term is defined in section 320(b)(3) of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1059g(b)(3));

12 (5) a unit of local government;

13 (6) a nonprofit organization or land trust;

14 (7) an institution of higher education and re-
15 search; or

16 (8) any group of entities described in para-
17 graphs (1) through (6).

18 (c) *REQUIREMENTS.*—In administering the grant pro-
19 gram under this section, the Administrator shall develop
20 criteria, guidelines, contracts, reporting requirements, and
21 evaluation metrics developed by the interagency working
22 group.

23 (d) *SELECTION CRITERIA.*—In evaluating applica-
24 tions for the program from eligible entities, the Adminis-

1 *trator shall give priority to proposed eligible protection and*
2 *restoration activities that—*

3 *(1) would result in long-term protection and se-*
4 *questration of carbon stored in coastal and marine*
5 *environments, above and beyond that which would*
6 *occur in the absence of the proposed activity; and*

7 *(2)(A) would protect key habitats for fish, wild-*
8 *life, and the maintenance of biodiversity;*

9 *(B) would provide coastal protection from devel-*
10 *opment, storms, flooding, and land-based pollution;*

11 *(C) would protect coastal resources of national,*
12 *historical, and cultural significance;*

13 *(D) would benefit communities of color, low-in-*
14 *come communities, Tribal or Indigenous commu-*
15 *nities, or rural communities; or*

16 *(E) would capitalize on existing established pub-*
17 *lic-private partnerships.*

18 *(e) REPORT TO CONGRESS.—*

19 *(1) REPORT REQUIRED.—The Administrator*
20 *shall submit annually to Congress a report containing*
21 *a State-by-State analysis of—*

22 *(A) the total number of acres of land or*
23 *water protected or restored through fee title ac-*
24 *quisition, easement, restoration or other activi-*
25 *ties under the program;*

1 (B) the status of restoration projects under
2 this program; and

3 (C) the projected amount of carbon captured
4 or protected over a 100-year time period as a re-
5 sult of this program.

6 (2) *PUBLICATION OF REPORT.*—*The Adminis-*
7 *trator shall make available to the public each report*
8 *required by paragraph (1).*

9 (f) *ACREAGE REQUIREMENTS.*—*To the maximum ex-*
10 *tent possible, Administrator shall award grants under the*
11 *grant program established by this section to conduct blue*
12 *carbon ecosystem protection and restoration on 1,500,000*
13 *acres over 10 years.*

14 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
15 *authorized to be appropriated to the Administrator*
16 *\$300,000,000 for each of the fiscal years 2022 to 2026 to*
17 *carry out this section.*

18 **SEC. 105. INTEGRATED PILOT PROGRAMS TO PROTECT AND**
19 **RESTORE DEGRADED BLUE CARBON ECO-**
20 **SYSTEMS.**

21 *The Administrator shall—*

22 (1) *establish integrated pilot programs that de-*
23 *velop best management practices, including design*
24 *criteria and performance functions, for coastal and*
25 *marine blue carbon ecosystem protection and restora-*

1 *tion, nature-based adaptation strategies, living shore-*
2 *line projects, landward progression or migration of*
3 *blue carbon ecosystems, and identify potential bar-*
4 *riers to protection and restoration efforts;*

5 *(2) ensure that the pilot programs cover geo-*
6 *graphically, ecologically, culturally, and economically*
7 *representative locations with significant ecological,*
8 *economic, and social benefits and maximize potential*
9 *for long-term carbon storage and sequestration;*

10 *(3) establish a procedure for reviewing applica-*
11 *tions for the pilot program, taking into account—*

12 *(A) quantifying the amount of carbon stored*
13 *in a particular geographic area;*

14 *(B) the degree to which such amounts can*
15 *be verified;*

16 *(C) determination of how much additional*
17 *carbon may be stored in such an area due to fur-*
18 *ther carbon sequestration; and*

19 *(D) the permanence of such existing and fu-*
20 *ture carbon storage;*

21 *(4) ensure, through consultation with the inter-*
22 *agency working group, that the goals, metrics, moni-*
23 *toring, and outcomes of the pilot programs are com-*
24 *municated to the appropriate State, Tribal, and local*
25 *governments, and to the general public; and*

1 (5) *coordinate with relevant Federal agencies on*
2 *the interagency working group to prevent unnecessary*
3 *duplication of effort among Federal agencies and de-*
4 *partments with respect to protection and restoration*
5 *programs.*

6 **SEC. 106. INTERAGENCY WORKING GROUP.**

7 (a) *ESTABLISHMENT.*—*The President shall establish*
8 *an interagency working group on coastal and marine blue*
9 *carbon.*

10 (b) *PURPOSES.*—*The interagency working group*
11 *shall—*

12 (1) *oversee the development of and updates to a*
13 *national map (including all insular areas of the*
14 *United States) of coastal and marine blue carbon eco-*
15 *systems, including habitat types with a regional focus*
16 *in analysis that is usable for local level planning,*
17 *protection, and restoration;*

18 (2) *use such map to inform the Administrator of*
19 *the Environmental Protection Agency’s creation of the*
20 *annual Inventory of U.S. Greenhouse Gas Emissions*
21 *and Sinks;*

22 (3) *establish national coastal and marine blue*
23 *carbon ecosystem protection and restoration prior-*
24 *ities, including an assessment of current Federal*

1 *funding being used for protection and restoration ef-*
2 *forts;*

3 (4) *assess the biophysical, social, statutory, regu-*
4 *latory, and economic impediments to coastal and ma-*
5 *rine blue carbon ecosystem protection and restoration;*

6 (5) *study the effects of climate change and envi-*
7 *ronmental and human stressors on carbon sequestra-*
8 *tion rates;*

9 (6) *identify priority blue carbon ecosystems for*
10 *protection;*

11 (7) *develop a national strategy for foundational*
12 *science necessary to study, synthesize, and evaluate*
13 *the effects of climate change, environmental, and*
14 *human stressors on sequestration rates and capabili-*
15 *ties of blue carbon ecosystems protection;*

16 (8) *develop an assessment of current legal au-*
17 *thorities to protect and restore blue carbon ecosystems*
18 *and make recommendations for additional authorities*
19 *if current authorities are determined to be insuffi-*
20 *cient; and*

21 (9) *ensure the continuity, use, and interoper-*
22 *ability of data assets through the Coastal Carbon*
23 *Data Clearinghouse of the Smithsonian Institution*
24 *and other databases.*

1 (c) *MEMBERSHIP.*—*The interagency working group*
2 *shall be comprised of representatives of the following (or*
3 *their designees):*

4 (1) *The Administrator.*

5 (2) *The Administrator of the Environmental*
6 *Protection Agency.*

7 (3) *The Director of the National Science Foun-*
8 *dation.*

9 (4) *The Administrator of the National Aero-*
10 *nautics and Space Administration.*

11 (5) *The Director of the United States Geological*
12 *Survey.*

13 (6) *The Director of the United States Fish and*
14 *Wildlife Service.*

15 (7) *The Director of the National Park Service.*

16 (8) *The Director of the Bureau of Indian Affairs.*

17 (9) *The Secretary of the Smithsonian Institu-*
18 *tion.*

19 (10) *The Assistant Administrator Insular and*
20 *International Affairs of the Department of the Inte-*
21 *rior.*

22 (11) *The Chief of Engineers of the Army Corps*
23 *of Engineers.*

24 (12) *The Secretary of Agriculture.*

25 (13) *The Secretary of Defense.*

1 (14) *The Secretary of Transportation.*

2 (15) *The Secretary of State.*

3 (16) *The Secretary of Energy.*

4 (17) *The Administrator of the United States*
5 *Agency for International Development.*

6 (18) *The Administrator of the Federal Emer-*
7 *gency Management Agency.*

8 (19) *The Chair of the Council on Environmental*
9 *Quality.*

10 (20) *The Commissioner of the Bureau of Rec-*
11 *lamation.*

12 (d) *CHAIR.*—*The interagency working group shall be*
13 *chaired by the Administrator.*

14 (e) *STRATEGIC PLAN.*—

15 (1) *IN GENERAL.*—*The interagency working*
16 *group shall create a strategic plan for Federal invest-*
17 *ments in basic research, development, demonstration,*
18 *long-term monitoring and stewardship, and deploy-*
19 *ment of blue carbon ecosystem and marine blue car-*
20 *bon projects for the 5-year period beginning on the*
21 *date that is 1 year after the date of the enactment of*
22 *this Act. The plan shall include—*

23 (A) *an assessment of the use of existing Fed-*
24 *eral programs to protect, restore, enhance, and*
25 *preserve blue carbon ecosystems;*

1 (B) *an analysis of potential sea level rise*
2 *migration corridors for blue carbon ecosystems;*

3 (C) *an analysis of anticipated fish and*
4 *wildlife uses of blue carbon ecosystems;*

5 (D) *identification of priority strategies and*
6 *investments for preserving, restoring, and en-*
7 *hancing the resilience and carbon sequestration*
8 *potential of such blue carbon ecosystems; and*

9 (E) *an analysis of the role of methane emis-*
10 *sions in blue carbon ecosystem carbon budgets.*

11 (2) *TIMING.—The interagency working group*
12 *shall—*

13 (A) *submit the strategic plan required*
14 *under paragraph (1) to the Committee on Nat-*
15 *ural Resources and the Committee on Science,*
16 *Space, and Technology of the House of Rep-*
17 *resentatives and the Committee on Commerce,*
18 *Science, and Transportation of the Senate on a*
19 *date that is not later than one year after the*
20 *date of the enactment of this Act; and*

21 (B) *submit a revised version of such plan to*
22 *such committees every five years thereafter.*

23 (3) *FEDERAL REGISTER.—Not less than 90 days*
24 *before the strategic plan, or any revision thereof, is*
25 *submitted under paragraph (2), the interagency work-*

1 *ing group shall publish such plan in the Federal Reg-*
2 *ister and solicit public comments on such plan for a*
3 *period of not less than 60 days.*

4 **SEC. 107. BLUE CARBON AREAS OF SIGNIFICANCE.**

5 *(a) DESIGNATION.—The Administrator shall designate*
6 *as a blue carbon area of significance any area that is—*

7 *(1) in the coastal zone (as such term is defined*
8 *in section 304 of the Coastal Zone Management Act*
9 *of 1972 (16 U.S.C. 1453)), in territorial waters of the*
10 *United States, or in the exclusive economic zone of the*
11 *United States;*

12 *(2) the location of water, a substrate, or an eco-*
13 *system that—*

14 *(A) provides for long-term storage and se-*
15 *questration of significant amounts of ecosystem*
16 *carbon; and*

17 *(B)(i) limits erosion and facilitates future*
18 *landward migration;*

19 *(ii) provides a buffer against storm surge,*
20 *especially for communities of color, low-income*
21 *communities, and Tribal and Indigenous com-*
22 *munities; or*

23 *(iii) provides a spawning, breeding, feeding,*
24 *or nesting habitat for wildlife; and*

1 (3) *not exclusive of coastal or other resources that*
2 *are significant in for mitigating or adapting to cli-*
3 *mate change.*

4 (b) *GUIDELINES.*—*The Administrator, in consultation*
5 *with the interagency working group, shall, not later than*
6 *one year after the date of the enactment of this Act, establish*
7 *by regulation guidelines based on the best available science*
8 *to describe and identify blue carbon areas of significance*
9 *and measures to ensure the long-term protection of blue car-*
10 *bon areas of significance.*

11 (c) *REVIEW AND UPDATE.*—*The Administrator, in*
12 *consultation with the interagency working group, shall re-*
13 *view and update guidelines established under subsection (b)*
14 *not less frequently than once every 5 years or when new*
15 *information warrants such an update.*

16 (d) *SCHEDULE.*—*The Administrator, in consultation*
17 *with the interagency working group, shall establish a sched-*
18 *ule for the identification of blue carbon areas of significance*
19 *under subsection (b) and for reviews and updates under*
20 *subsection (c), and shall make initial designations of a blue*
21 *carbon area of significance in each coastal State not later*
22 *than one year after the date of the enactment of this Act.*

23 (e) *RECOMMENDATIONS AND INFORMATION.*—*The Ad-*
24 *ministrator, in consultation with the interagency working*
25 *group, shall, with respect to each blue carbon area of signifi-*

1 *cancel, provide recommendations and information regarding*
2 *the adverse impacts and threats to the carbon storage, eco-*
3 *system services, and habitat capacity of the area, and the*
4 *actions that should be considered to avoid adverse impacts*
5 *and ensure the conservation and enhancement of that area.*

6 (f) *PROGRAMS ADMINISTERED BY NOAA.—The Ad-*
7 *ministrator, in consultation with the interagency working*
8 *group, shall use programs administered by the Adminis-*
9 *trator to carry out this section and ensure the conservation*
10 *and enhancement of each blue carbon area of significance.*

11 (g) *REQUIREMENTS FOR FEDERAL ACTIONS.—With*
12 *respect to any proposed agency action that has the potential*
13 *to cause a significant adverse impact on the carbon storage,*
14 *carbon sequestration, ecosystem services, or habitat capacity*
15 *of any blue carbon area of significance, each Federal agency*
16 *shall comply with the following requirements:*

17 (1) *NOTIFICATION.—Such Federal agency shall*
18 *notify the Administrator of such proposed agency ac-*
19 *tion.*

20 (2) *DETERMINATION OF ADVERSE IMPACT.—The*
21 *Federal agency, in consultation with the Adminis-*
22 *trator, and subject to public comment, shall determine*
23 *whether the proposed agency action will cause an ad-*
24 *verse impact on the carbon storage, carbon sequestra-*

1 *tion, ecosystem, or habitat of a blue carbon area of*
2 *significance.*

3 (3) *ALTERNATIVE.*—*With respect to any pro-*
4 *posed action the Administrator determines will have*
5 *an adverse impact under paragraph (2), the pro-*
6 *posing agency, in consultation with the Adminis-*
7 *trator, shall determine whether there is an alternative*
8 *action that would prevent such adverse impact and*
9 *fulfill the purpose of the proposed action. The pro-*
10 *posing agency shall not take an action that would*
11 *cause an adverse impact if an alternative that would*
12 *not cause such adverse impact is available and would*
13 *fulfill the purpose of such action.*

14 (4) *CARBON STORAGE OFFSETS.*—*With respect to*
15 *a proposed action for which the agency determines no*
16 *alternative is available under paragraph (3), the pro-*
17 *posing agency shall—*

18 (A) *in consultation with the Administrator,*
19 *take measures to mitigate such adverse impact;*

20 (B) *take such action as the Administrator*
21 *determines necessary to create a coastal or ma-*
22 *rine blue carbon ecosystem storage offset that,*
23 *taken in conjunction with the proposed action,*
24 *results in a long term net increase in carbon*

1 *storage, lasting an equivalent time period as the*
2 *carbon storage lost by the adverse impact;*

3 *(C) demonstrate quantitatively, using the*
4 *best available science, that the carbon storage off-*
5 *set will result in a net increase in ecological car-*
6 *bon storage and is located in close proximity to*
7 *the original site to keep the affected communities*
8 *whole;*

9 *(D) maintain such carbon storage offset for*
10 *a period of time to be determined by the Admin-*
11 *istrator but not less than 100 years; and*

12 *(E) publish the agency's proposed course of*
13 *mitigation in the Federal Register for public no-*
14 *tice and comment.*

15 *(h) REQUIREMENT FOR AUTHORIZATION OR APPRO-*
16 *PRIATION.—Any requests for a new authorization or appro-*
17 *priation from a Federal agency transmitted to the Office*
18 *of Management and Budget shall include, if such authoriza-*
19 *tion or appropriation may affect a blue carbon area of sig-*
20 *nificance, a certification that such agency will use such au-*
21 *thorization or appropriation in compliance with this sec-*
22 *tion.*

23 *(i) REQUIRED RESTRICTIONS.—A Federal agency may*
24 *not enter into a lease, easement, right-of-way, or sale of any*
25 *land designated as a blue carbon area of significance unless*

1 *such agency attaches appropriate restrictions to the use of*
2 *the property to protect the blue carbon area of significance.*

3 (j) *EXCEPTION.—Preparation, revision, implementa-*
4 *tion, or enforcement of a fishery management plan or its*
5 *implementing regulations under the Magnuson-Stevens*
6 *Fishery Conservation and Management Act (16 U.S.C.*
7 *1801 et seq.) that applies to an area that is subject to a*
8 *prohibition on all bottom-tending fishing gear shall not be*
9 *treated as an action that is subject to subsection (g).*

10 **SEC. 108. AUTHORIZATION OF SMITHSONIAN INSTITUTION**

11 **BLUE CARBON ACTIVITIES.**

12 (a) *IN GENERAL.—The Administrator of the Smithso-*
13 *nian Institution, in coordination with the Administrator*
14 *and the interagency working group, shall provide for the*
15 *long-term stewardship, continuity, use, and interoperability*
16 *of, and access to, data relating to blue carbon ecosystems*
17 *and national mapping, including United States Territories*
18 *and Tribal lands, by supporting the maintenance of the*
19 *Coastal Carbon Data Clearinghouse.*

20 (b) *COASTAL CARBON DATA CLEARINGHOUSE DU-*
21 *TIES.—The Administrator of the Smithsonian Institution*
22 *in coordination with the Administrator and interagency*
23 *working group shall process, store, archive, provide access*
24 *to, and incorporate all coastal and marine blue carbon data*
25 *collected through federally funded research by a Federal*

1 agency, State, local agency, Tribe, scientist, Native Amer-
2 ican Pacific Islander organization, or other relevant entity.

3 (c) *GLOBAL AND NATIONAL DATA ASSETS.*—The Ad-
4 ministrator of the Smithsonian Institution, in coordination
5 with the Administrator and the interagency working group,
6 shall ensure that existing global and national data assets
7 are incorporated into the Coastal Carbon Data Clearing-
8 house.

9 (d) *ESTABLISHMENT OF STANDARDS, PROTOCOLS, AND*
10 *PROCEDURES.*—The Administrator of the Smithsonian In-
11 stitution, in coordination with the Administrator and
12 members of the interagency working group, shall establish
13 standards, protocols, and procedures for the processing,
14 storing, archiving, and providing access to data in the
15 Coastal Carbon Data Clearinghouse and best practices for
16 sharing such data with State, local, and Tribal govern-
17 ments, Indigenous communities, coastal stakeholders, non-
18 Federal resource managers, and academia. The Adminis-
19 trator shall publish, update, and keep current such data on
20 a publicly available website.

21 (e) *DIGITAL TOOLS AND RESOURCES.*—The Adminis-
22 trator of the Smithsonian Institution, in coordination with
23 the Administrator and members of the interagency working
24 group, shall develop digital tools and resources to support
25 the public use of the Coastal Carbon Data Clearinghouse.

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to the Administrator of the*
3 *Smithsonian Institution \$5,000,000 for each of fiscal years*
4 *2022 through 2026 to carry out this section.*

5 **SEC. 109. FEDERAL COASTAL AND MARINE BLUE CARBON**
6 **RESTORATION AND PROTECTIONS; FUNDING.**

7 (a) *IN GENERAL.*—*The Director of the United States*
8 *Fish and Wildlife Service, the Director of the National Park*
9 *Service, and the Administrator shall each conduct coastal*
10 *and marine restoration and protection activities on land*
11 *and water managed by each such agency to achieve at least*
12 *one of the following:*

13 (1) *The sequestration of additional carbon diox-*
14 *ide through—*

15 (A) *the active restoration of degraded blue*
16 *carbon ecosystems; and*

17 (B) *the protection of threatened blue carbon*
18 *ecosystems.*

19 (2) *The halting of ongoing carbon dioxide emis-*
20 *sions, and the resumption of the natural rate of car-*
21 *bon capture, through the restoration of drained coast-*
22 *al wetlands.*

23 (3) *The halting of ongoing methane emissions,*
24 *and the resumption of the natural rate of carbon stor-*
25 *age, through the restoration of formerly tidal wetland*

1 *that has lost tidal connectivity and become fresh wet-*
2 *land (commonly known as “impounded wetland”).*

3 *(b) FUNDING.—For each fiscal year 2022 through*
4 *2026, there is authorized to be appropriated for blue carbon*
5 *ecosystem protection and restoration—*

6 *(1) to the Director of the United States Fish and*
7 *Wildlife Service \$200,000,000 for on lands managed*
8 *by such Director;*

9 *(2) to the Director of the National Park Service*
10 *\$200,000,000 for lands managed by such Director;*
11 *and*

12 *(3) to the Administrator \$200,000,000 for lands*
13 *and water managed by such Administrator.*

14 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

15 *In addition to amounts authorized to be appropriated*
16 *for specific activities under sections 104, 108, and 109,*
17 *there is authorized to be appropriated to the Administrator*
18 *\$50,000,000 for each of the fiscal years 2022 to 2026 to*
19 *carry out the remainder of this title.*

20 **SEC. 111. RULE OF CONSTRUCTION.**

21 *Nothing in this title affects the application of the re-*
22 *quirements of section 404 of the Clean Water Act (33 U.S.C.*
23 *1344); the National Environmental Policy Act, or any regu-*
24 *lations issued under either such Act.*

1 **SEC. 112. DEFINITIONS.**

2 *In this title, the following definitions apply:*

3 (1) *BLUE CARBON.*—*The term “blue carbon”*
4 *means the carbon that marine or coastal vegetation*
5 *sequester from the atmosphere in a manner that re-*
6 *sults in its storage for a period of not less than 100*
7 *years.*

8 (2) *BLUE CARBON AREAS OF SIGNIFICANCE.*—
9 *The term “blue carbon area of significance” means*
10 *any area designated by the Administrator under sec-*
11 *tion 107 as a blue carbon area of significance.*

12 (3) *BLUE CARBON ECOSYSTEM.*—*The term “blue*
13 *carbon ecosystem” means marine and coastal eco-*
14 *systems that are tidal or salt-water-fed and that have*
15 *the capacity to sequester carbon from the atmosphere*
16 *in a manner that results in its storage for a period*
17 *of not less than 100 years, such as coastal forests,*
18 *tidal marshes, seagrasses, kelp forests, and other tidal*
19 *or salt-water wetlands, and includes marine and*
20 *coastal freshwater, brackish, and saltwater-fed eco-*
21 *systems, such as coastal wetland forest and other tidal*
22 *or historically tidal wetlands that have the capacity*
23 *to sequester carbon from the atmosphere for a period*
24 *of not less than 100 years in the Gulf of Mexico re-*
25 *gion.*

1 (4) *BLUE CARBON STOCKS.*—The term “blue car-
2 *bon stocks*” means coastal and marine vegetation and
3 *wildlife, and underlying sediment that has the capac-*
4 *ity to sequester and store atmospheric carbon.*

5 (5) *CARBON SEQUESTRATION.*—The term “car-
6 *bon sequestration*” means the process of capturing
7 *and storing atmospheric carbon dioxide.*

8 (6) *CARBON STORAGE.*—The term “carbon stor-
9 *age*” means sequestered carbon that remains out of the
10 *atmosphere, stored either in biogenic material or sedi-*
11 *ments, for a period of not less than 100 years.*

12 (7) *INTERAGENCY WORKING GROUP.*—The term
13 “*interagency working group*” means the interagency
14 *working group on blue carbon established under sec-*
15 *tion 106.*

16 **TITLE II—OFFSHORE ENERGY**
17 **Subtitle A—Oil and Gas Leasing in**
18 ***the Outer Continental Shelf***

19 **SEC. 201. PROHIBITION OF OIL AND GAS LEASING AND**
20 **OTHER ACTIVITIES IN CERTAIN AREAS OF**
21 **THE OUTER CONTINENTAL SHELF.**

22 Section 8 of the Outer Continental Shelf Lands Act
23 (43 U.S.C. 1337) is amended by adding at the end the fol-
24 *lowing:*

1 “(q) *PROHIBITION OF OIL AND GAS LEASING IN CER-*
2 *TAIN AREAS OF THE OUTER CONTINENTAL SHELF.*—Not-
3 *withstanding any other provision of this section or any*
4 *other law, the Secretary may not issue—*

5 “(1) *a lease for the exploration, development, or*
6 *production of oil or natural gas; or*

7 “(2) *a permit for geological or geophysical ac-*
8 *tivities in support of oil or natural gas exploration*
9 *other than those conducted pursuant to a lease issued*
10 *before the date of the enactment of this section,*

11 *in any planning area, except in the Central or Western*
12 *planning areas of the Gulf of Mexico (as such planning*
13 *areas are described in the document entitled ‘2017–2022*
14 *Outer Continental Shelf Oil and Gas Leasing Proposed*
15 *Final Program’, dated November 2016, or a subsequent oil*
16 *and gas leasing program developed under section 18 of the*
17 *Outer Continental Shelf Lands Act (43 U.S.C. 1344)).”.*

18 **SEC. 202. BEST AVAILABLE TECHNOLOGY.**

19 *Section 11 of the Outer Continental Shelf Lands Act*
20 *(43 U.S.C. 1340) is amended by adding at the end the fol-*
21 *lowing:*

22 “(i) *BEST AVAILABLE TECHNOLOGY.*—Notwith-
23 *standing any other provision of this Act or any other law,*
24 *the Secretary shall require each holder of a lease or permit*
25 *under this section for geophysical and geological exploration*

1 *on the outer Continental Shelf to use the best commercially*
2 *available technology with respect to reducing acoustic pres-*
3 *sure levels to conduct such exploration.”.*

4 ***Subtitle B—Offshore Renewable***
5 ***Energy***

6 ***SEC. 211. FINDINGS; SENSE OF CONGRESS ON THE IMPOR-***
7 ***TANCE OF OFFSHORE WIND ENERGY.***

8 *(a) FINDINGS.—Congress finds that—*

9 *(1) the United States should aggressively reduce*
10 *greenhouse gas emissions from United States public*
11 *lands and oceans and strive to achieve net-zero emis-*
12 *sions as soon as possible;*

13 *(2) the United States can and must address this*
14 *climate crisis by putting Americans to work building*
15 *the necessary infrastructure to reduce carbon emis-*
16 *sions;*

17 *(3) the United States offshore wind resources*
18 *must be responsibly harnessed in order to both rap-*
19 *idly reduce our carbon emissions and put people back*
20 *to work while minimizing impacts to the fishing in-*
21 *dustry; and*

22 *(4) achieving the goal of 30 gigawatts of offshore*
23 *wind energy capacity by 2030 is anticipated to result*
24 *in the creation of tens of thousands of living wage,*
25 *family supporting union jobs while positioning Amer-*

1 *ica to lead a clean energy revolution and tackle the*
 2 *climate crisis.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
 4 *that—*

5 *(1) the United States should rapidly develop its*
 6 *offshore wind resources as a key part of achieving a*
 7 *national goal of net-zero emissions;*

8 *(2) offshore wind lease areas should be deter-*
 9 *mined by a robust and transparent stakeholder proc-*
 10 *ess that incorporates early engagement and input*
 11 *from diverse user groups as well as Federal, State,*
 12 *Tribal, and local governments;*

13 *(3) development of offshore wind resources must*
 14 *ensure ecosystem health and the protection of threat-*
 15 *ened and endangered species and their habitats; and*

16 *(4) permitting agencies must have sufficient re-*
 17 *sources to carry out a robust and efficient review and*
 18 *permitting process.*

19 **SEC. 212. OUTER CONTINENTAL SHELF OFFSHORE WIND**
 20 **TARGETS.**

21 *(a) TARGETS.—The Secretary of the Interior shall seek*
 22 *to grant leases under section 8 of the Outer Continental*
 23 *Shelf Lands Act (43 U.S.C. 1337) for—*

1 (1) *not less than 12.5 gigawatts of offshore wind*
2 *energy capacity on the Outer Continental Shelf by*
3 *January 1, 2025; and*

4 (2) *not less than 30 gigawatts of offshore wind*
5 *energy capacity on the Outer Continental Shelf by*
6 *January 1, 2030.*

7 (b) *REPORT.—Not later than December 1, 2021, and*
8 *each year thereafter, the Secretary of the Interior shall sub-*
9 *mit to the Committee on Natural Resources of the House*
10 *of Representatives and the Committee on Energy and Nat-*
11 *ural Resources of the Senate a report on the Secretary’s*
12 *progress in meeting the targets described in subsection (a).*

13 **SEC. 213. REMOVING ROADBLOCKS FOR DATA SHARING.**

14 *Section 402(b) of the Magnuson-Stevens Fishery Con-*
15 *servation and Management Act (16 U.S.C. 1881a(b)) is*
16 *amended—*

17 (1) *in paragraph (1)—*

18 (A) *in subparagraph (G), by striking “or”;*

19 (B) *in subparagraph (H), by striking the*
20 *period at the end and insert “; or”; and*

21 (C) *by adding at the end the following:*

22 “(I) *to the Secretary of the Interior for use*
23 *relating to siting, exploration, production, or*
24 *promotion of offshore wind energy on the outer*
25 *Continental Shelf.”; and*

1 (2) in paragraph (2), by striking “(H)” and in-
2 serting “(I)”.

3 **SEC. 214. INCREASING FUNDING FOR SCIENTIFIC RE-**
4 **SEARCH.**

5 *Beginning on the date that is 60 days after the date*
6 *of the enactment of this Act, with respect to the total*
7 *amount paid as bonus bids for each offshore wind lease sale*
8 *under section 8(p) of the Outer Continental Shelf Lands*
9 *Act (43 U.S.C. 1337(p)), \$5,000,000 of each such amount*
10 *shall be available, to the extent and in such amounts as*
11 *are provided in advance in appropriations Acts, to be used*
12 *by the Secretary of the Interior, in consultation with the*
13 *Secretary of Commerce, to fund research on the interaction*
14 *between offshore wind energy and—*

15 (1) *federally protected marine resources (includ-*
16 *ing all listed species and designated critical habitats*
17 *under the Endangered Species Act of 1973 (16 U.S.C.*
18 *1531 et seq.));*

19 (2) *marine mammals protected under the Marine*
20 *Mammal Protection Act of 1972 (16 U.S.C. 1361 et*
21 *seq.);*

22 (3) *managed fishery resources, seabirds and mi-*
23 *gratory bird species, and the habitats on which these*
24 *species depend; and*

1 (4) *technology for data collection and other sci-*
2 *entific and permitting needs, as determined necessary*
3 *by the Secretary of the Interior, in consultation with*
4 *the Secretary of Commerce and the Secretary of En-*
5 *ergy, to support responsible development and long-*
6 *term use of offshore wind resources on the Outer Con-*
7 *tinental Shelf.*

8 **SEC. 215. EXTENDING COLLABORATION WITH INDUSTRY.**

9 *Section 113 of Division G of Public Law 113–76 is*
10 *amended to read as follows:*

11 “CONTRIBUTION AUTHORITY

12 “SEC. 113. *The Secretary of the Interior may accept*
13 *from public and private sources contributions of money and*
14 *services for use by the Bureau of Ocean Energy Manage-*
15 *ment and the Bureau of Safety and Environmental En-*
16 *forcement to conduct work in support of the orderly explo-*
17 *ration and development of Outer Continental Shelf re-*
18 *sources, including preparation of environmental documents*
19 *such as impact statements and assessments, studies, and re-*
20 *lated research, during fiscal years—*

21 “*(1) 2014 through 2024; or*

22 “*(2) with respect to work supporting offshore wind en-*
23 *ergy exploration or development, 2014 through 2030.”.*

1 **SEC. 216. DEVELOPING STRATEGIES TO PROTECT WILD-**
2 **LIFE.**

3 (a) *IN GENERAL.*—Not later than one year after the
4 date of the enactment of this Act, the National Academies
5 of Sciences, Engineering, and Medicine shall prepare a re-
6 port that reviews, compiles, and synthesizes existing re-
7 search on—

8 (1) *the effect of offshore wind energy on wildlife,*
9 *habitat, and threatened and endangered species; and*

10 (2) *best practices for minimizing and mitigating*
11 *such effects.*

12 (b) *REQUIREMENTS.*—The report shall—

13 (1) *provide a quantitative assessment of the con-*
14 *tributions of offshore wind energy in—*

15 (A) *reducing the amount of greenhouse gases*
16 *emitted by the electricity sector; and*

17 (B) *helping to improve human health and*
18 *wildlife populations in communities that are*
19 *near offshore wind energy areas; and*

20 (2) *include a quantitative assessment of the effi-*
21 *cacy of existing methodologies to measure direct and*
22 *indirect effects of offshore wind energy on wildlife and*
23 *their habitats, and provide recommendations regard-*
24 *ing best practices to monitor, avoid, minimize, and*
25 *mitigate impacts on wildlife and their habitat.*

1 **SEC. 217. OFFSHORE WIND FOR THE TERRITORIES.**

2 (a) *APPLICATION OF OUTER CONTINENTAL SHELF*
3 *LANDS ACT WITH RESPECT TO TERRITORIES OF THE*
4 *UNITED STATES.—*

5 (1) *IN GENERAL.—Section 2 of the Outer Conti-*
6 *mental Shelf Lands Act (43 U.S.C. 1331) is amend-*
7 *ed—*

8 (A) *in subsection (a)—*

9 (i) *by striking “The term” and insert-*
10 *ing the following:*

11 “(1) *THE TERM.—*”;

12 (ii) *by inserting after “control” the fol-*
13 *lowing: “or lying within the exclusive eco-*
14 *nomie zone of the United States and the*
15 *outer Continental Shelf adjacent to any ter-*
16 *ritory of the United States”;* and

17 (iii) *by adding at the end the fol-*
18 *lowing:*

19 “(2) *The term ‘outer Continental Shelf’ does not*
20 *include any area conveyed by Congress to a terri-*
21 *torial government for administration;”;* and

22 (B) *by adding at the end the following:*

23 “(t) *The term ‘State’ means the several States, the*
24 *Commonwealth of Puerto Rico, Guam, American Samoa,*
25 *the United States Virgin Islands, and the Commonwealth*
26 *of the Northern Mariana Islands.”.*

1 (2) *EXCLUSIONS.*—Section 18 of the Outer Con-
2 *tinental Shelf Lands Act (43 U.S.C. 1344) is amend-*
3 *ed by adding at the end the following:*

4 “(i) *This section shall not apply to the scheduling of*
5 *any lease sale in an area of the outer Continental Shelf*
6 *that is adjacent to any insular area of the United States.”.*

7 (b) *WIND LEASE SALES FOR AREAS OF THE OUTER*
8 *CONTINENTAL SHELF.*—*The Outer Continental Shelf Lands*
9 *Act (43 U.S.C. 1331 et seq.) is amended by adding at the*
10 *end the following:*

11 **“SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER**
12 **CONTINENTAL SHELF.**

13 “(a) *WIND LEASE SALES OFF COASTS OF TERRI-*
14 *TORIES OF THE UNITED STATES.*—

15 “(1) *STUDY ON FEASIBILITY OF CONDUCTING*
16 *WIND LEASE SALES.*—

17 “(A) *IN GENERAL.*—*The Secretary shall*
18 *conduct a study on the feasibility, including the*
19 *technological and long-term economic feasibility,*
20 *and the potential environmental effects, of con-*
21 *ducting wind lease sales in each area of the outer*
22 *Continental Shelf that is within the territorial*
23 *jurisdiction of the United States, including of*
24 *American Samoa, Guam, the Commonwealth of*

1 *the Northern Mariana Islands, Puerto Rico, and*
2 *the Virgin Islands of the United States.*

3 “(B) *CONSULTATION.*—*In conducting the*
4 *study required in subparagraph (A), the Sec-*
5 *retary shall consult—*

6 “(i) *the National Laboratories, as that*
7 *term is defined in section 2(3) of the En-*
8 *ergy Policy Act of 2005 (42 U.S.C.*
9 *15801(3));*

10 “(ii) *the National Oceanic and Atmos-*
11 *pheric Administration, including the Office*
12 *of National Marine Sanctuaries and Na-*
13 *tional Marine Fisheries Service; and*

14 “(iii) *the Governor of each of American*
15 *Samoa, Guam, the Commonwealth of the*
16 *Northern Mariana Islands, Puerto Rico,*
17 *and the Virgin Islands of the United States.*

18 “(C) *PUBLIC COMMENT.*—*The study re-*
19 *quired in subparagraph (A) shall be published in*
20 *the Federal Register for public comment for a pe-*
21 *riod of not fewer than 60 days.*

22 “(D) *SUBMISSION OF RESULTS.*—*Not later*
23 *than 18 months after the date of the enactment*
24 *of this section, the Secretary shall submit the re-*

1 *sults of the study conducted under subparagraph*
2 *(A) to—*

3 *“(i) the Committee on Energy and*
4 *Natural Resources of the Senate;*

5 *“(ii) the Committee on Natural Re-*
6 *sources of the House of Representatives; and*

7 *“(iii) each of the Delegates or the Resi-*
8 *dent Commissioner to the House of Rep-*
9 *resentatives from American Samoa, Guam,*
10 *the Commonwealth of the Northern Mariana*
11 *Islands, Puerto Rico, and the Virgin Is-*
12 *lands of the United States.*

13 *“(E) PUBLIC AVAILABILITY.—The Secretary*
14 *shall publish the study required under subpara-*
15 *graph (A) and the results submitted under sub-*
16 *paragraph (C) on a public website.*

17 *“(2) CALL FOR INFORMATION AND NOMINA-*
18 *TIONS.—The Secretary shall issue a call for informa-*
19 *tion and nominations for proposed wind lease sales*
20 *for areas determined to be feasible under the study*
21 *conducted under paragraph (1).*

22 *“(3) CONDITIONAL WIND LEASE SALES.—*

23 *“(A) IN GENERAL.—For each territory, the*
24 *Secretary shall conduct not less than one wind*
25 *lease sale in the area of the outer Continental*

1 *Shelf within the territorial jurisdiction of such*
2 *territory if such area meets each of the following*
3 *criteria:*

4 “(i) *The study required under para-*
5 *graph (1)(A) concluded that a wind lease*
6 *sale on the area is feasible.*

7 “(ii) *The Secretary has determined*
8 *that the call for information has generated*
9 *sufficient interest in the area.*

10 “(iii) *The Secretary has consulted with*
11 *the Secretary of Defense and other relevant*
12 *Federal agencies regarding such sale.*

13 “(iv) *The Secretary has consulted with*
14 *the Governor of the territory regarding the*
15 *suitability of the area for wind energy de-*
16 *velopment.*

17 “(B) *EXCEPTION.—If no area of the outer*
18 *Continental Shelf within the territorial jurisdic-*
19 *tion of a territory meets each of the criteria in*
20 *clauses (i) through (iv) of subparagraph (A), the*
21 *requirement under subparagraph (A) shall not*
22 *apply to such territory.”.*

1 **SEC. 218. INCREASING FUNDING FOR COASTAL CONSERVA-**
2 **TION AND RESILIENCE.**

3 *Section 8(p)(2) of the Outer Continental Shelf Lands*
4 *Act (43 U.S.C. 1337(p)(2)) is amended by adding at the*
5 *end the following:*

6 *“(C) With respect to a lease under this subsection*
7 *for the production of wind energy, 30 percent of the*
8 *revenue received by the Federal Government as a re-*
9 *sult of payments from such lease shall be deposited in*
10 *the National Oceans and Coastal Security Fund es-*
11 *tablished by section 904 of the National Oceans and*
12 *Coastal Security Act (16 U.S.C. 7503).”.*

13 **SEC. 219. RESTORING OFFSHORE WIND OPPORTUNITIES.**

14 *(a) LEASING AUTHORIZED.—The Secretary of the In-*
15 *terior is authorized to grant leases pursuant to section*
16 *8(p)(1)(C) of the Outer Continental Shelf Lands Act (43*
17 *U.S.C. 1337(p)(1)(C)) in the areas withdrawn by the Presi-*
18 *dential Memorandum entitled “Memorandum on the With-*
19 *drawal of Certain Areas of the United States Outer Conti-*
20 *ental Shelf from Leasing Disposition” (issued September*
21 *8, 2020) and the Presidential Memorandum entitled “Presi-*
22 *dential Determination on the Withdrawal of Certain Areas*
23 *of the United States Outer Continental Shelf from Leasing*
24 *Disposition” (issued September 25, 2020).*

25 *(b) WITHDRAWALS.—Any Presidential withdrawal of*
26 *an area of the Outer Continental Shelf from leasing under*

1 *section 12(a) of such Act (43 U.S.C. 1341(a)) issued after*
2 *the date of enactment of this Act shall apply only to leasing*
3 *authorized under subsections (a) and (i) of section 8 of such*
4 *Act (43 U.S.C. 1337(a) and 1337(i)), unless otherwise spec-*
5 *ified.*

6 **TITLE III—CLIMATE-READY FISH-**
7 **ERIES, EFFICIENT FISHERY**
8 **VESSELS, AND BUY AMERICAN**
9 **SEAFOOD**

10 **SEC. 301. SENSE OF CONGRESS.**

11 *It is the sense of Congress that—*

12 *(1) American wild-caught seafood is integral to*
13 *the Nation’s food supply and to American food secu-*
14 *rity;*

15 *(2) the seafood supply chain is often long and*
16 *complex;*

17 *(3) American-caught and American-processed*
18 *seafood especially from small-scale fishery operations,*
19 *can be a sustainable healthy source of protein and*
20 *micronutrients;*

21 *(4) fresh, frozen, dried, and canned domestic sea-*
22 *food can be produced, processed, packaged, and trans-*
23 *ported in a manner that has a low-carbon footprint;*

1 (5) *marine species that are small, at lower*
2 *trophic levels, and pelagic typically have the smallest*
3 *carbon footprint; and*

4 (6) *therefore, any executive agency that pur-*
5 *chases seafood products should, to the extent prac-*
6 *ticable, buy local American-caught or American-har-*
7 *vested and American-processed seafood products from*
8 *fisheries that are not overfished or experiencing over-*
9 *fishing, in order to support sustainable local seafood*
10 *businesses, reduce greenhouse gas emissions associated*
11 *with the seafood product supply chain, and reduce de-*
12 *pendence on imported seafood products.*

13 **SEC. 302. CAUGHT IN THE USA.**

14 *Section 2(c)(1) of the Act of August 11, 1939 (15*
15 *U.S.C. 713c-3(c)(1)), entitled “An Act to authorize the Fed-*
16 *eral Surplus Commodities Corporation to purchase and dis-*
17 *tribute surplus products of the fishing industry”, is amend-*
18 *ed to read as follows:*

19 “(1) *The Secretary shall make grants from the fund*
20 *established under subsection (b) to—*

21 “(A) *assist persons in carrying out research and*
22 *development projects addressed to any aspect of*
23 *United States marine fisheries, including harvesting,*
24 *processing, packaging, marketing, and associated in-*
25 *frastructures; or*

1 “(B) assist persons to market and promote the
2 consumption of—

3 “(i) local or domestic marine fishery prod-
4 ucts;

5 “(ii) environmentally and climate-friendly
6 marine fishery products that minimize and em-
7 ploy efforts to avoid bycatch and impacts on ma-
8 rine mammals;

9 “(iii) invasive species; or

10 “(iv) well-managed but less known species.”.

