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118TH CONGRESS
1ST SESSION

H. R. 676

[Report No. 118-]

To amend the Federal Ocean Acidification Research And Monitoring Act of 2009 to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to collaborate with State and local governments and Indian Tribes on vulnerability assessments related to ocean acidification, research planning, and similar activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Ms. PINGREE (for herself, Mr. WALTZ, Mr. GOLDEN of Maine, Mrs. GONZÁLEZ-COLÓN, Mr. CARSON, Ms. BONAMICI, Ms. TOKUDA, Mr. HUFFMAN, Mr. KILMER, and Ms. SCANLON) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

APRIL --, 2023

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend the Federal Ocean Acidification Research And Monitoring Act of 2009 to require the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to collaborate with State and local governments and Indian Tribes on vulnerability assessments related to ocean acidification, research planning, and similar activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal Communities
5 Ocean Acidification Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 Section 12403 of the Federal Ocean Acidification Re-
8 search And Monitoring Act of 2009 (33 U.S.C. 3702) is
9 amended—

10 (1) by striking paragraph (4);

11 (2) by redesignating paragraphs (2) and (3) as
12 paragraphs (3) and (4), respectively;

13 (3) by inserting before paragraph (3), as so re-
14 designated, the following:

15 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
16 has the meaning given the term in section 4 of the
17 Indian Self-Determination and Education Assistance
18 Act (25 U.S.C. 5304).”;

19 (4) in paragraph (3), as redesignated by para-
20 graph (2), by inserting “an increase of” before “car-
21 bon dioxide”; and

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

23 “(6) SUBCOMMITTEE.—The term ‘Sub-
24 committee’ means the National Science and Tech-

1 nology Council Subcommittee on Ocean Science and
2 Technology.

3 “(7) UNITED STATES.—The term ‘United
4 States’ means the States, collectively.”.

5 **SEC. 3. IMPROVEMENT OF COLLABORATION ON OCEAN**
6 **ACIDIFICATION.**

7 (a) ONGOING INPUT MECHANISM.—Section
8 12404(c)(2) of the Federal Ocean Acidification Research
9 And Monitoring Act of 2009 (33 U.S.C. 3703(c)(2)) is
10 amended—

11 (1) in subparagraph (B), by striking “; and”
12 and inserting a semicolon;

13 (2) in subparagraph (C), by striking the period
14 at the end and inserting “; and”; and

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

16 “(D) maintain or establish an ongoing
17 mechanism (such as a liaison or other contact
18 of the National Oceanic and Atmospheric Ad-
19 ministration, standing meetings, or an online
20 platform) to engage affected industry members,
21 coastal stakeholders, community acidification
22 networks, fishery management councils and
23 commissions, indigenous knowledge groups,
24 non-Federal resource managers, and scientific
25 experts not employed by the Federal Govern-

1 ment to provide input on research, data, and
2 monitoring that is necessary to support on-the-
3 ground management, decision making, and ad-
4 aptation related to ocean acidification and
5 coastal acidification and the impacts of ocean
6 acidification and coastal acidification.”.

7 (b) ADVISORY BOARD MEMBERSHIP.—Section
8 12404(c)(3) of the Federal Ocean Acidification Research
9 And Monitoring Act of 2009 (33 U.S.C. 3703(c)(3)) is
10 amended—

11 (1) by redesignating subparagraphs (G)
12 through (Q) as subparagraphs (H) through (R), re-
13 spectively;

14 (2) by inserting after subparagraph (F) the fol-
15 lowing:

16 “(G) Two representatives from Indian
17 Tribes, Tribal organizations, and Tribal con-
18 sortia affected by ocean acidification and coast-
19 al acidification.”; and

20 (3) in subparagraph (H), as redesignated by
21 paragraph (1), by striking “Six” and inserting
22 “Four”.

