

DECEMBER 4, 2019

RULES COMMITTEE PRINT 116–40
TEXT OF H.R. 729, COASTAL AND GREAT LAKES
COMMUNITIES ENHANCEMENT ACT

[Showing the text of H.R. 729, H.R. 3115, H.R. 3596, H.R. 2185, H.R. 3541, H.R. 1747, H.R. 1023, H.R. 2189, H.R. 1314, and H.R. 2405 as ordered reported by the Committee on Natural Resources, with modifications.]

1 **SECTION 1. FRONT MATTER.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Coastal and Great Lakes Communities Enhancement
4 Act”.

5 (b) **DETERMINATION OF BUDGETARY EFFECTS.**—
6 The budgetary effects of this Act, for the purpose of com-
7 plying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the House Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.

14 (c) **TABLE OF CONTENTS.**—The table of contents for
15 this Act is as follows:

Sec. 1. Front matter.

TITLE I—COASTAL RESILIENCE AND ECONOMIC ENHANCEMENT

- Sec. 101. Grants to further achievement of Tribal coastal zone objectives.
- Sec. 102. Living Shoreline Grant Program.
- Sec. 103. Working Waterfronts Grant Program.
- Sec. 104. Working Waterfronts Preservation Fund; grants.
- Sec. 105. Eligibility of District of Columbia for Federal funding under the Coastal Zone Management Act of 1972.
- Sec. 106. Climate change preparedness in the coastal zone.

TITLE II—FISHERY RESEARCH AND CONSERVATION

Subtitle A—National Fish Habitat Conservation Through Partnerships

- Sec. 201. Purpose.
- Sec. 202. Definitions.
- Sec. 203. National Fish Habitat Board.
- Sec. 204. Fish Habitat Partnerships.
- Sec. 205. Fish Habitat Conservation Projects.
- Sec. 206. Technical and scientific assistance.
- Sec. 207. Coordination with States and Indian Tribes.
- Sec. 208. Interagency Operational Plan.
- Sec. 209. Accountability and reporting.
- Sec. 210. Effect of this subtitle.
- Sec. 211. Nonapplicability of Federal Advisory Committee Act.
- Sec. 212. Funding.
- Sec. 213. Prohibition against implementation of regulatory authority by Federal agencies through Partnerships.

Subtitle B—Great Lakes Fishery Research Authorization

- Sec. 214. Definitions.
- Sec. 215. Findings.
- Sec. 216. Great Lakes monitoring, assessment, science, and research.
- Sec. 217. Authorization of appropriations.

TITLE III—MEETING 21ST CENTURY OCEAN AND COASTAL DATA NEEDS

Subtitle A—Digital Coast

- Sec. 301. Findings.
- Sec. 302. Definitions.
- Sec. 303. Establishment of the Digital Coast.

Subtitle B—Integrated Coastal and Ocean Observation System

- Sec. 304. Staggered terms for National Integrated Coastal and Ocean Observation System Advisory Committee.
- Sec. 305. Integrated coastal and ocean observation system cooperative agreements.
- Sec. 306. Reauthorization of Integrated Coastal and Ocean Observation System Act of 2009.

TITLE IV—NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS

- Sec. 401. References to the National Sea Grant College Program Act.
- Sec. 402. Modification of Dean John A. Knauss Marine Policy Fellowship.

- Sec. 403. Modification of authority of Secretary of Commerce to accept donations for National Sea Grant College Program.
- Sec. 404. Repeal of requirement for report on coordination of oceans and coastal research activities.
- Sec. 405. Reduction in frequency required for National Sea Grant Advisory Board report.
- Sec. 406. Modification of elements of National Sea Grant College Program.
- Sec. 407. Direct hire authority; Dean John A. Knauss Marine Policy Fellowship.
- Sec. 408. Authorization of appropriations for National Sea Grant College Program.
- Sec. 409. Technical corrections.

1 **TITLE I—COASTAL RESILIENCE**
2 **AND ECONOMIC ENHANCEMENT**
3 **SEC. 101. 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 its Tribal
13 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 under
17 this section shall be—

18 “(A) in the case of a grant of less than
19 \$200,000, 100 percent of such cost; and

1 “(B) in the case of a grant of \$200,000 or
2 more, 95 percent of such cost, except as pro-
3 vided in paragraph (2).

4 “(2) WAIVER.—The Secretary may waive the
5 application of paragraph (1)(B) with respect to a
6 grant to an Indian Tribe, or otherwise reduce the
7 portion of the share of the cost of an activity re-
8 quired to be paid by an Indian Tribe under such
9 paragraph, if the Secretary determines that the
10 Tribe does not have sufficient funds to pay such por-
11 tion.

12 “(c) COMPATIBILITY.—The Secretary may not award
13 a grant under this section unless the Secretary determines
14 that the activities to be carried out with the grant are
15 compatible with this title and that the grantee has con-
16 sulted with the affected coastal state regarding the grant
17 objectives and purposes.

18 “(d) AUTHORIZED OBJECTIVES AND PURPOSES.—
19 Amounts awarded as a grant under this section shall be
20 used for one or more of the objectives and purposes au-
21 thorized under subsections (b) and (c), respectively, of sec-
22 tion 306A.

23 “(e) FUNDING.—Of amounts appropriated to carry
24 out this Act, \$5,000,000 is authorized to carry out this
25 section for each fiscal year.

1 “(f) DEFINITIONS.—In this section:

2 “(1) INDIAN LAND.—The term ‘Indian land’
3 has the meaning that term has under section 2601
4 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

5 “(2) INDIAN TRIBE.—The term ‘Indian Tribe’
6 means an Indian tribe, as that term is defined in
7 section 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5304).

9 “(3) TRIBAL COASTAL ZONE.—The term ‘Tribal
10 coastal zone’ means any Indian land of an Indian
11 Tribe that is within the coastal zone.

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

16 “(A) Protection, restoration, or preserva-
17 tion of areas in the Tribal coastal zone of such
18 Tribe that hold—

19 “(i) important ecological, cultural, or
20 sacred significance for such Tribe; or

21 “(ii) traditional, historic, and esthetic
22 values essential to such Tribe.

23 “(B) Preparing and implementing a special
24 area management plan and technical planning
25 for important coastal areas.

1 “(C) Any coastal or shoreline stabilization
2 measure, including any mitigation measure, for
3 the purpose of public safety, public access, or
4 cultural or historical preservation.”.

5 (b) GUIDANCE.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of Com-
7 merce shall issue guidance for the program established
8 under the amendment made by subsection (a), including
9 the criteria for awarding grants under such program based
10 on consultation with Indian Tribes (as that term is defined
11 in that amendment).

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

19 “(F) fulfilling any Tribal coastal zone ob-
20 jective (as that term is defined in section
21 320).”.

22 (d) OTHER PROGRAMS NOT AFFECTED.—Nothing in
23 this section shall be construed to affect the ability of an
24 Indian Tribe to apply for, receive assistance under, or par-
25 ticipate in any program authorized by the Coastal Zone

1 Management Act of 1972 (16 U.S.C. 1451 et seq.) or
2 other related Federal laws.

3 **SEC. 102. LIVING SHORELINE GRANT PROGRAM.**

4 (a) ESTABLISHMENT.—The Administrator shall
5 make grants to eligible entities for purposes of—

6 (1) designing and implementing large- and
7 small-scale, climate-resilient living shoreline projects;
8 and

9 (2) applying innovative uses of natural mate-
10 rials and systems to protect coastal communities,
11 habitats, and natural system functions.

12 (b) PROJECT PROPOSALS.—To be eligible to receive
13 a grant under this section, an eligible entity shall—

14 (1) submit to the Administrator a proposal for
15 a living shoreline project, including monitoring, data
16 collection, and measurable performance criteria with
17 respect to the project; and

18 (2) demonstrate to the Administrator that the
19 entity has any permits or other authorizations from
20 local, State, and Federal government agencies nec-
21 essary to carry out the living shoreline project or
22 provide evidence demonstrating general support from
23 such agencies.

24 (c) PROJECT SELECTION.—

1 (1) DEVELOPMENT OF CRITERIA.—The Admin-
2 istrator shall select eligible entities to receive grants
3 under this section based on criteria developed by the
4 Administrator, in consultation with relevant offices
5 of the National Oceanic and Atmospheric Adminis-
6 tration, such as the Office of Habitat Conservation,
7 the Office for Coastal Management, and the Res-
8 toration Center.

9 (2) CONSIDERATIONS.—In developing criteria
10 under paragraph (1) to evaluate a proposed living
11 shoreline project, the Administrator shall take into
12 account—

13 (A) the potential of the project to protect
14 the community and maintain the viability of the
15 environment, such as through protection of eco-
16 system functions, environmental benefits, or
17 habitat types, in the area where the project is
18 to be carried out;

19 (B) the historic and future environmental
20 conditions of the project site, particularly those
21 environmental conditions affected by climate
22 change;

23 (C) the ecological benefits of the project;
24 and

1 (D) the ability of the entity proposing the
2 project to demonstrate the potential of the
3 project to protect the coastal community where
4 the project is to be carried out, including
5 through—

6 (i) mitigating the effects of erosion;

7 (ii) attenuating the impact of coastal
8 storms and storm surge;

9 (iii) mitigating shoreline flooding;

10 (iv) mitigating the effects of sea level
11 rise, accelerated land loss, and extreme
12 tides;

13 (v) sustaining, protecting, or restoring
14 the functions and habitats of coastal eco-
15 systems; or

16 (vi) such other forms of coastal pro-
17 tection as the Administrator considers ap-
18 propriate.

19 (3) PRIORITY.—In selecting living shoreline
20 projects to receive grants under this section, the Ad-
21 ministrator shall give priority consideration to a pro-
22 posed project to be conducted in an area—

23 (A) for which the President has declared,
24 during the 10-year period preceding the submis-
25 sion of the proposal for the project under sub-

1 section (b), that a major disaster exists pursu-
2 ant to section 401 of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5170) because of a hurricane, trop-
5 ical storm, coastal storm, or flooding; or

6 (B) that has a documented history of
7 coastal erosion or frequent coastal inundation
8 during that 10-year period.

9 (4) MINIMUM STANDARDS.—

10 (A) IN GENERAL.—The Administrator
11 shall develop minimum standards to be used in
12 selecting eligible entities to receive grants under
13 this section, taking into account—

14 (i) the considerations described in
15 paragraph (2); and

16 (ii) the need for such standards to be
17 general enough to accommodate concerns
18 relating to specific project sites.

19 (B) CONSULTATIONS.—In developing stan-
20 dards under subparagraph (A), the Adminis-
21 trator—

22 (i) shall consult with relevant offices
23 of the National Oceanic and Atmospheric
24 Administration, such as the Office of Habi-
25 tat Conservation, the Office for Coastal

1 Management, and the Restoration Center;
2 and

3 (ii) may consult with—

4 (I) relevant interagency councils,
5 such as the Estuary Habitat Restora-
6 tion Council;

7 (II) State coastal management
8 agencies; and

9 (III) relevant nongovernmental
10 organizations.

11 (d) USE OF FUNDS.—A grant awarded under this
12 section to an eligible entity to carry out a living shoreline
13 project may be used by the eligible entity only—

14 (1) to carry out the project, including adminis-
15 tration, design, permitting, entry into negotiated in-
16 direct cost rate agreements, and construction; and

17 (2) to monitor, collect, and report data on the
18 performance (including performance over time) of
19 the project, in accordance with standards issued by
20 the Administrator under subsection (f)(2).

21 (e) COST-SHARING.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), an eligible entity that receives a grant
24 under this section to carry out a living shoreline
25 project shall provide, from non-Federal sources,

1 funds or other resources (such as land or conserva-
2 tion easements or in-kind matching from private en-
3 tities) valued at not less than 50 percent of the total
4 cost, including administrative costs, of the project.

5 (2) REDUCED MATCHING REQUIREMENT FOR
6 CERTAIN COMMUNITIES.—The Administrator may
7 reduce or waive the matching requirement under
8 paragraph (1) for an eligible entity representing a
9 community or nonprofit organization if—

10 (A) the eligible entity submits to the Ad-
11 ministrator in writing—

12 (i) a request for such a reduction and
13 the amount of the reduction; and

14 (ii) a justification for why the entity
15 cannot meet the matching requirement;
16 and

17 (B) the Administrator agrees with the jus-
18 tification.

19 (f) MONITORING AND REPORTING.—

20 (1) IN GENERAL.—The Administrator shall re-
21 quire each eligible entity receiving a grant under this
22 section (or a representative of the entity) to carry
23 out a living shoreline project—

24 (A) to transmit to the Administrator data
25 collected under the project;

1 (B) to monitor the project and to collect
2 data on—

3 (i) the ecological benefits of the
4 project and the protection provided by the
5 project for the coastal community where
6 the project is carried out, including
7 through—

8 (I) mitigating the effects of ero-
9 sion;

10 (II) attenuating the impact of
11 coastal storms and storm surge;

12 (III) mitigating shoreline flood-
13 ing;

14 (IV) mitigating the effects of sea
15 level rise, accelerated land loss, and
16 extreme tides;

17 (V) sustaining, protecting, or re-
18 storing the functions and habitats of
19 coastal ecosystems; or

20 (VI) such other forms of coastal
21 protection as the Administrator con-
22 siders appropriate; and

23 (ii) the performance of the project in
24 providing such protection;

1 (C) to make data collected under the
2 project available on a publicly accessible inter-
3 net website of the National Oceanic and Atmos-
4 pheric Administration; and

5 (D) not later than one year after the entity
6 receives the grant, and annually thereafter until
7 the completion of the project, to submit to the
8 Administrator a report on—

9 (i) the measures described in subpara-
10 graph (B); and

11 (ii) the effectiveness of the project in
12 increasing protection of the coastal com-
13 munity where the project is carried out
14 through living shorelines techniques, in-
15 cluding—

16 (I) a description of—

17 (aa) the project;

18 (bb) the activities carried
19 out under the project; and

20 (cc) the techniques and ma-
21 terials used in carrying out the
22 project; and

23 (II) data on the performance of
24 the project in providing protection to
25 that coastal community.