11 **SEC. 303. ELIMINATE FISH SUBSIDIES IN TRADE AGREE-**
12 **MENTS.**

13 (a) *IN GENERAL.*—Section 102(b) of the Bipartisan
14 *Congressional Trade Priorities and Accountability Act of*
15 *2015 (19 U.S.C. 4201(b)) is amended by adding at the end*
16 *the following:*

17 “(23) *FISH SUBSIDIES.*—The principal negoti-
18 ating objectives of the United States with respect to
19 fish subsidies are the following:

20 “(A) To eliminate subsidies that contribute
21 to overfishing, or illegal, unreported, and un-
22 regulated fishing, such as subsidies that—

23 “(i) increase the marine fishing capac-
24 ity of fishing vessels or support the acquisi-

1 *tion of equipment that increases the ability*
2 *of fishing vessels to find fish;*

3 *“(ii) support the construction of fish-*
4 *ing vessels, importation of fishing vessels, or*
5 *government repurchase of fishing vessels*
6 *outside of a binding and effective fishing ca-*
7 *capacity reduction program that includes the*
8 *corresponding elimination of fishing rights*
9 *and a binding and effective prohibition on*
10 *the reuse of vessels for fishing to increase ca-*
11 *capacity in any fishery;*

12 *“(iii) affect fish stocks in any fish-*
13 *ery—*

14 *“(I) in an overfished or worse*
15 *condition; or*

16 *“(II) whose stock levels are declin-*
17 *ing;*

18 *“(iv) are provided to fishing enter-*
19 *prises engaged in long-distance fishing, ei-*
20 *ther on the high seas or in the exclusive eco-*
21 *nomie zone of a third country;*

22 *“(v) support the transfer or reflagging*
23 *of fishing vessels to third countries, includ-*
24 *ing through the creation of joint ventures*
25 *with partners of those countries;*

1 “(vi) are provided to the fishing enter-
2 prises or to owners or operators of vessels
3 that have been determined to have engaged
4 in illegal, unreported, and unregulated fish-
5 ing by a coastal State or a regional fish-
6 eries management organization; or

7 “(vii) reduce fuel, insurance, or other
8 operating costs solely for fishing enterprises
9 except where intended to reduce the carbon
10 footprint of existing fishing operations.

11 “(B) To require parties to trade agree-
12 ments—

13 “(i) to report to an environmental af-
14 fairs committee established under the agree-
15 ment, on an annual basis, all marine fish-
16 ing-related subsidies provided by the par-
17 ties, including fleet capacity and trade data
18 concerning the fisheries that the subsidies
19 affect;

20 “(ii) to establish an independent body
21 to make assessments of the health of fish
22 stocks in each domestic fishery and report
23 such assessments to such environmental af-
24 fairs committee;

1 “(iii) with respect to shared or inter-
2 national fisheries in which each party is in-
3 volved in fishing activities, to commit to co-
4 operating with third countries, regional
5 fisheries management organizations, and
6 assessment bodies in annual assessments of
7 the health of fish stocks and associated spe-
8 cies in such fisheries; and

9 “(iv) to certify to such environmental
10 affairs committee that they have made and
11 continue to make adequate progress toward
12 the goal of protecting and conserving,
13 through well-connected and effective systems
14 of protected areas and other effective area-
15 based conservation measures, at least 30
16 percent of the planet by 2030, with the focus
17 on areas particularly important for bio-
18 diversity.

19 “(C) To require parties to trade agreements
20 that are also members of the World Trade Orga-
21 nization to work collaboratively at the Organiza-
22 tion to establish and maintain robust disciplines
23 on fisheries subsidies.”

24 (b) *EFFECTIVE DATE.*—The amendments made by sub-
25 section (a)—

1 (1) take effect on the date of the enactment of
2 this Act; and

3 (2) apply with respect to negotiations for trade
4 agreements subject to the provisions of section 103 of
5 the Bipartisan Congressional Trade Priorities and
6 Accountability Act of 2015 (19 U.S.C. 4202) entered
7 into on or after such date of the enactment.

8 **SEC. 304. FUEL EFFICIENT FISHING VESSELS.**

9 Section 53708(b)(2) of title 46, United States Code, is
10 amended—

11 (1) in subparagraph (A) by striking “or” at the
12 end;

13 (2) in subparagraph (B) by striking “increased
14 fuel efficiency or improved safety.” and inserting
15 “improved safety; or”; and

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

17 “(C) increasing fuel efficiency and reducing
18 fuel usage, which may include—

19 “(i) installation of solar panels;

20 “(ii) engine replacement or retrofit, in-
21 cluding the installation of new fuel-efficient,
22 low-emission engines, including hybrid elec-
23 tric marine engines or generators;

24 “(iii) gearbox or propeller replacement;

25 “(iv) modifications to hull shape; and

1 “(v) modifications to fishing gear.”.

2 **SEC. 305. CLIMATE AND FISHERIES RESEARCH AND MAN-**
3 **AGEMENT PROGRAM.**

4 *Title IV of the Magnuson-Stevens Fishery Conserva-*
5 *tion and Management Act (16 U.S.C. 1881 et seq.) is*
6 *amended by adding at the end the following:*

7 **“SEC. 409. CLIMATE AND FISHERIES RESEARCH AND MAN-**
8 **AGEMENT PROGRAM.**

9 “(a) *ESTABLISHMENT OF THE PROGRAM.—The Sec-*
10 *retary, with input from appropriate Marine Fisheries Com-*
11 *missions and Regional Fishery Management Councils and*
12 *in coordination with other Federal agencies and edu-*
13 *cational institutions, shall establish a program to identify,*
14 *develop, and implement adaptive strategies, consistent with*
15 *the requirements of this Act, to improve the management*
16 *of fisheries and aquaculture under current and anticipated*
17 *impacts of climate change. In administering such program,*
18 *the Secretary shall—*

19 “(1) *expand and improve fisheries science, moni-*
20 *toring, and data collection in order to support and*
21 *promote integrated, climate science-informed fishery*
22 *management and ensure that the requirements of this*
23 *Act are met under changing climatic conditions;*

24 “(2) *prepare and adapt fishery management for*
25 *climate change by promoting a precautionary ap-*

1 *proach to management and supporting the increased*
2 *development and use of relevant science and manage-*
3 *ment tools, including forecasting, risk assessment, sce-*
4 *nario planning, coupled climate and ecosystem mod-*
5 *eling, and management strategy evaluation;*

6 *“(3) improve agency understanding of stock*
7 *shifts to inform catch advice, inform the resolution of*
8 *jurisdictional issues, and support achievement of con-*
9 *servation mandates in the face of shifting stocks;*

10 *“(4) promote the development, integration, and*
11 *use of climate-related tools and information in stock*
12 *assessments;*

13 *“(5) develop and provide guidance on imple-*
14 *menting in control rules that are more responsive to*
15 *environmental variability and climate change for*
16 *fishery management;*

17 *“(6) promote management approaches that in-*
18 *crease resilience to current and anticipated climate*
19 *impacts in managed species and marine ecosystems,*
20 *including by coordinating with and advancing pro-*
21 *grams to protect genetic diversity and age structure,*
22 *protect marine, estuarine, mangrove, and other aquat-*
23 *ic habitat, minimize and better account for bycatch,*
24 *and incorporating into management the ecological*
25 *role of forage fish in the marine food web;*

1 “(7) increase understanding of food security
2 issues and the socioeconomic impacts of climate
3 change on fishing participants, fishing communities,
4 and related industries;

5 “(8) coordinate within the National Oceanic and
6 Atmospheric Administration on issues related to cli-
7 mate change and fisheries, including on data needs
8 and availability;

9 “(9) ensure that the research, resource manage-
10 ment, and expenditures to prepare fisheries for cli-
11 mate change promote racial and socioeconomic equity
12 with respect to environmental and economic outcomes
13 across fisheries and regions;

14 “(10) promote the increased incorporation of cli-
15 mate change impacts into fisheries management at re-
16 gional fishery management organizations and other
17 international bodies; and

18 “(11) advance other climate change fishery
19 science and management as appropriate.

20 “(b) *EVALUATION.*—The Secretary, with input from
21 the Councils, shall, not later than three years after the date
22 of the enactment of the Ocean-Based Climate Solutions Act
23 of 2022 and every 5 years thereafter, conduct an inde-
24 pendent review that will be provided to Congress and the
25 public on the results of the program, including—

1 “(1) steps taken to modify or enhance research
2 and data collection programs to better understand the
3 effects of climate change on fishery resources and food
4 security;

5 “(2) steps taken to evaluate various management
6 strategies in the context of future climate scenarios;

7 “(3) how tools and solutions identified by the
8 program have been or could be implemented in fishery
9 science and management; and

10 “(4) the degree to which equity in outcomes of
11 fulfilling programmatic duties was achieved as re-
12 quired by subsection (a)(9).

13 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated to the Secretary to carry out*
15 *this section \$2,000,000 for each fiscal year 2022 through*
16 *2026.”.*

17 **SEC. 306. CLIMATE-READY FISHERIES INNOVATION PRO-**
18 **GRAM.**

19 (a) *CLIMATE-READY FISHERIES INNOVATION PRO-*
20 *GRAM.—Not later than one year after the date of the enact-*
21 *ment of this Act, the Administrator shall establish a pro-*
22 *gram, including grants, to develop innovative tools and ap-*
23 *proaches designed to increase the adaptive capacity of fish-*
24 *ery management to the impacts of climate change. In ad-*
25 *ministering such program, the Administrator shall—*

1 (1) *develop science and management tools and*
2 *approaches that address regional and national prior-*
3 *ities to improve the conservation and management of*
4 *fishery resources under existing and anticipated cli-*
5 *mate impacts;*

6 (2) *provide for routine input from fishery man-*
7 *agers and scientists in order to maximize opportuni-*
8 *ties to incorporate results of the program in fishery*
9 *management actions;*

10 (3) *promote adoption of methods developed under*
11 *the program in fishery management plans developed*
12 *by the Regional Fishery Management Councils;*

13 (4) *provide information and outreach to the pri-*
14 *vate sector and academic sector to encourage develop-*
15 *ment and operationalization of tools and approaches*
16 *to manage the effects of climate change on fisheries;*
17 *and*

18 (5) *provide information and outreach to fishery*
19 *participants to increase understanding of and encour-*
20 *age adoption and use of tools and approaches devel-*
21 *oped under the program.*

22 (b) *COORDINATION OF THE PROGRAM.—*

23 (1) *The Administrator shall establish a process*
24 *to ensure coordination with and outreach to—*

1 (A) regional offices and science centers of
2 the National Marine Fisheries Service;

3 (B) the Regional Fishery Management
4 Councils;

5 (C) the scientific and statistical committees
6 of such Fishery Management Councils; and

7 (D) other relevant programs, including the
8 cooperative research and management program
9 under section 318 of the Magnuson-Stevens Fish-
10 ery Conservation and Management Act (16
11 U.S.C. 1867), the Integrated Ocean Observing
12 System, and programs within the National Oce-
13 anic and Atmospheric Administration designed
14 to address ocean acidification.

15 (2) Such coordination should include identifica-
16 tion of multiyear research priorities to study and un-
17 derstand the current and anticipated impacts of cli-
18 mate change on fisheries, fisheries interactions, habi-
19 tats, fishery participants, fishing communities, sea-
20 food markets, fisheries science and monitoring, or
21 other relevant priority. Such priorities should be rou-
22 tinely reviewed in a timeframe not to exceed 5 years
23 and updated as necessary.

24 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
25 authorized to be appropriated to the Administrator to carry

1 *out this section \$5,000,000 for each of fiscal years 2022*
2 *through 2026.*

3 **SEC. 307. REPORT ON SHIFTING STOCKS AND WAYS TO**
4 **ADAPT FISHERIES FOR THE IMPACTS OF CLI-**
5 **MATE CHANGE.**

6 *Not later than one year after the date of the enactment*
7 *of this Act, the Administrator shall transmit a report to*
8 *Congress—*

9 *(1) assessing whether and how fish stocks have*
10 *shifted and are expected to shift as a result of climate*
11 *change, the magnitude and timing of shifts, and a list*
12 *of shifting stocks by region;*

13 *(2) evaluating the impacts range shifts are hav-*
14 *ing on fisheries stock assessments and describing how*
15 *survey methods are being modified to capture range*
16 *shifts in fisheries;*

17 *(3) assessing factors that promote resilience of*
18 *fish stocks undergoing range shift;*

19 *(4) assessing existing Federal policies on fishing*
20 *permits and licenses in each region, including alloca-*
21 *tion between States and jurisdictions, and whether*
22 *those rules facilitate the resilience and adaptive ca-*
23 *capacity of fisheries when stocks shift; and*

24 *(5) identifying actions that could be taken to fa-*
25 *cilitate the shifting, splitting, or transitioning of per-*

1 mits to fishermen in the regions where stocks have
2 shifted, consistent with the requirements of the Mag-
3 nuson-Stevens Fishery Conservation and Management
4 Act and other applicable law.

5 **SEC. 308. ESSENTIAL FISH HABITAT CONSULTATION.**

6 Section 305(b) of the Magnuson-Stevens Fishery Con-
7 servation and Management Act (16 U.S.C. 1855(b)) is
8 amended—

9 (1) in paragraph (1)(A)—

10 (A) by inserting “every five years” after
11 “updating”; and

12 (B) by inserting “, changes to habitat, in
13 part due to climate change,” after “evidence”;

14 (2) in paragraph (1)(D), by inserting “and such
15 agencies shall take action” after “agencies”;

16 (3) by striking paragraphs (2) through (4) and
17 inserting after paragraph (1) the following:

18 “(2) CONSULTATIONS REGARDING FEDERAL
19 AGENCY ACTION WITH ADVERSE EFFECTS ON ESSEN-
20 TIAL FISH HABITAT.—

21 “(A) REQUIREMENT TO AVOID OR MITIGATE
22 ADVERSE EFFECTS.—Notwithstanding any other
23 provision of law, any Federal agency shall con-
24 sult with the Secretary to ensure that any action
25 proposed to be authorized, funded, or undertaken

1 *by such agency avoids the adverse effect of such*
2 *action on essential fish habitat or, to the extent*
3 *that the adverse effect cannot be avoided, the*
4 *agency shall minimize and mitigate the adverse*
5 *effect. In the case of habitat areas of particular*
6 *concern, the agency shall further—*

7 *“(i) conduct or require monitoring for*
8 *possible adverse effects, and, if adverse ef-*
9 *fects occur, undertake additional actions to*
10 *minimize and mitigate any such adverse ef-*
11 *fects of the action on the habitat area of*
12 *particular concern and species for which the*
13 *habitat area of particular concern is identi-*
14 *fied for the duration of time over which ad-*
15 *verse impacts are likely to occur; and*

16 *“(ii) evaluate the effectiveness of meas-*
17 *ures to avoid, minimize, and mitigate ad-*
18 *verse impacts to the habitat area of par-*
19 *ticular concern and species for which the*
20 *habitat area of particular concern is identi-*
21 *fied, and report the results of such evalua-*
22 *tion to the Secretary on an annual basis.*

23 *“(B) CONSIDERATIONS.—In completing the*
24 *requirements under subparagraph (A) for*
25 *projects seeking to restore and improve the long-*

1 *term resilience of habitat, particularly in estua-*
2 *rine environments heavily impacted by sea level*
3 *rise and other climate change factors, each Fed-*
4 *eral agency shall, in consultation with the Sec-*
5 *retary, take into account the consequences of not*
6 *pursuing such restoration and habitat resilience*
7 *projects and the long-term positive impacts on*
8 *fish populations of such activities.*

9 “(C) *REGULATIONS REGARDING CONSULTA-*
10 *TION PROCESS.—Not later than 180 days after*
11 *the date of the enactment of the Ocean-Based Cli-*
12 *mate Solutions Act of 2022, the Secretary shall*
13 *establish regulations for the consultation process,*
14 *including procedures to ensure that recommenda-*
15 *tions made by the Secretary under subparagraph*
16 *(A) would result in the avoidance of adverse ef-*
17 *fects on essential fish habitat and, if avoidance*
18 *is not possible, the minimization and mitigation*
19 *of any such adverse effects.*

20 “(3) *INPUT FROM APPROPRIATE COUNCILS.—*
21 *With regard to a consultation required under para-*
22 *graph (2), the Secretary shall provide the relevant*
23 *Council or Councils with information regarding the*
24 *proposed action and the potential adverse effects, and*
25 *the Council or Councils may comment on and make*

1 *recommendations to the Secretary and any Federal or*
2 *State agency concerning—*

3 “(A) *the action if, in the view of the Coun-*
4 *cil, such action may affect the habitat of a fish-*
5 *ery resource under the authority of such Council;*
6 *and*

7 “(B) *the action if, in the view of the Coun-*
8 *cil, such action is likely to adversely affect the*
9 *habitat of an anadromous fishery resource under*
10 *the authority of such Council.*

11 “(4) *INFORMATION FROM OTHER SOURCES.—*

12 “(A) *RECEIPT OF INFORMATION.—*

13 “(i) *If the Secretary receives informa-*
14 *tion from a Council or Federal or State*
15 *agency, or determines from another source,*
16 *or the consultation required in paragraph*
17 *(2), that an action authorized, funded, or*
18 *undertaken, or proposed to be authorized,*
19 *funded, or undertaken by any Federal agen-*
20 *cy would adversely affect an essential fish*
21 *habitat identified under this chapter, the*
22 *Secretary shall recommend to such agency*
23 *measures that can be taken by such agency*
24 *to avoid the adverse effects of the action on*
25 *such habitat or, to the extent that adverse*

1 *effects cannot be avoided, minimize and*
2 *mitigate the adverse effects.*

3 “(ii) *Any recommendations made by*
4 *the Secretary shall be made available to the*
5 *public on the website of the National Ma-*
6 *rine Fisheries Service at the time the rec-*
7 *ommendations are made.*

8 “(B) *REQUIRED RESPONSE.—*

9 “(i) *Within 30 days after receiving a*
10 *recommendation under subparagraph (A), a*
11 *Federal agency shall provide a detailed re-*
12 *sponse in writing to any Council com-*
13 *menting under paragraph (3) and the Sec-*
14 *retary regarding the matter. The response*
15 *shall include a description of measures pro-*
16 *posed by the agency for avoiding the adverse*
17 *effects, or to the extent the adverse effects*
18 *cannot be avoided, minimizing and miti-*
19 *gating the adverse effects of the action on es-*
20 *sential fish habitat. In the case of a re-*
21 *sponse that is inconsistent with the rec-*
22 *ommendations of the Secretary, the Federal*
23 *agency shall explain how the alternative*
24 *measures proposed will avoid the adverse ef-*
25 *fects of such action on essential fish habitat*

1 or, to the extent that adverse effects cannot
2 be avoided, mitigate the adverse effects.

3 “(ii) Such responses shall be made
4 available to the public on the website of the
5 National Marine Fisheries Service at the
6 time that the recommendations are received.

7 “(C) PUBLICATION.—The Secretary shall
8 make available to the public—

9 “(i) any recommendation made under
10 subparagraph (A); and

11 “(ii) any response made by an agency
12 under subparagraph (B) on the date on
13 which such response is received.

14 “(5) MONITORING FOR EFFECTIVENESS.—Each
15 Federal agency shall monitor the effectiveness of meas-
16 ures that it takes to avoid, minimize, and mitigate
17 adverse impacts to essential fish habitat.

18 “(6) ESSENTIAL FISH HABITAT.—In this sub-
19 section, the term ‘habitat areas of particular concern’
20 means specific types of areas that are part of or with-
21 in essential fish habitat that—

22 “(A) provide an important ecological func-
23 tion, including for maintaining and restoring
24 the biomass, demographic, spatial, or genetic
25 characteristics of fish populations;

1 “(B) are sensitive to human-induced envi-
2 ronmental degradation;

3 “(C) are or will be significantly stressed by
4 human activities;

5 “(D) due to prevailing or anticipated future
6 environmental conditions, are or may become
7 important to the health of managed species; or

8 “(E) are rare.

9 “(7) *AUTHORIZATION OF APPROPRIATIONS.*—
10 *There are authorized to be appropriated to the Sec-*
11 *retary such funds as may be necessary to carry out*
12 *the requirements of this section.*”.

13 **SEC. 309. OCEAN AQUACULTURE RESEARCH AND POLICY**
14 **PROGRAM.**

15 *(a) ESTABLISHMENT.*—*The Administrator shall estab-*
16 *lish a program to address opportunities, challenges, and in-*
17 *novation in non-finfish, small-scale restorative ocean aqua-*
18 *culture development, siting, and operations in the coastal*
19 *waters and exclusive economic zone through—*

20 *(1) investment in research and technical assist-*
21 *ance to ensure adverse impacts to the marine environ-*
22 *ment can be fully understood, anticipated, accounted*
23 *for, and avoided and impacts to wild-capture fish-*
24 *eries, marine wildlife, and habitat minimized during*

1 *the species selection, design, development, siting, and*
2 *operation of aquaculture facilities; and*

3 *(2) the development and application of best man-*
4 *agement practices to ensure the species selection, de-*
5 *sign, development, siting, and operation of restorative*
6 *ocean aquaculture maximizes potential benefits while*
7 *minimizing potential adverse impacts to the marine*
8 *environment, marine wildlife, and wild-capture fish-*
9 *eries.*

10 *(b) USE OF EXISTING PROGRAMS.—The Adminis-*
11 *trator shall use grant and research programs available to*
12 *the Administrator to support the design, development,*
13 *siting, and operation of restorative ocean aquaculture using*
14 *best management practices to maximize potential benefits*
15 *and minimize potential adverse impacts to the marine envi-*
16 *ronment.*

17 *(c) PRIORITIZATION IN OTHER PROGRAMS.—In car-*
18 *rying out other programs relating to aquaculture research*
19 *and development, the Administrator shall prioritize restora-*
20 *tive ocean aquaculture, including in carrying out—*

21 *(1) the Small Business Innovation Research Pro-*
22 *gram of the National Oceanic and Atmospheric Ad-*
23 *ministration;*

24 *(2) National Sea Grant College Program; and*

1 (3) *section 2 of the Act of August 11, 1939 (15*
2 *U.S.C. 713c-3).*

3 (d) *PRIORITIZATION WITHIN THE PROGRAM.—In car-*
4 *rying out the program established by this section, the Ad-*
5 *ministrator shall prioritize support for research and tech-*
6 *nology development that includes—*

7 (1) *design analyses of restorative aquaculture*
8 *systems to maximize ecosystem benefits while avoid-*
9 *ing adverse impacts to the marine environment and*
10 *wild-capture fisheries, marine wildlife, and habitat;*

11 (2) *spatial analyses to understand and evaluate*
12 *where siting of restorative aquaculture can minimize*
13 *adverse impacts to migratory birds, shorebirds, and*
14 *waterbirds, marine birds and mammals, endangered*
15 *species, and other aspects of the current and projected*
16 *future marine ecosystem;*

17 (3) *design, spatial, and environmental analysis*
18 *to understand and evaluate how siting and operations*
19 *of land-based restorative aquaculture could impact*
20 *surrounding communities and ecosystems;*

21 (4) *monitoring both the individual and cumu-*
22 *lative environmental impacts of current and proposed*
23 *small-scale aquaculture operations to inform potential*
24 *impacts of large-scale operations and siting;*

1 (5) *offshore monitoring, remediation, and miti-*
2 *gation technology development; and*

3 (6) *understanding and preparing for impacts*
4 *that climate change may have on design development,*
5 *siting, and operations of restorative aquaculture fa-*
6 *cilities and the marine environment.*

7 (e) *REPORT.*—*Not later than one year after the date*
8 *of the enactment of this Act, the National Academies shall*
9 *submit to the Administrator and to Congress a report that*
10 *reviews, compiles, and synthesizes existing technologies and*
11 *assessments of restorative ocean aquaculture to further in-*
12 *form ongoing research and technical assistance funded*
13 *under subsection (c).*

14 (f) *CONTENT.*—*The report required by subsection (e)*
15 *shall include the following:*

16 (1) *A quantitative assessment of the capacity for*
17 *sequestering and storing significant amounts of car-*
18 *bon from the atmosphere and ocean to mitigate the*
19 *impacts of climate change.*

20 (2) *A comprehensive assessment of the blue car-*
21 *bon potential for an aquaculture project, including its*
22 *potential environmental impacts and cumulative im-*
23 *pacts on native marine species and marine habitat*
24 *and the potential adverse wildlife interactions likely*

1 *to result from the use of restorative aquaculture tech-*
2 *nologies in use or under development worldwide.*

3 *(3) A comprehensive assessment of the potential*
4 *impacts, including cumulative impacts, to wild-cap-*
5 *ture fisheries, marine wildlife, and habitats and the*
6 *productivity thereof likely to result from the use of re-*
7 *storative aquaculture technologies in use or under de-*
8 *velopment worldwide.*

9 *(4) An assessment of any known ecosystems serv-*
10 *ices that have been derived from restorative ocean*
11 *aquaculture and design, including siting and size pa-*
12 *rameters that maximize those benefits.*

13 *(5) A detailed discussion of the mitigation meas-*
14 *ures available currently to reduce any negative envi-*
15 *ronmental or wild-capture fisheries, marine wildlife,*
16 *or habitat impacts identified and their degree of effi-*
17 *cacy, as well as the real-time facility monitoring op-*
18 *tions available.*

19 *(6) Recommendations of regionally relevant*
20 *siting, installation, and operations standards nec-*
21 *essary to ensure that restorative ocean aquaculture fa-*
22 *cilities are developed and operated in a manner*
23 *which minimizes impacts to the marine environment*
24 *and avoids and minimizes harmful interactions with*

1 *marine wildlife and habitat or conflict with other ex-*
2 *isting ocean-user groups.*

3 (7) *Economic analysis identifying the potential*
4 *benefits and impacts to commercial and recreational*
5 *fishing and marine recreation industries resulting*
6 *from restorative ocean aquaculture.*

7 (8) *Recommendations for further research and*
8 *assessments that should be supported.*

9 (9) *A sustainability classification system to as-*
10 *sess the various types of restorative aquaculture on a*
11 *range of life cycle ecological and social benefits and*
12 *provides a composite score with which to rank such*
13 *types of restorative aquaculture.*

14 (g) *RESTORATIVE OCEAN AQUACULTURE DEFINED.—*
15 *The term “restorative ocean aquaculture” means ocean and*
16 *coastal propagation of seaweed or shellfish farming that*
17 *generates positive ecological and social impact.*

18 (h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to the Administrator to carry*
20 *out this section \$5,000,000 for each of fiscal years 2022*
21 *through 2026.*

1 **TITLE IV—COASTAL BARRIER**
2 **RESOURCE ACT AMENDMENTS**

3 **SEC. 401. UNDEVELOPED COASTAL BARRIER.**

4 *Section 3(1) of the Coastal Barrier Resources Act (16*
5 *U.S.C. 3502(1)) is amended—*

6 (1) *in the matter preceding subparagraph (A),*
7 *by striking “means” and inserting “includes”;*

8 (2) *in subparagraph (A)—*

9 (A) *in the matter preceding clause (i), by*
10 *inserting “bluff,” after “barrier spit,”; and*

11 (B) *in clause (ii), by inserting “and related*
12 *lands” after “aquatic habitats”;*

13 (3) *in subparagraph (B), by inserting “, includ-*
14 *ing areas that are and will be vulnerable to coastal*
15 *hazards, such as flooding, storm surge, wind, erosion,*
16 *and sea level rise” after “nearshore waters”; and*

17 (4) *in the matter following subparagraph (B), by*
18 *striking “, and man’s activities on such features and*
19 *within such habitats,”.*

20 **SEC. 402. COASTAL HAZARD PILOT PROJECT.**

21 (a) *IN GENERAL.—*

22 (1) *PROJECT.—The Secretary of the Interior, in*
23 *consultation with the Administrator of the National*
24 *Oceanic and Atmospheric Administration and the*
25 *Administrator of the Federal Emergency Management*

1 *Agency, shall carry out a coastal hazard pilot project*
2 *to propose definitions and criteria and produce draft*
3 *digital maps of areas, including coastal mainland*
4 *areas, which could be added to the John H. Chafee*
5 *Coastal Barrier Resources System that are and will*
6 *be vulnerable to coastal hazards, such as flooding,*
7 *storm surge, wind, erosion and sea level rise, and*
8 *areas not in such System to which barriers and asso-*
9 *ciated habitats are likely to migrate or be lost as sea*
10 *level rises.*

11 (2) *NUMBER OF UNITS.*—*The project carried out*
12 *under this section shall consist of the creation of maps*
13 *for at least 10 percent of the System and may also*
14 *identify additional new System units.*

15 (b) *REPORT.*—

16 (1) *IN GENERAL.*—*Not later than two years after*
17 *the date of the enactment of this Act, the Secretary*
18 *shall submit to the Committee on Environment and*
19 *Public Works of the Senate and the Committee on*
20 *Natural Resources of the House of Representatives a*
21 *report describing the results of the pilot project and*
22 *the proposed definitions and criteria and costs of*
23 *completing coastal hazard maps for the entire System.*

24 (2) *CONTENTS.*—*The report shall include a de-*
25 *scription of—*

1 (A) *the final recommended digital maps*
2 *created under the coastal hazard pilot project;*

3 (B) *recommendations for the adoption of the*
4 *digital maps created under this section by Con-*
5 *gress;*

6 (C) *a summary of the comments received*
7 *from the Governors of the States, other govern-*
8 *ment officials, and the public regarding the defi-*
9 *initions, criteria, and maps;*

10 (D) *a description of the criteria used for the*
11 *project and any related recommendations; and*

12 (E) *the amount of funding necessary for*
13 *completing coastal hazard maps for the entire*
14 *System.*

15 (c) *CONSULTATION.—The Secretary shall prepare the*
16 *report required under subsection (b)—*

17 (1) *in consultation with the Governors of the*
18 *States in which any newly identified areas are lo-*
19 *cated; and*

20 (2) *after—*

21 (A) *providing an opportunity for the sub-*
22 *mission of public comments; and*

23 (B) *considering any public comments sub-*
24 *mitted under subparagraph (A).*

1 **SEC. 403. REPORT ON EXPANDING COASTAL BARRIER RE-**
2 **SOURCES ACT TO THE PACIFIC COAST, IN-**
3 **CLUDING PACIFIC TERRITORIES AND FREELY**
4 **ASSOCIATED STATES.**

5 (a) *DEFINITIONS.*—*In this section, the following defi-*
6 *nitions apply:*

7 (1) *PACIFIC TERRITORIES AND FREELY ASSOCI-*
8 *ATED STATES.*—*The term “Pacific Territories and*
9 *Freely Associated States” means each of American*
10 *Samoa, Guam, the Commonwealth of the Northern*
11 *Mariana Islands, the Republic of the Marshall Is-*
12 *lands, the Federated States of Micronesia, and Palau.*

13 (2) *UNDEVELOPED COASTAL BARRIER.*—*The*
14 *term “undeveloped coastal barrier” has the meaning*
15 *given the term in section 3 of the Coastal Barrier Re-*
16 *sources Act (16 U.S.C. 3502).*

17 (b) *REPORT.*—*Not later than 18 months after the date*
18 *of the enactment of this Act, the Secretary of the Interior*
19 *shall prepare and submit a report to Congress on ways to*
20 *integrate the Pacific Coast of the United States, including*
21 *in the Pacific Territories and Freely Associated States into*
22 *the John H. Chafee Coastal Barrier Resources System.*

23 (c) *CONSULTATION.*—*The Secretary shall prepare the*
24 *report required under subsection (b)—*

1 (1) *in consultation with the Governors of the af-*
2 *ected States, Pacific Territories, and Freely Associ-*
3 *ated States; and*

4 (2) *after providing an opportunity for the sub-*
5 *mission and consideration of public comments.*

6 (d) *CONTENTS.—The report required under subsection*
7 *(b) shall—*

8 (1) *examine the potential for loss of human life*
9 *and damage to fish, wildlife, and other natural re-*
10 *sources, and the potential for the wasteful expenditure*
11 *of Federal revenues along the Pacific Coast, giving*
12 *particular attention to tsunami, flood, erosion, and*
13 *storm damage, and sea level rise impacts;*

14 (2) *consider the biophysical processes needed to*
15 *maintain habitat functions and coastal resiliency, ac-*
16 *counting for climate and land-use change; and*

17 (3) *evaluate ways in which the definition of the*
18 *term “undeveloped coastal barrier” under section 3 of*
19 *the Coastal Barrier Resources Act (16 U.S.C. 3502)*
20 *could be expanded to more accurately address the ge-*
21 *ology and functions of coastal barriers in areas along*
22 *the Pacific Coast, including in the Pacific Territories*
23 *and Freely Associated States, including the ways in*
24 *which coastal bluffs, rocky outcroppings, beaches, wet-*
25 *lands, estuaries, coral reefs, mangroves, and other*

1 *landforms in such areas function as coastal barriers*
2 *by absorbing storm impacts, protecting inland com-*
3 *munities from sea level rise impacts, providing habi-*
4 *tat, and being subject to erosion.*

5 *(e) PREPARATION AND SUBMISSION OF MAPS.—*

6 *(1) PREPARATION.—As soon as practicable after*
7 *the date of the enactment of this Act, the Secretary*
8 *shall prepare maps identifying the boundaries of those*
9 *undeveloped coastal barriers of the United States*
10 *along the Pacific Coast, including in the Pacific Ter-*
11 *ritories and Freely Associated States.*

12 *(2) SUBMISSION TO CONGRESS.—Not later than*
13 *three years after the date of submission of the report*
14 *under subsection (b), the Secretary shall submit to*
15 *Congress maps identifying the boundaries of those un-*
16 *developed coastal barriers of the United States along*
17 *the Pacific Coast, including the Pacific Territories*
18 *and Freely Associated States, that the Secretary con-*
19 *siders to be appropriate for inclusion in the John H.*
20 *Chafee Coastal Barrier Resources System.*

21 **SEC. 404. REQUIRE DISCLOSURE TO PROSPECTIVE BUYERS**
22 **THAT PROPERTY IS IN THE COASTAL BAR-**
23 **RIER RESOURCES SYSTEM.**

24 *Section 5 of the Coastal Barrier Resources Act (16*
25 *U.S.C. 3504) is amended by adding at the end the following:*

1 “(c) *DISCLOSURE OF LIMITATIONS.*—

2 “(1) *REQUIREMENT.*—No person shall sell any
3 *interest in real property located in the System unless*
4 *the person has disclosed to the buyer that the property*
5 *is in the System and subject to the limitations under*
6 *this section.*

7 “(2) *NOTIFICATION TO LANDOWNERS.*—

8 “(A) *As soon as practicable, the Adminis-*
9 *trator shall provide written notice to any person*
10 *with an interest in real property located within*
11 *the System—*

12 “(i) *that such property is located with*
13 *the System and that sale of any such inter-*
14 *est in any such property is subject to the re-*
15 *quirements of this subsection; and*

16 “(ii) *of any boundary modification af-*
17 *fecting such person’s interest prior to, any*
18 *boundary modifications taking affect, re-*
19 *gardless of whether—*

20 “(I) *any such modification is*
21 *made by Congress or any other admin-*
22 *istering agency;*

23 “(II) *is technical in nature; or*

1 “(III) the modification is an ad-
2 dition or reduction of lands and
3 waters.

