

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3764
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

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

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1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Secretary of Commerce, acting
5 through the Administrator of the National Oceanic
6 and Atmospheric Administration.

7 (2) EXCLUSIVE ECONOMIC ZONE.—The term
8 “exclusive economic zone” means the zone estab-
9 lished by Proclamation Numbered 5030, dated
10 March 10, 1983.

11 (3) INDIAN TRIBE.—The term “Indian Tribe”
12 has the meaning given such term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 5304).

15 (4) INSTITUTION OF HIGHER EDUCATION.—The
16 term “institution of higher education” has the
17 meaning given such term in section 101(a) of the
18 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

19 (5) NATIONAL ACADEMIES.—The term “Na-
20 tional Academies” means the National Academies of
21 Science, Engineering, and Medicine.

22 (6) STATE.—The term “State” means each of
23 the several States, the District of Columbia, and the
24 United States Territories of American Samoa, the

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

4 (7) UNITED STATES.—The term “United
5 States” means the several States, the District of Co-
6 lumbia, and the United States Territories of Amer-
7 ican Samoa, the Commonwealth of the Northern
8 Mariana Islands, Guam, Puerto Rico, and the Virgin
9 Islands of the United States.

10 **TITLE I—BLUE CARBON**

11 **SEC. 101. BLUE CARBON PROGRAM.**

12 (a) ESTABLISHMENT.—The Administrator shall es-
13 tablish and maintain a program within the National Oce-
14 anic and Atmospheric Administration to further conserva-
15 tion and restoration objectives for fish and wildlife habitat
16 and coastal resilience, including the development of ways
17 to incorporate ecosystem services from carbon storage into
18 existing domestic and international policies, programs,
19 and activities.

20 (b) ADDITIONAL AUTHORITY.—In conducting the
21 program, the Administrator may enter into and perform
22 such contracts, leases, grants, or cooperative agreements
23 as may be necessary to carry out the purposes of this title
24 on such terms as Administrator considers appropriate.

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

4 (1) collaborate with Federal agencies, the inter-
5 agency working group, State agencies, Indian
6 Tribes, Native American Pacific Islander organiza-
7 tions, and non-governmental organizations on re-
8 search, restoration, and protection efforts relating to
9 blue carbon ecosystems;

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

12 (3) assist in exploration of the potential for a
13 market for carbon credits and other financial instru-
14 ments for protection and restoration initiatives, in-
15 cluding research, development of protocols, and eval-
16 uation of protocols and the efficacy of blue carbon
17 markets as a tool for protecting ecosystems;

18 (4) develop and provide informational materials
19 and guidance relating to using blue carbon eco-
20 systems as a tool to further conservation and bio-
21 diversity objectives;

22 (5) use existing models or develop new models
23 to assess blue carbon storage potential that include
24 quantification, verifiability, additionality as com-

1 pared to a historical baseline, and permanence of
2 those benefits;

3 (6) quantify current total and net ecosystem
4 carbon storage and sequestration in coastal and ma-
5 rine areas;

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

10 (8) protect and restore habitats, waters, and or-
11 ganisms that are long-term carbon sinks or will be
12 subject to habitat change as a result of climate
13 change and development;

14 (9) provide staff and technical expertise to the
15 interagency working group;

16 (10) quantify co-benefits of blue carbon eco-
17 systems, including flood risk reduction, habitat pro-
18 tection and restoration for endangered and threat-
19 ened species, habitat protection and restoration for
20 commercial and recreational fisheries, water quality
21 improvements, habitat maintenance and restoration,
22 cycling of nutrients other than carbon, commercial
23 and recreational fishing, and other responsible ma-
24 rine recreation benefits;

1 (11) assess regional and national ecosystem and
2 socioeconomic impacts of carbon sequestration and
3 storage;

4 (12) research variability, long-term storage, and
5 innovative techniques for effective, long-term, nat-
6 ural ocean or coastal ecosystem-based carbon seques-
7 tration;

8 (13) identify areas of particularly high rates of
9 carbon sequestration and storage, including locations
10 within existing or proposed coastal and marine pro-
11 tected areas;

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

15 (15) assess the impacts of protection and res-
16 toration efforts in blue carbon ecosystems on meth-
17 ane emissions; and

18 (16) coordinate with Federal agencies, other
19 countries, and international organizations to advance
20 resilience strategies that reflect the co-benefits of
21 blue carbon for adaptation and mitigation, and the
22 integration of blue carbon in National Greenhouse
23 Gas Inventories and Nationally Determined Con-
24 tributions.

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 in the coastal
9 zone, the territorial waters of the United States, and
10 the United States Exclusive Economic Zone includ-
11 ing—

12 (A) with respect to each such ecosystem—

13 (i) the species and types of habitat in
14 the ecosystem;

15 (ii) the condition of such habitats in-
16 cluding whether a habitat is degraded,
17 drained, eutrophic, or tidally restricted;

18 (iii) the type of public or private own-
19 ership relating to such ecosystem and any
20 protected status;

21 (iv) the size of the ecosystem;

22 (v) the salinity boundaries of the eco-
23 system;

24 (vi) the tidal boundaries of the eco-
25 system;

1 (vii) an assessment of carbon seques-
2 tration potential, methane production, and
3 net greenhouse gas effects of the eco-
4 system—

5 (I) quantifying the amount of
6 carbon stored in a particular geo-
7 graphic area;

8 (II) the degree to which such
9 amounts can be verified;

10 (III) determination of how much
11 additional carbon may be stored in
12 such an area due to further carbon se-
13 questration; and

14 (IV) the permanence of such ex-
15 isting and future carbon storage;

16 (viii) an assessment of the ecosystem
17 co-benefits, such as habitat for commercial,
18 recreational, indigenous, and Tribal fish-
19 eries, biodiversity, flood risk reduction,
20 wave stress, storm protection, shoreline
21 stabilization, public access, water and air
22 pollution filtration, contributions to tradi-
23 tional and cultural practices, maintenance
24 of biodiversity, and recreational use and
25 benefits of the ecosystem;

1 (ix) the potential for landward migra-
2 tion of each ecosystem as a result of sea
3 level rise;

4 (x) an assessment of any upstream
5 structures or pollution sources that threat-
6 en the health of each blue carbon eco-
7 system;

8 (xi) proximity of the ecosystem to
9 aquaculture uses or lease areas; and

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

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

20 (2) in carrying out paragraph (1)—

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

1 (i) the Coastal Change Analysis Pro-
2 gram of the National Oceanic and Atmos-
3 pheric Administration;

4 (ii) the National Wetlands Inventory
5 of the United States Fish and Wildlife
6 Service;

7 (iii) biologic carbon sequestration in-
8 formation of the United States Geological
9 Survey;

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

15 (v) biological and environmental re-
16 search from the Department of Energy;

17 (vi) national aquatic resource surveys
18 of the Environmental Protection Agency;
19 and

20 (vii) data from the National Coastal
21 Blue Carbon Assessment of the Depart-
22 ment of Agriculture; and

23 (B) engage regional experts for additional
24 peer-reviewed data to ensure that best available
25 scientific information is incorporated.

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

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

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

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

21 (4) to assist in efforts to assess degraded coast-
22 al and marine blue carbon ecosystems and their po-
23 tential for restoration, including vulnerability assess-
24 ments and developing scenario modeling to identify
25 vulnerable areas where management, protection, and

1 restoration efforts should be focused, including the
2 potential for an ecosystem to migrate inland to
3 adapt to sea level rise; and

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

8 **SEC. 103. REPORT ON BLUE CARBON IN THE UNITED**
9 **STATES.**

10 Not later than one year after the date of the enact-
11 ment of this Act and every three years thereafter, the Ad-
12 ministrator, in consultation with the interagency working
13 group, shall submit to the Committee on Natural Re-
14 sources of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate a report containing the following:

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

23 (2) With respect to each blue carbon ecosystem,
24 the type, location, and ownership of the ecosystem

1 (whether privately owned lands, State lands, Tribal
2 lands, or Federal lands).

3 (3) An assessment of the vulnerability of coast-
4 al and marine blue carbon ecosystems to climate im-
5 pacts such as sea-level rise, acidification, and salt-
6 water intrusion, and other environmental and human
7 stressors, such as development, water pollution, and
8 aquaculture.

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

14 (5) An assessment of the carbon sequestration
15 potential of coastal and marine blue carbon eco-
16 systems and the probable changes to sequestration
17 under climate change scenarios.

18 (6) An assessment of biophysical, social, and
19 economic impediments to coastal and marine blue
20 carbon ecosystem protection and restoration and op-
21 portunities to restore and enhance the resilience of
22 and sequestration potential of blue carbon eco-
23 systems.

24 (7) An assessment of aging or outdated artifi-
25 cial structures, including dikes, levees, dams, cul-

1 verts, water storage structures, shoreline hardening
2 projects, impediments to fish passage, and other in-
3 frastructure that impede the ecological or sequestra-
4 tion functions of blue carbon areas and the feasi-
5 bility of repairing, retrofitting, or removing such
6 structures.

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

10 (A) protection of coasts from storms and
11 flooding;

12 (B) sustainable tourism and responsible
13 recreational use;

14 (C) benefits to fisheries;

15 (D) water quality protection, including the
16 regulation and mitigation of nutrients, sedi-
17 ment, and contaminants;

18 (E) maintenance of biodiversity;

19 (F) the number of jobs that are directly or
20 indirectly attributable to blue carbon eco-
21 systems; and

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

1 (9) An assessment of the social and economic
2 makeup of the communities served by blue carbon
3 ecosystems.

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

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

9 (1) protect and restore blue carbon stocks, oce-
10 anic blue carbon, and blue carbon ecosystems and
11 increase the long-term carbon storage and sequestra-
12 tion; and

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

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

19 (1) a voluntary private landowner or group of
20 landowners;

21 (2) a State;

22 (3) an Indian Tribe;

23 (4) a Native American Pacific Islander organi-
24 zation as that term is defined in section 320(b)(3)

1 of the Higher Education Act of 1965 (20 U.S.C.
2 1059g(b)(3));

3 (5) a unit of local government;

4 (6) a nonprofit organization or land trust;

5 (7) an institution of higher education and re-
6 search; or

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

9 (c) REQUIREMENTS.—In administering the grant
10 program under this section, the Administrator shall de-
11 velop criteria, guidelines, contracts, reporting require-
12 ments, and evaluation metrics developed by the inter-
13 agency working group.

14 (d) SELECTION CRITERIA.—In evaluating applica-
15 tions for the program from eligible entities, the Adminis-
16 trator shall give priority to proposed eligible protection
17 and restoration activities that—

18 (1) would result in long-term protection and se-
19 questration of carbon stored in coastal and marine
20 environments, above and beyond that which would
21 occur in the absence of the proposed activity; and

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

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

1 (C) would protect coastal resources of national,
2 historical, and cultural significance;

3 (D) would benefit communities of color, low-in-
4 come communities, Tribal or Indigenous commu-
5 nities, or rural communities; or

6 (E) would capitalize on existing established
7 public-private partnerships.

8 (e) REPORT TO CONGRESS.—

9 (1) REPORT REQUIRED.—The Administrator
10 shall submit annually to Congress a report con-
11 taining a State-by-State analysis of—

12 (A) the total number of acres of land or
13 water protected or restored through fee title ac-
14 quisition, easement, restoration or other activi-
15 ties under the program;

16 (B) the status of restoration projects
17 under this program; and

18 (C) the projected amount of carbon cap-
19 tured or protected over a 100-year time period
20 as a result of this program.

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

24 (f) ACREAGE REQUIREMENTS.—To the maximum ex-
25 tent possible, Administrator shall award grants under the

1 grant program established by this section to conduct blue
2 carbon ecosystem protection and restoration on 1,500,000
3 acres over 10 years.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Administrator
6 \$300,000,000 for each of the fiscal years 2022 to 2026
7 to carry out this section.

8 **SEC. 105. INTEGRATED PILOT PROGRAMS TO PROTECT AND**
9 **RESTORE DEGRADED BLUE CARBON ECO-**
10 **SYSTEMS.**

11 The Administrator shall—

12 (1) establish integrated pilot programs that de-
13 velop best management practices, including design
14 criteria and performance functions, for coastal and
15 marine blue carbon ecosystem protection and res-
16 toration, nature-based adaptation strategies, living
17 shoreline projects, landward progression or migra-
18 tion of blue carbon ecosystems, and identify poten-
19 tial barriers to protection and restoration efforts;

20 (2) ensure that the pilot programs cover geo-
21 graphically, ecologically, culturally, and economically
22 representative locations with significant ecological,
23 economic, and social benefits and maximize potential
24 for long-term carbon storage and sequestration;

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

3 (A) quantifying the amount of carbon
4 stored in a particular geographic area;

5 (B) the degree to which such amounts can
6 be verified;

7 (C) determination of how much additional
8 carbon may be stored in such an area due to
9 further carbon sequestration; and

10 (D) the permanence of such existing and
11 future carbon storage;

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

17 (5) coordinate with relevant Federal agencies
18 on the interagency working group to prevent unnec-
19 essary duplication of effort among Federal agencies
20 and departments with respect to protection and res-
21 toration programs.

22 **SEC. 106. INTERAGENCY WORKING GROUP.**

23 (a) ESTABLISHMENT.—The President shall establish
24 an interagency working group on coastal and marine blue
25 carbon.

1 (b) PURPOSES.—The interagency working group
2 shall—

3 (1) oversee the development of and updates to
4 a national map (including all insular areas of the
5 United States) of coastal and marine blue carbon
6 ecosystems, including habitat types with a regional
7 focus in analysis that is usable for local level plan-
8 ning, protection, and restoration;

9 (2) use such map to inform the Administrator
10 of the Environmental Protection Agency's creation
11 of the annual Inventory of U.S. Greenhouse Gas
12 Emissions and Sinks;

13 (3) establish national coastal and marine blue
14 carbon ecosystem protection and restoration prior-
15 ities, including an assessment of current Federal
16 funding being used for protection and restoration ef-
17 forts;

18 (4) assess the biophysical, social, statutory, reg-
19 ulatory, and economic impediments to coastal and
20 marine blue carbon ecosystem protection and res-
21 toration;

22 (5) study the effects of climate change and en-
23 vironmental and human stressors on carbon seques-
24 tration rates;

1 (6) identify priority blue carbon ecosystems for
2 protection;

3 (7) develop a national strategy for foundational
4 science necessary to study, synthesize, and evaluate
5 the effects of climate change, environmental, and
6 human stressors on sequestration rates and capabilities
7 of blue carbon ecosystems protection;

8 (8) develop an assessment of current legal au-
9 thorities to protect and restore blue carbon eco-
10 systems and make recommendations for additional
11 authorities if current authorities are determined to
12 be insufficient; and

13 (9) ensure the continuity, use, and interoper-
14 ability of data assets through Coastal Carbon Data
15 Clearinghouse of the Smithsonian Institution and
16 other databases.

17 (c) MEMBERSHIP.—The interagency working group
18 shall be comprised of representatives of the following (or
19 their designees):

20 (1) The Administrator.

21 (2) The Administrator of the Environmental
22 Protection Agency.

23 (3) The Director of the National Science Foun-
24 dation.

1 (4) The Administrator of the National Aero-
2 nautics and Space Administration.

3 (5) The Director of the United States Geologi-
4 cal Survey.

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

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

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

10 (9) The Secretary of the Smithsonian Institu-
11 tion.

12 (10) The Assistant Administrator Insular and
13 International Affairs of the Department of the Inte-
14 rior.

15 (11) The Chief of Engineers of the Army Corps
16 of Engineers.

17 (12) The Secretary of Agriculture.

18 (13) The Secretary of Defense.

19 (14) The Secretary of Transportation.

20 (15) The Secretary of State.

21 (16) The Secretary of Energy.

22 (17) The Administrator of the United States
23 Agency for International Development.

24 (18) The Administrator of the Federal Emer-
25 gency Management Agency.

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

3 (20) The Commissioner of the Bureau of Rec-
4 lamation.

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

7 (e) STRATEGIC PLAN.—

8 (1) IN GENERAL.—The interagency working
9 group shall create a strategic plan for Federal in-
10 vestments in basic research, development, dem-
11 onstration, long-term monitoring and stewardship,
12 and deployment of blue carbon ecosystem and ma-
13 rine blue carbon projects for the 5-year period begin-
14 ning on the date that is 1 year after the date of the
15 enactment of this Act. The plan shall include—

16 (A) an assessment of the use of existing
17 Federal programs to protect, restore, enhance,
18 and preserve blue carbon ecosystems;

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

21 (C) an analysis of anticipated fish and
22 wildlife uses of blue carbon ecosystems;

23 (D) identification of priority strategies and
24 investments for preserving, restoring, and en-

1 hancing the resilience and carbon sequestration
2 potential of such blue carbon ecosystems; and

3 (E) an analysis of the role of methane
4 emissions in blue carbon ecosystem carbon
5 budgets.

6 (2) TIMING.—The interagency working group
7 shall—

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

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

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

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

2 (a) DESIGNATION.—The Administrator shall des-
3 ignate as a blue carbon area of significance any area that
4 is—

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

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

12 (A) provides for long-term storage and se-
13 questration of significant amounts of ecosystem
14 carbon; and

15 (B)(i) limits erosion and facilitates future
16 landward migration;

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

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

23 (3) not exclusive of coastal or other resources
24 that are significant in for mitigating or adapting to
25 climate change.

1 (b) GUIDELINES.—The Administrator, in consulta-
2 tion with the interagency working group, shall, not later
3 than one year after the date of the enactment of this Act,
4 establish by regulation guidelines based on the best avail-
5 able science to describe and identify blue carbon areas of
6 significance and measures to ensure the long-term protec-
7 tion of blue carbon areas of significance.

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

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

21 (e) RECOMMENDATIONS AND INFORMATION.—The
22 Administrator, in consultation with the interagency work-
23 ing group, shall, with respect to each blue carbon area of
24 significance, provide recommendations and information re-
25 garding the adverse impacts and threats to the carbon

1 storage, ecosystem services, and habitat capacity of the
2 area, and the actions that should be considered to avoid
3 adverse impacts and ensure the conservation and enhance-
4 ment of that area.

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

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

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

21 (2) DETERMINATION OF ADVERSE IMPACT.—
22 The Federal agency, in consultation with the Admin-
23 istrator, and subject to public comment, shall deter-
24 mine whether the proposed agency action will cause
25 an adverse impact on the carbon storage, carbon se-

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

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

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

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

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

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

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

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

12 (E) publish the agency's proposed course
13 of mitigation in the Federal Register for public
14 notice and comment.

15 (h) REQUIREMENT FOR AUTHORIZATION OR APPRO-
16 PRIATION.—Any requests for a new authorization or ap-
17 propriation from a Federal agency transmitted to the Of-
18 fice of Management and Budget shall include, if such au-
19 thorization or appropriation may affect a blue carbon area
20 of significance, a certification that such agency will use
21 such authorization or appropriation in compliance with
22 this section.

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

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

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

11 **SEC. 108. AUTHORIZATION OF SMITHSONIAN INSTITUTION**
12 **BLUE CARBON ACTIVITIES.**

13 (a) IN GENERAL.—The Administrator of the Smith-
14 sonian Institution, in coordination with the Administrator
15 and the interagency working group, shall provide for the
16 long-term stewardship, continuity, use, and interoper-
17 ability of, and access to, data relating to blue carbon eco-
18 systems and national mapping, including United States
19 Territories and Tribal lands, by supporting the mainte-
20 nance of the Coastal Carbon Data Clearinghouse.

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

1 data collected through federally funded research by a Fed-
2 eral agency, State, local agency, Tribe, scientist, Native
3 American Pacific Islander organization, or other relevant
4 entity.

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

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

23 (e) DIGITAL TOOLS AND RESOURCES.—The Adminis-
24 trator of the Smithsonian Institution, in coordination with
25 the Administrator and members of the interagency work-

1 ing group, shall develop digital tools and resources to sup-
2 port the public use of the Coastal Carbon Data Clearing-
3 house.

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

8 **SEC. 109. FEDERAL COASTAL AND MARINE BLUE CARBON**
9 **RESTORATION AND PROTECTIONS; FUNDING.**

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

16 (1) The sequestration of additional carbon diox-
17 ide through—

18 (A) the active restoration of degraded blue
19 carbon ecosystems; and

20 (B) the protection of threatened blue car-
21 bon ecosystems.

22 (2) The halting of ongoing carbon dioxide emis-
23 sions, and the resumption of the natural rate of car-
24 bon capture, through the restoration of drained
25 coastal wetlands.

1 (3) The halting of ongoing methane emissions,
2 and the resumption of the natural rate of carbon
3 storage, through the restoration of formerly tidal
4 wetland that has lost tidal connectivity and become
5 fresh wetland (commonly known as “impounded wet-
6 land”).

7 (b) FUNDING.—For each fiscal year 2022 through
8 2026, there is authorized to be appropriated for blue car-
9 bon ecosystem protection and restoration—

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

13 (2) to the Director of the National Park Service
14 \$200,000,000 for lands managed by such Director;
15 and

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

18 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

19 In addition to amounts authorized to be appropriated
20 for specific activities under sections 104, 108, and 109,
21 there is authorized to be appropriated to the Adminis-
22 trator \$50,000,000 for each of the fiscal years 2022 to
23 2026 to carry out the remainder of this title.

1 **SEC. 111. RULE OF CONSTRUCTION.**

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

6 **SEC. 112. DEFINITIONS.**

7 In this title, the following definitions apply:

8 (1) BLUE CARBON.—The term “blue carbon”
9 means the carbon that marine or coastal vegetation
10 sequester from the atmosphere in a manner that re-
11 sults in its storage for a period of not less than 100
12 years.

13 (2) BLUE CARBON AREAS OF SIGNIFICANCE.—
14 The term “blue carbon area of significance” means
15 any area designated by the Administrator under sec-
16 tion 107 as a blue carbon area of significance.

17 (3) BLUE CARBON ECOSYSTEM.—The term
18 “blue carbon ecosystem” means marine and coastal
19 ecosystems that are tidal or salt-water-fed and that
20 have the capacity to sequester carbon from the at-
21 mosphere in a manner that results in its storage for
22 a period of not less than 100 years, such as coastal
23 forests, tidal marshes, seagrasses, kelp forests, and
24 other tidal or salt-water wetlands.

25 (4) 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 (5) CARBON SEQUESTRATION.—The term “car-
4 bon sequestration” means the process of capturing
5 and storing atmospheric carbon dioxide.

6 (6) 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, for a period of not less than 100
10 years.

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

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

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

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

24 “(q) PROHIBITION OF OIL AND GAS LEASING IN
25 CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—

1 Notwithstanding any other provision of this section or any
2 other law, the Secretary may not issue—

3 “(1) a lease for the exploration, development, or
4 production of oil or natural gas; or

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

10 in any planning area, except in the Central or Western
11 planning areas of the Gulf of Mexico (as such planning
12 areas are described in the document entitled ‘2017–2022
13 Outer Continental Shelf Oil and Gas Leasing Proposed
14 Final Program’, dated November 2016, or a subsequent
15 oil and gas leasing program developed under section 18
16 of the Outer Continental Shelf Lands Act (43 U.S.C. 10
17 1344)).”.

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

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

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

1 ration on the outer Continental Shelf to use the best com-
2 mercially available technology with respect to reducing
3 acoustic pressure levels to conduct such exploration.”.

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

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

8 (a) FINDINGS.—Congress finds that—

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

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

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

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

1 jobs while positioning America to lead a clean energy
2 revolution and tackle the climate crisis.

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

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

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

13 (3) development of offshore wind resources
14 must ensure ecosystem health and the protection of
15 threatened and endangered species and their habi-
16 tats; and

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

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

22 (a) TARGETS.—The Secretary of the Interior shall
23 seek to permit—

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

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

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

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

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

18 (1) in paragraph (1)—

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

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

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

23 “(I) to the Secretary of the Interior for use
24 relating to siting, exploration, production, or

1 promotion of offshore wind energy on the outer
2 Continental Shelf.”; and
3 (2) in paragraph (2), by striking “(H)” and in-
4 serting “(I)”.

5 **SEC. 214. INCREASING FUNDING FOR SCIENTIFIC RE-**
6 **SEARCH.**

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

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

22 (2) marine mammals protected under the Ma-
23 rine Mammal Protection Act of 1972 (16 U.S.C.
24 1361 et seq.);

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

4 (4) technology for data collection and other sci-
5 entific and permitting needs, as determined nec-
6 essary by the Secretary of the Interior, in consulta-
7 tion with the Secretary of Commerce and the Sec-
8 retary of Energy, to support responsible development
9 and long-term use of offshore wind resources on the
10 Outer Continental Shelf.

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

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

14 “CONTRIBUTION AUTHORITY

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

24 “(1) 2014 through 2024; or

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

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

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

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

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

13 (b) REQUIREMENTS.—The report shall—

14 (1) provide a quantitative assessment of the
15 contributions of offshore wind energy in—

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

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

21 (2) include a quantitative assessment of the ef-
22 ficacy of existing methodologies to measure direct
23 and indirect effects of offshore wind energy on wild-
24 life and their habitats, and provide recommendations
25 regarding best practices to monitor, avoid, minimize,
26 and mitigate impacts on wildlife and their habitat.

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

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

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

8 (A) in subsection (a)—

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

11 “(1) The term”;

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

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

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

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

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

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

1 “(r) The term ‘State’ means the several States, the
2 Commonwealth of Puerto Rico, Guam, American Samoa,
3 the Virgin Islands of the United States, and the Common-
4 wealth of the Northern Mariana Islands.”.

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

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

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

15 **“SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER**
16 **CONTINENTAL SHELF.**

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

19 “(1) STUDY ON FEASIBILITY OF CONDUCTING
20 WIND LEASE SALES.—

21 “(A) IN GENERAL.—The Secretary shall
22 conduct a study on the feasibility, including the
23 technological and long-term economic feasibility,
24 and the potential environmental effects, of con-
25 ducting wind lease sales in each area of the

1 outer Continental Shelf that is within the terri-
2 torial jurisdiction of the United States, includ-
3 ing of American Samoa, Guam, the Common-
4 wealth of the Northern Mariana Islands, Puerto
5 Rico, and the Virgin Islands of the United
6 States.

7 “(B) CONSULTATION.—In conducting the
8 study required in subparagraph (A), the Sec-
9 retary shall consult—

10 “(i) the National Laboratories, as
11 that term is defined in section 2(3) of the
12 Energy Policy Act of 2005 (42 U.S.C.
13 15801(3));

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

18 “(iii) the Governor of each of Amer-
19 ican Samoa, Guam, the Commonwealth of
20 the Northern Mariana Islands, Puerto
21 Rico, and the Virgin Islands of the United
22 States.

23 “(C) PUBLIC COMMENT.—The study re-
24 quired in subparagraph (A) shall be published

1 in the Federal Register for public comment for
2 a period of not fewer than 60 days.

3 “(D) SUBMISSION OF RESULTS.—Not later
4 than 18 months after the date of the enactment
5 of this section, the Secretary shall submit the
6 results of the study conducted under subpara-
7 graph (A) to—

8 “(i) the Committee on Energy and
9 Natural Resources of the Senate;

10 “(ii) the Committee on Natural Re-
11 sources of the House of Representatives;
12 and

13 “(iii) each of the delegates or resident
14 commissioners to the House of Representa-
15 tives from American Samoa, Guam, the
16 Commonwealth of the Northern Mariana
17 Islands, Puerto Rico, and the Virgin Is-
18 lands of the United States.

19 “(E) PUBLIC AVAILABILITY.—The Sec-
20 retary shall publish the study required under
21 subparagraph (A) and the results submitted
22 under subparagraph (C) on a public website.

23 “(2) CALL FOR INFORMATION AND NOMINA-
24 TIONS.—The Secretary shall issue a call for informa-
25 tion and nominations for proposed wind lease sales

1 for areas determined to be feasible under the study
2 conducted under paragraph (1).

3 “(3) CONDITIONAL WIND LEASE SALES.—

4 “(A) IN GENERAL.—For each territory,
5 the Secretary shall conduct not less than one
6 wind lease sale in the area of the outer Conti-
7 nental Shelf within the territorial jurisdiction of
8 such territory if such area meets each of the
9 following criteria:

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

13 “(ii) The Secretary has determined
14 that the call for information has generated
15 sufficient interest in the area.

16 “(iii) The Secretary has consulted
17 with the Secretary of Defense and other
18 relevant Federal agencies regarding such
19 sale.

20 “(iv) The Secretary has consulted
21 with the Governor of the territory regard-
22 ing the suitability of the area for wind en-
23 ergy development.

24 “(B) EXCEPTION.—If no area of the outer
25 Continental Shelf within the territorial jurisdic-

tion of a territory meets each of the criteria in clauses (i) through (iv) of subparagraph (A), the requirement under subparagraph (A) shall not apply to such territory.”.

SEC. 218. INCREASING FUNDING FOR COASTAL CONSERVATION AND RESILIENCE.

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

“(C) With respect to a lease under this subsection for the production of wind energy, 30 percent of the revenue received by the Federal Government as a result of payments from such lease shall be deposited in the National Oceans and Coastal Security Fund established by section 904 of the National Oceans and Coastal Security Act (16 U.S.C. 7503).”.

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

SEC. 301. SENSE OF CONGRESS.

It is the sense of Congress that—

1 (1) American wild-caught seafood is integral to
2 the Nation's food supply and to American food secu-
3 rity;

4 (2) the seafood supply chain is often long and
5 complex;

6 (3) American caught and American-processed
7 seafood especially from small-scale fishery oper-
8 ations, can be a sustainable healthy source of pro-
9 tein and micronutrients;

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

14 (5) marine species that are small, at lower
15 trophic levels, and pelagic typically have the smallest
16 carbon footprint; and

17 (6) therefore, any executive agency that pur-
18 chases seafood products should, to the extent prac-
19 ticable, buy local American-caught or American-har-
20 vested and American-processed seafood products
21 from fisheries that are not overfished or experi-
22 encing overfishing, in order to support sustainable
23 local seafood businesses, reduce greenhouse gas
24 emissions associated with the seafood product supply

1 chain, and reduce dependence on imported seafood
2 products.