1 (2) GUIDELINES.—In developing guidelines re-
2 relating to paragraph (1)(C), the Administrator shall
3 consider how additional data could safely be col-
4 lected before and after major disasters or severe
5 weather events to measure project performance and
6 project recovery.

7 (3) STANDARDS.—

8 (A) IN GENERAL.—Not later than 90 days
9 after the date of the enactment of this Act, the
10 Administrator shall, in consultation with rel-
11 evant offices of the National Oceanic and At-
12 mospheric Administration, relevant interagency
13 councils, and relevant nongovernmental organi-
14 zations, issue standards for the monitoring, col-
15 lection, and reporting under subsection (d)(2)
16 of data regarding the performance of living
17 shoreline projects for which grants are awarded
18 under this section.

19 (B) REPORTING.—The standards issued
20 under subparagraph (A) shall require an eligi-
21 ble entity receiving a grant under this section
22 to report the data described in that subpara-
23 graph to the Administrator on a regular basis.

24 (g) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated \$50,000,000 to the Ad-

1 administrator for each of fiscal years 2020 through 2025
2 for purposes of carrying out this section.

3 (h) DEFINITIONS.—In this section:

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

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means any of the following:

9 (A) A unit of a State or local government.

10 (B) An organization described in section
11 501(c)(3) of the Internal Revenue Code of 1986
12 that is exempt from taxation under section
13 501(a) of such Code.

14 (C) An Indian Tribe (as defined in section
15 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304)).

17 (3) LIVING SHORELINE PROJECT.—The term
18 “living shoreline project”—

19 (A) means a project that—

20 (i) restores or stabilizes a shoreline,
21 including marshes, wetlands, and other
22 vegetated areas that are part of the shore-
23 line ecosystem, by using natural materials
24 and systems to create buffers to attenuate
25 the impact of coastal storms, currents,

1 flooding, and wave energy and to prevent
2 or minimize shoreline erosion while sup-
3 porting coastal ecosystems and habitats;

4 (ii) incorporates as many natural ele-
5 ments as possible, such as native wetlands,
6 submerged aquatic plants, oyster shells,
7 native grasses, shrubs, or trees;

8 (iii) utilizes techniques that incor-
9 porate ecological and coastal engineering
10 principles in shoreline stabilization; and

11 (iv) to the extent possible, maintains
12 or restores existing natural slopes and con-
13 nections between uplands and adjacent
14 wetlands or surface waters;

15 (B) may include the use of—

16 (i) natural elements, such as sand,
17 wetland plants, logs, oysters or other shell-
18 fish, submerged aquatic vegetation, native
19 grasses, shrubs, trees, or coir fiber logs;

20 (ii) project elements that provide eco-
21 logical benefits to coastal ecosystems and
22 habitats in addition to shoreline protection;
23 and

24 (iii) structural materials, such as
25 stone, concrete, wood, vinyl, oyster domes,

1 or other approved engineered structures in
2 combination with natural materials; and

3 (C) may include a project that expands
4 upon or restores natural living shorelines or ex-
5 isting living shoreline projects.

6 (4) STATE.—The term “State” means each of
7 the several States, the District of Columbia, the
8 Commonwealth of Puerto Rico, the United States
9 Virgin Islands, Guam, American Samoa, and the
10 Commonwealth of the Northern Mariana Islands.

11 **SEC. 103. WORKING WATERFRONTS GRANT PROGRAM.**

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

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

16 “(a) WORKING WATERFRONT TASK FORCE.—

17 “(1) ESTABLISHMENT AND FUNCTIONS.—The
18 Secretary of Commerce shall establish a task force
19 to work directly with coastal States, user groups,
20 and coastal stakeholders to identify and address crit-
21 ical needs with respect to working waterfronts.

22 “(2) MEMBERSHIP.—The members of the task
23 force shall be appointed by the Secretary of Com-
24 merce, and shall include—

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

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

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

15 “(A) identify and prioritize critical needs
16 with respect to working waterfronts in States
17 that have a management program approved by
18 the Secretary of Commerce pursuant to section
19 306, in the areas of—

20 “(i) economic and cultural importance
21 of working waterfronts to communities;

22 “(ii) changing environments and
23 threats working waterfronts face from en-
24 vironment changes, trade barriers, sea level

1 rise, extreme weather events, ocean acidifi-
2 cation, and harmful algal blooms; and

3 “(iii) identifying working waterfronts
4 and highlighting them within communities;

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

9 “(C) identify Federal agencies that are re-
10 sponsible under existing law for addressing such
11 critical needs; and

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

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

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

1 “(6) IMPLEMENTATION.—The head of each
2 Federal agency identified in the report pursuant to
3 paragraph (3)(C) shall take such action as is nec-
4 essary to implement the recommendations contained
5 in the report by not later than 1 year after the date
6 of the issuance of the report.

7 “(b) WORKING WATERFRONT GRANT PROGRAM.—

8 “(1) The Secretary shall establish a Working
9 Waterfront Grant Program, in cooperation with ap-
10 propriate State, regional, and other units of govern-
11 ment, under which the Secretary may make a grant
12 to any coastal State for the purpose of implementing
13 a working waterfront plan approved by the Secretary
14 under subsection (c).

15 “(2) Subject to the availability of appropria-
16 tions, the Secretary shall award matching grants
17 under the Working Waterfronts Grant Program to
18 coastal States with approved working waterfront
19 plans through a regionally equitable, competitive
20 funding process in accordance with the following:

21 “(A) The Governor, or the lead agency
22 designated by the Governor for coordinating the
23 implementation of this section, where appro-
24 priate in consultation with the appropriate local
25 government, shall determine that the applica-

1 tion is consistent with the State’s or territory’s
2 approved coastal zone plan, program, and poli-
3 cies prior to submission to the Secretary.

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

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

13 “(3) In awarding a grant to a coastal State, the
14 Secretary shall consider—

15 “(A) the economic, cultural, and historical
16 significance of working waterfront to the coast-
17 al State;

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

24 “(C) the ability to successfully leverage
25 funds among participating entities, including

1 Federal programs, regional organizations, State
2 and other government units, landowners, cor-
3 porations, or private organizations;

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

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

17 “(4) The Secretary shall approve or reject an
18 application for such a grant within 60 days after re-
19 ceiving an application for the grant.

20 “(c) WORKING WATERFRONT PLANS.—

21 “(1) To be eligible for a grant under subsection
22 (b), a coastal State must submit and have approved
23 by the Secretary a comprehensive working water-
24 front plan in accordance with this subsection, or be
25 in the process of developing such a plan and have an

1 established working waterfront program at the State
2 or local level, or the Secretary determines that an
3 existing coastal land use plan for that State is in ac-
4 cordance with this subsection.

5 “(2) Such plan—

6 “(A) must provide for preservation and ex-
7 pansion of access to coastal waters to persons
8 engaged in commercial fishing, recreational
9 fishing and boating businesses, aquaculture,
10 boatbuilding, or other water-dependent, coastal-
11 related business;

12 “(B) shall include one or more of—

13 “(i) an assessment of the economic,
14 social, cultural, and historic value of work-
15 ing waterfront to the coastal State;

16 “(ii) a description of relevant State
17 and local laws and regulations affecting
18 working waterfront in the geographic areas
19 identified in the working waterfront plan;

20 “(iii) identification of geographic
21 areas where working waterfronts are cur-
22 rently under threat of conversion to uses
23 incompatible with commercial and rec-
24 reational fishing, recreational fishing and
25 boating businesses, aquaculture,

1 boatbuilding, or other water-dependent,
2 coastal-related business, and the level of
3 that threat;

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

12 “(v) identification of other working
13 waterfront needs including improvements
14 to existing working waterfronts and work-
15 ing waterfront areas;

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

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

1 “(viii) a description of the degree of
2 community support for such strategic plan;
3 and

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

8 “(C) may include detailed environmental
9 impacts on working waterfronts, including haz-
10 ards, sea level rise, inundation exposure, and
11 other resiliency issues;

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

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

19 “(F) shall incorporate the policies and reg-
20 ulations adopted by communities under local
21 working waterfront plans or strategies in exist-
22 ence before the date of the enactment of this
23 section.

24 “(3) A working waterfront plan—

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

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

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

11 “(4) The Secretary may—

12 “(A) award planning grants to coastal
13 States for the purpose of developing or revising
14 comprehensive working waterfront plans; and

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

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

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

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

5 “(C) if the coastal State allows qualified
6 holders (other than the coastal State) to enter
7 into working waterfront covenants, provide as
8 part of the working waterfront plan under this
9 subsection a mechanism or procedure to ensure
10 that the qualified holders are complying their
11 duties to enforce the working waterfront cov-
12 enant.

13 “(d) USES, TERMS, AND CONDITIONS.—

14 “(1) Each grant made by the Secretary under
15 this section shall be subject to such terms and condi-
16 tions as may be appropriate to ensure that the grant
17 is used for purposes consistent with this section.

18 “(2) A grant under this section may be used—

19 “(A) to acquire a working waterfront, or
20 an interest in a working waterfront;

21 “(B) to make improvements to a working
22 waterfront, including the construction or repair
23 of wharfs, boat ramps, or related facilities; or

24 “(C) for necessary climate adaptation miti-
25 gation.

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

9 “(f) LIMITATIONS.—

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

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

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

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

3 “(1) The Secretary shall encourage coastal
4 States to broadly allocate amounts received as
5 grants under this section among working water-
6 fronts identified in working waterfront plans ap-
7 proved under subsection (c).

8 “(2) Subject to the approval of the Secretary,
9 a coastal State may, as part of an approved working
10 waterfront plan, designate as a qualified holder any
11 unit of State or local government or nongovern-
12 mental organization, if the coastal State is ulti-
13 mately responsible for ensuring that the property
14 will be managed in a manner that is consistent with
15 the purposes for which the land entered into the pro-
16 gram.

17 “(3) A coastal State or a qualified holder des-
18 igned by a coastal State may allocate to a unit of
19 local government, nongovernmental organization,
20 fishing cooperative, or other entity, a portion of any
21 grant made under this section for the purpose of
22 carrying out this section, except that such an alloca-
23 tion shall not relieve the coastal State of the respon-
24 sibility for ensuring that any funds so allocated are

1 applied in furtherance of the coastal State’s ap-
2 proved working waterfront plan.

3 “(4) A qualified holder may hold title to or in-
4 terest in property acquired under this section, except
5 that—

6 “(A) all persons holding title to or interest
7 in working waterfront affected by a grant under
8 this section, including a qualified holder, private
9 citizen, private business, nonprofit organization,
10 fishing cooperative, or other entity, shall enter
11 into a working waterfront covenant;

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

15 “(C) if the coastal State determines, on
16 the record after an opportunity for a hearing,
17 that the working waterfront covenant has been
18 violated—

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

1 “(ii) the coastal State shall have the
2 right of immediate entry onto the working
3 waterfront;

4 “(D) if a coastal State makes a determina-
5 tion under subparagraph (C), the coastal State
6 may convey or authorize the qualified holder to
7 convey the working waterfront or interest in
8 working waterfront to another qualified holder;
9 and

10 “(E) nothing in this subsection waives any
11 legal requirement under any Federal or State
12 law.

13 “(h) MATCHING CONTRIBUTIONS.—

14 “(1) Except as provided in paragraph (2), the
15 Secretary shall require that each coastal State that
16 receives a grant under this section, or a qualified
17 holder designated by that coastal State under sub-
18 section (g), shall provide matching funds in an
19 amount equal to at least 25 percent of the total cost
20 of the project carried out with the grant.

21 “(2) The Secretary may waive the application
22 of paragraph (1) for any qualified holder that is an
23 underserved community, a community that has an
24 inability to draw on other sources of funding because
25 of the small population or low income of the commu-

1 nity, or for other reasons the Secretary considers ap-
2 propriate.

3 “(3) A local community designated as a quali-
4 fied holder under subsection (g) may utilize funds or
5 other in-kind contributions donated by a nongovern-
6 mental partner to satisfy the matching funds re-
7 quirement under this subsection.

8 “(4) As a condition of receipt of a grant under
9 this section, the Secretary shall require that a coast-
10 al State provide to the Secretary such assurances as
11 the Secretary determines are sufficient to dem-
12 onstrate that the share of the cost of each eligible
13 project that is not funded by the grant awarded
14 under this section has been secured.

15 “(5) If financial assistance under this section
16 represents only a portion of the total cost of a
17 project, funding from other Federal sources may be
18 applied to the cost of the project. Each portion shall
19 be subject to match requirements under the applica-
20 ble provision of law.

21 “(6) The Secretary shall treat as non-Federal
22 match the value of a working waterfront or interest
23 in a working waterfront, including conservation and
24 other easements, that is held in perpetuity by a
25 qualified holder, if the working waterfront or inter-

1 est is identified in the application for the grant and
2 acquired by the qualified holder within 3 years of
3 the grant award date, or within 3 years after the
4 submission of the application and before the end of
5 the grant award period. Such value shall be deter-
6 mined by an appraisal performed at such time before
7 the award of the grant as the Secretary considers
8 appropriate.