4 “(B) There is authorized to be appropriated
5 such sums as may be necessary to carry out this
6 paragraph.

7 “(3) NOTIFICATION TO THE SECRETARY.—Not
8 later than 60 days after the date of sale of any inter-
9 est in real property located in the System, the seller
10 shall notify the Secretary using the online system re-
11 quired by paragraph (4) of such sale and shall certify
12 to the Secretary that such seller complied with the re-
13 quirements of paragraph (1).

14 “(4) ONLINE REPORTING SYSTEM.—Not later
15 than one year after the date of the enactment of the
16 Ocean-Based Climate Solutions Act of 2022, the Sec-
17 retary shall establish and maintain an online report-
18 ing system to facilitate notifications to the Secretary
19 required by paragraph (3).

20 “(5) CIVIL PENALTY.—Any person who violates
21 this subsection shall be subject to a civil penalty of
22 not more than \$10,000.”.

1 **SEC. 405. IMPROVE FEDERAL AGENCY COMPLIANCE WITH**
2 **COASTAL BARRIER RESOURCES ACT.**

3 (a) *IN GENERAL.*—Section 7 of the Coastal Barrier
4 Resources Act (16 U.S.C. 3506) is amended—

5 (1) *in subsection (a)*—

6 (A) *by striking “the Coastal Barrier Im-*
7 *provement Act of 1990” and inserting “Ocean-*
8 *Based Climate Solutions Act of 2022”;* and

9 (B) *by striking “promulgate regulations”*
10 *and inserting “revise or promulgate regulations*
11 *and guidance, as necessary,”;* and

12 (2) *by amending subsection (b) to read as fol-*
13 *lows:*

14 “(b) *REPORTS AND CERTIFICATION.*—

15 “(1) *REPORTS.*—*The head of each Federal agen-*
16 *cy affected by this Act shall annually report to the*
17 *Secretary that such agency is in compliance with this*
18 *Act.*

19 “(2) *CERTIFICATION.*—*The Secretary shall annu-*
20 *ally certify whether each such agency is in compli-*
21 *ance with this Act.*

22 “(3) *FAILURE TO COMPLY.*—*If the Secretary cer-*
23 *tifies that an agency is not in compliance with this*
24 *Act, the head of the agency shall report to Congress*
25 *not later than 90 days after the date of such certifi-*

1 *cation regarding how the agency will achieve compli-*
2 *ance.”.*

3 (b) *TECHNICAL CORRECTION.*—Section 3(2) of the
4 *Coastal Barrier Resources Act (16 U.S.C. 3502(2)) is*
5 *amended by striking “Committee on Resources” and insert-*
6 *ing “Committee on Natural Resources”.*

7 **SEC. 406. EXCESS FEDERAL PROPERTY.**

8 *Section 4(e) of the Coastal Barrier Resources Act (16*
9 *U.S.C. 3503(e)) is amended by adding at the end the fol-*
10 *lowing new paragraph:*

11 *“(3) EXCESS FEDERAL PROPERTY.—Notwith-*
12 *standing the provisions of section 3(1) and subsection*
13 *(g) of this Act, the term ‘undeveloped coastal barrier’*
14 *means any coastal barrier regardless of the degree of*
15 *development.”.*

16 **SEC. 407. EMERGENCY EXCEPTIONS TO LIMITATIONS ON**
17 **EXPENDITURES.**

18 *Section 6(a) of the Coastal Barrier Resources Act (16*
19 *U.S.C. 3505(a)) is amended—*

20 (1) *in paragraph (6), by striking subparagraph*
21 *(E) and redesignating subparagraphs (F) and (G) as*
22 *subparagraphs (E) and (F), respectively; and*

23 (2) *by adding at the end the following new para-*
24 *graph:*

1 “(7) *Emergency actions necessary to the saving*
2 *of lives and the protection of property and the public*
3 *health and safety, if such actions are performed pur-*
4 *suant to sections 402, 403, and 502 of the Robert T.*
5 *Stafford Disaster Relief and Emergency Assistance*
6 *Act (42 U.S.C. 5107a; 5170b; and 5192) and are lim-*
7 *ited to actions that are necessary to alleviate the im-*
8 *mediate emergency.”.*

9 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

10 *Section 10 of the Coastal Barrier Resources Act (16*
11 *U.S.C. 3510) is amended by striking “\$2,000,000” and all*
12 *that follows through the end of the sentence and inserting*
13 *“\$5,000,000 for each of fiscal years 2022 through 2026.”.*

14 **TITLE V—COASTAL ZONE MAN-**
15 **AGEMENT ACT AMENDMENTS**

16 **SEC. 501. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
17 **COASTAL ZONE OBJECTIVES.**

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

21 **“SEC. 320. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
22 **COASTAL ZONE OBJECTIVES.**

23 *“(a) GRANTS AUTHORIZED.—The Secretary may*
24 *award competitive grants to Indian Tribes to further*

1 *achievement of the objectives of such a Tribe for such Tribe's*
2 *Tribal coastal zone.*

3 “(b) *COST SHARE.*—

4 “(1) *IN GENERAL.*—*The Federal share of the cost*
5 *of any activity carried out with a grant of \$200,000*
6 *or more under this section shall not exceed 95 percent*
7 *of such cost, except as provided in paragraph (2).*

8 “(2) *WAIVER.*—*The Secretary may waive the ap-*
9 *plication of paragraph (1) with respect to a grant to*
10 *an Indian Tribe, or otherwise reduce the portion of*
11 *the share of the cost of an activity required to be paid*
12 *by an Indian Tribe under such paragraph.*

13 “(c) *COMPATIBILITY.*—*The Secretary may not award*
14 *a grant under this section unless the Secretary determines*
15 *that the activities to be carried out with the grant are com-*
16 *patible with this title.*

17 “(d) *AUTHORIZED OBJECTIVES AND PURPOSES.*—
18 *Amounts awarded as a grant under this section shall be*
19 *used for 1 or more of the objectives and purposes authorized*
20 *under subsections (b) and (c), respectively, of section 306A.*

21 “(e) *FUNDING.*—*There is authorized to be appro-*
22 *priated to the Secretary \$5,000,000 to carry out this section*
23 *for each of fiscal years 2022 through 2026, of which up to*
24 *5 percent may be retained by NOAA to administer this sec-*
25 *tion.*

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

3 “(1) *INDIAN LAND.*—*The term ‘Indian land’ has*
4 *the meaning given such term in section 2601 of the*
5 *Energy Policy Act of 1992 (25 U.S.C. 3501) and the*
6 *Indian Tribe is within a coastal State, as that term*
7 *is defined in section 304(4) (16 U.S.C. 1453(4)).*

8 “(2) *INDIAN TRIBE.*—*The term ‘Indian Tribe’*
9 *has the meaning given such term in section 4 of the*
10 *Indian Self-Determination and Education Assistance*
11 *Act (25 U.S.C. 5304).*

12 “(3) *TRIBAL COASTAL ZONE.*—*The term ‘Tribal*
13 *coastal zone’ means any Indian land that is within*
14 *the coastal zone, as that term is defined in section*
15 *304(1) (16 U.S.C. 1453(1)).*

16 “(4) *TRIBAL COASTAL ZONE OBJECTIVE.*—*The*
17 *term ‘Tribal coastal zone objective’ means, with re-*
18 *spect to an Indian Tribe, any of the following objec-*
19 *tives:*

20 “(A) *Protection, restoration, or preservation*
21 *of areas in the Tribal coastal zone of such Tribe*
22 *that hold—*

23 “(i) *important ecological, cultural, or*
24 *sacred significance for such Tribe; or*

1 “(ii) traditional, historic, and aesthetic
2 values essential to such Tribe.

3 “(B) Preparing and implementing a special
4 area management plan and technical planning
5 for important coastal areas.

6 “(C) Any coastal or shoreline stabilization
7 measure, including any mitigation measure, for
8 the purpose of public safety, public access, or cul-
9 tural or historical preservation.”.

10 (b) GUIDANCE.—Not later than 180 days after the date
11 of the enactment of this Act, the Administrator shall issue
12 guidance for the program established under the amendment
13 made by subsection (a), including the criteria for awarding
14 grants under such program based on consultation with In-
15 dian Tribes.

16 (c) USE OF STATE GRANTS TO FULFILL TRIBAL OB-
17 JECTIVES.—Section 306A(c)(2) of the Coastal Zone Man-
18 agement Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended
19 by striking “and” after the semicolon at the end of subpara-
20 graph (D), by striking the period at the end of subpara-
21 graph (E) and inserting “; and”, and by adding at the end
22 the following:

23 “(F) fulfilling any Tribal coastal zone objective
24 (as that term is defined in section 320).”.

1 *of government and the National Estuarine Research Re-*
2 *serves, for the purposes of—*

3 “(1) *protecting important coastal and estuarine*
4 *areas that—*

5 “(A) *have significant conservation, recre-*
6 *ation, coastal access, ecological, historical, or aes-*
7 *thetic value;*

8 “(B) *are threatened by conversion from*
9 *their natural, undeveloped, or recreational state*
10 *to other uses; or*

11 “(C) *could be managed or restored to effec-*
12 *tively conserve, enhance, or restore ecological*
13 *function or mitigate climate change; or*

14 “(2) *restoring developed property in vulnerable*
15 *coastal and estuarine areas to a natural state to re-*
16 *store ecological function, allow for shoreline migra-*
17 *tion, and protect coastal communities.”;*

18 (3) *in subsection (c)—*

19 (A) *by amending paragraph (7) to read as*
20 *follows:*

21 “(7) *Priority shall be given to lands that—*

22 “(A) *can be effectively managed and pro-*
23 *ected and that have significant recreation, eco-*
24 *logical, historical, cultural, aesthetic, or commu-*
25 *nity protection value;*

1 “(B) to the maximum extent practicable,
2 benefit communities that may not have adequate
3 resources to prepare for or respond to coastal
4 hazards or to access the coastline, including low-
5 income communities, communities of color, Trib-
6 al and Indigenous communities, and rural com-
7 munities; and

8 “(C)(i) are under an imminent threat of
9 conversion to a use that will degrade or other-
10 wise diminish their natural, undeveloped, or rec-
11 reational state;

12 “(ii) serve to mitigate the adverse impacts
13 caused by coastal population growth in the
14 coastal environment;

15 “(iii) are within or adjacent to a national
16 estuarine research reserve designated under sec-
17 tion 315, a national wildlife refuge, or a na-
18 tional estuary program, or are proposed for des-
19 ignation as such a reserve or other such protected
20 area; or

21 “(iv) are under threat due to climate change
22 or may serve to mitigate the adverse effects of cli-
23 mate change, including through the storage of
24 blue carbon, and to facilitate inland migration

1 *of coastal ecosystems in response to sea level*
2 *rise.”; and*

3 *(B) in paragraph (10), by striking “tri-*
4 *ennially” and inserting “every 5 years”;*

5 *(4) in subsection (f)—*

6 *(A) in paragraph (2)(B), by inserting “for*
7 *any territory of the United States that is unable*
8 *to provide such match,” after “community,”; and*

9 *(B) in paragraph (4)—*

10 *(i) in subparagraph (A)(i), by striking*
11 *“meets the criteria set forth in section 2(b)”*
12 *and inserting “the goals set forth in sub-*
13 *section (b)”;*

14 *(ii) by striking subparagraph (B) and*
15 *redesignating subparagraph (C) as subpara-*
16 *graph (B);*

17 *(iii) in subparagraph (B) (as so reded-*
18 *ignated), by striking “described in (A)” and*
19 *inserting “described in subparagraph (A)”;*

20 *(iv) by inserting at the end the fol-*
21 *lowing new subparagraph:*

22 *“(C) The value of ecosystem services that the*
23 *acquired land provides, including as a buffer for*
24 *storm surge, habitat for economically valuable*
25 *species, and as a blue carbon sink.”;*

1 (5) *in subsection (g), by striking “15” and in-*
2 *serting “20”;*

3 (6) *in subsection (h), by striking the second sen-*
4 *tence; and*

5 (7) *in subsection (l), by striking “fiscal years*
6 *2009 through 2013” and inserting “fiscal years 2022*
7 *through 2026”.*

8 **SEC. 504. COASTAL ZONE MANAGEMENT FUND.**

9 *Section 308 of Coastal Zone Management Act of 1972*
10 *(16 U.S.C. 1456a) is amended to read as follows:*

11 **“SEC. 308. COASTAL ZONE MANAGEMENT FUND.**

12 “(a) *ESTABLISHMENT.—There is established a fund, to*
13 *be known as the ‘Coastal Zone Management Fund’, which*
14 *shall consist of fees deposited into the Fund under section*
15 *307(i)(3) and any other funds appropriated to the Fund.*

16 “(b) *GRANTS FOR POST-DISASTER RECOVERY TO SE-*
17 *VERE COASTAL FLOOD EVENTS.—*

18 “(1) *IN GENERAL.—In response to a major dis-*
19 *aster declared under the Robert T. Stafford Disaster*
20 *Relief and Emergency Assistance Act (42 U.S.C. 5121*
21 *et seq.) as a result of flood and related damages in*
22 *the coastal zone of a State, the Secretary may issue*
23 *a grant to such State for a purpose described in para-*
24 *graph (2).*

1 “(2) *ELIGIBLE USES.*—*A State may use funds*
2 *provided under this subsection to—*

3 “(A) *improve resilience to future severe*
4 *coastal flood hazards including activities and*
5 *projects related to—*

6 “(i) *publicly owned infrastructure;*

7 “(ii) *residential and commercial struc-*
8 *tures;*

9 “(iii) *natural infrastructure; or*

10 “(iv) *waste disposal sites and indus-*
11 *trial facilities;*

12 “(B) *assess damages after a major disaster*
13 *described in paragraph (1);*

14 “(C) *plan, design, or engineer a project to—*

15 “(i) *restore, expand, install, or relocate*
16 *natural infrastructure;*

17 “(ii) *remove damaged assets, restore*
18 *sites to safe conditions, and select alter-*
19 *native sites; or*

20 “(iii) *facilitate the landward migra-*
21 *tion of coastal ecosystems; or*

22 “(D) *implement a project described by sub-*
23 *paragraph (C).*

24 “(c) *GRANTS FOR SEVERE COASTAL FLOOD HAZARD*
25 *PLANNING.*—

1 “(1) *IN GENERAL.*—*The Secretary, at the request*
2 *of a Governor of a coastal State or Tribe, may use*
3 *amounts in the Fund to issue a grant to a coastal*
4 *State or Tribe for developing a plan for the timely re-*
5 *sponse to a severe coastal flood hazard.*

6 “(2) *PROPOSAL.*—*To be considered for a grant*
7 *under this section, a State or Tribe shall submit a*
8 *grant proposal to the Secretary in a time, place, and*
9 *manner determined by the Secretary. Such proposal*
10 *shall—*

11 “(A) *describe the risks that severe coastal*
12 *flood hazards pose in the State or Tribe and*
13 *goals for reducing loss of life and property and*
14 *sustaining coastal ecosystems in response to these*
15 *risks;*

16 “(B) *include consideration of related plans*
17 *including the Coastal Zone Management Plan of*
18 *the State or Tribe, the Hazard Mitigation Plan*
19 *of the State or Tribe, applicable State plans*
20 *under the Community Development Block Pro-*
21 *gram, National Estuarine Research Reserve Dis-*
22 *aster Mitigation and Response plans, and the se-*
23 *vere coastal flood hazard preparedness plans, if*
24 *any, of neighboring States;*

1 “(C) be developed in conjunction with local
2 governments in the coastal zone of the State or
3 Tribe and provided for public review and com-
4 ment on the plan, including holding a public
5 hearing and engaging disadvantaged commu-
6 nities; and

7 “(D) be substantially consistent with the
8 guidance issued under subsection (e)(1)(C).

9 “(3) CRITERIA.—In determining the amount of a
10 grant under this subsection, the Secretary shall con-
11 sider the—

12 “(A) area and population of the coastal
13 zone of the applicant State or Tribe;

14 “(B) the risks that severe coastal flood haz-
15 ards pose to the State or Tribe; and

16 “(C) the reduction of severe coastal flood
17 hazards expected as a result of the proposal.

18 “(4) LIMITATION ON AMOUNT OF FUNDS TO BE
19 AWARDED.—Grants made pursuant to this subsection
20 in any fiscal year shall not exceed 50 percent of the
21 funds in the Fund as a result of appropriations pur-
22 suant to subsection (i)(1).

23 “(d) GRANTS FOR SEVERE COASTAL FLOOD HAZARD
24 PLAN IMPLEMENTATION.—

1 “(1) *IN GENERAL.*—*The Secretary, at the Sec-*
2 *retary’s discretion or at the request of the Governor*
3 *of a State or Tribe, may use amounts in the Fund*
4 *to issue grants to a coastal State or Tribe or National*
5 *Estuarine Research Reserve with a severe coastal*
6 *flood hazard preparedness plan approved under sub-*
7 *section (c) to implement the approved plan.*

8 “(2) *ELIGIBLE ACTIVITIES.*—*Activities eligible*
9 *for funding under this subsection include—*

10 “(A) *conducting a public awareness cam-*
11 *pany to inform the public and decisionmakers*
12 *about severe coastal flood hazards;*

13 “(B) *developing, enacting, and admin-*
14 *istering a State or Tribe or local law prohibiting*
15 *new and significantly expanded development in*
16 *areas at risk of severe coastal flood hazards;*

17 “(C) *developing, enacting, and admin-*
18 *istering a State or Tribal requirement for disclo-*
19 *sure of severe coastal flood hazards, including sea*
20 *level rise, to buyers of real estate;*

21 “(D) *making grants to local governments,*
22 *or regional consortiums of local governments, to*
23 *implement the State or Tribe’s plan, including*
24 *development of local or regional plans and site-*
25 *specific plans or projects; and*

1 “(E) *planning, designing, and imple-*
2 *menting projects to—*

3 “(i) *protect existing public infrastruc-*
4 *ture and residential and commercial prop-*
5 *erties, including built structures, natural*
6 *infrastructure, and living shorelines;*

7 “(ii) *relocate infrastructure or struc-*
8 *tures at risk of damage by severe coastal*
9 *flood hazards, restore such sites to safe con-*
10 *ditions, and select alternative sites;*

11 “(iii) *remove structures damaged by*
12 *severe coastal flood hazards and restore such*
13 *site to safe conditions;*

14 “(iv) *protect waste disposal facilities*
15 *in areas at risk of severe coastal flood haz-*
16 *ards or relocate such facilities to alternative*
17 *sites; and*

18 “(v) *facilitate the landward migration*
19 *of coastal ecosystems.*

20 “(3) *CRITERIA.—Grants made pursuant to this*
21 *subsection shall be in response to an annual request*
22 *for proposals. In determining the amount of a grant,*
23 *the Secretary shall consider—*

24 “(A) *the area and population of the coastal*
25 *zone of the State or Tribe;*

1 “(B) the risks that severe coastal flood haz-
2 ards pose in the State or Tribe’s lands and the
3 reduction of coastal flood hazards expected as a
4 result of the proposal;

5 “(C) demonstration of innovative ap-
6 proaches to preparing for severe coastal flood
7 hazards; and

8 “(D) benefits to disadvantaged communities
9 identified in a plan approved under this sub-
10 section.

11 “(e) *TECHNICAL SUPPORT TO STATES OR TRIBES.*—

12 “(1) The Secretary shall take such actions as the
13 Secretary determines necessary to support States and
14 Tribes in carrying out this section, including at a
15 minimum the following:

16 “(A) Periodic assessment of storm flood risk
17 and relative sea level and lake level changes
18 along the United States coastline, including esti-
19 mates of changes in storm intensity and relative
20 sea or lake levels by 2040, 2060, 2080, and 2100.

21 “(B) Operation of an online mapping tool
22 to describe areas at risk of temporary flooding
23 from future coastal storms and permanent inun-
24 dation as a result of sea or long-term lake level
25 changes.

1 “(C) *Publication, not later than one year*
2 *after the date of the enactment of this section*
3 *and periodically thereafter, of guidance for the*
4 *development of State or Tribal plans developed*
5 *pursuant to subsection (d).*

6 “(D) *Establishment, not later than one year*
7 *after the date of the enactment of this section, of*
8 *minimum criteria for disclosure of severe coastal*
9 *flood hazards, including sea level rise, to buyers*
10 *of real estate in the coastal zone.*

11 “(E) *Creation, not later than one year after*
12 *the date of the enactment of this section, and*
13 *periodic updating, of an online dashboard de-*
14 *scribing the key features of State, Tribe, or local*
15 *government requirements for disclosure of severe*
16 *coastal flood hazards to buyers of real estate.*

17 “(F) *Establishment, not later than one year*
18 *after the date of the enactment of this section,*
19 *after consultation with the Secretary of the En-*
20 *vironmental Protection Agency, of standards for*
21 *restoration to safe conditions of sites from which*
22 *infrastructure or other structures have been relo-*
23 *cated.*

24 “(2) *The guidance developed by the Secretary*
25 *pursuant to paragraph (1)(C) shall, at a minimum—*

1 “(A) provide information States and Tribes
2 need to establish State-specific estimates of severe
3 coastal flood hazards, including more severe
4 storms and relative sea and lake levels, and
5 planning targets for such hazards for the years
6 2040, 2060, 2080, and 2100;

7 “(B) describe approaches the State and
8 Tribe should consider to prohibit new or ex-
9 panded development in areas at risk of severe
10 coastal flood hazards;

11 “(C) outline considerations for State and
12 Tribal grants to support local governments in
13 the coastal zone, or consortiums of such govern-
14 ments acting on a regional basis, in developing
15 or implementing parts of a plan pursuant to
16 subsection (d);

17 “(D) describe methods for evaluation of re-
18 sponse options including construction of struc-
19 tures to protect assets and relocation to alter-
20 native sites, including cost comparison in the
21 context of available resources, and related consid-
22 erations;

23 “(E) review options for establishing prior-
24 ities for removal of damaged or abandoned struc-
25 tures and restoration of sites to safe conditions;

1 “(F) describe social justice policies and
2 practices the State or Tribe should consider
3 adopting in carrying out the activities under
4 this section, including criteria for identifying
5 disadvantaged communities within the coastal
6 zone of the State or Tribe and the policies and
7 practices the State or Tribe should consider
8 adopting to assure that interests of such commu-
9 nities are addressed in State or Tribal plans de-
10 veloped pursuant to this section;

11 “(G) identify areas in coastal communities,
12 or other locations in the State or Tribe’s land,
13 that have minimal severe coastal flood hazards,
14 that are appropriate for relocation of people and
15 property, and can sustain the identity and cul-
16 tural heritage of relocated communities;

17 “(H) provide information and practices for
18 identifying coastal areas that are important to
19 the successful landward migration of ecosystems
20 in response to severe coastal flood hazards and
21 measures for protecting these migration path-
22 ways;

23 “(I) identify tools to identify waste disposal
24 sites and related sites that pose a risk of water
25 pollution as a result of severe coastal flood haz-

1 *ards and describe practices the State or Tribe*
2 *should consider to protect or relocate such facili-*
3 *ties or sites; and*

4 *“(J) describe opportunities to improve pub-*
5 *lic access to the shoreline as a result of improved*
6 *preparedness for severe coastal flood hazards.*

7 *“(f) ADMINISTRATION.—The Secretary may use*
8 *amounts in the Fund for expenses incident to the adminis-*
9 *tration of this section, in an amount not to exceed \$250,000*
10 *or 3 percent of the amount in the Fund, whichever is less,*
11 *for each fiscal year.*

12 *“(g) REPORT TO CONGRESS.—The Secretary shall, not*
13 *later than three years after the date of the enactment of*
14 *this section and every 3 years thereafter, submit to the Com-*
15 *mittee on Natural Resources of the House of Representatives*
16 *and the Committee on Commerce, Science, and Transpor-*
17 *tation of the Senate a report describing the development of*
18 *plans and projects under this section, changes in severe*
19 *coastal flood hazards, including changes to risks to dis-*
20 *advantaged communities, and making recommendations to*
21 *better respond to these challenges.*

22 *“(h) DEFINITIONS.—In this section, the following defi-*
23 *nitions apply:*

24 *“(1) SEVERE COASTAL FLOOD HAZARDS.—The*
25 *term ‘severe coastal flood hazards’ means—*

1 “(A) temporary flooding resulting from
2 coastal storms and storm surge, tsunamis, and
3 changing lake levels; and

4 “(B) permanent inundation from rising sea
5 levels and land subsidence, including landward
6 migration of shorelines impacting residential
7 and commercial property, infrastructure, and
8 ecosystems.

9 “(2) *NATURAL INFRASTRUCTURE*.—The term
10 ‘natural infrastructure’ means coastal wetlands,
11 beaches, dunes, marshes, mangrove forests, oyster beds,
12 submerged aquatic vegetation, coral reefs, municipal
13 green infrastructure, and living shorelines.

14 “(3) *PUBLICLY OWNED INFRASTRUCTURE*.—The
15 term ‘publicly owned infrastructure’ means buildings,
16 structures, and facilities and appurtenances of drink-
17 ing water, sewage treatment, natural gas, or electric
18 power utilities owned by a municipal, county, or
19 State government or a combination of such govern-
20 ments.

21 “(4) *WASTE DISPOSAL SITE*.—The term ‘waste
22 disposal site’ means a publicly or privately owned
23 solid waste landfill or disposal site, a hazardous
24 waste landfill or disposal site, a site included on the
25 National Priorities List developed under the Com-

1 *prehensive Environmental Response, Compensation,*
2 *and Liability Act of 1980 (42 U.S.C. 9601), and a*
3 *site used for the disposal of coal combustion residuals*
4 *from a coal fired plant that has been identified in a*
5 *plan approved under subsection (d).*

6 “(5) *DISADVANTAGED COMMUNITIES.*—*The term*
7 *‘disadvantaged communities’ means areas of the*
8 *coastal State identified in a plan approved under*
9 *subsection (d) which disproportionately suffer from a*
10 *combination of economic, health, and environmental*
11 *burdens including poverty, high unemployment, air*
12 *and water pollution, presence of hazardous wastes as*
13 *well as high incidence of asthma and heart disease.*

14 “(6) *LIVING SHORELINE.*—*The term ‘living*
15 *shoreline’ means a protected, stabilized coastal edge*
16 *made of natural materials such as plants designed to*
17 *provide wildlife habitat, as well as natural resilience*
18 *to shorelines.*

19 “(7) *MUNICIPAL GREEN INFRASTRUCTURE.*—*The*
20 *term ‘municipal green infrastructure’ has the mean-*
21 *ing given the term ‘green infrastructure’ in para-*
22 *graph (27) of section 1362 of title 33, United States*
23 *Code.*

24 “(8) *SAFE CONDITIONS.*—*The term ‘safe condi-*
25 *tions’ refers to standards for restoration of sites from*

1 *which infrastructure or structures are relocated estab-*
2 *lished by the Secretary pursuant to subsection*
3 *(f)(1)(F) are protective of human health and the envi-*
4 *ronment.*

5 *“(i) AUTHORIZATION OF APPROPRIATIONS.—*

6 *“(1) IN GENERAL.—There is authorized to be ap-*
7 *propriated into the Fund for use by the Secretary*
8 *\$100,000,000 for each of fiscal years 2022 through*
9 *2026, which shall remain available until expended*
10 *without fiscal year limitation.*

11 *“(2) DISASTER RELIEF.—There is authorized to*
12 *be appropriated into the Fund for use by the Sec-*
13 *retary to respond to a major disaster declared under*
14 *the Robert T. Stafford Disaster Relief and Emergency*
15 *Assistance Act (42 U.S.C. 5121 et seq.) such sums as*
16 *may be necessary. Funds appropriated pursuant to*
17 *this paragraph may only be used to make grants to*
18 *the State or States in which the major disaster oc-*
19 *curred and shall remain available until expended*
20 *without fiscal year limitation.”.*

21 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

22 *Section 318(a) of the Coastal Zone Management Act*
23 *of 1972 (16 U.S.C. 1464) is amended to read as follows:*

1 “(a) *SUMS APPROPRIATED TO THE SECRETARY.*—
2 *There are authorized to be appropriated to the Secretary,*
3 *to remain available until expended—*

4 “(1) *for grants under sections 306, 306A, and*
5 *309, \$95,000,000 for each of fiscal years 2022 through*
6 *2026; and*

7 “(2) *for grants under section 315, \$37,000,000*
8 *for each of fiscal years 2022 through 2026.”.*

9 **SEC. 506. AMENDMENTS TO NATIONAL ESTUARINE RE-**
10 **SEARCH RESERVE SYSTEM PROGRAM.**

11 “(a) *DESIGNATION OF ADDITIONAL RESERVES.*—*Not*
12 *later than five years after the date of the enactment of this*
13 *Act, the Administrator shall designate not less than 5 new*
14 *national estuarine reserves under section 315 of the Coastal*
15 *Zone Management Act of 1972 (16 U.S.C. 1461) that ensure*
16 *the National Estuarine Research Reserve System includes*
17 *areas in—*

18 “(1) *full representation of biogeographic regions,*
19 *States, and Territories; and*

20 “(2) *each coastal State or Territory (as that term*
21 *is defined in that Act).*

22 “(b) *GUIDELINES FOR TRACKING AND MODELING THE*
23 *IMPACTS OF CLIMATE CHANGE.*—*Section 315(c) of the*
24 *Coastal Zone Management Act of 1972 (16 U.S.C. 1461(c))*
25 *is amended—*

1 (1) by redesignating paragraphs (3) through (5)
2 as paragraphs (4) through (6); and

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) the establishment of coordinated long-term
6 data monitoring and methods throughout the System
7 for tracking and modeling the impacts of climate
8 change on estuarine systems, including impacts on
9 lake levels and sea levels;”.

10 (c) *LAND ACQUISITION AND CONSTRUCTION.*—Section
11 315 of the Coastal Zone Management Act of 1972 (16
12 U.S.C. 1461) is amended by striking subsection (g) and
13 adding at the end the following:

14 “(g) *LAND ACQUISITION AND CONSTRUCTION.*—The
15 Secretary may use funds authorized under section 318 for
16 land acquisition and the construction and renovations of
17 facilities required to meet delivery of System programs and
18 services, or to meet changing needs of program under this
19 title. Such construction shall incorporate green design prin-
20 ciples, materials, energy efficiency, and adaptive reuse
21 strategies, and the development of innovative coastal tech-
22 nology and management strategies that enhance resilience
23 of System facilities and lands.

24 “(h) *REQUIREMENTS FOR USE OF FUNDS.*—In using
25 funds under subsection (g), the Secretary shall—

1 “(1) provide science-based information and tech-
2 nical assistance to coastal stakeholders and decision-
3 makers;

4 “(2) leverage the capabilities of nationwide pro-
5 tected area networks to address challenging coastal
6 management issues such as climate change and vul-
7 nerability of coastal ecosystems and communities to
8 coastal hazards;

9 “(3) serve as living laboratories and preferred
10 places for National Oceanic and Atmospheric Admin-
11 istration research and fellowships on coastal and estu-
12 arine systems;

13 “(4) serve as critical sentinel sites for detecting
14 environmental change and developing and dem-
15 onstrating adaptation and mitigation strategies;

16 “(5) identify priority places for land acquisition,
17 especially those lands required to enhance resilience to
18 environmental change; and

19 “(6) engage coastal communities, stakeholders,
20 and the public in education programs to increase sci-
21 entific literacy of coastal environments, and to de-
22 velop and train capable environmental stewards.

23 “(i) SYSTEMWIDE ELEMENTS OF THE NATIONAL ES-
24 TUARINE RESEARCH RESERVE SYSTEM.—The Secretary

1 *shall coordinate systemwide programs and activities in the*
2 *System including—*

3 “(1) *the centralized management and dissemina-*
4 *tion of data from System observation and monitoring*
5 *networks;*

6 “(2) *a competitive grant program employing the*
7 *collaborative research model on coastal research and*
8 *management priorities to be conducted at research re-*
9 *serve sites focused on the priorities determined by the*
10 *Secretary; and*

11 “(3) *the Margaret A. Davidson Graduate Re-*
12 *search Fellowship Program to address key coastal*
13 *management questions and the coastal research and*
14 *management priorities of the Reserve System and its*
15 *place-based sites to help scientists and communities*
16 *understand the coastal challenges that may influence*
17 *future policy and management strategies.*

18 “(j) *PLACE-BASED PROGRAM ELEMENTS OF THE NA-*
19 *TIONAL ESTUARINE RESEARCH RESERVE SYSTEM.—Each*
20 *National Estuarine Research Reserve shall establish and*
21 *maintain place-based program elements that include—*

22 “(1) *a research, monitoring, and observation net-*
23 *work that detects environmental change and informs*
24 *suitable adaptation and mitigation strategies where*

1 *appropriate, and that supports systemwide activities*
2 *stated in subsection (e);*

3 “(2) *education, outreach, and interpretive pro-*
4 *grams that communicate the value and changing dy-*
5 *namics of coastal systems and inspire behavior*
6 *change for the next generation of estuarine stewards;*

7 “(3) *stewardship programs that provide science-*
8 *based tools, habitat management, and restoration and*
9 *that provide resources and information to inform*
10 *coastal management;*

11 “(4) *coastal training programs that provide tech-*
12 *nical assistance to coastal communities, resource*
13 *managers, and coastal decisionmakers; and*

14 “(5) *the lands and facilities that support such*
15 *accessible research, monitoring, stewardship, edu-*
16 *cation, and coastal training activities.*

17 “(k) *DEFINITIONS.—In this section, the following defi-*
18 *nitions apply:*

19 “(1) *COLLABORATIVE RESEARCH.—The term*
20 *‘collaborative research’ means the engagement of local*
21 *decisionmakers and stakeholders directly in the re-*
22 *search process so that their knowledge and needs will*
23 *inform research questions, data analysis, and use of*
24 *the products generated by the research.*

1 “(2) *SENTINEL SITE*.—The term ‘sentinel site’
2 *means a site with long-term research and monitoring*
3 *capability to detect, document, and respond to emerg-*
4 *ing environmental changes that impact natural and*
5 *human systems.”.*

6 **SEC. 507. WORKING WATERFRONTS GRANT PROGRAM.**

7 *The Coastal Zone Management Act of 1972 (16 U.S.C.*
8 *1451 et seq.) is amended by adding at the end the following:*

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

10 “(a) *WORKING WATERFRONTS TASK FORCE*.—

11 “(1) *ESTABLISHMENT AND FUNCTIONS*.—*The*
12 *Secretary shall establish a task force to work directly*
13 *with coastal States, user groups, and coastal stake-*
14 *holders to identify and address critical needs with re-*
15 *spect to working waterfronts.*

16 “(2) *MEMBERSHIP*.—*The members of the task*
17 *force shall be appointed by the Secretary, and shall*
18 *include—*

19 “(A) *experts in the unique economic, social,*
20 *cultural, ecological, geographic, and resource*
21 *concerns of working waterfronts; and*

22 “(B) *representatives from the National Oce-*
23 *anic and Atmospheric Administration’s Office of*
24 *Coastal Management, the United States Fish and*
25 *Wildlife Service, the Department of Agriculture,*

1 *the Environmental Protection Agency, the*
2 *United States Geological Survey, the Navy, the*
3 *National Marine Fisheries Service, the Economic*
4 *Development Administration, and such other*
5 *Federal agencies as the Secretary considers ap-*
6 *propriate.*

7 “(3) *FUNCTIONS.—The task force shall—*

8 “(A) *identify and prioritize critical needs*
9 *with respect to working waterfronts in States*
10 *that have a management program approved by*
11 *the Secretary pursuant to section 306, in the*
12 *areas of—*

13 “(i) *economic and cultural importance*
14 *of working waterfronts to communities;*

15 “(ii) *changing environments and*
16 *threats working waterfronts face from envi-*
17 *ronmental changes, trade barriers, sea level*
18 *rise, extreme weather events, ocean acidifi-*
19 *cation, and harmful algal blooms; and*

20 “(iii) *identifying working waterfronts*
21 *and highlighting them within communities;*

22 “(B) *outline options, in coordination with*
23 *coastal States and local stakeholders, to address*
24 *such critical needs, including adaptation and*
25 *mitigation where applicable;*

1 “(C) identify Federal agencies that are re-
2 sponsible for addressing such critical needs; and

3 “(D) recommend Federal agencies best suit-
4 ed to address any critical needs for which no
5 agency is responsible under existing law.

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

12 “(5) REPORT.—Not later than 18 months after
13 the date of the enactment of this section, the task force
14 shall submit a report to Congress on its findings.

15 “(6) IMPLEMENTATION.—The head of each Fed-
16 eral agency identified in the report pursuant to para-
17 graph (3)(C) shall take such action as is necessary to
18 implement the recommendations contained in the re-
19 port by not later than one year after the date of
20 issuance of the report.