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

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

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

8 “(A) assist persons in carrying out re-
9 search and development projects addressed to
10 any aspect of United States marine fisheries,
11 including harvesting, processing, packaging,
12 marketing, and associated infrastructures; or

13 “(B) assist persons to market and promote
14 the consumption of—

15 “(i) local or domestic marine fishery
16 products;

17 “(ii) environmentally and climate-
18 friendly marine fishery products that mini-
19 mize and employ efforts to avoid bycatch
20 and impacts on marine mammals;

21 “(iii) invasive species; or

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

1 **SEC. 303. ELIMINATE FISH SUBSIDIES IN TRADE AGREE-**
2 **MENTS.**

3 (a) IN GENERAL.—Section 102(b) of the Bipartisan
4 Congressional Trade Priorities and Accountability Act of
5 2015 (19 U.S.C. 4201(b)) is amended by adding at the
6 end the following:

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

10 “(A) To eliminate subsidies that contribute
11 to overfishing, or illegal, unreported, and un-
12 regulated fishing, such as subsidies that—

13 “(i) increase the marine fishing capaci-
14 ty of fishing vessels or support the acqui-
15 sition of equipment that increases the abil-
16 ity of fishing vessels to find fish;

17 “(ii) support the construction of fish-
18 ing vessels, importation of fishing vessels,
19 or government repurchase of fishing ves-
20 sels outside of a binding and effective fish-
21 ing capacity reduction program that in-
22 cludes the corresponding elimination of
23 fishing rights and a binding and effective
24 prohibition on the reuse of vessels for fish-
25 ing to increase capacity in any fishery;

1 “(iii) affect fish stocks in any fish-
2 ery—

3 “(I) in an overfished or worse
4 condition; or

5 “(II) whose stock levels are de-
6 clining;

7 “(iv) are provided to fishing enter-
8 prises engaged in long-distance fishing, ei-
9 ther on the high seas or in the exclusive
10 economic zone of a third country;

11 “(v) support the transfer or reflagging
12 of fishing vessels to third countries, includ-
13 ing through the creation of joint ventures
14 with partners of those countries;

15 “(vi) are provided to the fishing enter-
16 prises or to owners or operators of vessels
17 that have been determined to have engaged
18 in illegal, unreported, and unregulated
19 fishing by a coastal state or a regional
20 fisheries management organization; or

21 “(vii) reduce fuel, insurance, or other
22 operating costs solely for fishing enter-
23 prises except where intended to reduce the
24 carbon footprint of existing fishing oper-
25 ations.

1 “(B) To require parties to trade agree-
2 ments—

3 “(i) to report to an environmental af-
4 fairs committee established under the
5 agreement, on an annual basis, all marine
6 fishing-related subsidies provided by the
7 parties, including fleet capacity and trade
8 data concerning the fisheries that the sub-
9 sidies affect;

10 “(ii) to establish an independent body
11 to make assessments of the health of fish
12 stocks in each domestic fishery and report
13 such assessments to such environmental
14 affairs committee;

15 “(iii) with respect to shared or inter-
16 national fisheries in which each party is in-
17 volved in fishing activities, to commit to
18 cooperating with third countries, regional
19 fisheries management organizations, and
20 assessment bodies in annual assessments
21 of the health of fish stocks and associated
22 species in such fisheries; and

23 “(iv) to certify to such environmental
24 affairs committee that they have made and
25 continue to make adequate progress to-

1 ward the goal of protecting and conserving,
2 through well-connected and effective sys-
3 tem of protected areas and other effective
4 area-based conservation measures, at least
5 30 percent of the planet by 2030, with the
6 focus on areas particularly important for
7 biodiversity.

8 “(C) To require parties to trade agree-
9 ments that are also members of the World
10 Trade Organization to work collaboratively at
11 the Organization to establish and maintain ro-
12 bust disciplines on fisheries subsidies.”.

13 (b) **EFFECTIVE DATE.**—The amendments made by
14 subsection (a)—

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

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

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

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

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

3 (2) in subparagraph (B) by striking “increased
4 fuel efficiency or improved safety.” and inserting
5 “improved safety; or”; and

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

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

9 “(i) installation of solar panels;

10 “(ii) engine replacement or retrofit,
11 including the installation of new fuel-effi-
12 cient, low-emission engines, including hy-
13 brid electric marine engines or generators;

14 “(iii) gearbox or propeller replace-
15 ment;

16 “(iv) modifications to hull shape; and

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

18 **SEC. 305. CLIMATE AND FISHERIES RESEARCH AND MAN-**
19 **AGEMENT PROGRAM.**

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

1 **“SEC. 409. CLIMATE AND FISHERIES RESEARCH AND MAN-**
2 **AGEMENT PROGRAM.**

3 “(a) ESTABLISHMENT OF THE PROGRAM.—The Sec-
4 retary, with input from appropriate Marine Fisheries
5 Commissions and Regional Fishery Management Councils
6 and in coordination with other Federal agencies and edu-
7 cational institutions, shall establish a program to identify,
8 develop, and implement adaptive strategies, consistent
9 with the requirements of this Act, to improve the manage-
10 ment of fisheries and aquaculture under current and an-
11 ticipated impacts of climate change. In administering such
12 program, the Secretary shall—

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

18 “(2) prepare and adapt fishery management for
19 climate change by promoting a precautionary ap-
20 proach to management and supporting the increased
21 development and use of relevant science and man-
22 agement tools, including forecasting, risk assess-
23 ment, scenario planning, coupled climate and eco-
24 system modeling, and management strategy evalua-
25 tion;

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

5 “(4) promote the development, integration, and
6 use of climate-related tools and information in stock
7 assessments;

8 “(5) develop and provide guidance on imple-
9 menting control rules that are more responsive to
10 environmental variability and climate change for
11 fishery management;

12 “(6) promote management approaches that in-
13 crease resilience to current and anticipated climate
14 impacts in managed species and marine ecosystems,
15 including by coordinating with and advancing pro-
16 grams to protect genetic diversity and age structure,
17 protect marine, estuarine, mangrove, and other
18 aquatic habitat, minimize and better account for by-
19 catch, and incorporating into management the eco-
20 logical role of forage fish in the marine food web;

21 “(7) increase understanding of food security
22 issues and the socioeconomic impacts of climate
23 change on fishing participants, fishing communities,
24 and related industries;

1 “(8) coordinate within the National Oceanic
2 and Atmospheric Administration on issues related to
3 climate change and fisheries, including on data
4 needs and availability;

5 “(9) ensure that the research, resource manage-
6 ment, and expenditures to prepare fisheries for cli-
7 mate change promote racial and socioeconomic eq-
8 uity with respect to environmental and economic
9 outcomes across fisheries and regions;

10 “(10) promote the increased incorporation of
11 climate change impacts into fisheries management at
12 regional fishery management organizations and
13 other international bodies; and

14 “(11) advance other climate change fishery
15 science and management as appropriate.

16 “(b) EVALUATION.—The Secretary, with input from
17 the Councils, shall, not later than three years after the
18 date of the enactment of the Ocean-Based Climate Solu-
19 tions Act of 2021 and every 5 years thereafter, conduct
20 an independent review that will be provided to Congress
21 and the public on the results of the program, including—

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

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

“(3) how tools and solutions identified by the
program have been or could be implemented in fish-
ery science and management; and

“(4) the degree to which equity in outcomes of fulfilling programmatic duties was achieved as required by subsection (a)(9).

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

14 SEC. 306. CLIMATE-READY FISHERIES INNOVATION PRO-
15 GRAM.

(a) CLIMATE-READY FISHERIES INNOVATION PROGRAM.—Not later than one year after the date of the enactment of this Act, the Administrator shall establish a program, including grants, to develop innovative tools and approaches designed to increase the adaptive capacity of fishery management to the impacts of climate change. In administering such program, the Administrator shall—

(1) develop science and management tools and approaches that address regional and national priorities to improve the conservation and management of

1 fishery resources under existing and anticipated cli-
2 mate impacts;

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

7 (3) promote adoption of methods developed
8 under the program in fishery management plans de-
9 veloped by the Regional Fishery Management Coun-
10 cils;

11 (4) provide information and outreach to the pri-
12 vate sector and academic sector to encourage devel-
13 opment and operationalization of tools and ap-
14 proaches to manage the effects of climate change on
15 fisheries; and

16 (5) provide information and outreach to fishery
17 participants to increase understanding of and en-
18 courage adoption and use of tools and approaches
19 developed under the program.

20 (b) COORDINATION OF THE PROGRAM.—

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

23 (A) regional offices and science centers of
24 the National Marine Fisheries Service;

1 (B) the Regional Fishery Management
2 Councils;

3 (C) the scientific and statistical committees
4 of such Fishery Management Councils; and

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

13 (2) Such coordination should include identifica-
14 tion of multi-year research priorities to study and
15 understand the current and anticipated impacts of
16 climate change on fisheries, fisheries interactions,
17 habitats, fishery participants, fishing communities,
18 seafood markets, fisheries science and monitoring, or
19 other relevant priority. Such priorities should be
20 routinely reviewed in a timeframe not to exceed 5
21 years and updated as necessary.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Administrator to
24 carry out this section \$5,000,000 for each of fiscal years
25 2022 through 2026.

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

4 Not later than one year after the date of the enact-
5 ment of this Act, the Administrator shall transmit a report
6 to Congress—

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

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

15 (3) assessing factors that promote resilience of
16 fish stocks undergoing range shift;

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

22 (5) identifying actions that could be taken to
23 facilitate the shifting, splitting or transitioning of
24 permits to fishermen in the regions where stocks
25 have shifted, consistent with the requirements of the

1 Magnuson-Stevens Fishery Conservation and Man-
2 agement Act and other applicable law.

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

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

7 (1) in paragraph (1)(A)—

8 (A) by inserting “every five years” after
9 “updating”; and

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

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

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

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

19 “(A) REQUIREMENT TO AVOID OR MITI-
20 GATE ADVERSE EFFECTS.—Notwithstanding
21 any other provision of law, any Federal agency
22 shall consult with the Secretary to ensure that
23 any action proposed to be authorized, funded,
24 or undertaken by such agency avoids the ad-
25 verse effect of such action on essential fish

1 habitat or, to the extent that the adverse effect
2 cannot be avoided, the agency shall minimize
3 and mitigate the adverse effect. In the case of
4 habitat areas of particular concern, the agency
5 shall further—

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

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

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

1 long-term resilience of habitat, particularly in
2 estuarine environments heavily impacted by sea
3 level rise and other climate change factors, each
4 Federal agency shall, in consultation with the
5 Secretary, take into account the consequences
6 of not pursuing such restoration and habitat re-
7 silience projects and the long-term positive im-
8 pacts on fish populations of such activities.

9 “(C) REGULATIONS REGARDING CON-
10 SULTATION PROCESS.—Not later than 180 days
11 after the date of the enactment of the Ocean-
12 Based Climate Solutions Act of 2021, the Sec-
13 retary shall establish regulations for the con-
14 sultation process, including procedures to en-
15 sure that recommendations made by the Sec-
16 retary under subparagraph (A) would result in
17 the avoidance of adverse effects on essential
18 fish habitat and, if avoidance is not possible,
19 the minimization and mitigation of any such
20 adverse effects.

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

1 and the Council or Councils may comment on and
2 make recommendations to the Secretary and any
3 Federal or State agency concerning—

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

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

12 “(4) INFORMATION FROM OTHER SOURCES.—

13 “(A) RECEIPT OF INFORMATION.—

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

1 action on such habitat or, to the extent
2 that adverse effects cannot be avoided,
3 minimize and mitigate the adverse effects.

4 “(ii) Any recommendations made by
5 the Secretary shall be made available to
6 the public on the website of the National
7 Marine Fisheries Service at the time the
8 recommendations are made.

9 “(B) REQUIRED RESPONSE.—

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

1 adverse effects of such action on essential
2 fish habitat or, to the extent that adverse
3 effects cannot be avoided, mitigate the ad-
4 verse effects.

5 “(ii) Such responses shall be made
6 available to the public on the website of
7 the National Marine Fisheries Service at
8 the time that the recommendations are re-
9 ceived.

10 “(C) PUBLICATION.—The Secretary shall
11 make available to the public—

12 “(i) any recommendation made under
13 subparagraph (A); and

14 “(ii) any response made by an agency
15 under subparagraph (B) on the date on
16 which such response is received.

17 “(5) MONITORING FOR EFFECTIVENESS.—Each
18 Federal agency shall monitor the effectiveness of
19 measures that it takes to avoid, minimize, and miti-
20 gate adverse impacts to essential fish habitat.

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

1 “(A) provide an important ecological func-
2 tion, including for maintaining and restoring
3 the biomass, demographic, spatial, or genetic
4 characteristics of fish populations;

5 “(B) are sensitive to human-induced envi-
6 ronmental degradation;

7 “(C) are or will be significantly stressed by
8 human activities;

9 “(D) due to prevailing or anticipated fu-
10 ture environmental conditions are, or are likely
11 to become, important to the health of managed
12 species; or

13 “(E) are rare.

14 “(7) AUTHORIZATION OF APPROPRIATIONS.—

15 There are authorized to be appropriated to the Sec-
16 retary such funds as may be necessary to carry out
17 the requirements of this section.”.

18 **SEC. 309. OCEAN AQUACULTURE RESEARCH AND POLICY**

19 **PROGRAM.**

20 (a) ESTABLISHMENT.—The Administrator shall es-
21 tablish a program to address opportunities, challenges,
22 and innovation in non-finish, small-scale restorative ocean
23 aquaculture development, siting, and operations in the
24 coastal waters and exclusive economic zone through—

1 (1) investment in research and technical assist-
2 ance to ensure adverse impacts to the marine envi-
3 ronment can be fully understood, anticipated, ac-
4 counted for, and avoided and impacts to wild-cap-
5 ture fisheries, marine wildlife, and habitat minimized
6 during the species selection, design, development,
7 siting, and operation of aquaculture facilities; and

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

15 (b) USE OF EXISTING PROGRAMS.—The Adminis-
16 trator shall use grant and research programs available to
17 the Administrator to support the design, development,
18 siting, and operation of restorative ocean aquaculture
19 using best management practices to maximize potential
20 benefits and minimize potential adverse impacts to the
21 marine environment.

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

1 (1) the Small Business Innovation Research
2 Program of the National Oceanic and Atmospheric
3 Administration;

4 (2) National Sea Grant College Program; and

5 (3) section 2 of the Act of August 11, 1939 (15
6 U.S.C. 713c–3).

7 (d) PRIORITIZATION WITHIN THE PROGRAM.—In
8 carrying out the program established by this section, the
9 Administrator shall prioritize support for research and
10 technology development that includes—

11 (1) design analyses of restorative aquaculture
12 systems to maximize ecosystem benefits while avoid-
13 ing adverse impacts to the marine environment and
14 wild-capture fisheries, marine wildlife, and habitat;

15 (2) spatial analyses to understand and evaluate
16 where siting of restorative aquaculture can minimize
17 adverse impacts to migratory birds, shorebirds, and
18 waterbirds, marine birds and mammals, endangered
19 species, and other aspects of the current and pro-
20 jected future marine ecosystem;

21 (3) design, spatial, and environmental analysis
22 to understand and evaluate how siting and oper-
23 ations of land-based restorative aquaculture could
24 impact surrounding communities and ecosystems;

1 (4) monitoring both the individual and cumu-
2 lative environmental impacts of current and pro-
3 posed small scale aquaculture operations to inform
4 potential impacts of large-scale operations and
5 siting;

6 (5) offshore monitoring, remediation, and miti-
7 gation technology development; and

8 (6) understanding and preparing for impacts
9 that climate change may have on design develop-
10 ment, siting, and operations of restorative aqua-
11 culture facilities and the marine environment.

12 (e) REPORT.—Not later than one year after the date
13 of the enactment of this Act, the National Academies shall
14 submit to the Administrator and to Congress a report that
15 reviews, compiles, and synthesizes existing technologies
16 and assessments of restorative ocean aquaculture to fur-
17 ther inform ongoing research and technical assistance
18 funded under subsection (c).

19 (f) CONTENT.—The report required by subsection (e)
20 shall include the following:

21 (1) A quantitative assessment of the capacity
22 for sequestering and storing significant amounts of
23 carbon from the atmosphere and ocean to mitigate
24 the impacts of climate change.

1 (2) A comprehensive assessment of the blue
2 carbon potential for an aquaculture project, includ-
3 ing its potential environmental impacts and cumu-
4 lative impacts on native marine species and marine
5 habitat and the potential adverse wildlife inter-
6 actions likely to result from the use of restorative
7 aquaculture technologies in use or under develop-
8 ment worldwide.

9 (3) A comprehensive assessment of the poten-
10 tial impacts, including cumulative impacts, to wild-
11 capture fisheries, marine wildlife, and habitats and
12 the productivity thereof likely to result from the use
13 of restorative aquaculture technologies in use or
14 under development worldwide.

15 (4) An assessment of any known ecosystems
16 services that have been derived from restorative
17 ocean aquaculture and design, including siting and
18 size parameters that maximize those benefits.

19 (5) A detailed discussion of the mitigation
20 measures available currently to reduce any negative
21 environmental or wild-capture fisheries, marine wild-
22 life, or habitat impacts identified and their degree of
23 efficacy, as well as the real-time facility monitoring
24 options available.

1 (6) Recommendations of regionally relevant
2 siting, installation, and operations standards nec-
3 essary to ensure that restorative ocean aquaculture
4 facilities are developed and operated in a manner
5 which minimizes impacts to the marine environment
6 and avoids and minimizes harmful interactions with
7 marine wildlife and habitat or conflict with other ex-
8 isting ocean-user groups.

9 (7) Economic analysis identifying the potential
10 benefits and impacts to commercial and recreational
11 fishing and marine recreation industries resulting
12 from restorative ocean aquaculture.

13 (8) Recommendations for further research and
14 assessments that should be supported.

15 (9) A sustainability classification system to as-
16 sess the various types of restorative aquaculture on
17 a range of life cycle ecological and social benefits
18 and provides a composite score with which to rank
19 such types of restorative aquaculture.

20 (g) RESTORATIVE OCEAN AQUACULTURE DE-
21 FINED.—The term “restorative ocean aquaculture” means
22 ocean and coastal propagation of seaweed or shellfish
23 farming that generates positive ecological and social im-
24 pact.

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

5 **TITLE IV—COASTAL BARRIER**
6 **RESOURCE ACT AMENDMENTS**

7 **SEC. 401. UNDEVELOPED COASTAL BARRIER.**

8 Section 3(1) of the Coastal Barrier Resources Act
9 (16 U.S.C. 3502(1)) is amended—

10 (1) in the matter preceding subparagraph (A),
11 by striking “means” and inserting “includes”;

12 (2) in subparagraph (A)—

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

15 (B) in clause (ii), by inserting “and related
16 lands” after “aquatic habitats”;

17 (3) in subparagraph (B), by inserting “, includ-
18 ing areas that are and will be vulnerable to coastal
19 hazards, such as flooding, storm surge, wind, ero-
20 sion, and sea level rise” after “nearshore waters”;
21 and

22 (4) in the matter following subparagraph (B),
23 by striking “, and man’s activities on such features
24 and within such habitats,”.

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

2 (a) IN GENERAL.—

3 (1) PROJECT.—The Secretary of the Interior,
4 in consultation with the Administrator of the Na-
5 tional Oceanic and Atmospheric Administration and
6 the Administrator of the Federal Emergency Man-
7 agement Agency, shall carry out a coastal hazard
8 pilot project to propose definitions and criteria and
9 produce draft digital maps of areas, including coast-
10 al mainland areas, which could be added to the John
11 H. Chafee Coastal Barrier Resources System that
12 are and will be vulnerable to coastal hazards, such
13 as flooding, storm surge, wind, erosion and sea level
14 rise, and areas not in such System to which barriers
15 and associated habitats are likely to migrate or be
16 lost as sea level rises.

17 (2) NUMBER OF UNITS.—The project carried
18 out under this section shall consist of the creation
19 of maps for at least 10 percent of the System and
20 may also identify additional new System units.

21 (b) REPORT.—

22 (1) IN GENERAL.—Not later than two years
23 after the date of the enactment of this Act, the Sec-
24 retary shall submit to the Committee on Environ-
25 ment and Public Works of the Senate and the Com-
26 mittee on Natural Resources of the House of Rep-

1 representatives a report describing the results of the
2 pilot project and the proposed definitions and cri-
3 teria and costs of completing coastal hazard maps
4 for the entire System.

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

7 (A) the final recommended digital maps
8 created under the coastal hazard pilot project;

9 (B) recommendations for the adoption of
10 the digital maps created under this section by
11 Congress;

12 (C) a summary of the comments received
13 from the Governors of the States, other govern-
14 ment officials, and the public regarding the
15 definitions, criteria, and maps;

16 (D) a description of the criteria used for
17 the project and any related recommendations;
18 and

19 (E) the amount of funding necessary for
20 completing coastal hazard maps for the entire
21 System.

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

1 (1) in consultation with the Governors of the
2 States in which any newly identified areas are lo-
3 cated; and

4 (2) after—

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

7 (B) considering any public comments sub-
8 mitted under subparagraph (A).

9 **SEC. 403. REPORT ON EXPANDING COASTAL BARRIER RE-**
10 **SOURCES ACT TO THE PACIFIC COAST, IN-**
11 **CLUDING PACIFIC TERRITORIES AND FREELY**
12 **ASSOCIATED STATES.**

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

15 (1) PACIFIC TERRITORIES AND FREELY ASSOCI-
16 ATED STATES.—The term “Pacific Territories and
17 Freely Associated States” means each of American
18 Samoa, Guam, the Commonwealth of the Northern
19 Mariana Islands, the Republic of the Marshall Is-
20 lands, the Federated States of Micronesia, and
21 Palau.

22 (2) UNDEVELOPED COASTAL BARRIER.—The
23 term “undeveloped coastal barrier” has the meaning
24 given the term in section 3 of the Coastal Barrier
25 Resources Act (16 U.S.C. 3502).

1 (b) REPORT.—Not later than 18 months after the
2 date of the enactment of this Act, the Secretary of the
3 Interior shall prepare and submit a report to Congress on
4 ways to integrate the Pacific Coast of the United States,
5 including in the Pacific Territories and Freely Associated
6 States into the John H. Chafee Coastal Barrier Resources
7 System.

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

10 (1) in consultation with the Governors of the
11 affected States, Pacific Territories, and Freely Asso-
12 ciated States; and

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

15 (d) CONTENTS.—The report required under sub-
16 section (b) shall—

17 (1) examine the potential for loss of human life
18 and damage to fish, wildlife, and other natural re-
19 sources, and the potential for the wasteful expendi-
20 ture of Federal revenues, along the Pacific Coast,
21 giving particular attention to tsunami, flood, erosion,
22 and storm damage, and sea level rise impacts;

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

1 (3) evaluate ways in which the definition of the
2 term “undeveloped coastal barrier” under section 3
3 of the Coastal Barrier Resources Act (16 U.S.C.
4 3502) could be expanded to more accurately address
5 the geology and functions of coastal barriers in areas
6 along the Pacific Coast, including in the Pacific Ter-
7 ritories and Freely Associated States, including the
8 ways in which coastal bluffs, rocky outcroppings,
9 beaches, wetlands, estuaries, coral reefs, mangroves,
10 and other landforms in such areas function as coast-
11 al barriers by absorbing storm impacts, protecting
12 inland communities from sea level rise impacts, pro-
13 viding habitat, and being subject to erosion.

14 (e) PREPARATION AND SUBMISSION OF MAPS.—

15 (1) PREPARATION.—As soon as practicable
16 after the date of the enactment of this Act, the Sec-
17 retary shall prepare maps identifying the boundaries
18 of those undeveloped coastal barriers of the United
19 States along the Pacific Coast, including in the Pa-
20 cific Territories and Freely Associated States.

21 (2) SUBMISSION TO CONGRESS.—Not later than
22 three years after the date of submission of the re-
23 port under subsection (b), the Secretary shall submit
24 to Congress maps identifying the boundaries of
25 those undeveloped coastal barriers of the United

1 States along the Pacific Coast, including the Pacific
2 Territories and Freely Associated States, that the
3 Secretary considers to be appropriate for inclusion in
4 the John H. Chafee Coastal Barrier Resources Sys-
5 tem.

6 **SEC. 404. REQUIRE DISCLOSURE TO PROSPECTIVE BUYERS**
7 **THAT PROPERTY IS IN THE COASTAL BAR-**
8 **RIER RESOURCES SYSTEM.**

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

12 “(c) DISCLOSURE OF LIMITATIONS.—

13 “(1) REQUIREMENT.—No person shall sell any
14 interest in real property located in the System unless
15 the person has disclosed to the buyer that the prop-
16 erty is in the System and subject to the limitations
17 under this section.

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

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

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

10 **SEC. 405. IMPROVE FEDERAL AGENCY COMPLIANCE WITH**
11 **COASTAL BARRIER RESOURCES ACT.**

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

14 (1) in subsection (a)—

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

18 (B) by striking “promulgate regulations”
19 and inserting “revise or promulgate regulations
20 and guidance, as necessary,”; and

21 (2) by amending subsection (b) to read as fol-
22 lows:

23 “(b) REPORTS AND CERTIFICATION.—

24 “(1) REPORTS.—The head of each Federal
25 agency affected by this Act shall annually report to

1 the Secretary that such agency is in compliance with
2 this Act.

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

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

12 (b) TECHNICAL CORRECTION.—Section 2 of the
13 Coastal Barrier Resources Act (16 U.S.C. 3502) is
14 amended by striking “Committee on Resources” and in-
15 serting “Committee on Natural Resources”.

16 **SEC. 406. EXCESS FEDERAL PROPERTY.**

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

20 “(3) Notwithstanding the provisions of section
21 3(1) and subsection (g) of this Act, the term ‘unde-
22 veloped coastal barrier’ means any coastal barrier
23 regardless of the degree of development.”.

1 **SEC. 407. EMERGENCY EXCEPTIONS TO LIMITATIONS ON**
2 **EXPENDITURES.**

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

5 (1) in paragraph (6), by striking subparagraph
6 (E) and redesignating subparagraphs (F) and (G) as
7 subparagraphs (E) and (F), respectively; and

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

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

18 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 10 of the Coastal Barrier Resources Act (16
20 U.S.C. 3510) is amended by striking “\$2,000,000” and
21 all that follows through the end of the sentence and insert-
22 ing “\$5,000,000 for each of fiscal years 2022 through
23 2026.”.

1 **TITLE V—COASTAL ZONE MAN-**
2 **AGEMENT ACT AMENDMENTS**

3 **SEC. 501. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
4 **COASTAL ZONE OBJECTIVES.**

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

8 **“SEC. 320. GRANTS TO FURTHER ACHIEVEMENT OF TRIBAL**
9 **COASTAL ZONE OBJECTIVES.**

10 “(a) GRANTS AUTHORIZED.—The Secretary may
11 award competitive grants to Indian Tribes to further
12 achievement of the objectives of such a Tribe for such
13 Tribe’s Tribal coastal zone.

14 “(b) COST SHARE.—

15 “(1) IN GENERAL.—The Federal share of the
16 cost of any activity carried out with a grant of
17 \$200,000 or more under this section shall not exceed
18 95 percent of such cost, except as provided in para-
19 graph (2).

20 “(2) WAIVER.—The Secretary may waive the
21 application of paragraph (1) with respect to a grant
22 to an Indian Tribe, or otherwise reduce the portion
23 of the share of the cost of an activity required to be
24 paid by an Indian Tribe under such paragraph.

1 “(c) COMPATIBILITY.—The Secretary may not award
2 a grant under this section unless the Secretary determines
3 that the activities to be carried out with the grant are
4 compatible with this title.

5 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—
6 Amounts awarded as a grant under this section shall be
7 used for 1 or more of the objectives and purposes author-
8 ized under subsections (b) and (c), respectively, of section
9 306A.

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

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

17 “(1) INDIAN LAND.—The term ‘Indian land’
18 has the meaning given such term in section 2601 of
19 the Energy Policy Act of 1992 (25 U.S.C. 3501)
20 and the Indian Tribe is within a coastal state, as
21 that term is defined in section 304(4) (16 U.S.C.
22 1453(4)).

23 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
24 has the meaning given such term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 “(3) TRIBAL COASTAL ZONE.—The term ‘Tribal
4 coastal zone’ means any Indian land that is within
5 the coastal zone, as that term is defined in section
6 304(1) (16 U.S.C. 1453(1)).

7 “(4) TRIBAL COASTAL ZONE OBJECTIVE.—The
8 term ‘Tribal coastal zone objective’ means, with re-
9 spect to an Indian Tribe, any of the following objec-
10 tives:

11 “(A) Protection, restoration, or preserva-
12 tion of areas in the Tribal coastal zone of such
13 Tribe that hold—

14 “(i) important ecological, cultural, or
15 sacred significance for such Tribe; or

16 “(ii) traditional, historic, and aes-
17 thetic values essential to such Tribe.

18 “(B) Preparing and implementing a special
19 area management plan and technical planning
20 for important coastal areas.

21 “(C) Any coastal or shoreline stabilization
22 measure, including any mitigation measure, for
23 the purpose of public safety, public access, or
24 cultural or historical preservation.”.

1 (b) GUIDANCE.—Not later than 180 days after the
2 date of the enactment of this Act, the Administrator shall
3 issue guidance for the program established under the
4 amendment made by subsection (a), including the criteria
5 for awarding grants under such program based on con-
6 sultation with Indian Tribes.

7 (c) USE OF STATE GRANTS TO FULFILL TRIBAL OB-
8 JECTIVES.—Section 306A(c)(2) of the Coastal Zone Man-
9 agement Act of 1972 (16 U.S.C. 1455a(c)(2)) is amended
10 by striking “and” after the semicolon at the end of sub-
11 paragraph (D), by striking the period at the end of sub-
12 paragraph (E) and inserting “; and”, and by adding at
13 the end the following:

14 “(F) fulfilling any Tribal coastal zone ob-
15 jective (as that term is defined in section
16 320).”.

17 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
18 this section and the amendments made by this section may
19 be construed to affect the ability of an Indian Tribe to
20 apply for, receive assistance under, or participate in any
21 program authorized by the Coastal Zone Management Act
22 of 1972 (16 U.S.C. 1451 et seq.) or other related Federal
23 laws.

