



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

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

Mr. GRIJALVA introduced the following bill; which was referred to the
Committee on _____

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ocean-Based Climate
3 Solutions Act of 2021”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act, the term “Administrator” means the Ad-
6 ministrator of the National Oceanic and Atmospheric Ad-
7 ministration.

8 **SEC. 3. TABLE OF CONTENTS.**

9 The table of contents of this Act is as follows:

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1 **TITLE I—BLUE CARBON**

2 **SEC. 101. BLUE CARBON PROGRAM.**

3 (a) ESTABLISHMENT.—The Administrator shall es-
4 tablish and maintain a program within the National Oce-

1 anic and Atmospheric Administration to further conserva-
2 tion and restoration objectives for fish and wildlife habitat
3 and coastal resilience, including the development of ways
4 to incorporate ecosystem services from carbon storage into
5 existing domestic and international policies, programs,
6 and activities.

7 (b) ADDITIONAL AUTHORITY.—In conducting the
8 program, the Administrator may enter into and perform
9 such contracts, leases, grants, or cooperative agreements
10 as may be necessary to carry out the purposes of this title
11 on such terms as Administrator considers appropriate.

12 (c) ACTIVITIES.—The Administrator shall lead the
13 development and coordination of the strategic plan de-
14 scribed in section 106(e) and shall—

15 (1) collaborate with Federal agencies, the inter-
16 agency working group, State agencies, Indian
17 Tribes, and non-governmental organizations on re-
18 search, restoration, and protection efforts relating to
19 blue carbon ecosystems;

20 (2) develop a database of blue carbon stocks
21 and fluxes in the United States;

22 (3) assist in exploration of the potential for a
23 market for carbon credits and other financial instru-
24 ments for protection and restoration initiatives, in-
25 cluding research, development of protocols, and eval-

1 uation of protocols and the efficacy of blue carbon
2 markets as a tool for protecting ecosystems;

3 (4) develop and provide informational materials
4 and guidance relating to using blue carbon eco-
5 systems as a tool to further conservation objectives;

6 (5) use existing models or develop new models
7 to assess blue carbon storage potential that include
8 quantification, verifiability, additionality as com-
9 pared to a historical baseline, and permanence of
10 those benefits;

11 (6) quantify current total and net ecosystem
12 carbon storage and sequestration in coastal and ma-
13 rine areas;

14 (7) project future total and net ecosystem car-
15 bon storage and sequestration under different sce-
16 narios influenced by human population growth, sea
17 level rise, and other system-wide changes;

18 (8) protect and restore habitats, waters, and or-
19 ganisms that are long-term carbon sinks or will be
20 subject to habitat change as a result of climate
21 change and development;

22 (9) provide staff and technical expertise to the
23 interagency working group;

24 (10) quantify co-benefits of blue carbon eco-
25 systems, including flood risk reduction, habitat pro-

1 tection and restoration for endangered and threat-
2 ened species, habitat protection and restoration for
3 commercial and recreational fisheries, water quality
4 improvements, habitat maintenance and restoration,
5 cycling of nutrients other than carbon, commercial
6 and recreational fishing and boating benefits;

7 (11) assess regional and national ecosystem and
8 socioeconomic impacts of carbon sequestration and
9 storage;

10 (12) research variability, long-term storage, and
11 innovative techniques for effective, long-term, nat-
12 ural ocean or coastal ecosystem-based carbon seques-
13 tration;

14 (13) identify areas of particularly high rates of
15 carbon sequestration and storage;

16 (14) assess legal issues of landownership in blue
17 carbon markets, and develop guidelines to help land-
18 owners navigate the requirements of such markets;
19 and

20 (15) assess the impacts of protection and res-
21 toration efforts in blue carbon ecosystems on meth-
22 ane emissions.

1 **SEC. 102. NATIONAL MAP OF COASTAL AND MARINE BLUE**
2 **CARBON ECOSYSTEMS.**

3 (a) NATIONAL MAP.—The Administrator, in con-
4 sultation with the interagency working group established
5 under section 106, shall—

6 (1) produce and maintain (by updating every
7 three years) a national map and inventory of coastal
8 and marine blue carbon ecosystems including—

9 (A) with respect to each such ecosystem—

10 (i) the species and types of habitat in
11 the ecosystem;

12 (ii) the condition of such habitats in-
13 cluding whether a habitat is degraded,
14 drained, eutrophic, or tidally restricted;

15 (iii) the type of public or private own-
16 ership relating to such ecosystem and any
17 protected status;

18 (iv) the size of the ecosystem;

19 (v) the salinity boundaries of the eco-
20 system;

21 (vi) the tidal boundaries of the eco-
22 system;

23 (vii) an assessment of carbon seques-
24 tration potential, methane production, and
25 net greenhouse gas effects of the eco-
26 system—

1 (I) quantifying the amount of
2 carbon stored in a particular geo-
3 graphic area;

4 (II) the degree to which such
5 amounts can be verified;

6 (III) determination of how much
7 additional carbon may be stored in
8 such an area due to further carbon se-
9 questration; and

10 (IV) the permanence of such ex-
11 isting and future carbon storage;

12 (viii) an assessment of the ecosystem
13 co-benefits, such as fish habitat for com-
14 mercial, recreational, indigenous, and Trib-
15 al fisheries, flood risk reduction, wave
16 stress, storm protection, shoreline sta-
17 bilization, public access, water and air pol-
18 lution filtration, contributions to tradi-
19 tional and cultural practices, and rec-
20 reational use and benefits of the eco-
21 system;

22 (ix) the potential for landward migra-
23 tion of each ecosystem as a result of sea
24 level rise;

1 (x) any upstream structures detri-
2 mental to the watershed process and condi-
3 tions, including dams, dikes, and levees;

4 (xi) any upstream pollution sources
5 that threaten the health of each ecosystem;

6 (xii) proximity of the ecosystem to
7 aquaculture uses or lease areas; and

8 (xiii) a depiction of the effects of
9 human stressors, including the conversion
10 of blue carbon ecosystems to other land
11 uses and the cause of such conversion; and

12 (B) a depiction of the effects of climate
13 change, including sea level rise, ocean acidifica-
14 tion, ocean warming, and other environmental
15 stressors on the sequestration rate, carbon stor-
16 age, and carbon sequestration and storage po-
17 tential of blue carbon ecosystems; and

18 (2) in carrying out paragraph (1)—

19 (A) incorporate, to the extent possible,
20 data collected through federally and State fund-
21 ed research, including data collected from—

22 (i) the Coastal Change Analysis Pro-
23 gram of the National Oceanic and Atmos-
24 pheric Administration;

1 (ii) the National Wetlands Inventory
2 of the United States Fish and Wildlife
3 Service;

4 (iii) biologic carbon sequestration in-
5 formation of the United States Geological
6 Survey;

7 (iv) information from the Center for
8 LIDAR Information Coordination and
9 Knowledge of the United States Geological
10 Survey and Federal Emergency Manage-
11 ment Agency;

12 (v) biological and environmental re-
13 search from the Department of Energy;

14 (vi) national aquatic resource surveys
15 of the Environmental Protection Agency;
16 and

17 (vii) data from the National Coastal
18 Blue Carbon Assessment of the Depart-
19 ment of Agriculture; and

20 (B) engage regional experts for additional
21 peer-reviewed data to ensure that best available
22 scientific information is incorporated.

23 (b) USE.—The interagency working group shall use
24 the national map and inventory created pursuant to sub-
25 section (a)—

1 (1) to assess the existing and potential carbon
2 sequestration of different blue carbon ecosystems,
3 and account for any regional differences;

4 (2) to assess and quantify emissions from de-
5 graded and destroyed blue carbon ecosystems;

6 (3) to assist in the development of regional as-
7 sessments and to provide technical assistance to re-
8 gional, State, Tribal, and local government agencies,
9 regional information coordination entities (as such
10 term is defined in section 12303(6) of the Integrated
11 Coastal and Ocean Observation System Act (33
12 U.S.C. 3602)), and agencies, organizations, and
13 other entities that support communities that may
14 not have adequate resources, including low-income
15 communities, communities of color, Tribal commu-
16 nities, Indigenous communities, and rural commu-
17 nities;

18 (4) to assist in efforts to assess degraded coast-
19 al and marine blue carbon ecosystems and their po-
20 tential for restoration, including developing scenario
21 modeling to identify vulnerable areas where manage-
22 ment, protection, and restoration efforts should be
23 focused, including the potential for an ecosystem to
24 migrate inland to adapt to sea level rise; and

1 (5) to produce predictions of blue carbon eco-
2 systems and carbon sequestration rates in the con-
3 text of climate change, environmental stressors, and
4 human stressors.

5 **SEC. 103. REPORT ON BLUE CARBON IN THE UNITED**
6 **STATES.**

7 Not later than one year after the date of enactment
8 of this Act and every two years thereafter, the Adminis-
9 trator, in consultation with the interagency working
10 group, shall submit to the Committee on Natural Re-
11 sources of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate a report containing the following:

14 (1) A summary of federally funded coastal and
15 marine blue carbon ecosystem research, monitoring,
16 conservation, and restoration activities, including the
17 budget for each of these activities and describe the
18 progress in advancing the national priorities estab-
19 lished by the interagency working group.

20 (2) With respect to each blue carbon ecosystem,
21 the type, location, and ownership of the ecosystem
22 (whether privately owned lands, State lands, Tribal
23 lands, or Federal lands.

24 (3) An assessment of the vulnerability of coast-
25 al and marine blue carbon ecosystems to climate im-

1 pacts such as sea-level rise, acidification, and salt-
2 water intrusion, and other environmental and human
3 stressors, such as development, water pollution, and
4 aquaculture.

5 (4) An assessment of the greatest anthropo-
6 genic threats to blue carbon ecosystems, including
7 the Federal agency actions that have historically
8 caused and presently cause great adverse effects on
9 such ecosystems.

10 (5) An assessment of the carbon sequestration
11 potential of coastal and marine blue carbon eco-
12 systems and the probable changes to sequestration
13 under climate change scenarios.

14 (6) An assessment of biophysical, social, and
15 economic impediments including water storage and
16 flood control structures to coastal and marine blue
17 carbon ecosystem protection and restoration and op-
18 portunities to restore and enhance the resilience of
19 and sequestration potential of blue carbon eco-
20 systems.

21 (7) An assessment of aging or outdated artifi-
22 cial structures, including dikes, levees, dams, cul-
23 verts, water storage structures, shoreline hardening
24 projects, impediments to fish passage, and other in-
25 frastructure that impede the ecological or sequestra-

1 tion functions of blue carbon areas and the feasi-
2 bility of repairing, retrofitting, or removing such
3 structures.

4 (8) The economic, social, and environmental co-
5 benefits that these blue carbon ecosystems provide
6 including—

7 (A) protection of coasts from storms and
8 flooding;

9 (B) tourism and recreational use;

10 (C) benefits to fisheries;

11 (D) nutrient removal;

12 (E) the number of jobs that are directly or
13 indirectly attributable to blue carbon eco-
14 systems; and

15 (F) the total economic activity that is at-
16 tributable to such blue carbon ecosystems.

17 (9) An assessment of the social and economic
18 makeup of the communities served by blue carbon
19 ecosystems.

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

21 (a) ESTABLISHMENT.—The Administrator shall es-
22 tablish a competitive grant program entitled the “Blue
23 Carbon Partnership Grant Program” to provide funds to
24 eligible entities for projects that—

1 (1) protect and restore blue carbon stocks, oce-
2 anic blue carbon, and blue carbon ecosystems and
3 increase the long-term carbon storage and sequestra-
4 tion; and

5 (2) contribute to priorities identified in the
6 most recent strategic plan developed by the inter-
7 agency working group pursuant to section 106(e).

8 (b) ELIGIBLE RECIPIENTS.—A person or entity is eli-
9 gible to receive a grant under the grant program if such
10 person or entity is—

11 (1) a voluntary private landowner or group of
12 landowners;

13 (2) a State agency responsible for managing
14 natural resources or wildlife;

15 (3) an Indian Tribe;

16 (4) a unit of local government;

17 (5) a nonprofit organization or land trust;

18 (6) an institution of higher education and re-
19 search; or

20 (7) any group of entities described in para-
21 graphs (1) through (6).

22 (c) REQUIREMENTS.—In administering the grant
23 program under this section, the Administrator shall de-
24 velop criteria, guidelines, contracts, reporting require-

1 ments, and evaluation metrics developed by the inter-
2 agency working group.

3 (d) SELECTION CRITERIA.—In evaluating applica-
4 tions for the program from eligible entities, the Adminis-
5 trator shall give priority to proposed eligible protection
6 and restoration activities that—

7 (1) would result in long-term protection and se-
8 questration of carbon stored in coastal and marine
9 environments; and

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

12 (B) would provide coastal protection from devel-
13 opment, storms, flooding, and land-based pollution;

14 (C) would protect coastal resources of national,
15 historical, and cultural significance;

16 (D) would benefit communities of color, low-in-
17 come communities, Tribal or Indigenous commu-
18 nities, or rural communities; or

19 (E) would capitalize on existing established
20 public-private partnerships.

21 (e) REPORT TO CONGRESS.—

22 (1) REPORT REQUIRED.—The Administrator
23 shall submit annually to Congress a report con-
24 taining a State-by-State analysis of—

1 (A) the total number of acres of land or
2 water protected or restored through fee title ac-
3 quisition, easement, restoration or other activi-
4 ties under the program;

5 (B) the status of restoration projects
6 under this program; and

7 (C) the amount of blue carbon captured or
8 protected over a 100-year time period as a re-
9 sult of this program.

10 (2) PUBLICATION OF REPORT.—The Adminis-
11 trator shall make available to the public each report
12 required by paragraph (1).

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

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Administrator
20 \$300,000,000 for each of the fiscal years 2022 to 2026
21 to carry out this section.

22 **SEC. 105. INTEGRATED PILOT PROGRAMS TO PROTECT AND**
23 **RESTORE DEGRADED BLUE CARBON ECO-**
24 **SYSTEMS.**

25 The Administrator shall—

1 (1) establish integrated pilot programs that de-
2 velop best management practices, including design
3 criteria and performance functions, for coastal and
4 marine blue carbon ecosystem protection and res-
5 toration, nature-based adaptation strategies, living
6 shoreline projects, landward progression or migra-
7 tion of blue carbon ecosystems, and identify poten-
8 tial barriers to protection and restoration efforts;

9 (2) ensure that the pilot programs cover geo-
10 graphically, ecologically, culturally, and economically
11 representative locations with significant ecological,
12 economic, and social benefits and maximize potential
13 for long-term carbon storage and sequestration;

14 (3) establish a procedure for reviewing applica-
15 tions for the pilot program, taking into account—

16 (A) quantifying the amount of carbon
17 stored in a particular geographic area;

18 (B) the degree to which such amounts can
19 be verified;

20 (C) determination of how much additional
21 carbon may be stored in such an area due to
22 further carbon sequestration; and

23 (D) the permanence of such existing and
24 future carbon storage;

1 (4) ensure, through consultation with the inter-
2 agency working group, that the goals, metrics, moni-
3 toring, and outcomes of the pilot programs are com-
4 municated to the appropriate State, Tribal, and local
5 governments, and to the general public; and

6 (5) coordinate with relevant Federal agencies
7 on the interagency working group to prevent unnec-
8 essary duplication of effort among Federal agencies
9 and departments with respect to protection and res-
10 toration programs.

11 **SEC. 106. INTERAGENCY WORKING GROUP.**

12 (a) **ESTABLISHMENT.**—The President shall establish
13 an interagency working group on coastal and marine blue
14 carbon.

15 (b) **PURPOSES.**—The interagency working group
16 shall—

17 (1) oversee the development of and updates to
18 a national map (including all insular areas of the
19 United States) of coastal and marine blue carbon
20 ecosystems, including habitat types with a regional
21 focus in analysis that is usable for local level plan-
22 ning, protection, and restoration;

23 (2) use such map to inform the Administrator
24 of the Environmental Protection Agency's creation

1 of the annual Inventory of U.S. Greenhouse Gas
2 Emissions and Sinks;

3 (3) establish national coastal and marine blue
4 carbon ecosystem protection and restoration prior-
5 ities, including an assessment of current Federal
6 funding being used for protection and restoration ef-
7 forts;

8 (4) assess the biophysical, social, statutory, reg-
9 ulatory, and economic impediments to coastal and
10 marine blue carbon ecosystem protection and res-
11 toration;

12 (5) study the effects of climate change and en-
13 vironmental and human stressors on carbon seques-
14 tration rates;

15 (6) identify priority blue carbon ecosystems for
16 protection;

17 (7) develop a national strategy for foundational
18 science necessary to study, synthesize, and evaluate
19 the effects of climate change, environmental, and
20 human stressors on sequestration rates and capabili-
21 ties of blue carbon ecosystems protection;

22 (8) develop an assessment of current legal au-
23 thorities to protect and restore blue carbon eco-
24 systems and make recommendations for additional

1 authorities if current authorities are determined to
2 be insufficient; and

3 (9) ensure the continuity, use, and interoper-
4 ability of data assets through Coastal Carbon Data
5 Clearinghouse of the Smithsonian Institution and
6 other databases.

7 (c) MEMBERSHIP.—The interagency working group
8 shall be comprised of representatives of the following (or
9 their designees):

10 (1) The Administrator.

11 (2) The Administrator of the Environmental
12 Protection Agency.

13 (3) The Director of the National Science Foun-
14 dation.

15 (4) The Administrator of the National Aero-
16 nautics and Space Administration.

17 (5) The Director of the United States Geologi-
18 cal Survey.

19 (6) The Director of the United States Fish and
20 Wildlife Service.

21 (7) The Director of the National Park Service.

22 (8) The Director of the Bureau of Indian Af-
23 fairs.

24 (9) The Administrator of the Smithsonian In-
25 stitution.

1 (10) The Assistant Administrator Insular and
2 International Affairs of the Department of the Inte-
3 rior.

4 (11) The Chief of Engineers of the Army Corps
5 of Engineers.

6 (12) The Administrator of Agriculture.

7 (13) The Administrator of Defense.

8 (14) The Administrator of Transportation.

9 (15) The Administrator of State.

10 (16) The Administrator of Energy.

11 (17) The Administrator of the United States
12 Agency for International Development.

13 (18) The Administrator of the Federal Emer-
14 gency Management Agency.

15 (19) The Chair of the Council on Environ-
16 mental Quality.

17 (d) CHAIR.—The interagency working group shall be
18 chaired by the Administrator.

19 (e) STRATEGIC PLAN.—

20 (1) IN GENERAL.—The interagency working
21 group shall create a strategic plan for Federal in-
22 vestments in basic research, development, dem-
23 onstration, long-term monitoring and stewardship,
24 and deployment of blue carbon ecosystem and ma-
25 rine blue carbon projects for the 5-year period begin-

1 ning on the date that is 1 year after the date of en-
2 actment of this Act. The plan shall include—

3 (A) an assessment of the use of existing
4 Federal programs to protect, restore, enhance,
5 and preserve blue carbon ecosystems;

6 (B) an analysis of potential sea level rise
7 migration corridors for blue carbon ecosystems;

8 (C) an analysis of anticipated fish and
9 wildlife uses of blue carbon ecosystems;

10 (D) identification of priority strategies and
11 investments for preserving, restoring, and en-
12 hancing the resilience and carbon sequestration
13 potential of such blue carbon ecosystems; and

14 (E) an analysis of the role of methane
15 emissions in blue carbon ecosystem carbon
16 budgets.

17 (2) TIMING.—The interagency working group
18 shall—

19 (A) submit the strategic plan required
20 under paragraph (1) to the Committee on Nat-
21 ural Resources and the Committee on Science,
22 Space, and Technology of the House of Rep-
23 resentatives and the Committee on Commerce,
24 Science, and Transportation of the Senate on a

1 date that is not later than one year after the
2 date of enactment of this Act; and

3 (B) submit a revised version of such plan
4 to such committees every five years thereafter.

5 (3) FEDERAL REGISTER.—Not less than 90
6 days before the strategic plan, or any revision there-
7 of, is submitted under paragraph (2), the inter-
8 agency working group shall publish such plan in the
9 Federal Register and solicit public comments on
10 such plan for a period of not less than 60 days.

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

12 (a) DESIGNATION.—The Administrator shall des-
13 ignate as a blue carbon area of significance any area that
14 is—

15 (1) in the coastal zone (as such term is defined
16 in section 304 of the Coastal Zone Management Act
17 of 1972 (16 U.S.C. 1453)), in territorial waters of
18 the United States, or in the exclusive economic zone
19 of the United States;

20 (2) the location of water, a substrate, or an eco-
21 system that—

22 (A) provides for long-term storage and se-
23 questration of significant amounts of ecosystem
24 carbon; and

1 (B)(i) limits erosion and facilitates future
2 landward migration;

3 (ii) provides a buffer against storm surge,
4 especially for communities of color, low-income
5 communities, and Tribal and Indigenous com-
6 munities; or

7 (iii) provides a spawning, breeding, feed-
8 ing, or nesting habitat for wildlife; and

9 (3) not exclusive of coastal or other resources
10 that are significant in for mitigating or adapting to
11 climate change.

12 (b) GUIDELINES.—The Administrator, in consulta-
13 tion with the interagency working group, shall, not later
14 than one year after the date of enactment of this Act, es-
15 tablish by regulation guidelines based on the best available
16 science to describe and identify blue carbon areas of sig-
17 nificance and measures to ensure the protection of blue
18 carbon areas of significance.

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

24 (d) SCHEDULE.—The Administrator, in consultation
25 with the interagency working group, shall establish a

1 schedule for the identification of blue carbon areas of sig-
2 nificance under subsection (b) and for reviews and updates
3 under subsection (c), and shall make initial designations
4 of a blue carbon area of significance in each coastal State
5 not later than one year after the date of enactment of this
6 Act.

7 (e) RECOMMENDATIONS AND INFORMATION.—The
8 Administrator, in consultation with the interagency work-
9 ing group, shall, with respect to each coastal carbon area
10 of significance, provide recommendations and information
11 regarding the adverse impacts and threats to the carbon
12 storage, ecosystem services, and habitat capacity of the
13 area, and the actions that should be considered to avoid
14 adverse impacts and ensure the conservation and enhance-
15 ment of that area.

16 (f) PROGRAMS ADMINISTERED BY NOAA.—The Ad-
17 ministrator, in consultation with the interagency working
18 group, shall use programs administered by the Adminis-
19 trator to carry out this section and ensure the conserva-
20 tion and enhancement of each blue carbon area of signifi-
21 cance.

22 (g) REQUIREMENTS FOR FEDERAL ACTIONS.—With
23 respect to any proposed agency action that has the poten-
24 tial to cause an adverse impact on the carbon storage, car-
25 bon sequestration, ecosystem services, or habitat capacity

1 of any blue carbon area of significance, each Federal agen-
2 cy shall comply with the following requirements:

3 (1) NOTIFICATION.—Such Federal agency shall
4 notify the Administrator of such proposed agency ac-
5 tion.

6 (2) DETERMINATION OF ADVERSE IMPACT.—
7 The Administrator, in consultation with the pro-
8 posing agency and subject to public comment, shall
9 determine whether the proposed agency action will
10 cause an adverse impact on the carbon storage, car-
11 bon sequestration, ecosystem, or habitat of a blue
12 carbon area of significance.

13 (3) ALTERNATIVE.—With respect to any pro-
14 posed action the Administrator determines will have
15 an adverse impact under paragraph (2), the pro-
16 posing agency, in consultation with the Adminis-
17 trator, shall determine whether there is an alter-
18 native action that would prevent such adverse im-
19 pact and fulfill the purpose of the proposed action.
20 The proposing agency shall not take an action that
21 would cause an adverse impact if an alternative that
22 would not cause such adverse impact is available and
23 would fulfill the purpose of such action.

24 (4) CARBON STORAGE OFFSETS.—With respect
25 to a proposed action for which the agency deter-

1 mines no alternative is available under paragraph
2 (3), the proposing agency shall—

3 (A) in consultation with the Administrator,
4 take measures to mitigate such adverse impact;

5 (B) take such action as the Administrator
6 determines necessary to create a coastal or ma-
7 rine blue carbon ecosystem storage offset that,
8 taken in conjunction with the proposed action,
9 results in a long term net increase in carbon
10 storage, lasting an equivalent time period as the
11 carbon storage lost by the adverse impact;

12 (C) demonstrate quantitatively, using the
13 best available science, that the carbon storage
14 offset will result in a net increase in ecological
15 carbon storage and is located in close proximity
16 to the original site to keep the affected commu-
17 nities whole;

18 (D) maintain such carbon storage offset
19 for a period of time to be determined by the
20 Administrator but not less than 100 years; and

21 (E) publish the agency's proposed course
22 of mitigation in the Federal Register for public
23 notice and comment.

24 (h) REQUIREMENT FOR AUTHORIZATION OR APPRO-
25 PRIATION.—Any requests for a new authorization or ap-

1 appropriation from a Federal agency transmitted to the Of-
2 fice of Management and Budget shall include, if such au-
3 thorization or appropriation may affect a coastal carbon
4 area of significance, a certification that such agency will
5 use such authorization or appropriation in compliance
6 with this section.

7 (i) **REQUIRED RESTRICTIONS.**—A Federal agency
8 may not enter into a lease, easement, right-of-way, or sale
9 of any land designated as a blue carbon area of signifi-
10 cance unless such agency attaches appropriate restrictions
11 to the use of the property to protect the blue carbon area
12 of significance.

13 (j) **EXCEPTION.**—Preparation, revision, implementa-
14 tion, or enforcement of a fishery management plan under
15 the Magnuson-Stevens Fishery Conservation and Manage-
16 ment Act (16 U.S.C. 1801 et seq.) that applies to an area
17 that is subject to a prohibition on all bottom-tending fish-
18 ing gear shall not be treated as an action that is subject
19 to subsection (g).

20 **SEC. 108. AUTHORIZATION OF SMITHSONIAN INSTITUTION**
21 **BLUE CARBON ACTIVITIES.**

22 (a) **IN GENERAL.**—The Administrator of the Smith-
23 sonian Institution, in coordination with the Administrator
24 and the interagency working group, shall provide for the
25 long-term stewardship, continuity, use, and interoper-

1 ability of, and access to, data relating to blue carbon eco-
2 systems and national mapping, including United States
3 Territories and Tribal lands, by supporting the mainte-
4 nance of the Coastal Carbon Data Clearinghouse.

5 (b) COASTAL CARBON DATA CLEARINGHOUSE DU-
6 TIES.—The Administrator of the Smithsonian Institution
7 in coordination with the Administrator and interagency
8 working group shall process, store, archive, provide access
9 to, and incorporate all coastal and marine blue carbon
10 data collected through federally funded research by a Fed-
11 eral agency, State, local agency, Tribe, scientist, or other
12 relevant entity.

13 (c) GLOBAL AND NATIONAL DATA ASSETS.—The Ad-
14 ministrator of the Smithsonian Institution, in coordination
15 with the Administrator and the interagency working
16 group, shall ensure that existing global and national data
17 assets are incorporated into the Coastal Carbon Data
18 Clearinghouse.

19 (d) ESTABLISHMENT OF STANDARDS, PROTOCOLS,
20 AND PROCEDURES.—The Administrator of the Smithso-
21 nian Institution, in coordination with the Administrator
22 and members of the interagency working group, shall es-
23 tablish standards, protocols, and procedures for the proc-
24 essing, storing, archiving, and providing access to data in
25 the Coastal Carbon Data Clearinghouse and best practices

1 for sharing such data with State, local, and Tribal govern-
2 ments, Indigenous communities, coastal stakeholders, non-
3 Federal resource managers, and academia. The Adminis-
4 trator shall publish, update, and keep current such data
5 on a publicly available website.

6 (e) **DIGITAL TOOLS AND RESOURCES.**—The Adminis-
7 trator of the Smithsonian Institution, in coordination with
8 the Administrator and members of the interagency work-
9 ing group, shall develop digital tools and resources to sup-
10 port the public use of the Coastal Carbon Data Clearing-
11 house.

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

16 **SEC. 109. FEDERAL COASTAL AND MARINE BLUE CARBON**
17 **RESTORATION AND PROTECTIONS; FUNDING.**

18 (a) **IN GENERAL.**—The Director of the United States
19 Fish and Wildlife Service, the Director of the National
20 Park Service, and the Administrator shall each conduct
21 coastal and marine restoration and protection activities on
22 land and water managed by each such agency to achieve
23 at least one of the following:

24 (1) The sequestration of additional carbon diox-
25 ide through—

1 (A) the active restoration of degraded blue
2 carbon ecosystems; and

3 (B) the protection of threatened blue car-
4 bon ecosystems.

5 (2) The halting of ongoing carbon dioxide emis-
6 sions, and the resumption of the natural rate of car-
7 bon capture, through the restoration of drained
8 coastal wetlands.

9 (3) The halting of ongoing methane emissions,
10 and the resumption of the natural rate of carbon
11 storage, through the restoration of formerly tidal
12 wetland that has lost tidal connectivity and become
13 fresh wetland (commonly known as “impounded wet-
14 land”).

15 (b) FUNDING.—For each fiscal year 2022 through
16 2026, there is authorized to be appropriated for blue car-
17 bon ecosystem protection and restoration—

18 (1) to the Director of the United States Fish
19 and Wildlife Service \$200,000,000 for on lands
20 managed by such Director;

21 (2) to the Director of the National Park Service
22 \$200,000,000 for lands managed by such Director;
23 and

24 (3) to the Administrator \$200,000,000 for
25 lands and water managed by such Administrator.

1 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

2 In addition to amounts authorized to be appropriated
3 for specific activities under sections 104, 108, and 109,
4 there is authorized to be appropriated to the Adminis-
5 trator \$50,000,000 for each of the fiscal years 2022 to
6 2026 to carry out the remainder of this title.

7 **SEC. 111. RULE OF CONSTRUCTION.**

8 Nothing in this title affects the application of the re-
9 quirements of section 404 of the Clean Water Act (33
10 U.S.C. 1344); the National Environmental Policy Act, or
11 any regulations issued under either such Act.

12 **SEC. 112. DEFINITIONS.**

13 In this title, the following definitions apply:

14 (1) BLUE CARBON AREAS OF SIGNIFICANCE.—

15 The term “blue carbon area of significance” means
16 any area designated by the Administrator under sec-
17 tion 107 as a blue carbon area of significance.

18 (2) BLUE CARBON ECOSYSTEM.—The term

19 “blue carbon ecosystem” means vegetated coastal
20 habitats including mangroves, tidal marshes,
21 seagrasses, kelp forests, and other tidal or salt-water
22 wetlands that have the capacity to sequester carbon
23 from the atmosphere for a period of not less than
24 100 years.

25 (3) BLUE CARBON STOCKS.—The term “blue

26 carbon stocks” means coastal and marine vegetation

1 and wildlife, and underlying sediment that has the
2 capacity to sequester and store atmospheric carbon.

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

6 (5) CARBON STORAGE.—The term “carbon
7 storage” means sequestered carbon that remains out
8 of the atmosphere, stored either in biogenic material
9 or sediments.

10 (6) INTERAGENCY WORKING GROUP.—The term
11 “interagency working group” means the interagency
12 working group on blue carbon established under sec-
13 tion 106.

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

17 **SEC. 201. PROHIBITION OF OIL AND GAS LEASING IN CER-**
18 **TAIN AREAS OF THE OUTER CONTINENTAL**
19 **SHELF.**

20 Section 8 of the Outer Continental Shelf Lands Act
21 (43 U.S.C. 1337) is amended by adding at the end the
22 following:

23 “(q) PROHIBITION OF OIL AND GAS LEASING IN
24 CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—
25 Notwithstanding any other provision of this section or any

1 other law, the Secretary may not issue a lease for the ex-
2 ploration, development, or production of oil or natural gas
3 in any planning area, except in the Central or Western
4 planning areas of the Gulf of Mexico (as such planning
5 areas are described in the document entitled ‘2017–2022
6 Outer Continental Shelf Oil and Gas Leasing Proposed
7 Final Program’, dated November 2016, or a subsequent
8 oil and gas leasing program developed under section 18
9 of the Outer Continental Shelf Lands Act (43 U.S.C.
10 1344)).”.

11 **SEC. 202. BEST AVAILABLE TECHNOLOGY.**

12 Section 11 of the Outer Continental Shelf Lands Act
13 (43 U.S.C. 1340) is amended by adding at the end the
14 following:

15 “(i) **BEST AVAILABLE TECHNOLOGY.**—Notwith-
16 standing any other provision of this Act or any other law,
17 the Secretary shall require each holder of a lease or permit
18 under this section for geophysical and geological explo-
19 ration on the outer Continental Shelf to use the best com-
20 mercially available technology with respect to reducing
21 acoustic pressure levels to conduct such exploration.”.