9 “(7) The Secretary shall treat as non-Federal
10 match the costs associated with acquisition of a
11 working waterfront or an interest in a working wa-
12 terfront, and the costs of restoration, enhancement,
13 or other improvement to a working waterfront, if the
14 activities are identified in the project application and
15 the costs are incurred within the period of the grant
16 award, or, for working waterfront described in para-
17 graph (6), within the same time limits described in
18 that paragraph. These costs may include either cash
19 or in-kind contributions.

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

1 “(j) OTHER TECHNICAL AND FINANCIAL ASSIST-
2 ANCE.—

3 “(1) Up to 5 percent of the funds appropriated
4 under this section may be used by the Secretary for
5 purposes of providing technical assistance as de-
6 scribed in this subsection.

7 “(2) The Secretary shall—

8 “(A) provide technical assistance to coastal
9 States and local governments in identifying and
10 obtaining other sources of available Federal
11 technical and financial assistance for the devel-
12 opment and revision of a working waterfront
13 plan and the implementation of an approved
14 working waterfront plan;

15 “(B) provide technical assistance to States
16 and local governments for the development, im-
17 plementation, and revision of comprehensive
18 working waterfront plans, which may include,
19 subject to the availability of appropriations,
20 planning grants and assistance, pilot projects,
21 feasibility studies, research, and other projects
22 necessary to further the purposes of this sec-
23 tion;

24 “(C) assist States in developing other tools
25 to protect working waterfronts;

1 “(D) collect and disseminate to States
2 guidance for best storm water management
3 practices in regards to working waterfronts;

4 “(E) provide technical assistance to States
5 and local governments on integrating resilience
6 planning into working waterfront preservation
7 efforts; and

8 “(F) collect and disseminate best practices
9 on working waterfronts and resilience planning.

10 “(k) REPORTS.—

11 “(1) The Secretary shall—

12 “(A) develop performance measures to
13 evaluate and report on the effectiveness of the
14 program under this section in accomplishing the
15 purpose of this section; and

16 “(B) submit to Congress a biennial report
17 that includes such evaluations, an account of all
18 expenditures, and descriptions of all projects
19 carried out using grants awarded under this
20 section.

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

24 “(l) DEFINITIONS.—In this section:

1 “(1) The term ‘qualified holder’ means a coast-
2 al State or a unit of local or coastal State govern-
3 ment or a non-State organization designated by a
4 coastal State under subsection (g).

5 “(2) The term ‘Secretary’ means the Secretary,
6 acting through the National Oceanic and Atmos-
7 pheric Administration.

8 “(3) The term ‘working waterfront’ means real
9 property (including support structures over water
10 and other facilities) that provides access to coastal
11 waters to persons engaged in commercial and rec-
12 reational fishing, recreational fishing and boating
13 businesses, boatbuilding, aquaculture, or other
14 water-dependent, coastal-related business and is
15 used for, or that supports, commercial and rec-
16 reational fishing, recreational fishing and boating
17 businesses, boatbuilding, aquaculture, or other
18 water-dependent, coastal-related business.

19 “(4) The term ‘working waterfront covenant’
20 means an agreement in recordable form between the
21 owner of working waterfront and one or more quali-
22 fied holders, that provides such assurances as the
23 Secretary may require that—

24 “(A) the title to or interest in the working
25 waterfront will be held by a grant recipient or

1 qualified holder in perpetuity, except as pro-
2 vided in subparagraph (C);

3 “(B) the working waterfront will be man-
4 aged in a manner that is consistent with the
5 purposes for which the property is acquired
6 pursuant to this section, and the property will
7 not be converted to any use that is inconsistent
8 with the purpose of this section;

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

11 “(i) all working waterfront owners
12 and qualified holders involved in such sale
13 or exchange shall accede to such agree-
14 ment; and

15 “(ii) funds equal to the fair market
16 value of the working waterfront or interest
17 in working waterfront shall be paid to the
18 Secretary by parties to the sale or ex-
19 change, and such funds shall, at the dis-
20 cretion of the Secretary, be paid to the
21 coastal State in which the working water-
22 front is located for use in the implementa-
23 tion of the working waterfront plan of the
24 State approved by the Secretary under this
25 section; and

1 habilitation, acquisition of working waterfront prop-
2 erties under criteria established by the Secretary.

3 “(2) Upon enactment of this section, the Sec-
4 retary of Commerce shall conduct a feasibility study
5 on the administration of the development and man-
6 agement of a Working Waterfronts Preservation
7 Loan Fund.

8 “(3) Upon the completion of the study under
9 paragraph (2), the Secretary shall establish a fund
10 in accordance with the results of that study, and es-
11 tablish such criteria as referenced in subsection (c)
12 in consultation with States that have a management
13 program approved by the Secretary of Commerce
14 pursuant to section 306 and local government coast-
15 al management programs.

16 “(c) AWARD CRITERIA.—The Secretary shall award
17 loans under this section through a regionally equitable,
18 competitive funding process, and in accordance with the
19 following:

20 “(1) The Governor, or the lead agency des-
21 ignated by the Governor for coordinating the imple-
22 mentation of this section, where appropriate in con-
23 sultation with the appropriate local government,
24 shall determine that an application for a loan is con-
25 sistent with the State’s approved coastal zone plan,

1 program, and policies prior to submission to the Sec-
2 retary.

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

7 “(3) Coastal States may allocate amounts
8 loaned under this section to local governments, agen-
9 cies, or nongovernmental organizations eligible for
10 loans under this section.

11 “(4) In awarding a loan for activities in a
12 coastal State, the Secretary shall consider—

13 “(A) the economic and cultural significance
14 of working waterfront to the coastal State;

15 “(B) the demonstrated working waterfront
16 needs of the coastal State as outlined by a
17 working waterfront plan approved for the coast-
18 al State under section 321(e), and the value of
19 the proposed loan for the implementation of
20 such plan;

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

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

10 “(E) the impact of the loan on the coastal
11 ecosystem and the users of the coastal eco-
12 system; and

13 “(F) the extent of the historic connection
14 between working waterfronts for which the loan
15 will be used and the local communities within
16 the coastal State.

17 “(d) LOAN AMOUNT AND TERMS.—

18 “(1) The amount of a loan under this section—

19 “(A) shall be not less than \$100,000; and

20 “(B) shall not exceed 15 percent of the
21 amount in the Fund as of July 1 of the fiscal
22 year in which the loan is made.

23 “(2) The interest rate for a loan under this sec-
24 tion shall not exceed 4 percent.

1 “(3) The repayment term for a loan under this
2 section shall not exceed 20 years.

3 “(e) DEADLINE FOR APPROVAL.—The Secretary
4 shall approve or reject an application for a loan under this
5 section within 60 days after receiving an application for
6 the loan.

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

12 “(g) DEFINITIONS.—The definitions in section 321(l)
13 shall apply to this section.

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to the Fund \$12,000,000
16 for each of fiscal years 2020 through 2024.”.

17 **SEC. 105. ELIGIBILITY OF DISTRICT OF COLUMBIA FOR**
18 **FEDERAL FUNDING UNDER THE COASTAL**
19 **ZONE MANAGEMENT ACT OF 1972.**

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

1 **SEC. 106. CLIMATE CHANGE PREPAREDNESS IN THE**
2 **COASTAL ZONE.**

3 (a) IN GENERAL.—The Coastal Zone Management
4 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 323. CLIMATE CHANGE ADAPTATION PREPAREDNESS**
7 **AND RESPONSE PROGRAM.**

8 “ (a) IN GENERAL.—The Secretary shall establish,
9 consistent with the national policies set forth in section
10 303, a coastal climate change adaptation preparedness
11 and response program to—

12 “(1) provide assistance to coastal States to vol-
13 untarily develop coastal climate change adaptation
14 plans, pursuant to approved management programs
15 approved under section 306, to minimize contribu-
16 tions to climate change and to prepare for and re-
17 duce the negative consequences that may result from
18 climate change in the coastal zone; and

19 “(2) provide financial and technical assistance
20 and training to enable coastal States to implement
21 plans developed pursuant to this section through
22 coastal States’ enforceable policies.

23 “(b) COASTAL CLIMATE CHANGE ADAPTATION
24 PLANNING AND PREPAREDNESS GRANTS.—

25 “(1) IN GENERAL.—The Secretary, subject to
26 the availability of appropriations, may make a grant

1 to any coastal State for the purpose of developing
2 climate change adaptation plans pursuant to guide-
3 lines issued by the Secretary under paragraph (8).

4 “(2) PLAN CONTENT.—A plan developed with a
5 grant under this subsection shall include the fol-
6 lowing:

7 “(A) Identification of public facilities and
8 public services, working waterfronts, coastal re-
9 sources of national significance, coastal waters,
10 energy facilities, or other land and water uses
11 located in the coastal zone that are likely to be
12 impacted by climate change.

13 “(B) Adaptive management strategies for
14 land use to respond or adapt to changing envi-
15 ronmental conditions, including strategies to
16 protect biodiversity, protect water quality, and
17 establish habitat buffer zones, migration cor-
18 ridors, and climate refugia.

19 “(C) Adaptive management strategies for
20 ocean-based ecosystems and resources, includ-
21 ing strategies to plan for and respond to geo-
22 graphic or temporal shifts in marine resources,
23 to create protected areas that will provide cli-
24 mate refugia, and to maintain and restore
25 ocean ecosystem function.

1 “(D) Requirements to initiate and main-
2 tain long-term monitoring of environmental
3 change to assess coastal zone adaptation and to
4 adjust when necessary adaptive management
5 strategies and new planning guidelines to attain
6 the policies under section 303.

7 “(E) Other information considered nec-
8 essary by the Secretary to identify the full
9 range of climate change impacts affecting coast-
10 al communities.

11 “(3) STATE HAZARD MITIGATION PLANS.—
12 Plans developed with a grant under this subsection
13 shall be consistent with State hazard mitigation
14 plans and natural disaster response and recovery
15 programs developed under State or Federal law.

16 “(4) ALLOCATION.—Grants under this sub-
17 section shall be available only to coastal States with
18 management programs approved by the Secretary
19 under section 306 and shall be allocated among such
20 coastal States in a manner consistent with regula-
21 tions promulgated pursuant to section 306(e).

22 “(5) PRIORITY.—In the awarding of grants
23 under this subsection, the Secretary may give pri-
24 ority to any coastal State that has received grant
25 funding to develop program changes pursuant to

1 paragraphs (1), (2), (3), (5), (6), (7), and (8) of sec-
2 tion 309(a).

3 “(6) TECHNICAL ASSISTANCE.—The Secretary
4 may provide technical assistance to a coastal State
5 consistent with section 310 to ensure the timely de-
6 velopment of plans supported by grants awarded
7 under this subsection.

8 “(7) FEDERAL APPROVAL.—In order to be eligi-
9 ble for a grant under subsection (c), a coastal State
10 must have its plan developed under this subsection
11 approved by the Secretary.

12 “(8) GUIDELINES.—Within 180 days after the
13 date of enactment of this section, the Secretary, in
14 consultation with the coastal States, shall issue
15 guidelines for the implementation of the grant pro-
16 gram established under this subsection.

17 “(c) COASTAL CLIMATE CHANGE ADAPTATION
18 PROJECT IMPLEMENTATION GRANTS.—

19 “(1) IN GENERAL.—The Secretary, subject to
20 the availability of appropriations, may make grants
21 to any coastal State that has a climate change adap-
22 tation plan approved under subsection (b)(7), in
23 order to support projects that implement strategies
24 contained within such plans.

1 “(2) PROGRAM REQUIREMENTS.—The Sec-
2 retary, within 90 days after approval of the first
3 plan approved under subsection (b)(7), shall publish
4 in the Federal Register requirements regarding ap-
5 plications, allocations, eligible activities, and all
6 terms and conditions for grants awarded under this
7 subsection. No less than 30 percent, and no more
8 than 50 percent, of the funds appropriated in any
9 fiscal year for grants under this subsection shall be
10 awarded through a merit-based competitive process.

11 “(3) ELIGIBLE ACTIVITIES.—The Secretary
12 may award grants to coastal States to implement
13 projects in the coastal zone to address stress factors
14 in order to improve coastal climate change adapta-
15 tion, including the following:

16 “(A) Activities to address physical disturb-
17 ances within the coastal zone, especially activi-
18 ties related to public facilities and public serv-
19 ices, tourism, sedimentation, ocean acidification,
20 and other factors negatively impacting coastal
21 waters.

22 “(B) Monitoring, control, or eradication of
23 disease organisms and invasive species.

24 “(C) Activities to address the loss, deg-
25 radation, or fragmentation of wildlife habitat

1 through projects to establish or protect marine
2 and terrestrial habitat buffers, wildlife refugia,
3 other wildlife refuges, or networks thereof, pres-
4 ervation of migratory wildlife corridors and
5 other transition zones, and restoration of fish
6 and wildlife habitat.

7 “(D) Projects to reduce, mitigate, or other-
8 wise address likely impacts caused by natural
9 hazards in the coastal zone, including sea level
10 rise, coastal inundation, storm water manage-
11 ment, coastal erosion and subsidence, severe
12 weather events such as cyclonic storms,
13 tsunamis and other seismic threats, and fluc-
14 tuating Great Lakes water levels. The Secretary
15 shall give priority to projects that utilize green
16 infrastructure solutions.

17 “(E) Projects to adapt existing infrastruc-
18 ture, including enhancements to both built and
19 natural environments.

20 “(F) Provision of technical training and
21 assistance to local coastal policy makers to in-
22 crease awareness of science, management, and
23 technology information related to climate
24 change and adaptation strategies.