1 **SEC. 502. ELIGIBILITY OF DISTRICT OF COLUMBIA FOR**
2 **FEDERAL FUNDING.**

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

6 **SEC. 503. COASTAL AND ESTUARINE RESILIENCE AND RES-**
7 **TORATION PROGRAM.**

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

10 (1) by striking the heading and inserting
11 “COASTAL AND ESTUARINE RESILIENCE AND RES-
12 TORATION PROGRAM”;

13 (2) by amending subsection (a) to read as fol-
14 lows:

15 “(a) IN GENERAL.—The Secretary may conduct a
16 Coastal and Estuarine Resilience and Restoration Pro-
17 gram, in cooperation with State, regional, and other units
18 of government and the National Estuarine Research Re-
19 serves, for the purposes of—

20 “(1) protecting important coastal and estuarine
21 areas that—

22 “(A) have significant conservation, recre-
23 ation, coastal access, ecological, historical, or
24 aesthetic value;

1 “(B) are threatened by conversion from
2 their natural, undeveloped, or recreational state
3 to other uses; or

4 “(C) could be managed or restored to ef-
5 fectively conserve, enhance, or restore ecological
6 function or mitigate climate change; or

7 “(2) restoring developed property in vulnerable
8 coastal and estuarine areas to a natural state to re-
9 store ecological function, allow for shoreline migra-
10 tion, and protect coastal communities.”;

11 (3) in subsection (c)—

12 (A) by amending paragraph (7) to read as
13 follows:

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

15 “(A) can be effectively managed and pro-
16 tected and that have significant recreation, eco-
17 logical, historical, cultural, aesthetic, or commu-
18 nity protection value;

19 “(B) to the maximum extent practicable,
20 benefit communities that may not have ade-
21 quate resources to prepare for or respond to
22 coastal hazards or to access the coastline, in-
23 cluding low income communities, communities
24 of color, Tribal and Indigenous communities,
25 and rural communities; and

1 “(C)(i) are under an imminent threat of
2 conversion to a use that will degrade or other-
3 wise diminish their natural, undeveloped, or rec-
4 reational state;

5 “(ii) serve to mitigate the adverse impacts
6 caused by coastal population growth in the
7 coastal environment;

8 “(iii) are within or adjacent to a national
9 estuarine research reserve designated under sec-
10 tion 315, a national wildlife refuge, or a na-
11 tional estuary program, or are proposed for des-
12 ignation as such a reserve or other such pro-
13 tected area; or

14 “(iv) are under threat due to climate
15 change or may serve to mitigate the adverse ef-
16 fects of climate change, including through the
17 storage of blue carbon, and to facilitate inland
18 migration of coastal ecosystems in response to
19 sea level rise.”; and

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

22 (4) in subsection (f)—

23 (A) in paragraph (2)(B), by inserting “for
24 any territory of the United States that is un-

1 able to provide such match,” after “commu-
2 nity,”; and

3 (B) in paragraph (4)—

4 (i) in subparagraph (A)(i), by striking
5 “meets the criteria set forth in section
6 2(b)” and inserting “the goals set forth in
7 subsection (b)”;

8 (ii) by striking subparagraph (B) and
9 redesignating subparagraph (C) as sub-
10 paragraph (B);

11 (iii) in subparagraph (B) (as so redes-
12 ignated), by striking “described in (A)”
13 and inserting “described in subparagraph
14 (A)”;

15 (iv) by inserting at the end the fol-
16 lowing new subparagraph:

17 “(C) The value of ecosystem services that
18 the acquired land provides, including as a buff-
19 er for storm surge, habitat for economically val-
20 uable species, and as blue carbon sink.”.

21 (5) in subsection (g), by striking “15” and in-
22 serting “20”;

23 (6) in subsection (h), by striking the second
24 sentence; and

1 (7) in subsection (l), by striking “fiscal years
2 2009 through 2013” and inserting “fiscal years
3 2022 through 2026”.

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

5 Section 308 of Coastal Zone Management Act of
6 1972 (16 U.S.C. 1456a) is amended to read as follows:

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

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

13 “(b) GRANTS FOR POST-DISASTER RECOVERY FROM
14 SEVERE COASTAL FLOOD EVENTS.—

15 “(1) IN GENERAL.—In response to a major dis-
16 aster declared under the Robert T. Stafford Disaster
17 Relief and Emergency Assistance Act (42 U.S.C.
18 5121 et seq.) as a result of flood and related dam-
19 ages in the coastal zone of a State, the Secretary
20 may issue a grant to such State for a purpose de-
21 scribed in paragraph (2).

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

1 “(A) improve resilience to future severe
2 coastal flood hazards including activities and
3 projects related to—

4 “(i) publicly owned infrastructure;

5 “(ii) residential and commercial struc-
6 tures;

7 “(iii) natural infrastructure; or

8 “(iv) waste disposal sites and indus-
9 trial facilities;

10 “(B) assess damages after a major disaster
11 described in paragraph (1);

12 “(C) plan, design, or engineer a project
13 to—

14 “(i) restore, expand, install, or relo-
15 cate natural infrastructure;

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

19 “(iii) facilitate the landward migration
20 of coastal ecosystems; or

21 “(D) implement a project described by
22 subparagraph (C).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(B) developing, enacting, and admin-
15 istering a State or Tribe or local law prohib-
16 iting new and significantly expanded develop-
17 ment in areas at risk of severe coastal flood
18 hazards;

19 “(C) developing, enacting, and admin-
20 istering a State or Tribal requirement for dis-
21 closure of severe coastal flood hazards, includ-
22 ing sea level rise, to buyers of real estate;

23 “(D) making grants to local governments,
24 or regional consortiums of local governments, to
25 implement the State or Tribe’s plan, including

1 development of local or regional plans and site-
2 specific plans or projects; and

3 “(E) planning, designing, and imple-
4 menting projects to—

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

9 “(ii) relocate infrastructure or struc-
10 tures at risk of damage by severe coastal
11 flood hazards, restore such sites to safe
12 conditions, and select alternative sites;

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

16 “(iv) protect waste disposal facilities
17 in areas at risk of severe coastal flood haz-
18 ards or relocate such facilities to alter-
19 native sites; and

20 “(v) facilitate the landward migration
21 of coastal ecosystems.

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

1 “(A) the area and population of the coastal
2 zone of the State or Tribe;

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

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

10 “(D) benefits to disadvantaged commu-
11 nities identified in a plan approved under this
12 subsection.

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

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

18 “(A) Periodic assessment of storm flood
19 risk and relative sea level and lake level changes
20 along the United States coastline, including es-
21 timates of changes in storm intensity and rel-
22 ative sea or lake levels by 2040, 2060, 2080,
23 and 2100.

24 “(B) Operation of an online mapping tool
25 to describe areas at risk of temporary flooding

1 from future coastal storms and permanent in-
2 undation as a result of sea or long term lake
3 level changes.

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

9 “(D) Establishment, not later than one
10 year after the date of the enactment of this sec-
11 tion, of minimum criteria for disclosure of se-
12 vere coastal flood hazards, including sea level
13 rise, to buyers of real estate in the coastal zone.

14 “(E) Creation, not later than one year
15 after the date of the enactment of this section,
16 and periodic updating, of an online dashboard
17 describing the key features of State, Tribe, or
18 local government requirements for disclosure of
19 severe coastal flood hazards to buyers of real
20 estate.

21 “(F) Establishment, not later than one
22 year after the date of the enactment of this sec-
23 tion, after consultation with the Secretary of
24 the Environmental Protection Agency, of stand-
25 ards for restoration to safe conditions of sites

1 from which infrastructure or other structures
2 have been relocated.

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

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

11 “(B) describe approaches the State and
12 Tribe should consider to prohibit new or ex-
13 panded development in areas at risk of severe
14 coastal flood hazards;

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

21 “(D) describe methods for evaluation of re-
22 sponse options including construction of struc-
23 tures to protect assets and relocation to alter-
24 native sites, including cost comparison in the

1 context of available resources, and related con-
2 siderations;

3 “(E) review options for establishing prior-
4 ities for removal of damaged or abandoned
5 structures and restoration of sites to safe condi-
6 tions;

7 “(F) describe social justice policies and
8 practices the State or Tribe should consider
9 adopting in carrying out the activities under
10 this section, including criteria for identifying
11 disadvantaged communities within the coastal
12 zone of the State or Tribe and the policies and
13 practices the State or Tribe should consider
14 adopting to assure that interests of such com-
15 munities are addressed in State or Tribal plans
16 developed pursuant to this section;

17 “(G) identify areas in coastal communities,
18 or other locations in the State or Tribe’s land,
19 that have minimal severe coastal flood hazards,
20 that are appropriate for relocation of people
21 and property, and can sustain the identity and
22 cultural heritage of relocated communities;

23 “(H) provide information and practices for
24 identifying coastal areas that are important to
25 the successful landward migration of eco-

1 systems in response to severe coastal flood haz-
2 ards and measures for protecting these migra-
3 tion pathways;

4 “(I) identify tools to identify waste dis-
5 posal sites and related sites that pose a risk of
6 water pollution as a result of severe coastal
7 flood hazards and describe practices the State
8 or Tribe should consider to protect or relocate
9 such facilities or sites; and

10 “(J) describe opportunities to improve
11 public access to the shoreline as a result of im-
12 proved preparedness for severe coastal flood
13 hazards.

14 “(f) ADMINISTRATION.—The Secretary may use
15 amounts in the Fund for expenses incident to the adminis-
16 tration of this section, in an amount not to exceed
17 \$250,000 or 3 percent of the amount in the Fund, which-
18 ever is less, for each fiscal year.

19 “(g) REPORT TO CONGRESS.—The Secretary shall,
20 not later than three years after the date of the enactment
21 of this section and every 3 years thereafter, submit to the
22 Committee on Natural Resources of the House of Rep-
23 resentatives and the Committee on Commerce of the Sen-
24 ate a report describing the development of plans and
25 projects under this section, changes in severe coastal flood

1 hazards, including changes to risks to disadvantaged com-
2 munities, and making recommendations to better respond
3 to these challenges.

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

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

8 “(A) temporary flooding resulting from
9 coastal storms and storm surge, tsunamis, and
10 changing lake levels; and

11 “(B) permanent inundation from rising sea
12 levels and land subsidence, including landward
13 migration of shorelines impacting residential
14 and commercial property, infrastructure, and
15 ecosystems.

16 “(2) NATURAL INFRASTRUCTURE.—The term
17 ‘natural infrastructure’ means coastal wetlands,
18 beaches, dunes, marshes, mangrove forests, oyster
19 beds, submerged aquatic vegetation, coral reefs, mu-
20 nicipal green infrastructure, and living shorelines.

21 “(3) PUBLICLY OWNED INFRASTRUCTURE.—
22 The term ‘publicly owned infrastructure’ means
23 buildings, structures, and facilities and appur-
24 tenances of drinking water, sewage treatment, nat-
25 ural gas, or electric power utilities owned by a mu-

1 nicipal, county, or State government or a combina-
2 tion of such governments.

3 “(4) WASTE DISPOSAL SITE.—The term ‘waste
4 disposal site’ means a publicly or privately owned
5 solid waste landfill or disposal site, a hazardous
6 waste landfill or disposal site, a site included on the
7 National Priorities List developed under the Com-
8 prehensive Environmental Response, Compensation,
9 and Liability Act of 1980 (42 U.S.C. 9601), and a
10 site used for the disposal of coal combustion residu-
11 als from a coal fired plant that has been identified
12 in a plan approved under subsection (d).

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

22 “(6) LIVING SHORELINE.—The term ‘living
23 shoreline’ means a protected, stabilized coastal edge
24 made of natural materials such as plants designed to

1 provide wildlife habitat, as well as natural resilience
2 to shorelines.

3 “(7) MUNICIPAL GREEN INFRASTRUCTURE.—

4 The term ‘municipal green infrastructure’ has the
5 meaning given the term ‘green infrastructure’ in
6 paragraph (27) of section 1362 of title 33, United
7 States Code.

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

14 “(i) AUTHORIZATION OF APPROPRIATIONS.—

15 “(1) IN GENERAL.—There is authorized to be
16 appropriated into the Fund for use by the Secretary
17 \$100,000,000 for each of fiscal years 2022 through
18 2026, which shall remain available until expended
19 without fiscal year limitation.

20 “(2) DISASTER RELIEF.—There is authorized
21 to be appropriated into the Fund for use by the Sec-
22 retary to respond to a major disaster declared under
23 the Robert T. Stafford Disaster Relief and Emer-
24 gency Assistance Act (42 U.S.C. 5121 et seq.) such
25 sums as may be necessary. Funds appropriated pur-

1 suant to this paragraph may only be used to make
2 grants to the State or States in which the major dis-
3 aster occurred and shall remain available until ex-
4 pended without fiscal year limitation.”.

5 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

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

8 “(a) SUMS APPROPRIATED TO THE SECRETARY.—
9 There are authorized to be appropriated to the Secretary,
10 to remain available until expended—

11 “(1) for grants under sections 306, 306A, and
12 309, \$95,000,000 for each of fiscal years 2022
13 through 2026; and

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

16 **SEC. 506. AMENDMENTS TO NATIONAL ESTUARINE RE-**
17 **SEARCH RESERVE SYSTEM PROGRAM.**

18 (a) DESIGNATION OF ADDITIONAL RESERVES.—Not
19 later than five years after the date of the enactment of
20 this Act, the Administrator shall designate not less than
21 5 new national estuarine reserves under section 315 of the
22 Coastal Zone Management Act of 1972 (16 U.S.C. 1461)
23 that ensure the National Estuarine Research Reserve Sys-
24 tem includes areas in—

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

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

5 (b) GUIDELINES FOR TRACKING AND MODELING THE
6 IMPACTS OF CLIMATE CHANGE.—Section 315(c) of the
7 Coastal Zone Management Act of 1972 (16 U.S.C.
8 1461(c)) is amended—

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

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) the establishment of coordinated long-term
14 data monitoring and methods throughout the Sys-
15 tem for tracking and modeling the impacts of cli-
16 mate change on estuarine systems, including impacts
17 on lake levels and sea levels;”.

18 (c) LAND ACQUISITION AND CONSTRUCTION.—Sec-
19 tion 315 of the Coastal Zone Management Act of 1972
20 (16 U.S.C. 1461) is amended by striking (g) and adding
21 at the end the following:

22 “(g) LAND ACQUISITION AND CONSTRUCTION.—The
23 Secretary may use funds authorized under section 318 for
24 land acquisition and the construction and renovations of
25 facilities required to meet delivery of System programs

1 and services, or to meet changing needs of program under
2 this title. Such construction shall incorporate green design
3 principles, materials, energy efficiency, and adaptive reuse
4 strategies, and the development of innovative coastal tech-
5 nology and management strategies that enhance resilience
6 of System facilities and lands.

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

9 “(1) provide science-based information and
10 technical assistance to coastal stakeholders and deci-
11 sionmakers;

12 “(2) leverage the capabilities of nationwide pro-
13 tected area networks to address challenging coastal
14 management issues such as climate change and vul-
15 nerability of coastal ecosystems and communities to
16 coastal hazards;

17 “(3) serve as living laboratories and preferred
18 places for National Oceanic and Atmospheric Ad-
19 ministration research and fellowships on coastal and
20 estuarine systems;

21 “(4) serve as critical sentinel sites for detecting
22 environmental change and developing and dem-
23 onstrating adaptation and mitigation strategies;

1 “(5) identify priority places for land acquisition,
2 especially those lands required to enhance resilience
3 to environmental change; and

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

8 “(i) SYSTEMWIDE ELEMENTS OF THE NATIONAL ES-
9 TUARINE RESEARCH RESERVE SYSTEM.—The Secretary
10 shall coordinate systemwide programs and activities in the
11 System including—

12 “(1) the centralized management and dissemi-
13 nation of data from System observation and moni-
14 toring networks;

15 “(2) a competitive grant program employing the
16 collaborative research model on coastal research and
17 management priorities to be conducted at research
18 reserve sites focused on the priorities determined by
19 the Secretary; and

20 “(3) the Margaret A. Davidson Graduate Re-
21 search Fellowship Program to address key coastal
22 management questions and the coastal research and
23 management priorities of the Reserve System and its
24 place-based sites to help scientists and communities

1 understand the coastal challenges that may influence
2 future policy and management strategies.

3 “(j) PLACE-BASED PROGRAM ELEMENTS OF THE
4 NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM.—
5 Each National Estuarine Research Reserve shall establish
6 and maintain place-based program elements that in-
7 clude—

8 “(1) a research, monitoring, and observation
9 network that detects environmental change and in-
10 forms suitable adaptation and mitigation strategies
11 where appropriate, and that supports systemwide ac-
12 tivities stated in subsection (e);

13 “(2) education, outreach, and interpretive pro-
14 grams that communicate the value and changing dy-
15 namics of coastal systems and inspire behavior
16 change for the next generation of estuarine stew-
17 ards;

18 “(3) stewardship programs that provide science-
19 based tools, habitat management, and restoration
20 and that provide resources and information to in-
21 form coastal management;

22 “(4) coastal training programs that provide
23 technical assistance to coastal communities, resource
24 managers, and coastal decisionmakers; and

1 “(5) the lands and facilities that support such
2 accessible research, monitoring, stewardship, edu-
3 cation, and coastal training activities.

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

6 “(1) COLLABORATIVE RESEARCH.—The term
7 ‘collaborative research’ means the engagement of
8 local decisionmakers and stakeholders directly in the
9 research process so that their knowledge and needs
10 will inform research questions, data analysis, and
11 use of the products generated by the research.

12 “(2) SENTINEL SITE.—The term ‘sentinel site’
13 means a site with long-term research and monitoring
14 capability to detect, document, and respond to
15 emerging environmental changes that impact natural
16 and human systems.”.

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

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

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

22 “(a) WORKING WATERFRONT TASK FORCE.—

23 “(1) ESTABLISHMENT AND FUNCTIONS.—The
24 Secretary shall establish a task force to work di-
25 rectly with coastal States, user groups, and coastal

1 stakeholders to identify and address critical needs
2 with respect to working waterfronts.

3 “(2) MEMBERSHIP.—The members of the task
4 force shall be appointed by the Secretary, and shall
5 include—

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

9 “(B) representatives from the National
10 Oceanic and Atmospheric Administration’s Of-
11 fice of Coastal Management, the United States
12 Fish and Wildlife Service, the Department of
13 Agriculture, the Environmental Protection
14 Agency, the United States Geological Survey,
15 the Navy, the National Marine Fisheries Serv-
16 ice, the Economic Development Administration,
17 and such other Federal agencies as the Sec-
18 retary considers appropriate.

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

20 “(A) identify and prioritize critical needs
21 with respect to working waterfronts in States
22 that have a management program approved by
23 the Secretary pursuant to section 306, in the
24 areas of—

1 “(i) economic and cultural importance
2 of working waterfronts to communities;

3 “(ii) changing environments and
4 threats working waterfronts face from en-
5 vironmental changes, trade barriers, sea
6 level rise, extreme weather events, ocean
7 acidification, and harmful algal blooms;
8 and

9 “(iii) identifying working waterfronts
10 and highlighting them within communities;

11 “(B) outline options, in coordination with
12 coastal States and local stakeholders, to address
13 such critical needs, including adaptation and
14 mitigation where applicable;

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

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

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

1 “(5) REPORT.—Not later than 18 months after
2 the date of the enactment of this section, the task
3 force shall submit a report to Congress on its find-
4 ings.

5 “(6) IMPLEMENTATION.—The head of each
6 Federal agency identified in the report pursuant to
7 paragraph (3)(C) shall take such action as is nec-
8 essary to implement the recommendations contained
9 in the report by not later than one year after the
10 date of issuance of the report.

11 “(b) WORKING WATERFRONT GRANT PROGRAM.—

12 “(1) ESTABLISHMENT.—The Secretary shall es-
13 tablish a Working Waterfront Grant Program, in co-
14 operation with appropriate State, regional, and other
15 units of government, under which the Secretary may
16 make a grant to any coastal State for the purpose
17 of implementing a working waterfront plan approved
18 by the Secretary under subsection (c).

19 “(2) GRANTS.—The Secretary shall award
20 matching grants under the Working Waterfronts
21 Grant Program to coastal States with approved
22 working waterfront plans through a regionally equi-
23 table, competitive funding process in accordance
24 with the following:

1 “(A) The Governor, or an agency des-
2 ignated by the Governor for coordinating the
3 implementation of this section, in consultation
4 with any appropriate local government, shall de-
5 termine that the application is consistent with
6 the State’s or territory’s approved coastal zone
7 plan, program, and policies prior to submission
8 to the Secretary.

9 “(B) In developing guidelines under this
10 section, the Secretary shall consult with coastal
11 States, other Federal agencies, and other inter-
12 ested stakeholders with expertise in working
13 waterfront planning.

14 “(C) Coastal States may allocate grants to
15 local governments, agencies, or nongovern-
16 mental organizations eligible for assistance
17 under this section.

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

20 “(A) the economic, cultural, and historical
21 significance of working waterfront to the coast-
22 al State;

23 “(B) the demonstrated working waterfront
24 needs of the coastal State as outlined by a
25 working waterfront plan approved for the coast-

1 al State under subsection (c), and the value of
2 the proposed project for the implementation of
3 such plan;

4 “(C) the ability to leverage funds among
5 participating entities, including Federal agen-
6 cies, regional organizations, State and other
7 government units, landowners, corporations, or
8 private organizations;

9 “(D) the potential for rapid turnover in
10 the ownership of working waterfront in the
11 coastal State, and where applicable the need for
12 coastal States to respond quickly when prop-
13 erties in existing or potential working water-
14 front areas or public access areas as identified
15 in the working waterfront plan submitted by
16 the coastal State come under threat or become
17 available; and

18 “(E) the impact of the working waterfront
19 plan approved for the coastal State under sub-
20 section (c) on the coastal ecosystem and the
21 users of the coastal ecosystem.

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

1 “(c) WORKING WATERFRONT PLANS.—

2 “(1) DEVELOPMENT AND SUBMISSION OF
3 PLAN.—To be eligible for a grant under subsection
4 (b), a coastal State shall submit to the Secretary a
5 comprehensive working waterfront plan in accord-
6 ance with this subsection, or be in the process of de-
7 veloping such a plan and have an established work-
8 ing waterfront program at the State or local level.

9 “(2) PLAN REQUIREMENTS.—Such plan—

10 “(A) shall provide for preservation and ex-
11 pansion of access to coastal waters to persons
12 engaged in commercial fishing, marine rec-
13 reational and tourism businesses, aquaculture,
14 boatbuilding, or other water-dependent, coastal-
15 related business;

16 “(B) shall include—

17 “(i) an assessment of the economic,
18 social, cultural, and historic value of work-
19 ing waterfront to the coastal State;

20 “(ii) a description of relevant State
21 and local laws and regulations affecting
22 working waterfront in the geographic areas
23 identified in the working waterfront plan;

24 “(iii) identification of geographic
25 areas where working waterfronts are cur-

1 rently under threat of conversion to uses
2 incompatible with commercial and rec-
3 reational fishing, recreational fishing and
4 boating businesses, other marine rec-
5 reational and tourism businesses, aqua-
6 culture, boatbuilding, or other water-de-
7 pendent, coastal-related business, and the
8 level of that threat;

9 “(iv) identification of geographic areas
10 with a historic connection to working wa-
11 terfronts where working waterfronts are
12 not currently available, and, where appro-
13 priate, an assessment of the environmental
14 impacts of any expansion or new develop-
15 ment of working waterfronts on the coastal
16 ecosystem;

17 “(v) identification of other working
18 waterfront needs including improvements
19 to existing working waterfronts and work-
20 ing waterfront areas;

21 “(vi) a strategic and prioritized plan
22 for the preservation, expansion, and im-
23 provement of working waterfronts in the
24 coastal State;

1 “(vii) for areas identified under
2 clauses (iii), (iv), (v), and (vi), identifica-
3 tion of current availability and potential
4 for expansion of public access to coastal
5 waters;

6 “(viii) a description of the degree of
7 community support for such strategic plan;
8 and

9 “(ix) a contingency plan for properties
10 that revert to the coastal State pursuant to
11 determinations made by the coastal State
12 under subsection (g)(4)(C);

13 “(C) may include detailed descriptions of
14 environmental impacts on working waterfronts,
15 including hazards, sea level rise, inundation ex-
16 posure, and other resiliency issues;

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

19 “(E) shall utilize to the maximum extent
20 practicable existing information contained in
21 relevant surveys, plans, or other strategies to
22 fulfill the information requirements under this
23 paragraph; and

24 “(F) shall incorporate the policies and reg-
25 ulations adopted by communities under local

1 working waterfront plans or strategies in exist-
2 ence before the date of the enactment of this
3 section.

4 “(3) A working waterfront plan—

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

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

10 “(C) shall be complimentary to and incor-
11 porate the policies and objectives of regional or
12 local working waterfront plans as in effect be-
13 fore the date of the enactment of this section or
14 as subsequently revised.

15 “(4) The Secretary may—

16 “(A) award planning grants to coastal
17 States for the purpose of developing or revising
18 comprehensive working waterfront plans;

19 “(B) award grants consistent with the pur-
20 poses of this section to States undertaking the
21 working waterfront planning process under this
22 section, for the purpose of preserving and pro-
23 tecting working waterfronts during such proc-
24 ess; and

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

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

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

9 “(B) coordinate development and imple-
10 mentation of such a plan with other coastal
11 management programs, regulations, and activi-
12 ties of the coastal State; and

13 “(C) if the coastal State allows qualified
14 holders (other than the coastal State) to enter
15 into working waterfront covenants, provide as
16 part of the working waterfront plan under this
17 subsection a procedure to ensure that the quali-
18 fied holders are fulfilling such qualified holder’s
19 obligations under the working waterfront cov-
20 enant.

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

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

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

4 “(3) for necessary climate change adaptation or
5 mitigation.

6 “(e) PUBLIC ACCESS REQUIREMENT.—A working
7 waterfront project funded by grants made under this sec-
8 tion must provide for expansion, improvement, or preser-
9 vation of reasonable and appropriate public access to
10 coastal waters at or in the vicinity of a working water-
11 front, except for commercial fishing or other industrial ac-
12 cess points where the coastal State determines that public
13 access would be unsafe.

14 “(f) LIMITATIONS.—

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

20 “(2) A grant awarded under this section may
21 be used to acquire working waterfront or an interest
22 in working waterfront at less than fair market value
23 only if the owner certifies to the Secretary that the
24 sale is being entered into willingly and without coer-
25 cion.

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

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

7 “(1) DESIGNATION OF QUALIFIED HOLDER.—
8 Subject to the approval of the Secretary, a coastal
9 State may, as part of an approved working water-
10 front plan, designate as a qualified holder any unit
11 of State or local government or nongovernmental or-
12 ganization, if the coastal State is ultimately respon-
13 sible for ensuring that the property will be managed
14 in a manner that is consistent with the purposes for
15 which the land entered into the program.

16 “(2) ALLOCATION.—A coastal State or a quali-
17 fied holder designated by a coastal State may allo-
18 cate to a unit of local government, nongovernmental
19 organization, fishing cooperative, or other entity, a
20 portion of any grant made under this section for the
21 purpose of carrying out this section, except that
22 such an allocation shall not relieve the coastal State
23 of the responsibility for ensuring that any funds so
24 allocated are applied in furtherance of the coastal
25 State’s approved working waterfront plan.

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

4 “(A) all persons holding title to or interest
5 in working waterfront affected by a grant under
6 this section shall enter into a working water-
7 front covenant;

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

11 “(C) if the coastal State determines, on
12 the record after an opportunity for a hearing,
13 that the working waterfront covenant has been
14 violated—

15 “(i) all right, title, and interest in and
16 to the working waterfront covered by such
17 covenant shall, except as provided in sub-
18 paragraph (D), revert to the coastal State;
19 and

20 “(ii) the coastal State shall have the
21 right of immediate entry onto the working
22 waterfront; and

23 “(D) if a coastal State makes a determina-
24 tion under subparagraph (C), the coastal State
25 may convey or authorize the qualified holder to

1 convey the working waterfront or interest in
2 working waterfront to another qualified holder.

3 “(h) MATCHING CONTRIBUTIONS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary shall require that each
6 coastal State that receives a grant under this sec-
7 tion, or a qualified holder designated by that coastal
8 State under subsection (g), shall provide matching
9 funds in an amount equal to at least 25 percent of
10 the total cost of the project carried out with the
11 grant. As a condition of receipt of a grant under this
12 section, the Secretary shall require that a coastal
13 State provide to the Secretary such assurances as
14 the Secretary determines are sufficient to dem-
15 onstrate that the share of the cost of each eligible
16 project that is not funded by the grant awarded
17 under this section has been secured.

18 “(2) WAIVER.—The Secretary may waive the
19 application of paragraph (1) for any qualified holder
20 that is an underserved community, a community
21 that has an inability to draw on other sources of
22 funding because of the small population or low in-
23 come of the community, or for other reasons the
24 Secretary considers appropriate.

1 “(3) IN-KIND CONTRIBUTIONS.—A local com-
2 munity designated as a qualified holder under sub-
3 section (g) may use funds or other in-kind contribu-
4 tions donated by a nongovernmental partner to sat-
5 isfy the matching funds requirement under this sub-
6 section.

7 “(4) FUNDING FROM OTHER FEDERAL
8 SOURCE.—If financial assistance under this section
9 represents only a portion of the total cost of a
10 project, funding from other Federal sources may be
11 applied to the cost of the project.

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

1 “(6) OTHER CONSIDERATIONS.—The Secretary
2 shall treat as non-Federal match the costs associated
3 with acquisition of a working waterfront or an inter-
4 est in a working waterfront, and the costs of res-
5 toration, enhancement, or other improvement to a
6 working waterfront, if the activities are identified in
7 the project application and the costs are incurred
8 within the period of the grant award, or, for working
9 waterfront described in paragraph (6), within the
10 same time limits described in that paragraph. Such
11 costs may include either cash or in-kind contribu-
12 tions.

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

18 “(j) OTHER TECHNICAL AND FINANCIAL ASSIST-
19 ANCE.—

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

24 “(2) The Secretary shall—

1 “(A) provide technical assistance to coastal
2 States and local governments in identifying and
3 obtaining other sources of available Federal
4 technical and financial assistance for the devel-
5 opment and revision of a working waterfront
6 plan and the implementation of an approved
7 working waterfront plan;

8 “(B) provide technical assistance to States
9 and local governments for the development, im-
10 plementation, and revision of comprehensive
11 working waterfront plans, which may include,
12 subject to the availability of appropriations,
13 planning grants and assistance, pilot projects,
14 feasibility studies, research, and other projects
15 necessary to further the purposes of this sec-
16 tion;

17 “(C) assist States in developing other tools
18 to protect working waterfronts;

19 “(D) collect and disseminate to States
20 guidance for best storm water management
21 practices in regards to working waterfronts;

22 “(E) provide technical assistance to States
23 and local governments on integrating resilience
24 planning into working waterfront preservation
25 efforts; and

1 “(F) collect and disseminate best practices
2 on working waterfronts and resilience planning.