23 (c) APPOINTMENT OF ADVISORY BOARD MEM-
24 BERS.—Section 12404(c)(4)(C) of the Federal Ocean
25 Acidification Research And Monitoring Act of 2009 (33

1 U.S.C. 3703(c)(4)(C)) is amended by striking “State and
2 local” and inserting “State, local, and Tribal”.

3 (d) ENGAGEMENT AND COORDINATION WITH INDIAN
4 TRIBES.—Paragraph (9) of section 12404(c) of the Fed-
5 eral Ocean Acidification Research And Monitoring Act of
6 2009 (33 U.S.C. 3703(c)) is amended to read as follows:

7 “(9) ENGAGEMENT AND COORDINATION WITH
8 INDIAN TRIBES.—

9 “(A) POLICY REQUIRED.—Not later than
10 one year after the date on which the Advisory
11 Board is established, the Advisory Board shall
12 develop and commence maintaining a policy for
13 engagement and coordination with Indian
14 Tribes affected by ocean acidification and coast-
15 al acidification.

16 “(B) CONSULTATION.—In developing the
17 policy under subparagraph (A), the Advisory
18 Board shall consult with Indian Tribes affected
19 by ocean acidification and coastal acidifica-
20 tion.”.

21 (e) COLLABORATION ON VULNERABILITY ASSESS-
22 MENTS, RESEARCH PLANNING, AND SIMILAR ACTIVI-
23 TIES.—Section 12404(e)(4)(A) of the Federal Ocean
24 Acidification Research And Monitoring Act of 2009 (33
25 U.S.C. 3703(e)(4)(A)) is amended—

1 (1) by redesignating clauses (ix) and (x) as
2 clauses (x) and (xi), respectively; and

3 (2) by inserting after clause (viii) the following:

4 “(ix) identifies the efforts of the Sec-
5 retary to collaborate with State and local
6 governments and Indian Tribes on commu-
7 nity vulnerability assessments, research
8 planning, and similar activities, pursuant
9 to section 12406(e);”.

10 (f) CONTENTS OF STRATEGIC RESEARCH PLAN.—

11 Section 12405(b) of the Federal Ocean Acidification Re-
12 search And Monitoring Act of 2009 (33 U.S.C. 3704(b))
13 is amended—

14 (1) in paragraph (10), by striking “section
15 12404(c)(4)” and inserting “section 12404(e)(4)”;
16 and

17 (2) in paragraph (11), by striking “potentially
18 affected industry members, coastal stakeholders,
19 fishery management councils and commissions, Trib-
20 al governments, non-Federal resource managers, and
21 scientific experts” and inserting “affected industry
22 members, coastal stakeholders, community acidifica-
23 tion networks, fishery management councils and
24 commissions, indigenous knowledge groups, non-

1 Federal resource managers, and scientific experts
2 not employed by the Federal Government”.

3 (g) IMPROVING COLLABORATION ON NOAA OCEAN
4 ACIDIFICATION ACTIVITIES.—Section 12406 of the Fed-
5 eral Ocean Acidification Research And Monitoring Act of
6 2009 (33 U.S.C. 3705) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (C), by striking
10 “maximize” and inserting “take into con-
11 sideration”;

12 (ii) in subparagraph (D), by adding a
13 semicolon at the end; and

14 (iii) in subparagraph (F), by striking
15 “Tribal governments” and inserting “In-
16 dian Tribes”; and

17 (B) in paragraph (4), by striking “industry
18 members, coastal stakeholders, fishery manage-
19 ment councils and commissions, non-Federal re-
20 source managers, community acidification net-
21 works, indigenous knowledge groups, and sci-
22 entific experts” and inserting “affected industry
23 members, coastal stakeholders, community
24 acidification networks, fishery management
25 councils and commissions, indigenous knowl-

1 edge groups, non-Federal resource managers,
2 and scientific experts not employed by the Fed-
3 eral Government”;

4 (2) in subsection (c)—

5 (A) in paragraph (1), by striking “State,
6 local, and Tribal governments” and inserting
7 “State and local governments, Indian Tribes,”;
8 and

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking “;
11 or” and inserting a semicolon;

12 (ii) by redesignating subparagraph
13 (B) as subparagraph (C);

14 (iii) by inserting after subparagraph
15 (A) the following:

16 “(B) on ocean acidification and coastal
17 acidification research, data, and monitoring
18 from affected industry members, coastal stake-
19 holders, community acidification networks, fish-
20 ery management councils and commissions, in-
21 digenous knowledge groups, non-Federal re-
22 source managers, and scientific experts not em-
23 ployed by the Federal Government; or”;

24 (iv) in subparagraph (C), as redesign-
25 nated by clause (ii), by striking “State

1 governments, local governments, Tribal
2 governments” and inserting “State and
3 local governments, Indian Tribes”;

4 (3) in subsection (d)(1)(C), by striking “Tribes
5 or Tribal governments” and inserting “Indian
6 Tribes, Tribal organizations, and Tribal consortia”;
7 and

8 (4) by adding at the end the following:

9 “(e) BETTER COLLABORATION ON VULNERABILITY
10 ASSESSMENTS, RESEARCH PLANNING, AND SIMILAR AC-
11 TIVITIES.—

12 “(1) IN GENERAL.—In carrying out the pro-
13 gram under subsection (a), and in support of vulner-
14 ability assessments transmitted under section
15 12404(e)(4) and recommendations included in the
16 strategic research plan described in section
17 12405(b)(10), the Secretary shall build upon exist-
18 ing activities and collaborate with State and local
19 governments and Indian Tribes that are conducting
20 or have completed vulnerability assessments, re-
21 search planning, climate action plans, or other simi-
22 lar activities related to ocean acidification and coast-
23 al acidification and the impacts of ocean acidifica-
24 tion and coastal acidification on coastal commu-
25 nities, for the purpose of—

1 “(A) supporting collaborative interagency
2 relationships and information sharing at the
3 State, local, and Tribal levels; and

4 “(B) assisting State and local governments
5 and Indian Tribes in—

6 “(i) improving existing systems and
7 programs to better address ocean acidifica-
8 tion and coastal acidification; and

9 “(ii) identifying whether such activi-
10 ties can be used as a model for other com-
11 munities.

12 “(2) PRIORITY.—In carrying out paragraph (1),
13 the Secretary shall prioritize underserved popu-
14 lations and entities in the use of resources of the
15 National Oceanic and Atmospheric Administration.”.

16 **SEC. 4. TECHNICAL CORRECTIONS.**

17 The Federal Ocean Acidification Research And Moni-
18 toring Act of 2009 (33 U.S.C. 3701 et seq.) is amended—

19 (1) in section 12402(1) (33 U.S.C. 3701(1)), by
20 striking “development coordination and implementa-
21 tion” and inserting “development, coordination, and
22 implementation”;

23 (2) in section 12404 (33 U.S.C. 3703)—

24 (A) in subsection (b)(5), by striking “;
25 and” and inserting a period;

- 1 (B) in subsection (c)(2)(A)—
- 2 (i) in clause (i), by striking “sub-
- 3 section (d)(2)” and inserting “subsection
- 4 (e)(2)”; and
- 5 (ii) in clause (ii), by striking “sub-
- 6 section (d)(3)” and inserting “subsection
- 7 (e)(3)”;
- 8 (C) in subsection (d)(3), by striking “this
- 9 section” and inserting “this subsection”; and
- 10 (D) in subsection (e)—
- 11 (i) in paragraph (2)(B), by striking
- 12 “interagency” and inserting “the”; and
- 13 (ii) in paragraph (3), by striking
- 14 “years until 2031 thereafter” and inserting
- 15 “years thereafter until 2031”; and
- 16 (3) in section 12406(d)(2) (33 U.S.C.
- 17 3705(d)(2)), by striking “The Secretary to,” and in-
- 18 serting “The Secretary, to”.