21 “(b) WORKING WATERFRONTS GRANT PROGRAM.—

22 “(1) ESTABLISHMENT.—The Secretary shall es-
23 tablish a Working Waterfront Grant Program, in co-
24 operation with appropriate State, regional, and other
25 units of government, under which the Secretary may

1 *make a grant to any coastal State for the purpose of*
2 *implementing a working waterfronts plan approved*
3 *by the Secretary under subsection (c).*

4 “(2) GRANTS.—*The Secretary shall award*
5 *matching grants under the Working Waterfronts*
6 *Grant Program to coastal States with approved work-*
7 *ing waterfronts plans through a regionally equitable,*
8 *competitive funding process in accordance with the*
9 *following:*

10 “(A) *The Governor, or an agency designated*
11 *by the Governor for coordinating the implemen-*
12 *tation of this section, in consultation with any*
13 *appropriate local government, shall determine*
14 *that the application is consistent with the State’s*
15 *or territory’s approved coastal zone plan, pro-*
16 *gram, and policies prior to submission to the*
17 *Secretary.*

18 “(B) *In developing guidelines under this*
19 *section, the Secretary shall consult with coastal*
20 *States, other Federal agencies, and other inter-*
21 *ested stakeholders with expertise in working wa-*
22 *terfronts planning.*

23 “(C) *Coastal States may allocate grants to*
24 *local governments, agencies, or nongovernmental*

1 *organizations eligible for assistance under this*
2 *section.*

3 “(3) *CONSIDERATIONS.—In awarding a grant to*
4 *a coastal State, the Secretary shall consider—*

5 “(A) *the economic, cultural, and historical*
6 *significance of working waterfronts to the coastal*
7 *State;*

8 “(B) *the demonstrated working waterfronts*
9 *needs of the coastal State as outlined by a work-*
10 *ing waterfronts plan approved for the coastal*
11 *State under subsection (c), and the value of the*
12 *proposed project for the implementation of such*
13 *plan;*

14 “(C) *the ability to leverage funds among*
15 *participating entities, including Federal agen-*
16 *cies, regional organizations, State and other gov-*
17 *ernment units, landowners, corporations, or pri-*
18 *vate organizations;*

19 “(D) *the potential for rapid turnover in the*
20 *ownership of working waterfronts in the coastal*
21 *State, and where applicable the need for coastal*
22 *States to respond quickly when properties in ex-*
23 *isting or potential working waterfronts areas or*
24 *public access areas as identified in the working*

1 *waterfronts plan submitted by the coastal State*
2 *come under threat or become available; and*

3 “(E) *the impact of the working waterfronts*
4 *plan approved for the coastal State under sub-*
5 *section (c) on the coastal ecosystem and the users*
6 *of the coastal ecosystem.*

7 “(4) *TIMELINE FOR APPROVAL.—The Secretary*
8 *shall approve or reject an application for such a*
9 *grant not later than 60 days after receiving an appli-*
10 *cation for the grant.*

11 “(c) *WORKING WATERFRONTS PLANS.—*

12 “(1) *DEVELOPMENT AND SUBMISSION OF*
13 *PLAN.—To be eligible for a grant under subsection*
14 *(b), a coastal State shall submit to the Secretary a*
15 *comprehensive working waterfronts plan in accord-*
16 *ance with this subsection, or be in the process of de-*
17 *veloping such a plan and have an established working*
18 *waterfronts program at the State or local level.*

19 “(2) *PLAN REQUIREMENTS.—Such plan—*

20 “(A) *shall provide for preservation and ex-*
21 *pansion of access to coastal waters to persons en-*
22 *gaged in commercial fishing, marine recreational*
23 *and tourism businesses, aquaculture,*
24 *boatbuilding, or other water-dependent, coastal-*
25 *related business;*

1 “(B) shall include—

2 “(i) an assessment of the economic, so-
3 cial, cultural, and historic value of working
4 waterfronts to the coastal State;

5 “(ii) a description of relevant State
6 and local laws and regulations affecting
7 working waterfronts in the geographic areas
8 identified in the working waterfronts plan;

9 “(iii) identification of geographic areas
10 where working waterfronts are currently
11 under threat of conversion to uses incompat-
12 ible with commercial and recreational fish-
13 ing, recreational fishing and boating busi-
14 nesses, other marine recreational and tour-
15 ism businesses, aquaculture, boatbuilding,
16 or other water-dependent, coastal-related
17 business, and the level of that threat;

18 “(iv) identification of geographic areas
19 with a historic connection to working wa-
20 terfronts where working waterfronts are not
21 currently available, and, where appropriate,
22 an assessment of the environmental impacts
23 of any expansion or new development of
24 working waterfronts on the coastal eco-
25 system;

1 “(v) *identification of other working*
2 *waterfronts needs including improvements*
3 *to existing working waterfronts and work-*
4 *ing waterfronts areas;*

5 “(vi) *a strategic and prioritized plan*
6 *for the preservation, expansion, and im-*
7 *provement of working waterfronts in the*
8 *coastal State;*

9 “(vii) *for areas identified under*
10 *clauses (iii), (iv), (v), and (vi), identifica-*
11 *tion of current availability and potential*
12 *for expansion of public access to coastal*
13 *waters;*

14 “(viii) *a description of the degree of*
15 *community support for such strategic plan;*
16 *and*

17 “(ix) *a contingency plan for properties*
18 *that revert to the coastal State pursuant to*
19 *determinations made by the coastal State*
20 *under subsection (g)(4)(C);*

21 “(C) *may include detailed descriptions of*
22 *environmental impacts on working waterfronts,*
23 *including hazards, sea level rise, inundation ex-*
24 *posure, and other resiliency issues;*

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

3 “(E) shall utilize to the maximum extent
4 practicable existing information contained in
5 relevant surveys, plans, or other strategies to ful-
6 fill the information requirements under this
7 paragraph; and

8 “(F) shall incorporate the policies and regu-
9 lations adopted by communities under local
10 working waterfronts plans or strategies in exist-
11 ence before the date of the enactment of this sec-
12 tion.

13 “(3) A working waterfront plan—

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

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

19 “(C) shall be complimentary to and incor-
20 porate the policies and objectives of regional or
21 local working waterfronts plan as in effect before
22 the date of the enactment of this section or as
23 subsequently revised.

24 “(4) The Secretary may—

1 “(A) award planning grants to coastal
2 States for the purpose of developing or revising
3 comprehensive working waterfronts plan;

4 “(B) award grants consistent with the pur-
5 poses of this section to States undertaking the
6 working waterfronts planning process under this
7 section, for the purpose of preserving and pro-
8 tecting working waterfronts during such process;
9 and

10 “(C) determine that a preexisting coastal
11 land use plan for that State is in accordance
12 with the requirements of this subsection.

13 “(5) Any coastal State applying for a working
14 waterfronts grant under this title shall—

15 “(A) develop a working waterfronts plan,
16 using a process that involves the public and those
17 with an interest in the coastal zone;

18 “(B) coordinate development and implemen-
19 tation of such a plan with other coastal manage-
20 ment programs, regulations, and activities of the
21 coastal State; and

22 “(C) if the coastal State allows qualified
23 holders (other than the coastal State) to enter
24 into working waterfronts covenants, provide as
25 part of the working waterfronts plan under this

1 *subsection a procedure to ensure that the quali-*
2 *fied holders are fulfilling such qualified holder's*
3 *obligations under the working waterfronts cov-*
4 *enant.*

5 *“(d) USES, TERMS, AND CONDITIONS.—A grant under*
6 *this section may be used—*

7 *“(1) to acquire a working waterfronts, or an in-*
8 *terest in a working waterfront;*

9 *“(2) to make improvements to a working water-*
10 *fronts, including the construction or repair of wharfs,*
11 *boat ramps, or related facilities; or*

12 *“(3) for necessary climate change adaptation or*
13 *mitigation.*

14 *“(e) PUBLIC ACCESS REQUIREMENT.—A working wa-*
15 *terfronts project funded by grants made under this section*
16 *must provide for expansion, improvement, or preservation*
17 *of reasonable and appropriate public access to coastal*
18 *waters at or in the vicinity of a working waterfront, except*
19 *for commercial fishing or other industrial access points*
20 *where the coastal State determines that public access would*
21 *be unsafe.*

22 *“(f) LIMITATIONS.—*

23 *“(1) Except as provided in paragraph (2), a*
24 *grant awarded under this section may be used to pur-*
25 *chase working waterfronts or an interest in working*

1 *waterfronts, including an easement, only from a will-*
2 *ing seller and at fair market value.*

3 *“(2) A grant awarded under this section may be*
4 *used to acquire working waterfronts or an interest in*
5 *working waterfronts at less than fair market value*
6 *only if the owner certifies to the Secretary that the*
7 *sale is being entered into willingly and without coer-*
8 *cion.*

9 *“(3) No Federal, State, or local entity may exer-*
10 *cise the power of eminent domain to secure title to*
11 *any property or facilities in connection with a project*
12 *carried out under this section.*

13 *“(g) ALLOCATION OF GRANTS TO LOCAL GOVERN-*
14 *MENTS AND OTHER ENTITIES.—*

15 *“(1) DESIGNATION OF QUALIFIED HOLDER.—*
16 *Subject to the approval of the Secretary, a coastal*
17 *State may, as part of an approved working water-*
18 *front plan, designate as a qualified holder any unit*
19 *of State or local government or nongovernmental or-*
20 *ganization, if the coastal State is ultimately respon-*
21 *sible for ensuring that the property will be managed*
22 *in a manner that is consistent with the purposes for*
23 *which the land entered into the program.*

24 *“(2) ALLOCATION.—A coastal State or a quali-*
25 *fied holder designated by a coastal State may allocate*

1 to a unit of local government, nongovernmental orga-
2 nization, fishing cooperative, or other entity, a por-
3 tion of any grant made under this section for the pur-
4 pose of carrying out this section, except that such an
5 allocation shall not relieve the coastal State of the re-
6 sponsibility for ensuring that any funds so allocated
7 are applied in furtherance of the coastal State's ap-
8 proved working waterfronts plan.

9 “(3) *EXCEPTIONS.*—A qualified holder may hold
10 title to or interest in property acquired under this
11 section, except that—

12 “(A) all persons holding title to or interest
13 in working waterfronts affected by a grant under
14 this section shall enter into a working water-
15 fronts covenant;

16 “(B) such covenant shall be held by the
17 coastal State or a qualified holder designated
18 under paragraph (1);

19 “(C) if the coastal State determines, on the
20 record after an opportunity for a hearing, that
21 the working waterfronts covenant has been vio-
22 lated—

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

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

2 and

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

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

11 “(h) MATCHING CONTRIBUTIONS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), the Secretary shall require that each coast-
14 al State that receives a grant under this section, or
15 a qualified holder designated by that coastal State
16 under subsection (g), shall provide matching funds in
17 an amount equal to at least 25 percent of the total
18 cost of the project carried out with the grant. As a
19 condition of receipt of a grant under this section, the
20 Secretary shall require that a coastal State provide to
21 the Secretary such assurances as the Secretary deter-
22 mines are sufficient to demonstrate that the share of
23 the cost of each eligible project that is not funded by
24 the grant awarded under this section has been se-
25 cured.

1 “(2) *WAIVER.*—*The Secretary may waive the ap-*
2 *plication of paragraph (1) for any qualified holder*
3 *that is an underserved community, a community that*
4 *has an inability to draw on other sources of funding*
5 *because of the small population or low income of the*
6 *community, or for other reasons the Secretary con-*
7 *siders appropriate.*

8 “(3) *IN-KIND CONTRIBUTIONS.*—*A local commu-*
9 *nity designated as a qualified holder under subsection*
10 *(g) may use funds or other in-kind contributions do-*
11 *nated by a nongovernmental partner to satisfy the*
12 *matching funds requirement under this subsection.*

13 “(4) *FUNDING FROM OTHER FEDERAL*
14 *SOURCE.*—*If financial assistance under this section*
15 *represents only a portion of the total cost of a project,*
16 *funding from other Federal sources may be applied to*
17 *the cost of the project.*

18 “(5) *VALUE OF A WORKING WATERFRONT.*—*The*
19 *Secretary shall treat as non-Federal match the value*
20 *of a working waterfront or interest in a working wa-*
21 *terfront, including conservation and other easements,*
22 *that is held in perpetuity by a qualified holder, if the*
23 *working waterfront or interest is identified in the ap-*
24 *plication for the grant and acquired by the qualified*
25 *holder not later than three years of the grant award*

1 *date, or not later than three years after the submis-*
2 *sion of the application and before the end of the grant*
3 *award period. Such value shall be determined by an*
4 *appraisal performed at such time before the award of*
5 *the grant as the Secretary considers appropriate.*

6 *“(6) OTHER CONSIDERATIONS.—The Secretary*
7 *shall treat as non-Federal match the costs associated*
8 *with acquisition of a working waterfront or an inter-*
9 *est in a working waterfront, and the costs of restora-*
10 *tion, enhancement, or other improvement to a work-*
11 *ing waterfront, if the activities are identified in the*
12 *project application and the costs are incurred within*
13 *the period of the grant award, or, for working water-*
14 *front described in paragraph (6), within the same*
15 *time limits described in that paragraph. Such costs*
16 *may include either cash or in-kind contributions.*

17 *“(i) LIMIT ON ADMINISTRATIVE COSTS.—No more*
18 *than 5 percent of the funds made available to the Secretary*
19 *under this section may be used by the Secretary for plan-*
20 *ning or administration of the program under this section.*

21 *“(j) OTHER TECHNICAL AND FINANCIAL ASSIST-*
22 *ANCE.—*

23 *“(1) Up to 5 percent of the funds appropriated*
24 *under this section shall be used by the Secretary for*

1 *purposes of providing technical assistance as de-*
2 *scribed in this subsection.*

3 “(2) *The Secretary shall—*

4 “(A) *provide technical assistance to coastal*
5 *States and local governments in identifying and*
6 *obtaining other sources of available Federal tech-*
7 *nical and financial assistance for the develop-*
8 *ment and revision of a working waterfronts plan*
9 *and the implementation of an approved working*
10 *waterfronts plan;*

11 “(B) *provide technical assistance to States*
12 *and local governments for the development, im-*
13 *plementation, and revision of comprehensive*
14 *working waterfronts plans, which may include,*
15 *subject to the availability of appropriations,*
16 *planning grants and assistance, pilot projects,*
17 *feasibility studies, research, and other projects*
18 *necessary to further the purposes of this section;*

19 “(C) *assist States in developing other tools*
20 *to protect working waterfronts;*

21 “(D) *collect and disseminate to States guid-*
22 *ance for best stormwater management practices*
23 *in regards to working waterfronts;*

24 “(E) *provide technical assistance to States*
25 *and local governments on integrating resilience*

1 *planning into working waterfronts preservation*
2 *efforts; and*

3 “(F) *collect and disseminate best practices*
4 *on working waterfronts and resilience planning.*

5 “(k) *REPORTS.—*

6 “(1) *The Secretary shall—*

7 “(A) *develop performance measures to*
8 *evaluate and report on the effectiveness of the*
9 *program under this section in accomplishing the*
10 *purpose of this section; and*

11 “(B) *submit to Congress a biennial report*
12 *that includes such evaluations, an account of all*
13 *expenditures, and descriptions of all projects car-*
14 *ried out using grants awarded under this sec-*
15 *tion.*

16 “(2) *The Secretary may submit the biennial re-*
17 *port under paragraph (1)(B) by including it in the*
18 *biennial report required under section 316.*

19 “(l) *DEFINITIONS.—In this section, the following defi-*
20 *initions apply:*

21 “(1) *QUALIFIED HOLDER.—The term ‘qualified*
22 *holder’ means a coastal State or a unit of local or*
23 *coastal State government or a non-State organization*
24 *designated by a coastal State under subsection (g).*

1 “(2) *WORKING WATERFRONT.*—*The term ‘work-*
2 *ing waterfront’ means real property (including sup-*
3 *port structures over water and other facilities) that*
4 *provides access to coastal waters to persons engaged*
5 *in commercial and recreational fishing, recreational*
6 *fishing and boating businesses, other marine rec-*
7 *reational and tourism businesses, boatbuilding, aqua-*
8 *culture, or other water-dependent, coastal-related*
9 *business and is used for, or that supports, commercial*
10 *and recreational fishing, recreational fishing and*
11 *boating businesses, boatbuilding, other marine rec-*
12 *reational and tourism businesses, aquaculture, or*
13 *other water-dependent, coastal-related business.*

14 “(3) *WORKING WATERFRONT COVENANT.*—*The*
15 *term ‘working waterfront covenant’ means an agree-*
16 *ment in recordable form between the owner of working*
17 *waterfront and one or more qualified holders, that*
18 *provides such assurances as the Secretary may re-*
19 *quire that—*

20 “(A) *the title to or interest in the working*
21 *waterfront will be held by a grant recipient or*
22 *qualified holder in perpetuity, except as provided*
23 *in subparagraph (C);*

24 “(B) *the working waterfront will be man-*
25 *aged in a manner that is consistent with the*

1 *purposes for which the property is acquired pur-*
2 *suant to this section, and the property will not*
3 *be converted to any use that is inconsistent with*
4 *the purpose of this section;*

5 “(C) *if the title to or interest in the working*
6 *waterfront is sold or otherwise exchanged—*

7 “(i) *all working waterfront owners and*
8 *qualified holders involved in such sale or ex-*
9 *change shall accede to such agreement; and*

10 “(ii) *funds equal to the fair market*
11 *value of the working waterfront or interest*
12 *in working waterfront shall be paid to the*
13 *Secretary by parties to the sale or exchange,*
14 *and such funds shall, at the discretion of the*
15 *Secretary, be paid to the coastal State in*
16 *which the working waterfront is located for*
17 *use in the implementation of the working*
18 *waterfront plan of the State approved by*
19 *the Secretary under this section; and*

20 “(D) *such covenant is subject to enforcement*
21 *and oversight by the coastal State or by another*
22 *person as determined appropriate by the Sec-*
23 *retary.*

24 “(m) *AUTHORIZATION OF APPROPRIATIONS.—There is*
25 *authorized to be appropriated to the Secretary \$12,000,000*

1 *for each of fiscal years 2022 through 2026 to carry out this*
2 *section.”.*

3 **TITLE VI—INSULAR AFFAIRS**

4 **SEC. 601. DEFINITIONS.**

5 *In this title, the following definitions apply:*

6 (1) *FREELY ASSOCIATED STATES.*—*The term*
7 *“Freely Associated States” means the Republic of the*
8 *Marshall Islands, the Federated States of Micronesia,*
9 *and the Republic of Palau.*

10 (2) *TERRITORY.*—*The term “Territory” means*
11 *American Samoa, the Commonwealth of the Northern*
12 *Mariana Islands, Guam, Puerto Rico, or the Virgin*
13 *Islands of the United States.*

14 (3) *INSULAR AREAS.*—*The term “Insular Areas”*
15 *means the Territories and the Freely Associated*
16 *States.*

17 **SEC. 602. INSULAR AREA CLIMATE CHANGE INTERAGENCY** 18 **TASK FORCE.**

19 (a) *ESTABLISHMENT OF TASK FORCE.*—*Not later than*
20 *90 days after the date of the enactment of this Act, the fol-*
21 *lowing shall jointly establish the “Insular Area Climate*
22 *Change Interagency Task Force” (hereafter in this section*
23 *referred to as the “Task Force”):*

24 (1) *The Secretary of the Interior.*

25 (2) *The Secretary of Energy.*

1 (3) *The Secretary of State.*

2 (4) *The Secretary of Housing and Urban Devel-*
3 *opment.*

4 (5) *The Secretary of Agriculture.*

5 (6) *The Secretary of Commerce.*

6 (7) *The Secretary of the Federal Emergency*
7 *Management Agency.*

8 (8) *The Secretary of the Environmental Protec-*
9 *tion Agency.*

10 (b) *CHAIRPERSON.—The Task Force shall be chaired*
11 *by the Administrator of the Federal Emergency Manage-*
12 *ment Agency.*

13 (c) *DUTIES.—The Task Force shall—*

14 (1) *evaluate all Federal programs regarding*
15 *ways to provide greater access to Federal programs*
16 *and equitable baseline funding in relation to States,*
17 *to territories for climate change planning, mitigation,*
18 *adaptation, and resilience;*

19 (2) *identify statutory barriers to providing terri-*
20 *tories greater access to Federal programs and equi-*
21 *table baseline funding; and*

22 (3) *in consultation with local governments and*
23 *nongovernmental organizations, provide recommenda-*
24 *tions related to climate change in Insular Areas.*

1 (d) *COMPREHENSIVE REPORT.*—Not later than one
2 year after the establishment of the Task Force, the Task
3 Force, in consultation with Insular Areas governments,
4 shall issue a comprehensive report that—

5 (1) identifies Federal programs that have an im-
6 pact on climate change planning, mitigation, adapta-
7 tion, and resilience, but exclude territories in regard
8 to eligibility, funding, and assistance, or do not pro-
9 vide equitable baseline funding in relation to States;
10 and

11 (2) provides advice and recommendations related
12 to climate change in Insular Areas, such as new sug-
13 gested Federal programs or initiatives.

14 (e) *PUBLICATION; PUBLIC AVAILABILITY.*—The Ad-
15 ministrator of the Federal Emergency Management Agency
16 shall ensure that the report required under subsection (d)
17 is—

18 (1) submitted to the Committees on Energy and
19 Commerce and Natural Resources of the House of
20 Representatives, and Energy and Natural Resources
21 of the Senate;

22 (2) published in the Federal Register for public
23 comment for a period of at least 60 days; and

1 (3) *made available on a public website along*
2 *with any comments received during the public com-*
3 *ment period required under paragraph (2).*

4 **SEC. 603. RUNIT DOME REPORT AND MONITORING ACTIVI-**
5 **TIES.**

6 (a) *IN GENERAL.—Not later than one year after the*
7 *date of the enactment of this Act, the Secretary of the Inte-*
8 *rior shall submit to the Committees on Natural Resources*
9 *and Energy and Commerce of the House of Representatives,*
10 *and to the Committee on Energy and Natural Resources*
11 *of the Senate, a report, prepared by independent experts*
12 *not employed by the United States Government, on the im-*
13 *pacts of climate change on the “Runit Dome” nuclear waste*
14 *disposal site in Enewetak Atoll, Marshall Islands, and on*
15 *other environmental hazards in the vicinity thereof. The re-*
16 *port shall include the following:*

17 (1) *A detailed scientific analysis of any threats*
18 *to the environment, and to the health and safety of*
19 *Enewetak Atoll residents, posed by each of the fol-*
20 *lowing:*

21 (A) *The “Runit Dome” nuclear waste dis-*
22 *posal site.*

23 (B) *Crypts used to contain nuclear waste*
24 *and other toxins on Enewetak Atoll.*

1 (C) Radionuclides and other toxins present
2 in the lagoon of Enewetak Atoll, including areas
3 in the lagoon where nuclear waste was dumped.

4 (D) Radionuclides and other toxins, includ-
5 ing beryllium, which may be present on the is-
6 lands of Enewetak Atoll as a result of nuclear
7 tests and other activities of the United States
8 government, including tests of chemical and bio-
9 logical warfare agents, rocket tests, contaminated
10 aircraft landing on Enewetak Island, and nu-
11 clear cleanup activities.

12 (E) Radionuclides and other toxins that
13 may be present in the drinking water on
14 Enewetak Island or in the water source for the
15 desalination plant.

16 (F) Radionuclides and other toxins that
17 may be present in the ground water under and
18 in the vicinity of the nuclear waste disposal fa-
19 cility on Runit Island.

20 (2) A detailed scientific analysis of the extent to
21 which rising sea levels, severe weather events, and
22 other effects of climate change might exacerbate any
23 of the threats identified above.

1 (3) *A detailed plan, including costs, to relocate*
2 *all of the nuclear waste and other toxic waste con-*
3 *tained in—*

4 (A) *the “Runit Dome” nuclear waste dis-*
5 *posal site;*

6 (B) *all of the crypts on Enewetak Atoll con-*
7 *taining such waste; and*

8 (C) *the three dumping areas in Enewetak’s*
9 *lagoon to a safe, secure facility to be constructed*
10 *in an uninhabited, unincorporated territory of*
11 *the United States.*

12 (b) *MARSHALLESE PARTICIPATION.—The Secretary of*
13 *the Interior shall allow scientists or other experts selected*
14 *by the Republic of the Marshall Islands to participate in*
15 *all aspects of the preparation of the report required by sub-*
16 *section (a), including, without limitation, developing the*
17 *work plan, identifying questions, conducting research, and*
18 *collecting and interpreting data.*

19 (c) *PUBLICATION.—The report required in subsection*
20 *(a) shall be published in the Federal Register for public*
21 *comment for a period of not fewer than 60 days.*

22 (d) *PUBLIC AVAILABILITY.—The Secretary of the Inte-*
23 *rior shall publish the study required under subsection (a)*
24 *and results submitted under subsection (b) on a public*
25 *website.*

1 (e) *AUTHORIZATION OF APPROPRIATION FOR RE-*
2 *PORT.—There is authorized to be appropriated for the Of-*
3 *fice of Insular Affairs of the Department of the Interior for*
4 *fiscal year 2022 such sums as may be necessary to produce*
5 *the report required in subsection (a).*

6 (f) *INDEFINITE AUTHORIZATION OF APPROPRIATION*
7 *FOR RUNIT DOME MONITORING ACTIVITIES.—There is au-*
8 *thorized to be appropriated to the Department of Energy*
9 *such sums as may be necessary to comply with the require-*
10 *ments of section 103(f)(1)(B) of the Compact of Free Asso-*
11 *ciation Amendments Act of 2003 (48 U.S.C.*
12 *1921b(f)(1)(B)).*

13 **SEC. 604. COASTAL MANAGEMENT TECHNICAL ASSISTANCE**
14 **AND REPORT.**

15 (a) *TECHNICAL ASSISTANCE.—*

16 (1) *IN GENERAL.—The Administrator, acting*
17 *through the Director of the Office for Coastal Manage-*
18 *ment, shall provide technical assistance to Insular*
19 *Areas to enhance coastal management and climate*
20 *change programs of the Insular Areas.*

21 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
22 *There is authorized to be appropriated to the Admin-*
23 *istrator to carry out this subsection \$5,000,000 for*
24 *each of fiscal years 2022 through 2026.*

1 (b) *ANNUAL REPORT.*—*The Administrator, acting*
2 *through the Director of the Office for Coastal Management,*
3 *shall submit a report to the Committee on Natural Re-*
4 *sources of the House of Representatives and the Committee*
5 *on Commerce, Science, and Transportation of the Senate*
6 *every 5 years on the status of the following in Insular Areas:*

7 (1) *Wetland, mangrove, and estuary conditions.*

8 (2) *Climate change impacts, including ecological,*
9 *economic, and cultural impacts.*

10 **SEC. 605. CLIMATE CHANGE INSULAR RESEARCH GRANT**
11 **PROGRAM.**

12 (a) *IN GENERAL.*—*The Administrator shall establish*
13 *a Climate Change Insular Research Grant Program to pro-*
14 *vide grants to institutions of higher education in Insular*
15 *Areas for monitoring, collecting, synthesizing, analyzing,*
16 *and publishing local climate change data.*

17 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
18 *authorized to be appropriated to the Administrator to carry*
19 *out this section \$5,000,000 for each of fiscal years 2022*
20 *through 2026.*

21 **SEC. 606. NATIONAL WEATHER SERVICE TECHNICAL AS-**
22 **SISTANCE GRANTS.**

23 (a) *TECHNICAL ASSISTANCE AND OUTREACH.*—

24 (1) *IN GENERAL.*—*The Administrator, acting*
25 *through the Director of the Office for Coastal Manage-*

1 *ment, shall provide technical assistance and outreach*
2 *to Insular Areas of the United States through the San*
3 *Juan, Tiyan, and Pago Pago Weather Forecast Of-*
4 *fices of the National Weather Service. For the pur-*
5 *poses of this section, the Administrator may also em-*
6 *ploy other agency entities as the Administrator con-*
7 *siders necessary, in order to improve weather data*
8 *collection, and provide science, data, information,*
9 *and impact-based decision support services to reduce*
10 *tsunami, hurricane, typhoon, drought, tide, and sea*
11 *level rise impacts in Insular Areas.*

12 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
13 *There is authorized to be appropriated to the Admin-*
14 *istrator to carry out this subsection \$5,000,000 for*
15 *each of fiscal years 2022 through 2026.*

16 (b) *GRANTS.—*

17 (1) *IN GENERAL.—The Administrator, may pro-*
18 *vide grants to academic, nonprofit, and local entities*
19 *to conduct climate change research to improve weath-*
20 *er data collection, produce more accurate tropical*
21 *weather forecasts, and provide science, data, informa-*
22 *tion, and impact-based decision support services to*
23 *reduce tsunami, hurricane, typhoon, drought, tide,*
24 *and sea level rise impacts in the Insular Areas.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.*—

2 *There is authorized to be appropriated to the Admin-*
3 *istrator to carry out this subsection \$5,000,000 for*
4 *each of fiscal years 2022 through 2026.*

5 **SEC. 607. CORAL REEF PRIZE COMPETITIONS.**

6 (a) *PRIZE COMPETITIONS.*—*The Administrator, act-*
7 *ing through the Director of the Office of Science and Tech-*
8 *nology, shall work with the head of each Federal agency*
9 *represented on the United States Coral Reef Task Force es-*
10 *tablished under Executive Order 13089 (63 Fed. Reg.*
11 *32701) to establish prize competitions in accordance with*
12 *section 24 of the Stevenson-Wydler Technology Innovation*
13 *Act of 1980 (15 U.S.C. 3719), that promote coral reef re-*
14 *search and conservation.*

15 (b) *WAIVER OF MATCHING REQUIREMENT.*—*Section*
16 *204(b) of the Coral Reef Conservation Act of 2000 (16*
17 *U.S.C. 6403(b)) is amended—*

18 (1) *by striking the enumerator and heading for*
19 *paragraph (2) and inserting the following:*

20 “(2) *WAIVERS.*—

21 “(A) *NEED AND BENEFIT.*—”; and

22 (2) *by adding at the end of paragraph (2) the*
23 *following:*

24 “(B) *SUSTAINING CORAL REEF MANAGE-*
25 *MENT AND MONITORING.*—*The Administrator*

1 *shall waive all the matching requirement under*
2 *paragraph (2) for grants to implement State and*
3 *territorial coral reef conservation cooperative*
4 *agreements to sustain coral reef management*
5 *and monitoring in Florida, Hawaii, American*
6 *Samoa, the Commonwealth of the Northern Mar-*
7 *iana Islands, Guam, Puerto Rico, and the Vir-*
8 *gin Islands of the United States.”.*

9 **SEC. 608. OCEAN AND COASTAL MAPPING INTEGRATION**

10 **ACT.**

11 *Section 12204 of the Ocean and Coastal Mapping Inte-*
12 *gration Act (33 U.S.C. 3503) is amended—*

13 (1) *in paragraph (12) by striking “and”;*

14 (2) *in paragraph (13) by striking the period at*
15 *the end and inserting “; and”; and*

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

17 “(14) *the study of insular areas and the effects*
18 *of climate change.”.*

19 **SEC. 609. OFFICE OF INSULAR AFFAIRS TECHNICAL ASSIST-**

20 **ANCE PROGRAM.**

21 (a) *IN GENERAL.—The Secretary of the Interior, act-*
22 *ing through the Office of Insular Affairs Technical Assist-*
23 *ance Program, shall provide technical assistance for climate*
24 *change planning, mitigation, and adaptation to Territories*

1 *and Freely Associated States under the jurisdiction of such*
2 *Program.*

3 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to the Secretary to carry out*
5 *this section \$5,000,000 for each of fiscal years 2022 through*
6 *2026.*

7 **SEC. 610. NON-FEDERAL COST-SHARE WAIVER.**

8 *Section 501 of the Omnibus Territories Act of 1977*
9 *(48 U.S.C. 1469a), is amended by adding at the end the*
10 *following:*

11 *“(e) Notwithstanding any other provision of law, in*
12 *the case of the Insular Areas, any department or agency*
13 *shall waive any requirement for non-Federal matching*
14 *funds under \$750,000 (including in-kind contributions) re-*
15 *quired by law to be provided by those jurisdictions.”.*

16 **SEC. 611. DISASTER RELIEF NON-FEDERAL COST-SHARE**
17 **WAIVER.**

18 *Funding made available to an Insular Area for dis-*
19 *aster relief, long-term recovery, restoration of infrastructure*
20 *and housing, economic revitalization, and mitigation pur-*
21 *suant to the Robert T. Stafford Disaster Relief and Emer-*
22 *gency Assistance Act (42 U.S.C. 5121 et seq.) shall not be*
23 *subject to a non-Federal share funding requirement.*

1 **TITLE VII—STRENGTHENING MA-**
2 **RINE MAMMAL CONSERVA-**
3 **TION**

4 **SEC. 701. CONSERVATION OF MARINE MAMMALS AD-**
5 **VERSELY AFFECTED BY CLIMATE CHANGE.**

6 (a) *IN GENERAL.*—*The Marine Mammal Protection*
7 *Act of 1972 (16 U.S.C. 1361 et seq.) is amended by insert-*
8 *ing after section 120 the following:*

9 **“SEC. 121. CONSERVATION OF MARINE MAMMALS AD-**
10 **VERSELY AFFECTED BY CLIMATE CHANGE.**

11 *“(a) CLIMATE IMPACT MANAGEMENT PLANS.—*

12 *“(1) Within 24 months after the date of the en-*
13 *actment of this section, the Secretary, in consultation*
14 *with the Marine Mammal Commission, shall publish*
15 *in the Federal Register, after notice and opportunity*
16 *for public comment, a list of those marine mammal*
17 *species and population stocks in waters under the ju-*
18 *risdiction of the United States for which climate*
19 *change, alone or in combination or interaction with*
20 *other factors, is more likely than not to result in a*
21 *decline in population abundance, impede population*
22 *recovery, or reduce carrying capacity. The list shall*
23 *identify—*

1 “(A) any species or population stock for
2 which such impacts are likely to occur within 20
3 years; and

4 “(B) any species or population stock listed
5 as a threatened species or endangered species
6 under the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.) for which such impacts have
8 more than a remote possibility of occurring with-
9 in 100 years.

10 “(2)(A) The Secretary, in consultation with the
11 Marine Mammal Commission, shall review the list
12 adopted pursuant to paragraph (1) at least once
13 every 5 years, or more frequently if significant new
14 information becomes available, and, after notice and
15 opportunity for public comment, shall publish a re-
16 vised list in the Federal Register.

17 “(B) Within 12 months after receiving the peti-
18 tion of an interested person under section 553(e) of
19 title 5, United States Code, to add a marine mammal
20 species or population stock to the list published under
21 paragraph (1), the Secretary, in consultation with the
22 Marine Mammal Commission and after notice and
23 opportunity for public comment, shall publish in the
24 Federal Register its finding of whether the petitioned
25 action is warranted. If the petitioned action is

1 *deemed warranted, the Secretary shall publish at the*
2 *same time the revision adding such species or popu-*
3 *lation stock.*

4 *“(3) The list published under paragraph (1), and*
5 *any revisions thereto made in accordance with para-*
6 *graph (2), shall include a determination of whether a*
7 *climate impact management plan will promote the*
8 *conservation of species or stocks listed pursuant to*
9 *paragraph (1)(C).*

10 *“(4)(A)(i) The Secretary shall publish in the*
11 *Federal Register a draft climate impact management*
12 *plan for each marine mammal species or population*
13 *stock for which, as determined under paragraph (3),*
14 *such a plan will promote the conservation of the spe-*
15 *cies or stocks that is—*

16 *“(I) within 18 months after the listing for*
17 *those species or population stocks listed under*
18 *paragraph (1)(A); and*

19 *“(II) listed under paragraph (1)(B), within*
20 *30 months after the listing.*

21 *“(i) Each draft climate impact management*
22 *plan shall be developed in consultation with the Ma-*
23 *rine Mammal Commission and, as appropriate, other*
24 *Federal agencies, and shall be made available for pub-*

1 *lic review and comment for a period not to exceed 90*
2 *days.*

3 *“(iii) No later than 120 days after the close of*
4 *the comment period required under clause (ii), the*
5 *Secretary shall issue a final climate impact manage-*
6 *ment plan and implementing regulations that are*
7 *consistent with the other provisions of this section*
8 *and, to the full extent available under the Secretary’s*
9 *authorities under this Act and other statutes, imple-*
10 *ment the conservation and management measures*
11 *identified in the plan.*

12 *“(B) Each management plan under subpara-*
13 *graph (A) shall include a comprehensive strategy for*
14 *conserving and recovering such marine mammal*
15 *stocks and species given the anticipated direct and in-*
16 *direct effects of climate change and increasing resil-*
17 *iency in the species or population stock, and shall*
18 *identify conservation and management measures to—*

19 *“(i) conserve and recover such species and*
20 *population stocks given the anticipated adverse*
21 *effects of climate change on such species and pop-*
22 *ulation stocks and their prey;*

23 *“(ii) monitor, reduce, and prevent inter-*
24 *actions with fisheries and other human activities*
25 *that may occur as a result of changes in marine*

1 *mammal distribution or other indirect effects of*
2 *climate change;*

3 “(iii) *increase resiliency by materially re-*
4 *ducing other human impacts on such species and*
5 *population stocks, including but not limited to*
6 *the reduction of incidental taking of marine*
7 *mammals and of the degradation of the habitat*
8 *of such species and population stocks, and by*
9 *managing prey species to improve the avail-*
10 *ability of prey to such species and population*
11 *stocks; and*

12 “(iv) *take any other action as may be nec-*
13 *essary to implement the strategy set forth in the*
14 *plan.*

15 “(C) *Each management plan under subpara-*
16 *graph (A) shall include objective, measurable criteria*
17 *for evaluating the effectiveness and sufficiency of such*
18 *measures to meet the purposes of this Act.*

19 “(D)(i) *All other Federal agencies shall, in con-*
20 *sultation with and with the assistance of the Admin-*
21 *istrator, utilize their authorities in furtherance of the*
22 *strategy and conservation and management measures*
23 *set forth in climate impact management plans devel-*
24 *oped under this subsection and ensure that their ac-*
25 *tions do not conflict or interfere with the objectives of*

1 *such management plans. The Administrator shall con-*
2 *sult with the Marine Mammal Commission and, as*
3 *may be warranted, other agencies in the implementa-*
4 *tion of such plans.*

5 *“(ii) With respect to any Federal agency action*
6 *authorized, funded, or undertaken by such agency*
7 *that, in the view of the Secretary or of the agency,*
8 *may conflict or interfere with the objectives of such*
9 *management plans, such agency shall, in consultation*
10 *with the Secretary, ensure that such action is con-*
11 *sistent with the management plans. To the extent that*
12 *it is impossible for such action to be consistent with*
13 *the management plan, the Secretary shall require*
14 *measures to minimize any such conflicts, in addition*
15 *to any other measures required by law, and the agen-*
16 *cy shall adopt such measures required by the Sec-*
17 *retary.*

18 *“(E) When appropriate, the Secretary may, and*
19 *is encouraged to, integrate climate impact manage-*
20 *ment plans into conservation plans adopted under*
21 *section 115(b) or recovery plans adopted under sec-*
22 *tion 4(f) of the Endangered Species Act of 1973 (16*
23 *U.S.C. 1533(f)).*

24 *“(F) The Secretary shall review climate impact*
25 *management plans and implementing regulations at*

1 *least once every 5 years, and shall revise and amend*
2 *them as necessary to meet the goals and requirements*
3 *of this section. Any changes shall be subject to the*
4 *procedures and requirements applicable to the adop-*
5 *tion of the initial plans and regulations.*

6 “(5) *The Secretary shall report to Congress four*
7 *years after the date of the enactment of this section,*
8 *and every 2 years thereafter, on—*

9 “(A) *actions taken to implement this sec-*
10 *tion;*

11 “(B) *any backlog in meeting the schedule*
12 *set forth in this subsection for adopting, review-*
13 *ing, and implementing climate impact manage-*
14 *ment plans, or additional resources necessary to*
15 *address any such backlog; and*

16 “(C) *the effectiveness of implementation and*
17 *sufficiency of the measures adopted in climate*
18 *impact management plans, and any rec-*
19 *ommendations for improving the process or the*
20 *applicable legislation.*

21 “(b) *MONITORING OF CLIMATE IMPACTS.—The Ad-*
22 *ministrator shall establish a program within the National*
23 *Oceanic and Atmospheric Administration to monitor the*
24 *adverse impacts of climate change on marine mammals.*
25 *The purposes of the monitoring program shall be to—*

1 “(1) improve models of projected future changes
2 in marine mammal distribution and densities result-
3 ing from climate change;

4 “(2) identify and monitor interactions with fish-
5 eries and other human activities that may occur as
6 a result of changes in marine mammal distribution
7 or other effects of climate change;

8 “(3) monitor the abundance of species and popu-
9 lation stocks, to an extent sufficient to detect a 20
10 percent population decline over 20 years;

11 “(4) improve understanding of the impacts of
12 climate change on marine mammal species and popu-
13 lation stocks; and

14 “(5) assess the direct and indirect contributions
15 of marine mammals to carbon reduction, including
16 through carbon sequestration and nutrient cycling.