1 **Subtitle B—Offshore Renewable**
2 **Energy**

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

5 (a) FINDINGS.—Congress finds that—

6 (1) the United States should aggressively re-
7 duce greenhouse gas emissions from United States
8 public lands and oceans and strive to achieve net-
9 zero emissions as soon as possible;

10 (2) the United States can and must address
11 this climate crisis by putting people to work building
12 the necessary infrastructure to reduce carbon emis-
13 sions;

14 (3) the United States offshore wind resources
15 must be responsibly harnessed in order to both rap-
16 idly reduce our carbon emissions and put people
17 back to work; and

18 (4) achieving the goal of 30 gigawatts of off-
19 shore wind energy capacity by 2030 is anticipated to
20 result in the creation of tens of thousands of living
21 wage, family-supporting union jobs while positioning
22 America to lead a clean energy revolution and tackle
23 the climate crisis.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

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

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

9 (3) development of offshore wind resources
10 must ensure ecosystem health and the protection of
11 threatened and endangered species and their habi-
12 tats; and

13 (4) permitting agencies must have sufficient re-
14 sources to carry out a robust and efficient review
15 and permitting process.

16 **SEC. 212. OUTER CONTINENTAL SHELF OFFSHORE WIND**
17 **TARGETS.**

18 (a) TARGETS.—The Secretary of the Interior shall
19 seek to grant leases under section 8 of the Outer Conti-
20 nental Shelf Lands Act (43 U.S.C. 1337) for—

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

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

4 (b) REPORT.—Not later than December 1, 2021, and
5 each year thereafter, the Secretary of the Interior shall
6 submit to the Committee on Natural Resources of the
7 House of Representatives and the Committee on Energy
8 and Natural Resources of the Senate a report on the Sec-
9 retary’s progress in meeting the targets described in sub-
10 section (a).

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

12 Section 402(b) of the Magnuson-Stevens Fishery
13 Conservation and Management Act (16 U.S.C. 1881a(b))
14 is amended—

15 (1) in paragraph (1)—

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

17 (B) in subparagraph (H), by striking the
18 period at the end and insert “; or”; and

19 (C) by adding at the end the following:

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

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

1 **SEC. 214. INCREASING FUNDING FOR SCIENTIFIC RE-**
2 **SEARCH.**

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

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

16 (2) marine mammals protected under the Ma-
17 rine Mammal Protection Act of 1972 (16 U.S.C.
18 1361 et seq.);

19 (3) managed fishery resources, seabirds and mi-
20 gratory bird species, and the habitats on which these
21 species depend; and

22 (4) technology for data collection and other sci-
23 entific and permitting needs, as determined nec-
24 essary by the Secretary of the Interior, in consulta-
25 tion with the Secretary of Commerce and the Sec-
26 retary of Energy, to support responsible development

1 and long-term use of offshore wind resources on the
2 Outer Continental Shelf.

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

4 Section 113 of Division G of Public Law 113–76 is
5 amended to read as follows:

6 “CONTRIBUTION AUTHORITY

7 “SEC. 113. The Secretary of the Interior may accept
8 from public and private sources contributions of money
9 and services for use by the Bureau of Ocean Energy Man-
10 agement and the Bureau of Safety and Environmental En-
11 forcement to conduct work in support of the orderly explo-
12 ration and development of Outer Continental Shelf re-
13 sources, including preparation of environmental docu-
14 ments such as impact statements and assessments, stud-
15 ies, and related research, during fiscal years—

16 “(1) 2014 through 2024; or

17 “(2) with respect to work supporting offshore wind
18 energy exploration or development, 2014 through 2030.”.

19 **SEC. 216. DEVELOPING STRATEGIES TO PROTECT WILD-
20 LIFE.**

21 (a) IN GENERAL.—Not later than one year after the
22 date of enactment of this Act, the National Academies of
23 Sciences, Engineering, and Medicine shall prepare a re-
24 port that reviews, compiles, and synthesizes existing re-
25 search on—

1 (1) the effect of offshore wind energy on wild-
2 life, habitat, and threatened and endangered species;
3 and

4 (2) best practices for minimizing and mitigating
5 such effects.

6 (b) REQUIREMENTS.—The report shall—

7 (1) provide a quantitative assessment of the
8 contributions of offshore wind energy in—

9 (A) reducing the amount of greenhouse
10 gases emitted by the electricity sector; and

11 (B) helping to improve human health and
12 wildlife populations in communities that are
13 near offshore wind energy areas; and

14 (2) include a quantitative assessment of the ef-
15 ficacy of existing methodologies to measure direct
16 and indirect effects of offshore wind energy on wild-
17 life and their habitats, and provide recommendations
18 regarding best practices to monitor, avoid, minimize,
19 and mitigate impacts on wildlife and their habitat.

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

21 (a) APPLICATION OF OUTER CONTINENTAL SHELF
22 LANDS ACT WITH RESPECT TO TERRITORIES OF THE
23 UNITED STATES.—

1 (1) IN GENERAL.—Section 2 of the Outer Con-
2 tinenta Shelf Lands Act (43 U.S.C. 1331) is
3 amended—

4 (A) in subsection (a)—

5 (i) by striking “The term” and insert-
6 ing the following:

7 “(1) THE TERM.—”;

8 (ii) by inserting after “control” the
9 following: “or lying within the exclusive
10 economic zone of the United States and
11 the outer Continental Shelf adjacent to any
12 territory or possession of the United
13 States”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(2) The term ‘outer Continental Shelf’ does
17 not include any area conveyed by Congress to a ter-
18 ritorial government for administration;”;

19 (B) in subsection (p), by striking “and”
20 after the semicolon at the end;

21 (C) in subsection (q), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (D) by adding at the end the following:

24 “(r) The term ‘State’ means the several States, the
25 Commonwealth of Puerto Rico, Guam, American Samoa,

1 the United States Virgin Islands, and the Commonwealth
2 of the Northern Mariana Islands.”.

3 (2) EXCLUSIONS.—Section 18 of the Outer
4 Continental Shelf Lands Act (43 U.S.C. 1344) is
5 amended by adding at the end the following:

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

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

13 **“SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER**
14 **CONTINENTAL SHELF.**

15 “(a) WIND LEASE SALES OFF COASTS OF TERRI-
16 TORIES OF THE UNITED STATES.—

17 “(1) STUDY ON FEASIBILITY OF CONDUCTING
18 WIND LEASE SALES.—

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

1 the Commonwealth of the Northern Mariana Is-
2 lands, Puerto Rico, and the Virgin Islands of
3 the United States.

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

7 “(i) the National Laboratories, as
8 that term is defined in section 2(3) of the
9 Energy Policy Act of 2005 (42 U.S.C.
10 15801(3));

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

15 “(iii) the Governor of each of Amer-
16 ican Samoa, Guam, the Northern Mariana
17 Islands, Puerto Rico, and the Virgin Is-
18 lands of the United States.

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

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

1 sults of the study conducted under subpara-
2 graph (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;
7 and

8 “(iii) each of the delegates or resident
9 commissioners to the House of Representa-
10 tives from American Samoa, Guam, the
11 Commonwealth of the Northern Mariana
12 Islands, Puerto Rico, and the Virgin Is-
13 lands of the United States.

14 “(E) PUBLIC AVAILABILITY.—The Sec-
15 retary shall publish the study required under
16 subparagraph (A) and the results submitted
17 under subparagraph (C) on a public website.

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

23 “(3) CONDITIONAL WIND LEASE SALES.—

24 “(A) IN GENERAL.—For each territory,
25 the Secretary shall conduct not less than one

1 wind lease sale in the area of the outer Conti-
2 nental Shelf within the territorial jurisdiction of
3 such territory if such area meets each of the
4 following criteria:

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

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

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

15 “(iv) The Secretary has consulted
16 with the Governor of the territory regard-
17 ing the suitability of the area for wind en-
18 ergy development.

19 “(B) EXCEPTION.—If no area of the outer
20 Continental Shelf within the territorial jurisdic-
21 tion of a territory meets each of the criteria in
22 clauses (i) through (iv) of subparagraph (A),
23 the requirement under subparagraph (A) shall
24 not 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 sub-
7 section for the production of wind energy, 30 per-
8 cent of the revenue received by the Federal Govern-
9 ment as a result of payments from such lease shall
10 be deposited in the National Oceans and Coastal Se-
11 curity Fund established by section 904 of the Na-
12 tional Oceans and Coastal Security Act (16 U.S.C.
13 7503).”.

14 **TITLE III—CLIMATE-READY**
15 **FISHERIES, EFFICIENT FISH-**
16 **ERY VESSELS, AND BUY**
17 **AMERICAN SEAFOOD**

18 **SEC. 301. SENSE OF CONGRESS.**

19 It is the sense of Congress that—

20 (1) American wild-caught seafood is integral to
21 the Nation’s food supply and to American food secu-
22 rity;

23 (2) the seafood supply chain is often long and
24 complex;

1 (3) American caught and American-processed
2 seafood can be a sustainable healthy source of pro-
3 tein and micronutrients;

4 (4) fresh, frozen, dried, and canned domestic
5 seafood can be produced, processed, packaged, and
6 transported in a manner that has a low carbon foot-
7 print;

8 (5) marine species that are small, at lower
9 trophic levels, and pelagic typically have the smallest
10 carbon footprint; and

11 (6) therefore, any executive agency that pur-
12 chases seafood products should, to the extent prac-
13 ticable, buy local American-caught or American-har-
14 vested and American-processed seafood products
15 from fisheries that are not overfished or experi-
16 encing overfishing in order to reduce the greenhouse
17 gas emissions associated with the supply chain of
18 seafood products.

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

20 Section 2(c)(1) of the Act of August 11, 1939 (15
21 U.S.C. 713c-3(c)(1)) is amended to read as follows:

22 “(1) The Secretary shall make grants from the
23 fund established under subsection (b) to—

24 “(A) assist persons in carrying out re-
25 search and development projects addressed to

1 any aspect of United States marine fisheries,
2 including harvesting, processing, packaging,
3 marketing, and associated infrastructures; or

4 “(B) assist persons to market and promote
5 the consumption of—

6 “(i) local or domestic marine fishery
7 products;

8 “(ii) environmentally and climate-
9 friendly marine fishery products that mini-
10 mize and employ efforts to avoid bycatch
11 and impacts on marine mammals;

12 “(iii) invasive species;

13 “(iv) well-managed but less known
14 species; or

15 “(v) plant-based feed for aquaculture
16 operations.”.

17 **SEC. 303. ELIMINATE FISH SUBSIDIES IN TRADE AGREE-**
18 **MENTS.**

19 (a) IN GENERAL.—Section 102(b) of the Bipartisan
20 Congressional Trade Priorities and Accountability Act of
21 2015 (19 U.S.C. 4201(b)) is amended by adding at the
22 end the following:

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

1 “(A) To eliminate subsidies that contribute
2 to overfishing, or illegal, unreported, and un-
3 regulated fishing, such as subsidies that—

4 “(i) increase the marine fishing capac-
5 ity of fishing vessels or support the acqui-
6 sition of equipment that increases the abil-
7 ity of fishing vessels to find fish;

8 “(ii) support the construction of fish-
9 ing vessels, importation of fishing vessels,
10 or government repurchase of fishing ves-
11 sels outside of a binding and effective fish-
12 ing capacity reduction program that in-
13 cludes the corresponding elimination of
14 fishing rights and a binding and effective
15 prohibition on the reuse of vessels for fish-
16 ing to increase capacity in any fishery;

17 “(iii) affect fish stocks in any fish-
18 ery—

19 “(I) in an overfished or worse
20 condition; or

21 “(II) whose stock levels are de-
22 clining;

23 “(iv) are provided to fishing enter-
24 prises engaged in long-distance fishing, ei-

1 ther on the high seas or in the exclusive
2 economic zone of a third country;

3 “(v) support the transfer or reflagging
4 of fishing vessels to third countries, includ-
5 ing through the creation of joint ventures
6 with partners of those countries;

7 “(vi) are provided to the fishing enter-
8 prises or to owners or operators of vessels
9 that have been determined to have engaged
10 in illegal, unreported, and unregulated
11 fishing by a coastal state or a regional
12 fisheries management organization; or

13 “(vii) reduce fuel, insurance, or other
14 operating costs solely for fishing enter-
15 prises except where intended to reduce the
16 carbon footprint of existing fishing oper-
17 ations.

18 “(B) To require parties to trade agree-
19 ments—

20 “(i) to report to an environmental af-
21 fairs committee established under the
22 agreement, on an annual basis, all marine
23 fishing-related subsidies provided by the
24 parties, including fleet capacity and trade

1 data concerning the fisheries that the sub-
2 sidies affect;

3 “(ii) to establish an independent body
4 to make assessments of the health of fish
5 stocks in each domestic fishery and report
6 such assessments to such environmental
7 affairs committee;

8 “(iii) with respect to shared or inter-
9 national fisheries in which each party is in-
10 volved in fishing activities, to commit to
11 cooperating with third countries, regional
12 fisheries management organizations, and
13 assessment bodies in annual assessments
14 of the health of fish stocks and associated
15 species in such fisheries; and

16 “(iv) to certify to such environmental
17 affairs committee that they have made and
18 continue to make adequate progress to-
19 ward the goal of protecting and conserving,
20 through well-connected and effective sys-
21 tem of protected areas and other effective
22 area-based conservation measures, at least
23 30 percent of the planet by 2030, with the
24 focus on areas particularly important for
25 biodiversity.

1 “(C) To require parties to trade agree-
2 ments that are also members of the World
3 Trade Organization to work collaboratively at
4 the Organization to establish and maintain ro-
5 bust disciplines on fisheries subsidies.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a)—

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

10 (2) apply with respect to negotiations for trade
11 agreements subject to the provisions of section 103
12 of the Bipartisan Congressional Trade Priorities and
13 Accountability Act of 2015 (19 U.S.C. 4202) en-
14 tered into on or after such date of enactment.

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

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

18 (1) in subparagraph (A) by striking “or” at the
19 end;

20 (2) in subparagraph (B) by striking “increased
21 fuel efficiency or improved safety.” and inserting
22 “improved safety; or”; and

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

24 “(C) increasing fuel efficiency and reduc-
25 ing fuel usage, which may include—

- 1 “(i) installation of solar panels;
- 2 “(ii) engine replacement or retrofit,
- 3 including the installation of new fuel-effi-
- 4 cient, low-emission engines, including hy-
- 5 brid electric marine engines or generators;
- 6 “(iii) gearbox or propeller replace-
- 7 ment;
- 8 “(iv) modifications to hull shape; and
- 9 “(v) modifications to fishing gear.”.

10 **SEC. 305. CLIMATE AND FISHERIES RESEARCH AND MAN-**

11 **AGEMENT PROGRAM.**

12 Title IV of the Magnuson-Stevens Fishery Conserva-

13 tion and Management Act (16 U.S.C. 1881 et seq.) is

14 amended by adding at the end the following:

15 **“SEC. 409. CLIMATE AND FISHERIES RESEARCH AND MAN-**

16 **AGEMENT PROGRAM.**

17 “(a) ESTABLISHMENT OF THE PROGRAM.—The Sec-

18 retary, with input from appropriate Regional Fishery

19 Management Councils and in coordination with other Fed-

20 eral agencies and educational institutions, shall establish

21 a program to identify, develop, and implement adaptive

22 strategies, consistent with the requirements of this Act,

23 to improve the management of fisheries and aquaculture

24 under current and anticipated impacts of climate change.

25 In administering such program, the Secretary shall—

1 “(1) expand and improve fisheries science, mon-
2 itoring, and data collection in order to support and
3 promote integrated, climate science-informed fishery
4 management and ensure that the requirements of
5 this Act are met under changing climatic conditions;

6 “(2) prepare and adapt fishery management for
7 climate change by promoting a precautionary ap-
8 proach to management and supporting the develop-
9 ment and use of relevant science and management
10 tools, including forecasting, risk assessment, sce-
11 nario planning, coupled climate and ecosystem mod-
12 eling, and management strategy evaluation;

13 “(3) improve agency understanding of stock
14 shifts to inform catch advice, inform the resolution
15 of jurisdictional issues, and support achievement of
16 conservation mandates in the face of shifting stocks;

17 “(4) promote the development and use of cli-
18 mate-related information in stock assessments;

19 “(5) develop and provide guidance on incor-
20 porating information on environmental variability
21 and climate change in control rules for fishery man-
22 agement;

23 “(6) promote management approaches that in-
24 crease resilience to current and anticipated climate
25 impacts in managed species and marine ecosystems,

1 including by coordinating with and advancing pro-
2 grams to protect genetic diversity and age structure,
3 protect marine habitat, minimize and better account
4 for bycatch, and incorporating into management the
5 ecological role of forage fish in the marine food web;

6 “(7) increase understanding of the socio-
7 economic impacts of climate change on fishing par-
8 ticipants, fishing communities, and related indus-
9 tries;

10 “(8) coordinate within the National Oceanic
11 and Atmospheric Administration on issues related to
12 climate change and fisheries, including on data
13 needs and availability;

14 “(9) ensure that the research, resource manage-
15 ment, and expenditures to prepare fisheries for cli-
16 mate change promote racial and socioeconomic eq-
17 uity with respect to environmental and economic
18 outcomes across fisheries and regions;

19 “(10) promote the incorporation of climate
20 change into fisheries management at regional fishery
21 management organizations and other international
22 bodies; and

23 “(11) advance other climate change fishery
24 science and management as appropriate.

1 “(b) EVALUATION.—The Secretary, with input from
2 the Councils, shall, not later than three years after the
3 date of enactment of the Ocean-Based Climate Solutions
4 Act of 2021 and every 5 years thereafter, conduct an inde-
5 pendent review that will be provided to Congress and the
6 public on the results of the program, including—

7 “(1) steps taken to modify or enhance research
8 and data collection programs to better understand
9 the effects of climate change on fishery resources;

10 “(2) steps taken to evaluate various manage-
11 ment strategies in the context of future climate sce-
12 narios;

13 “(3) how tools and solutions identified by the
14 program have been or will be implemented in fishery
15 science and management; and

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

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to the Secretary to carry
21 out this section \$2,000,000 for each fiscal year 2022
22 through 2026.”.

1 **SEC. 306. CLIMATE-READY FISHERIES INNOVATION PRO-**
2 **GRAM.**

3 (a) CLIMATE-READY FISHERIES INNOVATION PRO-
4 GRAM.—Not later than one year after the date of enact-
5 ment of this Act, the Administrator shall establish a pro-
6 gram, including grants, to develop innovative tools and ap-
7 proaches designed to increase the adaptive capacity of
8 fishery management to the impacts of climate change. In
9 administering such program, the Administrator shall—

10 (1) develop science and management tools and
11 approaches that address regional and national prior-
12 ities to improve the conservation and management of
13 fishery resources under existing and anticipated cli-
14 mate impacts;

15 (2) provide for routine input from fishery man-
16 agers and scientists in order to maximize opportuni-
17 ties to incorporate results of the program in fishery
18 management actions;

19 (3) promote adoption of methods developed
20 under the program in fishery management plans de-
21 veloped by the Regional Fishery Management Coun-
22 cils;

23 (4) provide information and outreach to the pri-
24 vate sector and academic sector to encourage devel-
25 opment of tools and approaches to manage the ef-
26 fects of climate change on fisheries; and

1 (5) provide information and outreach to fishery
2 participants to increase understanding of and en-
3 courage adoption and use of tools and approaches
4 developed under the program.

5 (b) COORDINATION OF THE PROGRAM.—

6 (1) The Administrator shall establish a process
7 to ensure coordination with and outreach to—

8 (A) regional offices and science centers of
9 the National Marine Fisheries Service;

10 (B) the Regional Fishery Management
11 Councils;

12 (C) the scientific and statistical committees
13 of such Fishery Management Councils; and

14 (D) other relevant programs, including the
15 cooperative research and management program
16 under section 318 of the Magnuson-Stevens
17 Fishery Conservation and Management Act (16
18 U.S.C. 1867), the Integrated Ocean Observing
19 System, and programs within the National Oce-
20 anic and Atmospheric Administration designed
21 to address ocean acidification.

22 (2) Such coordination should include identifica-
23 tion of multi-year research priorities to study and
24 understand the current and anticipated impacts of
25 climate change on fisheries, fisheries interactions,

1 habitats, fishery participants, fishing communities,
2 fisheries science and monitoring, or other relevant
3 priority. Such priorities should be routinely reviewed
4 in a timeframe not to exceed 5 years and updated
5 as necessary.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Administrator to
8 carry out this section \$5,000,000 for each of fiscal years
9 2022 through 2026.

10 **SEC. 307. REPORT ON SHIFTING STOCKS AND WAYS TO**
11 **ADAPT FISHERIES FOR THE IMPACTS OF CLI-**
12 **MATE CHANGE.**

13 Not later than one year after the date of enactment
14 of this Act, the Administrator shall transmit a report to
15 Congress—

16 (1) assessing whether and how fish stocks have
17 shifted and are expected to shift as a result of cli-
18 mate change, the magnitude and timing of shifts,
19 and a list of shifting stocks by region;

20 (2) evaluating the impacts range shifts are hav-
21 ing on fisheries stock assessments and describing
22 how survey methods are being modified to capture
23 range shifts in fisheries;

24 (3) assessing factors that promote resilience of
25 fish stocks undergoing range shift;

1 (4) assessing existing federal policies on fishing
2 permits and licenses in each region, including alloca-
3 tion between states and jurisdictions, and whether
4 those rules facilitate the resilience and adaptive ca-
5 pacity of fisheries when stocks shift; and

6 (5) identifying actions that could be taken to
7 facilitate the shifting, splitting or transitioning of
8 permits to fishermen in the regions where stocks
9 have shifted, consistent with the requirements of the
10 Magnuson-Stevens Fishery Conservation and Man-
11 agement Act and other applicable law.

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

13 Section 305(b) of the Magnuson-Stevens Fishery
14 Conservation and Management Act (16 U.S.C. 1855(b))
15 is amended—

16 (1) in paragraph (1)(A)—

17 (A) by inserting “every five years” after
18 “updating”; and

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

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

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

1 “(2) CONSULTATIONS REGARDING FEDERAL
2 AGENCY ACTION WITH ADVERSE EFFECTS ON ES-
3 SENTIAL FISH HABITAT.—

4 “(A) REQUIREMENT TO AVOID OR MITI-
5 GATE ADVERSE EFFECTS.—Notwithstanding
6 any other provision of law, any Federal agency
7 shall consult with the Secretary to ensure that
8 any action authorized, funded, or undertaken by
9 such agency avoids the adverse effect of such
10 action on essential fish habitat or, to the extent
11 that the adverse effect cannot be avoided, the
12 agency shall minimize and mitigate the adverse
13 effect. In the case of habitat areas of particular
14 concern, the agency shall further—

15 “(i) conduct or require monitoring for
16 possible adverse effects, and, if adverse ef-
17 fects occur, undertake additional actions to
18 minimize and mitigate any such adverse ef-
19 fects of the action on the habitat area of
20 particular concern and species for which
21 the habitat area of particular concern is
22 designated for the duration of time over
23 which adverse impacts are likely to occur;
24 and

1 “(ii) evaluate the effectiveness of
2 measures to avoid, minimize, and mitigate
3 adverse impacts to the habitat area of par-
4 ticular concern and species for which the
5 habitat area of particular concern is des-
6 ignated, and report the results of such
7 evaluation to the Secretary on an annual
8 basis.

9 “(B) CONSIDERATIONS.—In completing
10 the requirements under subparagraph (A) for
11 projects seeking to restore and improve the
12 long-term resilience of habitat, particularly in
13 estuarine environments heavily impacted by sea
14 level rise and other climate change factors, each
15 Federal agency shall, in consultation with the
16 Secretary, take into account the consequences
17 of not pursuing such restoration and habitat re-
18 silience projects and the long-term positive im-
19 pacts on fish populations of such activities.

20 “(C) AGENCY CONSULTATION.—Each Fed-
21 eral agency shall consult with the Secretary
22 with respect to any action authorized, funded,
23 or undertaken, or proposed to be authorized,
24 funded, or undertaken, by such agency that

1 may adversely affect any essential fish habitat
2 identified under this chapter.

3 “(D) REGULATIONS REGARDING CON-
4 SULTATION PROCESS.—Not later than 180 days
5 after the date of enactment of the Ocean-Based
6 Climate Solutions Act of 2021, the Secretary
7 shall establish regulations for the consultation
8 process, including procedures to ensure that
9 recommendations made by the Secretary would
10 result in the avoidance, if possible, of adverse
11 effects on essential fish habitat and, if avoid-
12 ance is not possible, the minimization and miti-
13 gation of any such adverse effects.

14 “(3) INPUT FROM APPROPRIATE COUNCILS.—
15 When engaging in a consultation required under
16 paragraph (2), the Secretary shall provide the rel-
17 evant Council or Councils with information regard-
18 ing the proposed action and the potential adverse ef-
19 fects, and the Council or Councils shall comment on
20 and make recommendations to the Secretary and
21 any Federal or State agency concerning—

22 “(A) the underlying action if, in the view
23 of the Council, such action may affect the habi-
24 tat of a fishery resource under the authority of
25 such Council; and

1 “(B) the proposed action if, in the view of
2 the Council, such action is likely to adversely
3 affect the habitat of an anadromous fishery re-
4 source under the authority of such Council.

5 “(4) INFORMATION FROM OTHER SOURCES.—

6 “(A) RECEIPT OF INFORMATION.—

7 “(i) If the Secretary receives informa-
8 tion from a Council or Federal or State
9 agency, or determine from another source,
10 or as result of the consultation required in
11 paragraph (2), that an action authorized,
12 funded, or undertaken, or proposed to be
13 authorized, funded, or undertaken by any
14 Federal agency adversely affects an essen-
15 tial fish habitat identified under this chap-
16 ter, the Secretary shall recommend to such
17 agency measures can be taken by such
18 agency to avoid such the adverse effects of
19 the action on such habitat or, to the extent
20 that adverse effects cannot be avoided,
21 minimize and mitigate the adverse effects.

22 “(ii) Any recommendations made by
23 the Secretary shall be made available to
24 the public on the website of the National

1 Marine Fisheries Service at the time the
2 recommendations are made

3 “(B) REQUIRED RESPONSE.—

4 “(i) Within 30 days after receiving a
5 recommendation under subparagraph (A),
6 a Federal agency shall provide a detailed
7 response in writing to any Council com-
8 ment under paragraph (3) and the Sec-
9 retary regarding the matter. The response
10 shall include a description of measures pro-
11 posed by the agency for avoiding the ad-
12 verse effects, or to the extent the adverse
13 effects cannot be avoided, minimizing and
14 mitigating the adverse effects of the action
15 on essential fish habitat. In the case of a
16 response that is inconsistent with the rec-
17 ommendations of the Secretary, the Fed-
18 eral agency shall explain how the alter-
19 native measures proposed will avoid the
20 adverse effects of such action on essential
21 fish habitat or, to the extent that adverse
22 effects cannot be avoided, mitigate the ad-
23 verse effects.

24 “(ii) Such responses shall be made
25 available to the public on the website of

1 the National Marine Fisheries Service at
2 the time that the recommendations are re-
3 ceived.

4 “(C) PUBLICATION.—The Secretary shall
5 make available to the public—

6 “(i) any recommendation made under
7 subparagraph (A) on the date on which
8 such recommendation is made; and

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

12 “(5) MONITORING FOR EFFECTIVENESS.—The
13 Secretary shall monitor the effectiveness of measures
14 taken by each Federal agency to avoid, minimize,
15 and mitigate adverse impacts to essential fish habi-
16 tat.

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

21 “(A) provide an important ecological func-
22 tion, including for maintaining and restoring
23 the biomass, demographic, spatial, or genetic
24 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 fu-
6 ture environmental conditions, are or may be-
7 come important to the health of managed spe-
8 cies; or

9 “(E) are rare.

10 “(7) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to the Sec-
12 retary such funds as may be necessary to carry out
13 the requirements of this section.”.

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

16 (a) ESTABLISHMENT.—The Administrator shall es-
17 tablish a program to address opportunities, challenges,
18 and innovation in restorative ocean aquaculture develop-
19 ment, siting, and operations in the coastal waters and ex-
20 clusive economic zone through—

21 (1) investment in research and technical assist-
22 ance to ensure adverse impacts to the marine envi-
23 ronment can be fully understood, anticipated, ac-
24 counted for, and avoided and impacts to wild-cap-
25 ture fisheries and marine wildlife are minimized dur-

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

3 (2) the development and application of best
4 management practices to ensure the species selec-
5 tion, design, development, siting, and operation of
6 restorative ocean aquaculture maximizes potential
7 benefits while minimizing potential adverse impacts
8 to the marine environment, marine wildlife, and
9 wild-capture fisheries.

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
14 using best management practices to maximize potential
15 benefits and minimize potential adverse impacts to the
16 marine environment.

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

21 (1) the Small Business Innovation Research
22 Program of the National Oceanic and Atmospheric
23 Administration;

24 (2) National Sea Grant College Program; and

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

3 (d) PRIORITIZATION WITHIN THE PROGRAM.—In
4 carrying out the program established by this section, the
5 Administrator shall prioritize support for research and
6 technology 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 and marine wildlife;

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

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

21 (4) monitoring both the individual and cumu-
22 lative environmental impacts of current and pro-
23 posed small scale aquaculture operations to inform
24 potential impacts of large-scale operations and
25 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 develop-
5 ment, siting, and operations of restorative aqua-
6 culture facilities and the marine environment.

7 (e) REPORT.—Not later than one year after the date
8 of 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
11 and assessments of restorative ocean aquaculture to fur-
12 ther inform ongoing research and technical assistance
13 funded 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
17 for sequestering and storing significant amounts of
18 carbon from the atmosphere and ocean to mitigate
19 the impacts of climate change.

20 (2) A comprehensive assessment of the blue
21 carbon potential for an aquaculture project, includ-
22 ing its potential environmental impacts and cumu-
23 lative impacts on native marine species and marine
24 habitat and the potential adverse wildlife inter-
25 actions likely to result from the use of restorative

1 aquaculture technologies in use or under develop-
2 ment worldwide.

3 (3) A comprehensive assessment of the poten-
4 tial impacts, including cumulative impacts, to wild-
5 capture fisheries and marine wildlife and the produc-
6 tivity thereof likely to result from the use of restora-
7 tive aquaculture technologies in use or under devel-
8 opment worldwide.

9 (4) An assessment of any known ecosystems
10 services that have been derived from restorative
11 ocean aquaculture and design, including siting and
12 size parameters that maximize those benefits.

13 (5) A detailed discussion of the mitigation
14 measures available currently to reduce any negative
15 environmental or wild-capture fisheries and marine
16 wildlife 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
22 facilities 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 ocean 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
11 a range of life cycle ecological and social benefits
12 and provides a composite score with which to rank
13 such types of restorative aquaculture.

14 (g) RESTORATIVE OCEAN AQUACULTURE DE-
15 FINED.—The term “restorative ocean aquaculture” means
16 ocean and coastal propagation of seaweed or shellfish
17 farming that generates positive ecological and social im-
18 pact.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Administrator to
21 carry out this section \$5,000,000 for each of fiscal years
22 2022 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
5 (16 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, ero-
16 sion, and sea level rise” after “nearshore waters”;
17 and

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

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

22 (a) IN GENERAL.—

23 (1) PROJECT.—The Secretary of the Interior,
24 in consultation with the Administrator and the Ad-
25 ministrator 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
12 out under this section shall consist of the creation
13 of maps for at least 10 percent of the System and
14 may also identify additional new System units.

15 (b) REPORT.—

16 (1) IN GENERAL.—Not later than two years
17 after the date of enactment of this Act, the Sec-
18 retary shall submit to the Committee on Environ-
19 ment and Public Works of the Senate and the Com-
20 mittee on Natural Resources of the House of Rep-
21 resentatives a report describing the results of the
22 pilot project and the proposed definitions and cri-
23 teria and costs of completing coastal hazard maps
24 for the entire System.

1 (2) CONTENTS.—The report shall include a de-
2 scription of—

3 (A) the final recommended digital maps
4 created under the coastal hazard pilot project;

5 (B) recommendations for the adoption of
6 the digital maps created under this section by
7 Congress;

8 (C) a summary of the comments received
9 from the Governors of the States, other govern-
10 ment officials, and the public regarding the
11 definitions, criteria, and maps; and

12 (D) a description of the criteria used for
13 the project and any related recommendations;
14 and

15 (E) the amount of funding necessary for
16 completing coastal hazard maps for the entire
17 System.

18 (c) CONSULTATION.—The Secretary shall prepare the
19 report required under subsection (b)—

20 (1) in consultation with the Governors of the
21 States in which any System units newly identified
22 areas are located; and

23 (2) after—

24 (A) providing an opportunity for the sub-
25 mission of public comments; and

1 (B) considering any public comments sub-
2 mitted under subparagraph (A).

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

7 (a) DEFINITIONS.—In this section, the following defi-
8 nitions apply:

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

14 (2) UNDEVELOPED COASTAL BARRIER.—The
15 term “undeveloped coastal barrier” has the meaning
16 given the term in section 3 of the Coastal Barrier
17 Resources Act (16 U.S.C. 3502) (as amended by
18 section 501).

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

1 (c) CONSULTATION.—The Secretary shall prepare the
2 report required under subsection (b)—

3 (1) in consultation with the Governors of the
4 affected States, territories, and Freely Associated
5 States; and

6 (2) after providing an opportunity for the sub-
7 mission and consideration of public comments.