1 “(4) PROMOTION AND USE OF NATIONAL ESTU-
2 ARINE RESEARCH RESERVES.—The Secretary shall
3 promote and encourage the use of National Estua-
4 rine Research Reserves as sites for pilot or dem-
5 onstration projects carried out with grants awarded
6 under this section.”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 318(a) of the Coastal Zone Management Act of 1972 (16
9 U.S.C. 1464(a)) is amended—

10 (1) by striking “and” after the semicolon at the
11 end of paragraph (1);

12 (2) by striking the period at the end of para-
13 graph (2) and inserting “; and”; and

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

15 “(3) for grants under section 323, such sums
16 as are necessary.”.

17 (c) INTENT OF CONGRESS.—Nothing in this section
18 shall be construed to require any coastal State to amend
19 or modify its approved management program pursuant to
20 section 306(e) of the Coastal Zone Management Act of
21 1972 (16 U.S.C. 1455(e)) or to extend the enforceable
22 policies of a coastal State beyond the coastal zone as iden-
23 tified in the coastal State’s approved management pro-
24 gram.

1 **TITLE II—FISHERY RESEARCH**
2 **AND CONSERVATION**
3 **Subtitle A—National Fish Habitat**
4 **Conservation Through Partner-**
5 **ships**

6 **SEC. 201. PURPOSE.**

7 The purpose of this subtitle is to encourage partner-
8 ships among public agencies and other interested persons
9 to promote fish conservation—

10 (1) to achieve measurable habitat conservation
11 results through strategic actions of Fish Habitat
12 Partnerships that lead to better fish habitat condi-
13 tions and increased fishing opportunities by—

14 (A) improving ecological conditions;

15 (B) restoring natural processes; or

16 (C) preventing the decline of intact and
17 healthy systems;

18 (2) to establish a consensus set of national con-
19 servation strategies as a framework to guide future
20 actions and investment by Fish Habitat Partner-
21 ships;

22 (3) to broaden the community of support for
23 fish habitat conservation by—

24 (A) increasing fishing opportunities;

1 (B) fostering the participation of local
2 communities, especially young people in local
3 communities, in conservation activities; and

4 (C) raising public awareness of the role
5 healthy fish habitat play in the quality of life
6 and economic well-being of local communities;

7 (4) to fill gaps in the National Fish Habitat As-
8 sessment and the associated database of the Na-
9 tional Fish Habitat Assessment—

10 (A) to empower strategic conservation ac-
11 tions supported by broadly available scientific
12 information; and

13 (B) to integrate socioeconomic data in the
14 analysis to improve the lives of humans in a
15 manner consistent with fish habitat conserva-
16 tion goals; and

17 (5) to communicate to the public and conserva-
18 tion partners—

19 (A) the conservation outcomes produced
20 collectively by Fish Habitat Partnerships; and

21 (B) new opportunities and voluntary ap-
22 proaches for conserving fish habitat.

23 **SEC. 202. DEFINITIONS.**

24 In this subtitle:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Commerce, Science,
5 and Transportation and the Committee on En-
6 vironment and Public Works of the Senate; and

7 (B) the Committee on Natural Resources
8 of the House of Representatives.

9 (2) BOARD.—The term “Board” means the Na-
10 tional Fish Habitat Board established by section
11 203.

12 (3) DIRECTOR.—The term “Director” means
13 the Director of the United States Fish and Wildlife
14 Service.

15 (4) ENVIRONMENTAL PROTECTION AGENCY AS-
16 SISTANT ADMINISTRATOR.—The term “Environ-
17 mental Protection Agency Assistant Administrator”
18 means the Assistant Administrator for Water of the
19 Environmental Protection Agency.

20 (5) INDIAN TRIBE.—The term “Indian Tribe”
21 has the meaning given to the term “Indian tribe” in
22 section 4 of the Indian Self-Determination and Edu-
23 cation Assistance Act (25 U.S.C. 5304).

24 (6) NATIONAL OCEANIC AND ATMOSPHERIC AD-
25 MINISTRATION ASSISTANT ADMINISTRATOR.—The

1 term “National Oceanic and Atmospheric Adminis-
2 tration Assistant Administrator” means the Assist-
3 ant Administrator for Fisheries of the National Oce-
4 anic and Atmospheric Administration.

5 (7) PARTNERSHIP.—The term “Partnership”
6 means an entity designated by Congress as a Fish
7 Habitat Partnership under section 204.

8 (8) REAL PROPERTY INTEREST.—The term
9 “real property interest” means an ownership interest
10 in—

11 (A) land; or

12 (B) water (including water rights).

13 (9) MARINE FISHERIES COMMISSIONS.—The
14 term “Marine Fisheries Commissions” means—

15 (A) The Atlantic States Marine Fisheries
16 Commission;

17 (B) the Gulf States Marine Fisheries Com-
18 mission; and

19 (C) the Pacific States Marine Commission.

20 (10) SECRETARY.—The term “Secretary”
21 means the Secretary of the Interior.

22 (11) STATE.—The term “State” means each of
23 the several States, Puerto Rico, American Samoa,
24 Guam, the Northern Mariana Islands, the United
25 States Virgin Islands, and the District of Columbia.

1 (12) STATE AGENCY.—The term “State agen-
2 cy” means—

3 (A) the fish and wildlife agency of a State;
4 and

5 (B) any department or division of a de-
6 partment or agency of a State that manages in
7 the public trust the inland or marine fishery re-
8 sources of the State or sustains the habitat for
9 those fishery resources pursuant to State law or
10 the constitution of the State.

11 **SEC. 203. NATIONAL FISH HABITAT BOARD.**

12 (a) ESTABLISHMENT.—

13 (1) FISH HABITAT BOARD.—There is estab-
14 lished a board, to be known as the “National Fish
15 Habitat Board”, whose duties are—

16 (A) to promote, oversee, and coordinate the
17 implementation of this subtitle;

18 (B) to establish national goals and prior-
19 ities for fish habitat conservation;

20 (C) to recommend to Congress entities for
21 designation as Partnerships; and

22 (D) to review and make recommendations
23 regarding fish habitat conservation projects.

24 (2) MEMBERSHIP.—The Board shall be com-
25 posed of 25 members, of whom—

1 (A) 1 shall be a representative of the De-
2 partment of the Interior;

3 (B) 1 shall be a representative of the
4 United States Geological Survey;

5 (C) 1 shall be a representative of the De-
6 partment of Commerce;

7 (D) 1 shall be a representative of the De-
8 partment of Agriculture;

9 (E) 1 shall be a representative of the Asso-
10 ciation of Fish and Wildlife Agencies;

11 (F) 4 shall be representatives of State
12 agencies, 1 of whom shall be nominated by a re-
13 gional association of fish and wildlife agencies
14 from each of the Northeast, Southeast, Mid-
15 west, and Western regions of the United States;

16 (G) 1 shall be a representative of either—

17 (i) Indian Tribes in the State of Alas-
18 ka; or

19 (ii) Indian Tribes in States other than
20 the State of Alaska;

21 (H) 1 shall be a representative of either—

22 (i) the Regional Fishery Management
23 Councils established under section 302 of
24 the Magnuson-Stevens Fishery Conserva-

1 tion and Management Act (16 U.S.C.
2 1852); or

3 (ii) a representative of the Marine
4 Fisheries Commissions;

5 (I) 1 shall be a representative of the
6 Sportfishing and Boating Partnership Council;

7 (J) 7 shall be representatives selected from
8 at least one from each of the following:

9 (i) the recreational sportfishing indus-
10 try;

11 (ii) the commercial fishing industry;

12 (iii) marine recreational anglers;

13 (iv) freshwater recreational anglers;

14 (v) habitat conservation organizations;

15 and

16 (vi) science-based fishery organiza-
17 tions;

18 (K) 1 shall be a representative of a na-
19 tional private landowner organization;

20 (L) 1 shall be a representative of an agri-
21 cultural production organization;

22 (M) 1 shall be a representative of local
23 government interests involved in fish habitat
24 restoration;

1 (N) 2 shall be representatives from dif-
2 ferent sectors of corporate industries, which
3 may include—

4 (i) natural resource commodity inter-
5 ests, such as petroleum or mineral extrac-
6 tion;

7 (ii) natural resource user industries;
8 and

9 (iii) industries with an interest in fish
10 and fish habitat conservation; and

11 (O) 1 shall be a leadership private sector
12 or landowner representative of an active part-
13 nership.

14 (3) COMPENSATION.—A member of the Board
15 shall serve without compensation.

16 (4) TRAVEL EXPENSES.—A member of the
17 Board may be allowed travel expenses, including per
18 diem in lieu of subsistence, at rates authorized for
19 an employee of an agency under subchapter I of
20 chapter 57 of title 5, United States Code, while
21 away from the home or regular place of business of
22 the member in the performance of the duties of the
23 Board.

24 (b) APPOINTMENT AND TERMS.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this section, a member of the Board de-
3 scribed in any of subparagraphs (F) through (O) of
4 subsection (a)(2) shall serve for a term of 3 years.

5 (2) INITIAL BOARD MEMBERSHIP.—

6 (A) IN GENERAL.—The initial Board shall
7 consist of representatives as described in sub-
8 paragraphs (A) through (F) of subsection
9 (a)(2).

10 (B) REMAINING MEMBERS.—Not later
11 than 60 days after the date of enactment of
12 this Act, the representatives of the initial Board
13 under subparagraph (A) shall appoint the re-
14 maining members of the Board described in
15 subparagraphs (H) through (O) of subsection
16 (a)(2).

17 (C) TRIBAL REPRESENTATIVES.—Not later
18 than 60 days after the enactment of this Act,
19 the Secretary shall provide to the Board a rec-
20 ommendation of not fewer than 3 Tribal rep-
21 resentatives, from which the Board shall ap-
22 point 1 representative pursuant to subpara-
23 graph (G) of subsection (a)(2).

1 (3) STAGGERED TERMS.—Of the members de-
2 scribed in subsection (a)(2)(J) initially appointed to
3 the Board—

4 (A) 2 shall be appointed for a term of 1
5 year;

6 (B) 2 shall be appointed for a term of 2
7 years; and

8 (C) 3 shall be appointed for a term of 3
9 years.

10 (4) VACANCIES.—

11 (A) IN GENERAL.—A vacancy of a member
12 of the Board described in subparagraph (H),
13 (I), (J), (K), (L), (M), (N), or (O) of sub-
14 section (a)(2) shall be filled by an appointment
15 made by the remaining members of the Board.

16 (B) TRIBAL REPRESENTATIVES.—Fol-
17 lowing a vacancy of a member of the Board de-
18 scribed in subparagraph (G) of subsection
19 (a)(2), the Secretary shall recommend to the
20 Board a list of not fewer than 3 Tribal rep-
21 resentatives, from which the remaining mem-
22 bers of the Board shall appoint a representative
23 to fill the vacancy.

24 (5) CONTINUATION OF SERVICE.—An individual
25 whose term of service as a member of the Board ex-

1 pires may continue to serve on the Board until a
2 successor is appointed.

3 (6) REMOVAL.—If a member of the Board de-
4 scribed in any of subparagraphs (H) through (O) of
5 subparagraph (a)(2) misses 3 consecutive regularly
6 scheduled Board meetings, the members of the
7 Board may—

8 (A) vote to remove that member; and

9 (B) appoint another individual in accord-
10 ance with paragraph (4).

11 (c) CHAIRPERSON.—

12 (1) IN GENERAL.—The representative of the
13 Association of Fish and Wildlife Agencies appointed
14 under subsection (a)(2)(E) shall serve as Chair-
15 person of the Board.

16 (2) TERM.—The Chairperson of the Board shall
17 serve for a term of 3 years.

18 (d) MEETINGS.—

19 (1) IN GENERAL.—The Board shall meet—

20 (A) at the call of the Chairperson; but

21 (B) not less frequently than twice each cal-
22 endar year.

23 (2) PUBLIC ACCESS.—All meetings of the
24 Board shall be open to the public.

25 (e) PROCEDURES.—

1 (1) IN GENERAL.—The Board shall establish
2 procedures to carry out the business of the Board,
3 including—

4 (A) a requirement that a quorum of the
5 members of the Board be present to transact
6 business;

7 (B) a requirement that no recommenda-
8 tions may be adopted by the Board, except by
9 the vote of $\frac{2}{3}$ of all members;

10 (C) procedures for establishing national
11 goals and priorities for fish habitat conservation
12 for the purposes of this subtitle;

13 (D) procedures for designating Partner-
14 ships under section 204; and

15 (E) procedures for reviewing, evaluating,
16 and making recommendations regarding fish
17 habitat conservation projects.

18 (2) QUORUM.—A majority of the members of
19 the Board shall constitute a quorum.

20 **SEC. 204. FISH HABITAT PARTNERSHIPS.**

21 (a) AUTHORITY TO RECOMMEND.—The Board may
22 recommend to Congress the designation of Fish Habitat
23 Partnerships in accordance with this section.

24 (b) PURPOSES.—The purposes of a Partnership shall
25 be—

1 (1) to work with other regional habitat con-
2 servation programs to promote cooperation and co-
3 ordination to enhance fish populations and fish habi-
4 tats;

5 (2) to engage local and regional communities to
6 build support for fish habitat conservation;

7 (3) to involve diverse groups of public and pri-
8 vate partners;

9 (4) to develop collaboratively a strategic vision
10 and achievable implementation plan that is scientif-
11 ically sound;

12 (5) to leverage funding from sources that sup-
13 port local and regional partnerships;

14 (6) to use adaptive management principles, in-
15 cluding evaluation of project success and function-
16 ality;

17 (7) to develop appropriate local or regional
18 habitat evaluation and assessment measures and cri-
19 teria that are compatible with national habitat con-
20 dition measures; and

21 (8) to implement local and regional priority
22 projects that improve conditions for fish and fish
23 habitat.