17 “(c) *PROMULGATION OF REGULATIONS FOR LISTING*
18 *MARINE MAMMALS ADVERSELY IMPACTED BY CLIMATE*
19 *CHANGE.—The Secretary shall, within 120 days after the*
20 *date of the enactment of this section—*

21 “(1) publish in the *Federal Register* for public
22 comment, for a period of not less than 60 days, regu-
23 lations for listing marine mammal species and popu-
24 lation stocks adversely impacted by climate change,
25 alone or in combination or interaction with other fac-

1 *tors, as described in paragraphs (1) and (2) of sub-*
2 *section (a), taking into account both quantitative and*
3 *qualitative indicators of adverse impacts of climate*
4 *change and human activities on such species and*
5 *stocks, including—*

6 *“(A) direct and indirect mortality and seri-*
7 *ous injury;*

8 *“(B) loss or degradation of habitat;*

9 *“(C) changes in the distribution or avail-*
10 *ability of prey;*

11 *“(D) changes in the distribution of marine*
12 *mammal species and population stocks;*

13 *“(E) decreased genetic diversity or repro-*
14 *ductive success;*

15 *“(F) increased susceptibility to pathogens;*
16 *and*

17 *“(G) increased likelihood of interactions*
18 *with fisheries and other human activities; and*

19 *“(2) no later than 90 days after the close of the*
20 *period for such public comment, publish in the Fed-*
21 *eral Register final regulations for listing marine*
22 *mammals as required by subsection (a), to be re-*
23 *viewed at least once every three years.*

24 *“(d) LACK OF QUANTITATIVE INFORMATION.—The lack*
25 *of quantitative information shall not be a basis for a deter-*

1 *mination under subsection (c) that a species or population*
2 *stock is not adversely impacted by climate change, alone*
3 *or in combination or interaction with other factors, as de-*
4 *scribed in paragraphs (1) and (2) of subsection (a).*

5 “(e) *ESTIMATION OF POTENTIAL BIOLOGICAL RE-*
6 *MOVAL.—*

7 “(1) *The Secretary, in estimating the potential*
8 *biological removal level in stock assessments prepared*
9 *in accordance with section 117, shall consider the ad-*
10 *verse impacts of climate change in determining the*
11 *recovery factor applied to each stock.*

12 “(2) *The Secretary, in preparing stock assess-*
13 *ments in accordance with section 117, shall reexamine*
14 *the stock definition and geographic range of marine*
15 *mammal species and population stocks to identify cli-*
16 *mate-related changes in spatial distribution and stock*
17 *definition and to identify how such changes may af-*
18 *fect human impacts to the species.*

19 “(f) *AUTHORITY TO ENTER INTO AGREEMENTS.—The*
20 *Secretary shall—*

21 “(1) *periodically review the status of agreements*
22 *with foreign governments under section 108(a) con-*
23 *cerning the management of transboundary marine*
24 *mammal species and population stocks, and their*

1 *prey species, that are or may be affected by climate*
2 *change; and*

3 “(2) *through the Secretary of State, initiate the*
4 *amendment of any such agreement, or negotiations*
5 *for the development of bilateral or multinational*
6 *agreements, consistent with the goals and policies of*
7 *this section.*

8 “(g) *CONSTRUCTION.—This section shall not be con-*
9 *strued to limit or restrict any other responsibility of the*
10 *Secretary or of any other person under this Act or any other*
11 *statute.*

12 “(h) *AUTHORIZATION OF APPROPRIATIONS.—*

13 “(1) *There is authorized to be appropriated to*
14 *the Secretary carry out this section, \$5,000,000 for*
15 *each of fiscal years 2022 through 2026.*

16 “(2) *There is authorized to be appropriated to*
17 *the Marine Mammal Commission to carry out this*
18 *section, \$1,000,000 for each of fiscal years 2022*
19 *through 2026.”.*

20 “(b) *CLERICAL AMENDMENT.—The table of contents in*
21 *the first section of such Act is amended by inserting after*
22 *the item relating to section 120 the following:*

 “*Sec. 121. Conservation of marine mammals adversely affected by climate*
 change.”.

1 **SEC. 702. VESSEL RESTRICTIONS IN MARINE MAMMAL HABI-**
2 **TAT.**

3 (a) *IN GENERAL.*—*The Marine Mammal Protection*
4 *Act of 1972 (16 U.S.C. 1361 et seq.) is further amended*
5 *by inserting after section 121 the following:*

6 **“SEC. 122. VESSEL RESTRICTIONS IN MARINE MAMMAL**
7 **HABITAT.**

8 “(a) *IN GENERAL.*—*The Secretary shall, in coordina-*
9 *tion with the Marine Mammal Commission and the Com-*
10 *mandant of the Coast Guard and applying the best avail-*
11 *able scientific information—*

12 “(1) *designate areas of importance for marine*
13 *mammals known to experience vessel strikes or other*
14 *vessel-related impacts and establish for each such area*
15 *seasonal or year-round mandatory vessel restrictions*
16 *to reduce vessel strikes or other vessel-related impacts,*
17 *as necessary, for all vessels operating in such areas;*
18 *and*

19 “(2) *implement for such species, as appropriate,*
20 *dynamic management area programs incorporating*
21 *mandatory vessel restrictions to protect marine mam-*
22 *mals from vessel strikes or other vessel-related impacts*
23 *occurring outside designated areas of importance.*

24 “(b) *AREAS OF IMPORTANCE.*—*Areas designated under*
25 *subsection (a)—*

26 “(1) *shall include—*

1 “(A) the important feeding, breeding,
2 calving, rearing, or migratory habitat for pri-
3 ority species of marine mammals, including all
4 areas designated as critical habitat for such spe-
5 cies under section 4 of the Endangered Species
6 Act of 1973 (16 U.S.C. 1533), except any area
7 the Secretary determines does not intersect with
8 areas of vessel traffic such that an elevated risk
9 of mortality or injury caused by vessel strikes, or
10 harassment, including the disruption of vocaliza-
11 tion patterns and masking of biologically impor-
12 tant sounds, caused by underwater vessel noise,
13 exists; and

14 “(B) areas of high marine mammal mor-
15 tality, injury, or harassment, including the dis-
16 ruption of vocalization patterns and masking of
17 biologically important sounds, caused by vessel
18 strikes or underwater vessel noise;

19 “(2) may include—

20 “(A) any area designated as a National
21 Marine Sanctuary, Marine National Monument,
22 National Park, or National Wildlife Refuge; and

23 “(B) areas of high marine mammal pri-
24 mary productivity with year-round or seasonal

1 *aggregations of marine mammals to which this*
2 *section applies.*

3 “(c) *DEADLINE FOR REGULATIONS.*—*Not later than*
4 *three years after the date of the enactment of this section,*
5 *the Secretary shall designate areas and vessel restrictions*
6 *under subsection (a) and issue such regulations as are nec-*
7 *essary to carry out this section, consistent with notice and*
8 *comment requirements under chapter 5 of title 5, United*
9 *States Code.*

10 “(d) *MODIFYING OR DESIGNATING NEW AREAS OF IM-*
11 *PORTANCE.*—

12 “(1) *IN GENERAL.*—*The Secretary shall issue*
13 *regulations to modify or designate the areas of impor-*
14 *tance and vessel restrictions under this section within*
15 *180 days after the issuance of regulations to establish*
16 *or to modify critical habitat for marine mammals*
17 *pursuant to the Endangered Species Act of 1973 (16*
18 *U.S.C. 1531 et seq.).*

19 “(2) *REEXAMINATION.*—*The Secretary shall—*

20 “(A) *reexamine the areas of importance des-*
21 *ignated and vessel restrictions under this section*
22 *every 5 years following the initial issuance of the*
23 *regulations to determine if the best available sci-*
24 *entific information warrants modification or*

1 *designation of areas of importance for vessel re-*
2 *strictions; and*

3 “(B) *publish any revisions under subpara-*
4 *graph (A) in the Federal Register after notice*
5 *and opportunity for public comment within 24*
6 *months.*

7 “(3) *FINDING.—Not later than 90 days after re-*
8 *ceiving the petition of an interested person under sec-*
9 *tion 553(e) of title 5, United States Code, to des-*
10 *ignate, modify, or add an area of importance or ves-*
11 *sel restriction under this section, the Secretary shall*
12 *make a finding as to whether the petition presents*
13 *substantial scientific information indicating that the*
14 *petitioned action may be warranted. The Secretary*
15 *shall promptly publish such finding in the Federal*
16 *Register for comment. Not later than one year after*
17 *the close of comments, the Secretary shall publish in*
18 *the Federal Register a finding of whether the peti-*
19 *tioned action is warranted and, if the Administrator*
20 *determines that the petitioned action is warranted,*
21 *shall publish draft regulations designating or modi-*
22 *fying the area of importance or vessel restrictions*
23 *within the area of importance. Not later than 12*
24 *months after publication of the draft regulations, the*
25 *Secretary shall issue final regulations designating or*

1 *modifying the area of importance and vessel restric-*
2 *tions.*

3 “(e) *EXCEPTIONS FOR SAFE MANEUVERING AND*
4 *USING AUTHORIZED TECHNOLOGY.—*

5 “(1) *IN GENERAL.—The restriction established*
6 *under subsection (a) shall not apply to a vessel oper-*
7 *ating at a speed necessary to maintain safe maneu-*
8 *vering speed if such speed is justified because the ves-*
9 *sel is in an area where oceanographic, hydrographic,*
10 *or meteorological conditions severely restrict the ma-*
11 *neuverability of the vessel and the need to operate at*
12 *such speed is confirmed by the pilot on board or,*
13 *when a vessel is not carrying a pilot, the master of*
14 *the vessel. If a deviation from the applicable speed*
15 *limit is necessary pursuant to this subsection, the rea-*
16 *sons for the deviation, the speed at which the vessel*
17 *is operated, the latitude and longitude of the area,*
18 *and the time and duration of such deviation shall be*
19 *entered into the logbook of the vessel. The master of*
20 *the vessel shall attest to the accuracy of the logbook*
21 *entry by signing and dating the entry.*

22 “(2) *AUTHORIZED TECHNOLOGY.—*

23 “(A) *IN GENERAL.—The vessel restrictions*
24 *established under subsection (a) shall not apply*
25 *to a vessel operating using technology authorized*

1 *by regulations issued by the Secretary under sub-*
2 *paragraph (B).*

3 “(B) *REGULATIONS.*—*The Secretary may*
4 *issue regulations authorizing a vessel to operate*
5 *using technology specified by the Administrator*
6 *under this subparagraph if the Administrator*
7 *determines that such operation is at least as ef-*
8 *fective as the vessel restrictions authorized by*
9 *regulations under subsection (a) in reducing*
10 *mortality and injury to marine mammals.*

11 “(f) *APPLICABILITY.*—

12 “(1) *IN GENERAL.*—*Any speed restriction estab-*
13 *lished under subsection (a)—*

14 “(A) *shall apply to all vessels subject to the*
15 *jurisdiction of the United States, all other vessels*
16 *entering or departing a port or place subject to*
17 *the jurisdiction of the United States, and all*
18 *other vessels within the Exclusive Economic Zone*
19 *of the United States, regardless of flag; and*

20 “(B) *shall not apply to—*

21 “(i) *vessels owned, operated, or under*
22 *contract by the Department of Defense or*
23 *the Department of Homeland Security, or*
24 *engaged in military operations with such*
25 *vessels; or*

1 “(ii) law enforcement vessels of the
2 Federal Government or of a State or polit-
3 ical subdivision thereof, when such vessels
4 are engaged in law enforcement or search
5 and rescue duties.

6 “(2) CERTAIN PROVISIONS NOT PREEMPTED.—
7 This subsection shall not preempt or supersede obliga-
8 tions under the Endangered Species Act of 1973 (16
9 U.S.C. 1531 et seq.) or this title.

10 “(3) CLARIFICATION.—Vessels described in sub-
11 paragraph (B) of paragraph (2) are encouraged to
12 abide by the speed restriction whenever it is, in the
13 judgment of the masters of such vessels, feasible and
14 practicable to do so without impairing the operations
15 in which they are engaged.

16 “(g) STATUTORY CONSTRUCTION.—

17 “(1) IN GENERAL.—Nothing in this section shall
18 be interpreted or implemented in a manner that—

19 “(A) subject to paragraph (2), preempts or
20 modifies any obligation of any person subject to
21 the provisions of this title to act in accordance
22 with applicable State laws, except to the extent
23 that those laws are inconsistent with any provi-
24 sion of this title, and then only to the extent of
25 the inconsistency;

1 “(B) affects or modifies any obligation
2 under Federal law; or

3 “(C) preempts or supersedes the final rule
4 titled ‘To Implement Speed Restrictions to Re-
5 duce the Threat of Ship Collisions With North
6 Atlantic Right Whales’, codified at section
7 224.105 of title 50, Code of Federal Regulations,
8 except for actions that are more protective than
9 the Final Rule and further reduce the risk of
10 take to North Atlantic right whales.

11 “(2) INCONSISTENCIES.—The Secretary may de-
12 termine whether inconsistencies referred to in para-
13 graph (1)(A) exist, but may not determine that any
14 State law is inconsistent with any provision of this
15 title if the Secretary determines that such law gives
16 greater protection to covered marine species and their
17 habitat.

18 “(h) PRIORITY SPECIES.—For the purposes of this sec-
19 tion, the term ‘priority species’ means, at a minimum, all
20 Mysticeti species and species within the genera *Physeter*,
21 *Orcinus*, and *Trichechus*.

22 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary to carry out
24 this section, \$3,000,000 for each of fiscal years 2022 through
25 2026, and there is authorized to be appropriated to the

1 *Commandant of the Coast Guard to carry out this section,*
2 *\$3,000,000 for each of fiscal years 2024 through 2026.”.*

3 (b) *CLERICAL AMENDMENT.—The table of contents in*
4 *the first section of such Act is further amended by inserting*
5 *after the item relating to section 121 the following:*

“Sec. 122. Vessel restrictions in marine mammal habitat.”.

6 **SEC. 703. MONITORING OCEAN NOISE FOR MARINE MAM-**
7 **MAL PROTECTION.**

8 (a) *IN GENERAL.—The Administrator and the Direc-*
9 *tor of the Fish and Wildlife Service shall maintain and ex-*
10 *pand an Ocean Noise Reference Station Network, utilizing*
11 *and coordinating with the Integrated Ocean Observing Sys-*
12 *tem and the Office of National Marine Sanctuaries to—*

13 (1) *provide grants to expand the deployment of*
14 *Federal and non-Federal observing and data manage-*
15 *ment systems capable of collecting measurements of*
16 *underwater sound in high-priority ocean and coastal*
17 *locations for purposes of monitoring and analyzing*
18 *baselines and trends in the underwater soundscape to*
19 *protect and manage marine life;*

20 (2) *continue to develop and apply standardized*
21 *forms of measurements to assess sounds produced by*
22 *marine animals, physical processes, and anthropo-*
23 *genic activities; and*

24 (3) *coordinate and make accessible to the public*
25 *the datasets, modeling and analysis, and user-driven*

1 *products and tools, resulting from observations of un-*
2 *derwater sound funded through grants authorized by*
3 *this section.*

4 *(b) AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated to the Administrator to sup-*
6 *port integrated ocean observations activities carried out*
7 *under this section, \$1,500,000 for each of fiscal years 2022*
8 *through 2026.*

9 **SEC. 704. GRANTS FOR SEAPORTS TO ESTABLISH PRO-**
10 **GRAMS TO REDUCE THE IMPACTS OF VESSEL**
11 **TRAFFIC AND PORT OPERATIONS ON MARINE**
12 **MAMMALS.**

13 *(a) IN GENERAL.—The Administrator and the Direc-*
14 *tor of the Fish and Wildlife Service shall, not later than*
15 *180 days after the date of the enactment of this Act, estab-*
16 *lish a grant program to provide assistance to up to ten sea-*
17 *ports to develop and implement mitigation measures that*
18 *will lead to a quantifiable reduction in threats to marine*
19 *mammals from shipping activities and port operations.*

20 *(b) ELIGIBLE USES.—Grants provided under this sec-*
21 *tion may be used to develop, assess, and carry out activities*
22 *that quantifiably reduce threats and enhance the habitats*
23 *of marine mammals by—*

24 *(1) reducing underwater noise related to marine*
25 *traffic;*

1 (2) *reducing vessel strike mortality and other*
2 *physical disturbances;*

3 (3) *enhancing marine mammal habitat, includ-*
4 *ing the habitat for prey of marine mammals; or*

5 (4) *monitoring underwater noise, vessel inter-*
6 *actions with marine mammals, or other types of mon-*
7 *itoring that are consistent with reducing the threats*
8 *to and enhancing the habitats of marine mammals.*

9 (c) *PRIORITY.—The Administrator and the Director of*
10 *the Fish and Wildlife Service shall prioritize assistance*
11 *under this section for projects that—*

12 (1) *assist ports with higher relative threat levels*
13 *to vulnerable marine mammals from vessel traffic;*

14 (2) *project higher levels of—*

15 (A) *reduction of noise from vessels; and*

16 (B) *reduction of disturbance or vessel strike*
17 *mortality risk; and*

18 (C) *reduction of noise influence National*
19 *Marine Sanctuaries, Marine National Monu-*
20 *ments, National Parks, National Wildlife Ref-*
21 *uges, and other Federal, State, and local marine*
22 *protected areas; or*

23 (3) *allow eligible entities to conduct risk assess-*
24 *ments, and track progress toward threat reduction*
25 *and habitat enhancement; including protecting coral*

1 reefs from encroachment by commerce and shipping
2 lanes.

3 (d) *OUTREACH.*—*The Administrator and the Director*
4 *of the Fish and Wildlife Service shall conduct outreach to*
5 *seaports to provide information on how to apply for assist-*
6 *ance under this section, the benefits of the program under*
7 *this section, and facilitation of best practices and lessons*
8 *learned.*

9 (e) *ELIGIBLE ENTITIES.*—*A person shall be eligible for*
10 *assistance under this section if the person is—*

11 (1) *a port authority for a seaport;*

12 (2) *a State, regional, local, or Tribal agency that*
13 *has jurisdiction over a maritime port authority or a*
14 *seaport; or*

15 (3) *a private or government entity, applying for*
16 *a grant awarded under this section in collaboration*
17 *with another entity described in paragraph (1) or (2),*
18 *that owns or operates a maritime terminal.*

19 (f) *REPORT.*—*The Administrator and the Director of*
20 *the Fish and Wildlife Service shall submit annually to the*
21 *Committee on Natural Resources of the House of Represent-*
22 *atives, and the Committee on Commerce, Science, and*
23 *Transportation of the Senate, a report that includes the fol-*
24 *lowing:*

1 *ing sector-specific mitigation protocols that can effectively*
2 *reduce take of large whales, and continually integrating im-*
3 *proved technology. The program shall be informed by the*
4 *technologies, monitoring methods, and mitigation protocols*
5 *developed pursuant to the pilot program required in sub-*
6 *section (b).*

7 **(b) PILOT PROJECT.**—*In carrying out subsection (a),*
8 *the Administrator shall first establish a pilot monitoring*
9 *and mitigation project for North Atlantic right whales for*
10 *the purposes of informing a cost-effective, efficient and re-*
11 *sults-oriented near real-time monitoring and mitigation*
12 *program for large whales.*

13 **(1) PILOT PROJECT REQUIREMENTS.**—*In design-*
14 *ing and deploying the monitoring system, the Admin-*
15 *istrator shall, using best available scientific informa-*
16 *tion, identify and ensure coverage of—*

17 **(A) core foraging habitats of North Atlantic**
18 *right whales, including but not limited to—*

19 **(i) the “South of the Islands” core for-**
20 *aging habitat;*

21 **(ii) the “Cape Cod Bay Area” core for-**
22 *aging habitat;*

23 **(iii) the “Great South Channel” core**
24 *foraging habitat; and*

25 **(iv) the Gulf of Maine; and**

1 (B) *important feeding, breeding, calving,*
2 *rearing, or migratory habitats of North Atlantic*
3 *right whales that co-occur with areas of high risk*
4 *of mortality, injury, or harassment of such*
5 *whales from vessel strikes, disturbance from de-*
6 *velopment activities, and entanglement in com-*
7 *mercial fishing gear.*

8 (2) *PILOT PROJECT MONITORING COMPONENTS.—*

9 *Within 3 years after the date of the enactment of this*
10 *Act, the Administrator, in consultation with relevant*
11 *Federal agencies, Tribal governments, and with input*
12 *from affected stakeholders, shall design and deploy a*
13 *real-time monitoring system for North Atlantic right*
14 *whales that includes near real-time monitoring meth-*
15 *ods, technologies, and protocols that—*

16 (A) *comprise sufficient detection power,*
17 *spatial coverage and survey effort to detect and*
18 *localize North Atlantic right whales within core*
19 *foraging habitats;*

20 (B) *are capable of detecting North Atlantic*
21 *right whales visually, including during periods*
22 *of poor visibility and darkness, and acoustically;*

23 (C) *take advantage of dynamic habitat suit-*
24 *ability models that help to discern the likelihood*

1 *of North Atlantic right whale occurrence in core*
2 *foraging habitat at any given time;*

3 *(D) coordinate with the Integrated Ocean*
4 *Observing System to leverage monitoring assets;*

5 *(E) integrate new near real-time moni-*
6 *toring methods and technologies as they become*
7 *available;*

8 *(F) accurately verify and rapidly commu-*
9 *nicate detection data; and*

10 *(G) allow for ocean users to contribute data*
11 *that is verified to be collected using comparable*
12 *near real-time monitoring methods and tech-*
13 *nologies.*

14 *(3) PILOT PROGRAM MITIGATION PROTOCOLS.—*
15 *The Secretary shall, in consultation with the Sec-*
16 *retary of Homeland Security, Secretary of Defense,*
17 *Secretary of Transportation, and Secretary of the In-*
18 *terior, and with input from affected stakeholders, de-*
19 *velop and deploy mitigation protocols that make use*
20 *of the near real-time monitoring system to direct sec-*
21 *tor-specific mitigation measures that avoid and sig-*
22 *nificantly reduce risk of disturbance, injury, and*
23 *mortality to North Atlantic right whales.*

24 *(4) PILOT PROGRAM ACCESS TO DATA.—The Ad-*
25 *ministrator shall provide access to data generated by*

1 *the monitoring system for purposes of scientific re-*
2 *search and evaluation, and public awareness and edu-*
3 *cation, through the NOAA Right Whale Sighting Ad-*
4 *visory System and WhaleMap. or other successive*
5 *public web portals.*

6 (5) *PILOT PROGRAM REPORTING.*—

7 (A) *Not later than two years after the date*
8 *of the enactment of this Act, the Administrator*
9 *shall submit to the Committee on Natural Re-*
10 *sources of the House of Representatives, and the*
11 *Committee on Commerce, Science, and Transpor-*
12 *tation of the Senate, and make available to the*
13 *public, an interim report that assesses the bene-*
14 *fits and efficacy of the North Atlantic right*
15 *whale near real-time monitoring and mitigation*
16 *pilot program. The report shall include—*

17 (i) *a description of the monitoring*
18 *methods and technology in use or planned*
19 *for deployment;*

20 (ii) *analyses of the efficacy of the meth-*
21 *ods and technology in use or planned for de-*
22 *ployment in detecting North Atlantic right*
23 *whales both individually and in combina-*
24 *tion;*

1 (iii) how the monitoring system is di-
2 rectly informing and improving species
3 management and mitigation in near real-
4 time across ocean sectors whose activities
5 pose a risk to North Atlantic right whales;
6 and

7 (iv) a prioritized identification of gaps
8 in technology or methods requiring future
9 research and development.

10 (B) Not later than three years after the date
11 of the enactment of this Act, the Administrator
12 shall submit to the Committee on Natural Re-
13 sources of the House of Representatives, and the
14 Committee on Commerce, Science, and Transpor-
15 tation of the Senate, and make available to the
16 public, a final report, addressing the components
17 in subparagraph (A) for the subsequent one year
18 following the publication of the interim report,
19 and including the following—

20 (i) a strategic plan to expand the pilot
21 program to provide near real-time moni-
22 toring and mitigation measures to addi-
23 tional large whale species, including a
24 prioritized plan for acquisition, deploy-
25 ment, and maintenance of monitoring tech-

1 nologies, and the locations or species for
2 which the plan would apply; and

3 (ii) a budget and description of appro-
4 priations necessary to carry out the stra-
5 tegic plan pursuant to the requirements of
6 clause (i).

7 (c) *ADDITIONAL AUTHORITY.*—In carrying out this
8 section, the Administrator may enter into and perform such
9 contracts, leases, grants, or cooperative agreements as may
10 be necessary to carry out the purposes of this section on
11 such terms as the Administrator considers appropriate.

12 (d) *REPORTING.*—Not later than one year after the de-
13 ployment of the program described in subsection (b) (and
14 after completion of the reporting requirements pursuant to
15 paragraph (5) of such subsection), and annually thereafter
16 through 2029, the Administrator shall submit to the Com-
17 mittee on Natural Resources of the House of Representa-
18 tives, and the Committee on Commerce, Science, and Trans-
19 portation of the Senate, and make available to the public,
20 a report that assess the benefits and efficacy of the near
21 real-time monitoring and mitigation program.

22 (e) *DEFINITIONS.*—In this section, the following defini-
23 tions apply:

24 (1) *CORE FORAGING HABITATS.*—the term “core
25 foraging habitats” means areas with biological and

1 *physical oceanographic features that aggregate*
2 *Calanus finmarchicus and where North Atlantic right*
3 *whales foraging aggregations have been well docu-*
4 *mented.*

5 (2) *REAL-TIME.*—*The term “real-time” means*
6 *that visual, acoustic, or other detections of North At-*
7 *lantic right whales are transmitted and reported as*
8 *soon as technically feasible, and no longer than 24*
9 *hours, after they have occurred.*

10 (3) *LARGE WHALE.*—*The term “large whale”*
11 *means all Mysticeti species and species within the*
12 *genera Physeter and Orcinus.*

13 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
14 *authorized to be appropriated to the Administrator to sup-*
15 *port development, deployment, application and ongoing*
16 *maintenance of the monitoring system as required by this*
17 *section, \$5,000,000 for each of fiscal years 2022 through*
18 *2026.*

19 **SEC. 706. GRANTS TO SUPPORT TECHNOLOGY THAT RE-**
20 **DUCES UNDERWATER NOISE FROM VESSELS.**

21 (a) *IN GENERAL.*—*The Administrator and the Direc-*
22 *tor of the Fish and Wildlife Service shall, within 6 months*
23 *of the date of the enactment of this Act, establish a grant*
24 *program, to be administered in consultation with the Ad-*
25 *ministrator of the United States Maritime Administration,*

1 *to provide assistance for the development and implementa-*
2 *tion of new or improved technologies that reduce threats to*
3 *and enhance the habitats of marine mammals and other*
4 *marine species by quantifiably reducing underwater noise*
5 *from marine vessels.*

6 (b) *ELIGIBLE USES.*—*Grants provided under this sec-*
7 *tion may be used to develop, assess, and implement new*
8 *or improved technologies that materially reduce underwater*
9 *noise from marine vessels.*

10 (c) *OUTREACH.*—*The Administrator and the Director*
11 *of the Fish and Wildlife Service shall conduct outreach to*
12 *eligible persons to provide information on how to apply for*
13 *assistance under this section, the benefits of the program*
14 *under this section, and facilitation of best practices and les-*
15 *sons learned.*

16 (d) *ELIGIBLE ENTITIES.*—*A person shall be eligible for*
17 *assistance under this section if the person is—*

18 (1) *a corporation established under the laws of*
19 *the United States; or*

20 (2) *an individual, partnership, association, or-*
21 *ganization, or any other combination of individuals,*
22 *provided, however, that each such individual shall be*
23 *a citizen of the United States or lawful permanent*
24 *resident of the United States or a protected indi-*
25 *vidual as such term is defined in section 274B(a)(3)*

1 **TITLE** **VIII—INTERNATIONAL**
2 **AGREEMENTS, EFFORTS IN**
3 **THE ARCTIC, AND BUREAU OF**
4 **INDIAN AFFAIRS TRIBAL RE-**
5 **SILIENCE PROGRAM**

6 **Subtitle A—International**
7 **Agreements**

8 **SEC. 801. LAW OF THE SEA CONVENTION.**

9 (a) *FINDINGS.*—Congress makes the following findings:

10 (1) *As a party to the Law of the Sea Convention,*
11 *the United States would be a powerful voting Council*
12 *member of the International Seabed Authority, a body*
13 *that is critical to negotiations regarding deep seabed*
14 *mining, which is a practice that could have signifi-*
15 *cant potential climate, environmental, and economic*
16 *impacts.*

17 (2) *Being party to the Convention and holding*
18 *membership on the International Seabed Authority is*
19 *in the United States' best interests in regard to com-*
20 *petition with other countries over future rare earth*
21 *element resources found on the sea floor.*

22 (3) *Without being party to the Convention, the*
23 *United States cannot play a role in negotiating and*
24 *providing international legitimacy to claims to the*

1 *Arctic, an area that is rapidly becoming more acces-*
2 *sible due to climate change.*

3 *(4) As a party to the Convention, the United*
4 *States would be better able to participate in negotia-*
5 *tions regarding the management of high seas fish*
6 *stocks, migratory fish stocks, and marine mammals,*
7 *which will become more important as the climate con-*
8 *tinues to change and species shift.*

9 *(5) The Convention imposes minimum require-*
10 *ments for ocean protections; the United States is al-*
11 *ready meeting or exceeding those requirements and*
12 *could therefore positively influence international ma-*
13 *rine conservation by being party to the Convention.*

14 *(6) A diverse array of bipartisan Presidents and*
15 *lawmakers, military leaders, industry stakeholders,*
16 *and environmental organizations support ratification*
17 *of the Convention, finding that it is in the United*
18 *States' best economic, political, and environmental*
19 *interest to ratify.*

20 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
21 *that—*

22 *(1) the United States Senate should give its ad-*
23 *vice and consent to accession to the Law of the Sea*
24 *Convention, adopted by the Third United Nations*
25 *Conference on the Law of the Sea in December 1982*

1 *and entered into force in November 1994, to establish*
2 *a treaty regime to govern activities on, over, and*
3 *under the world's oceans;*

4 *(2) the Law of the Sea Convention builds on four*
5 *1958 Law of the Sea conventions to which the United*
6 *States is a party, namely—*

7 *(A) the Convention on the Territorial Sea*
8 *and the Contiguous Zone;*

9 *(B) the Convention on the High Seas;*

10 *(C) the Convention on the Continental*
11 *Shelf; and*

12 *(D) the Convention on Fishing and Con-*
13 *servation of the Living Resources of the High*
14 *Seas;*

15 *(3) the Law of the Sea Convention and an asso-*
16 *ciated 1994 agreement relating to implementation of*
17 *the treaty were transmitted to the Senate on October*
18 *6, 1994;*

19 *(4) in the absence of advice and consent from the*
20 *Senate, the United States is not a party to the Con-*
21 *vention nor to the associated 1994 agreement;*

22 *(5) becoming a party to the Law of the Sea Con-*
23 *vention would give the United States standing to par-*
24 *ticipate in discussions relating to the treaty and*
25 *thereby improve the ability of the United States to in-*

1 *tervene as a full party in disputes relating to naviga-*
2 *tional rights and defend United States interpretations*
3 *of the treaty's provisions; and*

4 *(6) becoming a party to the treaty would im-*
5 *prove the ability of the United States to achieve the*
6 *environmental, social, and economic purposes of sup-*
7 *porting the implementation and enforcement of inter-*
8 *national fisheries agreements and the protection of*
9 *highly migratory species under the Magnuson Stevens*
10 *Act, the Shark Conservation Act, and the High Seas*
11 *Driftnet Fishing Moratorium Protection Act.*

12 **SEC. 802. UNITED NATIONS SUSTAINABLE DEVELOPMENT**

13 **GOAL 14.**

14 *Not later than one year after the date of the enactment*
15 *of this Act, and every three years thereafter, the Secretary*
16 *of State, in consultation with the Administrator, shall sub-*
17 *mit a report to Congress that describes—*

18 *(1) the manner and extent to which the United*
19 *States has made progress toward achieving the targets*
20 *of the 14th Sustainable Development Goal of the*
21 *United Nations (relating to conserving and*
22 *sustainably using the oceans, seas, and marine re-*
23 *sources); and*

24 *(2) plans for future United States actions to*
25 *achieve those targets.*

1 **SEC. 803. MARINE PROTECTED AREAS IN AREAS BEYOND**
2 **NATIONAL JURISDICTION.**

3 *Not later than one year after the date of the enactment*
4 *of this Act, the Secretary of State, and in consultation with*
5 *the Secretary of Commerce acting through the Adminis-*
6 *trator, shall develop a plan to provide technical assistance,*
7 *data, and other resources for identifying and establishing*
8 *strongly protected areas of the ocean in areas beyond na-*
9 *tional jurisdiction.*

10 ***Subtitle B—Efforts in the Arctic***

11 **SEC. 811. PLAN FOR THE UNITED STATES TO CUT BLACK**
12 **CARBON EMISSIONS TO 33 PERCENT BELOW**
13 **2013 LEVELS BY 2025.**

14 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
15 *that the United States should honor its commitment to the*
16 *Arctic Council to cut black carbon emissions by 2025 to*
17 *a level that is between 25 and 33 percent below the levels*
18 *emitted by the United States in 2013.*

19 (b) *IN GENERAL.—Not later than 180 days after the*
20 *date of the enactment of this Act, the Secretary of State,*
21 *in consultation with the Secretary of Transportation, the*
22 *Administrator, and the Administrator of the Environ-*
23 *mental Protection Agency, shall develop a plan for the*
24 *United States to cut black carbon emissions by 2025 to a*
25 *level that is between 25 and 33 percent below the levels emit-*

1 *ted by the United States in 2013. Such plan shall also de-*
2 *scribe—*

3 *(1) the measures the Federal Government will*
4 *take to achieve such targeted emissions levels;*

5 *(2) the measures the Federal Government will*
6 *take to prioritize black carbon emission reduction in*
7 *communities of color, Tribal and Indigenous commu-*
8 *nities, and low-income communities; and*

9 *(3) how the United States may use multilateral*
10 *and bilateral diplomatic tools to encourage and assist*
11 *other member countries of the Arctic Council to fulfill*
12 *the goals announced in 2017.*

13 *(c) SUBMISSIONS TO CONGRESS AND UPDATES TO*
14 *PLAN.—The Secretary of State, shall submit to the appro-*
15 *priate congressional committees and make available to the*
16 *public—*

17 *(1) not later than 180 days after the date of the*
18 *enactment of this Act, the plan developed under sub-*
19 *section (b);*

20 *(2) not later than one year after the date of the*
21 *enactment of this Act, and every three years there-*
22 *after, a report on the progress made toward imple-*
23 *menting the plan submitted pursuant to subsection*
24 *(b); and*

1 (3) *not later than January 1, 2025, a proposal*
2 *for further reductions in black carbon emissions in*
3 *the United States that should be accomplished by*
4 *2030.*

5 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
6 *FINED.—In this section, the term “appropriate congres-*
7 *sional committees” means—*

8 (1) *the Committee on Foreign Affairs, the Com-*
9 *mittee on Natural Resources, and the Committee on*
10 *Energy and Commerce of the House of Representa-*
11 *tives; and*

12 (2) *the Committee on Foreign Relations, the*
13 *Committee on Commerce, Science, and Transporta-*
14 *tion, the Committee on Environment and Public*
15 *Works, and the Committee on Energy and Natural*
16 *Resources of the Senate.*

17 (f) *PUBLIC COMMENT.—The Secretary of State shall—*

18 (1) *before submitting each such plan or report to*
19 *the appropriate congressional committees under sub-*
20 *section (c)—*

21 (A) *consult with Indian Tribes and Indige-*
22 *nous communities;*

23 (C) *provide a period of at least 90 days for*
24 *public comment on each such plan or report; and*

1 (2) after each such period for public comment,
2 continue to make the proposed plan and report, as
3 well as the comments received, available to the public
4 on an appropriate website.