8 (d) CONTENTS.—The report required under sub-
9 section (a) shall—

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

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

19 (3) evaluate ways in which the definition of the
20 term “undeveloped coastal barrier” under section 3
21 of the Coastal Barrier Resources Act (16 U.S.C.
22 3502) could be expanded to more accurately address
23 the geology and functions of coastal barriers in areas
24 along the Pacific Coast, including in the Pacific Ter-
25 ritories and Freely Associated States, including the

1 ways in which coastal bluffs, rocky outcroppings,
2 beaches, wetlands, estuaries, coral reefs, mangroves,
3 and other landforms in such areas function as coast-
4 al barriers by absorbing storm impacts, protecting
5 inland communities from sea level rise impacts, pro-
6 viding habitat, and being subject to erosion.

7 (e) PREPARATION AND SUBMISSION OF MAPS.—

8 (1) PREPARATION.—As soon as practicable
9 after the date of enactment of this Act, the Sec-
10 retary shall prepare maps identifying the boundaries
11 of those undeveloped coastal barriers of the United
12 States along the Pacific Coast, including in the Pa-
13 cific Territories and Freely Associated States.

14 (2) SUBMISSION TO CONGRESS.—Not later than
15 three years after the date of submission of the re-
16 port under subsection (b), the Secretary shall submit
17 to Congress maps identifying the boundaries of
18 those undeveloped coastal barriers of the United
19 States along the Pacific Coast, including the Pacific
20 Territories and Freely Associated States, that the
21 Secretary considers to be appropriate for inclusion in
22 the John H. Chafee Coastal Barrier Resources Sys-
23 tem.

1 **SEC. 404. REQUIRE DISCLOSURE TO PROSPECTIVE BUYERS**
2 **THAT PROPERTY IS IN THE COASTAL BAR-**
3 **RIER RESOURCES SYSTEM.**

4 Section 5 of the Coastal Barrier Resources Act (16
5 U.S.C. 3504) is amended by adding at the end the fol-
6 lowing:

7 “(c) DISCLOSURE OF LIMITATIONS.—

8 “(1) REQUIREMENT.—No person shall sell any
9 interest in real property located in the System unless
10 the person has disclosed to the buyer that the prop-
11 erty is in the System and subject to the limitations
12 under this section.

13 “(2) NOTIFICATION TO THE SECRETARY.—Not
14 later than 60 days after the date of sale of any in-
15 terest in real property located in the System, the
16 seller shall notify the Secretary using the online sys-
17 tem required by paragraph (3) of such sale and shall
18 certify to the Secretary that such seller complied
19 with the requirements of paragraph (1).

20 “(3) ONLINE REPORTING SYSTEM.—Not later
21 than one year after the date of enactment of the
22 Ocean-Based Climate Solutions Act of 2021, the
23 Secretary shall establish and maintain an online re-
24 porting system to facilitate notifications to the Sec-
25 retary required by paragraph (2).

1 “(4) CIVIL PENALTY.—Any person who violates
2 this subsection shall be subject to a civil penalty of
3 not more than \$10,000.”.

4 **SEC. 405. IMPROVE FEDERAL AGENCY COMPLIANCE WITH**
5 **COASTAL BARRIER RESOURCES ACT.**

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

8 (1) in subsection (a)—

9 (A) by striking “the Coastal Barrier Im-
10 provement Act of 1990” and inserting “Ocean-
11 Based Climate Solutions Act of 2021”; and

12 (B) by striking “promulgate regulations”
13 and inserting “revise or promulgate regulations
14 and guidance, as necessary”; and

15 (2) by amending subsection (b) to read as fol-
16 lows:

17 “(b) REPORTS AND CERTIFICATION.—

18 “(1) REPORTS.—The head of each Federal
19 agency affected by this Act shall annually report to
20 the Secretary that such agency is in compliance with
21 this Act.

22 “(2) CERTIFICATION.—The Secretary shall an-
23 nually certify whether each such agency is in compli-
24 ance with this Act.

1 “(3) FAILURE TO COMPLY.—If the Secretary
2 certifies that an agency is not in compliance with
3 this Act, the head of the agency shall report to Con-
4 gress not later than 90 days after the date of such
5 certification regarding how the agency will achieve
6 compliance.”.

7 (b) TECHNICAL CORRECTION.—Section 3 of the
8 Coastal Barrier Resources Act (16 U.S.C. 3502) is
9 amended by striking “Committee on Resources” and in-
10 sserting “Committee on Natural Resources”.

11 **SEC. 406. EXCESS FEDERAL PROPERTY.**

12 Section 4(e) of the Coastal Barrier Resources Act (16
13 U.S.C. 3503(e)) is amended by adding at the end of sub-
14 section (e) the following new paragraph:

15 “(3) Notwithstanding the provisions of 3502(1)
16 and 3503(g) of this Act, the term ‘undeveloped
17 coastal barrier’ means any coastal barrier regardless
18 of the degree of development.”.

19 **SEC. 407. EMERGENCY EXCEPTIONS TO LIMITATIONS ON**
20 **EXPENDITURES.**

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

23 (1) in paragraph (6), by striking subparagraph
24 (E) and redesignating subparagraphs (F) and (G) as
25 subparagraphs (E) and (F), respectively; and

1 (2) by adding at the end the following new
2 paragraph:

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

11 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 9 of the Coastal Barrier Resources Act (16
13 U.S.C. 3508) is amended by striking “\$2,000,000” and
14 all that follows through the end of the sentence and insert-
15 ing “\$5,000,000 for each of fiscal years 2022 through
16 2026.”.

17 **TITLE V—COASTAL ZONE MAN-**
18 **AGEMENT ACT AMENDMENTS**

19 **SEC. 501. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
20 **COASTAL ZONE OBJECTIVES.**

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

1 **“SEC. 320. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
2 **COASTAL ZONE OBJECTIVES.**

3 “(a) GRANTS AUTHORIZED.—The Secretary may
4 award competitive grants to Indian Tribes to further
5 achievement of the objectives of such a Tribe for such
6 Tribe’s Tribal coastal zone.

7 “(b) COST SHARE.—

8 “(1) IN GENERAL.—The Federal share of the
9 cost of any activity carried out with a grant of
10 \$200,000 or more under this section shall not exceed
11 95 percent of such cost, except as provided in para-
12 graph (2).

13 “(2) WAIVER.—The Secretary may waive the
14 application of paragraph (1) with respect to a grant
15 to an Indian Tribe, or otherwise reduce the portion
16 of the share of the cost of an activity required to be
17 paid by an Indian Tribe under such paragraph.

18 “(c) COMPATIBILITY.—The Secretary may not award
19 a grant under this section unless the Secretary determines
20 that the activities to be carried out with the grant are
21 compatible with this title.

22 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—
23 Amounts awarded as a grant under this section shall be
24 used for 1 or more of the objectives and purposes author-
25 ized under subsections (b) and (c), respectively, of section
26 306A.

1 “(e) FUNDING.—There is authorized to be appro-
2 priated to the Secretary \$5,000,000 to carry out this sec-
3 tion for each of fiscal years 2022 through 2026.

4 “(f) DEFINITIONS.—In this section, the following
5 definitions apply:

6 “(1) INDIAN LAND.—The term ‘Indian land’
7 has the meaning given such term in section 2601 of
8 the Energy Policy Act of 1992 (25 U.S.C. 3501).

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

13 “(3) TRIBAL COASTAL ZONE.—The term ‘Tribal
14 coastal zone’ means any Indian land that is within
15 the coastal zone.

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 preserva-
21 tion of areas in the Tribal coastal zone of such
22 Tribe that hold—

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

1 “(ii) traditional, historic, and aes-
2 thetic 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
9 cultural or historical preservation.”.

10 (b) GUIDANCE.—Not later than 180 days after the
11 date of enactment of this Act, the Administrator shall
12 issue guidance for the program established under the
13 amendment made by subsection (a), including the criteria
14 for awarding grants under such program based on con-
15 sultation with Indian 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 sub-
20 paragraph (D), by striking the period at the end of sub-
21 paragraph (E) and inserting “; and”, and by adding at
22 the end the following:

23 “(F) fulfilling any Tribal coastal zone ob-
24 jective (as that term is defined in section
25 320).”.

1 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
2 this section and the amendments made by this section may
3 be construed to affect the ability of an Indian Tribe to
4 apply for, receive assistance under, or participate in any
5 program authorized by the Coastal Zone Management Act
6 of 1972 (16 U.S.C. 1451 et seq.) or other related Federal
7 laws.

8 **SEC. 502. ELIGIBILITY OF DISTRICT OF COLUMBIA FOR**
9 **FEDERAL FUNDING.**

10 Section 304(4) of the Coastal Zone Management Act
11 of 1972 (16 U.S.C. 1453(4)) is amended by inserting “the
12 District of Columbia,” after “the term also includes”.

13 **SEC. 503. COASTAL AND ESTUARINE RESILIENCE AND RES-**
14 **TORATION PROGRAM.**

15 Section 307A of the Coastal Zone Management Act
16 of 1972 (16 U.S.C. 1456–1) is amended—

17 (1) by striking the heading and inserting
18 “COASTAL AND ESTUARINE RESILIENCE AND RES-
19 TINATION PROGRAM”;

20 (2) by amending subsection (a) to read as fol-
21 lows:

22 “(a) IN GENERAL.—The Secretary may conduct a
23 Coastal and Estuarine Resilience and Restoration Pro-
24 gram, in cooperation with State, regional, and other units

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
7 aesthetic 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 ef-
12 fectively 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 tected 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 ade-
3 quate resources to prepare for or respond to
4 coastal hazards or to access the coastline, in-
5 cluding low income communities, communities
6 of color, Tribal and Indigenous communities,
7 and rural communities; 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 a national estuarine re-
16 search reserve designated under section 315, a
17 national wildlife refuge, or a national estuary
18 program, or are proposed for designation as
19 such a reserve or other such protected area; or

20 “(iv) are under threat due to climate
21 change or may serve to mitigate the adverse ef-
22 fects of climate change, including through the
23 storage of blue carbon, and to facilitate inland
24 migration of coastal ecosystems in response to
25 sea level rise.”; and

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

3 (4) in subsection (f)—

4 (A) in paragraph (2)(B), by inserting “for
5 any territory of the United States that is un-
6 able to provide such match,” after “commu-
7 nity,”; and

8 (B) in paragraph (4)—

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

13 (ii) by striking subparagraph (B) and
14 redesignating subparagraph (C) as sub-
15 paragraph (B);

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

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

22 “(C) The value of ecosystem services that
23 the acquired land provides, including as a buff-
24 er for storm surge, habitat for economically val-
25 uable species, and as 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
4 sentence; and

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

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

9 Section 308 of Coastal Zone Management Act of
10 1972 (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,
13 to be known as the ‘Coastal Zone Management Fund’,
14 which shall consist of fees deposited into the Fund under
15 section 307(i)(3) and any other funds appropriated to the
16 Fund.

17 “(b) GRANTS FOR POST-DISASTER RESPONSE TO SE-
18 VERE COASTAL FLOOD EVENTS.—

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

16 “(i) restore, expand, install, or relo-
17 cate natural infrastructure;

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

21 “(iii) facilitate the landward migration
22 of coastal ecosystems; or

23 “(D) implement a project described by
24 subparagraph (C).

1 “(3) FEDERAL SHARE.—The Secretary may
2 issue a grant under this subsection for an amount
3 not to exceed—

4 “(A) 90 percent of the cost of an activity
5 described in subparagraph (A) or (B) of para-
6 graph (2);

7 “(B) except as provided in subparagraph
8 (C), 60 percent of the cost of an activity de-
9 scribed in paragraph (2)(D);

10 “(C) 75 percent of the cost of an activity
11 provided for in a plan approved under sub-
12 section (d); or

13 “(D) 100 percent of the cost of any activ-
14 ity described in subparagraph (A), (B), or (C)
15 of paragraph (2) responding to the effects of a
16 severe coastal flood in a disadvantaged commu-
17 nity that is identified in a plan approved under
18 subsection (d).

19 “(c) GRANTS FOR SEVERE COASTAL FLOOD HAZARD
20 PLANNING.—

21 “(1) IN GENERAL.—The Secretary, at the re-
22 quest of a Governor of a coastal State or Tribe, may
23 use amounts in the Fund to issue a grant to a coast-
24 al State or Tribe for developing a plan for the timely
25 response to a severe coastal flood hazard.

1 “(2) PROPOSAL.—To be considered for a grant
2 under this section, a State shall submit a grant pro-
3 posal to the Secretary in a time, place, and manner
4 determined by the Secretary. Such proposal shall—

5 “(A) describe the risks that severe coastal
6 flood hazards pose in the State and goals for
7 reducing loss of life and property and sus-
8 taining coastal ecosystems in response to these
9 risks;

10 “(B) include consideration of related plans
11 including the Coastal Zone Management Plan
12 of the State or Tribe, the Hazard Mitigation
13 Plan of the State or Tribe, applicable State
14 plans under the Community Development Block
15 Program, National Estuarine Research Reserve
16 Disaster Mitigation and Response plans, and
17 the severe coastal flood hazard preparedness
18 plans, if any, of neighboring States;

19 “(C) be developed in conjunction with local
20 governments in the coastal zone of the State
21 and provided for public review and comment on
22 the plan, including holding a public hearing and
23 engaging disadvantaged communities; and

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

1 “(3) CRITERIA.—In determining the amount of
2 a grant under this subsection, the Secretary shall
3 consider the—

4 “(A) area and population of the coastal
5 zone of the applicant State;

6 “(B) the risks that severe coastal flood
7 hazards pose to the State; and

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

10 “(4) LIMITATION ON AMOUNT OF FUNDS TO BE
11 AWARDED.—Grants made pursuant to this sub-
12 section in any fiscal year shall not exceed 50 percent
13 of the funds in the Fund as a result of appropria-
14 tions pursuant to subsection (i)(1).

15 “(5) FEDERAL SHARE.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), the Federal share of the cost
18 of an activity funded by a grant issued under
19 this subsection shall not exceed—

20 “(i) 75 percent of the cost of the ac-
21 tivity; or

22 “(ii) 85 percent of the cost of the ac-
23 tivity in the case of a State that has en-
24 acted a requirement for the disclosure of
25 severe coastal flood hazards, including sea

1 level rise, that meets criteria for such dis-
2 closure established by the Secretary, to
3 buyers of real estate in the coastal zone.

4 “(B) EXCEPTION.—The Secretary may re-
5 duce or waive the matching requirement under
6 paragraph (5) if a coastal State submits a writ-
7 ten request to the Secretary for a waiver with
8 a justification as to why the State cannot meet
9 the match requirement, and the Secretary de-
10 termines such justification is sufficient to waive
11 such requirement.

12 “(d) GRANTS FOR SEVERE COASTAL FLOOD HAZARD
13 PLAN IMPLEMENTATION.—

14 “(1) IN GENERAL.—The Secretary, at the Sec-
15 retary’s discretion or at the request of the Governor
16 of a State, may use amounts in the Fund to issue
17 grants to a coastal State or National Estuarine Re-
18 search Reserve with a severe coastal flood hazard
19 preparedness plan approved under subsection (c) to
20 implement the approved plan.

21 “(2) ELIGIBLE ACTIVITIES.—Activities eligible
22 for funding under this subsection include—

23 “(A) conducting a public awareness cam-
24 paign to inform the public and decisionmakers
25 about severe coastal flood hazards;

1 “(B) developing, enacting, and admin-
2 istering a State or local law prohibiting new
3 and significantly expanded development in areas
4 at risk of severe coastal flood hazards;

5 “(C) developing, enacting, and admin-
6 istering a State requirement for disclosure of
7 severe coastal flood hazards, including sea level
8 rise, to buyers of real estate;

9 “(D) making grants to local governments,
10 or regional consortiums of local governments, to
11 implement the State plan, including develop-
12 ment of local or regional plans and site-specific
13 plans or projects; and

14 “(E) planning, designing, and imple-
15 menting projects to—

16 “(i) protect existing public infrastruc-
17 ture and residential and commercial prop-
18 erties, including built structures, natural
19 infrastructure, and living shorelines;

20 “(ii) relocate infrastructure or struc-
21 tures at risk of damage by severe coastal
22 flood hazards, restore such sites to safe
23 conditions, and select alternative sites;

1 “(iii) remove structures damaged by
2 severe coastal flood hazards and restore
3 such site to safe conditions;

4 “(iv) protect waste disposal facilities
5 in areas at risk of severe coastal flood haz-
6 ards or relocate such facilities to alter-
7 native sites; and

8 “(v) facilitate the landward migration
9 of coastal ecosystems.

10 “(3) CRITERIA.—Grants made pursuant to this
11 subsection shall be in response to an annual request
12 for proposals. In determining the amount of a grant,
13 the Secretary shall consider—

14 “(A) the area and population of the coastal
15 zone of the State;

16 “(B) the risks that severe coastal flood
17 hazards pose in the State and the reduction of
18 coastal flood hazards expected as a result of the
19 proposal;

20 “(C) demonstration of innovative ap-
21 proaches to preparing for severe coastal flood
22 hazards; and

23 “(D) benefits to disadvantaged commu-
24 nities identified in a plan approved under this
25 subsection.

1 “(4) FEDERAL SHARE.—A grant under this
2 subsection shall be limited to 75 percent of the cost
3 of the proposal, except that the Secretary may re-
4 duce or waive the such matching requirement if a
5 coastal State submits to the Secretary in writing a
6 request for a waiver with a justification as to why
7 the State cannot meet the match requirement, and
8 the Secretary determines such justification is suffi-
9 cient to waive such requirement.

10 “(e) TECHNICAL SUPPORT TO STATES.—

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

15 “(A) Periodic assessment of storm flood
16 risk and relative sea level and lake level changes
17 along the United States coastline, including es-
18 timates of changes in storm intensity and rel-
19 ative sea or lake levels by 2040, 2060, 2080,
20 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 in-
24 undation as a result of sea or long term lake
25 level changes.

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

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

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

17 “(F) Establishment, not later than one
18 year after the date of 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
22 which infrastructure or other structures have
23 been relocated.

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

1 “(A) provide information States need to
2 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 should
8 consider to prohibit new or expanded develop-
9 ment in areas at risk of severe coastal flood
10 hazards;

11 “(C) outline considerations for State
12 grants to support local governments in the
13 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 con-
22 siderations;

23 “(E) review options for establishing prior-
24 ities for removal of damaged or abandoned

1 structures and restoration of sites to safe condi-
2 tions;

3 “(F) describe social justice policies and
4 practices the State should consider adopting in
5 carrying out the activities under this section, in-
6 cluding criteria for identifying disadvantaged
7 communities within the coastal zone of the
8 State and the policies and practices the State
9 should consider adopting to assure that inter-
10 ests of such communities are addressed in State
11 plans developed pursuant to this section;

12 “(G) identify areas in coastal communities,
13 or other locations in the State, that have mini-
14 mal severe coastal flood hazards, that are ap-
15 propriate for relocation of people and property,
16 and can sustain the identity and cultural herit-
17 age of relocated communities;

18 “(H) provide information and practices for
19 identifying coastal areas that are important to
20 the successful landward migration of eco-
21 systems in response to severe coastal flood haz-
22 ards and measures for protecting these migra-
23 tion pathways;

24 “(I) identify tools to identify waste dis-
25 posal sites and related sites that pose a risk of

1 water pollution as a result of severe coastal
2 flood hazards and describe practices the State
3 should consider to protect or relocate such fa-
4 cilities or sites; and

5 “(J) describe opportunities to improve
6 public access to the shoreline as a result of im-
7 proved preparedness for severe coastal flood
8 hazards.

9 “(f) ADMINISTRATION.—The Secretary may use
10 amounts in the Fund for expenses incident to the adminis-
11 tration of this section, in an amount not to exceed
12 \$250,000 or 3 percent of the amount in the Fund, which-
13 ever is less, for each fiscal year.

14 “(g) REPORT TO CONGRESS.—The Secretary shall,
15 not later than three years after the date of enactment of
16 this section and every 3 years thereafter, submit to the
17 Committee on Natural Resources of the House of Rep-
18 resentatives and the Committee on Commerce of the Sen-
19 ate a report describing the development of plans and
20 projects under this section, changes in severe coastal flood
21 hazards, including changes to risks to disadvantaged com-
22 munities, and making recommendations to better respond
23 to these challenges.

24 “(h) DEFINITIONS.—In this section, the following
25 definitions apply:

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

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

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

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

16 “(3) PUBLICLY OWNED INFRASTRUCTURE.—
17 The term ‘publicly owned infrastructure’ means
18 buildings, structures, and facilities and appur-
19 tenances of drinking water, sewage treatment, nat-
20 ural gas, or electric power utilities owned by a mu-
21 nicipal, county, or State government or a combina-
22 tion of such governments.

23 “(4) WASTE DISPOSAL SITE.—The term ‘waste
24 disposal site’ means a publicly or privately owned
25 solid waste landfill or disposal site, a hazardous

1 waste landfill or disposal site, a site included on the
2 National Priorities List developed under the Com-
3 prehensive Environmental Response, Compensation,
4 and Liability Act of 1980 (42 U.S.C. 9601), and a
5 site used for the disposal of coal combustion residu-
6 als from a coal fired plant that has been identified
7 in a plan approved under subsection (d).

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

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

22 “(7) MUNICIPAL GREEN INFRASTRUCTURE.—
23 The term ‘municipal green infrastructure’ has the
24 meaning given the term ‘green infrastructure’ in

1 paragraph (27) of section 1362 of title 33, United
2 States Code.

3 “(8) SAFE CONDITIONS.—The term ‘safe condi-
4 tions’ refers to standards for restoration of sites
5 from which infrastructure or structures are relocated
6 established by the Secretary pursuant to subsection
7 (f)(1)(F) are protective of human health and the en-
8 vironment.

9 “(i) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There is authorized to be
11 appropriated into the Fund for use by the Secretary
12 \$100,000,000 for each of fiscal years 2022 through
13 2026, which shall remain available until expended
14 without fiscal year limitation.

15 “(2) DISASTER RELIEF.—There is authorized
16 to be appropriated into the Fund for use by the Sec-
17 retary to respond to a major disaster declared under
18 the Robert T. Stafford Disaster Relief and Emer-
19 gency Assistance Act (42 U.S.C. 5121 et seq.) such
20 sums as may be necessary. Funds appropriated pur-
21 suant to this paragraph may only be used to make
22 grants to the State or States in which the major dis-
23 aster occurred and shall remain available until ex-
24 pended without fiscal year limitation.”.

1 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

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

4 “(a) SUMS APPROPRIATED TO THE SECRETARY.—

5 There are authorized to be appropriated to the Secretary,
6 to remain available until expended—

7 “(1) for grants under sections 306, 306A, and
8 309, \$95,000,000 for each of fiscal years 2022
9 through 2026; and

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

12 **SEC. 506. AMENDMENTS TO NATIONAL ESTUARINE RE-**
13 **SEARCH RESERVE SYSTEM PROGRAM.**

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

21 (1) full representation of biogeographic regions,
22 States, and Territories; and

23 (2) each coastal State or Territory (as that
24 term is defined in that Act).

25 (b) GUIDELINES FOR TRACKING AND MODELING THE
26 IMPACTS OF CLIMATE CHANGE.—Section 315(c) of the

1 Coastal Zone Management Act of 1972 (16 U.S.C.
2 1461(c)) is amended—

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

5 (2) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) the establishment of coordinated long-term
8 data monitoring and methods throughout the Sys-
9 tem for tracking and modeling the impacts of cli-
10 mate change on estuarine systems, including impacts
11 on lake levels and sea levels;”.

12 (c) LAND ACQUISITION AND CONSTRUCTION.—Sec-
13 tion 315 of the Coastal Zone Management Act of 1972
14 (16 U.S.C. 1461) is amended by striking (g) and adding
15 at the end the following:

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

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

3 “(1) provide science-based information and
4 technical assistance to coastal stakeholders and deci-
5 sionmakers;

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

11 “(3) serve as living laboratories and preferred
12 places for National Oceanic and Atmospheric Ad-
13 ministration research and fellowships on coastal and
14 estuarine systems;

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

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

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

1 “(i) SYSTEMWIDE ELEMENTS OF THE NATIONAL ES-
2 TUARINE RESEARCH RESERVE SYSTEM.—The Secretary
3 shall coordinate systemwide programs and activities in the
4 System including—

5 “(1) the centralized management and dissemi-
6 nation of data from System observation and moni-
7 toring networks;

8 “(2) a competitive grant program employing the
9 collaborative research model on coastal research and
10 management priorities to be conducted at research
11 reserve sites focused on the priorities determined by
12 the Secretary; and

13 “(3) establish the Margaret A. Davidson Grad-
14 uate Research Fellowship Program to address key
15 coastal management questions and the coastal re-
16 search and management priorities of the Reserve
17 System and its place-based sites to help scientists
18 and communities understand the coastal challenges
19 that may influence future policy and management
20 strategies.

21 “(j) PLACE-BASED PROGRAM ELEMENTS OF THE
22 NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.—
23 Each National Estuarine Research Reserve shall establish
24 and maintain place-based program elements that in-
25 clude—

1 “(1) a research, monitoring, and observation
2 network that detects environmental change and in-
3 forms suitable adaptation and mitigation strategies
4 where appropriate, and that supports systemwide ac-
5 tivities stated in subsection (e);

6 “(2) education, outreach, and interpretive pro-
7 grams that communicate the value and changing dy-
8 namics of coastal systems;

9 “(3) stewardship programs that provide science-
10 based tools, habitat management, and restoration
11 and that provide resources and information to in-
12 form coastal management;

13 “(4) coastal training programs that provide
14 technical assistance to coastal communities, resource
15 managers, and coastal decisionmakers; and

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

19 “(k) DEFINITIONS.—In this section, the following
20 definitions apply:

21 “(1) COLLABORATIVE RESEARCH.—The term
22 ‘collaborative research’ means the engagement of
23 local decisionmakers and stakeholders directly in the
24 research process so that their knowledge and needs

1 will inform research questions, data analysis, and
2 use of the products generated by the research.

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

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

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

12 **“SEC. 322. WORKING WATERFRONTS GRANT PROGRAM.**

13 “(a) WORKING WATERFRONT TASK FORCE.—

14 “(1) ESTABLISHMENT AND FUNCTIONS.—The
15 Secretary shall establish a task force to work di-
16 rectly with coastal States, user groups, and coastal
17 stakeholders to identify and address critical needs
18 with respect to working waterfronts.

19 “(2) MEMBERSHIP.—The members of the task
20 force shall be appointed by the Secretary, and shall
21 include—

22 “(A) experts in the unique economic, so-
23 cial, cultural, ecological, geographic, and re-
24 source concerns of working waterfronts; and

1 “(B) representatives from the National
2 Oceanic and Atmospheric Administration’s Of-
3 fice of Coastal Management, the United States
4 Fish and Wildlife Service, the Department of
5 Agriculture, the Environmental Protection
6 Agency, the United States Geological Survey,
7 the Navy, the National Marine Fisheries Serv-
8 ice, the Economic Development Administration,
9 and such other Federal agencies as the Sec-
10 retary considers appropriate.

11 “(3) FUNCTIONS.—The task force shall—

12 “(A) identify and prioritize critical needs
13 with respect to working waterfronts in States
14 that have a management program approved by
15 the Secretary pursuant to section 306, in the
16 areas of—

17 “(i) economic and cultural importance
18 of working waterfronts to communities;

19 “(ii) changing environments and
20 threats working waterfronts face from en-
21 vironmental changes, trade barriers, sea
22 level rise, extreme weather events, ocean
23 acidification, and harmful algal blooms;
24 and

1 “(iii) identifying working waterfronts
2 and highlighting them within communities;

3 “(B) outline options, in coordination with
4 coastal States and local stakeholders, to address
5 such critical needs, including adaptation and
6 mitigation where applicable;

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

9 “(D) recommend Federal agencies best
10 suited to address any critical needs for which
11 no agency is responsible under existing law.

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

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

21 “(6) IMPLEMENTATION.—The head of each
22 Federal agency identified in the report pursuant to
23 paragraph (3)(C) shall take such action as is nec-
24 essary to implement the recommendations contained

1 in the report by not later than one year after the
2 date of issuance of the report.

3 “(b) WORKING WATERFRONT GRANT PROGRAM.—

4 “(1) ESTABLISHMENT.—The Secretary shall es-
5 tablish a Working Waterfront Grant Program, in co-
6 operation with appropriate State, regional, and other
7 units of government, under which the Secretary may
8 make a grant to any coastal State for the purpose
9 of implementing a working waterfront plan approved
10 by the Secretary under subsection (c).

11 “(2) GRANTS.—The Secretary shall award
12 matching grants under the Working Waterfronts
13 Grant Program to coastal States with approved
14 working waterfront plans through a regionally equi-
15 table, competitive funding process in accordance
16 with the following:

17 “(A) The Governor, or an agency des-
18 igned by the Governor for coordinating the
19 implementation of this section, in consultation
20 with any appropriate local government, shall de-
21 termine that the application is consistent with
22 the State’s or territory’s approved coastal zone
23 plan, program, and policies prior to submission
24 to the Secretary.

1 “(B) In developing guidelines under this
2 section, the Secretary shall consult with coastal
3 States, other Federal agencies, and other inter-
4 ested stakeholders with expertise in working
5 waterfront planning.

6 “(C) Coastal States may allocate grants to
7 local governments, agencies, or nongovern-
8 mental organizations eligible for assistance
9 under this section.

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

12 “(A) the economic, cultural, and historical
13 significance of working waterfront to the coast-
14 al State;

15 “(B) the demonstrated working waterfront
16 needs of the coastal State as outlined by a
17 working waterfront plan approved for the coast-
18 al State under subsection (c), and the value of
19 the proposed project for the implementation of
20 such plan;

21 “(C) the ability to leverage funds among
22 participating entities, including Federal agen-
23 cies, regional organizations, State and other
24 government units, landowners, corporations, or
25 private organizations;

1 “(D) the potential for rapid turnover in
2 the ownership of working waterfront in the
3 coastal State, and where applicable the need for
4 coastal States to respond quickly when prop-
5 erties in existing or potential working water-
6 front areas or public access areas as identified
7 in the working waterfront plan submitted by
8 the coastal State come under threat or become
9 available; and

10 “(E) the impact of the working waterfront
11 plan approved for the coastal State under sub-
12 section (c) on the coastal ecosystem and the
13 users of the coastal ecosystem.

14 “(4) TIMELINE FOR APPROVAL.—The Secretary
15 shall approve or reject an application for such a
16 grant not later than 60 days after receiving an ap-
17 plication for the grant.

18 “(c) WORKING WATERFRONT PLANS.—

19 “(1) DEVELOPMENT AND SUBMISSION OF
20 PLAN.—To be eligible for a grant under subsection
21 (b), a coastal State shall submit to the Secretary a
22 comprehensive working waterfront plan in accord-
23 ance with this subsection, or be in the process of de-
24 veloping such a plan and have an established work-
25 ing waterfront program at the State or local level.

1 “(2) PLAN REQUIREMENTS.—Such plan—

2 “(A) shall provide for preservation and ex-
3 pansion of access to coastal waters to persons
4 engaged in commercial fishing, recreational
5 fishing and boating businesses, aquaculture,
6 boatbuilding, or other water-dependent, coastal-
7 related business;

8 “(B) shall include—

9 “(i) an assessment of the economic,
10 social, cultural, and historic value of work-
11 ing waterfront to the coastal State;

12 “(ii) a description of relevant State
13 and local laws and regulations affecting
14 working waterfront in the geographic areas
15 identified in the working waterfront plan;

16 “(iii) identification of geographic
17 areas where working waterfronts are cur-
18 rently under threat of conversion to uses
19 incompatible with commercial and rec-
20 reational fishing, recreational fishing and
21 boating businesses, aquaculture,
22 boatbuilding, or other water-dependent,
23 coastal-related business, and the level of
24 that threat;

1 “(iv) identification of geographic areas
2 with a historic connection to working wa-
3 terfronts where working waterfronts are
4 not currently available, and, where appro-
5 priate, an assessment of the environmental
6 impacts of any expansion or new develop-
7 ment of working waterfronts on the coastal
8 ecosystem;

9 “(v) identification of other working
10 waterfront needs including improvements
11 to existing working waterfronts and work-
12 ing waterfront areas;

13 “(vi) a strategic and prioritized plan
14 for the preservation, expansion, and im-
15 provement of working waterfronts in the
16 coastal State;

17 “(vii) for areas identified under
18 clauses (iii), (iv), (v), and (vi), identifica-
19 tion of current availability and potential
20 for expansion of public access to coastal
21 waters;

22 “(viii) a description of the degree of
23 community support for such strategic plan;
24 and

1 “(ix) a contingency plan for properties
2 that revert to the coastal State pursuant to
3 determinations made by the coastal State
4 under subsection (g)(4)(C);

5 “(C) may include detailed descriptions of
6 environmental impacts on working waterfronts,
7 including hazards, sea level rise, inundation ex-
8 posure, and other resiliency issues;

9 “(D) may be part of the management pro-
10 gram approved under section 306;

11 “(E) shall utilize to the maximum extent
12 practicable existing information contained in
13 relevant surveys, plans, or other strategies to
14 fulfill the information requirements under this
15 paragraph; and

16 “(F) shall incorporate the policies and reg-
17 ulations adopted by communities under local
18 working waterfront plans or strategies in exist-
19 ence before the date of enactment of this sec-
20 tion.

21 “(3) A working waterfront plan—

22 “(A) shall be effective for purposes of this
23 section for the 5-year period beginning on the
24 date it is approved by the Secretary;

1 “(B) must be updated and re-approved by
2 the Secretary before the end of such period; and

3 “(C) shall be complimentary to and incor-
4 porate the policies and objectives of regional or
5 local working waterfront plans as in effect be-
6 fore the date of enactment of this section or as
7 subsequently revised.

8 “(4) The Secretary may—

9 “(A) award planning grants to coastal
10 States for the purpose of developing or revising
11 comprehensive working waterfront plans;

12 “(B) award grants consistent with the pur-
13 poses of this section to States undertaking the
14 working waterfront planning process under this
15 section, for the purpose of preserving and pro-
16 tecting working waterfronts during such proc-
17 ess; and

18 “(C) determine that a preexisting coastal
19 land use plan for that State is in accordance
20 with the requirements of this subsection.

21 “(5) Any coastal State applying for a working
22 waterfront grant under this title shall—

23 “(A) develop a working waterfront plan,
24 using a process that involves the public and
25 those with an interest in the coastal zone;

1 “(B) coordinate development and imple-
2 mentation of such a plan with other coastal
3 management programs, regulations, and activi-
4 ties of the coastal State; and

5 “(C) if the coastal State allows qualified
6 holders (other than the coastal State) to enter
7 into working waterfront covenants, provide as
8 part of the working waterfront plan under this
9 subsection a procedure to ensure that the quali-
10 fied holders are fulfilling such qualified holder’s
11 obligations under the working waterfront cov-
12 enant.

13 “(d) USES, TERMS, AND CONDITIONS.—A grant
14 under this section may be used—

15 “(1) to acquire a working waterfront, or an in-
16 terest in a working waterfront;

17 “(2) to make improvements to a working water-
18 front, including the construction or repair of wharfs,
19 boat ramps, or related facilities; or

20 “(3) for necessary climate change adaptation or
21 mitigation.

22 “(e) PUBLIC ACCESS REQUIREMENT.—A working
23 waterfront project funded by grants made under this sec-
24 tion must provide for expansion, improvement, or preser-
25 vation of reasonable and appropriate public access to

1 coastal waters at or in the vicinity of a working water-
2 front, except for commercial fishing or other industrial ac-
3 cess points where the coastal State determines that public
4 access would be unsafe.

5 “(f) LIMITATIONS.—

6 “(1) Except as provided in paragraph (2), a
7 grant awarded under this section may be used to
8 purchase working waterfront or an interest in work-
9 ing waterfront, including an easement, only from a
10 willing seller and at fair market value.

11 “(2) A grant awarded under this section may
12 be used to acquire working waterfront or an interest
13 in working waterfront at less than fair market value
14 only if the owner certifies to the Secretary that the
15 sale is being entered into willingly and without coer-
16 cion.

17 “(3) No Federal, State, or local entity may ex-
18 ercise the power of eminent domain to secure title to
19 any property or facilities in connection with a
20 project carried out under this section.

21 “(g) ALLOCATION OF GRANTS TO LOCAL GOVERN-
22 MENTS AND OTHER ENTITIES.—

23 “(1) DESIGNATION OF QUALIFIED HOLDER.—
24 Subject to the approval of the Secretary, a coastal
25 State may, as part of an approved working water-

1 front plan, designate as a qualified holder any unit
2 of State or local government or nongovernmental or-
3 ganization, if the coastal State is ultimately respon-
4 sible for ensuring that the property will be managed
5 in a manner that is consistent with the purposes for
6 which the land entered into the program.

7 “(2) ALLOCATION.—A coastal State or a quali-
8 fied holder designated by a coastal State may allo-
9 cate to a unit of local government, nongovernmental
10 organization, fishing cooperative, or other entity, a
11 portion of any grant made under this section for the
12 purpose of carrying out this section, except that
13 such an allocation shall not relieve the coastal State
14 of the responsibility for ensuring that any funds so
15 allocated are applied in furtherance of the coastal
16 State’s approved working waterfront plan.

17 “(3) EXCEPTIONS.—A qualified holder may
18 hold title to or interest in property acquired under
19 this section, except that—

20 “(A) all persons holding title to or interest
21 in working waterfront affected by a grant under
22 this section shall enter into a working water-
23 front covenant;

1 “(B) such covenant shall be held by the
2 coastal State or a qualified holder designated
3 under paragraph (1);

4 “(C) if the coastal State determines, on
5 the record after an opportunity for a hearing,
6 that the working waterfront covenant has been
7 violated—

8 “(i) all right, title, and interest in and
9 to the working waterfront covered by such
10 covenant shall, except as provided in sub-
11 paragraph (D), revert to the coastal State;
12 and

13 “(ii) the coastal State shall have the
14 right of immediate entry onto the working
15 waterfront; and

16 “(D) if a coastal State makes a determina-
17 tion under subparagraph (C), the coastal State
18 may convey or authorize the qualified holder to
19 convey the working waterfront or interest in
20 working waterfront to another qualified holder.

21 “(h) MATCHING CONTRIBUTIONS.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the Secretary shall require that each
24 coastal State that receives a grant under this sec-
25 tion, or a qualified holder designated by that coastal

1 State under subsection (g), shall provide matching
2 funds in an amount equal to at least 25 percent of
3 the total cost of the project carried out with the
4 grant. As a condition of receipt of a grant under this
5 section, the Secretary shall require that a coastal
6 State provide to the Secretary such assurances as
7 the Secretary determines are sufficient to dem-
8 onstrate that the share of the cost of each eligible
9 project that is not funded by the grant awarded
10 under this section has been secured.

11 “(2) WAIVER.—The Secretary may waive the
12 application of paragraph (1) for any qualified holder
13 that is an underserved community, a community
14 that has an inability to draw on other sources of
15 funding because of the small population or low in-
16 come of the community, or for other reasons the
17 Secretary considers appropriate.

18 “(3) IN-KIND CONTRIBUTIONS.—A local com-
19 munity designated as a qualified holder under sub-
20 section (g) may use funds or other in-kind contribu-
21 tions donated by a nongovernmental partner to sat-
22 isfy the matching funds requirement under this sub-
23 section.

24 “(4) FUNDING FROM OTHER FEDERAL
25 SOURCE.—If financial assistance under this section

1 represents only a portion of the total cost of a
2 project, funding from other Federal sources may be
3 applied to the cost of the project.

4 “(5) VALUE OF A WORKING WATERFRONT.—
5 The Secretary shall treat as non-Federal match the
6 value of a working waterfront or interest in a work-
7 ing waterfront, including conservation and other
8 easements, that is held in perpetuity by a qualified
9 holder, if the working waterfront or interest is iden-
10 tified in the application for the grant and acquired
11 by the qualified holder not later than three years of
12 the grant award date, or not later than three years
13 after the submission of the application and before
14 the end of the grant award period. Such value shall
15 be determined by an appraisal performed at such
16 time before the award of the grant as the Secretary
17 considers appropriate.

18 “(6) OTHER CONSIDERATIONS.—The Secretary
19 shall treat as non-Federal match the costs associated
20 with acquisition of a working waterfront or an inter-
21 est in a working waterfront, and the costs of res-
22 toration, enhancement, or other improvement to a
23 working waterfront, if the activities are identified in
24 the project application and the costs are incurred
25 within the period of the grant award, or, for working

1 waterfront described in paragraph (6), within the
2 same time limits described in that paragraph. Such
3 costs may include either cash or in-kind contribu-
4 tions.

5 “(i) LIMIT ON ADMINISTRATIVE COSTS.—No more
6 than 5 percent of the funds made available to the Sec-
7 retary under this section may be used by the Secretary
8 for planning or administration of the program under this
9 section.

10 “(j) OTHER TECHNICAL AND FINANCIAL ASSIST-
11 ANCE.—

12 “(1) Up to 5 percent of the funds appropriated
13 under this section shall be used by the Secretary for
14 purposes of providing technical assistance as de-
15 scribed in this subsection.

16 “(2) The Secretary shall—

17 “(A) provide technical assistance to coastal
18 States and local governments in identifying and
19 obtaining other sources of available Federal
20 technical and financial assistance for the devel-
21 opment and revision of a working waterfront
22 plan and the implementation of an approved
23 working waterfront plan;

24 “(B) provide technical assistance to States
25 and local governments for the development, im-

1 plementation, and revision of comprehensive
2 working waterfront plans, which may include,
3 subject to the availability of appropriations,
4 planning grants and assistance, pilot projects,
5 feasibility studies, research, and other projects
6 necessary to further the purposes of this sec-
7 tion;

8 “(C) assist States in developing other tools
9 to protect working waterfronts;

10 “(D) collect and disseminate to States
11 guidance for best storm water management
12 practices in regards to working waterfronts;

13 “(E) provide technical assistance to States
14 and local governments on integrating resilience
15 planning into working waterfront preservation
16 efforts; and

17 “(F) collect and disseminate best practices
18 on working waterfronts and resilience planning.

19 “(k) REPORTS.—

20 “(1) The Secretary shall—

21 “(A) develop performance measures to
22 evaluate and report on the effectiveness of the
23 program under this section in accomplishing the
24 purpose of this section; and

1 “(B) submit to Congress a biennial report
2 that includes such evaluations, an account of all
3 expenditures, and descriptions of all projects
4 carried out using grants awarded under this
5 section.

6 “(2) The Secretary may submit the biennial re-
7 port under paragraph (1)(B) by including it in the
8 biennial report required under section 316.

9 “(1) DEFINITIONS.—In this section, the following
10 definitions apply:

11 “(1) QUALIFIED HOLDER.—The term ‘qualified
12 holder’ means a coastal State or a unit of local or
13 coastal State government or a non-State organiza-
14 tion designated by a coastal State under subsection
15 (g).

16 “(2) WORKING WATERFRONT.—The term
17 ‘working waterfront’ means real property (including
18 support structures over water and other facilities)
19 that provides access to coastal waters to persons en-
20 gaged in commercial and recreational fishing, rec-
21 reational fishing and boating businesses,
22 boatbuilding, aquaculture, or other water-dependent,
23 coastal-related business and is used for, or that sup-
24 ports, commercial and recreational fishing, rec-
25 reational fishing and boating businesses,

1 boatbuilding, aquaculture, or other water-dependent,
2 coastal-related business.

3 “(3) WORKING WATERFRONT COVENANT.—The
4 term ‘working waterfront covenant’ means an agree-
5 ment in recordable form between the owner of work-
6 ing waterfront and one or more qualified holders,
7 that provides such assurances as the Secretary may
8 require that—

9 “(A) the title to or interest in the working
10 waterfront will be held by a grant recipient or
11 qualified holder in perpetuity, except as pro-
12 vided in subparagraph (C);

13 “(B) the working waterfront will be man-
14 aged in a manner that is consistent with the
15 purposes for which the property is acquired
16 pursuant to this section, and the property will
17 not be converted to any use that is inconsistent
18 with the purpose of this section;

19 “(C) if the title to or interest in the work-
20 ing waterfront is sold or otherwise exchanged—

21 “(i) all working waterfront owners
22 and qualified holders involved in such sale
23 or exchange shall accede to such agree-
24 ment; and

1 “(ii) funds equal to the fair market
2 value of the working waterfront or interest
3 in working waterfront shall be paid to the
4 Secretary by parties to the sale or ex-
5 change, and such funds shall, at the dis-
6 cretion of the Secretary, be paid to the
7 coastal State in which the working water-
8 front is located for use in the implementa-
9 tion of the working waterfront plan of the
10 State approved by the Secretary under this
11 section; and

12 “(D) such covenant is subject to enforce-
13 ment and oversight by the coastal State or by
14 another person as determined appropriate by
15 the Secretary.

16 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to the Secretary
18 \$12,000,000 for each of fiscal years 2022 through 2026
19 to carry out this section.”.

20 **TITLE VI—INSULAR AFFAIRS***

21 **SEC. 601. DEFINITIONS.**

22 In this title, the following definitions apply:

23 (1) **FREELY ASSOCIATED STATES.**—The term
24 “Freely Associated States” means the Republic of

1 the Marshall Islands, the Federated States of Micro-
2 nesia, and the Republic of Palau.

3 (2) TERRITORY.—The term “Territory” means
4 American Samoa, the Commonwealth of the North-
5 ern Mariana Islands, Guam, Puerto Rico, or the Vir-
6 gin Islands of the United States.

7 (3) INSULAR AREAS.—The term “Insular
8 Areas” means the Territories and the Freely Associ-
9 ated States.

10 **SEC. 602. INSULAR AREA CLIMATE CHANGE INTERAGENCY**
11 **TASK FORCE.**

12 (a) ESTABLISHMENT OF TASK FORCE.—Not later
13 than 90 days after the date of enactment of this Act, the
14 following shall jointly establish the “Insular Area Climate
15 Change Interagency Task Force” (hereafter in this section
16 referred to as the “Task Force”):

17 (1) The Secretary of the Interior.

18 (2) The Secretary of Energy.

19 (3) The Secretary of State.

20 (4) The Secretary of Housing and Urban Devel-
21 opment.

22 (5) The Secretary of Agriculture.

23 (6) The Secretary of Commerce.

24 (7) The Secretary of the Federal Emergency
25 Management Agency.

1 (8) The Secretary of the Environmental Protec-
2 tion Agency.

3 (b) CHAIRPERSON.—The Task Force shall be chaired
4 by the Administrator of the Federal Emergency Manage-
5 ment Agency.

6 (c) DUTIES.—The Task Force shall—

7 (1) evaluate all Federal programs regarding
8 ways to provide greater access to Federal programs
9 and equitable baseline funding in relation to States,
10 to territories for climate change planning, mitiga-
11 tion, adaptation, and resilience;

12 (2) identify statutory barriers to providing ter-
13 ritories greater access to Federal programs and eq-
14 uitable baseline funding; and

15 (3) provide recommendations related to climate
16 change in Insular Areas.

17 (d) COMPREHENSIVE REPORT.—Not later than one
18 year after the establishment of the Task Force, the Task
19 Force, in consultation with Insular Areas governments,
20 shall issue a comprehensive report that—

21 (1) identifies Federal programs that have an
22 impact on climate change planning, mitigation, ad-
23 aptation, and resilience, but exclude territories in re-
24 gard to eligibility, funding, and assistance, or do not

1 provide equitable baseline funding in relation to
2 States; and

3 (2) provides advice and recommendations re-
4 lated to climate change in Insular Areas, such as
5 new suggested Federal programs or initiatives.

6 (e) PUBLICATION; PUBLIC AVAILABILITY.—The Ad-
7 ministrator of the Federal Emergency Management Agen-
8 cy shall ensure that the report required under subsection
9 (d) is—

10 (1) submitted to the Committees on Energy and
11 Commerce and Natural Resources of the House of
12 Representatives, and Energy and Natural Resources
13 of the Senate;

14 (2) published in the Federal Register for public
15 comment for a period of at least 60 days; and

16 (3) made available on a public website along
17 with any comments received during the public com-
18 ment period required under paragraph (2).

19 **SEC. 603. RUNIT DOME REPORT AND MONITORING ACTIVI-**
20 **TIES.**

21 (a) IN GENERAL.—Not later than one year after the
22 date of enactment of this Act, the Secretary of the Interior
23 shall submit to the Committees on Natural Resources and
24 Energy and Commerce of the House of Representatives,
25 and to the Committee on Energy and Natural Resources

1 of the Senate, a report, prepared by independent experts
2 not employed by the United States Government, on the
3 impacts of climate change on the “Runit Dome” nuclear
4 waste disposal site in Enewetak Atoll, Marshall Islands,
5 and on other environmental hazards in the vicinity thereof.
6 The report shall include the following:

7 (1) A detailed scientific analysis of any threats
8 to the environment, and to the health and safety of
9 Enewetak Atoll residents, posed by each of the fol-
10 lowing:

11 (A) The “Runit Dome” nuclear waste dis-
12 posal site.

13 (B) Crypts used to contain nuclear waste
14 and other toxins on Enewetak Atoll.

15 (C) Radionuclides and other toxins present
16 in the lagoon of Enewetak Atoll, including areas
17 in the lagoon where nuclear waste was dumped.

18 (D) Radionuclides and other toxins, includ-
19 ing beryllium, which may be present on the is-
20 lands of Enewetak Atoll as a result of nuclear
21 tests and other activities of the U.S. govern-
22 ment, including tests of chemical and biological
23 warfare agents, rocket tests, contaminated air-
24 craft landing on Enewetak Island, and nuclear
25 cleanup activities.

1 (E) Radionuclides and other toxins that
2 may be present in the drinking water on
3 Enewetak Island or in the water source for the
4 desalination plant.

5 (F) Radionuclides and other toxins that
6 may be present in the groundwater under and
7 in the vicinity of the nuclear waste disposal fa-
8 cility on Runit Island.

9 (2) A detailed scientific analysis of the extent to
10 which rising sea levels, severe weather events and
11 other effects of climate change might exacerbate any
12 of the threats identified above.

13 (3) A detailed plan, including costs, to relocate
14 all of the nuclear waste and other toxic waste con-
15 tained in—

16 (A) the “Runit Dome” nuclear waste dis-
17 posal site;

18 (B) all of the crypts on Enewetak Atoll
19 containing such waste; and

20 (C) the three dumping areas in Enewetak’s
21 lagoon to a safe, secure facility to be con-
22 structed in an uninhabited, unincorporated ter-
23 ritory of the United States.

24 (b) MARSHALLESE PARTICIPATION.—The Secretary
25 of the Interior shall allow scientists or other experts se-

1 lected by the Republic of the Marshall Islands to partici-
2 pate in all aspects of the preparation of the report re-
3 quired by subsection (a), including, without limitation, de-
4 veloping the work plan, identifying questions, conducting
5 research, and collecting and interpreting data.

6 (c) PUBLICATION.—The report required in subsection
7 (a) shall be published in the Federal Register for public
8 comment for a period of not fewer than 60 days.

9 (d) PUBLIC AVAILABILITY.—The Secretary of the In-
10 terior shall publish the study required under subsection
11 (a) and results submitted under subsection (b) on a public
12 website.

13 (e) AUTHORIZATION OF APPROPRIATION FOR RE-
14 PORT.—There is authorized to be appropriated for the Of-
15 fice of Insular Affairs of the Department of the Interior
16 for fiscal year 2022 such sums as may be necessary to
17 produce the report required in subsection (a).

18 (f) INDEFINITE AUTHORIZATION OF APPROPRIATION
19 FOR RUNIT DOME MONITORING ACTIVITIES.—There is
20 authorized to be appropriated to the Department of En-
21 ergy such sums as may be necessary to comply with the
22 requirements of section 103(f)(1)(B) of the Compact of
23 Free Association Amendments Act of 2003 (48 U.S.C.
24 1921b(f)(1)(B)).

1 **SEC. 604. COASTAL MANAGEMENT TECHNICAL ASSISTANCE**
2 **AND REPORT.**

3 (a) TECHNICAL ASSISTANCE.—

4 (1) IN GENERAL.—The Administrator, acting
5 through the Director of the Office for Coastal Man-
6 agement, shall provide technical assistance to Insu-
7 lar Areas to enhance coastal management and cli-
8 mate change programs of the Insular Areas.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to the Ad-
11 ministrator to carry out this subsection \$5,000,000
12 for each of fiscal years 2022 through 2026.

13 (b) ANNUAL REPORT.—The Administrator, acting
14 through the Director of the Office for Coastal Manage-
15 ment, shall submit a report to the Committee on Natural
16 Resources of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate every 5 years on the status of the following in Insu-
19 lar Areas:

20 (1) Wetland, mangrove, and estuary conditions.

21 (2) Climate change impacts, including ecologi-
22 cal, economic and cultural impacts.

23 **SEC. 605. CLIMATE CHANGE INSULAR RESEARCH GRANT**
24 **PROGRAM.**

25 (a) IN GENERAL.—The Administrator shall establish
26 a Climate Change Insular Research Grant Program to

1 provide grants to institutions of higher education in Insu-
2 lar Areas for monitoring, collecting, synthesizing, ana-
3 lyzing, and publishing local climate change data.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Administrator to
6 carry out this section \$5,000,000 for each of fiscal years
7 2022 through 2026.

8 **SEC. 606. NATIONAL WEATHER SERVICE TECHNICAL AS-**
9 **SISTANCE GRANTS.**

10 (a) TECHNICAL ASSISTANCE AND OUTREACH.—

11 (1) IN GENERAL.—The Administrator, acting
12 through the Director of the Office for Coastal Man-
13 agement, shall provide technical assistance and out-
14 reach to Insular Areas of the United States through
15 the San Juan, Tiyan, and Pago Pago Weather Fore-
16 cast Offices of the National Weather Service. For
17 the purposes of this section, the Administrator may
18 also employ other agency entities as the Adminis-
19 trator considers necessary, in order to improve
20 weather data collection, produce more accurate trop-
21 ical weather forecasts, and provide science, data, in-
22 formation, and impact-based decision support serv-
23 ices to reduce tsunami, hurricane, typhoon, drought,
24 tide, and sea level rise impacts in Insular Areas.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Ad-
3 ministrator to carry out this subsection \$5,000,000
4 for each of fiscal years 2022 through 2026.

5 (b) GRANTS.—

6 (1) IN GENERAL.—The Administrator, may
7 provide grants to academic, nonprofit, and local enti-
8 ties to conduct climate change research to improve
9 weather data collection, produce more accurate trop-
10 ical weather forecasts, and provide science, data, in-
11 formation, and impact-based decision support serv-
12 ices to reduce tsunami, hurricane, typhoon, drought,
13 tide, and sea level rise impacts in the Insular Areas.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—

15 There is authorized to be appropriated to the Ad-
16 ministrator to carry out this subsection \$5,000,000
17 for each of fiscal years 2022 through 2026.

18 **SEC. 607. CORAL REEF PRIZE COMPETITIONS.**

19 (a) PRIZE COMPETITIONS.—The Administrator, act-
20 ing through the Director of the Office of Science and
21 Technology, shall work with the head of each Federal
22 agency represented on the U.S. Coral Reef Task Force
23 established under Executive Order 13089 (63 Fed. Reg.
24 32701) to establish prize competitions in accordance with
25 section 24 of the Stevenson-Wydler Technology Innovation

1 Act of 1980 (15 U.S.C. 3719), that promote coral reef
2 research and conservation.

3 (b) WAIVER OF MATCHING REQUIREMENT.—Section
4 204(b) of the Coral Reef Conservation Act of 2000 (16
5 U.S.C. 6403(b)) is amended—

6 (1) by striking the enumerator and heading for
7 paragraph (2) and inserting the following:

8 “(2) WAIVERS.—

9 “(A) NEED AND BENEFIT.—”; and

10 (2) by adding at the end of paragraph (2) the
11 following:

12 “(B) SUSTAINING CORAL REEF MANAGE-
13 MENT AND MONITORING.—The Administrator
14 shall waive all the matching requirement under
15 paragraph (2) for grants to implement State
16 and territorial coral reef conservation coopera-
17 tive agreements to sustain coral reef manage-
18 ment and monitoring in Florida, Hawaii, Amer-
19 ican Samoa, the Commonwealth of the North-
20 ern Mariana Islands, Guam, Puerto Rico, and
21 the Virgin Islands of the United States.”.

22 **SEC. 608. OCEAN AND COASTAL MAPPING INTEGRATION**
23 **ACT.**

24 Section 12204 of the Ocean and Coastal mapping In-
25 tegration Act (33 U.S.C. 3503) is amended—

1 (1) in paragraph (12) by striking “and”;

2 (2) in paragraph (13) by striking the period at
3 the end and inserting “; and”; and

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

5 “(14) The study of insular areas and the effects
6 of climate change.”.

7 **SEC. 609. OFFICE OF INSULAR AFFAIRS TECHNICAL ASSIST-**
8 **ANCE PROGRAM.**

9 (a) IN GENERAL.—The Secretary of the Interior, act-
10 ing through the Office of Insular Affairs Technical Assist-
11 ance Program, shall provide technical assistance for cli-
12 mate change planning, mitigation, and adaptation to Ter-
13 ritories and Freely Associated States under the jurisdic-
14 tion of such Program.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Secretary to carry
17 out this section \$5,000,000 for each of fiscal years 2022
18 through 2026.

19 **SEC. 610. NON-FEDERAL COST-SHARE WAIVER.**

20 Section 501 of the Omnibus Territories Act of 1977
21 (48 U.S.C. 1469a), is amended by adding at the end the
22 following:

23 “(e) Notwithstanding any other provision of law, in
24 the case of the Insular Areas, any department or agency
25 shall waive any requirement for non-Federal matching

1 funds under \$750,000 (including in-kind contributions)
2 required by law to be provided by those jurisdictions.”.

3 **SEC. 611. DISASTER RELIEF NON-FEDERAL COST-SHARE**
4 **WAIVER.**

5 Funding made available to an Insular Area for dis-
6 aster relief, long-term recovery, restoration of infrastruc-
7 ture and housing, economic revitalization, and mitigation
8 pursuant to the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall
10 not be subject to a non-Federal share funding require-
11 ment.

12 **TITLE VII—STRENGTHENING**
13 **MARINE MAMMAL CONSERVA-**
14 **TION**

15 **SEC. 701. CONSERVATION OF MARINE MAMMALS AD-**
16 **VERSELY AFFECTED BY CLIMATE CHANGE.**

17 (a) IN GENERAL.—The Marine Mammal Protection
18 Act of 1974 (16 U.S.C. 1361 et seq.) is amended by in-
19 serting after section 120 the following:

20 **“SEC. 121. CONSERVATION OF MARINE MAMMALS AD-**
21 **VERSELY AFFECTED BY CLIMATE CHANGE.**

22 **“(a) CLIMATE IMPACT MANAGEMENT PLANS.—**

23 **“(1) Within 24 months after the date of enact-**
24 **ment of this section, the Administrator, in consulta-**
25 **tion with the Marine Mammal Commission, shall**

1 publish in the Federal Register, after notice and op-
2 portunity for public comment, a list of those marine
3 mammal species and population stocks in waters
4 under the jurisdiction of the United States for which
5 climate change, alone or in combination or inter-
6 action with other factors, is more likely than not to
7 result in a decline in population abundance, of im-
8 peding population recovery, or of reducing carrying
9 capacity. The list shall identify—

10 “(A) any species or population stock for
11 which such impacts are likely to occur within
12 20 years; and

13 “(B) any species or population stock listed
14 as a threatened species or endangered species
15 under the Endangered Species Act of 1973 (16
16 U.S.C. 1531 et seq.) for which such impacts
17 have more than a remote possibility of occur-
18 ring within 100 years.

19 “(2)(A) The Administrator, in consultation with
20 the Marine Mammal Commission, shall review the
21 list adopted pursuant to paragraph (1) at least once
22 every 5 years, or more frequently if significant new
23 information becomes available, and, after notice and
24 opportunity for public comment, shall publish a re-
25 vised list in the Federal Register.

1 “(B) Within 12 months after receiving the peti-
2 tion of an interested person under section 553(e) of
3 title 5, United States Code, to add a marine mam-
4 mal species or population stock to the list published
5 under paragraph (1), the Administrator, in consulta-
6 tion with the Marine Mammal Commission and after
7 notice and opportunity for public comment, shall
8 publish in the Federal Register its finding of wheth-
9 er the petitioned action is warranted. If the peti-
10 tioned action is deemed warranted, the Adminis-
11 trator shall publish at the same time the revision
12 adding such species or population stock.

13 “(3) The list published under paragraph (1),
14 and any revisions thereto made in accordance with
15 paragraph (2), shall include a determination of
16 whether a climate impact management plan will pro-
17 mote the conservation of species or stocks listed pur-
18 suant to paragraph (1)(C).

19 “(4)(A)(i) The Administrator shall publish in
20 the Federal Register a draft climate impact manage-
21 ment plan for each marine mammal species or popu-
22 lation stock—

23 “(I) listed under paragraph (1)(A), within
24 18 months after the listing; and

1 “(II) listed under paragraph (1)(B), within
2 30 months after the listing.

3 “(ii) Each draft climate impact management
4 plan shall be developed in consultation with the Ma-
5 rine Mammal Commission and, as appropriate, other
6 Federal agencies, and shall be made available for
7 public review and comment for a period not to ex-
8 ceed 90 days.

9 “(iii) No later than 120 days after the close of
10 the comment period required under clause (ii), the
11 Administrator shall issue a final climate impact
12 management plan and implementing regulations that
13 are consistent with the other provisions of this sec-
14 tion and, to the full extent available under the Ad-
15 ministrator’s authorities under this Act and other
16 statutes, implement the conservation and manage-
17 ment measures identified in the plan.

18 “(B) Each management plan under subpara-
19 graph (A) shall include a comprehensive strategy for
20 conserving and recovering of such marine mammal
21 stocks and species given the anticipated direct and
22 indirect effects of climate change and increasing re-
23 siliency in the species or population stock, and shall
24 identify conservation and management measures
25 to—

1 “(i) conserve and recover such species and
2 population stocks given the anticipated adverse
3 effects of climate change on such species and
4 population stocks and their prey;

5 “(ii) monitor, reduce, and prevent inter-
6 actions with fisheries and other human activi-
7 ties that may occur as a result of changes in
8 marine mammal distribution or other indirect
9 effects of climate change;

10 “(iii) increase resiliency by materially re-
11 ducing other human impacts on such species
12 and population stocks, including but not limited
13 to the reduction of incidental taking of marine
14 mammals and of the degradation of the habitat
15 of such species and population stocks, and by
16 managing prey species to improve the avail-
17 ability of prey to such species and population
18 stocks; and

19 “(iv) take any other action as may be nec-
20 essary to implement the strategy set forth in
21 the plan.

22 “(C) Each management plan under subpara-
23 graph (A) shall include objective, measurable criteria
24 for evaluating the effectiveness and sufficiency of
25 such measures to meet the purposes of this Act.

1 “(D)(i) All other Federal agencies shall, in con-
2 sultation with and with the assistance of the Admin-
3 istrator, utilize their authorities in furtherance of
4 the strategy and conservation and management
5 measures set forth in climate impact management
6 plans developed under this subsection and ensure
7 that their actions do not conflict or interfere with
8 the objectives of such management plans. The Ad-
9 ministrator shall consult with the Marine Mammal
10 Commission and, as may be warranted, other agen-
11 cies in the implementation of such plans.

12 “(ii) With respect to any Federal agency action
13 authorized, funded, or undertaken by such agency
14 that, in the view of the Administrator or of the
15 agency, may conflict or interfere with the objectives
16 of such management plans, such agency shall, in
17 consultation with the Administrator, ensure that
18 such action is consistent with the management
19 plans. To the extent that it is impossible for such
20 action to be consistent with the management plan,
21 the Administrator shall require measures to mini-
22 mize any such conflicts, in addition to any other
23 measures required by law, and the agency shall
24 adopt such measures required by the Administrator.

1 “(E) When appropriate, the Administrator may,
2 and is encouraged to, integrate climate impact man-
3 agement plans into conservation plans adopted
4 under section 115(b) or recovery plans adopted
5 under section 4(f) of the Endangered Species Act of
6 1973 (16 U.S.C. 1533(f)).

7 “(F) The Administrator shall review climate
8 impact management plans and implementing regula-
9 tions at least once every 5 years, and shall revise
10 and amend them as necessary to meet the goals and
11 requirements of this section. Any changes shall be
12 subject to the procedures and requirements applica-
13 ble to the adoption of the initial plans and regula-
14 tions.

15 “(5) The Administrator shall report to Con-
16 gress four years after the date of enactment of this
17 section, and every 2 years thereafter, on—

18 “(A) actions taken to implement this sec-
19 tion;

20 “(B) any backlog in meeting the schedule
21 set forth in this subsection for adopting, review-
22 ing, and implementing climate impact manage-
23 ment plans, or additional resources necessary to
24 address any such backlog; and

1 “(C) the effectiveness of implementation
2 and sufficiency of the measures adopted in cli-
3 mate impact management plans, and any rec-
4 ommendations for improving the process or the
5 applicable legislation.

6 “(b) MONITORING OF CLIMATE IMPACTS.—The Ad-
7 ministrators shall establish a program within the National
8 Oceanic and Atmospheric Administration to monitor the
9 adverse impacts of climate change on marine mammals.
10 The purposes of the monitoring program shall be to—

11 “(1) improve models of projected future
12 changes in marine mammal distribution and den-
13 sities resulting from climate change;

14 “(2) identify and monitor interactions with fish-
15 eries and other human activities that may occur as
16 a result of changes in marine mammal distribution
17 or other effects of climate change;

18 “(3) monitor the abundance of species and pop-
19 ulation stocks, to an extent sufficient to detect a 20
20 percent population decline over 20 years;

21 “(4) improve understanding of the impacts of
22 climate change on marine mammal species and pop-
23 ulation stocks; and

1 “(5) assess the direct and indirect contributions
2 of marine mammals to carbon reduction, including
3 through carbon sequestration and nutrient cycling.

4 “(c) PROMULGATION OF REGULATIONS FOR LISTING
5 MARINE MAMMALS ADVERSELY IMPACTED BY CLIMATE
6 CHANGE.—The Administrator shall, within 120 days after
7 the date of enactment of this section—

8 “(1) publish in the Federal Register for public
9 comment, for a period of not less than 60 days, reg-
10 ulations for listing marine mammal species and pop-
11 ulation stocks adversely impacted by climate change,
12 alone or in combination or interaction with other
13 factors, as described in paragraphs (1) and (2) of
14 subsection (a), taking into account both quantitative
15 and qualitative indicators of adverse impacts of cli-
16 mate change and human activities on such species
17 and stocks, including—

18 “(A) direct and indirect mortality and seri-
19 ous injury;

20 “(B) loss or degradation of habitat;

21 “(C) changes in the distribution or avail-
22 ability of prey;

23 “(D) changes in the distribution of marine
24 mammal species and population stocks;

1 “(E) decreased genetic diversity or repro-
2 ductive success;

3 “(F) increased susceptibility to pathogens;
4 and

5 “(G) increased likelihood of interactions
6 with fisheries and other human activities; and

7 “(2) no later than 90 days after the close of the
8 period for such public comment, publish in the Fed-
9 eral Register final regulations for listing marine
10 mammals as required by paragraph (a), to be re-
11 viewed at least once every three years.

12 “(d) LACK OF QUANTITATIVE INFORMATION.—The
13 lack of quantitative information shall not be a basis for
14 a determination under subsection (c) that a species or pop-
15 ulation stock is not adversely impacted by climate change,
16 alone or in combination or interaction with other factors,
17 as described in paragraphs (1) and (2) of subsection (a).

18 “(e) ESTIMATION OF POTENTIAL BIOLOGICAL RE-
19 MOVAL.—

20 “(1) The Administrator, in estimating the po-
21 tential biological removal level in stock assessments
22 prepared in accordance with section 117, shall con-
23 sider the adverse impacts of climate change in deter-
24 mining the recovery factor applied to each stock.

1 “(2) The Administrator, in preparing stock as-
2 sessments in accordance with section 117, shall reex-
3 amine the stock definition and geographic range of
4 marine mammal species and population stocks to
5 identify climate-related changes in spatial distribu-
6 tion and stock definition and to identify how such
7 changes may affect human impacts to the species.

8 “(f) AUTHORITY TO ENTER INTO AGREEMENTS.—
9 The Administrator shall—

10 “(1) periodically review the status of agree-
11 ments with foreign governments under section
12 108(a) concerning the management of transbound-
13 ary marine mammal species and population stocks,
14 and their prey species, that are or may be affected
15 by climate change; and

16 “(2) through the Administrator of State, ini-
17 tiate the amendment of any such agreement, or ne-
18 gotiations for the development of bilateral or multi-
19 national agreements, consistent with the goals and
20 policies of this section.

21 “(g) CONSTRUCTION.—This section shall not be con-
22 strued to limit or restrict any other responsibility of the
23 Administrator or of any other person under this Act or
24 any other statute.

25 “(h) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) There is authorized to be appropriated to
2 the Administrator carry out this section, \$3,000,000
3 for each of fiscal years 2022 through 2026.

4 “(2) There is authorized to be appropriated to
5 the Administrator of the Interior to carry out this
6 section, \$2,000,000 for each of fiscal years 2022
7 through 2026;

8 “(3) There is authorized to be appropriated to
9 the Marine Mammal Commission to carry out this
10 section, \$1,000,000 for each of fiscal years 2022
11 through 2026.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in the first section of such Act is amended by inserting
14 after the item relating to section 120 the following:

“Sec. 121. Conservation of marine mammals adversely affected by climate
change.”.

15 **SEC. 702. VESSEL SPEED RESTRICTIONS IN MARINE MAM-**
16 **MAL HABITAT.**

17 (a) IN GENERAL.—The Marine Mammal Protection
18 Act of 1974 (16 U.S.C. 1361 et seq.) is further amended
19 by inserting after section 121 the following:

20 **“SEC. 122. VESSEL SPEED RESTRICTIONS IN MARINE MAM-**
21 **MAL HABITAT.**

22 “(a) IN GENERAL.—The Administrator shall, in co-
23 ordination with the Marine Mammal Commission and the
24 Commandant of the Coast Guard and applying the best

1 available scientific information, designate areas of impor-
2 tance for marine mammals known to experience vessel
3 strikes and establish for each such area a seasonal or year-
4 round mandatory vessel restrictions to reduce vessel
5 strikes, as necessary, for all vessels operating in such
6 areas.

7 “(b) AREAS OF IMPORTANCE.—Areas designated
8 under subsection (a) may include—

9 “(1) the important feeding, breeding, calving,
10 rearing, or migratory habitat for strategic stocks of
11 marine mammals, including all areas designated as
12 critical habitat for any marine mammal under sec-
13 tion 4 of the Endangered Species Act of 1973 (16
14 U.S.C. 1533);

15 “(2) areas of high marine mammal mortality,
16 injury, or harassment, including the disruption of
17 vocalization patterns and masking of biologically im-
18 portant sounds, caused by vessel ship strikes or un-
19 derwater vessel noise;

20 “(3) any area designated as a National Marine
21 Sanctuary, National Marine Monument, National
22 Park, or National Wildlife Refuge; and

23 “(4) areas of high marine mammal primary
24 productivity with year-round or seasonal aggrega-

1 tions of marine mammals to which this section ap-
2 plies.

3 “(c) DEADLINE FOR REGULATIONS.—Not later than
4 three years after the date of enactment of this section,
5 the Administrator shall designate areas under subsection
6 (a) and issue such regulations as are necessary to carry
7 out this section and to designate areas of importance pur-
8 suant to this Act, consistent with notice and comment re-
9 quirements under chapter 5 of title 5, United States Code.

10 “(d) MODIFYING OR DESIGNATING NEW AREAS OF
11 IMPORTANCE.—

12 “(1) IN GENERAL.—The Administrator shall
13 issue regulations to modify or designate the areas of
14 importance under this section within 180 days after
15 the issuance of regulations to establish or to modify
16 critical habitat for strategic stocks of marine mam-
17 mals pursuant to the Endangered Species Act of
18 1973 (16 U.S.C. 1531 et seq.).

19 “(2) REEXAMINATION.—The Administrator
20 shall—

21 “(A) reexamine the areas of importance
22 designated under this section every 5 years fol-
23 lowing the initial issuance of the regulations to
24 determine if the best available scientific infor-

1 mation warrants modification or designation of
2 areas of importance; and

3 “(B) publish any revisions under subpara-
4 graph (A) in the Federal Register after notice
5 and opportunity for public comment.

6 “(3) FINDING.—Not later than 90 days after
7 receiving the petition of an interested person under
8 section 553(e) of title 5, United States Code, to des-
9 ignate, modify, or add an area of importance under
10 this section, the Administrator shall make a finding
11 as to whether the petition presents substantial sci-
12 entific information indicating that the petitioned ac-
13 tion may be warranted. The Administrator shall
14 promptly publish such finding in the Federal Reg-
15 ister for comment. Not later than one year after the
16 close of comments, the Administrator shall publish
17 in the Federal Register a finding of whether the pe-
18 titioned action is warranted and, if the Adminis-
19 trator determines that the petitioned action is war-
20 ranted, shall publish draft regulations designating
21 the area of importance. Not later than 180 days
22 after the close of comments on the draft regulations,
23 the Administrator shall issue final regulations desig-
24 nating the area of importance.

1 “(e) EXCEPTIONS FOR SAFE MANEUVERING AND
2 USING AUTHORIZED TECHNOLOGY.—

3 “(1) IN GENERAL.—Any restrictions established
4 under subsection (a) shall not apply to vessels de-
5 scribed in section 224.1059(e) of title 50, Code of
6 Regulations.

7 “(2) AUTHORIZED TECHNOLOGY.—

8 “(A) IN GENERAL.—The speed limit estab-
9 lished under subsection (a) shall not apply to a
10 vessel operating using technology authorized by
11 regulations issued by the Administrator under
12 subparagraph (B).

13 “(B) REGULATIONS.—The Administrator
14 may issue regulations authorizing a vessel to
15 operate using technology specified by the Ad-
16 ministrator under this subparagraph if the Ad-
17 ministrator determines that such operation is at
18 least as effective as the speed limit under sub-
19 section (a) in reducing mortality and injury to
20 marine mammals and the disturbance of marine
21 mammal habitat.

22 “(f) APPLICABILITY.—Any speed restriction estab-
23 lished under subsection (a)—

24 “(1) shall apply to all vessels subject to the ju-
25 risdiction of the United States, all other vessels en-

1 tering or departing a port or place subject to the ju-
2 risdiction of the United States, and all other vessels
3 within the Exclusive Economic Zone of the United
4 States, regardless of flag; and

5 “(2) shall not apply to—

6 “(A) United States vessels engaged in mili-
7 tary readiness activities; or

8 “(B) law enforcement vessels of the Fed-
9 eral Government, when such vessels are en-
10 gaged in law enforcement or search and rescue
11 duties.

12 “(g) STATUTORY CONSTRUCTION.—

13 “(1) IN GENERAL.—Nothing in this section
14 shall be interpreted or implemented in a manner
15 that—

16 “(A) subject to paragraph (2), preempts or
17 modifies any obligation of any person subject to
18 the provisions of this title to act in accordance
19 with applicable State laws, except to the extent
20 that those laws are inconsistent with any provi-
21 sion of this title, and then only to the extent of
22 the inconsistency;

23 “(B) affects or modifies any obligation
24 under Federal law; or

1 “(C) preempts or supersedes the final rule
2 titled ‘To Implement Speed Restrictions to Re-
3 duce the Threat of Ship Collisions With North
4 Atlantic Right Whales’, codified at section
5 224.105 of title 50, Code of Federal Regula-
6 tions, except for actions that are more protec-
7 tive than the Final Rule and further reduce the
8 risk of take to North Atlantic right whales.

9 “(2) INCONSISTENCIES.—The Administrator
10 may determine whether inconsistencies referred to in
11 paragraph (1)(A) exist, but may not determine that
12 any State law is inconsistent with any provision of
13 this title if the Administrator determines that such
14 law gives greater protection to covered marine spe-
15 cies and their habitat.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to the Administrator
18 carry out this section, \$3,000,000 for each of fiscal years
19 2022 through 2026.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
21 in the first section of such Act is further amended by in-
22 serting after the item relating to section 121 the following:

“Sec. 122. Vessel speed restrictions in marine mammal habitat.”.

1 **SEC. 703. MONITORING OCEAN NOISE FOR MARINE MAM-**
2 **MAL PROTECTION.**

3 (a) IN GENERAL.—The Administrator shall maintain
4 and expand an Ocean Noise Reference Station Network,
5 utilizing and coordinating with the Integrated Ocean Ob-
6 serving System to—

7 (1) provide grants to expand the deployment of
8 Federal and non-Federal observing and data man-
9 agement systems capable of collecting measurements
10 of underwater sound in high-priority ocean and
11 coastal locations for purposes of monitoring and
12 analyzing baselines and trends in the underwater
13 soundscape to protect and manage marine life;

14 (2) continue to develop and apply standardized
15 forms of measurements to assess sounds produced
16 by marine animals, physical processes, and anthro-
17 pogenic activities; and

18 (3) coordinate and make accessible to the public
19 the datasets, modeling and analysis, and user-driven
20 products and tools, resulting from observations of
21 underwater sound funded through grants authorized
22 by this section.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Administrator to sup-
25 port integrated ocean observations activities carried out

1 under this section, \$1,500,000 for each of fiscal years
2 2022 through 2026.

3 **SEC. 704. GRANTS FOR SEAPORTS TO ESTABLISH PRO-**
4 **GRAMS TO REDUCE THE IMPACTS OF VESSEL**
5 **TRAFFIC AND PORT OPERATIONS ON MARINE**
6 **MAMMALS.**

7 (a) IN GENERAL.—The Administrator shall, not later
8 than 180 days after the date of enactment of this Act,
9 establish a grant program to provide assistance to up to
10 ten seaports to develop and implement mitigation meas-
11 ures that will lead to a quantifiable reduction in threats
12 to marine mammals from shipping activities and port op-
13 erations.

14 (b) ELIGIBLE USES.—Grants provided under this
15 section may be used to develop, assess, and carry out ac-
16 tivities that quantifiably reduce threats and enhance the
17 habitats of marine mammals by—

18 (1) reducing underwater noise related to marine
19 traffic;

20 (2) reducing ship strike mortality and other
21 physical disturbances;

22 (3) enhancing marine mammal habitat, includ-
23 ing the habitat for prey of marine mammals; or

24 (4) monitoring underwater noise, vessel inter-
25 actions with marine mammals, or other types of

1 monitoring that are consistent with reducing the
2 threats to and enhancing the habitats of marine
3 mammals.

4 (c) PRIORITY.—The Administrator shall prioritize as-
5 sistance under this section for projects that—

6 (1) assist ports with higher relative threat levels
7 to vulnerable marine mammals from vessel traffic;

8 (2) project higher levels of—

9 (A) reduction of noise from vessels; and

10 (B) reduction of disturbance or ship strike
11 mortality risk; and

12 (C) reduction of noise influence within
13 MPAs; or

14 (3) allow eligible entities to conduct risk assess-
15 ments, and track progress toward threat reduction
16 and habitat enhancement; including protecting coral
17 reefs from encroachment by commerce and shipping
18 lanes.

19 (d) OUTREACH.—The Administrator shall conduct
20 outreach to seaports to provide information on how to
21 apply for assistance under this section, the benefits of the
22 program under this section, and facilitation of best prac-
23 tices and lessons learned.

24 (e) ELIGIBLE ENTITIES.—A person shall be eligible
25 for assistance under this section if the person is—

1 (1) a port authority for a seaport;

2 (2) a State, regional, local, or Tribal agency
3 that has jurisdiction over a maritime port authority
4 or a seaport; or

5 (3) a private or government entity, applying for
6 a grant awarded under this section in collaboration
7 with another entity described in paragraph (1) or
8 (2), that owns or operates a maritime terminal.

9 (f) REPORT.—The Administrator shall submit annu-
10 ally to the Committee on Natural Resources of the House
11 of Representatives, and the Committee on Commerce,
12 Science, and Transportation of the Senate, a report that
13 includes the following:

14 (1) The name and location of each entity receiv-
15 ing a grant.

16 (2) Amount of each grant.

17 (3) The name and location of the seaport in
18 which the activities took place.

19 (4) A description of the activities carried out
20 with the grant funds.

21 (5) An estimate of the impact of the project to
22 reduce threats or enhance habitat of marine mam-
23 mals.

24 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Administrator for

1 carrying out this section, \$5,000,000 for each of fiscal
2 years 2022 through 2026, to remain available until ex-
3 pended.

4 **SEC. 705. NEAR REAL-TIME MONITORING AND MITIGATION**

5 **PROGRAM FOR LARGE WHALES.**

6 (a) ESTABLISHMENT OF THE PROGRAM.—The Ad-
7 ministrator shall design and deploy a Near Real-Time
8 Large Whale Monitoring and Mitigation Program in order
9 to curtail the risk to large whales of vessel collisions, en-
10 tanglement in commercial fishing gear, and to minimize
11 other impacts, including but not limited to underwater
12 noise from development activities. Such program shall be
13 capable of detecting and alerting ocean users and enforce-
14 ment agencies of the location of large whales on a near
15 real-time basis, informing sector-specific mitigation proto-
16 cols that can effectively reduce take of large whales, and
17 continually integrating improved technology. The program
18 shall be informed by the technologies, monitoring methods,
19 and mitigation protocols developed pursuant to the pilot
20 program required in subsection (b).

21 (b) PILOT PROJECT.—In carrying out subsection (a),
22 the Administrator shall first establish a pilot monitoring
23 and mitigation project for North Atlantic right whales for
24 the purposes of informing a cost-effective, efficient and re-

1 sults-oriented near real-time monitoring and mitigation
2 program for large whales.

3 (1) PILOT PROJECT REQUIREMENTS.—In de-
4 signing and deploying the monitoring system, the
5 Administrator shall, using best available scientific
6 information, identify and ensure coverage of—

7 (A) core foraging habitats of North Atlan-
8 tic right whales, including but not limited to—

9 (i) the “South of the Islands” core
10 foraging habitat;

11 (ii) the “Cape Cod Bay Area” core
12 foraging habitat;

13 (iii) the “Great South Channel” core
14 foraging habitat; and

15 (iv) the Gulf of Maine; and

16 (B) important feeding, breeding, calving,
17 rearing, or migratory habitats of North Atlantic
18 right whales that co-occur with areas of high
19 risk of mortality, injury, or harassment of such
20 whales from vessel strikes, disturbance from de-
21 velopment activities, and entanglement in com-
22 mercial fishing gear.

23 (2) PILOT PROJECT MONITORING COMPO-
24 NENTS.—Within 3 years after the date of enactment
25 of this Act, the Administrator, in consultation with

1 relevant Federal agencies, Tribal governments, and
2 with input from affected stakeholders, shall design
3 and deploy a real-time monitoring system for North
4 Atlantic right whales that includes near real-time
5 monitoring methods, technologies and protocols
6 that—

7 (A) comprise sufficient detection power,
8 spatial coverage and survey effort to detect and
9 localize North Atlantic right whales within core
10 foraging habitats;

11 (B) are capable of detecting North Atlantic
12 right whales visually, including during periods
13 of poor visibility and darkness, and acoustically;

14 (C) take advantage of dynamic habitat
15 suitability models that help to discern the likeli-
16 hood of North Atlantic right whale occurrence
17 in core foraging habitat at any given time;

18 (D) coordinate with the Integrated Ocean
19 Observing System to leverage monitoring as-
20 sets;

21 (E) integrate new near real-time moni-
22 toring methods and technologies as they become
23 available;

24 (F) accurately verify and rapidly commu-
25 nicate detection data; and

1 (G) allow for ocean users to contribute
2 data that is verified to be collected using com-
3 parable near real-time monitoring methods and
4 technologies.

5 (3) PILOT PROGRAM MITIGATION PROTOCOLS.—

6 The Administrator shall, in consultation with the
7 Administrator of Homeland Security, Administrator
8 of Defense, Administrator of Transportation, and
9 Administrator of the Interior, and with input from
10 affected stakeholders, develop and deploy mitigation
11 protocols that make use of the near real-time moni-
12 toring system to direct sector-specific mitigation
13 measures that avoid and significantly reduce risk of
14 disturbance, injury and mortality to North Atlantic
15 right whales.

16 (4) PILOT PROGRAM ACCESS TO DATA.—The

17 Administrator shall provide access to data generated
18 by the monitoring system for purposes of scientific
19 research and evaluation, and public awareness and
20 education, through the NOAA Right Whale Sighting
21 Advisory System and WhaleMap. or other successive
22 public web portals.

23 (5) PILOT PROGRAM REPORTING.—

24 (A) Not later than two years after the date
25 of enactment of this Act, the Administrator

1 shall submit to the Committee on Natural Re-
2 sources of the House of Representatives, and
3 the Committee on Commerce, Science and
4 Transportation of the Senate, and make avail-
5 able to the public, an interim report that as-
6 sesses the benefits and efficacy of the North At-
7 lantic right whale near real-time monitoring
8 and mitigation pilot program. The report shall
9 include—

10 (i) a description of the monitoring
11 methods and technology in use or planned
12 for deployment;

13 (ii) analyses of the efficacy of the
14 methods and technology in use or planned
15 for deployment in detecting North Atlantic
16 right whales both individually and in com-
17 bination;

18 (iii) how the monitoring system is di-
19 rectly informing and improving species
20 management and mitigation in near real-
21 time across ocean sectors whose activities
22 pose a risk to North Atlantic right whales;

23 (iv) a prioritized identification of gaps
24 in technology or methods requiring future
25 research and development.

1 (B) Not later than three years after the
2 date of enactment of this Act, the Adminis-
3 trator shall submit to the Committee on Nat-
4 ural Resources of the House of Representatives,
5 and the Committee on Commerce, Science and
6 Transportation of the Senate, and make avail-
7 able to the public, a final report, addressing the
8 components in subparagraph (A) for the subse-
9 quent one year following the publication of the
10 interim report, and including the following—

11 (i) a strategic plan to expand the pilot
12 program to provide near real-time moni-
13 toring and mitigation measures to addi-
14 tional large whale species, including a
15 prioritized plan for acquisition, deploy-
16 ment, and maintenance of monitoring tech-
17 nologies, and the locations or species for
18 which the plan would apply; and

19 (ii) a budget and description of appro-
20 priations necessary to carry out the stra-
21 tegic plan pursuant to the requirements of
22 clause (i).

23 (c) **ADDITIONAL AUTHORITY.**—In carrying out this
24 section, including, the Administrator may enter into and
25 perform such contracts, leases, grants, or cooperative

1 agreements as may be necessary to carry out the purposes
2 of this section on such terms as the Administrator con-
3 siders appropriate.

4 (d) REPORTING.—Not later than one year after the
5 deployment of the program described in subsection (b)
6 (and after completion of the reporting requirements pur-
7 suant to paragraph (5) of such subsection), and annually
8 thereafter through 2029, the Administrator shall submit
9 to the Committee on Natural Resources of the House of
10 Representatives, and the Committee on Commerce,
11 Science and Transportation of the Senate, and make avail-
12 able to the public, a report that assess the benefits and
13 efficacy of the near real-time monitoring and mitigation
14 program.

15 (e) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) CORE FORAGING HABITATS.—the term
18 “core foraging habitats” means areas with biological
19 and physical oceanographic features that aggregate
20 *Calanus finmarchicus* and where North Atlantic
21 right whales foraging aggregations have been well
22 documented.

23 (2) REAL-TIME.—The term “real-time” means
24 that visual, acoustic, or other detections of North
25 Atlantic right whales are transmitted and reported

1 as soon as technically feasible, and no longer than
2 24 hours, after they have occurred.

3 (3) LARGE WHALE.—The term “large whale”
4 means all Mysticeti species and species within the
5 genera Physeter and Orcinus.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Administrator to sup-
8 port development, deployment, application and ongoing
9 maintenance of the monitoring system as required by this
10 section, \$5,000,000 for each of fiscal years 2022 through
11 2026.

12 **SEC. 706. GRANTS TO SUPPORT TECHNOLOGY THAT RE-**
13 **DUCES UNDERWATER NOISE FROM VESSELS.**

14 (a) IN GENERAL.—The Administrator shall, within
15 6 months of the date of enactment of this Act, establish
16 a grant program, to be administered in consultation with
17 the Administrator of the United States Maritime Adminis-
18 tration, to provide assistance for the development and im-
19 plementation of new or improved technologies that reduce
20 threats to and enhance the habitats of marine mammals
21 and other marine species by quantifiably reducing under-
22 water noise from marine vessels.

23 (b) ELIGIBLE USES.—Grants provided under this
24 section may be used to develop, assess and implement new

1 or improved technologies that materially reduce under-
2 water noise from marine vessels.

3 (c) OUTREACH.—The Administrator shall conduct
4 outreach to eligible persons to provide information on how
5 to apply for assistance under this section, the benefits of
6 the program under this section, and facilitation of best
7 practices and lessons learned.

8 (d) ELIGIBLE ENTITIES.—A person shall be eligible
9 for assistance under this section if the person is—

10 (1) a corporation established under the laws of
11 the United States; or

12 (2) an individual, partnership, association, or-
13 ganization or any other combination of individuals,
14 provided, however, that each such individual shall be
15 a citizen of the United States or lawful permanent
16 resident of the United States or a protected indi-
17 vidual as such term is defined in section 274B(a)(3)
18 of the Immigration and Nationality Act (9 U.S.C.
19 1324b(a)(3)).

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Administrator for
22 carrying out this section, \$5,000,000 for each of fiscal
23 years 2022 through 2026, to remain available until ex-
24 pended.

1 **SEC. 707. NAVAL TECHNOLOGY TRANSFER FOR QUIETING**
2 **FEDERAL NON-COMBATANT VESSELS.**

3 The Secretary of Defense, in consultation with the
4 Secretary of Homeland Security, the Administrator, and
5 the Administrator of the United States Maritime Adminis-
6 tration, shall, not later than 18 months after the date of
7 enactment of this Act, submit to the Senate Committees
8 on Armed Services; Commerce, Science and Transpor-
9 tation; Environment and Public Works; and Homeland Se-
10 curity and Governmental Affairs; and the House of Rep-
11 resentatives Committees on Armed Services; Energy and
12 Commerce; Homeland Security; Natural Resources; and
13 Transportation and Infrastructure, and publish, an un-
14 classified report identifying existing non-classified naval
15 technologies that reduce underwater noise and evaluating
16 the effectiveness and feasibility of incorporating such tech-
17 nologies in the design, procurement and construction of
18 non-combatant vessels of the United States.

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 find-
10 ings:

11 (1) As a party to the Law of the Sea Conven-
12 tion, the United States would be a powerful voting
13 Council member of the International Seabed Author-
14 ity, a body that is critical to negotiations regarding
15 deep seabed mining, which is a practice that could
16 have significant potential climate, environmental,
17 and economic impacts.

18 (2) Being party to the Convention and holding
19 membership on the International Seabed Authority
20 is in the United States' best interests in regard to
21 competition with other countries over future rare
22 earth element resources found on the seafloor.

23 (3) Without being party to the Convention, the
24 United States cannot play a role in negotiating and
25 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
8 continues 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 Con-
21 gress 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

1 1982 and entered into force in November 1994, to
2 establish a treaty regime to govern activities on,
3 over, and under the world's oceans;

4 (2) the Law of the Sea Convention builds on
5 four 1958 Law of the Sea conventions to which the
6 United 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 Octo-
18 ber 6, 1994;

19 (4) in the absence of advice and consent from
20 the Senate, the United States is not a party to the
21 Convention nor to the associated 1994 agreement;

22 (5) becoming a party to the Law of the Sea
23 Convention would give the United States standing to
24 participate in discussions relating to the treaty and
25 thereby improve the ability of the United States to

1 intervene as a full party in disputes relating to navi-
2 gational rights and defend United States interpreta-
3 tions 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
8 international fisheries agreements and the protection
9 of highly migratory species under the Magnuson Ste-
10 vens Act, the Shark Conservation Act, and the High
11 Seas 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 enactment
15 of this Act, and every three years thereafter, the Adminis-
16 trator and in consultation with the Secretary of State,
17 shall submit a report to Congress that describes—

18 (1) the manner and extent to which the United
19 States has made progress towards achieving the tar-
20 gets of the 14th Sustainable Development Goal of
21 the 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 enactment
4 of this Act, the Secretary of State, and in consultation
5 with the Secretary of Commerce acting through the Ad-
6 ministrator, shall develop a plan to provide technical as-
7 sistance, data, and other resources for identifying and es-
8 tablishing strongly protected areas of the ocean in areas
9 beyond national 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 Con-
15 gress that the United States should honor its commitment
16 to the Arctic Council to cut black carbon emissions by
17 2025 to a level that is between 25 and 33 percent below
18 the levels emitted by the United States in 2013.

19 (b) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Secretary of State, in
21 consultation with the Secretary of Transportation, the Ad-
22 ministrator, and the Administrator of the Environmental
23 Protection Agency, shall develop a plan for the United
24 States to cut black carbon emissions by 2025 to a level
25 that is between 25 and 33 percent below the levels emitted

1 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 as-
11 sist other member countries of the Arctic Council to
12 fulfill 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
18 enactment of this Act, the plan developed under sub-
19 section (b)

20 (2) not later than one year after the date of en-
21 actment 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
6 DEFINED.—In this section, the term “appropriate con-
7 gressional committees” means—

8 (1) the Committee on Foreign Affairs, the
9 Committee on Natural Resources, and the Com-
10 mittee on Energy and Commerce of the House of
11 Representatives; and

12 (2) the Committee on Foreign Relations, the
13 Committee on Commerce, the Committee on Envi-
14 ronment and Public Works, and the Committee on
15 Energy and Natural Resources of the Senate.

16 (f) PUBLIC COMMENT.—The Secretary of State
17 shall—

18 (1) before submitting each such plan or report
19 to the appropriate congressional committees under
20 subsection (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;
25 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 pub-
4 lic 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
12 the effects of a changing climate;

13 (2) support building strong Tribal and Indige-
14 nous communities that are resilient to climate
15 change;

16 (3) ensure agency effectiveness in fulfilling Fed-
17 eral Indian trust responsibilities in the face of cli-
18 mate change; and

19 (4) ensure the development of modern, cost-ef-
20 fective infrastructure in Tribal and Indigenous com-
21 munities.

22 (b) GRANTS.—

23 (1) AUTHORITY.—As part of the program es-
24 tablished under subsection (a), to the extent funds
25 are made available through Acts of appropriation,

1 the Secretary shall make multiyear grants to Indian
2 Tribes and Indigenous communities for eligible ac-
3 tivities described in paragraph (2).

4 (2) ELIGIBLE ACTIVITIES.—Grants under this
5 subsection may be used for the following on Indian
6 land and in Indigenous communities:

7 (A) Development and delivery of adapta-
8 tion training.

9 (B) Adaptation planning, vulnerability as-
10 sessments, emergency preparedness planning,
11 and monitoring.

12 (C) Capacity building through travel sup-
13 port for training, technical sessions, and cooper-
14 ative management forums.

15 (D) Travel support for participation in
16 ocean and coastal planning.

17 (E) Development of science-based informa-
18 tion and tools to enable adaptive resource man-
19 agement and the ability to plan for resilience.

20 (F) Relocation of villages or other commu-
21 nities experiencing or susceptible to coastal or
22 river erosion and flooding.

23 (G) Construction of infrastructure to sup-
24 port emergency evacuations related to climate
25 change.

1 (H) Restoration of ecosystems and con-
2 struction of natural and nature-based features
3 to address risks from coastal and riverine flood-
4 ing and erosion.

5 (I) Restoration, relocation, and repair of
6 infrastructure damaged by melting permafrost
7 or coastal or river erosion and flooding.

8 (J) Installation and management of energy
9 systems that reduce energy costs and green-
10 house gas emissions compared to the energy
11 systems in use before that installation and man-
12 agement.

13 (K) Construction and maintenance of so-
14 cial or cultural infrastructure that supports re-
15 siliance.

16 (3) APPLICATIONS.—An Indian Tribe or Indige-
17 nous community desiring a grant under this sub-
18 section shall submit to the Secretary an application
19 at such time, in such manner, and containing such
20 information as the Secretary may require, including
21 a description of the eligible activities to be under-
22 taken using the grant.

23 (c) INTERAGENCY COOPERATION.—The Secretary of
24 the Interior, the Secretary of Commerce, and the Adminis-
25 trator of the Environmental Protection Agency shall es-

1 tablish under the White House Council on Native Amer-
2 ican Affairs an interagency subgroup on Tribal resilience,
3 which shall—

4 (1) work with Indian Tribes and Indigenous
5 communities to collect and share data and informa-
6 tion, including traditional ecological knowledge,
7 about how the effects of a changing climate are rel-
8 evant to Indian Tribes and Indigenous communities;
9 and

10 (2) identify opportunities for the Federal Gov-
11 ernment to improve collaboration and assist with ad-
12 aptation and mitigation efforts that promote resil-
13 ience.

14 (d) TRIBAL RESILIENCE LIAISON.—The Secretary of
15 the Interior shall establish a Tribal resilience liaison to—

16 (1) coordinate with Indian Tribes, Indigenous
17 communities, and relevant Federal agencies regard-
18 ing the program under this section, grant opportuni-
19 ties related to the program, climate adaptation, and
20 climate resilience planning; and

21 (2) help ensure Tribal and Indigenous engage-
22 ment in climate conversations at the Federal level.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section,
25 \$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
5 make 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
13 a grant under this section, an eligible entity shall submit
14 to the Administrator a proposal for a living shoreline
15 project 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 feedback from the local or regional
20 community most directly affected by the proposal.

21 (c) PROJECT SELECTION.—

22 (1) DEVELOPMENT OF CRITERIA.—The Admin-
23 istrator shall select eligible entities to receive grants
24 under this section based on criteria developed by the
25 Administrator.

1 (2) CONSIDERATIONS.—In developing the cri-
2 teria under paragraph (1) to evaluate a proposed liv-
3 ing shoreline project, the Administrator shall take
4 into account—

5 (A) the potential of the project to protect
6 the community and maintain the viability of the
7 environment, such as through protection of eco-
8 system functions, environmental benefits, or
9 habitat types, in the area where the project is
10 to be carried out;

11 (B) the historic and future environmental
12 conditions of the project site, particularly those
13 environmental conditions affected by climate
14 change;

15 (C) the net ecological benefits of the
16 project including the potential of the project to
17 contribute to carbon sequestration and storage;

18 (D) the ability of the entity proposing the
19 project to demonstrate the potential of the
20 project to protect the coastal community where
21 the project is to be carried out, including
22 through—

23 (i) mitigating the effects of erosion;

24 (ii) attenuating the impact of coastal
25 storms and storm surge;

- 1 (iii) mitigating shoreline flooding;
- 2 (iv) mitigating the effects of sea level
3 rise, accelerated land loss, and extreme
4 tides;
- 5 (v) sustaining, protecting, or restoring
6 the functions and habitats of coastal eco-
7 systems;
- 8 (vi) protecting important cultural sites
9 or values;
- 10 (vii) protecting low income commu-
11 nities, communities of color, Tribal com-
12 munities, Indigenous communities, and
13 rural communities;
- 14 (viii) sustaining, protecting, or restor-
15 ing the functions and habitats of marine
16 protected areas; or
- 17 (ix) such other forms of coastal pro-
18 tection as the Administrator considers ap-
19 propriate; and
- 20 (E) the potential of the project to support
21 resiliency at a military installation or commu-
22 nity infrastructure supportive of a military in-
23 stallation (as such terms are defined in section
24 2391 of title 10, United States Code).

1 (3) STANDARDS.—The Administrator shall es-
2 tablish a living shorelines engineering standard for
3 each region of the United States, which shall be
4 used in selecting eligible projects for grants under
5 this section.

6 (d) USE OF FUNDS.—A grant awarded under this
7 section to an eligible entity to carry out a living shoreline
8 project may be used by the eligible entity only—

9 (1) to carry out the project, including adminis-
10 tration, design, permitting, entry into negotiated in-
11 direct cost rate agreements, and construction;

12 (2) to monitor, collect, and report data on the
13 performance (including performance over time) of
14 the project, in accordance with standards issued by
15 the Administrator under subsection (f)(2); or

16 (3) to incentivize landowners to engage in living
17 shoreline projects.

18 (e) MONITORING AND REPORTING.—

19 (1) IN GENERAL.—The Administrator shall re-
20 quire each eligible entity receiving a grant under this
21 section (or a representative of the entity) to carry
22 out a living shoreline project—

23 (A) to transmit to the Administrator data
24 collected under the project;

1 (B) to monitor the project and to collect
2 data on the ecological and economic benefits of
3 the project and the protection provided by the
4 project for the coastal community where the
5 project is carried out;

6 (C) to make data collected under the
7 project available on a publicly accessible website
8 of the National Oceanic and Atmospheric Ad-
9 ministration; and

10 (D) upon the completion of the project, to
11 submit to the Administrator a report on—

12 (i) the measures described in subpara-
13 graph (B); and

14 (ii) the effectiveness of the project in
15 increasing protection of the coastal com-
16 munity where the project is carried out
17 through living shorelines techniques, in-
18 cluding—

19 (I) a description of—

20 (aa) the project;

21 (bb) the activities carried
22 out under the project; and

23 (cc) the techniques and ma-
24 terials used in carrying out the
25 project; and

1 (II) data on the performance of
2 the project in providing protection to
3 that 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
7 for 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 (2) LIVING SHORELINE PROJECT.—The term
21 “living shoreline project” means a project that re-
22 stores or stabilizes a shoreline using natural mate-
23 rials such as plants, sand, or rock.

24 (3) STATE.—The term “State” means each of
25 the several States, the District of Columbia, the

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

4 **SEC. 902. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
5 **ISTRATION RESEARCH PROGRAMS.**

6 (a) LIVING SHORELINE AND NATURE-BASED INFRA-
7 STRUCTURE RESEARCH PROGRAM.—

8 (1) DEFINITION OF NATURE-BASED INFRA-
9 STRUCTURE.—In this section, the term “nature-
10 based infrastructure” means a feature that is cre-
11 ated by human design, engineering, and construction
12 to provide risk reduction in coastal areas by acting
13 in concert with natural processes.

14 (2) ESTABLISHMENT.—The Administrator shall
15 make competitive research grants available focused
16 on developing and assessing the effectiveness of in-
17 novative approaches to nature-based infrastructures
18 and features for the purposes of—

19 (A) preparing more resilient, sustainable
20 cities and resilient communities;

21 (B) reducing the costs associated with cli-
22 mate-related disasters, built infrastructure deg-
23 radation, and human relocation; and

1 (C) accomplishing improved resilience
2 while maintaining ecosystem functions and
3 habitats to the greatest extent possible.

4 (3) ELIGIBILITY.—To be eligible for a grant
5 under this subsection, an applicant must be an insti-
6 tution of higher education, nonprofit organization,
7 State, local, or Tribal Government, for-profit organi-
8 zation, United States Territory, or Federal agency
9 that has statutory authority to receive transfers of
10 funds.

11 (4) RESEARCH PRIORITIES.—The Adminis-
12 trator shall award grants for projects which focus on
13 the following:

14 (A) Assessments of installed nature-based
15 infrastructures, as of the date of enactment of
16 this Act, for their effectiveness in addressing, if
17 applicable—

18 (i) coastal resilience;

19 (ii) shoreline erosion;

20 (iii) storm damage including wind-
21 storms;

22 (iv) inland flooding;

23 (v) water quality;

24 (vi) impact on local ecosystems; and

1 (vii) other criteria as determined by
2 the Administrator.

3 (B) Novel approaches to nature-based in-
4 frastructure and living shorelines aimed at opti-
5 mizing resilience to climate change, extreme
6 weather, and ecosystem sustainability.

7 (C) Interdisciplinary research including en-
8 gineering, environmental and ecosystem
9 sciences, biology, and social science.

10 (D) Regional, community, and industry
11 partnerships to create locally-informed solu-
12 tions.

13 (5) REPORTS FOR INFORMING LIVING SHORE-
14 LINES AND NATURE-BASED INFRASTRUCTURE
15 PROJECT GRANTS.—Funded projects shall submit a
16 summarized report of their findings at the conclu-
17 sion of the grant to the Administrator to help inform
18 the selection and prioritization of living shorelines
19 and other nature-based infrastructure projects as de-
20 scribed in section 1001 of this Act.

21 (6) ADDITIONAL AUTHORITIES.—The Adminis-
22 trator may use—

23 (A) the National Oceanographic Partner-
24 ship Program established by section 8931 of
25 title 10, United States Code, as a venue for col-

1 laboration and coordination to leverage partner-
2 ships between public institutions of higher edu-
3 cation and Federal agencies;

4 (B) the Coastlines and People initiative
5 under the National Science Foundation as a
6 tool to use ongoing interdisciplinary research;

7 (C) the National Sea Grant College Pro-
8 gram as a resource to help foster collaboration
9 between public institutions of higher education
10 and Federal agencies; and

11 (D) the National Institute of Standards
12 and Technology (NIST) Community Resilience
13 Center of Excellence.

14 (7) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to the Ad-
16 ministrator \$5,000,000 for each of fiscal years 2022
17 through 2026 for purposes of carrying out this sub-
18 section.

19 (b) COASTAL SCIENCE AND ASSESSMENT: COMPETI-
20 TIVE EXTERNAL RESEARCH.—

21 (1) IN GENERAL.—The Administrator shall es-
22 tablish an annual competitive grants program that
23 gives priority to interdisciplinary coastal resilience
24 research projects that focus on developing scalable
25 best practices for—

1 (A) protecting life and critical infrastruc-
2 ture;

3 (B) developing decision-support tools use-
4 ful to coastal communities;

5 (C) determining societal, ecological, and re-
6 siliency benefits of coastal restoration and pro-
7 tection and natural, nature-based, and man-
8 made infrastructure, and how these benefits af-
9 fect the sustainability of coastal ecosystems;

10 (D) volunteer and community-science mon-
11 itoring of coastal and marine resources as part
12 of efforts to protect coastal communities from
13 sea level rise;

14 (E) monitoring and developing ecosystem-
15 based approaches to managing coastal eco-
16 systems to promote sustainability;

17 (F) assessing and enhancing the capacity
18 of human communities to adapt to coastal nat-
19 ural disasters;

20 (G) assessing coastal vulnerability and
21 risk;

22 (H) evaluating adaptation, protection, and
23 restoration approaches to reduce risk, including
24 through the use of natural, nature-based, and
25 man-made features;

1 (I) minimizing costs associated with dam-
2 ages incurred from natural disasters, flooding,
3 and sea level rise;

4 (J) developing curriculum for new pro-
5 grams in coastal conservation at public commu-
6 nity colleges and within college Sea Grant pro-
7 grams to train the new coastal conservation
8 workforce;

9 (K) evaluating potential outcomes associ-
10 ated with developing new commercial and rec-
11 reational fishery resources, including aqua-
12 culture and targeting invasive and range-ex-
13 panding species; and

14 (L) engaging in outreach, training, and
15 education connect actionable research to local
16 communities, policymakers, planners, practi-
17 tioners, and students.

18 (2) ELIGIBILITY.—To be eligible for a grant
19 under the Program, an applicant must be an institu-
20 tion of higher education, nonprofit organization,
21 State, local, or Tribal government, for-profit organi-
22 zation, United States territory, or Federal agency
23 that has statutory authority to receive transfers of
24 funds.

1 (3) DEFINITIONS.—In this subsection, the fol-
2 lowing definitions apply:

3 (A) CRITICAL INFRASTRUCTURE.—The
4 term “critical infrastructure” means infrastruc-
5 ture, including natural or nature-based infra-
6 structure, the destruction or damaging of which
7 would have a debilitating impact on national se-
8 curity or economic security, undermine commu-
9 nity resiliency and adaptation, or threaten pub-
10 lic health or safety.

11 (B) NATURAL AND NATURE-BASED FEA-
12 TURES.—The term “natural features” or “na-
13 ture-based features” means coastal wetlands,
14 coral reefs, beaches, dunes, marshes, coastal
15 forests, municipal green infrastructure, and liv-
16 ing shorelines.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to the Ad-
19 ministrator \$5,000,000 for each of fiscal years 2022
20 through 2026 for purposes of carrying out this sec-
21 tion.

22 (c) GRANTS FOR RECOVERING OYSTERS.—

23 (1) ESTABLISHMENT.—The Administrator shall
24 establish a grant program (in this subsection re-
25 ferred to as the “Program”) under which the Ad-

1 administrator shall award grants to eligible entities for
2 the purpose of conducting research on the conserva-
3 tion, restoration, or management of oysters in estua-
4 rine ecosystems.

5 (2) APPLICATION.—To be eligible to receive a
6 grant under this subsection, an eligible entity shall
7 submit to the Administrator an application at such
8 time, in such manner, and containing such informa-
9 tion as the Administrator may require.

10 (3) ALLOCATION OF GRANT FUNDS.—

11 (A) IN GENERAL.—The Administrator may
12 award a grant under the Program to eligible
13 entities that submit an application under para-
14 graph (2).

15 (B) MATCHING REQUIREMENT.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), the total amount of Federal
18 funding received under the Program by an
19 eligible entity may not exceed 85 percent
20 of the total cost of the research project for
21 which the funding was awarded. For the
22 purposes of this clause, the non-Federal
23 share of project costs may be provided by
24 in-kind contributions and other noncash
25 support.

1 (ii) WAIVER.—The Administrator may
2 waive all or part of the requirement in
3 clause (i) if the Administrator determines
4 that no reasonable means are available
5 through which an eligible entity applying
6 for a grant under this subsection can meet
7 such requirement and the probable benefit
8 of such research project outweighs the
9 public interest in such requirement.

10 (C) EQUITABLE DISTRIBUTION.—The Ad-
11 ministrators shall ensure, to the maximum ex-
12 tent practicable, that grant funding under this
13 subsection is apportioned according to the his-
14 toric baseline oyster population of each estuary
15 of the United States.

16 (4) DEFINITIONS.—In this subsection, the fol-
17 lowing definitions apply:

18 (A) ACADEMIC COMMUNITY.—The term
19 “academic community” means faculty, research-
20 ers, professors, and representatives of State-ac-
21 credited colleges and universities.

22 (B) ELIGIBLE ENTITY.—The term “eligible
23 entity” means a member of the academic com-
24 munity, the seafood industry, a relevant non-
25 profit organization, or a relevant State agency,

1 that is proposing or conducting a research
2 project on the conservation, restoration, or
3 management of oysters in an estuarine eco-
4 system.

5 (C) HISTORIC BASELINE.—The term “his-
6 toric baseline” means the estimated population
7 of oysters in an estuary in 1850.

8 (D) NONPROFIT ORGANIZATION.—The
9 term “nonprofit organization” means an organi-
10 zation described in section 501(c)(3) of the In-
11 ternal Revenue Code of 1986 and exempt from
12 tax under section 501(a) of such Code.

13 (E) SEAFOOD INDUSTRY.—The term “sea-
14 food industry” means shellfish growers, shell-
15 fish harvesters, commercial fishermen, and rec-
16 reational fishermen.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated to the Ad-
19 ministrator \$5,000,000 for each of the fiscal years
20 2022 through 2026 to carry out this subsection.

21 **SEC. 903. IMPROVEMENTS TO THE NATIONAL OCEANS AND**
22 **COASTAL SECURITY ACT.**

23 (a) DEFINITION OF TIDAL SHORELINE REFINED.—
24 Section 902 of the National Oceans and Coastal Security
25 Act (16 U.S.C. 7501) is amended—

1 (1) by amending paragraph (7) to read as fol-
2 lows:

3 “(7) TIDAL SHORELINE.—The term ‘tidal
4 shoreline’ means a ‘tidal shoreline’ or a ‘Great Lake
5 shoreline’ as such terms are used in section
6 923.110(e)(2)(i) of title 15, Code of Federal Regula-
7 tions, or a similar successor regulation.”; and

8 (2) by adding at the end the following:

9 “(8) INDIAN TRIBE.—The term ‘Indian Tribe’
10 has the meaning given the term ‘Indian tribe’ in sec-
11 tion 4 of the Indian Self-Determination and Edu-
12 cation Assistance Act (25 U.S.C. 5304).

13 “(9) BLUE CARBON.—The term ‘blue carbon’
14 means the ability of an ocean or coastal ecosystem,
15 habitat, or other natural resource to absorb, capture,
16 and contain atmospheric carbon dioxide.”.

17 (b) IMPROVEMENTS TO NATIONAL OCEANS AND
18 COASTAL SECURITY FUND.—

19 (1) DEPOSITS.—Section 904(b)(1) of such Act
20 (16 U.S.C. 7503(b)(1)) is amended to read as fol-
21 lows:

22 “(1) IN GENERAL.—There shall be deposited
23 into the Fund, which shall constitute the assets of
24 the Fund—

1 “(A) amounts transferred to the Fund
2 under section 908; and

3 “(B) such other amounts as may be appro-
4 priated or otherwise made available to carry out
5 this Act.”.

6 (2) EXPENDITURES.—Section 904 of such Act
7 (16 U.S.C. 7503) is amended by striking subsection
8 (d) and inserting the following:

9 “(d) EXPENDITURE.—Of the amounts deposited into
10 the Fund for each fiscal year—

11 “(1) not less than \$150,000,000 shall be used
12 for the award of grants under subsection (b) of sec-
13 tion 906;

14 “(2) not less than \$50,000,000 shall be used
15 for the award of grants under subsection (c) of such
16 section;

17 “(3) if amounts deposited into the Fund for
18 each fiscal year are greater than \$200,000,000, any
19 amounts in excess of \$200,000,000 shall be distrib-
20 uted such that—

21 “(A) 80 percent shall be used for the
22 award of grants under subsection (b) of section
23 906; and

1 “(B) 20 percent shall be used for the
2 award of grants under subsection (c) of section
3 906; and

4 “(4) of amounts provided in this subsection, not
5 more than 4 percent may be used by the Adminis-
6 trator and the National Fish and Wildlife Founda-
7 tion (Foundation) for direct costs to carry out this
8 chapter.”.

9 (c) ELIGIBLE USES OF THE FUND.—Section 905 of
10 such Act (16 U.S.C. 7504) is amended to read as follows:

11 **“SEC. 905. ELIGIBLE USES.**

12 “(a) IN GENERAL.—Amounts in the Fund may be
13 allocated by the Administrator for grants under section
14 906(b) and the Foundation for grants under section
15 906(c) to support programs and activities intended to pro-
16 tect, conserve, restore, better understand, and utilize
17 ocean and coastal resources and coastal infrastructure, in-
18 cluding, where appropriate, scientific research, resiliency
19 planning, implementation, and monitoring and spatial
20 planning, data-sharing, and other programs and activities
21 carried out in coordination with Federal and State depart-
22 ments or agencies, including the following:

23 “(1) Ocean, coastal, and Great Lakes restora-
24 tion and protection, including efforts to address po-
25 tential impacts of sea level change, sedimentation,

1 erosion, changes in ocean chemistry, hurricanes and
2 other extreme weather, flooding, and changes in
3 ocean temperature to natural resources, commu-
4 nities, and coastal economies.

5 “(2) Restoration, protection, or maintenance of
6 living ocean, coastal, and Great Lakes resources and
7 their habitats, including habitats and ecosystems
8 that provide blue carbon benefits.

9 “(3) Planning for and managing coastal devel-
10 opment to enhance ecosystem and community integ-
11 rity, or to minimize impacts from sea level change,
12 hurricanes and other extreme weather, flooding, and
13 coastal erosion.

14 “(4) Projects to address management, planning,
15 or resiliency and readiness issues which are regional
16 or interstate in scope, such as regional ocean part-
17 nerships or similar bodies.

18 “(5) Efforts that contribute to the under-
19 standing of ecological, economic, societal, and na-
20 tional security threats driven by changes to the
21 oceans, coasts, and Great Lakes.

22 “(6) Efforts to preserve, protect, and collect
23 data, including but not limited to public ocean and
24 coastal data portals, that would support sustainable
25 water-dependent commercial activities including

1 commercial fishing, recreational fishing businesses,
2 aquaculture, boat building, or other coastal-related
3 businesses.

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 hurri-
10 canes, coastal flooding, coastal erosion, or sea level
11 change to ensure the economic security, safety, and
12 ecological well-being of the coasts of the United
13 States.

14 “(8) Acquisition of property or interests in
15 property if—

16 “(A) the area is located within a coastal
17 county or adjacent county;

18 “(B) the funds made available under this
19 subtitle are used to acquire land or interest in
20 land by purchase, exchange, or donation from a
21 willing seller;

22 “(C) the Governor of the State in which
23 the property or interests in property are ac-
24 quired approves of the acquisition; and

1 “(D) such property or interest is acquired
2 in a manner that will ensure such property or
3 interest will be administered to support the pur-
4 poses of this Act.

5 “(9) Protection and modification of critical
6 coastal public infrastructure affected by erosion,
7 hurricanes or other extreme weather, flooding, or sea
8 level change.

9 “(10) Assistance for small businesses and com-
10 munities that are dependent on coastal tourism as
11 eligible efforts that help coastal economies minimize
12 impacts from sea level rise and disasters.

13 “(11) Projects that use natural and nature-
14 based approaches for enhancing the resiliency of
15 wastewater and stormwater infrastructure as eligible
16 critical infrastructure projects (as compared to just
17 general water infrastructure, which can also include
18 drinking water systems).

19 “(12) Technical assistance to help develop com-
20 prehensive resilience and mitigation plans as an eli-
21 gible funding effort.

22 “(b) PROHIBITION ON USE OF FUNDS FOR LITIGA-
23 TION AND LOBBYING.—No funds made available under
24 this Act may be used to fund any expense related to litiga-

1 tion or any activity the purpose of which is to influence
2 legislation pending before Congress.”.

3 (d) GRANTS.—

4 (1) ADMINISTRATION.—Subsection (a)(1) of
5 section 906 of such Act (16 U.S.C. 7505) is amend-
6 ed—

7 (A) by amending subparagraph (B) to read
8 as follows:

9 “(B) Selection procedures and criteria for
10 the awarding of grants under this section that
11 require consultation with the Administrator and
12 the Secretary of the Interior.”;

13 (B) by amending subparagraph (C)(ii) to
14 read as follows:

15 “(ii) under subsection (c), as appro-
16 priate, to entities including States, local
17 governments, regional and interstate
18 collaboratives, associations, nonprofit and
19 for-profit private entities, public-private
20 partnerships, academic institutions, Indian
21 Tribes, and Indigenous communities.”;

22 (C) in subparagraph (F), by striking “year
23 if grants have been awarded in that year” and
24 inserting “5 years”; and

25 (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
5 quantify these benefits for the purposes of the
6 annual 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.—

11 “(1) IN GENERAL.—Subject to section
12 904(d)(1) and paragraphs (3) and (4) of this sub-
13 section, the Administrator and the Foundation shall
14 award grants to eligible coastal States based on the
15 following formula:

16 “(A) 50 percent of the funds are allocated
17 equally among such coastal States.

18 “(B) 25 percent of the funds are allocated
19 on the basis of the ratio of tidal shoreline miles
20 in a coastal State to the tidal shoreline miles of
21 all coastal States.

22 “(C) 25 percent of the funds are allocated
23 on the basis of the ratio of population density
24 of the coastal counties of a coastal State to the
25 average population density of all coastal coun-

1 ties based on the most recent data available by
2 the U.S. Census Bureau.

3 “(2) ELIGIBLE COASTAL STATES.—For pur-
4 poses of this subsection, an eligible coastal State is
5 any coastal state as defined in section 304 of the
6 Coastal Zone Management Act of 1972 (16 U.S.C.
7 1453).

8 “(3) MAXIMUM ALLOCATION TO STATES.—Not-
9 withstanding paragraph (1), not more than 5 per-
10 cent of the total funds distributed under this sub-
11 section may be allocated to any single State. Any
12 amount exceeding this limit shall be redistributed
13 equally among the remaining eligible coastal States.

14 “(4) REQUIREMENT TO SUBMIT PLANS.—

15 “(A) IN GENERAL.—To be eligible to re-
16 ceive a grant under this subsection, an eligible
17 coastal State shall submit to the Administrator
18 for review and approval, a 5-year plan, which
19 shall include the following:

20 “(i) Criteria to determine eligibility
21 for entities which may receive grants under
22 this subsection.

23 “(ii) A description of the competitive
24 process the coastal State will use in allo-
25 cating funds received from the Fund, ex-

1 cept in the case of allocating funds under
2 paragraph (7), which shall include—

3 “(I) a description of the relative
4 roles of and consistency with the
5 State coastal zone management pro-
6 gram approved under the Coastal
7 Zone Management Act of 1972 (16
8 U.S.C. 1451 et seq.), if the coastal
9 State has such a plan, and any State
10 Sea Grant Program, if the State has
11 such program; and

12 “(II) a demonstration that such
13 competitive process is consistent with
14 the application and review procedures
15 established by the Administrator and
16 Foundation under subsection (a)(1).

17 “(iii) A process to certify that the
18 project or program and the awarding of a
19 contract for the expenditure of amounts re-
20 ceived under this paragraph are consistent
21 with the standard procurement rules and
22 regulations governing a comparable project
23 or program in that State, including all ap-
24 plicable competitive bidding and audit re-
25 quirements.

1 “(iv) Procedures to make publicly
2 available on the internet a list of all
3 projects supported by the Fund, that in-
4 cludes at a minimum the grant recipient,
5 grant amount, project description, and
6 project status.

7 “(B) UPDATES.—As a condition of receiv-
8 ing a grant under this subsection, a coastal
9 State shall submit to the Administrator, not
10 less frequently than once every 5 years, an up-
11 date to the plan submitted by the coastal State
12 under subparagraph (A) for the 5-year period
13 immediately following the most recent submittal
14 under this paragraph.

15 “(5) OPPORTUNITY FOR PUBLIC COMMENT.—In
16 determining whether to approve a plan or an update
17 to a plan described in subparagraph (A) or (B) of
18 paragraph (4), the Administrator or the Foundation
19 shall provide the opportunity for, and take into con-
20 sideration, public input and comment on the plan.

21 “(6) INDIAN TRIBES.—As a condition on receipt
22 of a grant under this subsection, a State that re-
23 ceives a grant under this subsection shall ensure
24 that Indian Tribes in the State are eligible to par-

1 participate in the competitive process described in the
2 State’s plan under paragraph (5)(A)(ii).

3 “(7) NONPARTICIPATION BY A STATE.—In any
4 year, if an eligible coastal State or geographic area
5 does not submit the plan required by paragraph (4)
6 or declines the funds distributed under this sub-
7 section, the funds that would have been allocated to
8 the State or area shall be reallocated to carry out
9 subsection 906(c) for the national grant program.”.

10 (3) NATIONAL GRANTS FOR OCEANS, COASTS,
11 AND GREAT LAKES.—Subsection (c)(2) of such sec-
12 tion is amended—

13 (A) in subparagraph (B)—

14 (i) in clause (ii), by striking “; and”
15 and inserting a semicolon;

16 (ii) by redesignating clause (iii) as
17 clause (iv); and

18 (iii) by inserting after clause (ii) the
19 following:

20 “(iii) nongovernmental organizations;
21 and”; and

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

23 “(C) CAP ON STATE FUNDING.—The
24 amount of a grant awarded under this sub-
25 section shall not count toward the cap on fund-

1 ing to States through grants awarded under
2 subsection (b).

3 “(D) INDIGENOUS COMMUNITIES.—Not
4 less than \$5,000,000 each year shall be award-
5 ed to Tribes and Indigenous Communities.”.

6 (e) ANNUAL REPORT.—Section 907 of the National
7 Oceans and Coastal Security Act (16 U.S.C. 7506) is
8 amended—

9 (1) by amending paragraph (3) of subsection
10 (b) to read as follows:

11 “(3) a description of the expenditures made
12 from the Fund for the fiscal year, including the pur-
13 pose of the expenditures; and”;

14 (2) by adding at the end the following:

15 “(4) an estimate of blue carbon benefits, in
16 tons of carbon dioxide, expected through grants
17 awarded to projects that received special consider-
18 ation under section 906 due to their blue carbon po-
19 tential.”.

20 (f) FUNDING.—Section 908 of such Act (16 U.S.C.
21 7507) is amended to read as follows:

22 **“SEC. 908. FUNDING.**

23 “There is authorized to be appropriated
24 \$200,000,000 to carry out this title for each of fiscal years
25 2022 through 2026.”.

1 **SEC. 904. SHOVEL-READY RESTORATION GRANTS FOR**
2 **COASTLINES AND FISHERIES.**

3 (a) **ESTABLISHMENT.**—The Administrator shall es-
4 tablish a grant program to provide funding and technical
5 assistance to eligible entities for purposes of carrying out
6 a project described in subsection (d).

7 (b) **PROJECT PROPOSAL.**—To be considered for a
8 grant under this section, an eligible entity shall submit
9 a grant proposal to the Administrator in a time, place,
10 and manner determined by the Administrator. Such pro-
11 posal shall include monitoring, data collection, and meas-
12 urable performance criteria with respect to the project.

13 (c) **DEVELOPMENT OF CRITERIA.**—The Adminis-
14 trator shall select eligible entities to receive grants under
15 this section based on criteria developed by the Adminis-
16 trator, in consultation with relevant offices of the National
17 Oceanic and Atmospheric Administration, such as the Of-
18 fice of Habitat Conservation and the Office for Coastal
19 Management.

20 (d) **ELIGIBLE PROJECTS.**—A proposal is eligible for
21 a grant under this section if—

22 (1) the purpose of the project is to restore a
23 marine, estuarine, coastal, or Great Lake habitat,
24 including—

25 (A) restoration of habitat to protect or re-
26 cover a species that is threatened, endangered,

1 or a species of concern under the Endangered
2 Species Act of 1973 (16 U.S.C. 1531 et seq.);

3 (B) through the removal or remediation of
4 marine debris, including derelict vessels and
5 abandoned, lost, and discarded fishing gear, in
6 coastal and marine habitats; or

7 (C) for the benefit of—

8 (i) shellfish;

9 (ii) fish, including diadromous fish;

10 (iii) coral reef systems;

11 (iv) marine wildlife; or

12 (v) blue carbon ecosystems such as
13 coastal wetlands, beaches, dunes, marshes,
14 coastal forests, oyster beds, kelp forests,
15 and submerged aquatic vegetation; or

16 (2) provides adaptation to climate change, in-
17 cluding sequestering and storing carbon or by con-
18 structing, restoring, or protecting ecological features
19 or nature-based infrastructure that protects coastal
20 communities from sea level rise, coastal storms, or
21 flooding.

22 (e) PRIORITY.—In determining which projects to
23 fund under this section, the Administrator shall give pri-
24 ority to a proposed project—

25 (1) that would stimulate the economy;

1 (2) for which the applicant can demonstrate
2 that the grant will fund work that will begin not
3 more than 90 days after the date of award;

4 (3) for which the applicant can demonstrate
5 that the grant will fund work that will employ fish-
6 ermen who have been negatively impacted by the
7 COVID–19 pandemic or pay a fisherman for the use
8 of a fishing vessel;

9 (4) for which the applicant can demonstrate
10 that any preliminary study or permit required before
11 the project can begin has been completed or can be
12 completed shortly after an award is made; or

13 (5) that includes communities that may not
14 have adequate resources including low income com-
15 munities, communities of color, Tribal communities,
16 Indigenous communities, and rural communities.

17 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Administrator
19 \$10,000,000,000 for fiscal year 2022 to carry out this sec-
20 tion, to remain available until expended.

21 (g) DEFINITIONS.—In this section, the following defi-
22 nitions apply:

23 (1) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means a nonprofit, a for-profit business, an in-

1 stitution of higher education, or a State, local, Trib-
2 al, or Territorial government.

3 (2) FISHERMEN.—The term “fishermen”
4 means commercial or for-hire fishermen or oyster
5 farmers.

6 **SEC. 905. STRATEGIC CLIMATE CHANGE RELOCATION INI-**
7 **TIATIVE AND PROGRAM.**

8 (a) ESTABLISHMENT OF INITIATIVE.—The Chairman
9 of the Council on Environmental Quality (in this section
10 referred to as the “Chair”) shall establish a Strategic Cli-
11 mate Change Relocation Initiative (in this section referred
12 to as the “Initiative”) for the purposes of coordinating
13 Federal agency activities to identify and assist commu-
14 nities that have expressed affirmative interest in relocation
15 due to health, safety, and environmental impacts from cli-
16 mate change, including hurricanes, flooding, sea level rise,
17 and repeat wildfires.

18 (b) DIRECTOR.—The Chair shall appoint a Strategic
19 Climate Relocation Director to manage the Initiative.

20 (c) CONSULTATION.—The Chair shall coordinate and
21 consult with Federal agencies conducting activities related
22 to this section including the National Oceanic and Atmos-
23 pheric Administration, the Department of the Interior, in-
24 cluding the Bureau of Indian Affairs, the Environmental
25 Protection Agency, the Federal Emergency Management

1 Agency, the Department of Housing and Urban Develop-
2 ment, the Denali Commission, the Corps of Engineers, the
3 Office of Management and Budget, the National Economic
4 Council, the National Security Council, the White House
5 Council on Native American Affairs Interagency Subgroup
6 on Tribal Resilience, and other Federal agencies as appro-
7 priate.

8 (d) EXTERNAL ADVISORY PANEL.—The Chair shall
9 establish an external advisory panel that may include com-
10 munity leaders, non-governmental organizations, State
11 and local government representatives, Tribal leaders, In-
12 digenous community representatives, climate adaptation
13 professionals, and other relevant experts as appropriate.

14 (e) REPORT TO CONGRESS.—Not later than two
15 years after the date of enactment of this Act, the Chair
16 shall submit a report to Congress recommending key ele-
17 ments of a Strategic Climate Change Relocation Program
18 to identify and assist communities that have expressed af-
19 firmative interest in relocation due to health, safety, and
20 environmental impacts from climate change. The report
21 shall—

22 (1) identify—

23 (A) areas where climate change impacts
24 make relocation a likely climate change adapta-
25 tion strategy;

1 (B) communities that have expressed af-
2 firmative interest in relocation (in this section
3 referred to as “sending communities”); and

4 (C) potential relocation areas and commu-
5 nities that have expressed interest in attracting
6 climate migrants (in this section referred to as
7 “receiving communities”);

8 (2) propose criteria to qualify for climate relo-
9 cation assistance, with preference given to disadvan-
10 taged communities where community members have
11 indicated a preference for retreat which would other-
12 wise be challenged to relocate;

13 (3) describe the roles and responsibilities of
14 specific Federal agencies in implementing the Stra-
15 tegic Climate Change Relocation Program and how
16 the Program should be coordinated with applicable
17 State and Federal agency plans and programs and
18 identify Federal programs that can be tailored to
19 incentivize self-identification of communities as re-
20 ceiving areas;

21 (4) outline the role that State, Tribal, Indige-
22 nous, and local governments should play in imple-
23 menting the Strategic Climate Change Relocation
24 Program, including identification of areas or com-
25 munities where people leaving areas vulnerable to

1 climate change can consider locating, and the spe-
2 cific resources needed to prepare those communities
3 to be receiving communities in terms of Federal in-
4 vestment in infrastructure, affordable housing, and
5 social services;

6 (5) summarize existing Federal and State pro-
7 grams for purchase of individual properties vulner-
8 able to the impacts of climate change and propose
9 how these programs might be restructured, im-
10 proved, or expanded to incentivize climate change re-
11 location;

12 (6) describe measures that governments or
13 other organizations can take to reduce the psycho-
14 logical stress associated with relocation to preserve
15 or support the historical and cultural identity of
16 communities being relocated and to restore and con-
17 serve areas that are relocated from as publicly acces-
18 sible natural assets, and how Federal programs will
19 support these efforts;

20 (7) identify and recommend measures to over-
21 come how institutional barriers, such as Federal pro-
22 grams that do not account for Tribal sovereignty,
23 constrain Tribal communities' ability to pursue self-
24 determined management of their resources and built
25 environment;

1 (8) identify measures that Congress, Federal
2 agencies, or State and local governments should take
3 to discourage or restrict new development and hard
4 structural measures in areas vulnerable to such sig-
5 nificant climate change impacts that they are likely
6 to require a solution that includes relocation, in par-
7 ticular, where the Federal Government could estab-
8 lish stricter funding requirements for post-disaster
9 funding that require updated building codes and
10 land use strategies reflecting climate risk;

11 (9) describe existing policies and clarify respon-
12 sibilities of governments in complying with obliga-
13 tions to protect private property, including providing
14 just compensation for any taking of private prop-
15 erty;

16 (10) propose an application process, available
17 online, for States, Tribes, and communities to ex-
18 press affirmative interest in climate relocation as-
19 sistance, either as a leaving community or receiving
20 community;

21 (11) provide guidance on and identify additional
22 funding for re-use planning and operations and
23 maintenance requirements for vacated land, and
24 identify the resources needed to prioritize public ac-
25 cess, recreational spaces, or conservation areas;

1 (12) review efficacy of existing flood mitigation
2 strategies on reducing flood risk to human popu-
3 lations, and identify opportunities to coordinate
4 blue-green infrastructure solutions with buyout pro-
5 grams that increase the resilience of remaining resi-
6 dents; and

7 (13) outline the amount and timing of Federal
8 funding that is expected to be needed to implement
9 the Climate Change Relocation Program.

10 (f) DEVELOPMENT OF REPORT TO CONGRESS.—In
11 developing the report required under subsection (e), the
12 Chair shall—

13 (1) provide for public review and comment of a
14 draft of the report;

15 (2) solicit feedback from organizations rep-
16 resenting State and local governments;

17 (3) engage in review by the external advisory
18 panel; and

19 (4) evaluate projects implemented under the
20 National Disaster Resilience Competition adminis-
21 tered by the Department of Housing and Urban De-
22 velopment.

23 (g) CLIMATE CHANGE STRATEGIC RELOCATION PRO-
24 GRAM PILOT PROJECTS.—Within 2 years after the date
25 of submission of the report under subsection (e), the Chair

1 shall establish and carry out pilot projects based upon the
2 recommendations included in such report.

3 (h) SUBSEQUENT PERIODIC REPORTS TO CON-
4 GRESS.—Within 3 years after the date of submission of
5 the report under subsection (e), and every 3 years there-
6 after, the Chair shall submit to Congress a report evalu-
7 ating progress in the implementation of the Climate
8 Change Relocation Program and making recommenda-
9 tions for needed changes to the Program.

10 **SEC. 906. NATIONAL CENTERS OF EXCELLENCE IN COAST-**
11 **AL RESILIENCE RESEARCH AND EDUCATION.**

12 (a) IN GENERAL.—The Administrator shall designate
13 institutions of higher education, defined by section 101(a)
14 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)),
15 as National Centers of Excellence in Coastal Resilience
16 Research and Education (in this section referred to as
17 “Centers of Excellence”).

18 (b) PURPOSES.—The purposes of such designations
19 are the following:

20 (1) To recognize institutions of higher edu-
21 cation that have exhibited national leadership in re-
22 search and education in coastal climate change ad-
23 aptation and mitigation.

24 (2) To identify such Centers of Excellence as
25 sources of expert advice and guidance for Federal

1 agencies engaged in research and education related
2 to coastal climate change resilience.

3 (3) To formalize and enhance existing collabo-
4 rations and partnerships between public institutions
5 of higher education and Federal agencies, with the
6 goal of ensuring information and recommendations
7 are communicated effectively between such entities.

8 (c) CRITERIA FOR DESIGNATION.—The Adminis-
9 trator shall designate an institution of higher education
10 as a Center of Excellence that—

11 (1) has demonstrated proven expertise in the
12 physical, engineering, social, and environmental
13 sciences, particularly research and education focused
14 on the impacts of sea-level rise, coastal flooding,
15 storms, or shoreline erosion;

16 (2) has demonstrated a commitment to under-
17 standing the socioeconomic impacts of climate
18 change;

19 (3) is located in a State that frequently experi-
20 ences coastal flooding or shoreline erosion in connec-
21 tion with sea-level rise, severe coastal storms, or re-
22 lated pollution of groundwater supplies;

23 (4) has previously partnered with, or is receiv-
24 ing funds from, Federal agencies for research on
25 coastal flooding or shoreline erosion issues;

1 (5) can demonstrate institutional collaboration
2 in research and education with other public institu-
3 tions of higher education, including minority-serving
4 institutions; and

5 (6) can demonstrate capabilities for convening
6 local, State, or Federal entities to develop plans for
7 coastal flooding, storm preparedness, shoreline ero-
8 sion, and other resilience-related decision making.

9 (d) **REVIEWS AND ADDITIONAL DESIGNS.**—

10 (1) **REVIEW OF REPORTS FROM NATIONAL CEN-**
11 **TERS OF EXCELLENCE.**—The Administrator shall re-
12 view reports from National Centers of Excellence to
13 ensure that recommendations and guidance of such
14 Centers regarding sea-level rise, coastal flooding,
15 shoreline erosion, and related issues are commu-
16 nicated to relevant Federal agencies.

17 (2) **REVIEW OF NATIONAL CENTERS OF EXCEL-**
18 **LENCE AND POTENTIAL DESIGNEES.**—The Adminis-
19 trator shall periodically review each Center of Excel-
20 lence and potential new designees as such Centers,
21 to—

22 (A) ensure that each Center of Excellence
23 continues to meet the criteria for designation
24 under this Act; and

1 (B) designate additional National Centers
2 of Excellence in accordance with this Act.

3 (3) REVOCATION.—If the Administrator deter-
4 mines under paragraph (1) that a Center of Excel-
5 lence does not meet the criteria for such designation,
6 the Administrator shall revoke such designation by
7 such process as the Administrator determines appro-
8 priate.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$3,000,000 for each of fiscal years 2022 through 2026.

12 **SEC. 907. INITIATE DESIGNATION PROCESS FOR SUCCESS-**
13 **FUL SANCTUARY NOMINATIONS AND TECH-**
14 **NICAL CORRECTIONS TO THE NATIONAL MA-**
15 **RINE SANCTUARIES ACT.**

16 (a) IN GENERAL.—Not later than four years after
17 the date of enactment of this Act, the Administrator shall
18 initiate the process to designate as a national marine sanc-
19 tuary under section 304 of the National Marine Sanc-
20 tuaries Act (16 U.S.C. 1433) each of the areas identified
21 in the Inventory of Successful Nominations of the Na-
22 tional Oceanic and Atmospheric Administration as of Oc-
23 tober 20, 2020.

24 (b) REMOVAL OF LIMITATIONS ON DESIGNATIONS
25 AND CHANGES TO EFFECTIVE DATE OF DESIGNA-

1 TIONS.—Section 304 of the National Marine Sanctuaries
2 Act (16 U.S.C. 1434) is amended—

3 (1) in paragraph (a)(6), by striking “the forty-
4 five day period of continuous session of Congress be-
5 ginning on the date of submission of the documents”
6 and inserting “60-day period”;

7 (2) in paragraph (b)(1), by striking “the forty-
8 five days of continuous session of Congress begin-
9 ning on the day on which such notice is published”
10 and inserting “60 days”;

11 (3) by striking paragraph (b)(3); and

12 (4) by striking subsection (f).

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriation \$4,000,000 in each fiscal
15 year to carry out this section for fiscal years 2022 through
16 2026.

17 **SEC. 908. GRANTS TO FURTHER RESILIENCE AND CLIMATE**
18 **RESEARCH WITH INDIGENOUS AND TRIBAL**
19 **COMMUNITIES.**

20 (a) ESTABLISHMENT.—The Administrator shall es-
21 tablish a new grant program in the National Marine Sanc-
22 tuary System to support climate research and resilience
23 with indigenous and local knowledge of marine and nat-
24 ural areas.

1 (b) GRANTS AUTHORIZED.—The Administrator may
2 award competitive grants to Indian Tribes and Indigenous
3 communities and States to—

4 (1) engage, support, and perpetuate ecosystem
5 and conservation practices such as Native Hawaiian
6 Ahupuaa management; and

7 (2) establish a long-term data monitoring and
8 methods throughout the Sanctuary System for
9 tracking and modeling the impacts of climate change
10 on the cultural, natural, and marine environment.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated \$5,000,000 in each fiscal
13 year to carry out this section for fiscal years 2022 through
14 2026.

15 **TITLE X—OCEAN HEALTH:**
16 **OCEAN ACIDIFICATION AND**
17 **HARMFUL ALGAL BLOOMS**

18 **Subtitle A—Coastal Communities**
19 **Ocean Acidification Act**

20 **SEC. 1001. COASTAL COMMUNITY VULNERABILITY ASSESS-**
21 **MENT.**

22 Section 12406 of the Federal Ocean Acidification Re-
23 search And Monitoring Act of 2009 (33 U.S.C. 3705) is
24 amended—

1 (1) in subsection (a), by inserting “(referred to
2 in this section as the ‘Program’)” after “acidifica-
3 tion program”;

4 (2) by redesignating subsection (b) as sub-
5 section (c); and

6 (3) by inserting after subsection (a) the fol-
7 lowing:

8 “(b) SUPPORT FOR STATE AND LOCAL VULNER-
9 ABILITY ASSESSMENTS AND STRATEGIC RESEARCH
10 PLANNING.—In carrying out the program established
11 under subsection (a), the Administrator shall collaborate
12 with State, local, indigenous, and tribal government enti-
13 ties that are conducting or have completed vulnerability
14 assessments, strategic research planning, or other similar
15 activities related to ocean acidification and its impacts on
16 coastal communities, for the purpose of—

17 “(1) determining whether such activities can be
18 used as a model for other communities; and

19 “(2) identifying opportunities for the National
20 Oceanic and Atmospheric Administration and other
21 relevant Federal agencies to support such activi-
22 ties.”.

1 **Subtitle B—Ocean Acidification Act**

2 **SEC. 1011. PRIZE COMPETITIONS.**

3 Section 12404 of the Federal Ocean Acidification Re-
4 search And Monitoring Act of 2009 (33 U.S.C. 3703) is
5 amended by adding at the end the following:

6 “(d) PRIZE COMPETITIONS.—

7 “(1) IN GENERAL.—Any Federal agency with a
8 representative serving on the interagency working
9 group established under this section may, either in-
10 dividualy or in cooperation with 1 or more agencies,
11 carry out a program to award prizes competitively
12 under section 24 of the Stevenson-Wydler Tech-
13 nology Innovation Act of 1980 (15 U.S.C. 3719). An
14 agency seeking to carry out such a program shall
15 carry out such program in coordination with the
16 chair of such interagency working group.

17 “(2) PURPOSES.—Any prize competition carried
18 out under this subsection shall be for the purpose of
19 stimulating innovation to advance our Nation’s abil-
20 ity to understand, research, or monitor ocean acidifi-
21 cation or its impacts, or to develop management or
22 adaptation options for responding to ocean acidifica-
23 tion.

24 “(3) PRIORITY PROGRAMS.—Priority shall be
25 given to establishing programs under this section

1 that address communities, environments, or indus-
2 tries that are in distress due to the impacts of ocean
3 acidification, including—

4 “(A) the development of monitoring or
5 management options for communities or indus-
6 tries that are experiencing significant financial
7 hardship;

8 “(B) the development of adaptation op-
9 tions to alleviate economic harm and job loss
10 caused by ocean acidification;

11 “(C) the development of measures to help
12 vulnerable communities or industries, with an
13 emphasis on rural communities and businesses;
14 and

15 “(D) the development of adaptation and
16 management options for impacted shellfish in-
17 dustries.”.

18 **Subtitle C—Harmful Algal Bloom**
19 **Essential Forecasting**

20 **SEC. 1021. CENTERS OF EXCELLENCE IN HARMFUL ALGAL**
21 **BLOOM RESEARCH, PREVENTION, RESPONSE,**
22 **AND MITIGATION.**

23 (a) ESTABLISHMENT.—Not later than one year after
24 the date of enactment of this Act, the Administrator, shall
25 designate organizations or consortia of organizations as

1 National Centers of Excellence in Harmful Algal Bloom
2 Research, Prevention, Response, and Mitigation.

3 (b) PURPOSE.—The purpose of the Centers is—

4 (1) to further understanding of harmful algal
5 blooms;

6 (2) to further understanding of the impacts of
7 harmful algal blooms on public health, including the
8 health of at-risk populations;

9 (3) to further the ability to research, forecast,
10 and monitor harmful algal blooms;

11 (4) to formalize and enhance existing partner-
12 ships and collaborations among institutions of higher
13 education, research entities, local, State, Territorial,
14 and Tribal agencies, Indigenous communities, re-
15 gional observing associations, and the Federal Gov-
16 ernment;

17 (5) to further the prevention, control, and miti-
18 gation of harmful algal blooms;

19 (6) to transition harmful algal bloom research
20 and forecasting from research to operational use;
21 and

22 (7) to address existing and emerging harmful
23 algal bloom issues as the Administrator considers
24 appropriate.

1 (c) ELIGIBILITY FOR DESIGNATIONS.—To be eligible
2 for designation under this section, an organization must—

3 (1) be an institution of higher education, as
4 that term is defined in section 101(a) of the Higher
5 Education Act of 1965 (20 U.S.C. 1001(a)), a
6 State, Territorial, or Tribal agency, a nonprofit lab-
7 oratory or other research entity, a regional informa-
8 tion coordination entity as defined in the Integrated
9 Coastal and Ocean Observation System Act of 2009
10 (Public Law 111–11), or a consortium of such eligi-
11 ble institutions;

12 (2) have demonstrated expertise and success in
13 harmful algal bloom research, monitoring, fore-
14 casting, prevention, or response efforts;

15 (3) have demonstrated ability to collaborate
16 with local, State, Territorial, and Tribal govern-
17 ments and Federal agencies on harmful algal
18 blooms; and

19 (4) be located in area region that is economi-
20 cally and environmentally impacted by harmful algal
21 blooms.

22 (d) REQUIREMENTS FOR DESIGNATIONS.—In desig-
23 nating National Centers of Excellence under this section,
24 the Administrator shall—

1 (1) consult with the Inter-Agency Task Force
2 on Harmful Algal Blooms and Hypoxia;

3 (2) ensure regional balance by designating Na-
4 tional Centers in a variety of locations throughout
5 the United States, including the District of Colum-
6 bia, the Commonwealth of Puerto Rico, American
7 Samoa, Guam, the Commonwealth of the Common-
8 wealth of the Northern Mariana Islands, the United
9 States Virgin Islands, and other Territories and pos-
10 sessions of the United States; and

11 (3) support novel innovative approaches of
12 other harmful algal bloom research.

13 (e) EFFECTIVE PERIOD, REVIEW, AND RENEWAL.—
14 Each designation of an organization as a National Center
15 of Excellence under this section—

16 (1) shall be effective for 5 years;

17 (2) shall be reviewed by the Administrator in
18 the fourth year of such effective period; and

19 (3) following such review, may be renewed for
20 an additional 5-year period.

21 (f) ANNUAL REPORTS.—The Administrator shall re-
22 quire and publish an annual activity report from each Na-
23 tional Center of Excellence.

24 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
25 out this section, including for providing funding to Na-

1 tional Centers of Excellence designated under this section,
2 there is authorized to be appropriated to the National Oce-
3 anic and Atmospheric Administration \$12,500,000 for
4 each of fiscal years 2022 through 2026, of which not more
5 than 5 percent may be available each fiscal year for ad-
6 ministrative expenses.

7 **TITLE XI—OCEAN DATA AND**
8 **COLLABORATIVE EFFORTS**
9 **Subtitle A—Regional Ocean**
10 **Partnerships**

11 **SEC. 1101. FINDINGS; SENSE OF CONGRESS; PURPOSES.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The ocean and coastal waters of the United
15 States are foundational to the economy, security,
16 global competitiveness, and well-being of the United
17 States and continuously serve the people of the
18 United States and other countries as an important
19 source of food, energy, economic productivity, recre-
20 ation, culture, beauty, and enjoyment.

21 (2) Over many years, the resource productivity
22 and water quality of the ocean and coastal areas of
23 the United States have been diminished by pollution,
24 increasing population demands, economic develop-

1 ment, and natural and man-made hazard events,
2 both acute and chronic.

3 (3) Ocean and coastal areas of the United
4 States are managed by State and Federal resource
5 agencies and regulated on an interstate and regional
6 scale by various overlapping Federal authorities,
7 thereby creating a significant need for interstate co-
8 ordination to enhance regional priorities, including
9 the ecological and economic health of those areas.

10 (4) Tribes and Indigenous communities have
11 unique expertise and knowledge important for the
12 stewardship of our ocean and coastal waters.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the United States should seek to support
16 interstate coordination of shared regional priorities
17 relating to the management, conservation, resilience,
18 and restoration of ocean and coastal areas to maxi-
19 mize efficiencies through collaborative regional ef-
20 forts by regional ocean partnerships, in consultation
21 with Federal and State agencies, Tribal govern-
22 ments, and local authorities;

23 (2) such efforts would enhance existing and ef-
24 fective State coastal management efforts based on
25 shared regional priorities; and

1 (3) regional ocean partnerships should either
2 directly include representation from Tribal govern-
3 ments or have dedicated consultation with such gov-
4 ernments.

5 (c) PURPOSES.—The purposes of this subtitle are as
6 follows:

7 (1) To complement and expand cooperative vol-
8 untary efforts intended to manage and restore ocean
9 and coastal areas spanning across multiple State
10 boundaries.

11 (2) To expand Federal support for monitoring,
12 data management, and restoration activities in ocean
13 and coastal areas.

14 (3) To commit the United States to a com-
15 prehensive cooperative program to achieve improved
16 water quality in, and improvements in the produc-
17 tivity of living resources of, all coastal ecosystems.

18 (4) To authorize regional ocean partnerships as
19 intergovernmental coordinators for shared interstate
20 and regional priorities relating to the collaborative
21 management of the large marine ecosystems, thereby
22 reducing duplication of efforts and maximizing op-
23 portunities to leverage support in the ocean and
24 coastal regions.

1 (5) To empower States and Tribes to take a
2 lead role in managing oceans and coasts.

3 (6) To incorporate Tribal interests in the man-
4 agement of our oceans and coasts and provide fund-
5 ing to support Tribal and Indigenous ocean and
6 coastal resiliency activities in coordination with re-
7 gional ocean partnerships.

8 (7) To enable regional ocean partnerships, or
9 designated fiscal management entities of such part-
10 nerships, to receive Federal funding to conduct the
11 scientific research, conservation and restoration ac-
12 tivities, and priority coordination on shared regional
13 priorities necessary to achieve the purposes described
14 in paragraphs (1) through (4).

15 **SEC. 1102. REGIONAL OCEAN PARTNERSHIPS.**

16 (a) DEFINITIONS.—In this section, the following defi-
17 nitions apply:

18 (1) COASTAL STATE.—The term “coastal
19 State” has the meaning given that term in section
20 304 of the Coastal Zone Management Act of 1972
21 (16 U.S.C. 1453).

22 (2) INDIAN TRIBE.—The term “Indian Tribe”
23 has the meaning given such term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 (b) REGIONAL OCEAN PARTNERSHIPS.—

2 (1) IN GENERAL.—A coastal State may partici-
3 pate in a regional ocean partnership with one or
4 more other coastal States that share a common
5 ocean or coastal area with the coastal State, without
6 regard to whether the coastal States are contiguous.

7 (2) APPLICATION.—The Governors of a group
8 of two or more coastal states may apply to the Ad-
9 ministrator on behalf of a partnership of such
10 States, for the partnership to receive designation as
11 a regional ocean partnership if the partnership—

12 (A) meets the requirements under para-
13 graph (3); and

14 (B) submits an application for such des-
15 ignation in such manner, in such form, and
16 containing such information as the Adminis-
17 trator may require.

18 (3) REQUIREMENTS.—A partnership is eligible
19 for designation as a regional ocean partnership by
20 the Administrator under paragraph (2) if the part-
21 nership—

22 (A) is established to coordinate the inter-
23 state management of coastal resources;

1 (B) focuses on the environmental issues af-
2 fecting the ocean and coastal areas of the mem-
3 bers participating in the partnership;

4 (C) complements existing State coastal and
5 ocean management efforts on an interstate
6 scale, focusing on shared regional priorities;

7 (D) does not have a regulatory function;
8 and

9 (E) is not duplicative of an existing re-
10 gional ocean partnership, as determined by the
11 Administrator.

12 (c) GOVERNING BODIES OF REGIONAL OCEAN PART-
13 NERSHIPS.—

14 (1) IN GENERAL.—A regional ocean partnership
15 designated under subsection (b) shall be governed by
16 a governing body.

17 (2) MEMBERSHIP.—A governing body described
18 in paragraph (1)—

19 (A) shall be comprised, at a minimum, of
20 voting members from each coastal State partici-
21 pating in the regional ocean partnership, des-
22 ignated by the Governor of the coastal State;
23 and

24 (B) may include such other members as
25 the partnership considers appropriate.

1 (d) FUNCTIONS.—A regional ocean partnership des-
2 ignated under subsection (b) may perform the following
3 functions:

4 (1) Promote coordination of the actions of the
5 agencies of coastal states participating in the part-
6 nership with the actions of the appropriate officials
7 of Federal agencies and State and Tribal govern-
8 ments in developing strategies—

9 (A) to conserve living resources, expand
10 and protect valuable habitats, enhance coastal
11 resilience, and address such other issues related
12 to the shared ocean or coastal area as are de-
13 termined to be a shared, regional priority by
14 those States; and

15 (B) to manage regional data portals and
16 develop associated data products for purposes
17 that support the priorities of the partnership.

18 (2) In cooperation with appropriate Federal and
19 State agencies, Tribal governments, and local au-
20 thorities, develop and implement specific action
21 plans to carry out coordination goals.

22 (3) Coordinate and implement priority plans
23 and projects, and facilitate science, research, mod-
24 eling, monitoring, data collection, management and
25 sharing, and other activities that support the goals

1 of the partnership through the provision of grants
2 and contracts under subsection (f).

3 (4) Engage, coordinate, and collaborate with
4 relevant governmental entities and stakeholders to
5 address ocean and coastal related matters that re-
6 quire interagency or intergovernmental solutions.

7 (5) Implement engagement programs for public
8 information, education, and participation to foster
9 stewardship of the resources of the ocean and coast-
10 al areas, as relevant.

11 (6) Develop and make available, through publi-
12 cations, technical assistance, and other appropriate
13 means, information pertaining to cross-jurisdictional
14 issues being addressed through the coordinated ac-
15 tivities of the partnership.

16 (7) Serve as a liaison with, and provide infor-
17 mation to, international and foreign counterparts, as
18 appropriate on priority issues for the partnership.

19 (e) CONSULTATION AND ENGAGEMENT.—A regional
20 ocean partnership designated under subsection (b) shall
21 maintain mechanisms for consultation with Federal and
22 Tribal governments as well as engagement with non-
23 governmental entities, including academic organizations,
24 nonprofit organizations, and businesses.

25 (f) GRANTS AND CONTRACTS.—

1 (1) IN GENERAL.—A regional ocean partnership
2 designated under subsection (b) may, in coordination
3 with existing Federal and State management pro-
4 grams, from amounts made available to the partner-
5 ship by the Administrator or the head of another
6 Federal agency—

7 (A) provide grants to eligible persons de-
8 scribed in paragraph (2) for the purposes de-
9 scribed in paragraph (3); and

10 (B) enter into contracts with such persons
11 for such purposes.

12 (2) ELIGIBLE PERSONS.—The eligible persons
13 described in this paragraph (1)(A) are the following:

14 (A) Indian Tribes.

15 (B) State and local governments.

16 (C) Nongovernmental organizations.

17 (D) Institutions of higher education.

18 (E) Individuals.

19 (F) Private entities.

20 (3) PURPOSES.—The purposes described in
21 paragraph (1)(A) include any of the following:

22 (A) Monitoring the water quality and living
23 resources of multi-State ocean and coastal eco-
24 systems and to coastal communities.

1 (B) Conducting research and development
2 with respect to human-induced environmental
3 changes to—

- 4 (i) ocean and coastal ecosystems; and
5 (ii) coastal communities.

6 (C) Developing and executing cooperative
7 strategies that—

- 8 (i) address regional data issues identi-
9 fied by the partnership; and
10 (ii) will result in more effective man-
11 agement of common ocean and coastal
12 areas.

13 (g) REPORTS AND ASSESSMENTS.—

14 (1) IN GENERAL.—Not later than five years
15 after the date of enactment of this Act, and every
16 5 years thereafter until 2040, the Administrator, in
17 coordination with the regional ocean partnerships
18 designated under subsection (b), shall—

19 (A) assess the effectiveness of the partner-
20 ships in supporting regional priorities relating
21 to the management of common ocean and coast-
22 al areas; and

23 (B) submit to Congress a report on that
24 assessment.

1 (2) REPORT REQUIREMENTS.—The report re-
2 quired under paragraph (1)(B) shall include the fol-
3 lowing:

4 (A) An assessment of the overall status of
5 the work of the regional ocean partnerships des-
6 ignated under subsection (b).

7 (B) An assessment of the effectiveness of
8 the strategies that the regional ocean partner-
9 ships are supporting or implementing and the
10 extent to which the priority needs of the regions
11 covered by such partnerships are being met
12 through such strategies.

13 (C) Such recommendations as the Admin-
14 istrator may have for the improvement of ef-
15 forts of the regional ocean partnerships to sup-
16 port the purposes of this Act.

17 (D) An assessment of how the efforts of
18 the regional ocean partnerships support or en-
19 hance Federal and State efforts in line with the
20 purposes of this Act.

21 (E) Recommendations for improvements to
22 the collective strategies that support the pur-
23 poses of this Act in coordination and consulta-
24 tion with all relevant Federal, State, and Tribal
25 entities.

1 (h) AVAILABILITY OF FEDERAL FUNDS.—In addition
2 to amounts made available to regional ocean partnerships
3 designated under subsection (b) by the Administrator
4 under this section, the head of any other Federal agency
5 may provide grants to, enter into contracts with, or other-
6 wise provide funding to such partnerships.

7 (i) AUTHORITIES.—Nothing in this section estab-
8 lishes any new legal or regulatory authority of the Na-
9 tional Oceanic and Atmospheric Administration or of the
10 regional ocean partnerships designated under subsection
11 (b), other than—

12 (1) the authority of the Administrator to pro-
13 vide amounts to the partnerships; and

14 (2) the authority of the partnerships to provide
15 grants and enter into contracts under subsection (e).

16 (j) FUNDING.—

17 (1) REGIONAL OCEAN PARTNERSHIPS.—There
18 are authorized to be appropriated to the National
19 Oceanic and Atmospheric Administration the fol-
20 lowing amounts for regional ocean partnerships des-
21 ignated under subsection (b) or designated fiscal
22 management entities of such partnerships to carry
23 out activities of the partnerships under this Act:

24 (A) \$10,100,000 for fiscal year 2022.

25 (B) \$10,202,000 for fiscal year 2023.

1 (C) \$10,306,040 for fiscal year 2024.

2 (D) \$10,412,160 for fiscal year 2025.

3 (E) \$10,520,404 for fiscal year 2026.

4 (2) DISTRIBUTION OF AMOUNTS.—Amounts
5 made available under paragraph (1) shall be divided
6 evenly among the regional ocean partnerships des-
7 ignated under subsection (b).

8 (3) TRIBAL CONSULTATION.—There are author-
9 ized to be appropriated \$1,000,000 for each fiscal
10 year 2021 through 2025 to the National Oceanic
11 and Atmospheric Administration for Indian Tribes
12 and Indigenous communities to be distributed for
13 purposes of participation in or engagement with the
14 regional ocean partnerships.

15 **Subtitle B—National Coastal**
16 **Resilience Data and Services**

17 **SEC. 1111. AUTHORIZATION OF NOAA ACTIVITIES.**

18 (a) PURPOSES.—The Administrator shall, in con-
19 sultation with other Federal agencies, develop within Na-
20 tional Oceanic and Atmospheric Administration a com-
21 prehensive suite of coastal flood, sea level rise, Great
22 Lakes water level, and vertical land motion data, products,
23 and services, and conduct the research and development
24 necessary to support those products and services that—

1 (1) augment existing capacities and combine ex-
2 isting observations, modeling, predictions, products
3 and services into a coordinated decision-support
4 framework;

5 (2) produce and maintain authoritative and
6 timely data, maps, and information services, includ-
7 ing improving existing and new information products
8 and services targeted to end-user needs, that allow
9 coastal communities across the United States to
10 plan for present and future coastal flood risk; and

11 (3) engage with, ensure accessibility by, and
12 provide technical assistance to, end users, with par-
13 ticular attention to historically underserved and at
14 risk communities and populations, and also includ-
15 ing other Federal agencies, regional ocean partner-
16 ships, states, local governments, Tribal governments,
17 and Indigenous communities on the appropriate ap-
18 plication of these data and tools and to better assess
19 information gaps, needs, and solutions relating to
20 the risk posed by coastal flooding, including sea level
21 rise.

22 (b) DATA ARCHIVING.—National Oceanic and Atmos-
23 pheric Administration shall make data and metadata gen-
24 erated under this Act fully and openly available, in accord-
25 ance with the Federal Evidence-Based Policy Making Act,

1 to maximize distribution, access, and effective utilization
2 of these important national assets. National Oceanic and
3 Atmospheric Administration shall serve as the archive au-
4 thority and stewardship partner for this data and conduct
5 activities to assure maximum return on investment for this
6 important national asset.

7 (c) USE OF EXISTING ADVISORY COMMITTEES.—The
8 Administrator may consult with and seek input from exist-
9 ing agency advisory committees to provide recommenda-
10 tions on systems, products, and services relating to coastal
11 flooding, including sea level rise.

12 (d) TECHNICAL ASSISTANCE TO OTHER FEDERAL
13 AGENCIES.—To assist in carrying out this Act and to fa-
14 cilitate collaboration, National Oceanic and Atmospheric
15 Administration may provide technical assistance to other
16 Federal agencies on a reimbursable or non-reimbursable
17 basis, including by entering into an agreement with an-
18 other Federal agency to detail, for a period of not more
19 than 3 years, an employee of National Oceanic and Atmos-
20 pheric Administration to such other Federal agency.

21 (e) INTERNATIONAL ENGAGEMENT.—The Adminis-
22 trator, in coordination with the Secretary of State, may
23 engage internationally to provide and receive technical as-
24 sistance, data sharing and capacity building on matters
25 pertaining to coastal flooding, sea level rise and inunda-

1 tion, including participating in and on relevant inter-
2 national bodies and organizations.

3 (f) REPORT.—The Administrator shall, within one
4 year after the date of enactment of this Act and every
5 3 years thereafter, provide the Committee on Natural Re-
6 sources of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate with a report on actions taken to implement this
9 Act and containing an evaluation of the need to expand
10 and improve agency observations, modeling, predictions,
11 products, and services to—

12 (1) improve the understanding of the processes
13 that drive coastal flood risk, including sea level rise,
14 storm events, changing Great Lakes water levels,
15 and land subsidence; and

16 (2) track and report how observed rates of sea
17 level rise compare to the sea level rise trends and
18 predictions published within the quadrennial Na-
19 tional Climate Assessments and related reports.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
21 out this Section, there are authorized to be appropriated
22 \$3,000,000 for each of fiscal years 2022–2026.

1 **SEC. 1112. INTERAGENCY COORDINATION.**

2 (a) IN GENERAL.—The Director of the Office of
3 Science and Technology Policy, in consultation with the
4 Administrator, shall—

5 (1) facilitate interagency cooperation and align-
6 ment of Federal Government activities conducted
7 with respect to coastal flooding, including sea level
8 rise, to improve the ability of the United States to
9 prepare for, avoid, mitigate, respond to, and recover
10 from potentially devastating impacts; and

11 (2) coordinate the activities of the interagency
12 committee established under subsection (b).

13 (b) COASTAL FLOODING AND SEA LEVEL RISE SUB-
14 COMMITTEE.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date of enactment of this Act, the President, act-
17 ing through the appropriate interagency committee
18 or task force, shall establish an interagency sub-
19 committee on coastal flooding and sea level rise
20 (subsequently referred to as the “subcommittee”).

21 (2) PURPOSES.—The Subcommittee shall—

22 (A) examine the latest science and tech-
23 nologies for measuring, predicting, and deliv-
24 ering information related to coastal flood risk,
25 including sea level rise;

1 (B) coordinate executive branch actions and
2 activities that improve measurements, pre-
3 dictions, and service delivery of information re-
4 lated to coastal flood risk, including sea level
5 rise;

6 (C) identify gaps in observations, data, in-
7 formation, and modeling and ensure agency ac-
8 tivities are complementary;

9 (D) consult and coordinate with other
10 interagency climate and ocean policy efforts and
11 bodies as appropriate;

12 (E) coordinate the delivery of science and
13 data and technical assistance from Federal
14 agencies, including to support and inform the
15 development and delivery of National Oceanic
16 and Atmospheric Administration products and
17 services; and

18 (F) define and prioritize needs from other
19 Federal agencies that could be addressed by en-
20 hancements to Federal data and services, in-
21 cluding National Oceanic and Atmospheric Ad-
22 ministration products and services.

23 (3) LEADERSHIP.—The Subcommittee shall be
24 co-chaired by the Director of the Office of Science
25 and Technology Policy and the Administrator.

1 (4) MEMBERSHIP.—The following entities shall
2 be members of the committee:

3 (A) The National Oceanic and Atmos-
4 pheric Administration.

5 (B) The National Aeronautics and Space
6 Administration.

7 (C) The Department of Interior through
8 the United States Geological Survey.

9 (D) The United States Army Corps of En-
10 gineers.

11 (E) The Department of Homeland Security
12 through the Federal Emergency Management
13 Administration.

14 (F) The Environmental Protection Agency.

15 (G) The Department of Defense.

16 (H) The Department of Energy.

17 (I) The National Science Foundation.

18 (J) Such other White House offices and
19 Federal agencies the Director of the Office of
20 Science and Technology Policy deems appro-
21 priate.

22 (5) AGREEMENTS.—

23 (A) IN GENERAL.—To carry out activities
24 under this Act, the heads of agencies rep-
25 resented on the committee may enter into coop-

1 erative agreements, or any other agreement
2 with each other, and transfer, receive, and ex-
3 pend funds made available by any Federal
4 agency, any State or subdivision thereof, or any
5 public or private organization or individual.

6 (B) NATIONAL AERONAUTICS AND SPACE
7 ADMINISTRATION AND NATIONAL OCEANIC AND
8 ATMOSPHERIC ADMINISTRATION.—The Admin-
9 istrator of the National Aeronautics and Space
10 Administration and the Administrator shall
11 enter into one or more interagency agreements
12 providing for cooperation and collaboration in
13 the development of sea level rise and coastal
14 flood related instruments, technologies, and
15 data sets, and products in accordance with this
16 Act.

17 (C) UNITED STATES GEOLOGICAL SURVEY
18 AND NATIONAL OCEANIC AND ATMOSPHERIC
19 ADMINISTRATION.—The Director of the United
20 States Geological Survey and the Administrator
21 of the National Oceanic and Atmospheric Ad-
22 ministration shall enter into one or more inter-
23 agency agreements providing for cooperation
24 and collaboration in the development, quality
25 control, processing, and delivery of coastal haz-

1 ards and sea level rise related data, modeling,
2 mapping, and services in accordance with this
3 Act.

4 (6) INTERNATIONAL, ACADEMIC COMMUNITY,
5 AND COMMERCIAL SECTOR COLLABORATION.—Each
6 Federal agency participating in the subcommittee es-
7 tablished under this subsection shall, to the extent
8 practicable, increase engagement and cooperation
9 with the international community, academic commu-
10 nity, and commercial sector on the observational in-
11 frastructure, data, scientific research, and service
12 delivery and technical assistance necessary to ad-
13 vance the monitoring, forecasting, and prediction of,
14 preparation for, and protection from coastal flood-
15 ing, sea level rise, changing Great Lakes water lev-
16 els, and land subsidence.

17 **Subtitle C—Centralized Website for**
18 **Resiliency Grants**

19 **SEC. 1121. CENTRALIZED WEBSITE FOR RESILIENCY**
20 **GRANTS.**

21 (a) CENTRALIZED WEBSITE.—Not later than six
22 months after the date of enactment of this subsection, the
23 Administrator shall establish and maintain and regularly
24 update a publicly available website that includes—

1 (1) hyperlinks to all programs administered by
2 the National Oceanic and Atmospheric Administra-
3 tion and hyperlinks to other Federal agencies that
4 offer similar grants to assist States and local com-
5 munities with resiliency, adaptation, and mitigation
6 of climate change and sea level rise; and

7 (2) with respect to each such grant, the contact
8 information for an individual who can offer assist-
9 ance to States and local government.

10 (b) OUTREACH.—The Administrator shall conduct
11 outreach activities to inform State, Tribal, and local gov-
12 ernments and Indigenous communities of the resiliency,
13 adaptation, and mitigation grants.

14 **Subtitle D—Automatic** 15 **Identification Systems**

16 **SEC. 1131. AUTOMATIC IDENTIFICATION SYSTEMS.**

17 Section 70114(a) of title 46, United States Code, is
18 amended to read as follows:

19 “(1) Subject to paragraph (2), the following
20 vessels, while operating on the navigable waters of
21 the United States, in the United States exclusive
22 economic zone, and on the high seas, shall be
23 equipped with and operate an automatic identifica-
24 tion system under regulations prescribed by the Ad-
25 ministrator:

1 “(A) A self-propelled commercial vessel of
2 at least 49 feet overall in length.

3 “(B) A vessel carrying more than a num-
4 ber of passengers for hire determined by the
5 Administrator.

6 “(C) A towing vessel of more than 26 feet
7 overall in length and 600 horsepower.

8 “(D) Any other vessel for which the Ad-
9 ministrators decides that an automatic identi-
10 fication system is necessary for the safe naviga-
11 tion of the vessel.”.

12 **TITLE XII—MEASURES TO AD-**
13 **DRESS GREENHOUSE GAS**
14 **POLLUTION FROM SHIPPING**
15 **VESSELS**

16 **SEC. 1201. GREENHOUSE GAS EMISSIONS FROM SHIPPING.**

17 (a) APPLICATION.—The monitoring, reporting, and
18 verification requirements of this section shall apply to all
19 vessels of 5,000 gross tons or more calling at, leaving, or
20 transiting between, or at berth at, ports in the United
21 States, regardless of flag.

22 (b) VESSEL REPORTING.—A vessel shall measure and
23 monitor on a per-voyage basis, and report to the Adminis-
24 trator and to the vessel’s flag-State on an annual basis,
25 the following metrics:

1 (1) Total greenhouse gas emissions and particu-
2 late pollution emitted by the vessel inside the United
3 States exclusive economic zone.

4 (2) Average greenhouse gas emissions and par-
5 ticulate pollution emitted per transport work and per
6 nautical mile.

7 (c) ACCEPTABLE METHODS FOR MEASURING, MONI-
8 TORING, AND REPORTING.—

9 (1) IN GENERAL.—The Administrator shall de-
10 velop a list of acceptable methods for measuring,
11 monitoring, and reporting metrics listed in sub-
12 section (b).

13 (2) CONSISTENCY.—The Administrator, to the
14 maximum extent practicable, shall ensure consist-
15 ency of such methods with similar reporting schemes
16 developed by the European Union and the Inter-
17 national Maritime Organization to reduce any dupli-
18 cative burden on shippers.

19 (3) METHODS.—Acceptable methods included in
20 the list could include the following:

21 (A) Bunker Delivery Note (BDN) and
22 periodic stocktakes of fuel tanks.

23 (B) Bunker fuel tank monitoring on board.

24 (C) Flowmeters for applicable combustion
25 processes.

1 (D) Direct CO₂ emissions measurements.

2 (d) ANNUAL REPORT BY THE ADMINISTRATOR.—The
3 Administrator, in consultation with the Administrator of
4 the Environmental Protection Agency and Commandant
5 of the Coast Guard, shall publish an annual report on
6 emissions from vessels covered under this section, includ-
7 ing the underlying data, accompanied by an explanation
8 intended to facilitate public understanding of the vessel
9 shipping sector's CO₂ emissions and energy efficiency.

10 (e) REGULATIONS.—Before promulgation of regula-
11 tions under this section, reports issued under this section
12 shall be reviewed to ensure that regulatory changes will
13 not create the risk of increased CO₂ emissions.

14 **SEC. 1202. QUIET SEAS AND CLEAR SKIES VESSEL SPEED**
15 **REDUCTION AWARD PROGRAM.**

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

17 (1) 49 marine mammal species are considered
18 depleted under the Marine Mammal Protection Act
19 of 1972, and of those species, 42 are listed as
20 threatened or endangered under the Endangered
21 Species Act of 1973.

22 (2) Climate change is altering marine mammal
23 migration routes and timing.

24 (3) Hundreds of threatened and endangered
25 marine mammals, including North Atlantic right

1 whales and blue whales, die from vessel strikes each
2 year.

3 (4) Background ambient noise levels have in-
4 creased significantly since the 1950s and can be at-
5 tributed to vessel noise, impeding foraging, breeding,
6 communication, and other behaviors of marine ani-
7 mals, including of threatened species and endan-
8 gered species.

9 (5) Slower ship speeds reduce the lethality of
10 vessel strikes on marine life, moderate underwater
11 noise, and provide climate benefits through reduced
12 fuel consumption and lower particulate emissions.

13 (6) In 2019, the Vessel Speed Reduction Pro-
14 gram in the Santa Barbara Channel region and the
15 San Francisco Bay region saved over 17,000 metric
16 tons of greenhouse gas emissions, with 349 vessels
17 from 15 different companies slowing their speeds for
18 over 99,000 nautical miles.

19 (b) ESTABLISHMENT.—Not later than 12 months
20 after the date of enactment of this Act, the Administrator,
21 in consultation with the Administrator of the EPA and
22 Commandant of the United States Coast Guard, shall es-
23 tablish the Quiet Seas and Clear Skies Program (in this
24 section referred to as the “Program”) to—

1 (1) reduce air pollution, harmful underwater
2 vessel noise, and the risk of fatal marine mammal
3 ship strikes by encouraging voluntary reduction in
4 the speed of eligible vessels operating within the ex-
5 clusive economic zone of the United States; and

6 (2) annually award Quiet Seas and Clear Skies
7 Excellence Awards under subsection (d) for verified
8 successful participation in, and cooperation with, the
9 Program by shipping companies.

10 (c) PROGRAM REQUIREMENTS.—The Administrator
11 shall develop and publish in the Federal Register require-
12 ments for voluntary participation in the Program by eligi-
13 ble shipping companies, including the following:

14 (1) PROGRAM AREA.—Geographic areas covered
15 by the Program shall include all waters of the
16 United States exclusive economic zone.

17 (2) FLEET REQUIREMENT.—At least 75 percent
18 of eligible vessels operated by a shipping company
19 shall participate and be in compliance with para-
20 graph (3) in order to be eligible for an Award under
21 subsection (d).

22 (3) SPEED LIMITS.—The Administrator shall,
23 based upon the best available scientific information
24 and consultation with the Commandant of the Coast
25 Guard, and input from shipping companies and ex-

1 perts in air quality and marine mammal conserva-
2 tion, prescribe maximum speeds for eligible vessels
3 participating in the Program, except when directed
4 by the Coast Guard to proceed in excess of the speed
5 requirements of the Program for safety purposes,
6 that would—

7 (A) obtain a significant reduction in green-
8 house gas and particulate pollution, including
9 black carbon emissions from eligible vessels;

10 (B) protect marine life; and

11 (C) reduce noise generated by eligible ves-
12 sels.

13 (4) CERTIFICATION.—The Administrator shall
14 establish protocols for shipping companies to certify
15 compliance with the Program requirement to be eli-
16 gible for an Award under subsection (d).

17 (d) ANNUAL AWARDS.—Under the Program, the Di-
18 rector of National Marine Sanctuaries shall annually
19 award Quiet Seas and Clear Skies Excellence Awards to
20 shipping companies operating fleets that have participated
21 in, and complied with the requirements of, the Program
22 during the preceding year.

23 (e) OFFICIAL SEAL.—The Administrator shall create
24 an official seal to be recognized as the symbol of excellence
25 in compliance with the Program, that—

1 (1) may be used by shipping companies with eli-
2 gible vessels for which a Quiet Seas and Clear Skies
3 Excellence Award is awarded under this section;

4 (2) includes the name of the shipping company;
5 and

6 (3) includes the year for which such Award was
7 made.

8 (f) LIMITATIONS.—Nothing in this section shall be
9 construed to—

10 (1) require participation in the Program; or

11 (2) authorize any action that affects naviga-
12 tional rights and freedoms under international law
13 or navigational safety.

14 (g) DEFINITION OF ELIGIBLE VESSEL.—In this sec-
15 tion, the term “eligible vessel” means a vessel greater than
16 or equal to 65 feet in overall length.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Administrator to
19 carry out this section \$4,000,000 for each of fiscal years
20 2022 through 2026.

1 **TITLE XIII—VIRGIN PLASTIC**
2 **EXCISE TAX**

3 **SEC. 1301. VIRGIN PLASTIC EXCISE TAX.**

4 (a) IN GENERAL.—Subchapter E of chapter 32 of
5 subtitle D of the Internal Revenue Code of 1986 is amend-
6 ed to read as follows:

7 **“Subtitle E—Virgin Plastic Excise**
8 **Tax**

9 **“SEC. 4191. IMPOSITION OF TAX.**

10 “(a) IN GENERAL.—There is hereby imposed a virgin
11 plastic excise tax on the manufacturer, producer, or im-
12 porter of a covered item.

13 “(b) AMOUNT OF TAX.—

14 “(1) IN GENERAL.—The virgin plastic excise
15 tax imposed by subsection (a) is \$0.05 per pound of
16 virgin plastic.

17 “(2) INFLATION ADJUSTMENT.—

18 “(A) IN GENERAL.—In the case of any
19 taxable year beginning after 2021, the dollar
20 amounts in paragraph (1) shall be increased by
21 an amount equal to—

22 “(i) such dollar amount, multiplied by

23 “(ii) the cost-of-living adjustment de-
24 termined under section 1(f)(3) for the cal-
25 endar year in which the taxable year be-

1 gins, determined by substituting in sub-
2 paragraph (A)(ii) ‘calendar year 2021’ for
3 ‘calendar year 2016’.

4 “(B) ROUNDING.—If any increase deter-
5 mined under subparagraph (A) is not a multiple
6 of $\frac{1}{10}$ of a cent, such increase shall be
7 rounded to the nearest multiple of $\frac{1}{10}$ of a
8 cent.

9 “(c) REGULATIONS.—The Secretary shall issue such
10 regulations or other guidance, including regulations or
11 guidance for the determination of the amount of virgin
12 plastic in a covered item, as may be necessary or appro-
13 priate to carry out the purposes of this section.

14 “(d) DEFINITIONS.—For purposes of this section:

15 “(1) COVERED ITEM.—The term ‘covered item’
16 means a single-use plastic product made in part or
17 whole of virgin plastic, except—

18 “(A) a medical product that the Secretary
19 of Health and Human Services determines
20 needs to be made of virgin plastic for public
21 health or the health of the user,

22 “(B) a container for—

23 “(i) a drug regulated under the Fed-
24 eral Food, Drug, and Cosmetic Act,

25 “(ii) infant formula, or

- 1 “(iii) a meal replacement liquid,
- 2 “(C) a personal or feminine hygiene prod-
- 3 uct that could be unsafe or unsanitary to recy-
- 4 cle,
- 5 “(D) a sexual health product, and
- 6 “(E) packaging for—
- 7 “(i) a product described in subpara-
- 8 graphs (A) through (E), or
- 9 “(ii) used for the shipment of haz-
- 10 ardous materials that is prohibited from
- 11 being composed of used materials under
- 12 section 178.509 or 178.522 of title 49,
- 13 Code of Federal Regulations (as in effect
- 14 on the date of enactment of this subtitle).
- 15 “(2) PACKAGING.—The term ‘packaging’ means
- 16 a package, container, packing materials, or other
- 17 material used for the containment, protection, han-
- 18 dling, delivery and presentation of goods.
- 19 “(3) VIRGIN PLASTIC.—The term ‘virgin plas-
- 20 tic’ means a primary polymer or resin—
- 21 “(A) of any form of ethylene, propylene,
- 22 polyethylene, polypropylene, polyvinyl chloride,
- 23 or a raw plastic polymer, and

1 “(B) generated through processing byprod-
2 ucts associated with petroleum, natural gas,
3 coal, or vegetation based resources.

4 “(4) SINGLE-USE PRODUCT.—The term ‘single-
5 use product’ means a consumer product that is rou-
6 tinely disposed of, recycled, or otherwise discarded
7 after a single use.”.

8 (b) INTERNATIONAL NEGOTIATIONS.— Congress
9 finds the international mitigation of virgin, single-use
10 plastics to be of national importance. Therefore, Congress
11 encourages the United States Trade Representative and
12 the Secretary of State, as appropriate, to engage in nego-
13 tiations with other nations with the goal of forming trea-
14 ties, environmental agreements, accords, partnerships or
15 any other instrument that—

16 (1) effectively reduces global single-use plastic
17 production from virgin polymers to 10 percent of
18 2010 levels by 2050, and

19 (2) respects the principle of common but dif-
20 ferentiated responsibilities and respective capabili-
21 ties.

22 (c) EFFECTIVE DATE.—The amendments by this sec-
23 tion shall apply to covered items, as such term is defined
24 in section 4191 of such Code, manufactured, produced, or
25 imported after the earlier of—

1 (1) 1 year after the Secretary issues regulations
2 implementing section 4191 of such Code, or

3 (2) 2 years after date of enactment of this Act.

4 (d) CONFORMING AMENDMENT.—The table of sub-
5 chapters for chapter 32 of such Code is amended by
6 amending the item relating to subchapter E to read as
7 follows:

“E. Virgin plastic excise tax”.

8 **SEC. 1302. ESTABLISHMENT OF THE VIRGIN PLASTIC**
9 **TRUST FUND.**

10 (a) IN GENERAL.—Subchapter A of chapter 98 of the
11 Internal Revenue Code of 1986 is amended by adding at
12 the end the following:

13 **“SEC. 9512. VIRGIN PLASTIC TRUST FUND.**

14 “(a) ESTABLISHMENT AND FUNDING.—There is
15 hereby established in the Treasury of the United States
16 a trust fund to be known as the ‘Virgin Plastic Trust
17 Fund’, consisting of such amounts as may be appropriated
18 to such trust fund.

19 “(b) TRANSFER TO VIRGIN PLASTIC TRUST FUND
20 OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There
21 are hereby appropriated to the Virgin Plastic Trust Fund
22 amounts equivalent to the taxes received in the Treasury
23 under section 4191 (relating to virgin plastic excise tax).

24 “(c) EXPENDITURES FROM VIRGIN PLASTIC TRUST
25 FUND.—The following Amounts in the Virgin Plastic

1 Trust Fund are authorized to be appropriated each fiscal
2 beginning after the date of enactment of the Ocean-Based
3 Climate Solutions Act of 2021.

4 “(1) To U.S. Customs and Border Protection,
5 such amounts as may be necessary to administer the
6 taxation of importers under section 4191(a).

7 “(2) So much as remains in the fund in each
8 fiscal year, after appropriations are made under
9 paragraph (1), for the purposes of carrying out the
10 Ocean-Based Climate Solutions Act of 2021.”.

11 (b) CONFORMING AMENDMENT.—The table of sec-
12 tions for subchapter A of chapter 98 of such Code is
13 amended by adding at the end the following:

“9512. Virgin Plastic Trust Fund.”.

14 **TITLE XIV—STUDIES AND** 15 **REPORTS**

16 **SEC. 1401. DEEP SEA MINING.**

17 Not later than 90 days after the date of enactment
18 of this Act, the Administrator shall seek to enter into an
19 agreement with the National Academies to conduct a com-
20 prehensive assessment of the environmental impacts of
21 deep seabed mining, including—

22 (1) characterization of deep seabed ecosystems;

23 (2) assessment of potential impacts to deep sea-
24 bed habitat and species from exploratory or extrac-
25 tive activities;

1 (3) assessment of the potential impacts of sedi-
2 ment plumes from disturbance of the deep seabed on
3 the pelagic food chain; and

4 (4) approximate quantification of the green-
5 house gas emissions associated with deep seabed
6 mining, including emissions possibly from the release
7 of greenhouse gases sequestered in the seabed.

8 **SEC. 1402. NATIONAL ACADEMIES ASSESSMENT OF OCE-**
9 **ANIC BLUE CARBON.**

10 Not later than 90 days after the date of enactment
11 of this Act, the Administrator shall seek to enter into an
12 agreement with the National Academies to conduct a com-
13 prehensive assessment of oceanic blue carbon, including—

14 (1) the impacts of marine species decline on
15 carbon sequestration potential in ocean ecosystems,
16 an estimate of the global carbon dioxide mitigation
17 potential of protecting or recovering populations of
18 fish and marine mammals, and the ecological consid-
19 erations of such conservation strategies;

20 (2) an analysis of the geologic stores of carbon
21 and deep sea storage of dissolved carbon in the deep
22 seafloor environment, including current and poten-
23 tial natural long-term carbon storage, identification
24 of gaps in scientific understanding, observations,

1 and data regarding such geologic and deep sea car-
2 bon storage; and

3 (3) the potential impacts to oceanic blue carbon
4 storage by human activities including energy devel-
5 opment activities, deep sea mining, deep sea carbon
6 capture technology, and other disturbances to the
7 sea floor and gas hydrate disruption atop the sea-
8 bed.

9 **SEC. 1403. OCEAN, COASTAL, AND, GREAT LAKES CLIMATE**
10 **IMPACTS AND ACTION REPORT.**

11 (a) REPORT.—Not later than one year after the date
12 of enactment of this Act, and every 2 years thereafter,
13 the National Oceanic and Atmospheric Administration, in
14 coordination with all other relevant agencies, shall submit
15 to Congress a report on the impacts of climate change on
16 ocean, coastal, and Great Lakes ecosystems and the steps
17 the United States is taking to minimize such impacts.
18 Such report shall include consolidated data from all line
19 offices in the National Oceanic and Atmospheric Adminis-
20 tration, and from other relevant Federal agencies and
21 sources.

22 (b) IMPACTS.—The report required by subsection (a)
23 shall include baseline information as well as trends, in a
24 format that can be compared from year to year, on the

- 1 impacts of climate change on ocean, coastal, and Great
2 Lakes ecosystems of the United States including—
- 3 (1) changes and the rate of change of carbonate
4 chemistry and other related chemical changes in
5 acidity;
 - 6 (2) average sea surface temperatures;
 - 7 (3) average sea floor temperatures;
 - 8 (4) average sea level rise;
 - 9 (5) number, size, extent, and duration of ma-
10 rine heat waves occurring;
 - 11 (6) number, duration, size, location, and the at-
12 tributable cause of harmful algal blooms;
 - 13 (7) number, duration, size, and location of
14 hypoxic zones;
 - 15 (8) number, location, geographical extent, and
16 severity of coral bleaching events with attention to
17 the proximity of coral bleaching to dredging activity;
 - 18 (9) estimates of coral and sponge cover loss;
 - 19 (10) number, location, and severity of hurri-
20 canes impacting the United States;
 - 21 (11) number, location, severity, and duration of
22 coastal flooding events;
 - 23 (12) changes in coastal land cover and other
24 ecosystem changes as a result of climate related

1 stressors such as inundation, erosion, storms, flood-
2 ing, drought, and sea level rise; and

3 (13) changes in marine and Great Lakes spe-
4 cies abundance and distribution.

5 **SEC. 1404. REPORT ON THE ECOLOGICAL AND ECONOMIC**
6 **EFFECTS OF HIGH SEAS FISHING IN THE**
7 **OCEAN AREAS BEYOND NATIONAL JURISDIC-**
8 **TION.**

9 (a) IN GENERAL.—Not later than one year after the
10 date of enactment of this Act, the Administrator, in co-
11 ordination with the Secretary of State, shall seek to enter
12 into an agreement with the National Academies under
13 which the National Academies shall—

14 (1) study the challenges and opportunities asso-
15 ciated with implementing a global moratorium on
16 high seas commercial fishing;

17 (2) evaluate the ecological, social, and economic
18 effects of a global moratorium on high seas commer-
19 cial fishing, including establishment of ecological
20 baselines required to also estimate changes in bio-
21 diversity;

22 (3) estimate the scope and volume of illegal, un-
23 regulated, and unreported fishing occurring on the
24 high seas fishing;

1 (4) evaluate the percentage of United States
2 seafood imports originating from high Seas fishing,
3 from both legally reported and illegal, unregulated,
4 and unreported fishing; and

5 (5) evaluate the greenhouse gas emissions asso-
6 ciated with high seas fishing and high seas fishing
7 fleets.

8 (b) ELEMENTS.—The study and evaluation con-
9 ducted pursuant to the agreement entered into under sub-
10 section (a) shall address—

11 (1) the feasibility of implementing a global mor-
12 atorium on high seas commercial fishing, includ-
13 ing—

14 (A) legal authorities that exist under the
15 United Nations Convention on the Law of the
16 Sea and other implementation instruments to
17 implement a moratorium on high seas commer-
18 cial fishing;

19 (B) the nations and vessels likely to refuse
20 or otherwise fail to comply with such a morato-
21 rium, including estimates of catch levels by
22 those nations and vessels relative to overall
23 international catch; and

1 (C) available enforcement mechanisms and
2 surveillance technology that could be used to
3 enforce such a moratorium; and

4 (2) the range of effects that would be expected
5 to result from a moratorium on high seas commer-
6 cial fishing, including—

7 (A) identification of fish stocks that would
8 be affected, changes in exploitation of those
9 stocks, and net effect on the biomass of those
10 stocks;

11 (B) ecosystem effects on non-target spe-
12 cies, including marketable and non-marketable
13 bycatch, forage species, corals, other inverte-
14 brates, marine mammals, seabirds, and sea tur-
15 tles;

16 (C) changes in global carbon emissions
17 from reduced fishing vessel transits and from
18 increased fish carbon capture and improved
19 high seas ecosystem functioning;

20 (D) amounts of subsidies that support high
21 seas commercial fishing by the top 12 nations
22 that currently conduct high seas fishing by vol-
23 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
16 Academies to submit to the Secretary of Commerce,
17 not later than two years after entering into the
18 agreement, a report that describes the results of the
19 study and evaluation conducted pursuant to the
20 agreement.

21 (2) PUBLIC AVAILABILITY.—The Administrator
22 shall publish the report received under paragraph
23 (1) on a public website.

1 **SEC. 1405. NATIONAL ACADEMIES ASSESSMENT OF PUBLIC**
2 **ACCESS TO THE COASTS.**

3 Not later than 90 days after the date of 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
15 communities, Indigenous communities, and rural
16 communities for access to the coasts;

17 (3) the likely impact of sea level rise and ex-
18 treme weather on public access points to and access
19 along the coasts; and

20 (4) Federal mechanisms for preventing the loss
21 of access, for mitigating such loss when it occurs,
22 and for increasing the quantity, quality, and afford-
23 ability of public access to the coasts for both rec-
24 reational and commercial activities.

1 **SEC. 1406. 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 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 acidifi-
13 cation and the combined effect of acidification and
14 other 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
22 under subsection (a) shall include—

23 (1) the behavior of the carbonate system within
24 estuaries environments;

1 (2) the interactions of the carbonate system
2 with other biotic and biotic characteristics of coastal
3 ecosystems;

4 (3) how environmental and anthropogenic
5 changes or disturbances, such as nutrient runoff and
6 water pollution, could affect biotic and biotic proc-
7 esses within coastal ecosystems;

8 (4) how coastal biotic and biotic processes will
9 be affected under predicted environmental changes;

10 (5) the current state of data collection, inter-
11 pretation, storage, and retrieval and observational
12 infrastructure of biotic and biotic parameters in
13 coastal ecosystems;

14 (6) the gaps that exist in understanding the
15 socio-economic 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
23 to Congress a report detailing the findings of the study.

1 **SEC. 1407. STUDY EXAMINING THE CAUSES AND IMPACTS**
2 **OF BLACK CARBON.**

3 (a) IN GENERAL.—Not later than 180 days after
4 the date of enactment of this Act, the Administrator and
5 the Administrator of Interior shall make appropriate ar-
6 rangements with the National Academies under which the
7 National 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 In-
11 digenous communities; and

12 (3) examines the impacts of black carbon on
13 marine and terrestrial Arctic wildlife.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Administrator
16 \$1,000,000 for fiscal year 2022 to carry out this section.

17 **SEC. 1408. MARINE PROTECTED AREAS INVENTORY.**

18 (a) IN GENERAL.—The Administrator, in consulta-
19 tion with the Secretaries of State and Interior, shall up-
20 date the National Marine Protection Areas Centers Ma-
21 rine Protected Area Inventory to include—

22 (1) an inventory of areas already protected
23 withing the exclusive economic zone of the United
24 States;

25 (2) an inventory of areas already protected in
26 areas of the ocean beyond the jurisdiction of the

1 United States, and a description of any activities
2 that are currently allowed in each of the areas;

3 (3) an inventory of areas that other countries
4 or international governing bodies are considering
5 making a marine protected area;

6 (4) areas under United States jurisdiction that
7 are subject to both a prohibition on all bottom-tend-
8 ing fishing gear and a prohibition on all fishing gear
9 with bycatch rates that adversely affect marine wild-
10 life populations, and identify additional prohibitions
11 on non-fishing commercial activities in those areas;
12 and

13 (5) an inventory of the lease areas for offshore
14 wind as established by the Bureau of Ocean and En-
15 ergy Management.

16 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
17 authorized to be appropriated to the Administrator
18 \$2,000,000 to carry out this section.

19 **SEC. 1409. MARINE BIODIVERSITY CENSUS.**

20 (a) **IN GENERAL.**—Not later than 90 days after the
21 enactment of this Act, the Administrator, in coordination
22 with relevant Federal, State, and Tribal agencies, shall de-
23 velop a strategy for the United States to initiative a living
24 marine census.

1 (b) REQUIREMENTS.—The requirements of this sub-
2 section are that the strategy shall—

3 (1) identify what is needed to develop a coordi-
4 nated, sustained marine biodiversity observation and
5 research program to identify and monitor the diver-
6 sity, abundance, and distribution of marine species;
7 how it is changing; and how it impacts ecosystem
8 function and services;

9 (2) identify existing infrastructure and pro-
10 grams, such as the Marine Biodiversity Observation
11 Network, and how they can be utilized and expanded
12 as part of a living marine census, that includes a co-
13 ordinated data infrastructure;

14 (3) include an organizational structure that fa-
15 cilitates multi-sector coordination and oversight; and

16 (4) address how this effort will help inform the
17 marine biodiversity gap analysis as described in sec-
18 tion 1410.

19 (c) PUBLICATION AND PUBLIC COMMENT.—Not later
20 than 60 days after the strategy is published to a public
21 website, the strategy shall be published in the Federal
22 Register to provide an opportunity for submission of pub-
23 lic comments for a period of not less than 60 days.

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

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

3 **SEC. 1410. MARINE BIODIVERSITY GAP ANALYSIS.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of enactment of this Act, the Administrator of Com-
6 merce and the Administrator of the Interior, in coordina-
7 tion with relevant Federal and State agencies, shall begin
8 a marine biodiversity gap analysis meeting the require-
9 ments described in subsection (b) to be completed not later
10 than 18 months after such date. Such Secretaries, in co-
11 ordination with relevant Federal and State agencies, shall
12 update such analysis not less frequently than every 2 years
13 thereafter.

14 (b) REQUIREMENTS.—The requirements of this sub-
15 section are that the Marine Biodiversity Gap Analysis
16 shall—

17 (1) assess habitats, species, and ecosystems
18 across the United States ocean waters and coasts;

19 and

20 (2) determine what types of habitats, species,
21 and ecosystems and the percentage of each type of
22 habitat, species, and ecosystem are necessary to pro-
23 tect in order to—

24 (A) protect biodiversity; and

1 (B) mitigate and provide resilience to the
2 impacts of climate change.

3 (c) PUBLICATION.—The Administrator of Commerce
4 shall publish the marine biodiversity gap analysis required
5 by subsection (a) on a public website.

6 (d) REPORT.—Biennially, the Administrator of Com-
7 merce and Administrator of the Interior shall publish a
8 report on candidate areas for protection, and on progress
9 for advancing protection of habitats, species, and biodiver-
10 sity identified in the gap analysis required by subsection
11 (a) and is also informed by the Living Marine Census de-
12 scribed in section 1409.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$2,000,000 in each fiscal
15 year 2022 through 2026 to carry out this section.

16 **SEC. 1411. STUDY AND ACTION ON DERELICT FISHING**
17 **GEAR.**

18 (a) REPORT.—Not later than two years after the date
19 of enactment of this Act, the Administrator shall submit
20 to the Committee on Commerce, Science, and Transpor-
21 tation of the Senate and the Committee on Natural Re-
22 sources of the House of Representatives a report that in-
23 cludes—

1 (1) an analysis of the scale of fishing gear
2 losses by United States and foreign fisheries, includ-
3 ing—

4 (A) the variance in the quantity of gear
5 lost among—

6 (i) domestic and foreign fisheries;

7 (ii) types of fishing gear; and

8 (iii) methods of fishing;

9 (B) the means by which lost fishing gear
10 is transported by ocean currents; and

11 (C) common reasons that fishing gear is
12 lost;

13 (2) an evaluation of the ecological, human
14 health, and maritime safety impacts of derelict fish-
15 ing gear, and how those impacts vary across—

16 (A) types of fishing gear;

17 (B) materials used to construct fishing
18 gear; and

19 (C) geographic location;

20 (3) recommendations on management meas-
21 ures—

22 (A) to prevent fishing gear losses; and

23 (B) to reduce the impacts of lost fishing
24 gear;

1 (4) an assessment of the cost of implementing
2 management measures described in paragraph (3);
3 and

4 (5) an assessment of the impact of fishing gear
5 loss attributable to foreign countries.

6 (b) PUBLICATION IN THE FEDERAL REGISTER.—On
7 submission of the report required under subsection (a), the
8 Administrator shall publish such report in the Federal
9 Register for public comment, and include a description of
10 the actions the Administrator intends to take during the
11 1-year period after such publication to reduce litter from,
12 and the environmental impacts of, commercial fishing
13 gear.