24 (c) CRITERIA FOR DESIGNATION.—An entity seeking
25 to be designated by Congress as a Partnership shall—

1 (1) submit to the Board an application at such
2 time, in such manner, and containing such informa-
3 tion as the Board may reasonably require; and

4 (2) demonstrate to the Board that the entity
5 has—

6 (A) a focus on promoting the health of im-
7 portant fish and fish habitats;

8 (B) an ability to coordinate the implemen-
9 tation of priority projects that support the goals
10 and national priorities set by the Board that
11 are within the Partnership boundary;

12 (C) a self-governance structure that sup-
13 ports the implementation of strategic priorities
14 for fish habitat;

15 (D) the ability to develop local and re-
16 gional relationships with a broad range of enti-
17 ties to further strategic priorities for fish and
18 fish habitat;

19 (E) a strategic plan that details required
20 investments for fish habitat conservation that
21 addresses the strategic fish habitat priorities of
22 the Partnership and supports and meets the
23 strategic priorities of the Board;

24 (F) the ability to develop and implement
25 fish habitat conservation projects that address

1 strategic priorities of the Partnership and the
2 Board; and

3 (G) the ability to develop fish habitat con-
4 servation priorities based on sound science and
5 data, the ability to measure the effectiveness of
6 fish habitat projects of the Partnership, and a
7 clear plan as to how Partnership science and
8 data components will be integrated with the
9 overall Board science and data effort.

10 (d) REQUIREMENTS FOR RECOMMENDATION TO CON-
11 GRESS.—The Board may recommend to Congress for des-
12 ignation an application for a Partnership submitted under
13 subsection (c) if the Board determines that the appli-
14 cant—

15 (1) meets the criteria described in subsection
16 (c)(2);

17 (2) identifies representatives to provide support
18 and technical assistance to the Partnership from a
19 diverse group of public and private partners, which
20 may include State or local governments, nonprofit
21 entities, Indian Tribes, and private individuals, that
22 are focused on conservation of fish habitats to
23 achieve results across jurisdictional boundaries on
24 public and private land;

1 (3) is organized to promote the health of impor-
2 tant fish species and important fish habitats, includ-
3 ing reservoirs, natural lakes, coastal and marine en-
4 vironments, and estuaries;

5 (4) identifies strategic fish and fish habitat pri-
6 orities for the Partnership area in the form of geo-
7 graphical focus areas or key stressors or impair-
8 ments to facilitate strategic planning and decision
9 making;

10 (5) is able to address issues and priorities on a
11 nationally significant scale;

12 (6) includes a governance structure that—

13 (A) reflects the range of all partners; and

14 (B) promotes joint strategic planning and
15 decision making by the applicant;

16 (7) demonstrates completion of, or significant
17 progress toward the development of, a strategic plan
18 to address declines in fish populations, rather than
19 simply treating symptoms, in accordance with the
20 goals and national priorities established by the
21 Board; and

22 (8) promotes collaboration in developing a stra-
23 tegic vision and implementation program that is sci-
24 entifically sound and achievable.

25 (e) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than February 1
2 of the first fiscal year beginning after the date of en-
3 actment of this Act and each February 1 thereafter,
4 the Board shall develop and submit to the appro-
5 priate congressional committees an annual report, to
6 be entitled “Report to Congress on Future Fish
7 Habitat Partnerships and Modifications”, that—

8 (A) identifies each entity that—

9 (i) meets the requirements described
10 in subsection (d); and

11 (ii) the Board recommends to Con-
12 gress for designation as a Partnership;

13 (B) describes any proposed modifications
14 to a Partnership previously designated by Con-
15 gress under subsection (f);

16 (C) with respect to each entity rec-
17 ommended for designation as a Partnership, de-
18 scribes, to the maximum extent practicable—

19 (i) the purpose of the recommended
20 Partnership; and

21 (ii) how the recommended Partnership
22 fulfills the requirements described in sub-
23 section (d).

24 (2) PUBLIC AVAILABILITY; NOTIFICATION.—

25 The Board shall—

1 (A) make the report publicly available, in-
2 cluding on the internet; and

3 (B) provide to the appropriate congres-
4 sional committees and the State agency of any
5 State included in a recommended Partnership
6 area written notification of the public avail-
7 ability of the report.

8 (f) DESIGNATION OR MODIFICATION OF PARTNER-
9 SHIP.—Congress shall have the exclusive authority to des-
10 ignate or modify a Partnership.

11 (g) EXISTING PARTNERSHIPS.—

12 (1) DESIGNATION REVIEW.—Not later than 5
13 years after the date of enactment of this Act, any
14 partnership receiving Federal funds as of the date of
15 enactment of this Act shall be subject to a designa-
16 tion review by Congress in which Congress shall
17 have the opportunity to designate the partnership
18 under subsection (f).

19 (2) INELIGIBILITY FOR FEDERAL FUNDS.—A
20 partnership referred to in paragraph (1) that Con-
21 gress does not designate as described in that para-
22 graph shall be ineligible to receive Federal funds
23 under this subtitle.

1 **SEC. 205. FISH HABITAT CONSERVATION PROJECTS.**

2 (a) SUBMISSION TO BOARD.—Not later than March
3 31 of each year, each Partnership shall submit to the
4 Board a list of priority fish habitat conservation projects
5 recommended by the Partnership for annual funding
6 under this subtitle.

7 (b) RECOMMENDATIONS BY BOARD.—Not later than
8 July 1 of each year, the Board shall submit to the Sec-
9 retary a priority list of fish habitat conservation projects
10 that includes a description, including estimated costs, of
11 each project that the Board recommends that the Sec-
12 retary approve and fund under this subtitle for the fol-
13 lowing fiscal year.

14 (c) CRITERIA FOR PROJECT SELECTION.—The
15 Board shall select each fish habitat conservation project
16 recommended to the Secretary under subsection (b) after
17 taking into consideration, at a minimum, the following in-
18 formation:

19 (1) A recommendation of the Partnership that
20 is, or will be, participating actively in implementing
21 the fish habitat conservation project.

22 (2) The capabilities and experience of project
23 proponents to implement successfully the proposed
24 project.

25 (3) The extent to which the fish habitat con-
26 servation project—

1 (A) fulfills a local or regional priority that
2 is directly linked to the strategic plan of the
3 Partnership and is consistent with the purpose
4 of this subtitle;

5 (B) addresses the national priorities estab-
6 lished by the Board;

7 (C) is supported by the findings of the
8 habitat assessment of the Partnership or the
9 Board, and aligns or is compatible with other
10 conservation plans;

11 (D) identifies appropriate monitoring and
12 evaluation measures and criteria that are com-
13 patible with national measures;

14 (E) provides a well-defined budget linked
15 to deliverables and outcomes;

16 (F) leverages other funds to implement the
17 project;

18 (G) addresses the causes and processes be-
19 hind the decline of fish or fish habitats; and

20 (H) includes an outreach or education
21 component that includes the local or regional
22 community.

23 (4) The availability of sufficient non-Federal
24 funds to match Federal contributions for the fish

1 habitat conservation project, as required by sub-
2 section (e).

3 (5) The extent to which the fish habitat con-
4 servation project—

5 (A) will increase fish populations in a man-
6 ner that leads to recreational fishing opportuni-
7 ties for the public;

8 (B) will be carried out through a coopera-
9 tive agreement among Federal, State, and local
10 governments, Indian Tribes, and private enti-
11 ties;

12 (C) increases public access to land or
13 water for fish and wildlife-dependent recrea-
14 tional opportunities;

15 (D) advances the conservation of fish and
16 wildlife species that have been identified by a
17 State agency as species of greatest conservation
18 need;

19 (E) where appropriate, advances the con-
20 servation of fish and fish habitats under the
21 Magnuson-Stevens Fishery Conservation and
22 Management Act (16 U.S.C. 1801 et seq.) and
23 other relevant Federal law and State wildlife
24 action plans; and

1 (F) promotes strong and healthy fish habi-
2 tats so that desired biological communities are
3 able to persist and adapt.

4 (6) The substantiality of the character and de-
5 sign of the fish habitat conservation project.

6 (d) LIMITATIONS.—

7 (1) REQUIREMENTS FOR EVALUATION.—No
8 fish habitat conservation project may be rec-
9 ommended by the Board under subsection (b) or
10 provided financial assistance under this subtitle un-
11 less the fish habitat conservation project includes an
12 evaluation plan designed using applicable Board
13 guidance—

14 (A) to appropriately assess the biological,
15 ecological, or other results of the habitat protec-
16 tion, restoration, or enhancement activities car-
17 ried out using the assistance;

18 (B) to reflect appropriate changes to the
19 fish habitat conservation project if the assess-
20 ment substantiates that the fish habitat con-
21 servation project objectives are not being met;

22 (C) to identify improvements to existing
23 fish populations, recreational fishing opportuni-
24 ties, and the overall economic benefits for the

1 local community of the fish habitat conservation
2 project; and

3 (D) to require the submission to the Board
4 of a report describing the findings of the assess-
5 ment.

6 (2) ACQUISITION AUTHORITIES.—

7 (A) IN GENERAL.—A State, local govern-
8 ment, or other non-Federal entity is eligible to
9 receive funds for the acquisition of real prop-
10 erty from willing sellers under this subtitle if
11 the acquisition ensures—

12 (i) public access for fish and wildlife-
13 dependent recreation; or

14 (ii) a scientifically based, direct en-
15 hancement to the health of fish and fish
16 populations, as determined by the Board.

17 (B) STATE AGENCY APPROVAL.—

18 (i) IN GENERAL.—All real property
19 interest acquisition projects funded under
20 this subtitle must be approved by the State
21 agency in the State in which the project is
22 occurring.

23 (ii) PROHIBITION.—The Board may
24 not recommend, and the Secretary may not
25 provide any funding for, any real property

1 interest acquisition that has not been ap-
2 proved by the State agency.

3 (C) ASSESSMENT OF OTHER AUTHORI-
4 TIES.—The Board may not recommend, and the
5 Secretary may not provide any funding under
6 this subtitle for, any real property interest ac-
7 quisition unless the Partnership that rec-
8 ommended the project has conducted a project
9 assessment, submitted with the funding request
10 and approved by the Board, to demonstrate all
11 other Federal, State, and local authorities for
12 the acquisition of real property have been ex-
13 hausted.

14 (D) RESTRICTIONS.—A real property in-
15 terest may not be acquired pursuant to a fish
16 habitat conservation project by a State, local
17 government, or other non-Federal entity con-
18 ducted with funds provided under this subtitle,
19 unless—

20 (i) the owner of the real property au-
21 thorizes the State, local government, or
22 other non-Federal entity to acquire the
23 real property; and

24 (ii) the Secretary and the Board de-
25 termine that the State, local government,

1 or other non-Federal entity would benefit
2 from undertaking the management of the
3 real property being acquired because that
4 is in accordance with the goals of a Part-
5 nership.

6 (e) NON-FEDERAL CONTRIBUTIONS.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), no fish habitat conservation project may
9 be recommended by the Board under subsection (b)
10 or provided financial assistance under this subtitle
11 unless at least 50 percent of the cost of the fish
12 habitat conservation project will be funded with non-
13 Federal funds.

14 (2) NON-FEDERAL SHARE.—Such non-Federal
15 share of the cost of a fish habitat conservation
16 project—

17 (A) may not be derived from another Fed-
18 eral grant program; and

19 (B) may include in-kind contributions and
20 cash.

21 (3) SPECIAL RULE FOR INDIAN TRIBES.—Not-
22 withstanding paragraph (1) or any other provision of
23 law, any funds made available to an Indian Tribe
24 pursuant to this subtitle may be considered to be
25 non-Federal funds for the purpose of paragraph (1).

1 (f) APPROVAL.—

2 (1) IN GENERAL.—Not later than 90 days after
3 the date of receipt of the recommended priority list
4 of fish habitat conservation projects under sub-
5 section (b), and subject to subsection (d) and based,
6 to the maximum extent practicable, on the criteria
7 described in subsection (c), the Secretary, after con-
8 sulting with the Secretary of Commerce on marine
9 or estuarine projects, shall approve or reject any fish
10 habitat conservation project recommended by the
11 Board.

12 (2) FUNDING.—If the Secretary approves a fish
13 habitat conservation project under paragraph (1),
14 the Secretary shall use amounts made available to
15 carry out this subtitle to provide funds to carry out
16 the fish habitat conservation project.

17 (3) NOTIFICATION.—If the Secretary rejects
18 under paragraph (1) any fish habitat conservation
19 project recommended by the Board, not later than
20 90 days after the date of receipt of the recommenda-
21 tion, the Secretary shall provide to the Board, the
22 appropriate Partnership, and the appropriate con-
23 gressional committees a written statement of the
24 reasons that the Secretary rejected the fish habitat
25 conservation project.

1 **SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

2 (a) IN GENERAL.—The Director, the National Oce-
3 anic and Atmospheric Administration Assistant Adminis-
4 trator, the Environmental Protection Agency Assistant
5 Administrator, and the Director of the United States Geo-
6 logical Survey, in coordination with the Forest Service and
7 other appropriate Federal departments and agencies, may
8 provide scientific and technical assistance to Partnerships,
9 participants in fish habitat conservation projects, and the
10 Board.