5 ***Subtitle C—Bureau of Indian***
6 ***Affairs Tribal Resilience Program***

7 ***SEC. 821. BUREAU OF INDIAN AFFAIRS TRIBAL RESILIENCE***
8 ***PROGRAM.***

9 (a) *ESTABLISHMENT.*—The Secretary of the Interior
10 shall establish a program to—

11 (1) *improve the resilience of Indian Tribes to the*
12 *effects of a changing climate;*

13 (2) *support building strong Tribal and Indige-*
14 *nous communities that are resilient to climate change;*

15 (3) *ensure agency effectiveness in fulfilling Fed-*
16 *eral Indian trust responsibilities in the face of cli-*
17 *mate change; and*

18 (4) *ensure the development of modern, cost-effec-*
19 *tive infrastructure in Tribal and Indigenous commu-*
20 *nities.*

21 (b) *GRANTS.*—

22 (1) *AUTHORITY.*—As part of the program estab-
23 lished under subsection (a), to the extent funds are
24 made available through Acts of appropriation, the
25 Secretary shall make multiyear grants to Indian

1 *Tribes and Indigenous communities for eligible activi-*
2 *ties described in paragraph (2).*

3 (2) *ELIGIBLE ACTIVITIES.—Grants under this*
4 *subsection may be used for the following on Indian*
5 *land and in Indigenous communities:*

6 (A) *Development and delivery of adaptation*
7 *training.*

8 (B) *Adaptation planning, vulnerability as-*
9 *essments, emergency preparedness planning,*
10 *and monitoring.*

11 (C) *Capacity building through travel sup-*
12 *port for training, technical sessions, and cooper-*
13 *ative management forums.*

14 (D) *Travel support for participation in*
15 *ocean and coastal planning.*

16 (E) *Development of science-based informa-*
17 *tion and tools to enable adaptive resource man-*
18 *agement and the ability to plan for resilience.*

19 (F) *Relocation of villages or other commu-*
20 *nities experiencing or susceptible to coastal or*
21 *river erosion and flooding.*

22 (G) *Construction of infrastructure to sup-*
23 *port emergency evacuations related to climate*
24 *change.*

1 (H) *Restoration of ecosystems and construc-*
2 *tion of natural and nature-based features to ad-*
3 *dress risks from coastal and riverine flooding*
4 *and erosion.*

5 (I) *Restoration, relocation, and repair of*
6 *infrastructure damaged by melting permafrost or*
7 *coastal or river erosion and flooding.*

8 (J) *Installation and management of energy*
9 *systems that reduce energy costs and greenhouse*
10 *gas emissions compared to the energy systems in*
11 *use before that installation and management.*

12 (K) *Construction and maintenance of social*
13 *or cultural infrastructure that supports resil-*
14 *ience.*

15 (3) *APPLICATIONS.*—*An Indian Tribe or Indige-*
16 *nous community desiring a grant under this sub-*
17 *section shall submit to the Secretary an application*
18 *at such time, in such manner, and containing such*
19 *information as the Secretary may require, including*
20 *a description of the eligible activities to be undertaken*
21 *using the grant.*

22 (c) *INTERAGENCY COOPERATION.*—*The Secretary of*
23 *the Interior, the Secretary of Commerce, and the Adminis-*
24 *trator of the Environmental Protection Agency shall estab-*
25 *lish under the White House Council on Native American*

1 *Affairs an interagency subgroup on Tribal resilience, which*
2 *shall—*

3 (1) *work with Indian Tribes and Indigenous*
4 *communities to collect and share data and informa-*
5 *tion, including traditional ecological knowledge, about*
6 *how the effects of a changing climate are relevant to*
7 *Indian Tribes and Indigenous communities; and*

8 (2) *identify opportunities for the Federal Gov-*
9 *ernment to improve collaboration and assist with ad-*
10 *aptation and mitigation efforts that promote resil-*
11 *ience.*

12 (d) *TRIBAL RESILIENCE LIAISON.—The Secretary of*
13 *the Interior shall establish a Tribal resilience liaison to—*

14 (1) *coordinate with Indian Tribes, Indigenous*
15 *communities, and relevant Federal agencies regarding*
16 *the program under this section, grant opportunities*
17 *related to the program, climate adaptation, and cli-*
18 *mate resilience planning; and*

19 (2) *help ensure Tribal and Indigenous engage-*
20 *ment in climate conversations at the Federal level.*

21 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to carry out this section,*
23 *\$200,000,000 for each of fiscal years 2022 through 2026.*

1 **TITLE IX—COASTAL RESILIENCY**
2 **AND ADAPTATION**

3 **SEC. 901. LIVING SHORELINE GRANT PROGRAM.**

4 (a) *ESTABLISHMENT.*—*The Administrator shall make*
5 *grants to eligible entities for the purposes of—*

6 (1) *designing and implementing large- and*
7 *small-scale, climate-resilient living shoreline projects;*
8 *and*

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

12 (b) *PROJECT PROPOSALS.*—*To be eligible to receive a*
13 *grant under this section, an eligible entity shall submit to*
14 *the Administrator a proposal for a living shoreline project*
15 *that includes—*

16 (1) *monitoring, data collection, and measurable*
17 *performance criteria with respect to the project; and*

18 (2) *an engagement or education component that*
19 *seeks and solicits input and feedback from the local or*
20 *regional community most directly affected by the pro-*
21 *posal.*

22 (c) *PROJECT SELECTION.*—

23 (1) *DEVELOPMENT OF CRITERIA.*—*The Adminis-*
24 *trator shall select eligible entities to receive grants*

1 *under this section based on criteria developed by the*
2 *Administrator.*

3 (2) *CONSIDERATIONS.—In developing the cri-*
4 *teria under paragraph (1) to evaluate a proposed liv-*
5 *ing shoreline project, the Administrator shall take*
6 *into account—*

7 (A) *the potential of the project to protect the*
8 *community and maintain the viability of the en-*
9 *vironment, such as through protection of eco-*
10 *system functions, environmental benefits, or*
11 *habitat types, in the area where the project is to*
12 *be carried out;*

13 (B) *the historical and projected environ-*
14 *mental conditions of the project site, particularly*
15 *those environmental conditions affected by cli-*
16 *mate change;*

17 (C) *the net ecological benefits of the project*
18 *including the potential of the project to con-*
19 *tribute to carbon sequestration and storage;*

20 (D) *the ability of the entity proposing the*
21 *project to demonstrate the potential of the project*
22 *to protect the coastal community where the*
23 *project is to be carried out, including through—*

24 (i) *reducing the effects of erosion;*

- 1 (ii) reducing damage to infrastructure
2 and the loss of life from coastal storms and
3 storm surge;
- 4 (iii) reducing flood risk;
- 5 (iv) managing the effects of sea level
6 rise, accelerated land loss, and extreme
7 tides;
- 8 (v) sustaining, protecting, or restoring
9 the functions and habitats of coastal eco-
10 systems;
- 11 (vi) protecting important cultural sites
12 or values;
- 13 (vii) protecting low-income commu-
14 nities, communities of color, Tribal commu-
15 nities, Indigenous communities, and rural
16 communities;
- 17 (viii) sustaining, protecting, or restor-
18 ing the functions and habitats of marine
19 protected areas; or
- 20 (ix) such other forms of coastal protec-
21 tion as the Administrator considers appro-
22 priate; and
- 23 (E) the potential of the project to support
24 resiliency at a military installation or commu-
25 nity infrastructure supportive of a military in-

1 *stallation (as such terms are defined in section*
2 *2391 of title 10, United States Code).*

3 (3) *STANDARDS.—The Administrator shall estab-*
4 *lish a living shoreline design guidelines for each re-*
5 *gion of the United States, which shall be used in se-*
6 *lecting eligible projects for grants under this section.*

7 (d) *USE OF FUNDS.—A grant awarded under this sec-*
8 *tion to an eligible entity to carry out a living shoreline*
9 *project may be used by the eligible entity only—*

10 (1) *to carry out the project, including adminis-*
11 *tration, community engagement, planning, design,*
12 *permitting, entry into negotiated indirect cost rate*
13 *agreements, and construction;*

14 (2) *to monitor, collect, and report data on the*
15 *performance (including performance over time) of the*
16 *project, in accordance with standards issued by the*
17 *Administrator under subsection (f)(2); or*

18 (3) *to incentivize landowners to engage in living*
19 *shoreline projects.*

20 (e) *MONITORING AND REPORTING.—For a length of*
21 *time based on type of project and determined by the Admin-*
22 *istrator, the Administrator shall require each eligible entity*
23 *receiving a grant under this section (or a representative of*
24 *the entity) to carry out a living shoreline project—*

1 (1) to transmit to the Administrator data col-
2 lected under the project;

3 (2) to monitor and collect data on the ecological
4 and economic benefits of the project and the protec-
5 tion provided by the project for the coastal commu-
6 nity where the project is carried out;

7 (3) to make data collected under the project
8 available on a publicly accessible website of the Na-
9 tional Oceanic and Atmospheric Administration; and

10 (4) upon the completion of the project, to submit
11 to the Administrator a report on—

12 (A) the measures described in paragraph
13 (2); and

14 (B) the effectiveness of the project in in-
15 creasing protection of the coastal community
16 where the project is carried out through living
17 shorelines techniques, including—

18 (i) a description of—

19 (I) the project;

20 (II) the activities carried out
21 under the project; and

22 (III) the techniques and materials
23 used in carrying out the project; and

1 (ii) data on the performance of the
2 project in providing protection to that
3 coastal community.

4 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
5 authorized to be appropriated to the Administrator
6 \$50,000,000 for each of fiscal years 2022 through 2026 for
7 purposes of carrying out this section.

8 (g) *DEFINITIONS.*—In this section, the following defi-
9 nitions apply:

10 (1) *ELIGIBLE ENTITY.*—The term “eligible enti-
11 ty” means any of the following:

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

13 (B) An organization described in section
14 501(c)(3) of the Internal Revenue Code of 1986
15 that is exempt from taxation under section
16 501(a) of such Code.

17 (C) An Indian Tribe (as defined in section
18 4 of the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 5304)).

20 (D) An institution of higher education.

21 (2) *LIVING SHORELINE PROJECT.*—The term
22 “living shoreline project” means a project that re-
23 stores or stabilizes a shoreline using natural materials
24 such as plants, sand, or rock that provides ecological
25 benefits to coastal ecosystems and habitats in addition

1 to shoreline protection; and incorporates as many
2 natural elements as possible, such as native wetlands,
3 kelp forests, submerged aquatic plants, corals, oyster
4 shells, native grasses, shrubs, or trees.

5 (3) *STATE*.—The term “State” means all coastal
6 States, the District of Columbia, the Commonwealth
7 of Puerto Rico, the United States Virgin Islands,
8 Guam, American Samoa, and the Commonwealth of
9 the Northern Mariana Islands.

10 **SEC. 902. NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-**
11 **TRATION RESEARCH PROGRAMS.**

12 (a) *LIVING SHORELINE AND NATURE-BASED INFRA-*
13 *STRUCTURE RESEARCH PROGRAM*.—

14 (1) *DEFINITION OF NATURE-BASED INFRASTRUC-*
15 *TURE*.—In this section, the term “nature-based infra-
16 structure” means a feature that is created by human
17 design, engineering, and construction to provide risk
18 reduction in coastal areas by acting in concert with
19 natural processes.

20 (2) *ESTABLISHMENT*.—The Administrator shall
21 make competitive research grants available focused on
22 developing and assessing the effectiveness of innova-
23 tive approaches to living shorelines and nature-based
24 infrastructure and features for the purposes of—

1 (A) *preparing more resilient, sustainable*
2 *cities and resilient communities;*

3 (B) *reducing the costs associated with cli-*
4 *mate-related disasters, built infrastructure deg-*
5 *radation, and human relocation; and*

6 (C) *accomplishing improved resilience while*
7 *maintaining ecosystem functions and habitats to*
8 *the greatest extent possible.*

9 (3) *ELIGIBILITY.—To be eligible for a grant*
10 *under this subsection, an applicant must be an insti-*
11 *tution of higher education, nonprofit organization,*
12 *State, local, or Tribal Government, for-profit organi-*
13 *zation, United States Territory, or Federal agency*
14 *that has statutory authority to receive transfers of*
15 *funds.*

16 (4) *RESEARCH PRIORITIES.—The Administrator*
17 *shall award grants for projects which focus on the fol-*
18 *lowing:*

19 (A) *Assessments of installed living shoreline*
20 *and nature-based infrastructure, as of the date of*
21 *the enactment of this Act, for their effectiveness*
22 *in addressing, if applicable—*

23 (i) *coastal resilience;*

24 (ii) *shoreline erosion;*

1 (iii) storm damage including wind-
2 storms;
3 (iv) inland flooding;
4 (v) water quality;
5 (vi) impact on local ecosystems; and
6 (vii) other criteria as determined by
7 the Administrator.

8 (B) Novel approaches to nature-based infra-
9 structure and living shorelines aimed at opti-
10 mizing resilience to climate change, extreme
11 weather, and ecosystem sustainability.

12 (C) Interdisciplinary research including en-
13 gineering, environmental and ecosystem sciences,
14 biology, social science, and Tribal or indigenous
15 traditional knowledge systems.

16 (D) Regional, community, and industry
17 partnerships to create locally informed solutions.

18 (5) *REPORTS FOR INFORMING LIVING SHORELINE*
19 *AND NATURE-BASED INFRASTRUCTURE PROJECT*
20 *GRANTS.*—Funded projects shall submit a summa-
21 rized report of their findings at the conclusion of the
22 grant to the Administrator to help inform the selec-
23 tion and prioritization of living shoreline and other
24 nature-based infrastructure projects as described in
25 section 1001 of this Act.

1 (6) *ADDITIONAL AUTHORITIES.—The Adminis-*
2 *trator may use—*

3 (A) *the National Oceanographic Partner-*
4 *ship Program established by section 8931 of title*
5 *10, United States Code, as a venue for collabora-*
6 *tion and coordination to leverage partnerships*
7 *between public institutions of higher education*
8 *and Federal agencies;*

9 (B) *the Coastlines and People initiative*
10 *under the National Science Foundation as a tool*
11 *to use ongoing interdisciplinary research;*

12 (C) *the National Sea Grant College Pro-*
13 *gram as a resource to implement research and*
14 *other projects and help foster collaboration be-*
15 *tween institutions of higher education and Fed-*
16 *eral agencies; and*

17 (D) *the National Institute of Standards and*
18 *Technology (NIST) Community Resilience Cen-*
19 *ter of Excellence.*

20 (7) *AUTHORIZATION OF APPROPRIATIONS.—*
21 *There is authorized to be appropriated to the Admin-*
22 *istrator \$5,000,000 for each of fiscal years 2022*
23 *through 2026 for purposes of carrying out this sub-*
24 *section.*

1 (b) *COASTAL SCIENCE AND ASSESSMENT: COMPETITIVE EXTERNAL RESEARCH.*—

3 (1) *IN GENERAL.*—*The Administrator shall establish an annual competitive grants program that gives priority to interdisciplinary coastal resilience research and engagement projects that focus on developing and implementing scalable best practices for—*

8 (A) *protecting life and critical infrastructure;*

10 (B) *developing and implementing decision-support tools useful to coastal communities;*

12 (C) *determining societal, ecological, and resiliency benefits of coastal restoration and protection and natural, nature-based, and man-made infrastructure, and how these benefits affect the sustainability of coastal ecosystems and communities;*

18 (D) *volunteer and community-science monitoring of coastal and marine resources as part of efforts to protect coastal communities from sea level rise and other hazards;*

22 (E) *monitoring and developing ecosystem-based approaches to managing coastal ecosystems to promote sustainability;*

1 (F) assessing and enhancing the capacity of
2 human communities to adapt to coastal natural
3 disasters;

4 (G) assessing coastal vulnerability and risk;

5 (H) evaluating adaptation, protection, and
6 restoration approaches to reduce risk, including
7 through the use of natural, nature-based, and
8 manmade features;

9 (I) minimizing costs associated with dam-
10 ages incurred from natural disasters, flooding,
11 and sea level rise;

12 (J) developing and updating curriculum
13 and other educational and development opportu-
14 nities for programs in coastal conservation at
15 public community colleges and within National
16 Sea Grant college programs and universities to
17 train the new coastal conservation workforce;

18 (K) evaluating potential outcomes associ-
19 ated with developing new commercial and rec-
20 reational fishery opportunities, including aqua-
21 culture and targeting invasive and range-ex-
22 panding species; and

23 (L) engaging in outreach, training, and
24 education to connect actionable research to local

1 *communities, policymakers, planners, practi-*
2 *tioners, and students.*

3 (2) *ELIGIBILITY.*—*To be eligible for a grant*
4 *under the Program, an applicant must be an institu-*
5 *tion of higher education, nonprofit organization,*
6 *State, local, or Tribal government, for-profit organi-*
7 *zation, United States Territory, or Federal agency*
8 *that has statutory authority to receive transfers of*
9 *funds.*

10 (3) *DEFINITIONS.*—*In this subsection, the fol-*
11 *lowing definitions apply:*

12 (A) *CRITICAL INFRASTRUCTURE.*—*The term*
13 *“critical infrastructure” means infrastructure,*
14 *including natural or nature-based infrastructure,*
15 *the destruction or damaging of which would have*
16 *a debilitating impact on national security or*
17 *economic security, undermine community resil-*
18 *ency and adaptation, or threaten public health*
19 *or safety.*

20 (B) *NATURAL AND NATURE-BASED FEA-*
21 *TURES.*—*The term “natural features” or “na-*
22 *ture-based features” means coastal vegetation,*
23 *living reefs, beaches, dunes, marshes, oyster reefs,*
24 *coastal forests, municipal green infrastructure,*
25 *and living shorelines.*

1 (4) *AUTHORIZATION OF APPROPRIATIONS.*—

2 *There is authorized to be appropriated to the Admin-*
3 *istrator \$5,000,000 for each of fiscal years 2022*
4 *through 2026 for purposes of carrying out this sec-*
5 *tion.*

6 (c) *GRANTS FOR RECOVERING OYSTERS.*—

7 (1) *ESTABLISHMENT.*—*The Administrator shall*
8 *establish a grant program (in this subsection referred*
9 *to as the “Program”) under which the Administrator*
10 *shall award grants to eligible entities for the purpose*
11 *of conducting research on the conservation, restora-*
12 *tion, or management of oysters in estuarine eco-*
13 *systems.*

14 (2) *APPLICATION.*—*To be eligible to receive a*
15 *grant under this subsection, an eligible entity shall*
16 *submit to the Administrator an application at such*
17 *time, in such manner, and containing such informa-*
18 *tion as the Administrator may require.*

19 (3) *ALLOCATION OF GRANT FUNDS.*—

20 (A) *IN GENERAL.*—*The Administrator may*
21 *award a grant under the Program to eligible en-*
22 *tities that submit an application under para-*
23 *graph (2).*

24 (B) *MATCHING REQUIREMENT.*—

1 (i) *IN GENERAL.*—*Except as provided*
2 *in clause (ii), the total amount of Federal*
3 *funding received under the Program by an*
4 *eligible entity may not exceed 85 percent of*
5 *the total cost of the research project for*
6 *which the funding was awarded. For the*
7 *purposes of this clause, the non-Federal*
8 *share of project costs may be provided by*
9 *in-kind contributions and other noncash*
10 *support.*

11 (ii) *WAIVER.*—*The Administrator may*
12 *waive all or part of the requirement in*
13 *clause (i) if the Administrator determines*
14 *that no reasonable means are available*
15 *through which an eligible entity applying*
16 *for a grant under this subsection can meet*
17 *such requirement and the probable benefit of*
18 *such research project outweighs the public*
19 *interest in such requirement.*

20 (C) *EQUITABLE DISTRIBUTION.*—*The Ad-*
21 *ministrator shall ensure, to the maximum extent*
22 *practicable, that grant funding under this sub-*
23 *section is apportioned according to the historic*
24 *baseline oyster population of each estuary of the*
25 *United States.*

1 (4) *DEFINITIONS.*—*In this subsection, the fol-*
2 *lowing definitions apply:*

3 (A) *ELIGIBLE ENTITY.*—*The term “eligible*
4 *entity” means a member of an institution of*
5 *higher education, the seafood industry, a relevant*
6 *nonprofit organization, or a relevant State agen-*
7 *cy, that is proposing or conducting a research*
8 *project on the conservation, restoration, or man-*
9 *agement of oysters in an estuarine ecosystem.*

10 (B) *HISTORIC BASELINE.*—*The term “his-*
11 *toric baseline” means the estimated population*
12 *of oysters in an estuary in 1850.*

13 (C) *NONPROFIT ORGANIZATION.*—*The term*
14 *“nonprofit organization” means an organization*
15 *described in section 501(c)(3) of the Internal*
16 *Revenue Code of 1986 and exempt from tax*
17 *under section 501(a) of such Code.*

18 (D) *SEAFOOD INDUSTRY.*—*The term “sea-*
19 *food industry” means shellfish growers, shellfish*
20 *harvesters, commercial fishermen, and rec-*
21 *reational fishermen.*

22 (5) *AUTHORIZATION OF APPROPRIATIONS.*—
23 *There is authorized to be appropriated to the Admin-*
24 *istrator \$5,000,000 for each of the fiscal years 2022*
25 *through 2026 to carry out this subsection.*

1 **SEC. 903. IMPROVEMENTS TO THE NATIONAL OCEANS AND**
2 **COASTAL SECURITY ACT.**

3 (a) *DEFINITION OF TIDAL SHORELINE REFINED.*—
4 *Section 902 of the National Oceans and Coastal Security*
5 *Act (16 U.S.C. 7501) is amended—*

6 (1) *by amending paragraph (7) to read as fol-*
7 *lows:*

8 “(7) *TIDAL SHORELINE.*—*The term ‘tidal shore-*
9 *line’ means a ‘tidal shoreline’ or a ‘Great Lake shore-*
10 *line’ as such terms are used in section*
11 *923.110(c)(2)(i) of title 15, Code of Federal Regula-*
12 *tions, or a similar successor regulation.’; and*

13 (2) *by adding at the end the following:*

14 “(8) *INDIAN TRIBE.*—*The term ‘Indian Tribe’*
15 *has the meaning given the term ‘Indian tribe’ in sec-*
16 *tion 4 of the Indian Self-Determination and Edu-*
17 *cation Assistance Act (25 U.S.C. 5304).*

18 “(9) *BLUE CARBON.*—*The term ‘blue carbon’*
19 *means the carbon that marine or coastal vegetation*
20 *sequester from the atmosphere in a manner that re-*
21 *sults in its storage for a period of not less than 100*
22 *years.’.*

23 (b) *IMPROVEMENTS TO NATIONAL OCEANS AND COAST-*
24 *AL SECURITY FUND.*—

25 (1) *DEPOSITS.*—*Section 904(b)(1) of such Act*
26 *(16 U.S.C. 7503(b)(1)) is amended to read as follows:*

1 “(1) *IN GENERAL.*—*There shall be deposited into*
2 *the Fund, which shall constitute the assets of the*
3 *Fund—*

4 “(A) *amounts transferred to the Fund*
5 *under section 908; and*

6 “(B) *such other amounts as may be appro-*
7 *priated or otherwise made available to carry out*
8 *this Act.”.*

9 “(2) *EXPENDITURES.*—*Section 904 of such Act*
10 *(16 U.S.C. 7503) is amended by striking subsection*
11 *(d) and inserting the following:*

12 “(d) *EXPENDITURE.*—*Of the amounts deposited into*
13 *the Fund for each fiscal year—*

14 “(1) *not less than \$150,000,000 shall be used for*
15 *the award of grants under subsection (b) of section*
16 *906;*

17 “(2) *not less than \$50,000,000 shall be used for*
18 *the award of grants under subsection (c) of such sec-*
19 *tion;*

20 “(3) *if amounts deposited into the Fund for each*
21 *fiscal year are greater than \$200,000,000, any*
22 *amounts in excess of \$200,000,000 shall be distributed*
23 *such that—*

24 “(A) *80 percent shall be used for the award*
25 *of grants under subsection (b) of section 906; and*

1 “(B) 20 percent shall be used for the award
2 of grants under subsection (c) of section 906; and
3 “(4) of amounts provided in this subsection, not
4 more than 4 percent may be used by the Adminis-
5 trator and the National Fish and Wildlife Founda-
6 tion (Foundation) for direct costs to carry out this
7 chapter.”.

8 (c) *ELIGIBLE USES OF THE FUND.*—Section 905 of
9 such Act (16 U.S.C. 7504) is amended to read as follows:
10 **“SEC. 905. ELIGIBLE USES.**

11 “(a) *IN GENERAL.*—Amounts in the Fund may be allo-
12 cated by the Administrator for grants under section 906(b)
13 and the Foundation for grants under section 906(c) to sup-
14 port programs and activities intended to protect, conserve,
15 restore, better understand, and utilize ocean and coastal re-
16 sources and coastal infrastructure, including, where appro-
17 priate, scientific research, resiliency planning, implementa-
18 tion, and monitoring and spatial planning, data-sharing,
19 and other programs and activities carried out in coordina-
20 tion with Federal and State departments or agencies, in-
21 cluding the following:

22 “(1) Ocean, coastal, and Great Lakes restoration
23 and protection, including efforts to address potential
24 impacts of sea level change, sedimentation, erosion,
25 changes in ocean chemistry, hurricanes and other ex-

1 *treme weather, flooding, and changes in ocean tem-*
2 *perature to natural resources, communities, and*
3 *coastal economies.*

4 *“(2) Restoration, protection, or maintenance of*
5 *living ocean, coastal, and Great Lakes resources and*
6 *their habitats, including habitats and ecosystems that*
7 *provide blue carbon benefits.*

8 *“(3) Planning for and managing coastal develop-*
9 *ment to enhance ecosystem and community integrity,*
10 *or to minimize impacts from sea level change, hurri-*
11 *canes and other extreme weather, flooding, and coast-*
12 *al erosion.*

13 *“(4) Projects to address management, planning,*
14 *or resiliency and readiness issues which are regional*
15 *or interstate in scope, such as regional ocean partner-*
16 *ships or similar bodies.*

17 *“(5) Efforts that contribute to the understanding*
18 *of ecological, economic, societal, and national security*
19 *threats driven by changes to the oceans, coasts, and*
20 *Great Lakes.*

21 *“(6) Efforts to preserve, protect, and collect data,*
22 *including but not limited to public ocean and coastal*
23 *data portals, that would support sustainable water-*
24 *dependent commercial activities including commercial*
25 *fishing, recreational fishing businesses, aquaculture,*

1 *boat building, or other coastal-related businesses other*
2 *marine-based recreational businesses and sustainable*
3 *tourism.*

4 “(7) *Efforts to assist coastal States in repo-*
5 *sitioning, relocating or deploying natural or nature-*
6 *based features to enhance the resiliency of critical*
7 *coastal transportation, emergency response, water,*
8 *electrical, and other infrastructure, that are already*
9 *subject to or face increased future risks of hurricanes,*
10 *coastal flooding, coastal erosion, or sea level change to*
11 *ensure the economic security, safety, and ecological*
12 *well-being of the coasts of the United States.*

13 “(8) *Acquisition of property or interests in prop-*
14 *erty if—*

15 “(A) *the area is located within a coastal*
16 *county or adjacent county;*

17 “(B) *the funds made available under this*
18 *subtitle are used to acquire land or interest in*
19 *land by purchase, exchange, or donation from a*
20 *willing seller;*

21 “(C) *the Governor of the State in which the*
22 *property or interests in property are acquired*
23 *approves of the acquisition; and*

24 “(D) *such property or interest is acquired*
25 *in a manner that will ensure such property or*

1 *interest will be administered to support the pur-*
2 *poses of this Act.*

3 “(9) *Protection and modification of critical*
4 *coastal public infrastructure affected by erosion, hur-*
5 *ricanes or other extreme weather, flooding, or sea level*
6 *change.*

7 “(10) *Assistance for small businesses and com-*
8 *munities that are dependent on coastal tourism as eli-*
9 *gible efforts that help coastal economies minimize im-*
10 *pacts from sea level rise and disasters.*

11 “(11) *Projects that use natural and nature-based*
12 *approaches for enhancing the resiliency of wastewater*
13 *and stormwater infrastructure as eligible critical in-*
14 *frastructure projects (as compared to just general*
15 *water infrastructure, which can also include drinking*
16 *water systems).*

17 “(12) *Technical assistance to help develop com-*
18 *prehensive resilience and mitigation plans and to en-*
19 *gage community stakeholders, as an eligible funding*
20 *effort.*

21 “(13) *Community-led strategic relocation efforts.*

22 “(b) *PROHIBITION ON USE OF FUNDS FOR LITIGATION*
23 *AND LOBBYING.—No funds made available under this Act*
24 *may be used to fund any expense related to litigation or*

1 *any activity the purpose of which is to influence legislation*
2 *pending before Congress.”.*

3 (d) *GRANTS.—*

4 (1) *ADMINISTRATION.—Subsection (a)(1) of sec-*
5 *tion 906 of such Act (16 U.S.C. 7505) is amended—*

6 (A) *by amending subparagraph (B) to read*
7 *as follows:*

8 “(B) *Selection procedures and criteria for*
9 *the awarding of grants under this section that*
10 *require consultation with the Administrator and*
11 *the Secretary of the Interior.”;*

12 (B) *by amending subparagraph (C)(ii) to*
13 *read as follows:*

14 “(ii) *under subsection (c), as appro-*
15 *priate, to entities including States, local*
16 *governments, regional and interstate*
17 *collaboratives, associations, nonprofit and*
18 *for-profit private entities, public-private*
19 *partnerships, academic institutions, Indian*
20 *Tribes, and Indigenous communities.”;*

21 (C) *in subparagraph (F), by striking “year*
22 *if grants have been awarded in that year” and*
23 *inserting “5 years”; and*

24 (D) *by adding at the end the following:*

1 “(I) A method to give special consideration
2 in reviewing proposals to projects with either di-
3 rect or indirect coastal or marine blue carbon
4 benefits and an accounting methodology to quan-
5 tify these benefits for the purposes of the annual
6 report required under section 907.”.

7 (2) GRANTS TO COASTAL STATES.—Subsection
8 (b) of section 906 of such Act (16 U.S.C. 7505) is
9 amended to read as follows:

10 “(b) GRANTS TO COASTAL STATES AND INDIAN
11 TRIBES.—

12 “(1) IN GENERAL.—Subject to section 904(d)(1)
13 and paragraphs (3) and (4) of this subsection, the
14 Administrator and the Foundation shall award
15 grants to eligible coastal States based on the following
16 formula:

17 “(A) 50 percent of the funds are allocated
18 equally among such coastal States and Tribes,
19 with not less than 15 percent going to Indian
20 Tribes.

21 “(B) 30 percent of the funds are allocated
22 on the basis of the ratio of tidal shoreline miles
23 in a coastal State to the tidal shoreline miles of
24 all coastal States.

1 “(C) 20 percent of the funds are allocated
2 on the basis of the ratio of population of the
3 coastal counties of a coastal State to the total
4 population of all coastal counties of all coastal
5 States based on the most recent data available by
6 the United States Census Bureau.

7 “(2) *ELIGIBLE COASTAL STATES.*—For purposes
8 of this subsection, an eligible coastal State is any
9 coastal State as defined in section 304 of the Coastal
10 Zone Management Act of 1972 (16 U.S.C. 1453).

11 “(3) *MAXIMUM ALLOCATION TO STATES.*—Not-
12 withstanding paragraph (1), not more than 5 percent
13 of the total funds distributed under this subsection
14 may be allocated to any single State. Any amount ex-
15 ceeding this limit shall be redistributed equally
16 among the remaining eligible coastal States.

17 “(4) *REQUIREMENT TO SUBMIT PLANS.*—

18 “(A) *IN GENERAL.*—To be eligible to receive
19 a grant under this subsection, an eligible coastal
20 State shall submit to the Administrator for re-
21 view and approval, a 5-year plan, which shall
22 include the following:

23 “(i) *Criteria to determine eligibility*
24 *for entities which may receive grants under*
25 *this subsection.*

1 “(ii) *A description of the competitive*
2 *process the coastal State will use in allo-*
3 *cating funds received from the Fund, except*
4 *in the case of allocating funds under para-*
5 *graph (7), which shall include—*

6 “(I) *a description of the relative*
7 *roles of and consistency with the State*
8 *coastal zone management program ap-*
9 *proved under the Coastal Zone Man-*
10 *agement Act of 1972 (16 U.S.C. 1451*
11 *et seq.), if the coastal State has such a*
12 *plan, and any State Sea Grant Pro-*
13 *gram, if the State has such program;*
14 *and*

15 “(II) *a demonstration that such*
16 *competitive process is consistent with*
17 *the application and review procedures*
18 *established by the Administrator and*
19 *Foundation under subsection (a)(1).*

20 “(iii) *A process to certify that the*
21 *project or program and the awarding of a*
22 *contract for the expenditure of amounts re-*
23 *ceived under this paragraph are consistent*
24 *with the standard procurement rules and*
25 *regulations governing a comparable project*

1 or program in that State, including all ap-
2 plicable competitive bidding and audit re-
3 quirements.

4 “(iv) Procedures to make publicly
5 available on the internet a list of all
6 projects supported by the Fund, that in-
7 cludes at a minimum the grant recipient,
8 grant amount, project description, and
9 project status.

10 “(B) UPDATES.—As a condition of receiv-
11 ing a grant under this subsection, a coastal State
12 shall submit to the Administrator, not less fre-
13 quently than once every 5 years, an update to
14 the plan submitted by the coastal State under
15 subparagraph (A) for the 5-year period imme-
16 diately following the most recent submittal under
17 this paragraph.

18 “(5) OPPORTUNITY FOR PUBLIC COMMENT.—In
19 determining whether to approve a plan or an update
20 to a plan described in subparagraph (A) or (B) of
21 paragraph (4), the Administrator or the Foundation
22 shall provide the opportunity for, and take into con-
23 sideration, public input and comment on the plan.

24 “(6) INDIAN TRIBES.—As a condition on receipt
25 of a grant under this subsection, a State that receives

1 *a grant under this subsection shall ensure that Indian*
2 *Tribes in the State are eligible to participate in the*
3 *competitive process described in the State’s plan*
4 *under paragraph (5)(A)(ii).*

5 *“(7) NONPARTICIPATION BY A STATE.—In any*
6 *year, if an eligible coastal State or geographic area*
7 *does not submit the plan required by paragraph (4)*
8 *or declines the funds distributed under this subsection,*
9 *the funds that would have been allocated to the State*
10 *or area shall be reallocated to carry out subsection (c)*
11 *for the national grant program.”.*

12 *(3) NATIONAL GRANTS FOR OCEANS, COASTS, AND*
13 *GREAT LAKES.—Subsection (c)(2) of such section is*
14 *amended—*

15 *(A) in subparagraph (B)—*

16 *(i) in clause (ii), by striking “; and”*
17 *and inserting a semicolon;*

18 *(ii) by redesignating clause (iii) as*
19 *clause (iv); and*

20 *(iii) by inserting after clause (ii) the*
21 *following:*

22 *“(iii) nongovernmental organizations;*
23 *and”; and*

24 *(B) by adding at the end the following:*

1 “(C) *CAP ON STATE FUNDING.*—*The amount*
2 *of a grant awarded under this subsection shall*
3 *not count toward the cap on funding to States*
4 *through grants awarded under subsection (b).*”

5 “(D) *INDIGENOUS COMMUNITIES.*—*Not less*
6 *than \$5,000,000 each year shall be awarded to*
7 *Tribes and Indigenous communities.*”.

8 (e) *ANNUAL REPORT.*—*Section 907 of the National*
9 *Oceans and Coastal Security Act (16 U.S.C. 7506) is*
10 *amended—*

11 (1) *in paragraph (2) of subsection (b), by strik-*
12 *ing “and” at the end;*

13 (2) *by amending paragraph (3) of subsection (b)*
14 *to read as follows:*

15 “(3) *a description of the expenditures made from*
16 *the Fund for the fiscal year, including the purpose of*
17 *the expenditures; and*”;
18 *and*

19 (3) *by adding at the end the following:*

20 “(4) *an estimate of blue carbon benefits, in tons*
21 *of carbon dioxide, expected through grants awarded to*
22 *projects that received special consideration under sec-*
23 *tion 906 due to their blue carbon potential.*”.

24 (f) *FUNDING.*—*Section 908 of such Act (16 U.S.C.*
7507) is amended to read as follows:

1 **“SEC. 908. FUNDING.**

2 *“There is authorized to be appropriated \$200,000,000*
3 *to carry out this title for each of fiscal years 2022 through*
4 *2026.”.*

5 **SEC. 904. SHOVEL-READY RESTORATION GRANTS FOR**
6 **COASTLINES AND FISHERIES.**

7 *(a) ESTABLISHMENT.—The Administrator shall estab-*
8 *lish a grant program to provide funding and technical as-*
9 *sistance to eligible entities for purposes of carrying out a*
10 *project described in subsection (d).*

11 *(b) PROJECT PROPOSAL.—To be considered for a grant*
12 *under this section, an eligible entity shall submit a grant*
13 *proposal to the Administrator in a time, place, and manner*
14 *determined by the Administrator. Such proposal shall in-*
15 *clude monitoring, data collection, and measurable perform-*
16 *ance criteria with respect to the project.*

17 *(c) DEVELOPMENT OF CRITERIA.—The Administrator*
18 *shall select eligible entities to receive grants under this sec-*
19 *tion based on criteria developed by the Administrator, in*
20 *consultation with relevant offices of the National Oceanic*
21 *and Atmospheric Administration, such as the Office of*
22 *Habitat Conservation, the Office for Coastal Management,*
23 *the Office of Response and Restoration, and the Office of*
24 *National Marine Sanctuaries.*

25 *(d) ELIGIBLE PROJECTS.—A proposal is eligible for*
26 *a grant under this section if—*

1 (1) *the purpose of the project is to restore a ma-*
2 *rine, estuarine, coastal, or Great Lake habitat, in-*
3 *cluding—*

4 (A) *restoration of habitat to protect or re-*
5 *cover a species that is threatened, endangered, or*
6 *a species of concern under the Endangered Spe-*
7 *cies Act of 1973 (16 U.S.C. 1531 et seq.);*

8 (B) *through the removal or remediation of*
9 *marine debris, including derelict vessels and*
10 *abandoned, lost, and discarded fishing gear, in*
11 *coastal and marine habitats; or*

12 (C) *for the benefit of—*

13 (i) *shellfish;*

14 (ii) *fish, including diadromous fish;*

15 (iii) *coral reef systems;*

16 (iv) *marine wildlife;*

17 (v) *blue carbon ecosystems such as*
18 *coastal wetlands, marshes, coastal forests,*
19 *seagrasses, kelp forests, and other habitats*
20 *important to carbon sequestration and stor-*
21 *age; or*

22 (vi) *ecosystems such as beaches, dunes,*
23 *oyster beds, submerged aquatic vegetation,*
24 *and other ecosystems that provide protection*

1 *from flooding, wave effects, and other coast-*
2 *al hazards; or*

3 (2) *provides adaptation to climate change, in-*
4 *cluding sequestering and storing carbon or by con-*
5 *structing, restoring, or protecting ecological features*
6 *or nature-based infrastructure that protects coastal*
7 *communities from sea level rise, coastal storms, or*
8 *flooding.*

9 (e) *PRIORITY.—In determining which projects to fund*
10 *under this section, the Administrator shall give priority to*
11 *a proposed project—*

12 (1) *that would stimulate the economy;*

13 (2) *for which the applicant can demonstrate that*
14 *the grant will fund work that will begin not more*
15 *than 90 days after the date of award;*

16 (3) *for which the applicant can demonstrate that*
17 *the grant will fund work that will employ fishermen*
18 *who have been negatively impacted by the COVID–19*
19 *pandemic or pay a fisherman for the use of a fishing*
20 *vessel;*

21 (4) *for which the applicant can demonstrate that*
22 *any preliminary study or permit required before the*
23 *project can begin has been completed or can be com-*
24 *pleted shortly after an award is made;*

1 (5) *that includes communities that may not have*
2 *adequate resources including low-income commu-*
3 *nities, communities of color, Tribal communities, In-*
4 *digenuous communities, and rural communities; or*

5 (6) *that is happening within National Wildlife*
6 *Refuges, National Parks, and Marine Protected Areas,*
7 *such as National Marine Sanctuaries.*

8 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
9 *authorized to be appropriated to the Administrator*
10 *\$10,000,000,000 for fiscal year 2022 to carry out this sec-*
11 *tion, to remain available until expended.*

12 (g) *DEFINITIONS.—In this section, the following defi-*
13 *initions apply:*

14 (1) *ELIGIBLE ENTITY.—The term “eligible enti-*
15 *ty” means a nonprofit, a for-profit business, an insti-*
16 *tution of higher education, or a State, local, Tribal,*
17 *or Territorial government.*

18 (2) *FISHERMEN.—The term “fishermen” means*
19 *commercial or for-hire fishermen or oyster farmers.*

20 **SEC. 905. STRATEGIC CLIMATE CHANGE RELOCATION INI-**
21 **TIATIVE AND PROGRAM.**

22 (a) *ESTABLISHMENT OF INITIATIVE.—The Chairman*
23 *of the Council on Environmental Quality (in this section*
24 *referred to as the “Chair”) shall establish a Strategic Cli-*
25 *mate Change Relocation Initiative (in this section referred*

1 to as the “Initiative”) for the purposes of coordinating Fed-
2 eral agency activities to identify and assist communities
3 that have expressed affirmative interest in relocation due
4 to health, safety, and environmental impacts from climate
5 change, including hurricanes, flooding, sea level rise, ero-
6 sion, and repeat wildfires.