3 “(k) REPORTS.—

4 “(1) The Secretary shall—

5 “(A) develop performance measures to
6 evaluate and report on the effectiveness of the
7 program under this section in accomplishing the
8 purpose of this section; and

9 “(B) submit to Congress a biennial report
10 that includes such evaluations, an account of all
11 expenditures, and descriptions of all projects
12 carried out using grants awarded under this
13 section.

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

17 “(l) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) QUALIFIED HOLDER.—The term ‘qualified
20 holder’ means a coastal State or a unit of local or
21 coastal State government or a non-State organiza-
22 tion designated by a coastal State under subsection
23 (g).

24 “(2) WORKING WATERFRONT.—The term
25 ‘working waterfront’ means real property (including

1 support structures over water and other facilities)
2 that provides access to coastal waters to persons en-
3 gaged in commercial and recreational fishing, rec-
4 reational fishing and boating businesses, other ma-
5 rine recreational and tourism businesses,
6 boatbuilding, aquaculture, or other water-dependent,
7 coastal-related business and is used for, or that sup-
8 ports, commercial and recreational fishing, rec-
9 reational fishing and boating businesses,
10 boatbuilding, other marine recreational and tourism
11 businesses, aquaculture, or other water-dependent,
12 coastal-related business.

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

19 “(A) the title to or interest in the working
20 waterfront will be held by a grant recipient or
21 qualified holder in perpetuity, except as pro-
22 vided in subparagraph (C);

23 “(B) the working waterfront will be man-
24 aged in a manner that is consistent with the
25 purposes for which the property is acquired

1 pursuant to this section, and the property will
2 not be converted to any use that is inconsistent
3 with the purpose of this section;

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

6 “(i) all working waterfront owners
7 and qualified holders involved in such sale
8 or exchange shall accede to such agree-
9 ment; and

10 “(ii) funds equal to the fair market
11 value of the working waterfront or interest
12 in working waterfront shall be paid to the
13 Secretary by parties to the sale or ex-
14 change, and such funds shall, at the dis-
15 cretion of the Secretary, be paid to the
16 coastal State in which the working water-
17 front is located for use in the implementa-
18 tion of the working waterfront plan of the
19 State approved by the Secretary under this
20 section; and

21 “(D) such covenant is subject to enforce-
22 ment and oversight by the coastal State or by
23 another person as determined appropriate by
24 the Secretary.

1 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Secretary
3 \$12,000,000 for each of fiscal years 2022 through 2026
4 to carry out this section.”.

5 **TITLE VI—INSULAR AFFAIRS**

6 **SEC. 601. DEFINITIONS.**

7 In this title, the following definitions apply:

8 (1) FREELY ASSOCIATED STATES.—The term
9 “Freely Associated States” means the Republic of
10 the Marshall Islands, the Federated States of Micro-
11 nesia, and the Republic of Palau.

12 (2) TERRITORY.—The term “Territory” means
13 American Samoa, the Commonwealth of the North-
14 ern Mariana Islands, Guam, Puerto Rico, or the Vir-
15 gin Islands of the United States.

16 (3) INSULAR AREAS.—The term “Insular
17 Areas” means the Territories and the Freely Associ-
18 ated States.

19 **SEC. 602. INSULAR AREA CLIMATE CHANGE INTERAGENCY** 20 **TASK FORCE.**

21 (a) ESTABLISHMENT OF TASK FORCE.—Not later
22 than 90 days after the date of the enactment of this Act,
23 the following shall jointly establish the “Insular Area Cli-
24 mate Change Interagency Task Force” (hereafter in this
25 section referred to as the “Task Force”):

1 (1) The Secretary of the Interior.

2 (2) The Secretary of Energy.

3 (3) The Secretary of State.

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

6 (5) The Secretary of Agriculture.

7 (6) The Secretary of Commerce.

8 (7) The Secretary of the Federal Emergency
9 Management Agency.

10 (8) The Secretary of the Environmental Protec-
11 tion Agency.

12 (b) CHAIRPERSON.—The Task Force shall be chaired
13 by the Administrator of the Federal Emergency Manage-
14 ment Agency.

15 (c) DUTIES.—The Task Force shall—

16 (1) evaluate all Federal programs regarding
17 ways to provide greater access to Federal programs
18 and equitable baseline funding in relation to States,
19 to territories for climate change planning, mitiga-
20 tion, adaptation, and resilience;

21 (2) identify statutory barriers to providing ter-
22 ritories greater access to Federal programs and eq-
23 uitable baseline funding; and

24 (3) in consultation with local governments and
25 non-governmental organizations, provide rec-

1 ommendations related to climate change in Insular
2 Areas.

3 (d) COMPREHENSIVE REPORT.—Not later than one
4 year after the establishment of the Task Force, the Task
5 Force, in consultation with Insular Areas governments,
6 shall issue a comprehensive report that—

7 (1) identifies Federal programs that have an
8 impact on climate change planning, mitigation, ad-
9 aptation, and resilience, but exclude territories in re-
10 gard to eligibility, funding, and assistance, or do not
11 provide equitable baseline funding in relation to
12 States; and

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

16 (e) PUBLICATION; PUBLIC AVAILABILITY.—The Ad-
17 ministrators of the Federal Emergency Management Agen-
18 cy shall ensure that the report required under subsection
19 (d) is—

20 (1) submitted to the Committees on Energy and
21 Commerce and Natural Resources of the House of
22 Representatives, and Energy and Natural Resources
23 of the Senate;

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

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

4 **SEC. 603. RUNIT DOME REPORT AND MONITORING ACTIVI-**
5 **TIES.**

6 (a) IN GENERAL.—Not later than one year after the
7 date of the enactment of this Act, the Secretary of the
8 Interior shall submit to the Committees on Natural Re-
9 sources and Energy and Commerce of the House of Rep-
10 resentatives, and to the Committee on Energy and Nat-
11 ural Resources of the Senate, a report, prepared by inde-
12 pendent experts not employed by the United States Gov-
13 ernment, on the impacts of climate change on the “Runit
14 Dome” nuclear waste disposal site in Enewetak Atoll,
15 Marshall Islands, and on other environmental hazards in
16 the vicinity thereof. The report shall include the following:

17 (1) A detailed scientific analysis of any threats
18 to the environment, and to the health and safety of
19 Enewetak Atoll residents, posed by each of the fol-
20 lowing:

21 (A) The “Runit Dome” nuclear waste dis-
22 posal site.

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

1 (C) Radionuclides and other toxins present
2 in the lagoon of Enewetak Atoll, including areas
3 in the lagoon where nuclear waste was dumped.

4 (D) Radionuclides and other toxins, includ-
5 ing beryllium, which may be present on the is-
6 lands of Enewetak Atoll as a result of nuclear
7 tests and other activities of the U.S. govern-
8 ment, including tests of chemical and biological
9 warfare agents, rocket tests, contaminated air-
10 craft landing on Enewetak Island, and nuclear
11 cleanup activities.

12 (E) Radionuclides and other toxins that
13 may be present in the drinking water on
14 Enewetak Island or in the water source for the
15 desalination plant.

16 (F) Radionuclides and other toxins that
17 may be present in the groundwater under and
18 in the vicinity of the nuclear waste disposal fa-
19 cility on Runit Island.

20 (2) A detailed scientific analysis of the extent to
21 which rising sea levels, severe weather events and
22 other effects of climate change might exacerbate any
23 of the threats identified above.

1 (3) A detailed plan, including costs, to relocate
2 all of the nuclear waste and other toxic waste con-
3 tained in—

4 (A) the “Runit Dome” nuclear waste dis-
5 posal site;

6 (B) all of the crypts on Enewetak Atoll
7 containing such waste; and

8 (C) the three dumping areas in Enewetak’s
9 lagoon to a safe, secure facility to be con-
10 structed in an uninhabited, unincorporated ter-
11 ritory of the United States.

12 (b) MARSHALLESE PARTICIPATION.—The Secretary
13 of the Interior shall allow scientists or other experts se-
14 lected by the Republic of the Marshall Islands to partici-
15 pate in all aspects of the preparation of the report re-
16 quired by subsection (a), including, without limitation, de-
17 veloping the work plan, identifying questions, conducting
18 research, and collecting and interpreting data.

19 (c) PUBLICATION.—The report required in subsection
20 (a) shall be published in the Federal Register for public
21 comment for a period of not fewer than 60 days.

22 (d) PUBLIC AVAILABILITY.—The Secretary of the In-
23 terior shall publish the study required under subsection
24 (a) and results submitted under subsection (b) on a public
25 website.

1 (e) AUTHORIZATION OF APPROPRIATION FOR RE-
2 PORT.—There is authorized to be appropriated for the Of-
3 fice of Insular Affairs of the Department of the Interior
4 for fiscal year 2022 such sums as may be necessary to
5 produce the report required in subsection (a).

6 (f) INDEFINITE AUTHORIZATION OF APPROPRIATION
7 FOR RUNIT DOME MONITORING ACTIVITIES.—There is
8 authorized to be appropriated to the Department of En-
9 ergy such sums as may be necessary to comply with the
10 requirements of section 103(f)(1)(B) of the Compact of
11 Free Association Amendments Act of 2003 (48 U.S.C.
12 1921b(f)(1)(B)).

13 **SEC. 604. COASTAL MANAGEMENT TECHNICAL ASSISTANCE**
14 **AND REPORT.**

15 (a) TECHNICAL ASSISTANCE.—

16 (1) IN GENERAL.—The Administrator, acting
17 through the Director of the Office for Coastal Man-
18 agement, shall provide technical assistance to Insu-
19 lar Areas to enhance coastal management and cli-
20 mate change programs of the Insular Areas.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to the Ad-
23 ministrator to carry out this subsection \$5,000,000
24 for each of fiscal years 2022 through 2026.

1 (b) ANNUAL REPORT.—The Administrator, acting
2 through the Director of the Office for Coastal Manage-
3 ment, shall submit a report to the Committee on Natural
4 Resources of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate every 5 years on the status of the following in Insu-
7 lar Areas:

8 (1) Wetland, mangrove, and estuary conditions.

9 (2) Climate change impacts, including ecologi-
10 cal, economic and cultural impacts.

11 **SEC. 605. CLIMATE CHANGE INSULAR RESEARCH GRANT**
12 **PROGRAM.**

13 (a) IN GENERAL.—The Administrator shall establish
14 a Climate Change Insular Research Grant Program to
15 provide grants to institutions of higher education in Insu-
16 lar Areas for monitoring, collecting, synthesizing, ana-
17 lyzing, and publishing local climate change data.

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

22 **SEC. 606. NATIONAL WEATHER SERVICE TECHNICAL AS-**
23 **SISTANCE GRANTS.**

24 (a) TECHNICAL ASSISTANCE AND OUTREACH.—

1 (1) IN GENERAL.—The Administrator, acting
2 through the Director of the Office for Coastal Man-
3 agement, shall provide technical assistance and out-
4 reach to Insular Areas of the United States through
5 the San Juan, Tiyan, and Pago Pago Weather Fore-
6 cast Offices of the National Weather Service. For
7 the purposes of this section, the Administrator may
8 also employ other agency entities as the Adminis-
9 trator considers necessary, in order to improve
10 weather data collection, and provide science, data,
11 information, and impact-based decision support serv-
12 ices to reduce tsunami, hurricane, typhoon, drought,
13 tide, and sea level rise impacts in 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 (b) GRANTS.—

19 (1) IN GENERAL.—The Administrator, may
20 provide grants to academic, nonprofit, and local enti-
21 ties to conduct climate change research to improve
22 weather data collection, produce more accurate tropi-
23 cal weather forecasts, and provide science, data, in-
24 formation, and impact-based decision support serv-

1 ices to reduce tsunami, hurricane, typhoon, drought,
2 tide, and sea level rise impacts in the Insular Areas.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Ad-
5 ministrator to carry out this subsection \$5,000,000
6 for each of fiscal years 2022 through 2026.

7 **SEC. 607. CORAL REEF PRIZE COMPETITIONS.**

8 (a) PRIZE COMPETITIONS.—The Administrator, act-
9 ing through the Director of the Office of Science and
10 Technology, shall work with the head of each Federal
11 agency represented on the U.S. Coral Reef Task Force
12 established under Executive Order 13089 (63 Fed. Reg.
13 32701) to establish prize competitions in accordance with
14 section 24 of the Stevenson-Wydler Technology Innovation
15 Act of 1980 (15 U.S.C. 3719), that promote coral reef
16 research and conservation.

17 (b) WAIVER OF MATCHING REQUIREMENT.—Section
18 204(b) of the Coral Reef Conservation Act of 2000 (16
19 U.S.C. 6403(b)) is amended—

20 (1) by striking the enumerator and heading for
21 paragraph (2) and inserting the following:

22 “(2) WAIVERS.—

23 “(A) NEED AND BENEFIT.—”; and

24 (2) by adding at the end of paragraph (2) the
25 following:

1 “(B) SUSTAINING CORAL REEF MANAGE-
2 MENT AND MONITORING.—The Administrator
3 shall waive all the matching requirement under
4 paragraph (2) for grants to implement State
5 and territorial coral reef conservation coopera-
6 tive agreements to sustain coral reef manage-
7 ment and monitoring in Florida, Hawaii, Amer-
8 ican Samoa, the Commonwealth of the North-
9 ern Mariana Islands, Guam, Puerto Rico, and
10 the Virgin Islands of the United States.”.

11 **SEC. 608. OCEAN AND COASTAL MAPPING INTEGRATION**
12 **ACT.**

13 Section 12204 of the Ocean and Coastal mapping In-
14 tegration Act (33 U.S.C. 3503) is amended—

15 (1) in paragraph (12) by striking “and”;

16 (2) in paragraph (13) by striking the period at
17 the end and inserting “; and”; and

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

19 “(14) The study of insular areas and the effects
20 of climate change.”.

21 **SEC. 609. OFFICE OF INSULAR AFFAIRS TECHNICAL ASSIST-**
22 **ANCE PROGRAM.**

23 (a) IN GENERAL.—The Secretary of the Interior, act-
24 ing through the Office of Insular Affairs Technical Assist-
25 ance Program, shall provide technical assistance for cli-

1 mate change planning, mitigation, and adaptation to Ter-
2 ritories and Freely Associated States under the jurisdic-
3 tion of such Program.

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

8 **SEC. 610. NON-FEDERAL COST-SHARE WAIVER.**

9 Section 501 of the Omnibus Territories Act of 1977
10 (48 U.S.C. 1469a), is amended by adding at the end the
11 following:

12 “(e) Notwithstanding any other provision of law, in
13 the case of the Insular Areas, any department or agency
14 shall waive any requirement for non-Federal matching
15 funds under \$750,000 (including in-kind contributions)
16 required by law to be provided by those jurisdictions.”.

17 **SEC. 611. DISASTER RELIEF NON-FEDERAL COST-SHARE**
18 **WAIVER.**

19 Funding made available to an Insular Area for dis-
20 aster relief, long-term recovery, restoration of infrastruc-
21 ture and housing, economic revitalization, and mitigation
22 pursuant to the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall
24 not be subject to a non-Federal share funding require-
25 ment.

1 **TITLE VII—STRENGTHENING**
2 **MARINE MAMMAL CONSERVA-**
3 **TION**

4 **SEC. 701. CONSERVATION OF MARINE MAMMALS AD-**
5 **VERSELY AFFECTED BY CLIMATE CHANGE.**

6 (a) IN GENERAL.—The Marine Mammal Protection
7 Act of 1974 (16 U.S.C. 1361 et seq.) is amended by in-
8 serting after section 120 the following:

9 **“SEC. 121. CONSERVATION OF MARINE MAMMALS AD-**
10 **VERSELY AFFECTED BY CLIMATE CHANGE.**

11 **“(a) CLIMATE IMPACT MANAGEMENT PLANS.—**

12 **“(1) Within 24 months after the date of the en-**
13 **actment of this section, the Secretary, in consulta-**
14 **tion with the Marine Mammal Commission, shall**
15 **publish in the Federal Register, after notice and op-**
16 **portunity for public comment, a list of those marine**
17 **mammal species and population stocks in waters**
18 **under the jurisdiction of the United States for which**
19 **climate change, alone or in combination or inter-**
20 **action with other factors, is more likely than not to**
21 **result in a decline in population abundance, impede**
22 **population recovery, or reduce carrying capacity.**
23 **The list shall identify—**

1 “(A) any species or population stock for
2 which such impacts are likely to occur within
3 20 years; and

4 “(B) any species or population stock listed
5 as a threatened species or endangered species
6 under the Endangered Species Act of 1973 (16
7 U.S.C. 1531 et seq.) for which such impacts
8 have more than a remote possibility of occur-
9 ring within 100 years.

10 “(2)(A) The Secretary, in consultation with the
11 Marine Mammal Commission, shall review the list
12 adopted pursuant to paragraph (1) at least once
13 every 5 years, or more frequently if significant new
14 information becomes available, and, after notice and
15 opportunity for public comment, shall publish a re-
16 vised list in the Federal Register.

17 “(B) Within 12 months after receiving the peti-
18 tion of an interested person under section 553(e) of
19 title 5, United States Code, to add a marine mam-
20 mal species or population stock to the list published
21 under paragraph (1), the Secretary, in consultation
22 with the Marine Mammal Commission and after no-
23 tice and opportunity for public comment, shall pub-
24 lish in the Federal Register its finding of whether
25 the petitioned action is warranted. If the petitioned

1 action is deemed warranted, the Secretary shall pub-
2 lish at the same time the revision adding such spe-
3 cies or population stock.

4 “(3) The list published under paragraph (1),
5 and any revisions thereto made in accordance with
6 paragraph (2), shall include a determination of
7 whether a climate impact management plan will pro-
8 mote the conservation of species or stocks listed pur-
9 suant to paragraph (1)(C).

10 “(4)(A)(i) The Secretary shall publish in the
11 Federal Register a draft climate impact management
12 plan for each marine mammal species or population
13 stock for which, as determined under paragraph (3),
14 such a plan will promote the conservation of the spe-
15 cies or stocks that is—

16 “(I) within 18 months after the listing for
17 those species or population stocks listed under
18 paragraph (1)(A); and

19 “(II) listed under paragraph (1)(B), within
20 30 months after the listing.

21 “(ii) Each draft climate impact management
22 plan shall be developed in consultation with the Ma-
23 rine Mammal Commission and, as appropriate, other
24 Federal agencies, and shall be made available for

1 public review and comment for a period not to ex-
2 ceed 90 days.

3 “(iii) No later than 120 days after the close of
4 the comment period required under clause (ii), the
5 Secretary shall issue a final climate impact manage-
6 ment plan and implementing regulations that are
7 consistent with the other provisions of this section
8 and, to the full extent available under the Sec-
9 retary’s authorities under this Act and other stat-
10 utes, implement the conservation and management
11 measures identified in the plan.

12 “(B) Each management plan under subpara-
13 graph (A) shall include a comprehensive strategy for
14 conserving and recovering such marine mammal
15 stocks and species given the anticipated direct and
16 indirect effects of climate change and increasing re-
17 siliency in the species or population stock, and shall
18 identify conservation and management measures
19 to—

20 “(i) conserve and recover such species and
21 population stocks given the anticipated adverse
22 effects of climate change on such species and
23 population stocks and their prey;

24 “(ii) monitor, reduce, and prevent inter-
25 actions with fisheries and other human activi-

1 ties that may occur as a result of changes in
2 marine mammal distribution or other indirect
3 effects of climate change;

4 “(iii) increase resiliency by materially re-
5 ducing other human impacts on such species
6 and population stocks, including but not limited
7 to the reduction of incidental taking of marine
8 mammals and of the degradation of the habitat
9 of such species and population stocks, and by
10 managing prey species to improve the avail-
11 ability of prey to such species and population
12 stocks; and

13 “(iv) take any other action as may be nec-
14 essary to implement the strategy set forth in
15 the plan.

16 “(C) Each management plan under subpara-
17 graph (A) shall include objective, measurable criteria
18 for evaluating the effectiveness and sufficiency of
19 such measures to meet the purposes of this Act.

20 “(D)(i) All other Federal agencies shall, in con-
21 sultation with and with the assistance of the Admin-
22 istrator, utilize their authorities in furtherance of
23 the strategy and conservation and management
24 measures set forth in climate impact management
25 plans developed under this subsection and ensure

1 that their actions do not conflict or interfere with
2 the objectives of such management plans. The Ad-
3 ministrator shall consult with the Marine Mammal
4 Commission and, as may be warranted, other agen-
5 cies in the implementation of such plans.

6 “(ii) With respect to any Federal agency action
7 authorized, funded, or undertaken by such agency
8 that, in the view of the Secretary or of the agency,
9 may conflict or interfere with the objectives of such
10 management plans, such agency shall, in consulta-
11 tion with the Secretary, ensure that such action is
12 consistent with the management plans. To the extent
13 that it is impossible for such action to be consistent
14 with the management plan, the Secretary shall re-
15 quire measures to minimize any such conflicts, in
16 addition to any other measures required by law, and
17 the agency shall adopt such measures required by
18 the Secretary.

19 “(E) When appropriate, the Secretary may, and
20 is encouraged to, integrate climate impact manage-
21 ment plans into conservation plans adopted under
22 section 115(b) or recovery plans adopted under sec-
23 tion 4(f) of the Endangered Species Act of 1973 (16
24 U.S.C. 1533(f)).

1 “(F) The Secretary shall review climate impact
2 management plans and implementing regulations at
3 least once every 5 years, and shall revise and amend
4 them as necessary to meet the goals and require-
5 ments of this section. Any changes shall be subject
6 to the procedures and requirements applicable to the
7 adoption of the initial plans and regulations.

8 “(5) The Secretary shall report to Congress
9 four years after the date of the enactment of this
10 section, and every 2 years thereafter, on—

11 “(A) actions taken to implement this sec-
12 tion;

13 “(B) any backlog in meeting the schedule
14 set forth in this subsection for adopting, review-
15 ing, and implementing climate impact manage-
16 ment plans, or additional resources necessary to
17 address any such backlog; and

18 “(C) the effectiveness of implementation
19 and sufficiency of the measures adopted in cli-
20 mate impact management plans, and any rec-
21 ommendations for improving the process or the
22 applicable legislation.

23 “(b) MONITORING OF CLIMATE IMPACTS.—The Ad-
24 ministrators shall establish a program within the National
25 Oceanic and Atmospheric Administration to monitor the

1 adverse impacts of climate change on marine mammals.

2 The purposes of the monitoring program shall be to—

3 “(1) improve models of projected future
4 changes in marine mammal distribution and den-
5 sities resulting from climate change;

6 “(2) identify and monitor interactions with fish-
7 eries and other human activities that may occur as
8 a result of changes in marine mammal distribution
9 or other effects of climate change;

10 “(3) monitor the abundance of species and pop-
11 ulation stocks, to an extent sufficient to detect a 20
12 percent population decline over 20 years;

13 “(4) improve understanding of the impacts of
14 climate change on marine mammal species and pop-
15 ulation stocks; and

16 “(5) assess the direct and indirect contributions
17 of marine mammals to carbon reduction, including
18 through carbon sequestration and nutrient cycling.

19 “(c) PROMULGATION OF REGULATIONS FOR LISTING
20 MARINE MAMMALS ADVERSELY IMPACTED BY CLIMATE
21 CHANGE.—The Secretary shall, within 120 days after the
22 date of the enactment of this section—

23 “(1) publish in the Federal Register for public
24 comment, for a period of not less than 60 days, reg-
25 ulations for listing marine mammal species and pop-

1 ulation stocks adversely impacted by climate change,
2 alone or in combination or interaction with other
3 factors, as described in paragraphs (1) and (2) of
4 subsection (a), taking into account both quantitative
5 and qualitative indicators of adverse impacts of cli-
6 mate change and human activities on such species
7 and stocks, including—

8 “(A) direct and indirect mortality and seri-
9 ous injury;

10 “(B) loss or degradation of habitat;

11 “(C) changes in the distribution or avail-
12 ability of prey;

13 “(D) changes in the distribution of marine
14 mammal species and population stocks;

15 “(E) decreased genetic diversity or repro-
16 ductive success;

17 “(F) increased susceptibility to pathogens;
18 and

19 “(G) increased likelihood of interactions
20 with fisheries and other human activities; and

21 “(2) no later than 90 days after the close of the
22 period for such public comment, publish in the Fed-
23 eral Register final regulations for listing marine
24 mammals as required by subsection (a), to be re-
25 viewed at least once every three years.

1 “(d) LACK OF QUANTITATIVE INFORMATION.—The
2 lack of quantitative information shall not be a basis for
3 a determination under subsection (c) that a species or pop-
4 ulation stock is not adversely impacted by climate change,
5 alone or in combination or interaction with other factors,
6 as described in paragraphs (1) and (2) of subsection (a).

7 “(e) ESTIMATION OF POTENTIAL BIOLOGICAL RE-
8 MOVAL.—

9 “(1) The Secretary, in estimating the potential
10 biological removal level in stock assessments pre-
11 pared in accordance with section 117, shall consider
12 the adverse impacts of climate change in deter-
13 mining the recovery factor applied to each stock.

14 “(2) The Secretary, in preparing stock assess-
15 ments in accordance with section 117, shall reexam-
16 ine the stock definition and geographic range of ma-
17 rine mammal species and population stocks to iden-
18 tify climate-related changes in spatial distribution
19 and stock definition and to identify how such
20 changes may affect human impacts to the species.

21 “(f) AUTHORITY TO ENTER INTO AGREEMENTS.—
22 The Secretary shall—

23 “(1) periodically review the status of agree-
24 ments with foreign governments under section
25 108(a) concerning the management of transbound-

1 ary marine mammal species and population stocks,
2 and their prey species, that are or may be affected
3 by climate change; and

4 “(2) through the Secretary of State, initiate the
5 amendment of any such agreement, or negotiations
6 for the development of bilateral or multinational
7 agreements, consistent with the goals and policies of
8 this section.

9 “(g) CONSTRUCTION.—This section shall not be con-
10 strued to limit or restrict any other responsibility of the
11 Secretary or of any other person under this Act or any
12 other statute.

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) There is authorized to be appropriated to
15 the Secretary carry out this section, \$5,000,000 for
16 each of fiscal years 2022 through 2026.

17 “(2) There is authorized to be appropriated to
18 the Marine Mammal Commission to carry out this
19 section, \$1,000,000 for each of fiscal years 2022
20 through 2026.”.

21 “(b) CLERICAL AMENDMENT.—The table of contents
22 in the first section of such Act is amended by inserting
23 after the item relating to section 120 the following:

 “Sec. 121. Conservation of marine mammals adversely affected by climate
 change.”.

1 **SEC. 702. VESSEL RESTRICTIONS IN MARINE MAMMAL**
2 **HABITAT.**

3 (a) IN GENERAL.—The Marine Mammal Protection
4 Act of 1974 (16 U.S.C. 1361 et seq.) is further amended
5 by inserting after section 121 the following:

6 **“SEC. 122. VESSEL RESTRICTIONS IN MARINE MAMMAL**
7 **HABITAT.**

8 “(a) IN GENERAL.—The Secretary shall, in coordina-
9 tion with the Marine Mammal Commission and the Com-
10 mandant of the Coast Guard and applying the best avail-
11 able scientific information—

12 “(1) designate areas of importance for marine
13 mammals known to experience vessel strikes or other
14 vessel-related impacts and establish for each such
15 area seasonal or year-round mandatory vessel re-
16 strictions to reduce vessel strikes or other vessel-re-
17 lated impacts, as necessary, for all vessels operating
18 in such areas; and

19 “(2) implement for such species, as appropriate,
20 dynamic management area programs incorporating
21 mandatory vessel restrictions to protect marine
22 mammals from vessel strikes or other vessel-related
23 impacts occurring outside designated areas of impor-
24 tance.

25 “(b) AREAS OF IMPORTANCE.—Areas designated
26 under subsection (a)—

1 “(1) shall include—

2 “(A) the important feeding, breeding,
3 calving, rearing, or migratory habitat for pri-
4 ority species of marine mammals, including all
5 areas designated as critical habitat for such
6 species under section 4 of the Endangered Spe-
7 cies Act of 1973 (16 U.S.C. 1533) except any
8 area the Secretary determines does not inter-
9 sect with areas of vessel traffic such that an
10 elevated risk of mortality or injury caused by
11 vessel strikes, or harassment, including the dis-
12 ruption of vocalization patterns and masking of
13 biologically important sounds, caused by under-
14 water vessel noise, exists; and

15 “(B) areas of high marine mammal mor-
16 tality, injury, or harassment, including the dis-
17 ruption of vocalization patterns and masking of
18 biologically important sounds, caused by vessel
19 strikes or underwater vessel noise;

20 “(2) may include—

21 “(A) any area designated as a National
22 Marine Sanctuary, Marine National Monument,
23 National Park, or National Wildlife Refuge; and

24 “(B) areas of high marine mammal pri-
25 mary productivity with year-round or seasonal

1 aggregations of marine mammals to which this
2 section applies.

3 “(c) DEADLINE FOR REGULATIONS.—Not later than
4 three years after the date of the enactment of this section,
5 the Secretary shall designate areas and vessel restrictions
6 under subsection (a) and issue such regulations as are nec-
7 essary to carry out this section, consistent with notice and
8 comment requirements under chapter 5 of title 5, United
9 States Code.

10 “(d) MODIFYING OR DESIGNATING NEW AREAS OF
11 IMPORTANCE.—

12 “(1) IN GENERAL.—The Secretary shall issue
13 regulations to modify or designate the areas of im-
14 portance and vessel restrictions under this section
15 within 180 days after the issuance of regulations to
16 establish or to modify critical habitat for marine
17 mammals pursuant to the Endangered Species Act
18 of 1973 (16 U.S.C. 1531 et seq.).

19 “(2) REEXAMINATION.—The Secretary shall—

20 “(A) reexamine the areas of importance
21 designated and vessel restrictions under this
22 section every 5 years following the initial
23 issuance of the regulations to determine if the
24 best available scientific information warrants

1 modification or designation of areas of impor-
2 tance for vessel restrictions; and

3 “(B) publish any revisions under subpara-
4 graph (A) in the Federal Register after notice
5 and opportunity for public comment within 24
6 months.