11 (b) INCLUSIONS.—Scientific and technical assistance
12 provided under subsection (a) may include—

13 (1) providing technical and scientific assistance
14 to States, Indian Tribes, regions, local communities,
15 and nongovernmental organizations in the develop-
16 ment and implementation of Partnerships;

17 (2) providing technical and scientific assistance
18 to Partnerships for habitat assessment, strategic
19 planning, and prioritization;

20 (3) supporting the development and implemen-
21 tation of fish habitat conservation projects that are
22 identified as high priorities by Partnerships and the
23 Board;

24 (4) supporting and providing recommendations
25 regarding the development of science-based moni-

1 toring and assessment approaches for implementa-
2 tion through Partnerships;

3 (5) supporting and providing recommendations
4 for a national fish habitat assessment;

5 (6) ensuring the availability of experts to assist
6 in conducting scientifically based evaluation and re-
7 porting of the results of fish habitat conservation
8 projects; and

9 (7) providing resources to secure State agency
10 scientific and technical assistance to support Part-
11 nerships, participants in fish habitat conservation
12 projects, and the Board.

13 **SEC. 207. COORDINATION WITH STATES AND INDIAN**
14 **TRIBES.**

15 The Secretary shall provide a notice to, and cooperate
16 with, the appropriate State agency or Tribal agency, as
17 applicable, of each State and Indian Tribe within the
18 boundaries of which an activity is planned to be carried
19 out pursuant to this subtitle, including notification, by not
20 later than 30 days before the date on which the activity
21 is implemented.

22 **SEC. 208. INTERAGENCY OPERATIONAL PLAN.**

23 Not later than 1 year after the date of enactment
24 of this Act, and every 5 years thereafter, the Director, in
25 cooperation with the National Oceanic and Atmospheric

1 Administration Assistant Administrator, the Environ-
2 mental Protection Agency Assistant Administrator, the
3 Director of the United States Geological Survey, and the
4 heads of other appropriate Federal departments and agen-
5 cies (including, at a minimum, those agencies represented
6 on the Board) shall develop an interagency operational
7 plan that describes—

8 (1) the functional, operational, technical, sci-
9 entific, and general staff, administrative, and mate-
10 rial needs for the implementation of this subtitle;
11 and

12 (2) any interagency agreements between or
13 among Federal departments and agencies to address
14 those needs.

15 **SEC. 209. ACCOUNTABILITY AND REPORTING.**

16 (a) REPORTING.—

17 (1) IN GENERAL.—Not later than 5 years after
18 the date of enactment of this Act, and every 5 years
19 thereafter, the Board shall submit to the appropriate
20 congressional committees a report describing the
21 progress of this subtitle.

22 (2) CONTENTS.—Each report submitted under
23 paragraph (1) shall include—

24 (A) an estimate of the number of acres,
25 stream miles, or acre-feet, or other suitable

1 measures of fish habitat, that was maintained
2 or improved by Partnerships under this subtitle
3 during the 5-year period ending on the date of
4 submission of the report;

5 (B) a description of the public access to
6 fish habitats established or improved under this
7 subtitle during that 5-year period;

8 (C) a description of the improved opportu-
9 nities for public recreational fishing achieved
10 under this subtitle; and

11 (D) an assessment of the status of fish
12 habitat conservation projects carried out with
13 funds provided under this subtitle during that
14 period, disaggregated by year, including—

15 (i) a description of the fish habitat
16 conservation projects recommended by the
17 Board under section 205(b);

18 (ii) a description of each fish habitat
19 conservation project approved by the Sec-
20 retary under section 205(f), in order of
21 priority for funding;

22 (iii) a justification for—

23 (I) the approval of each fish
24 habitat conservation project; and

1 (II) the order of priority for
2 funding of each fish habitat conserva-
3 tion project;

4 (iv) a justification for any rejection of
5 a fish habitat conservation project rec-
6 ommended by the Board under section
7 205(b) that was based on a factor other
8 than the criteria described in section
9 205(c); and

10 (v) an accounting of expenditures by
11 Federal, State, or local governments, In-
12 dian Tribes, or other entities to carry out
13 fish habitat conservation projects under
14 this subtitle.

15 (b) STATUS AND TRENDS REPORT.—Not later than
16 December 31, 2020, and every 5 years thereafter, the
17 Board shall submit to the appropriate congressional com-
18 mittees a report that includes—

19 (1) a status of all Partnerships designated
20 under this subtitle;

21 (2) a description of the status of fish habitats
22 in the United States as identified by designated
23 Partnerships; and

24 (3) enhancements or reductions in public access
25 as a result of—

1 (A) the activities of the Partnerships; or

2 (B) any other activities carried out pursu-
3 ant to this subtitle.

4 **SEC. 210. EFFECT OF THIS SUBTITLE.**

5 (a) WATER RIGHTS.—Nothing in this subtitle—

6 (1) establishes any express or implied reserved
7 water right in the United States for any purpose;

8 (2) affects any water right in existence on the
9 date of enactment of this Act;

10 (3) preempts or affects any State water law or
11 interstate compact governing water; or

12 (4) affects any Federal or State law in exist-
13 ence on the date of enactment of the Act regarding
14 water quality or water quantity.

15 (b) AUTHORITY TO ACQUIRE WATER RIGHTS OR
16 RIGHTS TO PROPERTY.—Only a State, local government,
17 or other non-Federal entity may acquire, under State law,
18 water rights or rights to property with funds made avail-
19 able through section 212.

20 (c) STATE AUTHORITY.—Nothing in this subtitle—

21 (1) affects the authority, jurisdiction, or respon-
22 sibility of a State to manage, control, or regulate
23 fish and wildlife under the laws and regulations of
24 the State; or

1 (2) authorizes the Secretary to control or regu-
2 late within a State the fishing or hunting of fish and
3 wildlife.

4 (d) EFFECT ON INDIAN TRIBES.—Nothing in this
5 subtitle abrogates, abridges, affects, modifies, supersedes,
6 or alters any right of an Indian Tribe recognized by treaty
7 or any other means, including—

8 (1) an agreement between the Indian Tribe and
9 the United States;

10 (2) Federal law (including regulations);

11 (3) an Executive order; or

12 (4) a judicial decree.

13 (e) ADJUDICATION OF WATER RIGHTS.—Nothing in
14 this subtitle diminishes or affects the ability of the Sec-
15 retary to join an adjudication of rights to the use of water
16 pursuant to subsection (a), (b), or (c) of section 208 of
17 the Departments of State, Justice, Commerce, and The
18 Judiciary Appropriation Act, 1953 (43 U.S.C. 666).

19 (f) DEPARTMENT OF COMMERCE AUTHORITY.—
20 Nothing in this subtitle affects the authority, jurisdiction,
21 or responsibility of the Department of Commerce to man-
22 age, control, or regulate fish or fish habitats under the
23 Magnuson-Stevens Fishery Conservation and Manage-
24 ment Act (16 U.S.C. 1801 et seq.).

25 (g) EFFECT ON OTHER AUTHORITIES.—

1 (1) PRIVATE PROPERTY PROTECTION.—Nothing
2 in this subtitle permits the use of funds made avail-
3 able to carry out this subtitle to acquire real prop-
4 erty or a real property interest without the written
5 consent of each owner of the real property or real
6 property interest, respectively.

7 (2) MITIGATION.—Nothing in this subtitle au-
8 thorizes the use of funds made available to carry out
9 this subtitle for fish and wildlife mitigation purposes
10 under—

11 (A) the Federal Water Pollution Control
12 Act (33 U.S.C. 1251 et seq.);

13 (B) the Fish and Wildlife Coordination Act
14 (16 U.S.C. 661 et seq.);

15 (C) the Water Resources Development Act
16 of 1986 (Public Law 99–662; 100 Stat. 4082);
17 or

18 (D) any other Federal law or court settle-
19 ment.

20 (3) CLEAN WATER ACT.—Nothing in this sub-
21 title affects any provision of the Federal Water Pol-
22 lution Control Act (33 U.S.C. 1251 et seq.), includ-
23 ing any definition in that Act.

1 **SEC. 211. NONAPPLICABILITY OF FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

3 The Federal Advisory Committee Act (5 U.S.C. App.)
4 shall not apply to—

- 5 (1) the Board; or
6 (2) any Partnership.

7 **SEC. 212. FUNDING.**

8 (a) **AUTHORIZATION OF APPROPRIATIONS.—**

9 (1) **FISH HABITAT CONSERVATION PROJECTS.—**

10 There is authorized to be appropriated to the Sec-
11 retary \$7,200,000 for each of fiscal years 2019
12 through 2023 to provide funds for fish habitat con-
13 servation projects approved under section 205(f), of
14 which 5 percent is authorized only for projects car-
15 ried out by Indian Tribes.

16 (2) **ADMINISTRATIVE AND PLANNING EX-**
17 **PENSES.—**There is authorized to be appropriated to
18 the Secretary for each of fiscal years 2019 through
19 2023 an amount equal to 5 percent of the amount
20 appropriated for the applicable fiscal year pursuant
21 to paragraph (1)—

22 (A) for administrative and planning ex-
23 penses under this subtitle; and

24 (B) to carry out section 209.

25 (3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.—**

26 There is authorized to be appropriated for each of

1 fiscal years 2020 through 2024 to carry out, and
2 provide technical and scientific assistance under, sec-
3 tion 206—

4 (A) \$400,000 to the Secretary for use by
5 the United States Fish and Wildlife Service;

6 (B) \$400,000 to the National Oceanic and
7 Atmospheric Administration Assistant Adminis-
8 trator for use by the National Oceanic and At-
9 mospheric Administration;

10 (C) \$400,000 to the Environmental Pro-
11 tection Agency Assistant Administrator for use
12 by the Environmental Protection Agency;

13 (D) \$400,000 to the Secretary for use by
14 the United States Geological Survey; and

15 (E) \$400,000 to the Chief of the Forest
16 Service for use by the United States Depart-
17 ment of Agriculture Forest Service.

18 (b) AGREEMENTS AND GRANTS.—The Secretary
19 may—

20 (1) on the recommendation of the Board, and
21 notwithstanding sections 6304 and 6305 of title 31,
22 United States Code, and the Federal Financial As-
23 sistance Management Improvement Act of 1999 (31
24 U.S.C. 6101 note; Public Law 106–107), enter into
25 a grant agreement, cooperative agreement, or con-

1 tract with a Partnership or other entity to provide
2 funds authorized by this subtitle for a fish habitat
3 conservation project or restoration or enhancement
4 project;

5 (2) apply for, accept, and, subject to the avail-
6 ability of appropriations, use a grant from any indi-
7 vidual or entity to carry out the purposes of this
8 subtitle; and

9 (3) subject to the availability of appropriations,
10 make funds authorized by this Act available to any
11 Federal department or agency for use by that de-
12 partment or agency to provide grants for any fish
13 habitat protection project, restoration project, or en-
14 hancement project that the Secretary determines to
15 be consistent with this subtitle.

16 (c) DONATIONS.—

17 (1) IN GENERAL.—The Secretary may—

18 (A) enter into an agreement with any orga-
19 nization described in section 501(c)(3) of the
20 Internal Revenue Code of 1986 that is exempt
21 from taxation under section 501(a) of that
22 Code to solicit private donations to carry out
23 the purposes of this subtitle; and

1 (B) accept donations of funds, property,
2 and services to carry out the purposes of this
3 subtitle.

4 (2) TREATMENT.—A donation accepted under
5 this subtitle—

6 (A) shall be considered to be a gift or be-
7 quest to, or otherwise for the use of, the United
8 States; and

9 (B) may be—

10 (i) used directly by the Secretary; or

11 (ii) provided to another Federal de-
12 partment or agency through an inter-
13 agency agreement.

14 **SEC. 213. PROHIBITION AGAINST IMPLEMENTATION OF**
15 **REGULATORY AUTHORITY BY FEDERAL**
16 **AGENCIES THROUGH PARTNERSHIPS.**

17 Any Partnership designated under this subtitle—

18 (1) shall be for the sole purpose of promoting
19 fish conservation; and

20 (2) shall not be used to implement any regu-
21 latory authority of any Federal agency.

22 **Subtitle B—Great Lakes Fishery**
23 **Research Authorization**

24 **SEC. 214. DEFINITIONS.**

25 In this subtitle:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the United States Geological Survey.

3 (2) GREAT LAKES BASIN.—The term “Great
4 Lakes Basin” means the air, land, water, and living
5 organisms in the United States within the drainage
6 basin of the Saint Lawrence River at and upstream
7 from the point at which such river and the Great
8 Lakes become the international boundary between
9 Canada and the United States.

10 **SEC. 215. FINDINGS.**

11 Congress finds the following:

12 (1) The Great Lakes support a diverse eco-
13 system, on which the vibrant and economically valu-
14 able Great Lakes fisheries depend.

15 (2) To continue successful fisheries manage-
16 ment and coordination, as has occurred since signing
17 of the Convention on Great Lakes Fisheries between
18 the United States and Canada on September 10,
19 1954, management of the ecosystem and its fisheries
20 require sound, reliable science, and the use of mod-
21 ern scientific technologies.

22 (3) Fisheries research is necessary to support
23 multi-jurisdictional fishery management decisions
24 and actions regarding recreational and sport fishing,

1 commercial fisheries, tribal harvest, allocation deci-
2 sions, and fish stocking activities.

3 (4) President Richard Nixon submitted, and the
4 Congress approved, Reorganization Plan No. 4 (84
5 Stat. 2090), conferring science activities and man-
6 agement of marine fisheries to the National Oceanic
7 and Atmospheric Administration.

8 (5) Reorganization Plan No. 4 expressly ex-
9 cluded fishery research activities within the Great
10 Lakes from the transfer, retaining management and
11 scientific research duties within the already estab-
12 lished jurisdictions under the 1954 Convention on
13 Great Lakes Fisheries, including those of the Great
14 Lakes Fishery Commission and the Department of
15 the Interior.

16 **SEC. 216. GREAT LAKES MONITORING, ASSESSMENT,**
17 **SCIENCE, AND RESEARCH.**

18 (a) IN GENERAL.—The Director may conduct moni-
19 toring, assessment, science, and research, in support of
20 the binational fisheries within the Great Lakes Basin.

21 (b) SPECIFIC AUTHORITIES.—The Director shall,
22 under subsection (a)—

23 (1) execute a comprehensive, multi-lake, fresh-
24 water fisheries science program;

1 (2) coordinate with and work cooperatively with
2 regional, State, tribal, and local governments; and

3 (3) consult with other interested entities
4 groups, including academia and relevant Canadian
5 agencies.

6 (c) INCLUDED RESEARCH.—To properly serve the
7 needs of fisheries managers, monitoring, assessment,
8 science, and research under this section may include—

9 (1) deepwater ecosystem sciences;

10 (2) biological and food-web components;

11 (3) fish movement and behavior investigations;

12 (4) fish population structures;

13 (5) fish habitat investigations;

14 (6) invasive species science;

15 (7) use of existing, new, and experimental bio-
16 logical assessment tools, equipment, vessels, other
17 scientific instrumentation and laboratory capabilities
18 necessary to support fishery management decisions;

19 and

20 (8) studies to assess impacts on Great Lakes
21 fishery resources.

22 (d) SAVINGS CLAUSE.—Nothing in this subtitle is in-
23 tended or shall be construed to impede, supersede, or alter
24 the authority of the Great Lakes Fishery Commission,
25 States, and Indian tribes under the Convention on Great

1 Lakes Fisheries between the United States of America and
2 Canada on September 10, 1954, and the Great Lakes
3 Fishery Act of 1956 (16 U.S.C. 931 et seq.).

4 **SEC. 217. AUTHORIZATION OF APPROPRIATIONS.**

5 For each of fiscal years 2020 through 2029, there
6 is authorized to be appropriated \$17,500,000 to carry out
7 this subtitle.

8 **TITLE III—MEETING 21ST CEN-**
9 **TURY OCEAN AND COASTAL**
10 **DATA NEEDS**

11 **Subtitle A—Digital Coast**

12 **SEC. 301. FINDINGS.**

13 Congress makes the following findings:

14 (1) The Digital Coast is a model approach for
15 effective Federal partnerships with State and local
16 government, nongovernmental organizations, and the
17 private sector.

18 (2) Access to current, accurate, uniform, and
19 standards-based geospatial information, tools, and
20 training to characterize the United States coastal re-
21 gion is critical for public safety and for the environ-
22 ment, infrastructure, and economy of the United
23 States.

24 (3) More than half of all people of the United
25 States (153,000,000) currently live on or near a

1 coast and an additional 12,000,000 are expected in
2 the next decade.

3 (4) Coastal counties in the United States aver-
4 age 300 persons per square mile, compared with the
5 national average of 98.

6 (5) On a typical day, more than 1,540 permits
7 for construction of single-family homes are issued in
8 coastal counties, combined with other commercial,
9 retail, and institutional construction to support this
10 population.

11 (6) Over half of the economic productivity of
12 the United States is located within coastal regions.

13 (7) Highly accurate, high-resolution remote
14 sensing and other geospatial data play an increas-
15 ingly important role in decision making and manage-
16 ment of the coastal zone and economy, including
17 for—

18 (A) flood and coastal storm surge pre-
19 diction;

20 (B) hazard risk and vulnerability assess-
21 ment;

22 (C) emergency response and recovery plan-
23 ning;

24 (D) community resilience to longer range
25 coastal change;

- 1 (E) local planning and permitting;
- 2 (F) habitat and ecosystem health assess-
- 3 ments; and
- 4 (G) landscape change detection.

5 **SEC. 302. DEFINITIONS.**

6 In this subtitle:

7 (1) COASTAL REGION.—The term “coastal re-

8 gion” means the area of United States waters ex-

9 tending inland from the shoreline to include coastal

10 watersheds and seaward to the territorial sea.

11 (2) COASTAL STATE.—The term “coastal

12 State” has the meaning given the term “coastal

13 state” in section 304 of the Coastal Zone Manage-

14 ment Act of 1972 (16 U.S.C. 1453).

15 (3) FEDERAL GEOGRAPHIC DATA COM-

16 MITTEE.—The term “Federal Geographic Data

17 Committee” means the interagency committee that

18 promotes the coordinated development, use, sharing,

19 and dissemination of geospatial data on a national

20 basis.

21 (4) REMOTE SENSING AND OTHER

22 GEOSPATIAL.—The term “remote sensing and other

23 geospatial” means collecting, storing, retrieving, or

24 disseminating graphical or digital data depicting

25 natural or manmade physical features, phenomena,

1 or boundaries of the Earth and any information re-
2 lated thereto, including surveys, maps, charts, sat-
3 ellite and airborne remote sensing data, images,
4 LiDAR, and services performed by professionals
5 such as surveyors, photogrammetrists, hydrog-
6 raphers, geodesists, cartographers, and other such
7 services.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Commerce, acting through the Ad-
10 ministrator of the National Oceanic and Atmos-
11 pheric Administration.

12 **SEC. 303. ESTABLISHMENT OF THE DIGITAL COAST.**

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—The Secretary shall establish
15 a program for the provision of an enabling platform
16 that integrates geospatial data, decision-support
17 tools, training, and best practices to address coastal
18 management issues and needs. Under the program,
19 the Secretary shall strive to enhance resilient com-
20 munities, ecosystem values, and coastal economic
21 growth and development by helping communities ad-
22 dress their issues, needs, and challenges through
23 cost-effective and participatory solutions.

24 (2) DESIGNATION.—The program established
25 under paragraph (1) shall be known as the “Digital

1 Coast” (in this section referred to as the “pro-
2 gram”).

3 (b) PROGRAM REQUIREMENTS.—In carrying out the
4 program, the Secretary shall ensure that the program pro-
5 vides data integration, tool development, training, docu-
6 mentation, dissemination, and archiving by—

7 (1) making data and resulting integrated prod-
8 ucts developed under this section readily accessible
9 via the Digital Coast Internet website of the Na-
10 tional Oceanic and Atmospheric Administration, the
11 GeoPlatform.gov and data.gov Internet websites, and
12 such other information distribution technologies as
13 the Secretary considers appropriate;

14 (2) developing decision-support tools that use
15 and display resulting integrated data and provide
16 training on use of such tools;

17 (3) documenting such data to Federal Geo-
18 graphic Data Committee standards; and

19 (4) archiving all raw data acquired under this
20 title at the appropriate National Oceanic and Atmos-
21 pheric Administration data center or such other
22 Federal data center as the Secretary considers ap-
23 propriate.

24 (c) COORDINATION.—The Secretary shall coordinate
25 the activities carried out under the program to optimize

1 data collection, sharing and integration, and to minimize
2 duplication by—

3 (1) consulting with coastal managers and deci-
4 sion makers concerning coastal issues, and sharing
5 information and best practices, as the Secretary con-
6 siders appropriate, with—

7 (A) coastal States;

8 (B) local governments; and

9 (C) representatives of academia, the pri-
10 vate sector, and nongovernmental organizations;

11 (2) consulting with other Federal agencies, in-
12 cluding interagency committees, on relevant Federal
13 activities, including activities carried out under the
14 Ocean and Coastal Mapping Integration Act (33
15 U.S.C. 3501 et seq.), the Coastal Zone Management
16 Act of 1972 (16 U.S.C. 1451 et seq.), the Integrated
17 Coastal and Ocean Observation System Act of 2009
18 (33 U.S.C. 3601 et seq.), and the Hydrographic
19 Services Improvement Act of 1998 (33 U.S.C. 892
20 et seq.);

21 (3) participating, pursuant to section 216 of the
22 E-Government Act of 2002 (Public Law 107–347;
23 44 U.S.C. 3501 note), in the establishment of such
24 standards and common protocols as the Secretary
25 considers necessary to assure the interoperability of

1 remote sensing and other geospatial data with all
2 users of such information within—

3 (A) the National Oceanic and Atmospheric
4 Administration;

5 (B) other Federal agencies;

6 (C) State and local government; and

7 (D) the private sector;

8 (4) coordinating with, seeking assistance and
9 cooperation of, and providing liaison to the Federal
10 Geographic Data Committee pursuant to Office of
11 Management and Budget Circular A–16 and Execu-
12 tive Order 12906 of April 11, 1994 (59 Fed. Reg.
13 17671), as amended by Executive Order 13286 of
14 February 28, 2003 (68 Fed. Reg. 10619); and

15 (5) developing and maintaining a best practices
16 document that sets out the best practices used by
17 the Secretary in carrying out the program and pro-
18 viding such document to the United States Geologi-
19 cal Survey, the Corps of Engineers, and other rel-
20 evant Federal agencies.

21 (d) FILLING NEEDS AND GAPS.—In carrying out the
22 program, the Secretary shall—

23 (1) maximize the use of remote sensing and
24 other geospatial data collection activities conducted
25 for other purposes and under other authorities;

1 (2) focus on filling data needs and gaps for
2 coastal management issues, including with respect to
3 areas that, as of the date of the enactment of this
4 Act, were underserved by coastal data and the areas
5 of the Arctic that are under the jurisdiction of the
6 United States;

7 (3) pursuant to the Ocean and Coastal Map-
8 ping Integration Act (33 U.S.C. 3501 et seq.), sup-
9 port continue improvement in existing efforts to co-
10 ordinate the acquisition and integration of key data
11 sets needed for coastal management and other pur-
12 poses, including—

- 13 (A) coastal elevation data;
- 14 (B) land use and land cover data;
- 15 (C) socioeconomic and human use data;
- 16 (D) critical infrastructure data;
- 17 (E) structures data;
- 18 (F) living resources and habitat data;
- 19 (G) cadastral data; and
- 20 (H) aerial imagery; and

21 (4) integrate the priority supporting data set
22 forth under paragraph (3) with other available data
23 for the benefit of the broadest measure of coastal re-
24 source management constituents and applications.

25 (e) FINANCIAL AGREEMENTS AND CONTRACTS.—

1 (1) IN GENERAL.—In carrying out the program,
2 the Secretary—

3 (A) may enter into financial agreements to
4 carry out the program, including—

5 (i) support to non-Federal entities
6 that participate in implementing the pro-
7 gram; and

8 (ii) grants, cooperative agreements,
9 interagency agreements, contracts, or any
10 other agreement on a reimbursable or non-
11 reimbursable basis, with other Federal,
12 tribal, State, and local governmental and
13 nongovernmental entities; and

14 (B) may, to the maximum extent prac-
15 ticable, enter into such contracts with private
16 sector entities for such products and services as
17 the Secretary determines may be necessary to
18 collect, process, and provide remote sensing and
19 other geospatial data and products for purposes
20 of the program.

21 (2) FEES.—

22 (A) ASSESSMENT AND COLLECTION.—The
23 Secretary may assess and collect fees to conduct
24 any planned training, workshop, or conference
25 that advances the purposes of the program.

1 (B) AMOUNTS.—The amount of a fee
2 under this paragraph may not exceed the sum
3 of costs incurred, or expected to be incurred, by
4 the Secretary as a direct result of the conduct
5 of the training, workshop, or conference, includ-
6 ing for subsistence expenses incidental to the
7 training, workshop, or conference, as applicable.

8 (C) USE OF FEES.—Amounts collected by
9 the Secretary in the form of fees under this
10 paragraph may be used to pay for—

11 (i) the costs incurred for conducting
12 an activity described in subparagraph (A);

13 or

14 (ii) the expenses described in subpara-
15 graph (B).

16 (3) SURVEY AND MAPPING.—Contracts entered
17 into under paragraph (1)(B) shall be considered
18 “surveying and mapping” services as such term is
19 used in and as such contracts are awarded by the
20 Secretary in accordance with the selection proce-
21 dures in chapter 11 of title 40, United States Code.

22 (f) OCEAN ECONOMY.—The Secretary may establish
23 publically available tools that track ocean and Great Lakes
24 economy data for each coastal State.

1 **Subtitle B—Integrated Coastal and**
2 **Ocean Observation System**

3 **SEC. 304. STAGGERED TERMS FOR NATIONAL INTEGRATED**
4 **COASTAL AND OCEAN OBSERVATION SYSTEM**
5 **ADVISORY COMMITTEE.**

6 Section 12304(d)(3)(B) of the Integrated Coastal
7 and Ocean Observation System Act of 2009 (33 U.S.C.
8 3603(d)(3)(B)) is amended—

9 (1) by striking “Members” and inserting the
10 following:

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), members”; and

13 (2) by adding at the end the following:

14 “(ii) STAGGERED TERMS.—The Ad-
15 ministrator may appoint or reappoint a
16 member for a partial term of 1 or 2 years
17 in order to establish a system of staggered
18 terms. The Administrator may appoint or
19 reappoint a member under this clause only
20 once. A member appointed or reappointed
21 to a partial term under this clause may not
22 serve more than one full term.”.

1 **SEC. 305. INTEGRATED COASTAL AND OCEAN OBSERVA-**
2 **TION SYSTEM COOPERATIVE AGREEMENTS.**

3 Section 12305(a) of the Integrated Coastal and
4 Ocean Observation System Act of 2009 (33 U.S.C.
5 3604(a)) is amended by inserting “disburse appropriated
6 funds to,” after “agreements, with,”.

7 **SEC. 306. REAUTHORIZATION OF INTEGRATED COASTAL**
8 **AND OCEAN OBSERVATION SYSTEM ACT OF**
9 **2009.**

10 Section 12311 of the Integrated Coastal and Ocean
11 Observation System Act of 2009 (33 U.S.C. 3610) is
12 amended by striking “for fiscal years 2009 through 2013
13 such sums as are necessary” and inserting “\$47,500,000
14 for each of fiscal years 2020 through 2024”.

15 **TITLE IV—NATIONAL SEA GRANT**
16 **COLLEGE PROGRAM AMEND-**
17 **MENTS**

18 **SEC. 401. REFERENCES TO THE NATIONAL SEA GRANT COL-**
19 **LEGE PROGRAM ACT.**

20 Except as otherwise expressly provided, wherever in
21 this title an amendment or repeal is expressed in terms
22 of an amendment to, or repeal of, a section or other provi-
23 sion, the reference shall be considered to be made to a
24 section or other provision of the National Sea Grant Col-
25 lege Program Act (33 U.S.C. 1121 et seq.).

1 **SEC. 402. MODIFICATION OF DEAN JOHN A. KNAUSS MA-**
2 **RINE POLICY FELLOWSHIP.**

3 (a) IN GENERAL.—Section 208(b) (33 U.S.C.
4 1127(b)) is amended by striking “may” and inserting
5 “shall”.

6 (b) PLACEMENTS IN CONGRESS.—Such section is
7 further amended—

8 (1) in the first sentence, by striking “The Sec-
9 retary” and inserting the following:

10 “(1) IN GENERAL.—The Secretary”; and

11 (2) in paragraph (1), as designated by para-
12 graph (1) of this section, in the second sentence, by
13 striking “A fellowship” and inserting the following:

14 “(2) PLACEMENT PRIORITIES.—

15 “(A) IN GENERAL.—In each year in which
16 the Secretary awards a legislative fellowship
17 under this subsection, when considering the
18 placement of fellows, the Secretary shall
19 prioritize placement of fellows in the following:

20 “(i) Positions in offices of committees
21 of Congress that have jurisdiction over the
22 National Oceanic and Atmospheric Admin-
23 istration.

24 “(ii) Positions in offices of Members
25 of Congress who are on such committees.

1 “(iii) Positions in offices of Members
2 of Congress that have a demonstrated in-
3 terest in ocean, coastal, or Great Lakes re-
4 sources.

5 “(B) EQUITABLE DISTRIBUTION.—

6 “(i) FINDING AND RECOGNITION.—
7 Congress—

8 “(I) finds that both host offices
9 and fellows benefit when fellows have
10 the opportunity to choose from a
11 range of host offices from different
12 States and regions, both chambers of
13 Congress, and both political parties;
14 and

15 “(II) recognizes the steps taken
16 by the National Sea Grant College
17 Program to facilitate an equitable dis-
18 tribution of fellows among the political
19 parties.

20 “(ii) IN GENERAL.—The Secretary
21 shall ensure, to the maximum extent prac-
22 ticable, that fellows have the opportunity
23 to choose from offices that are described in
24 clauses (i), (ii), and (iii) of subparagraph

1 (A) and that are equitably distributed
2 among—

3 “(I) the political parties; and

4 “(II) the Senate and the House
5 of Representatives.

6 “(iii) POLITICAL AND CAMERAL EQ-
7 UITY.—The Secretary shall ensure that
8 placements are equitably distributed be-
9 tween—

10 “(I) the political parties; and

11 “(II) the Senate and the House
12 of Representatives.

13 “(3) DURATION.—A fellowship”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 subsection (b) shall apply with respect to the first calendar
16 year beginning after the date of the enactment of this Act
17 and each fiscal year thereafter.

18 (d) SENSE OF CONGRESS CONCERNING FEDERAL
19 HIRING OF FORMER FELLOWS.—It is the sense of Con-
20 gress that in recognition of the competitive nature of the
21 fellowship under section 208(b) of the National Sea Grant
22 College Program Act (33 U.S.C. 1127(b)), and of the ex-
23 ceptional qualifications of fellowship awardees—

24 (1) the Secretary of Commerce, acting through
25 the Under Secretary of Commerce for Oceans and

1 Atmosphere, should encourage participating Federal
2 agencies to consider opportunities for fellowship
3 awardees at the conclusion of their fellowships for
4 workforce positions appropriate for their education
5 and experience; and

6 (2) Members and committees of Congress
7 should consider opportunities for such awardees for
8 such positions.

9 **SEC. 403. MODIFICATION OF AUTHORITY OF SECRETARY OF**
10 **COMMERCE TO ACCEPT DONATIONS FOR NA-**
11 **TIONAL SEA GRANT COLLEGE PROGRAM.**

12 (a) IN GENERAL.—Section 204(c)(4)(E) (33 U.S.C.
13 1123(c)(4)(E)) is amended to read as follows:

14 “(E) accept donations of money and, not-
15 withstanding section 1342 of title 31, United
16 States Code, of voluntary and uncompensated
17 services;”.

18 (b) PRIORITIES.—The Secretary of Commerce, acting
19 through the Under Secretary of Commerce for Oceans and
20 Atmosphere, shall establish priorities for the use of dona-
21 tions accepted under section 204(c)(4)(E) of the National
22 Sea Grant College Program Act (33 U.S.C.
23 1123(c)(4)(E)), and shall consider among those priorities
24 the possibility of expanding the Dean John A. Knauss Ma-
25 rine Policy Fellowship’s placement of additional fellows in

1 relevant legislative offices under section 208(b) of such
2 Act (33 U.S.C. 1127(b)), in accordance with the rec-
3 ommendations under subsection (c) of this section.

4 (c) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Director of the National
6 Sea Grant College Program, in consultation with the Na-
7 tional Sea Grant Advisory Board and the Sea Grant Asso-
8 ciation, shall—

9 (1) develop recommendations for the optimal
10 use of any donations accepted under section
11 204(c)(4)(E) of the National Sea Grant College Pro-
12 gram Act (33 U.S.C. 1123(c)(4)(E)); and

13 (2) submit to Congress a report on the rec-
14 ommendations developed under paragraph (1).

15 (d) CONSTRUCTION.—Nothing in this section shall be
16 construed to limit or otherwise affect any other amounts
17 available for marine policy fellowships under section
18 208(b) of the National Sea Grant College Program Act
19 (33 U.S.C. 1127(b)), including amounts—

20 (1) accepted under section 204(c)(4)(F) of such
21 Act (33 U.S.C. 1123(c)(4)(F)); or

22 (2) appropriated under section 212 of such Act
23 (33 U.S.C. 1131).

1 **SEC. 404. REPEAL OF REQUIREMENT FOR REPORT ON CO-**
2 **ORDINATION OF OCEANS AND COASTAL RE-**
3 **SEARCH ACTIVITIES.**

4 Section 9 of the National Sea Grant College Program
5 Act Amendments of 2002 (33 U.S.C. 857–20) is repealed.

6 **SEC. 405. REDUCTION IN FREQUENCY REQUIRED FOR NA-**
7 **TIONAL SEA GRANT ADVISORY BOARD RE-**
8 **PORT.**

9 Section 209(b)(2) (33 U.S.C. 1128(b)(2)) is amend-
10 ed—

11 (1) in the heading, by striking “BIENNIAL” and
12 inserting “PERIODIC”; and

13 (2) in the first sentence, by striking “The
14 Board shall report to the Congress every two years”
15 and inserting “Not less frequently than once every
16 4 years, the Board shall submit to Congress a re-
17 port”.

18 **SEC. 406. MODIFICATION OF ELEMENTS OF NATIONAL SEA**
19 **GRANT COLLEGE PROGRAM.**

20 Section 204(b) (33 U.S.C. 1123(b)) is amended by
21 inserting “for research, education, extension, training,
22 technology transfer, public service,” after “financial as-
23 sistance”.

1 **SEC. 407. DIRECT HIRE AUTHORITY; DEAN JOHN A. KNAUSS**
2 **MARINE POLICY FELLOWSHIP.**

3 (a) IN GENERAL.—During fiscal year 2019 and any
4 fiscal year thereafter, the head of any Federal agency may
5 appoint, without regard to the provisions of subchapter I
6 of chapter 33 of title 5, United States Code, other than
7 sections 3303 and 3328 of such title, a qualified candidate
8 described in subsection (b) directly to a position with the
9 Federal agency for which the candidate meets Office of
10 Personnel Management qualification standards.

11 (b) QUALIFIED CANDIDATE.—Subsection (a) applies
12 with respect to a former recipient of a Dean John A.
13 Knauss Marine Policy Fellowship under section 208(b) of
14 the National Sea Grant College Program Act (33 U.S.C.
15 1127(b)) who—

16 (1) earned a graduate or post-graduate degree
17 in a field related to ocean, coastal, or Great Lakes
18 resources or policy from an institution of higher edu-
19 cation accredited by an agency or association recog-
20 nized by the Secretary of Education pursuant to sec-
21 tion 496(a) of the Higher Education Act of 1965
22 (20 U.S.C. 1099b(a));

23 (2) received a Dean John A. Knauss Marine
24 Policy Fellowship under section 208(b) of the Na-
25 tional Sea Grant College Program Act (33 U.S.C.

1 1127(b)) within 5 years before the date the indi-
2 vidual is appointed under this section; and

3 (3) successfully fulfilled the requirements of the
4 fellowship within the executive or legislative branch
5 of the United States Government.

6 **SEC. 408. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
7 **TIONAL SEA GRANT COLLEGE PROGRAM.**

8 (a) IN GENERAL.—Section 212(a) (33 U.S.C.
9 1131(a)) is amended—

10 (1) by amending paragraph (1) to read as fol-
11 lows:

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated to the Secretary to carry out this
14 title—

15 “(A) \$87,520,000 for fiscal year 2020;

16 “(B) \$91,900,000 for fiscal year 2021;

17 “(C) \$96,500,000 for fiscal year 2022;

18 “(D) \$101,325,000 for fiscal year 2023;

19 “(E) \$106,380,000 for fiscal year 2024;

20 and

21 “(F) \$111,710,813 for fiscal year 2025.”;

22 and

23 (2) by amending paragraph (2) to read as fol-
24 lows:

1 “(2) PRIORITY ACTIVITIES FOR FISCAL YEARS
2 2020 THROUGH 2025.—In addition to the amounts
3 authorized to be appropriated under paragraph (1),
4 there are authorized to be appropriated \$6,000,000
5 for each of fiscal years 2020 through 2025 for com-
6 petitive grants for the following:

7 “(A) University research on the biology,
8 prevention, and control of aquatic nonnative
9 species.

10 “(B) University research on oyster dis-
11 eases, oyster restoration, and oyster-related
12 human health risks.

13 “(C) University research on the biology,
14 prevention, and forecasting of harmful algal
15 blooms.

16 “(D) University research, education, train-
17 ing, and extension services and activities fo-
18 cused on coastal resilience and United States
19 working waterfronts and other regional or na-
20 tional priority issues identified in the strategic
21 plan under section 204(c)(1).

22 “(E) University research and extension on
23 sustainable aquaculture techniques and tech-
24 nologies.

1 “(F) Fishery research and extension activi-
2 ties conducted by sea grant colleges or sea
3 grant institutes to enhance, and not supplant,
4 existing core program funding.”.

5 (b) MODIFICATION OF LIMITATIONS ON AMOUNTS
6 FOR ADMINISTRATION.—Paragraph (1) of section 212(b)
7 (33 U.S.C. 1131(b)) is amended to read as follows:

8 “(1) ADMINISTRATION.—

9 “(A) IN GENERAL.—There may not be
10 used for administration of programs under this
11 title in a fiscal year more than 5.5 percent of
12 the lesser of—

13 “(i) the amount authorized to be ap-
14 propriated under this title for the fiscal
15 year; or

16 “(ii) the amount appropriated under
17 this title for the fiscal year.

18 “(B) CRITICAL STAFFING REQUIRE-
19 MENTS.—

20 “(i) IN GENERAL.—The Director shall
21 use the authority under subchapter VI of
22 chapter 33 of title 5, United States Code,
23 to meet any critical staffing requirement
24 while carrying out the activities authorized
25 under this title.

1 “(ii) EXCEPTION FROM CAP.—For
2 purposes of subparagraph (A), any costs
3 incurred as a result of an exercise of au-
4 thority described in clause (i) shall not be
5 considered an amount used for administra-
6 tion of programs under this title in a fiscal
7 year.”.

8 (c) ALLOCATION OF FUNDING.—

9 (1) IN GENERAL.—Section 204(d)(3) (33
10 U.S.C. 1123(d)(3)) is amended—

11 (A) by striking “With respect to sea grant
12 colleges and sea grant institutes” and inserting
13 “With respect to sea grant colleges, sea grant
14 institutes, sea grant programs, and sea grant
15 projects”; and

16 (B) in subparagraph (B), by striking
17 “funding among sea grant colleges and sea
18 grant institutes” and inserting “funding among
19 sea grant colleges, sea grant institutes, sea
20 grant programs, and sea grant projects”.

21 (2) REPEAL OF REQUIREMENTS CONCERNING
22 DISTRIBUTION OF EXCESS AMOUNTS.—Section 212
23 (33 U.S.C. 1131) is amended—

24 (A) by striking subsection (c); and

1 (B) by redesignating subsections (d) and
2 (e) as subsections (c) and (d), respectively.

3 **SEC. 409. TECHNICAL CORRECTIONS.**

4 (a) Section 204(d)(3)(B) (33 U.S.C. 1123(d)(3)(B))
5 is amended by moving clause (vi) 2 ems to the right.

6 (b) Section 209(b) (33 U.S.C. 1128(b)), as amended
7 by this Act, is further amended—

8 (1) in paragraph (2), by striking “The Sec-
9 retary shall” and all that follows; and

10 (2) by adding at the end the following:

11 “(3) AVAILABILITY OF RESOURCES OF DEPART-
12 MENT OF COMMERCE.—The Secretary shall”.