7 (b) *DIRECTOR.*—The Chair shall appoint a Strategic
8 Climate Relocation Director to manage the Initiative.

9 (c) *CONSULTATION.*—The Chair shall coordinate and
10 consult with Federal agencies conducting activities related
11 to this section including the National Oceanic and Atmos-
12 pheric Administration, the Department of the Interior, in-
13 cluding the Bureau of Indian Affairs, the Environmental
14 Protection Agency, the Federal Emergency Management
15 Agency, the Department of Housing and Urban Develop-
16 ment, the Denali Commission, the Corps of Engineers, the
17 Office of Management and Budget, the National Economic
18 Council, the National Security Council, the White House
19 Council on Native American Affairs Interagency Subgroup
20 on Tribal Resilience, and other Federal agencies as appro-
21 priate.

22 (d) *EXTERNAL ADVISORY PANEL.*—The Chair shall es-
23 tablish an external advisory panel that may include com-
24 munity leaders, nongovernmental organizations, State and
25 local government representatives, Tribal leaders, Indigenous

1 *community representatives, climate adaptation profes-*
2 *sionals, institutions of higher education, and other relevant*
3 *experts as appropriate.*

4 *(e) REPORT TO CONGRESS.—Not later than two years*
5 *after the date of the enactment of this Act, the Chair shall*
6 *submit a report to Congress recommending key elements of*
7 *a Strategic Climate Change Relocation Program to identify*
8 *and assist communities that have expressed affirmative in-*
9 *terest in relocation due to health, safety, and environmental*
10 *impacts from climate change. The report shall—*

11 *(1) identify—*

12 *(A) areas where climate change impacts*
13 *make relocation a likely climate change adapta-*
14 *tion strategy;*

15 *(B) communities that have expressed af-*
16 *firmative interest in relocation (in this section*
17 *referred to as “sending communities”); and*

18 *(C) potential relocation areas and commu-*
19 *nities that have expressed interest in attracting*
20 *climate migrants (in this section referred to as*
21 *“receiving communities”);*

22 *(2) propose criteria to qualify for climate reloca-*
23 *tion assistance, with preference given to disadvan-*
24 *taged communities where community members have*

1 *indicated a preference for retreat which would other-*
2 *wise be challenged to relocate;*

3 *(3) describe the roles and responsibilities of spe-*
4 *cific Federal agencies in implementing the Strategic*
5 *Climate Change Relocation Program and how the*
6 *Program should be coordinated with applicable State*
7 *and Federal agency plans and programs and identify*
8 *Federal programs that can be tailored to incentivize*
9 *self-identification of communities as receiving areas;*

10 *(4) outline the role that State, Tribal, Indige-*
11 *nous, and local governments should play in imple-*
12 *menting the Strategic Climate Change Relocation*
13 *Program, including identification of areas or commu-*
14 *nities where people leaving areas vulnerable to cli-*
15 *mate change can consider locating, and the specific*
16 *resources needed to prepare those communities to be*
17 *receiving communities in terms of Federal investment*
18 *in infrastructure, affordable housing, and social serv-*
19 *ices;*

20 *(5) summarize existing Federal and State pro-*
21 *grams for purchase of individual properties vulner-*
22 *able to the impacts of climate change and propose*
23 *how these programs might be restructured, improved,*
24 *or expanded to incentivize climate change relocation;*

1 (6) describe measures that governments or other
2 organizations can take to reduce the psychological
3 stress associated with relocation to preserve or sup-
4 port the historical and cultural identity of commu-
5 nities being relocated and to restore and conserve
6 areas that are relocated from as publicly accessible
7 natural assets, and how Federal programs will sup-
8 port these efforts;

9 (7) identify and recommend measures to over-
10 come how institutional barriers, such as Federal pro-
11 grams that do not account for Tribal sovereignty, con-
12 strain Tribal communities' ability to pursue self-de-
13 termined management of their resources and built en-
14 vironment;

15 (8) identify measures that Congress, Federal
16 agencies, or State and local governments should take
17 to discourage or restrict new development or redevelop-
18 ment and hard structural measures in areas vul-
19 nerable to such significant climate change impacts
20 that they are likely to require a solution that includes
21 relocation, in particular, where the Federal Govern-
22 ment could establish stricter funding requirements for
23 postdisaster funding that require updated building
24 codes and land use strategies reflecting climate risk;

1 (9) describe existing policies and clarify respon-
2 sibilities of governments in complying with obliga-
3 tions to maintain public infrastructure and to protect
4 private property, including providing just compensa-
5 tion for any taking of private property;

6 (10) propose an application process, available
7 online, and in hardcopy, for States, Tribes, and com-
8 munities to express affirmative interest in climate re-
9 location assistance, either as a leaving community or
10 receiving community;

11 (11) provide guidance on and identify additional
12 funding for re-use planning and operations and
13 maintenance requirements for vacated land, and iden-
14 tify the resources needed to prioritize public access,
15 recreational and sustainable tourism spaces, or con-
16 servation areas;

17 (12) review efficacy of existing flood mitigation
18 strategies on reducing flood risk to human popu-
19 lations, and identify opportunities to coordinate blue-
20 green infrastructure solutions with buyout programs
21 that increase the resilience of remaining residents;
22 and

23 (13) outline the amount and timing of Federal
24 funding that is expected to be needed to implement
25 the Climate Change Relocation Program.

1 (f) *DEVELOPMENT OF REPORT TO CONGRESS.*—*In de-*
2 *veloping the report required under subsection (e), the Chair*
3 *shall—*

4 (1) *provide for public review and comment of a*
5 *draft of the report;*

6 (2) *solicit feedback from organizations rep-*
7 *resenting State and local governments;*

8 (3) *engage in consultation with Indian Tribes;*

9 (4) *engage in review by the external advisory*
10 *panel; and*

11 (5) *evaluate projects implemented under the Na-*
12 *tional Disaster Resilience Competition administered*
13 *by the Department of Housing and Urban Develop-*
14 *ment.*

15 (g) *CLIMATE CHANGE STRATEGIC RELOCATION PRO-*
16 *GRAM PILOT PROJECTS.*—*Within 2 years after the date of*
17 *submission of the report under subsection (e), the Chair*
18 *shall establish and carry out pilot projects based upon the*
19 *recommendations included in such report.*

20 (h) *SUBSEQUENT PERIODIC REPORTS TO CON-*
21 *GRESS.*—*Within 3 years after the date of submission of the*
22 *report under subsection (e), and every 3 years thereafter,*
23 *the Chair shall submit to Congress a report evaluating*
24 *progress in the implementation of the Climate Change Relo-*

1 cation Program and making recommendations for needed
2 changes to the Program.

3 **SEC. 906. NATIONAL CENTERS OF EXCELLENCE IN COASTAL**
4 **RESILIENCE RESEARCH AND EDUCATION.**

5 (a) *IN GENERAL.*—The Administrator shall designate
6 institutions of higher education, defined by section 101(a)
7 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)),
8 as National Centers of Excellence in Coastal Resilience Re-
9 search and Education (in this section referred to as “Cen-
10 ters of Excellence”).

11 (b) *PURPOSES.*—The purposes of such designations are
12 the following:

13 (1) *To recognize institutions of higher education*
14 *that have exhibited national leadership in research*
15 *and education in coastal climate change adaptation*
16 *and mitigation.*

17 (2) *To identify such Centers of Excellence as*
18 *sources of expert advice and guidance for Federal*
19 *agencies engaged in research and education related to*
20 *coastal climate change resilience.*

21 (3) *To formalize and enhance existing collabora-*
22 *tions and partnerships between public institutions of*
23 *higher education and Federal agencies, with the goal*
24 *of ensuring information and recommendations are*
25 *communicated effectively between such entities.*

1 (c) *CRITERIA FOR DESIGNATION.*—*The Administrator*
2 *shall designate an institution of higher education as a Cen-*
3 *ter of Excellence that—*

4 (1) *has demonstrated proven expertise in the*
5 *physical, engineering, social, and environmental*
6 *sciences, particularly research and education focused*
7 *on the impacts of sea level rise, coastal flooding,*
8 *storms, or shoreline erosion;*

9 (2) *has demonstrated a commitment to under-*
10 *standing the socioeconomic impacts of climate change;*

11 (3) *is located in a State that frequently experi-*
12 *ences coastal flooding or shoreline erosion in connec-*
13 *tion with sea level rise, severe coastal storms, or re-*
14 *lated pollution of ground water supplies;*

15 (4) *has previously partnered with, or is receiving*
16 *funds from, Federal agencies for research on coastal*
17 *flooding or shoreline erosion issues;*

18 (5) *can demonstrate institutional collaboration*
19 *in research and education with other public institu-*
20 *tions of higher education, including minority-serving*
21 *institutions; and*

22 (6) *can demonstrate capabilities for convening*
23 *local, State, or Federal entities to develop plans for*
24 *coastal flooding, storm preparedness, shoreline ero-*
25 *sion, and other resilience-related decisionmaking.*

1 (d) *REVIEWS AND ADDITIONAL DESIGNS.*—

2 (1) *REVIEW OF REPORTS FROM NATIONAL CEN-*
3 *TERS OF EXCELLENCE.*—*The Administrator shall re-*
4 *view reports from National Centers of Excellence to*
5 *ensure that recommendations and guidance of such*
6 *Centers regarding sea level rise, coastal flooding,*
7 *shoreline erosion, and related issues are commu-*
8 *nicated to relevant Federal agencies.*

9 (2) *REVIEW OF NATIONAL CENTERS OF EXCEL-*
10 *LENCE AND POTENTIAL DESIGNEES.*—*The Adminis-*
11 *trator shall periodically review each Center of Excel-*
12 *lence and potential new designees as such Centers,*
13 *to—*

14 (A) *ensure that each Center of Excellence*
15 *continues to meet the criteria for designation*
16 *under this Act; and*

17 (B) *designate additional National Centers*
18 *of Excellence in accordance with this Act.*

19 (3) *REVOCATION.*—*If the Administrator deter-*
20 *mines under paragraph (1) that a Center of Excel-*
21 *lence does not meet the criteria for such designation,*
22 *the Administrator shall revoke such designation by*
23 *such process as the Administrator determines appro-*
24 *priate.*

1 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$3,000,000 for each of fiscal years 2022 through 2026.*

4 ***SEC. 907. INITIATE DESIGNATION PROCESS FOR SUCCESS-***
5 ***FUL SANCTUARY NOMINATIONS AND TECH-***
6 ***NICAL CORRECTIONS TO THE NATIONAL MA-***
7 ***RINE SANCTUARIES ACT.***

8 (a) *IN GENERAL.*—*Not later than four years after the*
9 *date of the enactment of this Act, the Administrator shall*
10 *initiate the process to designate as a national marine sanc-*
11 *tuary under section 304 of the National Marine Sanctuaries*
12 *Act (16 U.S.C. 1433) each of the areas identified in the*
13 *Inventory of Successful Nominations of the National Oce-*
14 *anic and Atmospheric Administration as of October 20,*
15 *2020.*

16 (b) *REMOVAL OF LIMITATIONS ON DESIGNATIONS AND*
17 *CHANGES TO EFFECTIVE DATE OF DESIGNATIONS.*—*Sec-*
18 *tion 304 of the National Marine Sanctuaries Act (16 U.S.C.*
19 *1434) is amended—*

20 (1) *in subsection (a)(6), by striking “the forty-*
21 *five day period of continuous session of Congress be-*
22 *ginning on the date of submission of the documents”*
23 *and inserting “60-day period”;*

24 (2) *in subsection (b)(1), by striking “forty-five*
25 *days of continuous session of Congress beginning on*

1 *the day on which such notice is published” and in-*
2 *serting “60 days”;*

3 *(3) by striking subsection (b)(3); and*

4 *(4) by striking subsection (f).*

5 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated \$4,000,000 in each fiscal*
7 *year to carry out this section for fiscal years 2022 through*
8 *2026.*

9 **SEC. 908. GRANTS TO FURTHER RESILIENCE AND CLIMATE**
10 **RESEARCH WITH INDIGENOUS AND TRIBAL**
11 **COMMUNITIES.**

12 *(a) ESTABLISHMENT.—The Administrator shall estab-*
13 *lish a new grant program in the National Marine Sanc-*
14 *tuary System to support climate research and resilience*
15 *with indigenous and local knowledge of marine and natural*
16 *areas.*

17 *(b) GRANTS AUTHORIZED.—The Administrator may*
18 *award competitive grants to Indian Tribes and Indigenous*
19 *communities and States to—*

20 *(1) engage, support, and perpetuate ecosystem*
21 *and conservation practices such as Native Hawaiian*
22 *Ahupuaa management; and*

23 *(2) establish a long-term data monitoring and*
24 *methods throughout the Sanctuary System for track-*

1 (3) *submit to the Administrator an application*
2 *describing such project at such time, in such manner,*
3 *and containing such information as the Adminis-*
4 *trator may require, including information about what*
5 *criteria will be used to monitor and evaluate the effec-*
6 *tiveness of the project.*

7 (c) *ELIGIBLE PROJECTS.—The Administrator shall*
8 *award grants to eligible entities for projects that—*

9 (1) *address greatest relative regional declines in*
10 *kelp forest ecosystems;*

11 (2) *focus on—*

12 (A) *long term ecosystem resilience;*

13 (B) *long term socioeconomic resilience;*

14 (C) *kelp forest seeding and connectivity;*

15 (D) *urchin removal and predator control ef-*
16 *forts;*

17 (E) *monitoring and assessment of kelp for-*
18 *est ecosystems; or*

19 (F) *other efforts to restore kelp forest eco-*
20 *systems and prevent large scale losses of kelp for-*
21 *ests; or*

22 (3) *are identified by Federal or State restoration*
23 *and management plans as focal areas for recovery of*
24 *kelp forests and associated species.*

25 (d) *MATCHING REQUIREMENT.—*

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), the total amount of Federal funding re-*
3 *ceived under the Program by an eligible entity may*
4 *not exceed 85 percent of the total cost of the project*
5 *for which a grant is awarded. For the purposes of this*
6 *subparagraph, the non-Federal share of project costs*
7 *may be provided by in-kind contributions and other*
8 *noncash support.*

9 (2) *WAIVER.*—*The Administrator may waive all*
10 *or part of the requirement in paragraph (1) if the*
11 *Administrator determines that no reasonable means*
12 *are available through which an eligible entity apply-*
13 *ing for a grant under this section can meet such re-*
14 *quirement and the probable benefit of such project*
15 *outweighs the public interest in such requirement.*

16 *(e) DEFINITIONS.*—*In this section—*

17 (1) *the term “academic community” means fac-*
18 *ulty, researchers, professors, and representatives of*
19 *State-accredited colleges and universities;*

20 (2) *the term “fishing industry” means proc-*
21 *essors, commercial fishermen, and recreational fisher-*
22 *men;*

23 (3) *the term “kelp forest ecosystem” means a*
24 *naturally occurring, biotic system dominated by can-*

1 *opy forming benthic macroalgae and associated taxa;*
2 *and*

3 *(4) the term “nonprofit organization” means an*
4 *organization described in section 501(c)(3) of the In-*
5 *ternal Revenue Code of 1986 and exempt from tax*
6 *under section 501(a) of such Code.*

7 *(f) AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated to the Administrator*
9 *\$50,000,000 for each of the fiscal years 2022 through 2026*
10 *to carry out this section.*

11 *(g) SENSE OF CONGRESS.—It is the sense of Congress*
12 *that the purposes of this section and the grants authorized*
13 *by this section are to support wild kelp forest ecosystems*
14 *and restoration of wild kelp to enable long term recovery*
15 *of naturally functioning kelp forest ecosystems that do not*
16 *involve commercial or mechanized harvesting.*

1 **TITLE X—OCEAN HEALTH:**
2 **OCEAN ACIDIFICATION AND**
3 **HARMFUL ALGAL BLOOMS**
4 **Subtitle A—Coastal Communities**
5 **Ocean Acidification Act**

6 **SEC. 1001. COASTAL COMMUNITY VULNERABILITY ASSESS-**
7 **MENT.**

8 *Section 12406 of the Federal Ocean Acidification Re-*
9 *search and Monitoring Act of 2009 (33 U.S.C. 3705) is*
10 *amended—*

11 *(1) in subsection (a), by inserting “(referred to*
12 *in this section as the ‘Program’)” after “acidification*
13 *program”;*

14 *(2) by redesignating subsection (b) as subsection*
15 *(c); and*

16 *(3) by inserting after subsection (a) the fol-*
17 *lowing:*

18 *“(b) SUPPORT FOR STATE AND LOCAL VULNERABILITY*
19 *ASSESSMENTS AND STRATEGIC RESEARCH PLANNING.—In*
20 *carrying out the Program established under subsection (a),*
21 *the Administrator shall collaborate with State, local, Indig-*
22 *enous, and Tribal government entities that are conducting*
23 *or have completed vulnerability assessments, strategic re-*
24 *search planning, or other similar activities related to ocean*

1 *acidification and its impacts on coastal communities, for*
2 *the purpose of—*

3 “(1) *determining whether such activities can be*
4 *used as a model for other communities; and*

5 “(2) *identifying opportunities for the National*
6 *Oceanic and Atmospheric Administration and other*
7 *relevant Federal agencies to support such activities.”.*

8 ***Subtitle B—Ocean Acidification Act***

9 ***SEC. 1011. PRIZE COMPETITIONS.***

10 *Section 12404 of the Federal Ocean Acidification Re-*
11 *search And Monitoring Act of 2009 (33 U.S.C. 3703) is*
12 *amended by adding at the end the following:*

13 “(d) *PRIZE COMPETITIONS.—*

14 “(1) *IN GENERAL.—Any Federal agency with a*
15 *representative serving on the interagency working*
16 *group established under this section may, either indi-*
17 *vidually or in cooperation with 1 or more agencies,*
18 *carry out a program to award prizes competitively*
19 *under section 24 of the Stevenson-Wydler Technology*
20 *Innovation Act of 1980 (15 U.S.C. 3719). An agency*
21 *seeking to carry out such a program shall carry out*
22 *such program in coordination with the chair of such*
23 *interagency working group.*

24 “(2) *PURPOSES.—Any prize competition carried*
25 *out under this subsection shall be for the purpose of*

1 *stimulating innovation to advance our Nation’s abil-*
2 *ity to understand, research, or monitor ocean acidifi-*
3 *cation or its impacts, or to develop management or*
4 *adaptation options for responding to ocean acidifica-*
5 *tion.*

6 “(3) *PRIORITY PROGRAMS.—Priority shall be*
7 *given to establishing programs under this section that*
8 *address communities, environments, or industries that*
9 *are in distress due to the impacts of ocean acidifica-*
10 *tion, including—*

11 “(A) *the development of monitoring or man-*
12 *agement options for communities or industries*
13 *that are experiencing significant financial hard-*
14 *ship;*

15 “(B) *the development of adaptation options*
16 *to alleviate economic harm and job loss caused*
17 *by ocean acidification;*

18 “(C) *the development of measures to help*
19 *vulnerable communities or industries, with an*
20 *emphasis on rural communities and businesses;*
21 *and*

22 “(D) *the development of adaptation and*
23 *management options for impacted shellfish in-*
24 *dustries.”.*

1 **Subtitle C—Harmful Algal Bloom**
2 **Essential Forecasting**

3 **SEC. 1021. CENTERS OF EXCELLENCE IN HARMFUL ALGAL**
4 **BLOOM RESEARCH, PREVENTION, RESPONSE,**
5 **AND MITIGATION.**

6 (a) *ESTABLISHMENT.*—Not later than one year after
7 the date of the enactment of this Act, the Administrator
8 shall designate organizations or consortia of organizations
9 as National Centers of Excellence in Harmful Algal Bloom
10 Research, Prevention, Response, and Mitigation.

11 (b) *PURPOSE.*—The purpose of the Centers is—

12 (1) to further understanding of harmful algal
13 blooms;

14 (2) to further understanding of the impacts of
15 harmful algal blooms on public health, including the
16 health of at-risk populations;

17 (3) to further the ability to research, forecast,
18 and monitor harmful algal blooms;

19 (4) to formalize and enhance existing partner-
20 ships and collaborations among institutions of higher
21 education, research entities, local, State, Territorial,
22 and Tribal agencies, Indigenous communities, re-
23 gional observing associations, and the Federal Gov-
24 ernment;

1 (5) to further the prevention, control, and miti-
2 gation of harmful algal blooms;

3 (6) to transition harmful algal bloom research
4 and forecasting from research to operational use; and

5 (7) to address existing and emerging harmful
6 algal bloom issues as the Administrator considers ap-
7 propriate.

8 (c) *ELIGIBILITY FOR DESIGNATIONS*.—To be eligible
9 for designation under this section, an organization must—

10 (1) be an institution of higher education, as that
11 term is defined in section 101(a) of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1001(a)), a Federal,
13 State, Territorial, or Tribal agency, a nonprofit lab-
14 oratory or other research entity, a regional informa-
15 tion coordination entity as defined in the Integrated
16 Coastal and Ocean Observation System Act of 2009
17 (Public Law 111–11), the National Centers for Coast-
18 al Ocean Sciences, or a consortium of such eligible in-
19 stitutions;

20 (2) have demonstrated expertise and success in
21 harmful algal bloom research, monitoring, forecasting,
22 prevention, or response efforts;

23 (3) have demonstrated ability to collaborate with
24 local, State, Territorial, and Tribal governments and
25 Federal agencies on harmful algal blooms; and

1 (4) *be located in area region that is economically*
2 *and environmentally impacted by harmful algal*
3 *blooms.*

4 (d) *REQUIREMENTS FOR DESIGNATIONS.*—*In desig-*
5 *nating National Centers of Excellence under this section,*
6 *the Administrator shall—*

7 (1) *consult with the Inter-Agency Task Force on*
8 *Harmful Algal Blooms and Hypoxia;*

9 (2) *ensure regional balance by designating Na-*
10 *tional Centers in a variety of locations throughout the*
11 *United States, including the District of Columbia, the*
12 *Commonwealth of Puerto Rico, American Samoa,*
13 *Guam, the Commonwealth of the Commonwealth of*
14 *the Northern Mariana Islands, the United States Vir-*
15 *gin Islands, and other Territories and possessions of*
16 *the United States; and*

17 (3) *support novel innovative approaches of other*
18 *harmful algal bloom research and operational moni-*
19 *toring.*

20 (e) *EFFECTIVE PERIOD, REVIEW, AND RENEWAL.*—
21 *Each designation of an organization as a National Center*
22 *of Excellence under this section—*

23 (1) *shall be effective for 5 years;*

24 (2) *shall be reviewed by the Administrator in the*
25 *fourth year of such effective period; and*

1 (3) *following such review, may be renewed for an*
2 *additional 5-year period.*

3 (f) *ANNUAL REPORTS.—The Administrator shall re-*
4 *quire and publish an annual activity report from each Na-*
5 *tional Center of Excellence.*

6 (g) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
7 *out this section, including for providing funding to Na-*
8 *tional Centers of Excellence designated under this section,*
9 *there is authorized to be appropriated to the National Oce-*
10 *anic and Atmospheric Administration \$12,500,000 for each*
11 *of fiscal years 2022 through 2026, of which not more than*
12 *5 percent may be available each fiscal year for administra-*
13 *tive expenses.*

14 ***TITLE XI—OCEAN DATA AND***
15 ***COLLABORATIVE EFFORTS***
16 ***Subtitle A—Regional Ocean***
17 ***Partnerships***

18 ***SEC. 1101. PURPOSES.***

19 *The purposes of this subtitle are as follows:*

20 (1) *To complement and expand cooperative vol-*
21 *untary efforts intended to manage, conserve, and re-*
22 *store ocean and coastal areas spanning across mul-*
23 *tiple State boundaries.*

1 (2) *To expand Federal support for monitoring,*
2 *data management, and restoration activities in ocean*
3 *and coastal areas.*

4 (3) *To commit the United States to a com-*
5 *prehensive cooperative program to achieve improved*
6 *water quality in, and improvements in the produc-*
7 *tivity of living resources of, all coastal ecosystems.*

8 (4) *To authorize regional ocean partnerships as*
9 *intergovernmental coordinators for shared interstate,*
10 *Tribal, Indigenous, and regional priorities relating to*
11 *the collaborative management of the large marine eco-*
12 *systems, thereby reducing duplication of efforts and*
13 *maximizing opportunities to leverage support in the*
14 *ocean and coastal regions.*

15 (5) *To empower States and Tribes to take a lead*
16 *role in managing oceans and coasts.*

17 (6) *To incorporate Tribal interests in the man-*
18 *agement of our oceans and coasts and provide fund-*
19 *ing to support Tribal and Indigenous ocean and*
20 *coastal resiliency activities in coordination with re-*
21 *gional ocean partnerships.*

22 (7) *To enable regional ocean partnerships, or*
23 *designated fiscal management entities of such part-*
24 *nerships, to receive Federal funding to conduct the*
25 *scientific research, conservation and restoration ac-*

1 *tivities, and priority coordination on shared regional*
2 *priorities necessary to achieve the purposes described*
3 *in paragraphs (1) through (4).*

4 **SEC. 1102. REGIONAL OCEAN PARTNERSHIPS.**

5 (a) *DEFINITIONS.*—*In this section, the following defi-*
6 *initions apply:*

7 (1) *COASTAL STATE.*—*The term “coastal State”*
8 *has the meaning given that term in section 304 of the*
9 *Coastal Zone Management Act of 1972 (16 U.S.C.*
10 *1453).*

11 (2) *INDIAN TRIBE.*—*The term “Indian Tribe”*
12 *has the meaning given such term in section 4 of the*
13 *Indian Self-Determination and Education Assistance*
14 *Act (25 U.S.C. 5304).*

15 (b) *REGIONAL OCEAN PARTNERSHIPS.*—

16 (1) *IN GENERAL.*—*A coastal State or Tribe may*
17 *participate in a regional ocean partnership with one*
18 *or more other coastal States or Tribes that share a*
19 *common ocean or coastal area with the coastal State*
20 *or Tribe, without regard to whether the coastal States*
21 *or Tribes are contiguous.*

22 (2) *APPLICATION.*—*The Governors of a group of*
23 *two or more coastal States and Tribal leadership, as*
24 *applicable, may apply to the Administrator on behalf*
25 *of a partnership of such States, for the partnership to*

1 *receive designation as a regional ocean partnership if*
2 *the partnership—*

3 *(A) meets the requirements under para-*
4 *graph (3); and*

5 *(B) submits an application for such des-*
6 *ignation in such manner, in such form, and con-*
7 *taining such information as the Administrator*
8 *may require.*

9 *(3) REQUIREMENTS.—A partnership is eligible*
10 *for designation as a regional ocean partnership by the*
11 *Administrator under paragraph (2) if the partner-*
12 *ship—*

13 *(A) is established to coordinate the inter-*
14 *state management of coastal resources;*

15 *(B) focuses on the environmental issues af-*
16 *fecting the ocean and coastal areas of the mem-*
17 *bers participating in the partnership;*

18 *(C) complements existing State and Tribal*
19 *coastal and ocean management efforts on an*
20 *interstate scale, focusing on shared regional pri-*
21 *orities;*

22 *(D) does not have a regulatory function;*
23 *and*

1 (E) is not duplicative of an existing re-
2 gional ocean partnership, as determined by the
3 Administrator.

4 (c) *GOVERNING BODIES OF REGIONAL OCEAN PART-*
5 *NERSHIPS.*—

6 (1) *IN GENERAL.*—A regional ocean partnership
7 designated under subsection (b) shall be governed by
8 a governing body.

9 (2) *MEMBERSHIP.*—A governing body described
10 in paragraph (1)—

11 (A) shall be comprised, at a minimum, of
12 voting members from each coastal State partici-
13 pating in the regional ocean partnership, des-
14 ignated by the Governor of the coastal State; and

15 (B) may include such other members as the
16 partnership considers appropriate.

17 (d) *FUNCTIONS.*—A regional ocean partnership des-
18 ignated under subsection (b) may perform the following
19 functions:

20 (1) Promote coordination of the actions of the
21 agencies of coastal States participating in the part-
22 nership with the actions of the appropriate officials
23 of Federal agencies and State and Tribal governments
24 and Regional Fishery Management Councils in devel-
25 oping strategies—

1 (A) to conserve living resources, expand and
2 protect valuable habitats, enhance coastal resil-
3 ience, and address such other issues related to the
4 shared ocean or coastal area as are determined
5 to be a shared, regional priority by those States;
6 and

7 (B) to manage regional data portals and
8 develop associated data products for purposes
9 that support the priorities of the partnership.

10 (2) In cooperation with appropriate Federal and
11 State agencies, Tribal governments, and local authori-
12 ties, develop and implement specific action plans to
13 carry out coordination goals.

14 (3) Coordinate and implement priority plans
15 and projects, and facilitate science, research, mod-
16 eling, monitoring, data collection, management and
17 sharing, and other activities that support the goals of
18 the partnership through the provision of grants and
19 contracts under subsection (f).

20 (4) Engage, coordinate, and collaborate with rel-
21 evant governmental entities and stakeholders to ad-
22 dress ocean and coastal related matters that require
23 interagency or intergovernmental solutions.

24 (5) Implement engagement programs for public
25 information, education, and participation to foster

1 *stewardship of the resources of the ocean and coastal*
2 *areas, as relevant.*

3 (6) *Develop and make available, through publi-*
4 *cations, technical assistance, and other appropriate*
5 *means, information pertaining to cross-jurisdictional*
6 *issues being addressed through the coordinated activi-*
7 *ties of the partnership.*

8 (7) *Serve as a liaison with, and provide infor-*
9 *mation to, international and foreign counterparts, as*
10 *appropriate on priority issues for the partnership.*

11 (e) *CONSULTATION AND ENGAGEMENT.*—*A regional*
12 *ocean partnership designated under subsection (b) shall*
13 *maintain mechanisms for consultation with Federal and*
14 *Tribal governments, as well as engagement with nongovern-*
15 *mental entities, including academic organizations, non-*
16 *profit organizations, and businesses.*

17 (f) *GRANTS AND CONTRACTS.*—

18 (1) *IN GENERAL.*—*A regional ocean partnership*
19 *designated under subsection (b) may, in coordination*
20 *with existing Federal and State management pro-*
21 *grams, from amounts made available to the partner-*
22 *ship by the Administrator or the head of another Fed-*
23 *eral agency—*

1 (A) provide grants to eligible persons de-
2 scribed in paragraph (2) for the purposes de-
3 scribed in paragraph (3); and

4 (B) enter into contracts with such persons
5 for such purposes.

6 (2) *ELIGIBLE PERSONS.*—The eligible persons de-
7 scribed in this paragraph (1)(A) are the following:

8 (A) *Indian Tribes.*

9 (B) *State and local governments.*

10 (C) *Nongovernmental organizations.*

11 (D) *Institutions of higher education.*

12 (E) *Individuals.*

13 (F) *Private entities.*

14 (3) *PURPOSES.*—The purposes described in para-
15 graph (1)(A) include any of the following:

16 (A) *Monitoring the water quality and living*
17 *resources of multistate ocean and coastal eco-*
18 *systems and to coastal communities.*

19 (B) *Conducting research and development*
20 *with respect to human-induced environmental*
21 *changes to—*

22 (i) *ocean and coastal ecosystems; and*

23 (ii) *coastal communities.*

24 (C) *Developing and executing cooperative*
25 *strategies that—*

1 (i) address regional data issues identi-
2 fied by the partnership; and

3 (ii) will result in more effective man-
4 agement of common ocean and coastal
5 areas.

6 (g) *REPORTS AND ASSESSMENTS.*—

7 (1) *IN GENERAL.*—Not later than five years after
8 the date of the enactment of this Act, and every 5
9 years thereafter until 2040, the Administrator, in co-
10 ordination with the regional ocean partnerships des-
11 ignated under subsection (b), shall—

12 (A) assess the effectiveness of the partner-
13 ships in supporting regional priorities relating
14 to the management of common ocean and coastal
15 areas; and

16 (B) submit to Congress a report on that as-
17 sessment.

18 (2) *REPORT REQUIREMENTS.*—The report re-
19 quired under paragraph (1)(B) shall include the fol-
20 lowing:

21 (A) An assessment of the overall status of
22 the work of the regional ocean partnerships des-
23 ignated under subsection (b).

24 (B) An assessment of the effectiveness of the
25 strategies that the regional ocean partnerships

1 are supporting or implementing and the extent
2 to which the priority needs of the regions covered
3 by such partnerships are being met through such
4 strategies.

5 (C) Such recommendations as the Adminis-
6 trator may have for the improvement of efforts of
7 the regional ocean partnerships to support the
8 purposes of this Act.

9 (D) An assessment of how the efforts of the
10 regional ocean partnerships support or enhance
11 Federal and State efforts in line with the pur-
12 poses of this Act.

13 (E) Recommendations for improvements to
14 the collective strategies that support the purposes
15 of this Act in coordination and consultation with
16 all relevant Federal, State, and Tribal entities.

17 (h) AVAILABILITY OF FEDERAL FUNDS.—In addition
18 to amounts made available to regional ocean partnerships
19 designated under subsection (b) by the Administrator under
20 this section, the head of any other Federal agency may pro-
21 vide grants to, enter into contracts with, or otherwise pro-
22 vide funding to such partnerships.

23 (i) AUTHORITIES.—Nothing in this section establishes
24 any new legal or regulatory authority of the National Oce-
25 anic and Atmospheric Administration or of the regional

1 *ocean partnerships designated under subsection (b), other*
2 *than—*

3 (1) *the authority of the Administrator to provide*
4 *amounts to the partnerships; and*

5 (2) *the authority of the partnerships to provide*
6 *grants and enter into contracts under subsection (e).*

7 (j) *FUNDING.—*

8 (1) *REGIONAL OCEAN PARTNERSHIPS.—There*
9 *are authorized to be appropriated to the National*
10 *Oceanic and Atmospheric Administration the fol-*
11 *lowing amounts for regional ocean partnerships des-*
12 *ignated under subsection (b) or designated fiscal man-*
13 *agement entities of such partnerships to carry out ac-*
14 *tivities of the partnerships under this Act:*

15 (A) *\$10,100,000 for fiscal year 2022.*

16 (B) *\$10,202,000 for fiscal year 2023.*

17 (C) *\$10,306,040 for fiscal year 2024.*

18 (D) *\$10,412,160 for fiscal year 2025.*

19 (E) *\$10,520,404 for fiscal year 2026.*

20 (2) *DISTRIBUTION OF AMOUNTS.—Amounts*
21 *made available under paragraph (1) shall be divided*
22 *evenly among the regional ocean partnerships des-*
23 *ignated under subsection (b).*

24 (3) *TRIBAL CONSULTATION.—There are author-*
25 *ized to be appropriated \$2,000,000 for each fiscal*

1 *year 2022 through 2026 to the National Oceanic and*
2 *Atmospheric Administration for Indian Tribes and*
3 *Indigenous communities to be distributed for purposes*
4 *of participation in or engagement with the regional*
5 *ocean partnerships.*

6 ***Subtitle B—National Coastal***
7 ***Resilience Data and Services***

8 ***SEC. 1111. AUTHORIZATION OF NOAA ACTIVITIES.***

9 *(a) IN GENERAL.—The Administrator shall, in con-*
10 *sultation with other Federal agencies, develop within the*
11 *National Oceanic and Atmospheric Administration a com-*
12 *prehensive suite of coastal flood, sea level rise, Great Lakes*
13 *bathymetry water level, and vertical land motion data,*
14 *products, and services, and conduct the research and devel-*
15 *opment necessary to support those products and services*
16 *that—*

17 *(1) augment existing capacities and combine ex-*
18 *isting observations, modeling, predictions, products*
19 *and services into a coordinated decision-support*
20 *framework;*

21 *(2) produce and maintain authoritative and*
22 *timely data, maps, and information services, includ-*
23 *ing improving existing and new information products*
24 *and services targeted to end-user needs, that allow*

1 *coastal communities across the United States to plan*
2 *for present and future coastal flood risk; and*

3 *(3) engage with, ensure accessibility by, and pro-*
4 *vide technical assistance to, end users, with par-*
5 *ticular attention to historically underserved and at-*
6 *risk communities and populations, and also including*
7 *other Federal agencies, regional ocean partnerships,*
8 *States, local governments, Tribal Governments, and*
9 *Indigenous communities on the appropriate applica-*
10 *tion of these data and tools and to better assess infor-*
11 *mation gaps, needs, and solutions relating to the risk*
12 *posed by coastal flooding, including sea level rise.*

13 *(b) DATA ARCHIVING.—The National Oceanic and At-*
14 *mospheric Administration shall make data and metadata*
15 *generated under this Act fully and openly available, in ac-*
16 *cordance with the Federal Evidence-Based Policy Making*
17 *Act, to maximize distribution, access, and effective utiliza-*
18 *tion of these important national assets. The National Oce-*
19 *anic and Atmospheric Administration shall serve as the ar-*
20 *chive authority and stewardship partner for this data and*
21 *conduct activities to assure maximum return on investment*
22 *for this important national asset.*

23 *(c) USE OF EXISTING ADVISORY COMMITTEES.—The*
24 *Administrator may consult with and seek input from exist-*
25 *ing agency advisory committees to provide recommenda-*

1 *tions on systems, products, and services relating to coastal*
2 *flooding, including sea level rise.*

3 (d) *TECHNICAL ASSISTANCE TO OTHER FEDERAL*
4 *AGENCIES.—To assist in carrying out this Act and to fa-*
5 *cilitate collaboration, the National Oceanic and Atmos-*
6 *pheric Administration may provide technical assistance to*
7 *other Federal agencies on a reimbursable or nonreimburs-*
8 *able basis, including by entering into an agreement with*
9 *another Federal agency to detail, for a period of not more*
10 *than 3 years, an employee of National Oceanic and Atmos-*
11 *pheric Administration to such other Federal agency.*

12 (e) *INTERNATIONAL ENGAGEMENT.—The Adminis-*
13 *trator, in coordination with the Secretary of State, may*
14 *engage internationally to provide and receive technical as-*
15 *sistance, data-sharing and capacity building on matters*
16 *pertaining to coastal flooding, sea level rise and inunda-*
17 *tion, including participating in and on relevant inter-*
18 *national bodies and organizations.*

19 (f) *REPORT.—The Administrator shall, within one*
20 *year after the date of the enactment of this Act and every*
21 *3 years thereafter, provide the Committee on Natural Re-*
22 *sources of the House of Representatives and the Committee*
23 *on Commerce, Science, and Transportation of the Senate*
24 *with a report on actions taken to implement this Act and*
25 *containing an evaluation of the need to expand and im-*

1 *prove agency observations, modeling, predictions, products,*
2 *and services to—*

3 (1) *improve the understanding of the processes*
4 *that drive coastal flood risk, including sea level rise,*
5 *storm events, changing Great Lakes water levels, and*
6 *land subsidence; and*

7 (2) *track and report how observed rates of sea*
8 *level rise compare to the sea level rise trends and pre-*
9 *dictions published within the quadrennial National*
10 *Climate Assessments and related reports.*

11 (g) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
12 *out this section, there are authorized to be appropriated*
13 *\$3,000,000 for each of fiscal years 2022–2026.*

14 **SEC. 1112. INTERAGENCY COORDINATION.**

15 (a) *IN GENERAL.—The Director of the Office of Science*
16 *and Technology Policy, in consultation with the Adminis-*
17 *trator, shall—*

18 (1) *facilitate interagency cooperation and align-*
19 *ment of Federal Government activities conducted with*
20 *respect to coastal flooding, including sea level rise, to*
21 *improve the ability of the United States to prepare*
22 *for, avoid, mitigate, respond to, and recover from po-*
23 *tentially devastating impacts; and*

24 (2) *coordinate the activities of the interagency*
25 *committee established under subsection (b).*

1 (b) *COASTAL FLOODING AND SEA LEVEL RISE SUB-*
2 *COMMITTEE.*—

3 (1) *IN GENERAL.*—*Not later than 90 days after*
4 *the date of the enactment of this Act, the President,*
5 *acting through the appropriate interagency committee*
6 *or task force, shall establish an interagency sub-*
7 *committee on coastal flooding and sea level rise (sub-*
8 *sequently referred to as the “subcommittee”).*

9 (2) *PURPOSES.*—*The subcommittee shall—*

10 (A) *examine the latest science and tech-*
11 *nologies for measuring, predicting, and deliv-*
12 *ering information related to coastal flood risk,*
13 *including sea level rise;*

14 (B) *coordinate executive branch actions and*
15 *activities that improve measurements, pre-*
16 *dictions, and service delivery of information re-*
17 *lated to coastal flood risk, including sea level*
18 *rise;*

19 (C) *identify gaps in observations, data, in-*
20 *formation, and modeling and ensure agency ac-*
21 *tivities are complementary;*

22 (D) *consult and coordinate with other inter-*
23 *agency climate and ocean policy efforts and bod-*
24 *ies as appropriate;*

1 (E) coordinate the delivery of science and
2 data and technical assistance from Federal agen-
3 cies, including to support and inform the devel-
4 opment and delivery of National Oceanic and
5 Atmospheric Administration products and serv-
6 ices; and

7 (F) define and prioritize needs from other
8 Federal agencies that could be addressed by en-
9 hancements to Federal data and services, includ-
10 ing National Oceanic and Atmospheric Adminis-
11 tration products and services.