7 “(3) FINDING.—Not later than 90 days after
8 receiving the petition of an interested person under
9 section 553(e) of title 5, United States Code, to des-
10 ignate, modify, or add an area of importance or ves-
11 sel restriction under this section, the Secretary shall
12 make a finding as to whether the petition presents
13 substantial scientific information indicating that the
14 petitioned action may be warranted. The Secretary
15 shall promptly publish such finding in the Federal
16 Register for comment. Not later than one year after
17 the close of comments, the Secretary shall publish in
18 the Federal Register a finding of whether the peti-
19 tioned action is warranted and, if the Secretary de-
20 termines that the petitioned action is warranted,
21 shall publish draft regulations designating or modi-
22 fying and vessel restrictions the area of importance.
23 Not later than 12 months after publication of the
24 draft regulations, the Secretary shall issue final reg-

1 ulations designating or modifying the area of impor-
2 tance and vessel restrictions.

3 “(e) EXCEPTIONS FOR SAFE MANEUVERING AND
4 USING AUTHORIZED TECHNOLOGY.—

5 “(1) IN GENERAL.—The restriction established
6 under subsection (a) shall not apply to a vessel oper-
7 ating at a speed necessary to maintain safe maneu-
8 vering speed if such speed is justified because the
9 vessel is in an area where oceanographic, hydro-
10 graphic, or meteorological conditions severely restrict
11 the maneuverability of the vessel and the need to op-
12 erate at such speed is confirmed by the pilot on
13 board or, when a vessel is not carrying a pilot, the
14 master of the vessel. If a deviation from the applica-
15 ble speed limit is necessary pursuant to this sub-
16 section, the reasons for the deviation, the speed at
17 which the vessel is operated, the latitude and lon-
18 gitude of the area, and the time and duration of
19 such deviation shall be entered into the logbook of
20 the vessel. The master of the vessel shall attest to
21 the accuracy of the logbook entry by signing and
22 dating the entry.

23 “(2) AUTHORIZED TECHNOLOGY.—

24 “(A) IN GENERAL.—The vessel restrictions
25 established under subsection (a) shall not apply

1 to a vessel operating using technology author-
2 ized by regulations issued by the Secretary
3 under subparagraph (B).

4 “(B) REGULATIONS.—The Secretary may
5 issue regulations authorizing a vessel to operate
6 using technology specified by the Secretary
7 under this subparagraph if the Secretary deter-
8 mines that such operation is at least as effec-
9 tive as the vessel restrictions authorized by reg-
10 ulations under subsection (a) in reducing mor-
11 tality and injury to marine mammals.

12 “(f) APPLICABILITY.—

13 “(1) IN GENERAL.—Any speed restriction es-
14 tablished under subsection (a)—

15 “(A) shall apply to all vessels subject to
16 the jurisdiction of the United States, all other
17 vessels entering or departing a port or place
18 subject to the jurisdiction of the United States,
19 and all other vessels within the Exclusive Eco-
20 nomic Zone of the United States, regardless of
21 flag; and

22 “(B) shall not apply to—

23 “(i) vessels owned, operated, or under
24 contract by the Department of Defense or
25 the Department of Homeland Security, or

1 engaged in military operations with such
2 vessels; or

3 “(ii) law enforcement vessels of the
4 Federal Government or of a State or polit-
5 ical subdivision thereof, when such vessels
6 are engaged in law enforcement or search
7 and rescue duties.

8 “(2) CERTAIN PROVISIONS NOT PREEMPTED.—
9 This subsection shall not preempt or supersede obli-
10 gations under the Endangered Species Act of 1973
11 (16 U.S.C. 1531 et seq.) or this title.

12 “(3) CLARIFICATION.—Vessels described in
13 subparagraph (B) of paragraph (2) are encouraged
14 to abide by the speed restriction whenever it is, in
15 the judgment of the masters of such vessels, feasible
16 and practicable to do so without impairing the oper-
17 ations in which they are engaged

18 “(g) STATUTORY CONSTRUCTION.—

19 “(1) IN GENERAL.—Nothing in this section
20 shall be interpreted or implemented in a manner
21 that—

22 “(A) subject to paragraph (2), preempts or
23 modifies any obligation of any person subject to
24 the provisions of this title to act in accordance
25 with applicable State laws, except to the extent

1 that those laws are inconsistent with any provi-
2 sion of this title, and then only to the extent of
3 the inconsistency;

4 “(B) affects or modifies any obligation
5 under Federal law; or

6 “(C) preempts or supersedes the final rule
7 titled ‘To Implement Speed Restrictions to Re-
8 duce the Threat of Ship Collisions With North
9 Atlantic Right Whales’, codified at section
10 224.105 of title 50, Code of Federal Regula-
11 tions, except for actions that are more protec-
12 tive than the Final Rule and further reduce the
13 risk of take to North Atlantic right whales.

14 “(2) INCONSISTENCIES.—The Secretary may
15 determine whether inconsistencies referred to in
16 paragraph (1)(A) exist, but may not determine that
17 any State law is inconsistent with any provision of
18 this title if the Secretary determines that such law
19 gives greater protection to covered marine species
20 and their habitat.

21 “(h) PRIORITY SPECIES.—For the purposes of this
22 section, the term ‘priority species’ means, at a minimum,
23 all Mysticeti species and species within the genera
24 Physeter, Orcinus, and Trichechus.

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section, \$3,000,000 for each of fiscal years 2022
4 through 2026, and there is authorized to be appropriated
5 to the Commandant of the Coast Guard to carry out this
6 section, \$3,000,000 for each of fiscal years 2024 through
7 2026.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in the first section of such Act is further amended by in-
10 serting after the item relating to section 121 the following:

“Sec. 122. Vessel speed restrictions in marine mammal habitat.”.

11 **SEC. 703. MONITORING OCEAN NOISE FOR MARINE MAM-**
12 **MAL PROTECTION.**

13 (a) IN GENERAL.—The Administrator and the Direc-
14 tor of the Fish and Wildlife Service shall maintain and
15 expand an Ocean Noise Reference Station Network, uti-
16 lizing and coordinating with the Integrated Ocean Observ-
17 ing System and the Office of National Marine Sanctuaries
18 to—

19 (1) provide grants to expand the deployment of
20 Federal and non-Federal observing and data man-
21 agement systems capable of collecting measurements
22 of underwater sound in high-priority ocean and
23 coastal locations for purposes of monitoring and
24 analyzing baselines and trends in the underwater
25 soundscape to protect and manage marine life;

1 (2) continue to develop and apply standardized
2 forms of measurements to assess sounds produced
3 by marine animals, physical processes, and anthro-
4 pogenic activities; and

5 (3) coordinate and make accessible to the public
6 the datasets, modeling and analysis, and user-driven
7 products and tools, resulting from observations of
8 underwater sound funded through grants authorized
9 by this section.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Administrator to sup-
12 port integrated ocean observations activities carried out
13 under this section, \$1,500,000 for each of fiscal years
14 2022 through 2026.

15 **SEC. 704. GRANTS FOR SEAPORTS TO ESTABLISH PRO-**
16 **GRAMS TO REDUCE THE IMPACTS OF VESSEL**
17 **TRAFFIC AND PORT OPERATIONS ON MARINE**
18 **MAMMALS.**

19 (a) IN GENERAL.—The Administrator and the Direc-
20 tor of the Fish and Wildlife Service shall, not later than
21 180 days after the date of the enactment of this Act, es-
22 tablish a grant program to provide assistance to up to ten
23 seaports to develop and implement mitigation measures
24 that will lead to a quantifiable reduction in threats to ma-

1 rine mammals from shipping activities and port oper-
2 ations.

3 (b) ELIGIBLE USES.—Grants provided under this
4 section may be used to develop, assess, and carry out ac-
5 tivities that quantifiably reduce threats and enhance the
6 habitats of marine mammals by—

7 (1) reducing underwater noise related to marine
8 traffic;

9 (2) reducing vessel strike mortality and other
10 physical disturbances;

11 (3) enhancing marine mammal habitat, includ-
12 ing the habitat for prey of marine mammals; or

13 (4) monitoring underwater noise, vessel inter-
14 actions with marine mammals, or other types of
15 monitoring that are consistent with reducing the
16 threats to and enhancing the habitats of marine
17 mammals.

18 (c) PRIORITY.—The Administrator and the Director
19 of the Fish and Wildlife Service shall prioritize assistance
20 under this section for projects that—

21 (1) assist ports with higher relative threat levels
22 to vulnerable marine mammals from vessel traffic;

23 (2) project higher levels of—

24 (A) reduction of noise from vessels; and

1 (B) reduction of disturbance or vessel
2 strike mortality risk; and

3 (C) reduction of noise influence National
4 Marine Sanctuaries, Marine National Monu-
5 ments, National Parks, National Wildlife Ref-
6 uges, and other federal, state, and local marine
7 protected areas; or

8 (3) allow eligible entities to conduct risk assess-
9 ments, and track progress toward threat reduction
10 and habitat enhancement; including protecting coral
11 reefs from encroachment by commerce and shipping
12 lanes.

13 (d) OUTREACH.—The Administrator and the Direc-
14 tor of the Fish and Wildlife Service shall conduct outreach
15 to seaports to provide information on how to apply for as-
16 sistance under this section, the benefits of the program
17 under this section, and facilitation of best practices and
18 lessons learned.

19 (e) ELIGIBLE ENTITIES.—A person shall be eligible
20 for assistance under this section if the person is—

21 (1) a port authority for a seaport;

22 (2) a State, regional, local, or Tribal agency
23 that has jurisdiction over a maritime port authority
24 or a seaport; or

1 (3) a private or government entity, applying for
2 a grant awarded under this section in collaboration
3 with another entity described in paragraph (1) or
4 (2), that owns or operates a maritime terminal.

5 (f) REPORT.—The Administrator and the Director of
6 the Fish and Wildlife Service shall submit annually to the
7 Committee on Natural Resources of the House of Rep-
8 resentatives, and the Committee on Commerce, Science,
9 and Transportation of the Senate, a report that includes
10 the following:

11 (1) The name and location of each entity receiv-
12 ing a grant.

13 (2) Amount of each grant.

14 (3) The name and location of the seaport in
15 which the activities took place.

16 (4) A description of the activities carried out
17 with the grant funds.

18 (5) An estimate of the impact of the project to
19 reduce threats or enhance habitat of marine mam-
20 mals.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to the Administrator for
23 carrying out this section, \$5,000,000 for each of fiscal
24 years 2022 through 2026, to remain available until ex-
25 pend.

1 **SEC. 705. NEAR REAL-TIME MONITORING AND MITIGATION**
2 **PROGRAM FOR LARGE WHALES.**

3 (a) ESTABLISHMENT OF THE PROGRAM.—The Ad-
4 ministrator shall design and deploy a Near Real-Time
5 Large Whale Monitoring and Mitigation Program in order
6 to curtail the risk to large whales of vessel collisions, en-
7 tanglement in commercial fishing gear, and to minimize
8 other impacts, including but not limited to underwater
9 noise from development activities. Such program shall be
10 capable of detecting and alerting ocean users and enforce-
11 ment agencies of the location of large whales on a near
12 real-time basis, informing sector-specific mitigation proto-
13 cols that can effectively reduce take of large whales, and
14 continually integrating improved technology. The program
15 shall be informed by the technologies, monitoring methods,
16 and mitigation protocols developed pursuant to the pilot
17 program required in subsection (b).

18 (b) PILOT PROJECT.—In carrying out subsection (a),
19 the Administrator shall first establish a pilot monitoring
20 and mitigation project for North Atlantic right whales for
21 the purposes of informing a cost-effective, efficient and re-
22 sults-oriented near real-time monitoring and mitigation
23 program for large whales.

24 (1) PILOT PROJECT REQUIREMENTS.—In de-
25 signing and deploying the monitoring system, the

1 Administrator shall, using best available scientific
2 information, identify and ensure coverage of—

3 (A) core foraging habitats of North Atlan-
4 tic right whales, including but not limited to—

5 (i) the “South of the Islands” core
6 foraging habitat;

7 (ii) the “Cape Cod Bay Area” core
8 foraging habitat;

9 (iii) the “Great South Channel” core
10 foraging habitat; and

11 (iv) the Gulf of Maine; and

12 (B) important feeding, breeding, calving,
13 rearing, or migratory habitats of North Atlantic
14 right whales that co-occur with areas of high
15 risk of mortality, injury, or harassment of such
16 whales from vessel strikes, disturbance from de-
17 velopment activities, and entanglement in com-
18 mercial fishing gear.

19 (2) PILOT PROJECT MONITORING COMPO-
20 NENTS.—Within 3 years after the date of the enact-
21 ment of this Act, the Administrator, in consultation
22 with relevant Federal agencies, Tribal governments,
23 and with input from affected stakeholders, shall de-
24 sign and deploy a real-time monitoring system for
25 North Atlantic right whales that includes near real-

1 time monitoring methods, technologies and protocols
2 that—

3 (A) comprise sufficient detection power,
4 spatial coverage and survey effort to detect and
5 localize North Atlantic right whales within core
6 foraging habitats;

7 (B) are capable of detecting North Atlantic
8 right whales visually, including during periods
9 of poor visibility and darkness, and acoustically;

10 (C) take advantage of dynamic habitat
11 suitability models that help to discern the likeli-
12 hood of North Atlantic right whale occurrence
13 in core foraging habitat at any given time;

14 (D) coordinate with the Integrated Ocean
15 Observing System to leverage monitoring as-
16 sets;

17 (E) integrate new near real-time moni-
18 toring methods and technologies as they become
19 available;

20 (F) accurately verify and rapidly commu-
21 nicate detection data; and

22 (G) allow for ocean users to contribute
23 data that is verified to be collected using com-
24 parable near real-time monitoring methods and
25 technologies.

1 (3) PILOT PROGRAM MITIGATION PROTOCOLS.—

2 The Secretary shall, in consultation with the Sec-
3 retary of Homeland Security, Secretary of Defense,
4 Secretary of Transportation, and Secretary of the
5 Interior, and with input from affected stakeholders,
6 develop and deploy mitigation protocols that make
7 use of the near real-time monitoring system to direct
8 sector-specific mitigation measures that avoid and
9 significantly reduce risk of disturbance, injury and
10 mortality to North Atlantic right whales.

11 (4) PILOT PROGRAM ACCESS TO DATA.—The
12 Administrator shall provide access to data generated
13 by the monitoring system for purposes of scientific
14 research and evaluation, and public awareness and
15 education, through the NOAA Right Whale Sighting
16 Advisory System and WhaleMap. or other successive
17 public web portals.

18 (5) PILOT PROGRAM REPORTING.—

19 (A) Not later than two years after the date
20 of the enactment of this Act, the Administrator
21 shall submit to the Committee on Natural Re-
22 sources of the House of Representatives, and
23 the Committee on Commerce, Science and
24 Transportation of the Senate, and make avail-
25 able to the public, an interim report that as-

1 sesses the benefits and efficacy of the North At-
2 lantic right whale near real-time monitoring
3 and mitigation pilot program. The report shall
4 include—

5 (i) a description of the monitoring
6 methods and technology in use or planned
7 for deployment;

8 (ii) analyses of the efficacy of the
9 methods and technology in use or planned
10 for deployment in detecting North Atlantic
11 right whales both individually and in com-
12 bination;

13 (iii) how the monitoring system is di-
14 rectly informing and improving species
15 management and mitigation in near real-
16 time across ocean sectors whose activities
17 pose a risk to North Atlantic right whales;

18 (iv) a prioritized identification of gaps
19 in technology or methods requiring future
20 research and development.

21 (B) Not later than three years after the
22 date of the enactment of this Act, the Adminis-
23 trator shall submit to the Committee on Nat-
24 ural Resources of the House of Representatives,
25 and the Committee on Commerce, Science and

1 Transportation of the Senate, and make avail-
2 able to the public, a final report, addressing the
3 components in subparagraph (A) for the subse-
4 quent one year following the publication of the
5 interim report, and including the following—

6 (i) a strategic plan to expand the pilot
7 program to provide near real-time moni-
8 toring and mitigation measures to addi-
9 tional large whale species, including a
10 prioritized plan for acquisition, deploy-
11 ment, and maintenance of monitoring tech-
12 nologies, and the locations or species for
13 which the plan would apply; and

14 (ii) a budget and description of appro-
15 priations necessary to carry out the stra-
16 tegic plan pursuant to the requirements of
17 clause (i).

18 (c) **ADDITIONAL AUTHORITY.**—In carrying out this
19 section, including, the Administrator may enter into and
20 perform such contracts, leases, grants, or cooperative
21 agreements as may be necessary to carry out the purposes
22 of this section on such terms as the Administrator con-
23 siders appropriate.

24 (d) **REPORTING.**—Not later than one year after the
25 deployment of the program described in subsection (b)

1 (and after completion of the reporting requirements pur-
2 suant to paragraph (5) of such subsection), and annually
3 thereafter through 2029, the Administrator shall submit
4 to the Committee on Natural Resources of the House of
5 Representatives, and the Committee on Commerce,
6 Science and Transportation of the Senate, and make avail-
7 able to the public, a report that assess the benefits and
8 efficacy of the near real-time monitoring and mitigation
9 program.

10 (e) DEFINITIONS.—In this section, the following defi-
11 nitions apply:

12 (1) CORE FORAGING HABITATS.—the term
13 “core foraging habitats” means areas with biological
14 and physical oceanographic features that aggregate
15 *Calanus finmarchicus* and where North Atlantic
16 right whales foraging aggregations have been well
17 documented.

18 (2) REAL-TIME.—The term “real-time” means
19 that visual, acoustic, or other detections of North
20 Atlantic right whales are transmitted and reported
21 as soon as technically feasible, and no longer than
22 24 hours, after they have occurred.

23 (3) LARGE WHALE.—The term “large whale”
24 means all Mysticeti species and species within the
25 genera *Physeter* and *Orcinus*.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Administrator to sup-
3 port development, deployment, application and ongoing
4 maintenance of the monitoring system as required by this
5 section, \$5,000,000 for each of fiscal years 2022 through
6 2026.

7 **SEC. 706. GRANTS TO SUPPORT TECHNOLOGY THAT RE-**
8 **DUCES UNDERWATER NOISE FROM VESSELS.**

9 (a) IN GENERAL.—The Administrator and the Direc-
10 tor of the Fish and Wildlife Service shall, within 6 months
11 of the date of the enactment of this Act, establish a grant
12 program, to be administered in consultation with the Ad-
13 ministrator of the United States Maritime Administration,
14 to provide assistance for the development and implementa-
15 tion of new or improved technologies that reduce threats
16 to and enhance the habitats of marine mammals and other
17 marine species by quantifiably reducing underwater noise
18 from marine vessels.

19 (b) ELIGIBLE USES.—Grants provided under this
20 section may be used to develop, assess and implement new
21 or improved technologies that materially reduce under-
22 water noise from marine vessels.

23 (c) OUTREACH.—The Administrator and the Director
24 of the Fish and Wildlife Service shall conduct outreach
25 to eligible persons to provide information on how to apply

1 for assistance under this section, the benefits of the pro-
2 gram under this section, and facilitation of best practices
3 and lessons learned.

4 (d) ELIGIBLE ENTITIES.—A person shall be eligible
5 for assistance under this section if the person is—

6 (1) a corporation established under the laws of
7 the United States; or

8 (2) an individual, partnership, association, or-
9 ganization or any other combination of individuals,
10 provided, however, that each such individual shall be
11 a citizen of the United States or lawful permanent
12 resident of the United States or a protected indi-
13 vidual as such term is defined in section 274B(a)(3)
14 of the Immigration and Nationality Act (9 U.S.C.
15 1324b(a)(3)).

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Administrator for
18 carrying out this section, \$5,000,000 for each of fiscal
19 years 2022 through 2026, to remain available until ex-
20 pended.

21 **SEC. 707. NAVAL TECHNOLOGY TRANSFER FOR QUIETING**
22 **FEDERAL NON-COMBATANT VESSELS.**

23 The Secretary of Defense, in consultation with the
24 Secretary of Homeland Security, the Administrator, and
25 the Administrator of the United States Maritime Adminis-

1 tration, shall, not later than 18 months after the date of
2 the enactment of this Act, submit to the Senate Commit-
3 tees on Armed Services; Commerce, Science and Trans-
4 portation; Environment and Public Works; and Homeland
5 Security and Governmental Affairs; and the House of Rep-
6 resentatives Committees on Armed Services; Energy and
7 Commerce; Homeland Security; Natural Resources; and
8 Transportation and Infrastructure, and publish, an un-
9 classified report identifying existing non-classified naval
10 technologies that reduce underwater noise and evaluating
11 the effectiveness and feasibility of incorporating such tech-
12 nologies in the design, procurement and construction of
13 non-combatant vessels of the United States.

14 **TITLE VIII—INTERNATIONAL**
15 **AGREEMENTS, EFFORTS IN**
16 **THE ARCTIC, AND BUREAU OF**
17 **INDIAN AFFAIRS TRIBAL RE-**
18 **SILIENCE PROGRAM**

19 **Subtitle A—International**
20 **Agreements**

21 **SEC. 801. LAW OF THE SEA CONVENTION.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) As a party to the Law of the Sea Conven-
25 tion, the United States would be a powerful voting

1 Council member of the International Seabed Author-
2 ity, a body that is critical to negotiations regarding
3 deep seabed mining, which is a practice that could
4 have significant potential climate, environmental,
5 and economic impacts.

6 (2) Being party to the Convention and holding
7 membership on the International Seabed Authority
8 is in the United States' best interests in regard to
9 competition with other countries over future rare
10 earth element resources found on the seafloor.

11 (3) Without being party to the Convention, the
12 United States cannot play a role in negotiating and
13 providing international legitimacy to claims to the
14 Arctic, an area that is rapidly becoming more acces-
15 sible due to climate change.

16 (4) As a party to the Convention, the United
17 States would be better able to participate in negotia-
18 tions regarding the management of high seas fish
19 stocks, migratory fish stocks, and marine mammals,
20 which will become more important as the climate
21 continues to change and species shift.

22 (5) The Convention imposes minimum require-
23 ments for ocean protections; the United States is al-
24 ready meeting or exceeding those requirements and

1 could therefore positively influence international ma-
2 rine conservation by being party to the Convention.

3 (6) A diverse array of bipartisan Presidents and
4 lawmakers, military leaders, industry stakeholders,
5 and environmental organizations support ratification
6 of the Convention, finding that it is in the United
7 States' best economic, political, and environmental
8 interest to ratify.

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

11 (1) the United States Senate should give its ad-
12 vice and consent to accession to the Law of the Sea
13 Convention, adopted by the Third United Nations
14 Conference on the Law of the Sea in December
15 1982 and entered into force in November 1994, to
16 establish a treaty regime to govern activities on,
17 over, and under the world's oceans;

18 (2) the Law of the Sea Convention builds on
19 four 1958 Law of the Sea conventions to which the
20 United States is a party, namely—

21 (A) the Convention on the Territorial Sea
22 and the Contiguous Zone;

23 (B) the Convention on the High Seas;

24 (C) the Convention on the Continental
25 Shelf; and

1 (D) the Convention on Fishing and Con-
2 servation of the Living Resources of the High
3 Seas;

4 (3) the Law of the Sea Convention and an asso-
5 ciated 1994 agreement relating to implementation of
6 the treaty were transmitted to the Senate on Octo-
7 ber 6, 1994;

8 (4) in the absence of advice and consent from
9 the Senate, the United States is not a party to the
10 Convention nor to the associated 1994 agreement;

11 (5) becoming a party to the Law of the Sea
12 Convention would give the United States standing to
13 participate in discussions relating to the treaty and
14 thereby improve the ability of the United States to
15 intervene as a full party in disputes relating to navi-
16 gational rights and defend United States interpreta-
17 tions of the treaty's provisions; and

18 (6) becoming a party to the treaty would im-
19 prove the ability of the United States to achieve the
20 environmental, social, and economic purposes of sup-
21 porting the implementation and enforcement of
22 international fisheries agreements and the protection
23 of highly migratory species under the Magnuson Ste-
24 vens Act, the Shark Conservation Act, and the High
25 Seas Driftnet Fishing Moratorium Protection Act.

1 **SEC. 802. UNITED NATIONS SUSTAINABLE DEVELOPMENT**

2 **GOAL 14.**

3 Not later than one year after the date of the enact-
4 ment of this Act, and every three years thereafter, the Sec-
5 retary of State, in consultation with the Administrator,
6 shall submit a report to Congress that describes—

7 (1) the manner and extent to which the United
8 States has made progress towards achieving the tar-
9 gets of the 14th Sustainable Development Goal of
10 the United Nations (relating to conserving and
11 sustainably using the oceans, seas, and marine re-
12 sources); and

13 (2) plans for future United States actions to
14 achieve those targets.

15 **SEC. 803. MARINE PROTECTED AREAS IN AREAS BEYOND**
16 **NATIONAL JURISDICTION.**

17 Not later than one year after the date of the enact-
18 ment of this Act, the Secretary of State, and in consulta-
19 tion with the Secretary of Commerce acting through the
20 Administrator, shall develop a plan to provide technical
21 assistance, data, and other resources for identifying and
22 establishing strongly protected areas of the ocean in areas
23 beyond national jurisdiction.

1 **Subtitle B—Efforts in the Arctic**

2 **SEC. 811. PLAN FOR THE UNITED STATES TO CUT BLACK**
3 **CARBON EMISSIONS TO 33 PERCENT BELOW**
4 **2013 LEVELS BY 2025.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the United States should honor its commitment
7 to the Arctic Council to cut black carbon emissions by
8 2025 to a level that is between 25 and 33 percent below
9 the levels emitted by the United States in 2013.

10 (b) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the Secretary of State,
12 in consultation with the Secretary of Transportation, the
13 Administrator, and the Administrator of the Environ-
14 mental Protection Agency, shall develop a plan for the
15 United States to cut black carbon emissions by 2025 to
16 a level that is between 25 and 33 percent below the levels
17 emitted by the United States in 2013. Such plan shall also
18 describe—

19 (1) the measures the Federal Government will
20 take to achieve such targeted emissions levels;

21 (2) the measures the Federal Government will
22 take to prioritize black carbon emission reduction in
23 communities of color, Tribal and Indigenous commu-
24 nities, and low-income communities; and

1 (3) how the United States may use multilateral
2 and bilateral diplomatic tools to encourage and as-
3 sist other member countries of the Arctic Council to
4 fulfill the goals announced in 2017.

5 (c) SUBMISSIONS TO CONGRESS AND UPDATES TO
6 PLAN.—The Secretary of State, shall submit to the appro-
7 priate congressional committees and make available to the
8 public—

9 (1) not later than 180 days after the date of
10 the enactment of this Act, the plan developed under
11 subsection (b);

12 (2) not later than one year after the date of the
13 enactment of this Act, and every three years there-
14 after, a report on the progress made toward imple-
15 menting the plan submitted pursuant to subsection
16 (b); and

17 (3) not later than January 1, 2025, a proposal
18 for further reductions in black carbon emissions in
19 the United States that should be accomplished by
20 2030.

21 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
22 DEFINED.—In this section, the term “appropriate con-
23 gressional committees” means—

24 (1) the Committee on Foreign Affairs, the
25 Committee on Natural Resources, and the Com-

1 mittee on Energy and Commerce of the House of
2 Representatives; and

3 (2) the Committee on Foreign Relations, the
4 Committee on Commerce, the Committee on Envi-
5 ronment and Public Works, and the Committee on
6 Energy and Natural Resources of the Senate.

7 (f) PUBLIC COMMENT.—The Secretary of State
8 shall—

9 (1) before submitting each such plan or report
10 to the appropriate congressional committees under
11 subsection (c)—

12 (A) consult with Indian Tribes and Indige-
13 nous communities;

14 (C) provide a period of at least 90 days for
15 public comment on each such plan or report;
16 and

17 (2) after each such period for public comment,
18 continue to make the proposed plan and report, as
19 well as the comments received, available to the pub-
20 lic on an appropriate website.

1 **Subtitle C—Bureau of Indian**
2 **Affairs Tribal Resilience Program**

3 **SEC. 821. BUREAU OF INDIAN AFFAIRS TRIBAL RESILIENCE**
4 **PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of the Interior
6 shall establish a program to—

7 (1) improve the resilience of Indian Tribes to
8 the effects of a changing climate;

9 (2) support building strong Tribal and Indige-
10 nous communities that are resilient to climate
11 change;

12 (3) ensure agency effectiveness in fulfilling Fed-
13 eral Indian trust responsibilities in the face of cli-
14 mate change; and

15 (4) ensure the development of modern, cost-ef-
16 fective infrastructure in Tribal and Indigenous com-
17 munities.

18 (b) GRANTS.—

19 (1) AUTHORITY.—As part of the program es-
20 tablished under subsection (a), to the extent funds
21 are made available through Acts of appropriation,
22 the Secretary shall make multiyear grants to Indian
23 Tribes and Indigenous communities for eligible ac-
24 tivities described in paragraph (2).

1 (2) ELIGIBLE ACTIVITIES.—Grants under this
2 subsection may be used for the following on Indian
3 land and in Indigenous communities:

4 (A) Development and delivery of adapta-
5 tion training.

6 (B) Adaptation planning, vulnerability as-
7 sessments, emergency preparedness planning,
8 and monitoring.

9 (C) Capacity building through travel sup-
10 port for training, technical sessions, and cooper-
11 ative management forums.

12 (D) Travel support for participation in
13 ocean and coastal planning.

14 (E) Development of science-based informa-
15 tion and tools to enable adaptive resource man-
16 agement and the ability to plan for resilience.

17 (F) Relocation of villages or other commu-
18 nities experiencing or susceptible to coastal or
19 river erosion and flooding.

20 (G) Construction of infrastructure to sup-
21 port emergency evacuations related to climate
22 change.

23 (H) Restoration of ecosystems and con-
24 struction of natural and nature-based features

1 to address risks from coastal and riverine flood-
2 ing and erosion.

3 (I) Restoration, relocation, and repair of
4 infrastructure damaged by melting permafrost
5 or coastal or river erosion and flooding.

6 (J) Installation and management of energy
7 systems that reduce energy costs and green-
8 house gas emissions compared to the energy
9 systems in use before that installation and man-
10 agement.

11 (K) Construction and maintenance of so-
12 cial or cultural infrastructure that supports re-
13 silience.

14 (3) APPLICATIONS.—An Indian Tribe or Indige-
15 nous community desiring a grant under this sub-
16 section shall submit to the Secretary an application
17 at such time, in such manner, and containing such
18 information as the Secretary may require, including
19 a description of the eligible activities to be under-
20 taken using the grant.

21 (c) INTERAGENCY COOPERATION.—The Secretary of
22 the Interior, the Secretary of Commerce, and the Adminis-
23 trator of the Environmental Protection Agency shall es-
24 tablish under the White House Council on Native Amer-

1 ican Affairs an interagency subgroup on Tribal resilience,
2 which shall—

3 (1) work with Indian Tribes and Indigenous
4 communities to collect and share data and informa-
5 tion, including traditional ecological knowledge,
6 about how the effects of a changing climate are rel-
7 evant to Indian Tribes and Indigenous communities;
8 and

9 (2) identify opportunities for the Federal Gov-
10 ernment to improve collaboration and assist with ad-
11 aptation and mitigation efforts that promote resil-
12 ience.

13 (d) TRIBAL RESILIENCE LIAISON.—The Secretary of
14 the Interior shall establish a Tribal resilience liaison to—

15 (1) coordinate with Indian Tribes, Indigenous
16 communities, and relevant Federal agencies regard-
17 ing the program under this section, grant opportuni-
18 ties related to the program, climate adaptation, and
19 climate resilience planning; and

20 (2) help ensure Tribal and Indigenous engage-
21 ment in climate conversations at the Federal level.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section,
24 \$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) planning, designing, and implementing
7 large- and small-scale, climate-resilient living shore-
8 line projects; 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 input and feedback from the local
20 or regional community most directly affected by the
21 proposal.

22 (c) PROJECT SELECTION.—

23 (1) DEVELOPMENT OF CRITERIA.—The Admin-
24 istrator shall select eligible entities to receive grants

1 under this section based on criteria developed by the
2 Administrator.

3 (2) CONSIDERATIONS.—In developing the cri-
4 teria under paragraph (1) to evaluate a proposed liv-
5 ing shoreline project, the Administrator shall take
6 into account—

7 (A) the potential of the project to protect
8 the community and maintain the viability of the
9 environment, such as through protection of eco-
10 system functions, environmental benefits, or
11 habitat types, in the area where the project is
12 to be carried out;

13 (B) the historical and projected environ-
14 mental conditions of the project site, particu-
15 larly those environmental conditions affected by
16 climate change;

17 (C) the net ecological benefits of the
18 project including the potential of the project to
19 contribute to carbon sequestration and storage;

20 (D) the ability of the entity proposing the
21 project to demonstrate the potential of the
22 project to protect the coastal community where
23 the project is to be carried out, including
24 through—

25 (i) reducing the effects of erosion;

1 (ii) reducing damage to infrastructure
2 and the loss of life from coastal storms
3 and storm surge;

4 (iii) reducing flood risk;

5 (iv) managing the effects of sea level
6 rise, accelerated land loss, and extreme
7 tides;

8 (v) sustaining, protecting, or restoring
9 the functions and habitats of coastal eco-
10 systems;

11 (vi) protecting important cultural sites
12 or values;

13 (vii) protecting low income commu-
14 nities, communities of color, Tribal com-
15 munities, Indigenous communities, and
16 rural communities;

17 (viii) sustaining, protecting, or restor-
18 ing the functions and habitats of marine
19 protected areas; or

20 (ix) such other forms of coastal pro-
21 tection as the Administrator considers ap-
22 propriate; and

23 (E) the potential of the project to support
24 resiliency at a military installation or commu-
25 nity infrastructure supportive of a military in-

1 stallation (as such terms are defined in section
2 2391 of title 10, United States Code).

3 (3) STANDARDS.—The Administrator shall es-
4 tablish a living shorelines design guidelines for each
5 region of the United States, which shall be used in
6 selecting eligible projects for grants under this sec-
7 tion.

8 (d) USE OF FUNDS.—A grant awarded under this
9 section to an eligible entity to carry out a living shoreline
10 project may be used by the eligible entity only—

11 (1) to carry out the project, including adminis-
12 tration, community engagement, planning, design,
13 permitting, entry into negotiated indirect cost rate
14 agreements, and construction;

15 (2) to monitor, collect, and report data on the
16 performance (including performance over time) of
17 the project, in accordance with standards issued by
18 the Administrator under subsection (f)(2); or

19 (3) to incentivize landowners to engage in living
20 shoreline projects.

21 (e) MONITORING AND REPORTING.—For a length of
22 time based on type of project and determined by the Ad-
23 ministrator, the Administrator shall require each eligible
24 entity receiving a grant under this section (or a represent-
25 ative of the entity) to carry out a living shoreline project—

1 (1) to transmit to the Administrator data col-
2 lected under the project;

3 (2) to monitor and collect data on the ecological
4 and economic benefits of the project and the protec-
5 tion provided by the project for the coastal commu-
6 nity where the project is carried out;

7 (3) to make data collected under the project
8 available on a publicly accessible website of the Na-
9 tional Oceanic and Atmospheric Administration; and
10 (4) upon the completion of the project, to sub-
11 mit to the Administrator a report on—

12 (A) the measures described in paragraph
13 (2); and

14 (B) the effectiveness of the project in in-
15 creasing protection of the coastal community
16 where the project is carried out through living
17 shorelines techniques, including—

18 (i) a description of—

19 (I) the project;

20 (II) the activities carried out
21 under the project; and

22 (III) the techniques and mate-
23 rials used in carrying out the project;
24 and

1 (ii) data on the performance of the
2 project in providing protection to that
3 coastal community.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Administrator
6 \$50,000,000 for each of fiscal years 2022 through 2026
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 (D) An Institution of Higher Education.

21 (E) A Native American Pacific Islander or-
22 ganization (as that term is defined in section
23 320(b)(3) of the Higher Education Act of 1965
24 (20 U.S.C.1059g(b)(3))).

1 (2) LIVING SHORELINE PROJECT.—The term
2 “living shoreline project” means a project that re-
3 stores or stabilizes a shoreline using natural mate-
4 rials such as plants, sand, or rock that provides eco-
5 logical benefits to coastal ecosystems and habitats in
6 addition to shoreline protection; and incorporates as
7 many natural elements as possible, such as native
8 wetlands, kelp forests, submerged aquatic plants,
9 corals, oyster shells, native grasses, shrubs, or trees.

10 (3) STATE.—The term “State” means all coast-
11 al States, the District of Columbia, the Common-
12 wealth of Puerto Rico, the Virgin Islands of the
13 United States, Guam, American Samoa, and the
14 Commonwealth of the Northern Mariana Islands.

15 **SEC. 902. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-**
16 **ISTRATION RESEARCH PROGRAMS.**

17 (a) LIVING SHORELINE AND NATURE-BASED INFRA-
18 STRUCTURE RESEARCH PROGRAM.—

19 (1) DEFINITION OF NATURE-BASED INFRA-
20 STRUCTURE.—In this section, the term “nature-
21 based infrastructure” means a feature that is cre-
22 ated by human design, engineering, and construction
23 to provide risk reduction in coastal areas by acting
24 in concert with natural processes.

1 (2) ESTABLISHMENT.—The Administrator shall
2 make competitive research grants available focused
3 on developing and assessing the effectiveness of in-
4 novative approaches to living shorelines and nature-
5 based infrastructure and features for the purposes
6 of—

7 (A) preparing more resilient, sustainable
8 cities and resilient communities;

9 (B) reducing the costs associated with cli-
10 mate-related disasters, built infrastructure deg-
11 radation, and human relocation; and

12 (C) accomplishing improved resilience
13 while maintaining ecosystem functions and
14 habitats to the greatest extent possible.

15 (3) ELIGIBILITY.—To be eligible for a grant
16 under this subsection, an applicant must be an insti-
17 tution of higher education, nonprofit organization,
18 State, local, or Tribal Government, for-profit organi-
19 zation, United States Territory, or Federal agency
20 that has statutory authority to receive transfers of
21 funds.

22 (4) RESEARCH PRIORITIES.—The Adminis-
23 trator shall award grants for projects which focus on
24 the following:

1 (A) Assessments of installed living shore-
2 lines and nature-based infrastructure, as of the
3 date of the enactment of this Act, for their ef-
4 fectiveness in addressing, if applicable—

5 (i) coastal resilience;

6 (ii) shoreline erosion;

7 (iii) storm damage including wind-
8 storms;

9 (iv) inland flooding;

10 (v) water quality;

11 (vi) impact on local ecosystems; and

12 (vii) other criteria as determined by
13 the Administrator.

14 (B) Novel approaches to nature-based in-
15 frastructure and living shorelines aimed at opti-
16 mizing resilience to climate change, extreme
17 weather, and ecosystem sustainability.

18 (C) Interdisciplinary research including en-
19 gineering, environmental and ecosystem
20 sciences, biology, social science, and Tribal or
21 indigenous traditional knowledge systems.

22 (D) Regional, community, and industry
23 partnerships to create locally-informed solu-
24 tions.

1 (5) REPORTS FOR INFORMING LIVING SHORE-
2 LINES AND NATURE-BASED INFRASTRUCTURE
3 PROJECT GRANTS.—Funded projects shall submit a
4 summarized report of their findings at the conclu-
5 sion of the grant to the Administrator to help inform
6 the selection and prioritization of living shorelines
7 and other nature-based infrastructure projects as de-
8 scribed in section 1001 of this Act.

9 (6) ADDITIONAL AUTHORITIES.—The Adminis-
10 trator may use—

11 (A) the National Oceanographic Partner-
12 ship Program established by section 8931 of
13 title 10, United States Code, as a venue for col-
14 laboration and coordination to leverage partner-
15 ships between public institutions of higher edu-
16 cation and Federal agencies;

17 (B) the Coastlines and People initiative
18 under the National Science Foundation as a
19 tool to use ongoing interdisciplinary research;

20 (C) the National Sea Grant College Pro-
21 gram as a resource to implement research and
22 other projects and help foster collaboration be-
23 tween institutions of higher education and Fed-
24 eral agencies; and

1 (D) the National Institute of Standards
2 and Technology (NIST) Community Resilience
3 Center of Excellence.

4 (7) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to the Ad-
6 ministrator \$5,000,000 for each of fiscal years 2022
7 through 2026 for purposes of carrying out this sub-
8 section.

9 (b) COASTAL SCIENCE AND ASSESSMENT: COMPETI-
10 TIVE EXTERNAL RESEARCH.—

11 (1) IN GENERAL.—The Administrator shall es-
12 tablish an annual competitive grants program that
13 gives priority to interdisciplinary coastal resilience
14 research and engagement projects that focus on de-
15 veloping and implementing scalable best practices
16 for—

17 (A) protecting life and critical infrastruc-
18 ture;

19 (B) developing and implementing decision-
20 support tools useful to coastal communities;

21 (C) determining societal, ecological, and re-
22 siliency benefits of coastal restoration and pro-
23 tection and natural, nature-based, and man-
24 made infrastructure, and how these benefits af-

1 fect the sustainability of coastal ecosystems and
2 communities;

3 (D) volunteer and community-science mon-
4 itoring of coastal and marine resources as part
5 of efforts to protect coastal communities from
6 sea level rise and other hazards;

7 (E) monitoring and developing ecosystem-
8 based approaches to managing coastal eco-
9 systems to promote sustainability;

10 (F) assessing and enhancing the capacity
11 of human communities to adapt to coastal nat-
12 ural disasters;

13 (G) assessing coastal vulnerability and
14 risk;

15 (H) evaluating adaptation, protection, and
16 restoration approaches to reduce risk, including
17 through the use of natural, nature-based, and
18 man-made features;

19 (I) minimizing costs associated with dam-
20 ages incurred from natural disasters, flooding,
21 and sea level rise;

22 (J) developing and updating curriculum
23 and other educational and development oppor-
24 tunities for programs in coastal conservation at
25 public community colleges and within National

1 Sea Grant college programs and universities to
2 train the new coastal conservation workforce;

3 (K) evaluating potential outcomes associ-
4 ated with developing new commercial and rec-
5 reational fishery opportunities, including aqua-
6 culture and targeting invasive and range-ex-
7 panding species; and

8 (L) engaging in outreach, training, and
9 education to connect actionable research to local
10 communities, policymakers, planners, practi-
11 tioners, and students.

12 (2) ELIGIBILITY.—To be eligible for a grant
13 under the Program, an applicant must be an institu-
14 tion of higher education, nonprofit organization,
15 State, local, or Tribal government, for-profit organi-
16 zation, United States territory, or Federal agency
17 that has statutory authority to receive transfers of
18 funds.

19 (3) DEFINITIONS.—In this subsection, the fol-
20 lowing definitions apply:

21 (A) CRITICAL INFRASTRUCTURE.—The
22 term “critical infrastructure” means infrastruc-
23 ture, including natural or nature-based infra-
24 structure, the destruction or damaging of which
25 would have a debilitating impact on national se-

1 security or economic security, undermine commu-
2 nity resiliency and adaptation, or threaten pub-
3 lic health or safety.

4 (B) NATURAL AND NATURE-BASED FEA-
5 TURES.—The term “natural features” or “na-
6 ture-based features” means coastal vegetation,
7 living reefs, beaches, dunes, marshes, oyster
8 reefs, coastal forests, municipal green infra-
9 structure, and living shorelines.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to the Ad-
12 ministrator \$5,000,000 for each of fiscal years 2022
13 through 2026 for purposes of carrying out this sec-
14 tion.

15 (c) GRANTS FOR RECOVERING OYSTERS.—

16 (1) ESTABLISHMENT.—The Administrator shall
17 establish a grant program (in this subsection re-
18 ferred to as the “Program”) under which the Ad-
19 ministrator shall award grants to eligible entities for
20 the purpose of conducting research on the conserva-
21 tion, restoration, or management of oysters in estua-
22 rine ecosystems.

23 (2) APPLICATION.—To be eligible to receive a
24 grant under this subsection, an eligible entity shall
25 submit to the Administrator an application at such

1 time, in such manner, and containing such informa-
2 tion as the Administrator may require.

3 (3) ALLOCATION OF GRANT FUNDS.—

4 (A) IN GENERAL.—The Administrator may
5 award a grant under the Program to eligible
6 entities that submit an application under para-
7 graph (2).

8 (B) MATCHING REQUIREMENT.—

9 (i) IN GENERAL.—Except as provided
10 in clause (ii), the total amount of Federal
11 funding received under the Program by an
12 eligible entity may not exceed 85 percent
13 of the total cost of the research project for
14 which the funding was awarded. For the
15 purposes of this clause, the non-Federal
16 share of project costs may be provided by
17 in-kind contributions and other noncash
18 support.

19 (ii) WAIVER.—The Administrator may
20 waive all or part of the requirement in
21 clause (i) if the Administrator determines
22 that no reasonable means are available
23 through which an eligible entity applying
24 for a grant under this subsection can meet
25 such requirement and the probable benefit

1 of such research project outweighs the
2 public interest in such requirement.

3 (C) **EQUITABLE DISTRIBUTION.**—The Ad-
4 ministrators shall ensure, to the maximum ex-
5 tent practicable, that grant funding under this
6 subsection is apportioned according to the his-
7 toric baseline oyster population of each estuary
8 of the United States.

9 (4) **DEFINITIONS.**—In this subsection, the fol-
10 lowing definitions apply:

11 (A) **ELIGIBLE ENTITY.**—The term “eligible
12 entity” means a member of institutions of high-
13 er education, the seafood industry, a relevant
14 nonprofit organization, or a relevant State
15 agency, that is proposing or conducting a re-
16 search project on the conservation, restoration,
17 or management of oysters in an estuarine eco-
18 system.

19 (B) **HISTORIC BASELINE.**—The term “his-
20 toric baseline” means the estimated population
21 of oysters in an estuary in 1850.

22 (C) **NONPROFIT ORGANIZATION.**—The
23 term “nonprofit organization” means an organi-
24 zation described in section 501(c)(3) of the In-

1 ternal Revenue Code of 1986 and exempt from
2 tax under section 501(a) of such Code.

3 (D) SEAFOOD INDUSTRY.—The term “sea-
4 food industry” means shellfish growers, shell-
5 fish harvesters, commercial fishermen, and rec-
6 reational fishermen.

7 (5) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to the Ad-
9 ministrator \$5,000,000 for each of the fiscal years
10 2022 through 2026 to carry out this subsection.

11 **SEC. 903. IMPROVEMENTS TO THE NATIONAL OCEANS AND**
12 **COASTAL SECURITY ACT.**

13 (a) DEFINITION OF TIDAL SHORELINE REFINED.—
14 Section 902 of the National Oceans and Coastal Security
15 Act (16 U.S.C. 7501) is amended—

16 (1) by amending paragraph (7) to read as fol-
17 lows:

18 “(7) TIDAL SHORELINE.—The term ‘tidal
19 shoreline’ means a ‘tidal shoreline’ or a ‘Great Lake
20 shoreline’ as such terms are used in section
21 923.110(c)(2)(i) of title 15, Code of Federal Regula-
22 tions, or a similar successor regulation.”; and

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

24 “(8) INDIAN TRIBE.—The term ‘Indian Tribe’
25 has the meaning given the term ‘Indian tribe’ in sec-

1 tion 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).

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

8 (b) IMPROVEMENTS TO NATIONAL OCEANS AND
9 COASTAL SECURITY FUND.—

10 (1) DEPOSITS.—Section 904(b)(1) of such Act
11 (16 U.S.C. 7503(b)(1)) is amended to read as fol-
12 lows:

13 “(1) IN GENERAL.—There shall be deposited
14 into the Fund, which shall constitute the assets of
15 the Fund—

16 “(A) amounts transferred to the Fund
17 under section 908; and

18 “(B) such other amounts as may be appro-
19 priated or otherwise made available to carry out
20 this Act.”.

21 (2) EXPENDITURES.—Section 904 of such Act
22 (16 U.S.C. 7503) is amended by striking subsection
23 (d) and inserting the following:

24 “(d) EXPENDITURE.—Of the amounts deposited into
25 the Fund for each fiscal year—

1 “(1) not less than \$150,000,000 shall be used
2 for the award of grants under subsection (b) of sec-
3 tion 906;

4 “(2) not less than \$50,000,000 shall be used
5 for the award of grants under subsection (c) of such
6 section;

7 “(3) if amounts deposited into the Fund for
8 each fiscal year are greater than \$200,000,000, any
9 amounts in excess of \$200,000,000 shall be distrib-
10 uted such that—

11 “(A) 80 percent shall be used for the
12 award of grants under subsection (b) of section
13 906; and

14 “(B) 20 percent shall be used for the
15 award of grants under subsection (c) of section
16 906; and

17 “(4) of amounts provided in this subsection, not
18 more than 4 percent may be used by the Adminis-
19 trator and the National Fish and Wildlife Founda-
20 tion (Foundation) for direct costs to carry out this
21 chapter.”.

22 (c) ELIGIBLE USES OF THE FUND.—Section 905 of
23 such Act (16 U.S.C. 7504) is amended to read as follows:

1 **“SEC. 905. ELIGIBLE USES.**

2 “(a) IN GENERAL.—Amounts in the Fund may be
3 allocated by the Administrator for grants under section
4 906(b) and the Foundation for grants under section
5 906(c) to support programs and activities intended to pro-
6 tect, conserve, restore, better understand, and utilize
7 ocean and coastal resources and coastal infrastructure, in-
8 cluding, where appropriate, scientific research, resiliency
9 planning, implementation, and monitoring and spatial
10 planning, data-sharing, and other programs and activities
11 carried out in coordination with Federal and State depart-
12 ments or agencies, including the following:

13 “(1) Ocean, coastal, and Great Lakes restora-
14 tion and protection, including efforts to address po-
15 tential impacts of sea level change, sedimentation,
16 erosion, changes in ocean chemistry, hurricanes and
17 other extreme weather, flooding, and changes in
18 ocean temperature to natural resources, commu-
19 nities, and coastal economies.

20 “(2) Restoration, protection, or maintenance of
21 living ocean, coastal, and Great Lakes resources and
22 their habitats, including habitats and ecosystems
23 that provide blue carbon benefits.

24 “(3) Planning for and managing coastal devel-
25 opment to enhance ecosystem and community integ-
26 rity, or to minimize impacts from sea level change,

1 hurricanes and other extreme weather, flooding, and
2 coastal erosion.

3 “(4) Projects to address management, planning,
4 or resiliency and readiness issues which are regional
5 or interstate in scope, such as regional ocean part-
6 nerships or similar bodies.

7 “(5) Efforts that contribute to the under-
8 standing of ecological, economic, societal, and na-
9 tional security threats driven by changes to the
10 oceans, coasts, and Great Lakes.

11 “(6) Efforts to preserve, protect, and collect
12 data, including but not limited to public ocean and
13 coastal data portals, that would support sustainable
14 water-dependent commercial activities including
15 commercial fishing, recreational fishing businesses,
16 aquaculture, boat building, or other coastal-related
17 businesses other marine-based recreational busi-
18 nesses and sustainable tourism.

19 “(7) Efforts to assist coastal States in repo-
20 sitioning, relocating or deploying natural or nature-
21 based features to enhance the resiliency of critical
22 coastal transportation, emergency response, water,
23 electrical, and other infrastructure, that are already
24 subject to or face increased future risks of hurri-
25 canes, coastal flooding, coastal erosion, or sea level

1 change to ensure the economic security, safety, and
2 ecological well-being of the coasts of the United
3 States.

4 “(8) Acquisition of property or interests in
5 property if—

6 “(A) the area is located within a coastal
7 county or adjacent county;

8 “(B) the funds made available under this
9 subtitle are used to acquire land or interest in
10 land by purchase, exchange, or donation from a
11 willing seller;

12 “(C) the Governor of the State in which
13 the property or interests in property are ac-
14 quired approves of the acquisition; and

15 “(D) such property or interest is acquired
16 in a manner that will ensure such property or
17 interest will be administered to support the pur-
18 poses of this Act.

19 “(9) Protection and modification of critical
20 coastal public infrastructure affected by erosion,
21 hurricanes or other extreme weather, flooding, or sea
22 level change.

23 “(10) Assistance for small businesses and com-
24 munities that are dependent on coastal tourism as

1 eligible efforts that help coastal economies minimize
2 impacts from sea level rise and disasters.

3 “(11) Projects that use natural and nature-
4 based approaches for enhancing the resiliency of
5 wastewater and stormwater infrastructure as eligible
6 critical infrastructure projects (as compared to just
7 general water infrastructure, which can also include
8 drinking water systems).

9 “(12) Technical assistance to help develop com-
10 prehensive resilience and mitigation plans and to en-
11 gage community stakeholders, as an eligible funding
12 effort.

13 “(13) Community-led strategic relocation ef-
14 forts.

15 “(b) PROHIBITION ON USE OF FUNDS FOR LITIGA-
16 TION AND LOBBYING.—No funds made available under
17 this Act may be used to fund any expense related to litiga-
18 tion or any activity the purpose of which is to influence
19 legislation pending before Congress.”.

20 (d) GRANTS.—

21 (1) ADMINISTRATION.—Subsection (a)(1) of
22 section 906 of such Act (16 U.S.C. 7505) is amend-
23 ed—

24 (A) by amending subparagraph (B) to read
25 as follows:

1 “(B) Selection procedures and criteria for
2 the awarding of grants under this section that
3 require consultation with the Administrator and
4 the Secretary of the Interior.”;

5 (B) by amending subparagraph (C)(ii) to
6 read as follows:

7 “(ii) under subsection (c), as appro-
8 priate, to entities including States, local
9 governments, regional and interstate
10 collaboratives, associations, nonprofit and
11 for-profit private entities, public-private
12 partnerships, academic institutions, Indian
13 Tribes, and Indigenous communities.”;

14 (C) in subparagraph (F), by striking “year
15 if grants have been awarded in that year” and
16 inserting “5 years”; and

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

18 “(I) A method to give special consideration
19 in reviewing proposals to projects with either di-
20 rect or indirect coastal or marine blue carbon
21 benefits and an accounting methodology to
22 quantify these benefits for the purposes of the
23 annual report required under section 907.”.

1 (2) GRANTS TO COASTAL STATES.—Subsection
2 (b) of section 906 of such Act (16 U.S.C. 7505) is
3 amended to read as follows:

4 “(b) GRANTS TO COASTAL STATES AND INDIAN
5 TRIBES.—

6 “(1) IN GENERAL.—Subject to section
7 904(d)(1) and paragraphs (3) and (4) of this sub-
8 section, the Administrator and the Foundation shall
9 award grants to eligible coastal States based on the
10 following formula:

11 “(A) 50 percent of the funds are allocated
12 equally among such coastal States and Tribes,
13 with not less than 15 percent going to Indian
14 Tribes.

15 “(B) 30 percent of the funds are allocated
16 on the basis of the ratio of tidal shoreline miles
17 in a coastal State to the tidal shoreline miles of
18 all coastal States.

19 “(C) 20 percent of the funds are allocated
20 on the basis of the ratio of population of the
21 coastal counties of a coastal State to the total
22 population of all coastal counties of all coastal
23 States based on the most recent data available
24 by the U.S. Census Bureau.

1 “(2) ELIGIBLE COASTAL STATES.—For pur-
2 poses of this subsection, an eligible coastal State is
3 any coastal State as defined in section 304 of the
4 Coastal Zone Management Act of 1972 (16 U.S.C.
5 1453).

6 “(3) MAXIMUM ALLOCATION TO STATES.—Not-
7 withstanding paragraph (1), not more than 5 per-
8 cent of the total funds distributed under this sub-
9 section may be allocated to any single State. Any
10 amount exceeding this limit shall be redistributed
11 equally among the remaining eligible coastal States.

12 “(4) REQUIREMENT TO SUBMIT PLANS.—

13 “(A) IN GENERAL.—To be eligible to re-
14 ceive a grant under this subsection, an eligible
15 coastal State shall submit to the Administrator
16 for review and approval, a 5-year plan, which
17 shall include the following:

18 “(i) Criteria to determine eligibility
19 for entities which may receive grants under
20 this subsection.

21 “(ii) A description of the competitive
22 process the coastal State will use in allo-
23 cating funds received from the Fund, ex-
24 cept in the case of allocating funds under
25 paragraph (7), which shall include—

1 “(I) a description of the relative
2 roles of and consistency with the
3 State coastal zone management pro-
4 gram approved under the Coastal
5 Zone Management Act of 1972 (16
6 U.S.C. 1451 et seq.), if the coastal
7 State has such a plan, and any State
8 Sea Grant Program, if the State has
9 such program; and

10 “(II) a demonstration that such
11 competitive process is consistent with
12 the application and review procedures
13 established by the Administrator and
14 Foundation under subsection (a)(1).

15 “(iii) A process to certify that the
16 project or program and the awarding of a
17 contract for the expenditure of amounts re-
18 ceived under this paragraph are consistent
19 with the standard procurement rules and
20 regulations governing a comparable project
21 or program in that State, including all ap-
22 plicable competitive bidding and audit re-
23 quirements.

24 “(iv) Procedures to make publicly
25 available on the internet a list of all

1 projects supported by the Fund, that in-
2 cludes at a minimum the grant recipient,
3 grant amount, project description, and
4 project status.

5 “(B) UPDATES.—As a condition of receiv-
6 ing a grant under this subsection, a coastal
7 State shall submit to the Administrator, not
8 less frequently than once every 5 years, an up-
9 date to the plan submitted by the coastal State
10 under subparagraph (A) for the 5-year period
11 immediately following the most recent submittal
12 under this paragraph.

13 “(5) OPPORTUNITY FOR PUBLIC COMMENT.—In
14 determining whether to approve a plan or an update
15 to a plan described in subparagraph (A) or (B) of
16 paragraph (4), the Administrator or the Foundation
17 shall provide the opportunity for, and take into con-
18 sideration, public input and comment on the plan.

19 “(6) INDIAN TRIBES.—As a condition on receipt
20 of a grant under this subsection, a State that re-
21 ceives a grant under this subsection shall ensure
22 that Indian Tribes in the State are eligible to par-
23 ticipate in the competitive process described in the
24 State’s plan under paragraph (5)(A)(ii).

1 “(7) NONPARTICIPATION BY A STATE.—In any
2 year, if an eligible coastal State or geographic area
3 does not submit the plan required by paragraph (4)
4 or declines the funds distributed under this sub-
5 section, the funds that would have been allocated to
6 the State or area shall be reallocated to carry out
7 subsection 906(c) for the national grant program.”.

8 (3) NATIONAL GRANTS FOR OCEANS, COASTS,
9 AND GREAT LAKES.—Subsection (c)(2) of such sec-
10 tion is amended—

11 (A) in subparagraph (B)—

12 (i) in clause (ii), by striking “; and”
13 and inserting a semicolon;

14 (ii) by redesignating clause (iii) as
15 clause (iv); and

16 (iii) by inserting after clause (ii) the
17 following:

18 “(iii) nongovernmental organizations;
19 and”; and

20 (B) by adding at the end the following:

21 “(C) CAP ON STATE FUNDING.—The
22 amount of a grant awarded under this sub-
23 section shall not count toward the cap on fund-
24 ing to States through grants awarded under
25 subsection (b).

1 “(D) INDIGENOUS COMMUNITIES.—Not
2 less than \$5,000,000 each year shall be award-
3 ed to Tribes and Indigenous Communities.”.

4 (e) ANNUAL REPORT.—Section 907 of the National
5 Oceans and Coastal Security Act (16 U.S.C. 7506) is
6 amended—

7 (1) by amending paragraph (3) of subsection
8 (b) to read as follows:

9 “(3) a description of the expenditures made
10 from the Fund for the fiscal year, including the pur-
11 pose of the expenditures; and”; and

12 (2) by adding at the end the following:

13 “(4) an estimate of blue carbon benefits, in
14 tons of carbon dioxide, expected through grants
15 awarded to projects that received special consider-
16 ation under section 906 due to their blue carbon po-
17 tential.”.

18 (f) FUNDING.—Section 908 of such Act (16 U.S.C.
19 7507) is amended to read as follows:

20 **“SEC. 908. FUNDING.**

21 “‘There is authorized to be appropriated
22 \$200,000,000 to carry out this title for each of fiscal years
23 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, the Office for Coastal Man-
19 agement, the Office of Response and Restoration, and the
20 Office of National Marine Sanctuaries.

21 (d) **ELIGIBLE PROJECTS.**—A proposal is eligible for
22 a grant under this section if—

23 (1) the purpose of the project is to restore a
24 marine, estuarine, coastal, or Great Lake habitat,
25 including—

1 (A) restoration of habitat to protect or re-
2 cover a species that is threatened, endangered,
3 or a species of concern under the Endangered
4 Species Act of 1973 (16 U.S.C. 1531 et seq.);

5 (B) through the removal or remediation of
6 marine debris, including derelict vessels and
7 abandoned, lost, and discarded fishing gear, in
8 coastal and marine habitats; or

9 (C) for the benefit of—

10 (i) shellfish;

11 (ii) fish, including diadromous fish;

12 (iii) coral reef systems;

13 (iv) marine wildlife;

14 (v) blue carbon ecosystems such as
15 coastal wetlands, marshes, coastal forests,
16 seagrasses, kelp forests, and other habitats
17 important to carbon sequestration and
18 storage; or

19 (vi) ecosystems such as beaches,
20 dunes, oyster beds, submerged aquatic
21 vegetation, and other ecosystems that pro-
22 vide protection from flooding, wave effects,
23 and other coastal hazards; or

24 (2) provides adaptation to climate change, in-
25 cluding sequestering and storing carbon or by con-

1 structing, restoring, or protecting ecological features
2 or nature-based infrastructure that protects coastal
3 communities from sea level rise, coastal storms, or
4 flooding.

5 (e) PRIORITY.—In determining which projects to
6 fund under this section, the Administrator shall give pri-
7 ority to a proposed project—

8 (1) that would stimulate the economy;

9 (2) for which the applicant can demonstrate
10 that the grant will fund work that will begin not
11 more than 90 days after the date of award;

12 (3) for which the applicant can demonstrate
13 that the grant will fund work that will employ fish-
14 ermen who have been negatively impacted by the
15 COVID–19 pandemic or pay a fisherman for the use
16 of a fishing vessel;

17 (4) for which the applicant can demonstrate
18 that any preliminary study or permit required before
19 the project can begin has been completed or can be
20 completed shortly after an award is made;

21 (5) that includes communities that may not
22 have adequate resources including low income com-
23 munities, communities of color, Tribal communities,
24 Indigenous communities, and rural communities; or

1 (6) that is happening within National Wildlife
2 Refuges, National Parks, and Marine Protected
3 Areas, such as National Marine Sanctuaries.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Administrator
6 \$10,000,000,000 for fiscal year 2022 to carry out this sec-
7 tion, to remain available until expended.

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

10 (1) ELIGIBLE ENTITY.—The term “eligible enti-
11 ty” means a nonprofit, a for-profit business, an in-
12 stitution of higher education, or a State, local, Trib-
13 al, or Territorial government.

14 (2) FISHERMEN.—The term “fishermen”
15 means commercial or for-hire fishermen or oyster
16 farmers.

17 **SEC. 905. STRATEGIC CLIMATE CHANGE RELOCATION INI-**
18 **TIATIVE AND PROGRAM.**

19 (a) ESTABLISHMENT OF INITIATIVE.—The Chairman
20 of the Council on Environmental Quality (in this section
21 referred to as the “Chair”) shall establish a Strategic Cli-
22 mate Change Relocation Initiative (in this section referred
23 to as the “Initiative”) for the purposes of coordinating
24 Federal agency activities to identify and assist commu-
25 nities that have expressed affirmative interest in relocation

1 due to health, safety, and environmental impacts from cli-
2 mate change, including hurricanes, flooding, sea level rise,
3 erosion, and repeat wildfires.

4 (b) DIRECTOR.—The Chair shall appoint a Strategic
5 Climate Relocation Director to manage the Initiative.

6 (c) CONSULTATION.—The Chair shall coordinate and
7 consult with Federal agencies conducting activities related
8 to this section including the National Oceanic and Atmos-
9 pheric Administration, the Department of the Interior, in-
10 cluding the Bureau of Indian Affairs, the Environmental
11 Protection Agency, the Federal Emergency Management
12 Agency, the Department of Housing and Urban Develop-
13 ment, the Denali Commission, the Corps of Engineers, the
14 Office of Management and Budget, the National Economic
15 Council, the National Security Council, the White House
16 Council on Native American Affairs Interagency Subgroup
17 on Tribal Resilience, and other Federal agencies as appro-
18 priate.

19 (d) EXTERNAL ADVISORY PANEL.—The Chair shall
20 establish an external advisory panel that may include com-
21 munity leaders, non-governmental organizations, State
22 and local government representatives, Tribal leaders, In-
23 digenous community representatives, climate adaptation
24 professionals, institutions of higher education, and other
25 relevant experts as appropriate.

1 (e) REPORT TO CONGRESS.—Not later than two
2 years after the date of the enactment of this Act, the Chair
3 shall submit a report to Congress recommending key ele-
4 ments of a Strategic Climate Change Relocation Program
5 to identify and assist communities that have expressed af-
6 firmative interest in relocation due to health, safety, and
7 environmental impacts from climate change. The report
8 shall—

9 (1) identify—

10 (A) areas where climate change impacts
11 make relocation a likely climate change adapta-
12 tion strategy;

13 (B) communities that have expressed af-
14 firmative interest in relocation (in this section
15 referred to as “sending communities”); and

16 (C) potential relocation areas and commu-
17 nities that have expressed interest in attracting
18 climate migrants (in this section referred to as
19 “receiving communities”);

20 (2) propose criteria to qualify for climate relo-
21 cation assistance, with preference given to disadvan-
22 taged communities where community members have
23 indicated a preference for retreat which would other-
24 wise be challenged to relocate;

1 (3) describe the roles and responsibilities of
2 specific Federal agencies in implementing the Stra-
3 tegic Climate Change Relocation Program and how
4 the Program should be coordinated with applicable
5 State and Federal agency plans and programs and
6 identify Federal programs that can be tailored to
7 incentivize self-identification of communities as re-
8 ceiving areas;

9 (4) outline the role that State, Tribal, Indige-
10 nous, and local governments should play in imple-
11 menting the Strategic Climate Change Relocation
12 Program, including identification of areas or com-
13 munities where people leaving areas vulnerable to
14 climate change can consider locating, and the spe-
15 cific resources needed to prepare those communities
16 to be receiving communities in terms of Federal in-
17 vestment in infrastructure, affordable housing, and
18 social services;

19 (5) summarize existing Federal and State pro-
20 grams for purchase of individual properties vulner-
21 able to the impacts of climate change and propose
22 how these programs might be restructured, im-
23 proved, or expanded to incentivize climate change re-
24 location;

1 (6) describe measures that governments or
2 other organizations can take to reduce the psycho-
3 logical stress associated with relocation to preserve
4 or support the historical and cultural identity of
5 communities being relocated and to restore and con-
6 serve areas that are relocated from as publicly acces-
7 sible natural assets, and how Federal programs will
8 support these efforts;

9 (7) identify and recommend measures to over-
10 come how institutional barriers, such as Federal pro-
11 grams that do not account for Tribal sovereignty,
12 constrain Tribal communities' ability to pursue self-
13 determined management of their resources and built
14 environment;

15 (8) identify measures that Congress, Federal
16 agencies, or State and local governments should take
17 to discourage or restrict new development or redevelop-
18 ment and hard structural measures in areas vul-
19 nerable to such significant climate change impacts
20 that they are likely to require a solution that in-
21 cludes relocation, in particular, where the Federal
22 Government could establish stricter funding require-
23 ments for post-disaster funding that require updated
24 building codes and land use strategies reflecting cli-
25 mate risk;

1 (9) describe existing policies and clarify respon-
2 sibilities of governments in complying with obliga-
3 tions to maintain public infrastructure and to pro-
4 tect private property, including providing just com-
5 pensation for any taking of private property;

6 (10) propose an application process, available
7 online, and in hardcopy, for States, Tribes, and com-
8 munities to express affirmative interest in climate
9 relocation assistance, either as a leaving community
10 or receiving community;

11 (11) provide guidance on and identify additional
12 funding for re-use planning and operations and
13 maintenance requirements for vacated land, and
14 identify the resources needed to prioritize public ac-
15 cess, recreational and sustainable tourism spaces, or
16 conservation areas;

17 (12) review efficacy of existing flood mitigation
18 strategies on reducing flood risk to human popu-
19 lations, and identify opportunities to coordinate
20 blue-green infrastructure solutions with buyout pro-
21 grams that increase the resilience of remaining resi-
22 dents; and

23 (13) outline the amount and timing of Federal
24 funding that is expected to be needed to implement
25 the Climate Change Relocation Program.

1 (f) DEVELOPMENT OF REPORT TO CONGRESS.—In
2 developing the report required under subsection (e), the
3 Chair shall—

4 (1) provide for public review and comment of a
5 draft of the report;

6 (2) solicit feedback from organizations rep-
7 resenting State and local governments;

8 (3) engage in consultation with Indian Tribes;

9 (4) engage in review by the external advisory
10 panel; and

11 (5) evaluate projects implemented under the
12 National Disaster Resilience Competition adminis-
13 tered by the Department of Housing and Urban De-
14 velopment.

15 (g) CLIMATE CHANGE STRATEGIC RELOCATION PRO-
16 GRAM PILOT PROJECTS.—Within 2 years after the date
17 of submission of the report under subsection (e), the Chair
18 shall establish and carry out pilot projects based upon the
19 recommendations included in such report.

20 (h) SUBSEQUENT PERIODIC REPORTS TO CON-
21 GRESS.—Within 3 years after the date of submission of
22 the report under subsection (e), and every 3 years there-
23 after, the Chair shall submit to Congress a report evalu-
24 ating progress in the implementation of the Climate

1 Change Relocation Program and making recommenda-
2 tions for needed changes to the Program.

3 **SEC. 906. NATIONAL CENTERS OF EXCELLENCE IN COAST-**
4 **AL RESILIENCE RESEARCH AND EDUCATION.**

5 (a) IN GENERAL.—The Administrator shall designate
6 institutions of higher education, defined by section 101(a)
7 of the Higher Education Act of 1965 (20 U.S.C. 1001(a)),
8 as National Centers of Excellence in Coastal Resilience
9 Research and Education (in this section referred to as
10 “Centers of Excellence”).

11 (b) PURPOSES.—The purposes of such designations
12 are the following:

13 (1) To recognize institutions of higher edu-
14 cation that have exhibited national leadership in re-
15 search and education in coastal climate change ad-
16 aptation and mitigation.

17 (2) To identify such Centers of Excellence as
18 sources of expert advice and guidance for Federal
19 agencies engaged in research and education related
20 to coastal climate change resilience.

21 (3) To formalize and enhance existing collabo-
22 rations and partnerships between public institutions
23 of higher education and Federal agencies, with the
24 goal of ensuring information and recommendations
25 are communicated effectively between such entities.

1 (c) CRITERIA FOR DESIGNATION.—The Adminis-
2 trator shall designate an institution of higher education
3 as a Center of Excellence that—

4 (1) has demonstrated proven expertise in the
5 physical, engineering, social, and environmental
6 sciences, particularly research and education focused
7 on the impacts of sea-level rise, coastal flooding,
8 storms, or shoreline erosion;

9 (2) has demonstrated a commitment to under-
10 standing the socioeconomic impacts of climate
11 change;

12 (3) is located in a State that frequently experi-
13 ences coastal flooding or shoreline erosion in connec-
14 tion with sea-level rise, severe coastal storms, or re-
15 lated pollution of groundwater supplies;

16 (4) has previously partnered with, or is receiv-
17 ing funds from, Federal agencies for research on
18 coastal flooding or shoreline erosion issues;

19 (5) can demonstrate institutional collaboration
20 in research and education with other public institu-
21 tions of higher education, including minority-serving
22 institutions; and

23 (6) can demonstrate capabilities for convening
24 local, State, or Federal entities to develop plans for

1 coastal flooding, storm preparedness, shoreline ero-
2 sion, and other resilience-related decision making.

3 (d) REVIEWS AND ADDITIONAL DESIGNS.—

4 (1) REVIEW OF REPORTS FROM NATIONAL CEN-
5 TERS OF EXCELLENCE.—The Administrator shall re-
6 view reports from National Centers of Excellence to
7 ensure that recommendations and guidance of such
8 Centers regarding sea-level rise, coastal flooding,
9 shoreline erosion, and related issues are commu-
10 nicated to relevant Federal agencies.

11 (2) REVIEW OF NATIONAL CENTERS OF EXCEL-
12 LENCE AND POTENTIAL DESIGNEES.—The Adminis-
13 trator shall periodically review each Center of Excel-
14 lence and potential new designees as such Centers,
15 to—

16 (A) ensure that each Center of Excellence
17 continues to meet the criteria for designation
18 under this Act; and

19 (B) designate additional National Centers
20 of Excellence in accordance with this Act.

21 (3) REVOCATION.—If the Administrator deter-
22 mines under paragraph (1) that a Center of Excel-
23 lence does not meet the criteria for such designation,
24 the Administrator shall revoke such designation by

1 such process as the Administrator determines appro-
2 priate.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$3,000,000 for each of fiscal years 2022 through 2026.

6 **SEC. 907. INITIATE DESIGNATION PROCESS FOR SUCCESS-**
7 **FUL SANCTUARY NOMINATIONS AND TECH-**
8 **NICAL CORRECTIONS TO THE NATIONAL MA-**
9 **RINE SANCTUARIES ACT.**

10 (a) IN GENERAL.—Not later than four years after
11 the date of the enactment of this Act, the Administrator
12 shall initiate the process to designate as a national marine
13 sanctuary under section 304 of the National Marine Sanc-
14 tuaries Act (16 U.S.C. 1433) each of the areas identified
15 in the Inventory of Successful Nominations of the Na-
16 tional Oceanic and Atmospheric Administration as of Oc-
17 tober 20, 2020.

18 (b) REMOVAL OF LIMITATIONS ON DESIGNATIONS
19 AND CHANGES TO EFFECTIVE DATE OF DESIGNA-
20 TIONS.—Section 304 of the National Marine Sanctuaries
21 Act (16 U.S.C. 1434) is amended—

22 (1) in subsection (a)(6), by striking “the forty-
23 five day period of continuous session of Congress be-
24 ginning on the date of submission of the documents”
25 and inserting “60-day period”;

1 (2) in subsection (b)(1), by striking “the forty-
2 five days of continuous session of Congress begin-
3 ning on the day on which such notice is published”
4 and inserting “60 days”;

5 (3) by striking subsection (b)(3); and

6 (4) by striking subsection (f).

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriation \$4,000,000 in each fiscal
9 year to carry out this section for fiscal years 2022 through
10 2026.

11 **SEC. 908. GRANTS TO FURTHER RESILIENCE AND CLIMATE**
12 **RESEARCH WITH INDIGENOUS AND TRIBAL**
13 **COMMUNITIES.**

14 (a) ESTABLISHMENT.—The Administrator shall es-
15 tablish a new grant program in the National Marine Sanc-
16 tuary System to support climate research and resilience
17 with indigenous and local knowledge of marine and nat-
18 ural areas.

19 (b) GRANTS AUTHORIZED.—The Administrator may
20 award competitive grants to Indian Tribes and Indigenous
21 communities and States to—

22 (1) engage, support, and perpetuate ecosystem
23 and conservation practices such as Native Hawaiian
24 Ahupuaa management; and

1 (2) establish a long-term data monitoring and
2 methods throughout the Sanctuary System for
3 tracking and modeling the impacts of climate change
4 on the cultural, natural, and marine environment.

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

9 **TITLE X—OCEAN HEALTH:**
10 **OCEAN ACIDIFICATION AND**
11 **HARMFUL ALGAL BLOOMS**

12 **Subtitle A—Coastal Communities**
13 **Ocean Acidification Act**

14 **SEC. 1001. COASTAL COMMUNITY VULNERABILITY ASSESS-**
15 **MENT.**

16 Section 12406 of the Federal Ocean Acidification Re-
17 search And Monitoring Act of 2009 (33 U.S.C. 3705) is
18 amended—

19 (1) in subsection (a), by inserting “(referred to
20 in this section as the ‘Program’)” after “acidifica-
21 tion program”;

22 (2) by redesignating subsection (b) as sub-
23 section (c); and

24 (3) by inserting after subsection (a) the fol-
25 lowing:

1 “(b) SUPPORT FOR STATE AND LOCAL VULNER-
2 ABILITY ASSESSMENTS AND STRATEGIC RESEARCH
3 PLANNING.—In carrying out the program established
4 under subsection (a), the Administrator shall collaborate
5 with State, local, indigenous, and tribal government enti-
6 ties that are conducting or have completed vulnerability
7 assessments, strategic research planning, or other similar
8 activities related to ocean acidification and its impacts on
9 coastal communities, for the purpose of—

10 “(1) determining whether such activities can be
11 used as a model for other communities; and

12 “(2) identifying opportunities for the National
13 Oceanic and Atmospheric Administration and other
14 relevant Federal agencies to support such activi-
15 ties.”.

16 **Subtitle B—Ocean Acidification Act**

17 **SEC. 1011. PRIZE COMPETITIONS.**

18 Section 12404 of the Federal Ocean Acidification Re-
19 search And Monitoring Act of 2009 (33 U.S.C. 3703) is
20 amended by adding at the end the following:

21 “(d) PRIZE COMPETITIONS.—

22 “(1) IN GENERAL.—Any Federal agency with a
23 representative serving on the interagency working
24 group established under this section may, either in-
25 dividually or in cooperation with 1 or more agencies,

1 carry out a program to award prizes competitively
2 under section 24 of the Stevenson-Wydler Tech-
3 nology Innovation Act of 1980 (15 U.S.C. 3719). An
4 agency seeking to carry out such a program shall
5 carry out such program in coordination with the
6 chair of such interagency working group.

7 “(2) PURPOSES.—Any prize competition carried
8 out under this subsection shall be for the purpose of
9 stimulating innovation to advance our Nation’s abil-
10 ity to understand, research, or monitor ocean acidifi-
11 cation or its impacts, or to develop management or
12 adaptation options for responding to ocean acidifica-
13 tion.

14 “(3) PRIORITY PROGRAMS.—Priority shall be
15 given to establishing programs under this section
16 that address communities, environments, or indus-
17 tries that are in distress due to the impacts of ocean
18 acidification, including—

19 “(A) the development of monitoring or
20 management options for communities or indus-
21 tries that are experiencing significant financial
22 hardship;

23 “(B) the development of adaptation op-
24 tions to alleviate economic harm and job loss
25 caused by ocean acidification;

1 “(C) the development of measures to help
2 vulnerable communities or industries, with an
3 emphasis on rural communities and businesses;
4 and

5 “(D) the development of adaptation and
6 management options for impacted shellfish in-
7 dustries.”.

8 **Subtitle C—Harmful Algal Bloom**
9 **Essential Forecasting**

10 **SEC. 1021. CENTERS OF EXCELLENCE IN HARMFUL ALGAL**
11 **BLOOM RESEARCH, PREVENTION, RESPONSE,**
12 **AND MITIGATION.**

13 (a) ESTABLISHMENT.—Not later than one year after
14 the date of the enactment of this Act, the Administrator,
15 shall designate organizations or consortia of organizations
16 as National Centers of Excellence in Harmful Algal Bloom
17 Research, Prevention, Response, and Mitigation.

18 (b) PURPOSE.—The purpose of the Centers is—

19 (1) to further understanding of harmful algal
20 blooms;

21 (2) to further understanding of the impacts of
22 harmful algal blooms on public health, including the
23 health of at-risk populations;

24 (3) to further the ability to research, forecast,
25 and monitor harmful algal blooms;

1 (4) to formalize and enhance existing partner-
2 ships and collaborations among institutions of higher
3 education, research entities, local, State, Territorial,
4 and Tribal agencies, Indigenous communities, re-
5 gional observing associations, and the Federal Gov-
6 ernment;

7 (5) to further the prevention, control, and miti-
8 gation of harmful algal blooms;

9 (6) to transition harmful algal bloom research
10 and forecasting from research to operational use;
11 and

12 (7) to address existing and emerging harmful
13 algal bloom issues as the Administrator considers
14 appropriate.

15 (c) ELIGIBILITY FOR DESIGNATIONS.—To be eligible
16 for designation under this section, an organization must—

17 (1) be an institution of higher education, as
18 that term is defined in section 101(a) of the Higher
19 Education Act of 1965 (20 U.S.C. 1001(a)), a Fed-
20 eral, State, Territorial, or Tribal agency, a nonprofit
21 laboratory or other research entity, a regional infor-
22 mation coordination entity as defined in the Inte-
23 grated Coastal and Ocean Observation System Act
24 of 2009 (Public Law 111–11), the National Centers

1 for Coastal Ocean Sciences, or a consortium of such
2 eligible institutions;

3 (2) have demonstrated expertise and success in
4 harmful algal bloom research, monitoring, fore-
5 casting, prevention, or response efforts;

6 (3) have demonstrated ability to collaborate
7 with local, State, Territorial, and Tribal govern-
8 ments and Federal agencies on harmful algal
9 blooms; and

10 (4) be located in area region that is economi-
11 cally and environmentally impacted by harmful algal
12 blooms.

13 (d) REQUIREMENTS FOR DESIGNATIONS.—In desig-
14 nating National Centers of Excellence under this section,
15 the Administrator shall—

16 (1) consult with the Inter-Agency Task Force
17 on Harmful Algal Blooms and Hypoxia;

18 **[(2) ensure regional balance by designating Na-**
19 **tional Centers in a variety of locations throughout**
20 **the United States, including the District of Colum-**
21 **bia, the Commonwealth of Puerto Rico, American**
22 **Samoa, Guam, the Commonwealth of the Common-**
23 **wealth of the Northern Mariana Islands, the United**
24 **States Virgin Islands, and other Territories and pos-**
25 **sessions of the United States; and]**

1 (3) support novel innovative approaches of
2 other harmful algal bloom research and operational
3 monitoring.

4 (e) EFFECTIVE PERIOD, REVIEW, AND RENEWAL.—
5 Each designation of an organization as a National Center
6 of Excellence under this section—

7 (1) shall be effective for 5 years;

8 (2) shall be reviewed by the Administrator in
9 the fourth year of such effective period; and

10 (3) following such review, may be renewed for
11 an additional 5-year period.

12 (f) ANNUAL REPORTS.—The Administrator shall re-
13 quire and publish an annual activity report from each Na-
14 tional Center of Excellence.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
16 out this section, including for providing funding to Na-
17 tional Centers of Excellence designated under this section,
18 there is authorized to be appropriated to the National Oce-
19 anic and Atmospheric Administration \$12,500,000 for
20 each of fiscal years 2022 through 2026, of which not more
21 than 5 percent may be available each fiscal year for ad-
22 ministrative expenses.

1 **TITLE XI—OCEAN DATA AND**
2 **COLLABORATIVE EFFORTS**
3 **Subtitle A—Regional Ocean**
4 **Partnerships**

5 **SEC. 1101. PURPOSES.**

6 The purposes of this subtitle are as follows:

7 (1) To complement and expand cooperative vol-
8 untary efforts intended to manage, conserve, and re-
9 store ocean and coastal areas spanning across mul-
10 tiple State 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 Tribal, Indigenous, and regional priorities relating to
21 the collaborative management of the large marine
22 ecosystems, thereby reducing duplication of efforts
23 and maximizing opportunities to leverage support in
24 the ocean and 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 (6).

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 or Tribe
3 may participate in a regional ocean partnership with
4 one or more other coastal States or Tribes that
5 share a common ocean or coastal area with the
6 coastal State or Tribe, without regard to whether
7 the coastal States or Tribes are contiguous.

8 (2) APPLICATION.—The Governors of a group
9 of two or more coastal States and Tribal leadership,
10 as applicable, may apply to the Administrator on be-
11 half of a partnership of such States, for the partner-
12 ship to receive designation as a regional ocean part-
13 nership if the partnership—

14 (A) meets the requirements under para-
15 graph (3); and

16 (B) submits an application for such des-
17 ignation in such manner, in such form, and
18 containing such information as the Adminis-
19 trator may require.

20 (3) REQUIREMENTS.—A partnership is eligible
21 for designation as a regional ocean partnership by
22 the Administrator under paragraph (2) if the part-
23 nership—

24 (A) is established to coordinate the inter-
25 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 and Tribal
5 coastal and ocean management efforts on an
6 interstate scale, focusing on shared regional pri-
7 orities;

8 (D) does not have a regulatory function;
9 and

10 (E) is not duplicative of an existing re-
11 gional ocean partnership, as determined by the
12 Administrator.

13 (c) GOVERNING BODIES OF REGIONAL OCEAN PART-
14 NERSHIPS.—

15 (1) IN GENERAL.—A regional ocean partnership
16 designated under subsection (b) shall be governed by
17 a governing body.

18 (2) MEMBERSHIP.—A governing body described
19 in paragraph (1)—

20 (A) shall be comprised, at a minimum, of
21 voting members from each coastal State partici-
22 pating in the regional ocean partnership, des-
23 ignated by the Governor of the coastal State;
24 and

1 (B) may include such other members as
2 the partnership considers appropriate.

3 (d) FUNCTIONS.—A regional ocean partnership des-
4 igned under subsection (b) may perform the following
5 functions:

6 (1) Promote coordination of the actions of the
7 agencies of coastal states participating in the part-
8 nership with the actions of the appropriate officials
9 of Federal agencies and State and Tribal govern-
10 ments and Regional Fishery Management Councils
11 in developing strategies—

12 (A) to conserve living resources, expand
13 and protect valuable habitats, enhance coastal
14 resilience, and address such other issues related
15 to the shared ocean or coastal area as are de-
16 termined to be a shared, regional priority by
17 those States; and

18 (B) to manage regional data portals and
19 develop associated data products for purposes
20 that support the priorities of the partnership.

21 (2) In cooperation with appropriate Federal and
22 State agencies, Tribal governments, and local au-
23 thorities, develop and implement specific action
24 plans to carry out coordination goals.

1 (3) Coordinate and implement priority plans
2 and projects, and facilitate science, research, mod-
3 eling, monitoring, data collection, management and
4 sharing, and other activities that support the goals
5 of the partnership through the provision of grants
6 and contracts under subsection (f).

7 (4) Engage, coordinate, and collaborate with
8 relevant governmental entities and stakeholders to
9 address ocean and coastal related matters that re-
10 quire interagency or intergovernmental solutions.

11 (5) Implement engagement programs for public
12 information, education, and participation to foster
13 stewardship of the resources of the ocean and coast-
14 al areas, as relevant.

15 (6) Develop and make available, through publi-
16 cations, technical assistance, and other appropriate
17 means, information pertaining to cross-jurisdictional
18 issues being addressed through the coordinated ac-
19 tivities of the partnership.

20 (7) Serve as a liaison with, and provide infor-
21 mation to, international and foreign counterparts, as
22 appropriate on priority issues for the partnership.

23 (e) CONSULTATION AND ENGAGEMENT.—A regional
24 ocean partnership designated under subsection (b) shall
25 maintain mechanisms for consultation with Federal and

1 Tribal governments as well as engagement with non-
2 governmental entities, including academic organizations,
3 nonprofit organizations, and businesses.

4 (f) GRANTS AND CONTRACTS.—

5 (1) IN GENERAL.—A regional ocean partnership
6 designated under subsection (b) may, in coordination
7 with existing Federal and State management pro-
8 grams, from amounts made available to the partner-
9 ship by the Administrator or the head of another
10 Federal agency—

11 (A) provide grants to eligible persons de-
12 scribed in paragraph (2) for the purposes de-
13 scribed in paragraph (3); and

14 (B) enter into contracts with such persons
15 for such purposes.

16 (2) ELIGIBLE PERSONS.—The eligible persons
17 described in this paragraph (1)(A) are the following:

18 (A) Indian Tribes.

19 (B) State and local governments.

20 (C) Nongovernmental organizations.

21 (D) Institutions of higher education.

22 (E) Individuals.

23 (F) Private entities.

24 (3) PURPOSES.—The purposes described in
25 paragraph (1)(A) include any of the following:

1 (A) Monitoring the water quality and living
2 resources of multi-State ocean and coastal eco-
3 systems and to coastal communities.

4 (B) Conducting research and development
5 with respect to human-induced environmental
6 changes to—

7 (i) ocean and coastal ecosystems; and

8 (ii) coastal communities.

9 (C) Developing and executing cooperative
10 strategies that—

11 (i) address regional data issues identi-
12 fied by the partnership; and

13 (ii) will result in more effective man-
14 agement of common ocean and coastal
15 areas.

16 (g) REPORTS AND ASSESSMENTS.—

17 (1) IN GENERAL.—Not later than five years
18 after the date of the enactment of this Act, and
19 every 5 years thereafter until 2040, the Adminis-
20 trator, in coordination with the regional ocean part-
21 nerships designated under subsection (b), shall—

22 (A) assess the effectiveness of the partner-
23 ships in supporting regional priorities relating
24 to the management of common ocean and coast-
25 al areas; and

1 (B) submit to Congress a report on that
2 assessment.

3 (2) REPORT REQUIREMENTS.—The report re-
4 quired under paragraph (1)(B) shall include the fol-
5 lowing:

6 (A) An assessment of the overall status of
7 the work of the regional ocean partnerships des-
8 ignated under subsection (b).

9 (B) An assessment of the effectiveness of
10 the strategies that the regional ocean partner-
11 ships are supporting or implementing and the
12 extent to which the priority needs of the regions
13 covered by such partnerships are being met
14 through such strategies.

15 (C) Such recommendations as the Admin-
16 istrator may have for the improvement of ef-
17 forts of the regional ocean partnerships to sup-
18 port the purposes of this Act.

19 (D) An assessment of how the efforts of
20 the regional ocean partnerships support or en-
21 hance Federal and State efforts in line with the
22 purposes of this Act.

23 (E) Recommendations for improvements to
24 the collective strategies that support the pur-
25 poses of this Act in coordination and consulta-

1 tion with all relevant Federal, State, and Tribal
2 entities.

3 (h) AVAILABILITY OF FEDERAL FUNDS.—In addition
4 to amounts made available to regional ocean partnerships
5 designated under subsection (b) by the Administrator
6 under this section, the head of any other Federal agency
7 may provide grants to, enter into contracts with, or other-
8 wise provide funding to such partnerships.

9 (i) AUTHORITIES.—Nothing in this section estab-
10 lishes any new legal or regulatory authority of the Na-
11 tional Oceanic and Atmospheric Administration or of the
12 regional ocean partnerships designated under subsection
13 (b), other than—

14 (1) the authority of the Administrator to pro-
15 vide amounts to the partnerships; and

16 (2) the authority of the partnerships to provide
17 grants and enter into contracts under subsection (e).

18 (j) FUNDING.—

19 (1) REGIONAL OCEAN PARTNERSHIPS.—There
20 are authorized to be appropriated to the National
21 Oceanic and Atmospheric Administration the fol-
22 lowing amounts for regional ocean partnerships des-
23 ignated under subsection (b) or designated fiscal
24 management entities of such partnerships to carry
25 out activities of the partnerships under this Act:

1 (A) \$10,100,000 for fiscal year 2022.

2 (B) \$10,202,000 for fiscal year 2023.

3 (C) \$10,306,040 for fiscal year 2024.

4 (D) \$10,412,160 for fiscal year 2025.

5 (E) \$10,520,404 for fiscal year 2026.

6 (2) DISTRIBUTION OF AMOUNTS.—Amounts
7 made available under paragraph (1) shall be divided
8 evenly among the regional ocean partnerships des-
9 ignated under subsection (b).

10 (3) TRIBAL CONSULTATION.—There are author-
11 ized to be appropriated \$2,000,000 for each fiscal
12 year 2022 through 2026 to the National Oceanic
13 and Atmospheric Administration for Indian Tribes
14 and Indigenous communities to be distributed for
15 purposes of participation in or engagement with the
16 regional ocean partnerships.

17 **Subtitle B—National Coastal**
18 **Resilience Data and Services**

19 **SEC. 1111. AUTHORIZATION OF NOAA ACTIVITIES.**

20 (a) IN GENERAL.—The Administrator shall, in con-
21 sultation with other Federal agencies, develop within Na-
22 tional Oceanic and Atmospheric Administration a com-
23 prehensive suite of coastal flood, sea level rise, Great
24 Lakes bathymetry water level, and vertical land motion
25 data, products, and services, and conduct the research and

1 development necessary to support those products and serv-
2 ices that—

3 (1) augment existing capacities and combine ex-
4 isting observations, modeling, predictions, products
5 and services into a coordinated decision-support
6 framework;

7 (2) produce and maintain authoritative and
8 timely data, maps, and information services, includ-
9 ing improving existing and new information products
10 and services targeted to end-user needs, that allow
11 coastal communities across the United States to
12 plan for present and future coastal flood risk; and

13 (3) engage with, ensure accessibility by, and
14 provide technical assistance to, end users, with par-
15 ticular attention to historically underserved and at
16 risk communities and populations, and also includ-
17 ing other Federal agencies, regional ocean partner-
18 ships, states, local governments, Tribal governments,
19 and Indigenous communities on the appropriate ap-
20 plication of these data and tools and to better assess
21 information gaps, needs, and solutions relating to
22 the risk posed by coastal flooding, including sea level
23 rise.

24 (b) DATA ARCHIVING.—The National Oceanic and
25 Atmospheric Administration shall make data and

1 metadata generated under this Act fully and openly avail-
2 able, in accordance with the Federal Evidence-Based Pol-
3 icy Making Act, to maximize distribution, access, and ef-
4 fective utilization of these important national assets. Na-
5 tional Oceanic and Atmospheric Administration shall serve
6 as the archive authority and stewardship partner for this
7 data and conduct activities to assure maximum return on
8 investment for this important national asset.

9 (c) USE OF EXISTING ADVISORY COMMITTEES.—The
10 Administrator may consult with and seek input from exist-
11 ing agency advisory committees to provide recommenda-
12 tions on systems, products, and services relating to coastal
13 flooding, including sea level rise.

14 (d) TECHNICAL ASSISTANCE TO OTHER FEDERAL
15 AGENCIES.—To assist in carrying out this Act and to fa-
16 cilitate collaboration, National Oceanic and Atmospheric
17 Administration may provide technical assistance to other
18 Federal agencies on a reimbursable or non-reimbursable
19 basis, including by entering into an agreement with an-
20 other Federal agency to detail, for a period of not more
21 than 3 years, an employee of National Oceanic and Atmos-
22 pheric Administration to such other Federal agency.

23 (e) INTERNATIONAL ENGAGEMENT.—The Adminis-
24 trator, in coordination with the Secretary of State, may
25 engage internationally to provide and receive technical as-

1 sistance, data sharing and capacity building on matters
2 pertaining to coastal flooding, sea level rise and inunda-
3 tion, including participating in and on relevant inter-
4 national bodies and organizations.

5 (f) REPORT.—The Administrator shall, within one
6 year after the date of the enactment of this Act and every
7 3 years thereafter, provide the Committee on Natural Re-
8 sources of the House of Representatives and the Com-
9 mittee on Commerce, Science, and Transportation of the
10 Senate with a report on actions taken to implement this
11 Act and containing an evaluation of the need to expand
12 and improve agency observations, modeling, predictions,
13 products, and services to—

14 (1) improve the understanding of the processes
15 that drive coastal flood risk, including sea level rise,
16 storm events, changing Great Lakes water levels,
17 and land subsidence; and

18 (2) track and report how observed rates of sea
19 level rise compare to the sea level rise trends and
20 predictions published within the quadrennial Na-
21 tional Climate Assessments and related reports.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
23 out this Section, there are authorized to be appropriated
24 \$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 the enactment of this Act, the President,
17 acting through the appropriate interagency com-
18 mittee or task force, shall establish an interagency
19 subcommittee 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
2 and 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 the enactment of this subsection,
23 the Administrator shall establish and maintain and regu-
24 larly 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 ministrator decides that an automatic identi-
10 fication system is necessary for the safe naviga-
11 tion of the vessel.”.

12 **Subtitle E—Authorization of** 13 **Appropriations**

14 **SEC. 1141. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to the Admin-
16 istrator for fiscal year 2022, \$5,000,000, to remain avail-
17 able until expended, to purchase automatic identification
18 systems for fishing vessels, fish processing vessels, and
19 fish tender vessels more than 49 feet in length.

1 **TITLE XII—MEASURES TO AD-**
2 **DRESS GREENHOUSE GAS**
3 **POLLUTION FROM SHIPPING**
4 **VESSELS**

5 **SEC. 1201. GREENHOUSE GAS EMISSIONS FROM SHIPPING.**

6 (a) APPLICATION.—The monitoring, reporting, and
7 verification requirements of this section shall apply to all
8 vessels of 5,000 gross tons or more calling at, leaving, or
9 transiting between, or at berth at, ports in the United
10 States, regardless of flag.

11 (b) VESSEL REPORTING.—A vessel shall measure and
12 monitor on a per-voyage basis, and report to the Adminis-
13 trator and to the vessel's flag-State on an annual basis,
14 the following metrics:

15 (1) Total greenhouse gas emissions and particu-
16 late pollution emitted by the vessel inside the United
17 States exclusive economic zone.

18 (2) Average greenhouse gas emissions and par-
19 ticulate pollution emitted per transport work and per
20 nautical mile.

21 (c) ACCEPTABLE METHODS FOR MEASURING, MONI-
22 TORING, AND REPORTING.—

23 (1) IN GENERAL.—The Administrator shall de-
24 velop a list of acceptable methods for measuring,

1 monitoring, and reporting metrics listed in sub-
2 section (b).

3 (2) CONSISTENCY.—The Administrator, to the
4 maximum extent practicable, shall ensure consist-
5 ency of such methods with similar reporting schemes
6 developed by the European Union and the Inter-
7 national Maritime Organization to reduce any dupli-
8 cative burden on shippers.

9 (3) METHODS.—Acceptable methods included in
10 the list could include the following:

11 (A) Bunker Delivery Note (BDN) and
12 periodic stocktakes of fuel tanks.

13 (B) Bunker fuel tank monitoring on board.

14 (C) Flowmeters for applicable combustion
15 processes.

16 (D) Direct CO₂ emissions measurements.

17 (d) ANNUAL REPORT BY THE ADMINISTRATOR.—The
18 Administrator, in consultation with the Administrator of
19 the Environmental Protection Agency and Commandant
20 of the Coast Guard, shall publish an annual report on
21 emissions from vessels covered under this section, includ-
22 ing the underlying data, accompanied by an explanation
23 intended to facilitate public understanding of the vessel
24 shipping sector's CO₂ emissions and energy efficiency.

1 (e) REGULATIONS.—Before promulgation of regula-
2 tions under this section, reports issued under this section
3 shall be reviewed to ensure that regulatory changes will
4 not create the risk of increased CO₂ emissions.

5 **SEC. 1202. QUIET SEAS AND CLEAR SKIES VESSEL SPEED**
6 **REDUCTION AWARD PROGRAM.**

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

8 (1) 49 marine mammal species are considered
9 depleted under the Marine Mammal Protection Act
10 of 1972, and of those species, 42 are listed as
11 threatened or endangered under the Endangered
12 Species Act of 1973.

13 (2) Climate change is altering marine mammal
14 migration routes and timing.

15 (3) Hundreds of threatened and endangered
16 marine mammals, including North Atlantic right
17 whales and blue whales, die from vessel strikes each
18 year.

19 (4) Background ambient noise levels have in-
20 creased significantly since the 1950s and can be at-
21 tributed to vessel noise, impeding foraging, breeding,
22 communication, and other behaviors of marine ani-
23 mals, including of threatened species and endan-
24 gered species.

1 (5) Slower ship speeds reduce the lethality of
2 vessel strikes on marine life, moderate underwater
3 noise, and provide climate benefits through reduced
4 fuel consumption and lower particulate emissions.

5 (6) In 2019, the Vessel Speed Reduction Pro-
6 gram in the Santa Barbara Channel region and the
7 San Francisco Bay region saved over 17,000 metric
8 tons of greenhouse gas emissions, with 349 vessels
9 from 15 different companies slowing their speeds for
10 over 99,000 nautical miles.

11 (b) ESTABLISHMENT.—Not later than 12 months
12 after the date of the enactment of this Act, the Adminis-
13 trator, in consultation with the Administrator of the EPA
14 and Commandant of the United States Coast Guard, shall
15 establish the Quiet Seas and Clear Skies Program (in this
16 section referred to as the “Program”) to—

17 (1) reduce air pollution, harmful underwater
18 vessel noise, and the risk of fatal marine mammal
19 ship strikes by encouraging voluntary reduction in
20 the speed of eligible vessels operating within the ex-
21 clusive economic zone of the United States; and

22 (2) annually award Quiet Seas and Clear Skies
23 Excellence Awards under subsection (d) for verified
24 successful participation in, and cooperation with, the
25 Program by shipping companies.

1 (c) PROGRAM REQUIREMENTS.—The Administrator
2 shall develop and publish in the Federal Register require-
3 ments for voluntary participation in the Program by eligi-
4 ble shipping companies, including the following:

5 (1) PROGRAM AREA.—Geographic areas covered
6 by the Program shall include all waters of the
7 United States exclusive economic zone.

8 (2) FLEET REQUIREMENT.—At least 75 percent
9 of eligible vessels operated by a shipping company
10 shall participate and be in compliance with para-
11 graph (3) in order to be eligible for an Award under
12 subsection (d).

13 (3) SPEED LIMITS.—The Administrator shall,
14 based upon the best available scientific information
15 and consultation with the Commandant of the Coast
16 Guard, and input from shipping companies and ex-
17 perts in air quality and marine mammal conserva-
18 tion, prescribe maximum speeds for eligible vessels
19 participating in the Program, except when directed
20 by the Coast Guard to proceed in excess of the speed
21 requirements of the Program for safety purposes,
22 that would—

23 (A) obtain a significant reduction in green-
24 house gas and particulate pollution, including
25 black carbon emissions from eligible vessels;

1 (B) protect marine life; and

2 (C) reduce noise generated by eligible ves-
3 sels.

4 (4) CERTIFICATION.—The Administrator shall
5 establish protocols for shipping companies to certify
6 compliance with the Program requirement to be eli-
7 gible for an Award under subsection (d).

8 (d) ANNUAL AWARDS.—Under the Program, the Di-
9 rector of National Marine Sanctuaries shall annually
10 award Quiet Seas and Clear Skies Excellence Awards to
11 shipping companies operating fleets that have participated
12 in, and complied with the requirements of, the Program
13 during the preceding year.

14 (e) OFFICIAL SEAL.—The Administrator shall create
15 an official seal to be recognized as the symbol of excellence
16 in compliance with the Program, that—

17 (1) may be used by shipping companies with eli-
18 gible vessels for which a Quiet Seas and Clear Skies
19 Excellence Award is awarded under this section;

20 (2) includes the name of the shipping company;
21 and

22 (3) includes the year for which such Award was
23 made.

24 (f) LIMITATIONS.—Nothing in this section shall be
25 construed to—

1 (1) require participation in the Program; or

2 (2) authorize any action that affects naviga-
3 tional rights and freedoms under international law
4 or navigational safety.

5 (g) DEFINITION OF ELIGIBLE VESSEL.—In this sec-
6 tion, the term “eligible vessel” means a vessel greater than
7 or equal to 65 feet in overall length.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Administrator to
10 carry out this section \$4,000,000 for each of fiscal years
11 2022 through 2026.

12 **TITLE XIII—VIRGIN PLASTIC** 13 **EXCISE TAX**

14 **SEC. 1301. VIRGIN PLASTIC EXCISE TAX.**

15 (a) IN GENERAL.—Subchapter E of chapter 32 of
16 subtitle D of the Internal Revenue Code of 1986 is amend-
17 ed to read as follows:

18 **“Subtitle E—Virgin Plastic Excise** 19 **Tax**

20 **“SEC. 4191. IMPOSITION OF TAX.**

21 “(a) IN GENERAL.—There is hereby imposed a virgin
22 plastic excise tax on the manufacturer, producer, or im-
23 porter of a covered item.

24 “(b) AMOUNT OF TAX.—

1 “(1) IN GENERAL.—The virgin plastic excise
2 tax imposed by subsection (a) is \$0.05 per pound of
3 virgin plastic.

4 “(2) INFLATION ADJUSTMENT.—

5 “(A) IN GENERAL.—In the case of any
6 taxable year beginning after 2021, the dollar
7 amounts in paragraph (1) shall be increased by
8 an amount equal to—

9 “(i) such dollar amount, multiplied by

10 “(ii) the cost-of-living adjustment de-
11 termined under section 1(f)(3) for the cal-
12 endar year in which the taxable year be-
13 gins, determined by substituting in sub-
14 paragraph (A)(ii) ‘calendar year 2021’ for
15 ‘calendar year 2016’.

16 “(B) ROUNDING.—If any increase deter-
17 mined under subparagraph (A) is not a multiple
18 of $\frac{1}{10}$ of a cent, such increase shall be
19 rounded to the nearest multiple of $\frac{1}{10}$ of a
20 cent.

21 “(c) REGULATIONS.—The Secretary shall issue such
22 regulations or other guidance, including regulations or
23 guidance for the determination of the amount of virgin
24 plastic in a covered item, as may be necessary or appro-
25 priate to carry out the purposes of this section.

1 “(d) DEFINITIONS.—For purposes of this section:

2 “(1) COVERED ITEM.—The term ‘covered item’
3 means a single-use plastic product made in part or
4 whole of virgin plastic, except—

5 “(A) a medical product that the Secretary
6 of Health and Human Services determines
7 needs to be made of virgin plastic for public
8 health or the health of the user,

9 “(B) a container for—

10 “(i) a drug regulated under the Fed-
11 eral Food, Drug, and Cosmetic Act,

12 “(ii) infant formula, or

13 “(iii) a meal replacement liquid,

14 “(C) a personal or feminine hygiene prod-
15 uct that could be unsafe or unsanitary to recy-
16 cle,

17 “(D) a sexual health product, and

18 “(E) packaging for—

19 “(i) a product described in subpara-
20 graphs (A) through (E), or

21 “(ii) used for the shipment of haz-
22 ardous materials that is prohibited from
23 being composed of used materials under
24 section 178.509 or 178.522 of title 49,
25 Code of Federal Regulations (as in effect

1 on the date of the enactment of this sub-
2 title).

3 “(2) PACKAGING.—The term ‘packaging’ means
4 a package, container, packing materials, or other
5 material used for the containment, protection, han-
6 dling, delivery and presentation of goods.

7 “(3) VIRGIN PLASTIC.—The term ‘virgin plas-
8 tic’ means a primary polymer or resin—

9 “(A) of any form of ethylene, propylene,
10 polyethylene, polypropylene, polyvinyl chloride,
11 or a raw plastic polymer, and

12 “(B) generated through processing byprod-
13 ucts associated with petroleum, natural gas,
14 coal, or vegetation based resources.

15 “(4) SINGLE-USE PRODUCT.—The term ‘single-
16 use product’ means a consumer product that is rou-
17 tinely disposed of, recycled, or otherwise discarded
18 after a single use.”.

19 (b) INTERNATIONAL NEGOTIATIONS.— Congress
20 finds the international mitigation of virgin, single-use
21 plastics to be of national importance. Therefore, Congress
22 encourages the United States Trade Representative and
23 the Secretary of State, as appropriate, to engage in nego-
24 tiations with other nations with the goal of forming trea-

1 ties, environmental agreements, accords, partnerships or
2 any other instrument that—

3 (1) effectively reduces global single-use plastic
4 production from virgin polymers to 10 percent of
5 2010 levels by 2050, and

6 (2) respects the principle of common but dif-
7 ferentiated responsibilities and respective capabili-
8 ties.

9 (c) **EFFECTIVE DATE.**—The amendments by this sec-
10 tion shall apply to covered items, as such term is defined
11 in section 4191 of such Code, manufactured, produced, or
12 imported after the earlier of—

13 (1) 1 year after the Secretary issues regulations
14 implementing section 4191 of such Code, or

15 (2) 2 years after date of the enactment of this
16 Act.

17 (d) **CONFORMING AMENDMENT.**—The table of sub-
18 chapters for chapter 32 of such Code is amended by
19 amending the item relating to subchapter E to read as
20 follows:

“E. Virgin plastic excise tax”.

21 **SEC. 1302. ESTABLISHMENT OF THE VIRGIN PLASTIC**
22 **TRUST FUND.**

23 (a) **IN GENERAL.**—Subchapter A of chapter 98 of the
24 Internal Revenue Code of 1986 is amended by adding at
25 the end the following:

1 **“SEC. 9512. VIRGIN PLASTIC TRUST FUND.**

2 “(a) ESTABLISHMENT AND FUNDING.—There is
3 hereby established in the Treasury of the United States
4 a trust fund to be known as the ‘Virgin Plastic Trust
5 Fund’, consisting of such amounts as may be appropriated
6 to such trust fund.

7 “(b) TRANSFER TO VIRGIN PLASTIC TRUST FUND
8 OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—There
9 are hereby appropriated to the Virgin Plastic Trust Fund
10 amounts equivalent to the taxes received in the Treasury
11 under section 4191 (relating to virgin plastic excise tax).

12 “(c) EXPENDITURES FROM VIRGIN PLASTIC TRUST
13 FUND.—The following Amounts in the Virgin Plastic
14 Trust Fund are authorized to be appropriated each fiscal
15 beginning after the date of the enactment of the Ocean-
16 Based Climate Solutions Act of 2021.

17 “(1) To U.S. Customs and Border Protection,
18 such amounts as may be necessary to administer the
19 taxation of importers under section 4191(a).

20 “(2) So much as remains in the fund in each
21 fiscal year, after appropriations are made under
22 paragraph (1), for the purposes of carrying out the
23 Ocean-Based Climate Solutions Act of 2021.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
2 tions for subchapter A of chapter 98 of such Code is
3 amended by adding at the end the following:

“9512. Virgin Plastic Trust Fund.”.

4 **TITLE XIV—STUDIES AND** 5 **REPORTS**

6 **SEC. 1401. DEEP SEA MINING.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the Administrator shall seek to enter
9 into an agreement with the National Academies to conduct
10 a comprehensive assessment of the environmental impacts
11 of deep seabed mining, including—

12 (1) characterization of deep seabed ecosystems;

13 (2) assessment of potential impacts to deep sea-
14 bed habitat and species from exploratory or extrac-
15 tive activities;

16 (3) assessment of the potential impacts of sedi-
17 ment plumes from disturbance of the deep seabed on
18 the pelagic food chain; and

19 (4) approximate quantification of the green-
20 house gas emissions associated with deep seabed
21 mining, including emissions possibly from the release
22 of greenhouse gases sequestered in the seabed.

1 **SEC. 1402. NATIONAL ACADEMIES ASSESSMENT OF OCE-**
2 **ANIC BLUE CARBON.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Administrator shall seek to enter
5 into an agreement with the National Academies to conduct
6 a comprehensive assessment of oceanic blue carbon, in-
7 cluding—

8 (1) the impacts of marine species decline on
9 carbon sequestration potential in ocean ecosystems,
10 an estimate of the global carbon dioxide mitigation
11 potential of protecting or recovering populations of
12 fish and marine mammals, and the ecological consid-
13 erations of such conservation strategies;

14 (2) an analysis of the geologic stores of carbon
15 and deep sea storage of dissolved carbon in the deep
16 seafloor environment, including current and poten-
17 tial natural long-term carbon storage, identification
18 of gaps in scientific understanding, observations,
19 and data regarding such geologic and deep sea car-
20 bon storage; and

21 (3) the potential impacts to oceanic blue carbon
22 storage by human activities including energy devel-
23 opment activities, deep sea mining, deep sea carbon
24 capture technology, and other disturbances to the
25 sea floor and gas hydrate disruption atop the sea-
26 bed.

1 **SEC. 1403. REPORT ON THE ECOLOGICAL AND ECONOMIC**
2 **EFFECTS OF HIGH SEAS FISHING IN THE**
3 **OCEAN AREAS BEYOND NATIONAL JURISDIC-**
4 **TION.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of the enactment of this Act, the Administrator, in
7 coordination with the Secretary of State, shall seek to
8 enter into an agreement with the National Academies
9 under which the National Academies shall—

10 (1) study the challenges and opportunities asso-
11 ciated with implementing a global moratorium on
12 high seas commercial fishing;

13 (2) evaluate the ecological, social, and economic
14 effects of a global moratorium on high seas commer-
15 cial fishing, including establishment of ecological
16 baselines required to also estimate changes in bio-
17 diversity;

18 (3) estimate the scope and volume of illegal, un-
19 regulated, and unreported fishing occurring on the
20 high seas fishing;

21 (4) evaluate the percentage of United States
22 seafood imports originating from high Seas fishing,
23 from both legally reported and illegal, unregulated,
24 and unreported fishing; and

1 (5) evaluate the greenhouse gas emissions asso-
2 ciated with high seas fishing and high seas fishing
3 fleets.

4 (b) ELEMENTS.—The study and evaluation con-
5 ducted pursuant to the agreement entered into under sub-
6 section (a) shall address—

7 (1) the feasibility of implementing a global mor-
8 atorium on high seas commercial fishing, includ-
9 ing—

10 (A) legal authorities that exist under the
11 United Nations Convention on the Law of the
12 Sea and other implementation instruments to
13 implement a moratorium on high seas commer-
14 cial fishing;

15 (B) the nations and vessels likely to refuse
16 or otherwise fail to comply with such a morato-
17 rium, including estimates of catch levels by
18 those nations and vessels relative to overall
19 international catch; and

20 (C) available enforcement mechanisms and
21 surveillance technology that could be used to
22 enforce such a moratorium; and

23 (2) the range of effects that would be expected
24 to result from a moratorium on high seas commer-
25 cial fishing, including—

1 (A) identification of fish stocks that would
2 be affected, changes in exploitation of those
3 stocks, and net effect on the biomass of those
4 stocks;

5 (B) ecosystem effects on non-target spe-
6 cies, including marketable and non-marketable
7 bycatch, forage species, corals, other inverte-
8 brates, marine mammals, seabirds, and sea tur-
9 tles;

10 (C) changes in global carbon emissions
11 from reduced fishing vessel transits and from
12 increased fish carbon capture and improved
13 high seas ecosystem functioning;

14 (D) amounts of subsidies that support high
15 seas commercial fishing by the top 12 nations
16 that currently conduct high seas fishing by vol-
17 ume;

18 (E) effects on global fisheries revenues and
19 profits overall and the effects on fisheries reve-
20 nues, profits, and jobs for developing nations;

21 (F) effects on sustainable seafood avail-
22 ability for United States consumers;

23 (G) effects on revenues and profits for do-
24 mestic fishermen seafood businesses;

1 (H) effects on the scope and volume of ille-
2 gal, unregulated, and unreported fishing occur-
3 ring on the high seas; and

4 (I) potential spillover effects on other fish-
5 eries from imposing a moratorium.

6 (c) REPORT.—

7 (1) IN GENERAL.—The agreement entered into
8 under subsection (a) shall require the National
9 Academies to submit to the Secretary of Commerce,
10 not later than two years after entering into the
11 agreement, a report that describes the results of the
12 study and evaluation conducted pursuant to the
13 agreement.

14 (2) PUBLIC AVAILABILITY.—The Administrator
15 shall publish the report received under paragraph
16 (1) on a public website.

17 **SEC. 1404. NATIONAL ACADEMIES ASSESSMENT OF PUBLIC**
18 **ACCESS TO THE COASTS.**

19 Not later than 90 days after the date of the enact-
20 ment of this Act, the Administrator shall seek to enter
21 into an agreement with the National Academies to conduct
22 a comprehensive assessment on public access to the Na-
23 tion's coasts, including the Great Lakes' coasts. The as-
24 sessment shall include—

1 (1) an analysis of the existing quantity and
2 quality of public access points to the coasts by state,
3 including both recreational and commercial (“work-
4 ing waterfront”) access;

5 (2) opportunities and barriers faced by low in-
6 come communities, communities of color, Tribal
7 communities, Indigenous communities, and rural
8 communities for access to the coasts;

9 (3) the likely impact of sea level rise and ex-
10 treme weather on public access points to and access
11 along the coasts; and

12 (4) Federal mechanisms for preventing the loss
13 of access, for mitigating such loss when it occurs,
14 and for increasing the quantity, quality, and afford-
15 ability of public access to the coasts for both rec-
16 reational and commercial activities.

17 **SEC. 1405. STUDY EXAMINING THE IMPACT OF ACIDIFICA-**
18 **TION AND OTHER ENVIRONMENTAL**
19 **STRESSORS ON ESTUARIES ENVIRONMENTS.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, the Administrator shall
22 make appropriate arrangements with the National Acad-
23 emies under which the National Academies shall conduct
24 a study that—

1 (1) examines the existing science of acidification
2 in coastal environments, including in the Great
3 Lakes;

4 (2) examines the challenges to studying acidifi-
5 cation and the combined effect of acidification and
6 other environment stressors in coastal environments;

7 (3) provides recommendations for improving fu-
8 ture research with respect to acidification in coastal
9 environments; and

10 (4) identifies pathways for applying science in
11 management and mitigation decisions relating to
12 acidification in estuaries environments.

13 (b) CONTENTS OF STUDY.—The study conducted
14 under subsection (a) shall include—

15 (1) the behavior of the carbonate system within
16 estuaries environments;

17 (2) the interactions of the carbonate system
18 with other biotic and abiotic characteristics of coast-
19 al ecosystems;

20 (3) how environmental and anthropogenic
21 changes or disturbances, such as nutrient runoff and
22 water pollution, could affect biotic and abiotic proc-
23 esses within coastal ecosystems;

24 (4) how coastal biotic and abiotic processes will
25 be affected under predicted environmental changes;

1 (5) the current state of data collection, inter-
2 pretation, storage, and retrieval and observational
3 infrastructure of biotic and abiotic parameters in
4 coastal ecosystems;

5 (6) the gaps that exist in understanding the
6 socio-economic and health impacts of acidification in
7 coastal ecosystems;

8 (7) future directions for scientific research; and

9 (8) pathways for applying science in manage-
10 ment and mitigation decisions.

11 (c) REPORT.—Not later than two years after entering
12 into any arrangement under subsection (a), the Adminis-
13 trator shall request that the National Academies submit
14 to Congress a report detailing the findings of the study.

15 **SEC. 1406. STUDY EXAMINING THE CAUSES AND IMPACTS**
16 **OF BLACK CARBON.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Administrator and
19 the Secretary of Interior shall make appropriate arrange-
20 ments with the National Academies under which the Na-
21 tional Academies shall conduct a study that—

22 (1) quantifies the sources of black carbon emis-
23 sions, including wildfires and natural processes;

1 (2) examines the impacts of black carbon on the
2 health, finances, society, and culture of Indigenous
3 communities;

4 (3) examines the impacts of black carbon on
5 marine and terrestrial Arctic wildlife; and

6 (4) examines the role of black carbon in climate
7 change.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Administrator
10 \$1,000,000 for fiscal year 2022 to carry out this section.

11 **SEC. 1407. MARINE AREAS INVENTORY.**

12 (a) IN GENERAL.—The Administrator, in consulta-
13 tion with the Secretary of State and the Secretary of the
14 Interior, shall—

15 (1) update the National Marine Protection
16 Areas Centers Marine Protected Area Inventory to
17 include—

18 (A) an inventory of areas already protected
19 10 withing the exclusive economic zone of the
20 United States;

21 (B) an inventory of areas already protected
22 in areas of the ocean beyond the jurisdiction of
23 the United States, and a description of any ac-
24 tivities that are currently allowed in each of the
25 areas; and

1 (C) an inventory of areas that other coun-
2 tries or international governing bodies are con-
3 sidering making a marine protected area; and

4 (2) create an inventory of marine areas to in-
5 clude—

6 (A) areas under United States jurisdiction
7 that are subject to both a prohibition on all bot-
8 tom-tending fishing gear and a prohibition on
9 all fishing gear with bycatch rates that ad-
10 versely affect marine wildlife populations, and
11 identify additional prohibitions on non-fishing
12 commercial activities in those areas; and

13 (B) an inventory of the lease areas for off-
14 shore wind as established by the Bureau of
15 Ocean and Energy 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. 1408. MARINE BIODIVERSITY CENSUS.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this Act, the Administrator, in
22 coordination with relevant Federal, State, and Tribal
23 agencies, shall develop a strategy for the United States
24 to initiate a marine biodiversity 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 marine biodiversity census, that includes
13 a coordinated 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. 1409. MARINE BIODIVERSITY GAP ANALYSIS.**

4 (a) IN GENERAL.—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of Com-
6 merce and Secretary of the Interior, in coordination with
7 relevant Federal and State agencies, shall begin a marine
8 biodiversity gap analysis meeting the requirements de-
9 scribed in subsection (b) to be completed not later than
10 18 months after such date. Such Secretaries, in coordina-
11 tion with relevant Federal and State agencies, shall update
12 such analysis not less frequently than every 2 years there-
13 after.

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 Secretary of Commerce shall
4 publish the marine biodiversity gap analysis required by
5 subsection (a) on a public website.

6 (d) REPORT.—Biennially, the Secretary of Commerce
7 and Secretary of the Interior shall publish a report on can-
8 didate areas for protection and conservation, and on
9 progress for advancing protection of habitats, species, and
10 biodiversity identified in the gap analysis required by sub-
11 section (a) and is also informed by the Marine Biodiversity
12 Census described in section 1408.

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.

Amend the title so as to read: “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 ecosystems, habitats, biodiversity, and fish and wildlife populations; and for other purposes.”.