12 (3) *LEADERSHIP.*—The Subcommittee shall be
13 co-chaired by the Director of the Office of Science and
14 Technology Policy and the Administrator.

15 (4) *MEMBERSHIP.*—The following entities shall
16 be members of the committee:

17 (A) The National Oceanic and Atmospheric
18 Administration.

19 (B) The National Aeronautics and Space
20 Administration.

21 (C) The Department of Interior through the
22 United States Geological Survey.

23 (D) The United States Army Corps of Engi-
24 neers.

1 (E) *The Department of Homeland Security*
2 *through the Federal Emergency Management Ad-*
3 *ministration.*

4 (F) *The Environmental Protection Agency.*

5 (G) *The Department of Defense.*

6 (H) *The Department of Energy.*

7 (I) *The National Science Foundation.*

8 (J) *Such other White House offices and*
9 *Federal agencies the Director of the Office of*
10 *Science and Technology Policy deems appro-*
11 *priate.*

12 (5) *AGREEMENTS.—*

13 (A) *IN GENERAL.—To carry out activities*
14 *under this Act, the heads of agencies represented*
15 *on the subcommittee may enter into cooperative*
16 *agreements, or any other agreement with each*
17 *other, and transfer, receive, and expend funds*
18 *made available by any Federal agency, any*
19 *State or subdivision thereof, or any public or*
20 *private organization or individual.*

21 (B) *NATIONAL AERONAUTICS AND SPACE*
22 *ADMINISTRATION AND NATIONAL OCEANIC AND*
23 *ATMOSPHERIC ADMINISTRATION.—The Adminis-*
24 *trator of the National Aeronautics and Space*
25 *Administration and the Administrator shall*

1 *enter into one or more interagency agreements*
2 *providing for cooperation and collaboration in*
3 *the development of sea level rise and coastal*
4 *flood-related instruments, technologies, and data*
5 *sets, and products in accordance with this Act.*

6 (C) *UNITED STATES GEOLOGICAL SURVEY*
7 *AND NATIONAL OCEANIC AND ATMOSPHERIC AD-*
8 *MINISTRATION.—The Director of the United*
9 *States Geological Survey and the Administrator*
10 *of the National Oceanic and Atmospheric Ad-*
11 *ministration shall enter into one or more inter-*
12 *agency agreements providing for cooperation and*
13 *collaboration in the development, quality control,*
14 *processing, and delivery of coastal hazards and*
15 *sea level rise related data, modeling, mapping,*
16 *and services in accordance with this Act.*

17 (6) *INTERNATIONAL, ACADEMIC COMMUNITY, AND*
18 *COMMERCIAL SECTOR COLLABORATION.—Each Fed-*
19 *eral agency participating in the subcommittee estab-*
20 *lished under this subsection shall, to the extent prac-*
21 *ticable, increase engagement and cooperation with the*
22 *international community, academic community, and*
23 *commercial sector on the observational infrastructure,*
24 *data, scientific research, service delivery, and tech-*
25 *nical assistance necessary to advance the monitoring,*

1 *forecasting, and prediction of, preparation for, and*
2 *protection from coastal flooding, sea level rise, chang-*
3 *ing Great Lakes water levels, and land subsidence.*

4 ***Subtitle C—Centralized Website for***
5 ***Resiliency Grants***

6 **SEC. 1121. CENTRALIZED WEBSITE FOR RESILIENCY**
7 **GRANTS.**

8 *(a) CENTRALIZED WEBSITE.—Not later than six*
9 *months after the date of the enactment of this subsection,*
10 *the Administrator shall establish and maintain and regu-*
11 *larly update a publicly available website that includes—*

12 *(1) hyperlinks to all programs administered by*
13 *the National Oceanic and Atmospheric Administra-*
14 *tion and hyperlinks to other Federal agencies that*
15 *offer similar grants to assist States and local commu-*
16 *nities with resiliency, adaptation, and mitigation of*
17 *climate change and sea level rise; and*

18 *(2) with respect to each such grant, the contact*
19 *information for an individual who can offer assist-*
20 *ance to States and local government.*

21 *(b) OUTREACH.—The Administrator shall conduct out-*
22 *reach activities to inform State, Tribal, and local govern-*
23 *ments and Indigenous communities of the resiliency, adap-*
24 *tation, and mitigation grants.*

1 **Subtitle D—Automatic**
2 **Identification Systems**

3 **SEC. 1131. AUTOMATIC IDENTIFICATION SYSTEMS.**

4 Section 70114(a) of title 46, United States Code, is
5 amended to read as follows:

6 “(1) Subject to paragraph (2), the following vessels,
7 while operating on the navigable waters of the United
8 States, in the United States Exclusive Economic Zone, and
9 on the high seas, shall be equipped with and operate an
10 automatic identification system under regulations pre-
11 scribed by the Administrator:

12 “(A) A self-propelled commercial vessel of at
13 least 49 feet overall in length.

14 “(B) A vessel carrying more than a number of
15 passengers for hire determined by the Administrator.

16 “(C) A towing vessel of more than 26 feet overall
17 in length and 600 horsepower.

18 “(D) Any other vessel for which the Adminis-
19 trator decides that an automatic identification system
20 is necessary for the safe navigation of the vessel.”.

21 **Subtitle E—Authorization of**
22 **Appropriations**

23 **SEC. 1141. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Adminis-
25 trator for fiscal year 2022, \$5,000,000, to remain available

1 *until expended, to purchase automatic identification sys-*
2 *tems for fishing vessels, fish processing vessels, and fish ten-*
3 *der vessels more than 49 feet in length.*

4 **TITLE XII—MEASURES TO AD-**
5 **DRESS GREENHOUSE GAS**
6 **POLLUTION FROM SHIPPING**
7 **VESSELS**

8 **SEC. 1201. GREENHOUSE GAS EMISSIONS FROM SHIPPING.**

9 (a) *APPLICATION.*—*The monitoring, reporting, and*
10 *verification requirements of this section shall apply to all*
11 *vessels of 5,000 gross tons or more calling at, leaving, or*
12 *transiting between, or at berth at, ports in the United*
13 *States, regardless of flag.*

14 (b) *VESSEL REPORTING.*—*A vessel shall measure and*
15 *monitor on a per-voyage basis, and report to the Adminis-*
16 *trator and to the vessel’s flag-state on an annual basis, the*
17 *following metrics:*

18 (1) *Total greenhouse gas emissions and particu-*
19 *late pollution emitted by the vessel inside the United*
20 *States Exclusive Economic Zone.*

21 (2) *Average greenhouse gas emissions and particu-*
22 *late pollution emitted per transport work and per*
23 *nautical mile.*

24 (c) *ACCEPTABLE METHODS FOR MEASURING, MONI-*
25 *TORING, AND REPORTING.*—

1 (1) *IN GENERAL.*—*The Administrator shall de-*
2 *velop a list of acceptable methods for measuring, mon-*
3 *itoring, and reporting metrics listed in subsection (b).*

4 (2) *CONSISTENCY.*—*The Administrator, to the*
5 *maximum extent practicable, shall ensure consistency*
6 *of such methods with similar reporting schemes devel-*
7 *oped by the European Union and the International*
8 *Maritime Organization to reduce any duplicative*
9 *burden on shippers.*

10 (3) *METHODS.*—*Acceptable methods included in*
11 *the list could include the following:*

12 (A) *Bunker Delivery Note (BDN) and peri-*
13 *odic stocktakes of fuel tanks.*

14 (B) *Bunker fuel tank monitoring on board.*

15 (C) *Flowmeters for applicable combustion*
16 *processes.*

17 (D) *Direct CO₂ emissions measurements.*

18 (d) *ANNUAL REPORT BY THE ADMINISTRATOR.*—*The*
19 *Administrator, in consultation with the Administrator of*
20 *the Environmental Protection Agency and Commandant of*
21 *the Coast Guard, shall publish an annual report on emis-*
22 *sions from vessels covered under this section, including the*
23 *underlying data, accompanied by an explanation intended*
24 *to facilitate public understanding of the vessel shipping sec-*
25 *tor's CO₂ emissions and energy efficiency.*

1 (e) *REGULATIONS.*—*Before promulgation of regula-*
2 *tions under this section, reports issued under this section*
3 *shall be reviewed to ensure that regulatory changes will not*
4 *create the risk of increased CO₂ emissions.*

5 **SEC. 1202. QUIET SEAS AND CLEAR SKIES VESSEL SPEED**
6 **REDUCTION AWARD PROGRAM.**

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

8 (1) *49 marine mammal species are considered*
9 *depleted under the Marine Mammal Protection Act of*
10 *1972, and of those species, 42 are listed as threatened*
11 *or endangered under the Endangered Species Act of*
12 *1973.*

13 (2) *Climate change is altering marine mammal*
14 *migration routes and timing.*

15 (3) *Hundreds of threatened and endangered ma-*
16 *rine mammals, including North Atlantic right whales*
17 *and blue whales, die from vessel strikes each year.*

18 (4) *Background ambient noise levels have in-*
19 *creased significantly since the 1950s and can be at-*
20 *tributed to vessel noise, impeding foraging, breeding,*
21 *communication, and other behaviors of marine ani-*
22 *mals, including of threatened species and endangered*
23 *species.*

24 (5) *Slower ship speeds reduce the lethality of ves-*
25 *sel strikes on marine life, moderate underwater noise,*

1 *and provide climate benefits through reduced fuel con-*
2 *sumption and lower particulate emissions.*

3 *(6) In 2019, the Vessel Speed Reduction Program*
4 *in the Santa Barbara Channel region and the San*
5 *Francisco Bay region saved over 17,000 metric tons*
6 *of greenhouse gas emissions, with 349 vessels from 15*
7 *different companies slowing their speeds for over*
8 *99,000 nautical miles.*

9 *(b) ESTABLISHMENT.—Not later than 12 months after*
10 *the date of the enactment of this Act, the Administrator,*
11 *in consultation with the Administrator of the EPA and*
12 *Commandant of the United States Coast Guard, shall estab-*
13 *lish the Quiet Seas and Clear Skies Program (in this sec-*
14 *tion referred to as the “Program”) to—*

15 *(1) reduce air pollution, harmful underwater*
16 *vessel noise, and the risk of fatal marine mammal*
17 *ship strikes by encouraging voluntary reduction in*
18 *the speed of eligible vessels operating within the Ex-*
19 *clusive Economic Zone of the United States; and*

20 *(2) annually award Quiet Seas and Clear Skies*
21 *Excellence Awards under subsection (d) for verified*
22 *successful participation in, and cooperation with, the*
23 *Program by shipping companies.*

24 *(c) PROGRAM REQUIREMENTS.—The Administrator*
25 *shall develop and publish in the Federal Register require-*

1 *ments for voluntary participation in the Program by eligi-*
2 *ble shipping companies, including the following:*

3 (1) *PROGRAM AREA.*—*Geographic areas covered*
4 *by the Program shall include all waters of the United*
5 *States Exclusive Economic Zone.*

6 (2) *FLEET REQUIREMENT.*—*At least 75 percent*
7 *of eligible vessels operated by a shipping company*
8 *shall participate and be in compliance with para-*
9 *graph (3) in order to be eligible for an Award under*
10 *subsection (d).*

11 (3) *SPEED LIMITS.*—*The Administrator shall,*
12 *based upon the best available scientific information*
13 *and consultation with the Commandant of the Coast*
14 *Guard, and input from shipping companies and ex-*
15 *ports in air quality and marine mammal conserva-*
16 *tion, prescribe maximum speeds for eligible vessels*
17 *participating in the Program, except when directed*
18 *by the Coast Guard to proceed in excess of the speed*
19 *requirements of the Program for safety purposes, that*
20 *would—*

21 (A) *obtain a significant reduction in green-*
22 *house gas and particulate pollution, including*
23 *black carbon emissions from eligible vessels;*

24 (B) *protect marine life; and*

1 (C) reduce noise generated by eligible ves-
2 sels.

3 (4) *CERTIFICATION.*—*The Administrator shall*
4 *establish protocols for shipping companies to certify*
5 *compliance with the Program requirement to be eligi-*
6 *ble for an Award under subsection (d).*

7 (d) *ANNUAL AWARDS.*—*Under the Program, the Direc-*
8 *tor of National Marine Sanctuaries shall annually award*
9 *Quiet Seas and Clear Skies Excellence Awards to shipping*
10 *companies operating fleets that have participated in, and*
11 *complied with the requirements of, the Program during the*
12 *preceding year.*

13 (e) *OFFICIAL SEAL.*—*The Administrator shall create*
14 *an official seal to be recognized as the symbol of excellence*
15 *in compliance with the Program, that—*

16 (1) *may be used by shipping companies with eli-*
17 *gible vessels for which a Quiet Seas and Clear Skies*
18 *Excellence Award is awarded under this section;*

19 (2) *includes the name of the shipping company;*
20 *and*

21 (3) *includes the year for which such Award was*
22 *made.*

23 (f) *LIMITATIONS.*—*Nothing in this section shall be con-*
24 *strued to—*

25 (1) *require participation in the Program; or*

1 (2) authorize any action that affects naviga-
2 tional rights and freedoms under international law or
3 navigational safety.

4 (g) *DEFINITION OF ELIGIBLE VESSEL.*—In this sec-
5 tion, the term “eligible vessel” means a vessel greater than
6 or equal to 65 feet in overall length.

7 (h) *AUTHORIZATION OF APPROPRIATIONS.*—There is
8 authorized to be appropriated to the Administrator to carry
9 out this section \$4,000,000 for each of fiscal years 2022
10 through 2026.

11 **TITLE XIII—VIRGIN PLASTIC**
12 **EXCISE TAX**

13 **SEC. 1301. VIRGIN PLASTIC EXCISE TAX.**

14 (a) *IN GENERAL.*—Chapter 32 of subtitle D of the In-
15 ternal Revenue Code of 1986 is amended by adding after
16 subchapter D the following new chapter:

17 **“Subchapter E—Virgin Plastic Excise Tax**

18 **“SEC. 4191. IMPOSITION OF TAX.**

19 “(a) *IN GENERAL.*—There is hereby imposed a virgin
20 plastic excise tax on the manufacturer, producer, or im-
21 porter of a covered item.

22 “(b) *AMOUNT OF TAX.*—

23 “(1) *IN GENERAL.*—The virgin plastic excise tax
24 imposed by subsection (a) is \$0.05 per pound of vir-
25 gin plastic.

1 “(2) *INFLATION ADJUSTMENT.*—

2 “(A) *IN GENERAL.*—*In the case of any tax-*
3 *able year beginning after 2021, the dollar*
4 *amounts in paragraph (1) shall be increased by*
5 *an amount equal to—*

6 “(i) *such dollar amount, multiplied by*

7 “(ii) *the cost-of-living adjustment de-*
8 *termined under section 1(f)(3) for the cal-*
9 *endar year in which the taxable year be-*
10 *gins, determined by substituting in sub-*
11 *paragraph (A)(ii) ‘calendar year 2021’ for*
12 *‘calendar year 2016’.*

13 “(B) *ROUNDING.*—*If any increase deter-*
14 *mined under subparagraph (A) is not a multiple*
15 *of $\frac{1}{10}$ of a cent, such increase shall be round-*
16 *ed to the nearest multiple of $\frac{1}{10}$ of a cent.*

17 “(c) *REGULATIONS.*—*The Secretary shall issue such*
18 *regulations or other guidance, including regulations or*
19 *guidance for the determination of the amount of virgin*
20 *plastic in a covered item, as may be necessary or appro-*
21 *priate to carry out the purposes of this section.*

22 “(d) *DEFINITIONS.*—*For purposes of this section:*

23 “(1) *COVERED ITEM.*—*The term ‘covered item’*
24 *means a single-use plastic product made in part or*
25 *whole of virgin plastic, except—*

1 “(A) a medical product that the Secretary
2 of Health and Human Services determines needs
3 to be made of virgin plastic for public health or
4 the health of the user;

5 “(B) a container for—

6 “(i) a drug regulated under the Fed-
7 eral Food, Drug, and Cosmetic Act;

8 “(ii) infant formula; or

9 “(iii) a meal replacement liquid;

10 “(C) a personal or feminine hygiene prod-
11 uct that could be unsafe or unsanitary to recycle;

12 “(D) a sexual health product; and

13 “(E) packaging for—

14 “(i) a product described in subpara-
15 graphs (A) through (E); or

16 “(ii) used for the shipment of haz-
17 ardous materials that is prohibited from
18 being composed of used materials under sec-
19 tion 178.509 or 178.522 of title 49, Code of
20 Federal Regulations (as in effect on the date
21 of the enactment of this subtitle).

22 “(2) PACKAGING.—The term ‘packaging’ means
23 a package, container, packing materials, or other ma-
24 terial used for the containment, protection, handling,
25 delivery, and presentation of goods.

1 “(3) *VIRGIN PLASTIC*.—The term ‘*virgin plastic*’
2 *means a primary polymer or resin—*

3 “(A) *of any form of ethylene, propylene,*
4 *polyethylene, polypropylene, polyvinyl chloride,*
5 *or a raw plastic polymer; and*

6 “(B) *generated through processing byprod-*
7 *ucts associated with petroleum, natural gas, coal,*
8 *or vegetation-based resources.*

9 “(4) *SINGLE-USE PRODUCT*.—The term ‘*single-*
10 *use product*’ *means a consumer product that is rou-*
11 *tinely disposed of, recycled, or otherwise discarded*
12 *after a single use.”.*

13 (b) *INTERNATIONAL NEGOTIATIONS*.—Congress finds
14 *the international mitigation of virgin, single-use plastics*
15 *to be of national importance. Therefore, Congress encour-*
16 *ages the United States Trade Representative and the Sec-*
17 *retary of State, as appropriate, to engage in negotiations*
18 *with other nations with the goal of forming treaties, envi-*
19 *ronmental agreements, accords, partnerships, or any other*
20 *instrument that—*

21 (1) *effectively reduces global single-use plastic*
22 *production from virgin polymers to 10 percent of*
23 *2010 levels by 2050; and*

24 (2) *respects the principle of common but differen-*
25 *tiated responsibilities and respective capabilities.*

1 (c) *EFFECTIVE DATE.*—The amendments by this sec-
2 tion shall apply to covered items, as such term is defined
3 in section 4191 of such Code, manufactured, produced, or
4 imported after the earlier of—

5 (1) 1 year after the Secretary issues regulations
6 implementing section 4191 of such Code; or

7 (2) 2 years after date of the enactment of this
8 Act.

9 (d) *CONFORMING AMENDMENT.*—The table of sub-
10 chapters for chapter 32 of such Code is amended by insert-
11 ing after the item relating to subchapter D the following:
“E. Virgin plastic excise tax”.

12 **SEC. 1302. ESTABLISHMENT OF THE VIRGIN PLASTIC TRUST**
13 **FUND.**

14 (a) *IN GENERAL.*—Subchapter A of chapter 98 of the
15 Internal Revenue Code of 1986 is amended by adding at
16 the end the following:

17 **“SEC. 9512. VIRGIN PLASTIC TRUST FUND.**

18 “(a) *ESTABLISHMENT AND FUNDING.*—There is hereby
19 established in the Treasury of the United States a trust fund
20 to be known as the ‘Virgin Plastic Trust Fund’, consisting
21 of such amounts as may be appropriated to such trust fund.

22 “(b) *TRANSFER TO VIRGIN PLASTIC TRUST FUND OF*
23 *AMOUNTS EQUIVALENT TO CERTAIN TAXES.*—There are
24 hereby appropriated to the Virgin Plastic Trust Fund

1 *amounts equivalent to the taxes received in the Treasury*
 2 *under section 4191 (relating to virgin plastic excise tax).*

3 “(c) *EXPENDITURES FROM VIRGIN PLASTIC TRUST*
 4 *FUND.—The following amounts in the Virgin Plastic Trust*
 5 *Fund are authorized to be appropriated each fiscal begin-*
 6 *ning after the date of the enactment of the Ocean-Based Cli-*
 7 *mate Solutions Act of 2022.*

8 “(1) *To United States Customs and Border Pro-*
 9 *tection, such amounts as may be necessary to admin-*
 10 *ister the taxation of importers under section 4191(a).*

11 “(2) *So much as remains in the fund in each fis-*
 12 *cal year, after appropriations are made under para-*
 13 *graph (1), for the purposes of carrying out the Ocean-*
 14 *Based Climate Solutions Act of 2022.*”.

15 “(b) *CONFORMING AMENDMENT.—The table of sections*
 16 *for subchapter A of chapter 98 of such Code is amended*
 17 *by adding at the end the following:*

 “*Sec. 9512. Virgin Plastic Trust Fund.*”.

18 ***TITLE XIV—STUDIES AND***
 19 ***REPORTS***

20 ***SEC. 1401. DEEP SEA MINING.***

21 *Not later than 90 days after the date of the enactment*
 22 *of this Act, the Administrator shall seek to enter into an*
 23 *agreement with the National Academies to conduct a com-*
 24 *prehensive assessment of the environmental impacts of deep*
 25 *seabed mining, including—*

1 (1) *characterization of deep seabed ecosystems;*

2 (2) *assessment of potential impacts to deep sea-*
3 *bed habitat and species from exploratory or extractive*
4 *activities;*

5 (3) *assessment of the potential impacts of sedi-*
6 *ment plumes from disturbance of the deep seabed on*
7 *the pelagic food chain; and*

8 (4) *approximate quantification of the greenhouse*
9 *gas emissions associated with deep seabed mining, in-*
10 *cluding emissions possibly from the release of green-*
11 *house gases sequestered in the seabed.*

12 **SEC. 1402. NATIONAL ACADEMIES ASSESSMENT OF OCE-**
13 **ANIC BLUE CARBON.**

14 *Not later than 90 days after the date of the enactment*
15 *of this Act, the Administrator shall seek to enter into an*
16 *agreement with the National Academies to conduct a com-*
17 *prehensive assessment of oceanic blue carbon, including—*

18 (1) *the impacts of marine species decline on car-*
19 *bon sequestration potential in ocean ecosystems, an*
20 *estimate of the global carbon dioxide mitigation po-*
21 *tential of protecting or recovering populations of fish*
22 *and marine mammals, and the ecological consider-*
23 *ations of such conservation strategies;*

24 (2) *an analysis of the geologic stores of carbon*
25 *and deep sea storage of dissolved carbon in the deep*

1 *seafloor environment, including current and potential*
2 *natural long-term carbon storage, identification of*
3 *gaps in scientific understanding, observations, and*
4 *data regarding such geologic and deep sea carbon*
5 *storage; and*

6 *(3) the potential impacts to oceanic blue carbon*
7 *storage by human activities including energy develop-*
8 *ment activities, deep sea mining, deep sea carbon*
9 *capture technology, and other disturbances to the sea*
10 *floor and gas hydrate disruption atop the seabed.*

11 **SEC. 1403. REPORT ON THE ECOLOGICAL AND ECONOMIC**
12 **EFFECTS OF HIGH SEAS FISHING IN THE**
13 **OCEAN AREAS BEYOND NATIONAL JURISDIC-**
14 **TION.**

15 *(a) IN GENERAL.—Not later than one year after the*
16 *date of the enactment of this Act, the Administrator, in co-*
17 *ordination with the Secretary of State, shall seek to enter*
18 *into an agreement with the National Academies under*
19 *which the National Academies shall—*

20 *(1) study the challenges and opportunities associ-*
21 *ated with implementing a global moratorium on high*
22 *seas commercial fishing;*

23 *(2) evaluate the ecological, social, and economic*
24 *effects of a global moratorium on high seas commer-*
25 *cial fishing, including establishment of ecological*

1 *baselines required to also estimate changes in bio-*
2 *diversity;*

3 (3) *estimate the scope and volume of illegal, un-*
4 *regulated, and unreported fishing occurring on the*
5 *high seas fishing;*

6 (4) *evaluate the percentage of United States sea-*
7 *food imports originating from high-seas fishing, from*
8 *both legally reported and illegal, unregulated, and un-*
9 *reported fishing; and*

10 (5) *evaluate the greenhouse gas emissions associ-*
11 *ated with high-seas fishing and high-seas fishing*
12 *fleets.*

13 (b) *ELEMENTS.—The study and evaluation conducted*
14 *pursuant to the agreement entered into under subsection (a)*
15 *shall address—*

16 (1) *the feasibility of implementing a global mor-*
17 *atorium on high seas commercial fishing, including—*

18 (A) *legal authorities that exist under the*
19 *United Nations Convention on the Law of the*
20 *Sea and other implementation instruments to*
21 *implement a moratorium on high seas commer-*
22 *cial fishing;*

23 (B) *the nations and vessels likely to refuse*
24 *or otherwise fail to comply with such a morato-*
25 *rium, including estimates of catch levels by those*

1 *nations and vessels relative to overall inter-*
2 *national catch; and*

3 *(C) available enforcement mechanisms and*
4 *surveillance technology that could be used to en-*
5 *force such a moratorium; and*

6 *(2) the range of effects that would be expected to*
7 *result from a moratorium on high seas commercial*
8 *fishing, including—*

9 *(A) identification of fish stocks that would*
10 *be affected, changes in exploitation of those*
11 *stocks, and net effect on the biomass of those*
12 *stocks;*

13 *(B) ecosystem effects on nontarget species,*
14 *including marketable and nonmarketable by-*
15 *catch, forage species, corals, other invertebrates,*
16 *marine mammals, seabirds, and sea turtles;*

17 *(C) changes in global carbon emissions from*
18 *reduced fishing vessel transits and from in-*
19 *creased fish carbon capture and improved high*
20 *seas ecosystem functioning;*

21 *(D) amounts of subsidies that support high*
22 *seas commercial fishing by the top 12 nations*
23 *that currently conduct high seas fishing by vol-*
24 *ume;*

1 (E) effects on global fisheries revenues and
2 profits overall and the effects on fisheries reve-
3 nues, profits, and jobs for developing nations;

4 (F) effects on sustainable seafood avail-
5 ability for United States consumers;

6 (G) effects on revenues and profits for do-
7 mestic fishermen seafood businesses;

8 (H) effects on the scope and volume of ille-
9 gal, unregulated, and unreported fishing occur-
10 ring on the high seas; and

11 (I) potential spillover effects on other fish-
12 eries from imposing a moratorium.

13 (c) *REPORT.*—

14 (1) *IN GENERAL.*—The agreement entered into
15 under subsection (a) shall require the National Acad-
16 emies to submit to the Secretary of Commerce, not
17 later than two years after entering into the agree-
18 ment, a report that describes the results of the study
19 and evaluation conducted pursuant to the agreement.

20 (2) *PUBLIC AVAILABILITY.*—The Administrator
21 shall publish the report received under paragraph (1)
22 on a public website.

1 **SEC. 1404. NATIONAL ACADEMIES ASSESSMENT OF PUBLIC**
2 **ACCESS TO THE COASTS.**

3 *Not later than 90 days after the date of the enactment*
4 *of this Act, the Administrator shall seek to enter into an*
5 *agreement with the National Academies to conduct a com-*
6 *prehensive assessment on public access to the Nation's*
7 *coasts, including the Great Lakes' coasts. The assessment*
8 *shall include—*

9 *(1) an analysis of the existing quantity and*
10 *quality of public access points to the coasts by State,*
11 *including both recreational and commercial (“work-*
12 *ing waterfront”) access;*

13 *(2) opportunities and barriers faced by low in-*
14 *come communities, communities of color, Tribal com-*
15 *munities, Indigenous communities, and rural commu-*
16 *nities for access to the coasts;*

17 *(3) the likely impact of sea level rise and extreme*
18 *weather on public access points to and access along*
19 *the coasts; and*

20 *(4) Federal mechanisms for preventing the loss of*
21 *access, for mitigating such loss when it occurs, and*
22 *for increasing the quantity, quality, and afford abil-*
23 *ity of public access to the coasts for both recreational*
24 *and commercial activities.*

1 **SEC. 1405. STUDY EXAMINING THE IMPACT OF ACIDIFICA-**
2 **TION AND OTHER ENVIRONMENTAL**
3 **STRESSORS ON ESTUARIES ENVIRONMENTS.**

4 (a) *IN GENERAL.*—Not later than 90 days after the
5 date of the enactment of this Act, the Administrator shall
6 make appropriate arrangements with the National Acad-
7 emies under which the National Academies shall conduct
8 a study that—

9 (1) *examines the existing science of acidification*
10 *in coastal environments, including in the Great*
11 *Lakes;*

12 (2) *examines the challenges to studying acidifica-*
13 *tion and the combined effect of acidification and other*
14 *environment stressors in coastal environments;*

15 (3) *provides recommendations for improving fu-*
16 *ture research with respect to acidification in coastal*
17 *environments; and*

18 (4) *identifies pathways for applying science in*
19 *management and mitigation decisions relating to*
20 *acidification in estuaries environments.*

21 (b) *CONTENTS OF STUDY.*—The study conducted under
22 subsection (a) shall include—

23 (1) *the behavior of the carbonate system within*
24 *estuaries environments;*

1 (2) *the interactions of the carbonate system with*
2 *other biotic and abiotic characteristics of coastal eco-*
3 *systems;*

4 (3) *how environmental and anthropogenic*
5 *changes or disturbances, such as nutrient runoff and*
6 *water pollution, could affect biotic and abiotic proc-*
7 *esses within coastal ecosystems;*

8 (4) *how coastal biotic and abiotic processes will*
9 *be affected under predicted environmental changes;*

10 (5) *the current state of data collection, interpre-*
11 *tation, storage, and retrieval and observational infra-*
12 *structure of biotic and abiotic parameters in coastal*
13 *ecosystems;*

14 (6) *the gaps that exist in understanding the so-*
15 *cioeconomic and health impacts of acidification in*
16 *coastal ecosystems;*

17 (7) *future directions for scientific research; and*

18 (8) *pathways for applying science in manage-*
19 *ment and mitigation decisions.*

20 (c) *REPORT.*—*Not later than two years after entering*
21 *into any arrangement under subsection (a), the Adminis-*
22 *trator shall request that the National Academies submit to*
23 *Congress a report detailing the findings of the study.*

1 **SEC. 1406. STUDY EXAMINING THE CAUSES AND IMPACTS**
2 **OF BLACK CARBON.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of the enactment of this Act, the Administrator and
5 the Secretary of Interior shall make appropriate arrange-
6 ments with the National Academies under which the Na-
7 tional Academies shall conduct a study that—

8 (1) *quantifies the sources of black carbon emis-*
9 *sions, including wildfires and natural processes;*

10 (2) *examines the impacts of black carbon on the*
11 *health, finances, society, and culture of Indigenous*
12 *communities;*

13 (3) *examines the impacts of black carbon on ma-*
14 *rine and terrestrial Arctic wildlife; and*

15 (4) *examines the role of black carbon in climate*
16 *change.*

17 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
18 authorized to be appropriated to the Administrator
19 \$1,000,000 for fiscal year 2022 to carry out this section.

20 **SEC. 1407. MARINE AREAS INVENTORY.**

21 (a) *IN GENERAL.*—The Administrator, in consultation
22 with the Secretary of State and the Secretary of the Inte-
23 rior, shall—

24 (1) *update the National Marine Protection Areas*
25 *Centers Marine Protected Area Inventory to include—*

1 (A) an inventory of areas already protected
2 10 within the Exclusive Economic Zone of the
3 United States;

4 (B) an inventory of areas already protected
5 in areas of the ocean beyond the jurisdiction of
6 the United States, and a description of any ac-
7 tivities that are currently allowed in each of the
8 areas; and

9 (C) an inventory of areas that other coun-
10 tries or international governing bodies are con-
11 sidering making a marine protected area; and

12 (2) create an inventory of marine areas to in-
13 clude—

14 (A) areas under United States jurisdiction
15 that are subject to both a prohibition on all bot-
16 tom-tending fishing gear and a prohibition on
17 all fishing gear with bycatch rates that adversely
18 affect marine wildlife populations, and identify
19 additional prohibitions on nonfishing commer-
20 cial activities in those areas; and

21 (B) an inventory of the lease areas for off-
22 shore wind as established by the Bureau of
23 Ocean and Energy Management.

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Administrator*
3 *\$2,000,000 to carry out this section.*

4 **SEC. 1408. MARINE BIODIVERSITY CENSUS.**

5 (a) *IN GENERAL.*—*Not later than 90 days after the*
6 *date of the enactment of this Act, the Administrator, in co-*
7 *ordination with relevant Federal, State, and Tribal agen-*
8 *cies, shall develop a strategy for the United States to initia-*
9 *tive a living marine biodiversity census.*

10 (b) *REQUIREMENTS.*—*The requirements of this sub-*
11 *section are that the strategy shall—*

12 (1) *identify what is needed to develop a coordi-*
13 *nated, sustained marine biodiversity observation and*
14 *research program to identify and monitor the diver-*
15 *sity, abundance, and distribution of marine species;*
16 *how it is changing; and how it impacts ecosystem*
17 *function and services;*

18 (2) *identify existing infrastructure and pro-*
19 *grams, such as the Marine Biodiversity Observation*
20 *Network, and how they can be utilized and expanded*
21 *as part of a marine biodiversity census, that includes*
22 *a coordinated data infrastructure;*

23 (3) *include an organizational structure that fa-*
24 *cilitates multisector coordination and oversight; and*

1 (4) address how this effort will help inform the
2 marine biodiversity gap analysis as described in sec-
3 tion 1410.

4 (c) *PUBLICATION AND PUBLIC COMMENT.*—Not later
5 than 60 days after the strategy is published to a public
6 website, the strategy shall be published in the Federal Reg-
7 ister to provide an opportunity for submission of public
8 comments for a period of not less than 60 days.

9 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There is
10 authorized to be appropriated to the Administrator to carry
11 out this section \$2,000,000 for each of fiscal years 2022
12 through 2026.

13 **SEC. 1409. MARINE BIODIVERSITY GAP ANALYSIS.**

14 (a) *IN GENERAL.*—Not later than 90 days after the
15 date of the enactment of this Act, the Secretary of Commerce
16 and Secretary of the Interior, in coordination with relevant
17 Federal and State agencies, shall begin a marine biodiver-
18 sity gap analysis meeting the requirements described in
19 subsection (b) to be completed not later than 18 months
20 after such date. Such Secretaries, in coordination with rel-
21 evant Federal and State agencies, shall update such anal-
22 ysis not less frequently than every 2 years thereafter.

23 (b) *REQUIREMENTS.*—The requirements of this sub-
24 section are that the Marine Biodiversity Gap Analysis
25 shall—

1 (1) *assess habitats, species, and ecosystems across*
2 *the United States ocean waters and coasts; and*

3 (2) *determine what types of habitats, species,*
4 *and ecosystems and the percentage of each type of*
5 *habitat, species, and ecosystem are necessary to pro-*
6 *tect in order to—*

7 (A) *protect biodiversity; and*

8 (B) *mitigate and provide resilience to the*
9 *impacts of climate change.*

10 (c) *PUBLICATION.—The Secretary of Commerce shall*
11 *publish the marine biodiversity gap analysis required by*
12 *subsection (a) on a public website.*

13 (d) *REPORT.—Biennially, the Secretary of Commerce*
14 *and the Secretary of the Interior shall publish a report on*
15 *candidate areas for protection and conservation, and on*
16 *progress for advancing protection of habitats, species, and*
17 *biodiversity identified in the gap analysis required by sub-*
18 *section (a) and is also informed by the Marine Biodiversity*
19 *Census described in section 1408.*

20 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated \$2,000,000 in each fiscal*
22 *year 2022 through 2026 to carry out this section.*

Union Calendar No. 511

117TH CONGRESS
2^D SESSION

H. R. 3764

[Report No. 117-695, Part I]

A BILL

To direct the Administrator of the National Oceanic and Atmospheric Administration to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; and for other purposes.

DECEMBER 30, 2022

Reported from the Committee on Natural Resources with
an amendment

DECEMBER 30, 2022

Committees on Science, Space, and Technology, House Administration, Ways and Means, Transportation and Infrastructure, Foreign Affairs, and Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed