

AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**S. 1894**

To designate Regional Ocean Partnerships of the National Oceanic and Atmospheric Administration, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. WICKER

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Regional Ocean Part-
5 nership Act”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS; PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The ocean and coastal waters and the Great
10 Lakes of the United States are foundational to the
11 economy, security, global competitiveness, and well-

1 being of the United States and continuously serve
2 the people of the United States and other countries
3 as an important source of food, energy, economic
4 productivity, recreation, beauty, and enjoyment.

5 (2) Over many years, the resource productivity
6 and water quality of the ocean, coastal, and Great
7 Lakes areas of the United States have been dimin-
8 ished by pollution, increasing population demands,
9 economic development, and natural and man-made
10 hazard events, both acute and chronic.

11 (3) The ocean, coastal, and Great Lakes areas
12 of the United States are managed by State and Fed-
13 eral resource agencies and Indian Tribes and regu-
14 lated on an interstate and regional scale by various
15 overlapping Federal authorities, thereby creating a
16 significant need for interstate coordination to en-
17 hance regional priorities, including the ecological and
18 economic health of those areas.

19 (4) Indian Tribes have unique expertise and
20 knowledge important for the stewardship of the
21 ocean and coastal waters and the Great Lakes of the
22 United States.

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

1 (1) the United States should seek to support
2 interstate coordination of shared regional priorities
3 relating to the management, conservation, resilience,
4 and restoration of ocean, coastal, and Great Lakes
5 areas to maximize efficiencies through collaborative
6 regional efforts by Regional Ocean Partnerships, in
7 coordination with Federal and State agencies, Indian
8 Tribes, and local authorities;

9 (2) such efforts would enhance existing and ef-
10 fective ocean, coastal, and Great Lakes management
11 efforts of States and Indian Tribes based on shared
12 regional priorities; and

13 (3) Regional Ocean Partnerships should coordi-
14 nate with Indian Tribes.

15 (c) PURPOSES.—The purposes of this Act are as fol-
16 lows:

17 (1) To complement and expand cooperative vol-
18 untary efforts intended to manage, conserve, and re-
19 store ocean, coastal, and Great Lakes areas span-
20 ning across multiple State and Indian Tribe jurisdic-
21 tions.

22 (2) To expand Federal support for monitoring,
23 data management, restoration, research, and con-
24 servation activities in ocean, coastal, and Great
25 Lakes areas.

1 (3) To commit the United States to a com-
2 prehensive cooperative program to achieve improved
3 water quality in, and improvements in the produc-
4 tivity of living resources of, oceans, coastal, and
5 Great Lakes ecosystems.

6 (4) To authorize Regional Ocean Partnerships
7 as intergovernmental coordinators for shared re-
8 gional priorities among States and Indian Tribes re-
9 lating to the collaborative management of the large
10 marine ecosystems, thereby reducing duplication of
11 efforts and maximizing opportunities to leverage
12 support in the ocean and coastal regions.

13 (5) To empower States to take a lead role in
14 managing oceans, coastal, and Great Lakes areas.

15 (6) To incorporate rights of Indian Tribes in
16 the management of oceans, coasts, and Great Lakes
17 resources and provide funding to support Indian
18 Tribe participation in and engagement with Regional
19 Ocean Partnerships.

20 (7) To enable Regional Ocean Partnerships, or
21 designated fiscal management entities of such part-
22 nerships, to receive Federal funding to conduct the
23 scientific research, conservation and restoration ac-
24 tivities, and priority coordination on shared regional

1 priorities necessary to achieve the purposes described
2 in paragraphs (1) through (6).

3 **SEC. 3. REGIONAL OCEAN PARTNERSHIPS.**

4 (a) DEFINITIONS.—In this section:

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

8 (2) COASTAL STATE.—The term “coastal state”
9 has the meaning given that term in section 304 of
10 the Coastal Zone Management Act of 1972 (16
11 U.S.C. 1453).

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

16 (4) REGIONAL OCEAN PARTNERSHIP.—The
17 term “Regional Ocean Partnership” means a Re-
18 gional Ocean Partnership, a Regional Coastal Part-
19 nership, or a Regional Great Lakes Partnership.

20 (b) REGIONAL OCEAN PARTNERSHIPS.—

21 (1) IN GENERAL.—A coastal state may partici-
22 pate in a Regional Ocean Partnership with one or
23 more—

24 (A) coastal states that share a common
25 ocean or coastal area with the coastal state,

1 without regard to whether the coastal states are
2 contiguous; and

3 (B) States—

4 (i) with which the coastal state shares
5 a common watershed; or

6 (ii) that would contribute to the prior-
7 ities of the partnership.

8 (2) GREAT LAKES.—A partnership consisting of
9 one or more coastal states bordering one or more of
10 the Great Lakes may be known as a “Regional
11 Coastal Partnership” or a “Regional Great Lakes
12 Partnership”.

13 (3) APPLICATION.—The Governor of a coastal
14 state or the Governors of a group of coastal states
15 may apply to the Secretary of Commerce, on behalf
16 of a partnership, for the partnership to receive des-
17 ignation as a Regional Ocean Partnership if the
18 partnership—

19 (A) meets the requirements under para-
20 graph (4); and

21 (B) submits an application for such des-
22 ignation in such manner, in such form, and
23 containing such information as the Secretary
24 may require.

1 (4) REQUIREMENTS.—A partnership is eligible
2 for designation as a Regional Ocean Partnership by
3 the Secretary under paragraph (3) if the partner-
4 ship—

5 (A) is established to coordinate the man-
6 agement of ocean, coastal, and Great Lakes re-
7 sources among State governments and Indian
8 Tribes;

9 (B) focuses on the environmental issues af-
10 fecting the ocean, coastal, and Great Lakes
11 areas of the members participating in the part-
12 nership;

13 (C) complements existing coastal and
14 ocean management efforts of States and Indian
15 Tribes on an interstate scale, focusing on
16 shared regional priorities;

17 (D) does not have a regulatory function;
18 and

19 (E) is not duplicative of an existing Re-
20 gional Ocean Partnership designated under
21 paragraph (5), as determined by the Secretary.

22 (5) DESIGNATION OF CERTAIN ENTITIES AS RE-
23 GIONAL OCEAN PARTNERSHIPS.—Notwithstanding
24 paragraph (3) or (4), the following entities are des-
25 ignated as Regional Ocean Partnerships:

1 (A) The Gulf of Mexico Alliance, comprised
2 of the States of Alabama, Florida, Louisiana,
3 Mississippi, and Texas.

4 (B) The Northeast Regional Ocean Coun-
5 cil, comprised of the States of Maine, Vermont,
6 New Hampshire, Massachusetts, Connecticut,
7 and Rhode Island.

8 (C) The Mid-Atlantic Regional Council on
9 the Ocean, comprised of the States of New
10 York, New Jersey, Delaware, Maryland, and
11 Virginia.

12 (D) The West Coast Ocean Alliance, com-
13 prised of the States of California, Oregon, and
14 Washington and the coastal Indian Tribes
15 therein.

16 (c) GOVERNING BODIES OF REGIONAL OCEAN PART-
17 NERSHIPS.—

18 (1) IN GENERAL.—A Regional Ocean Partner-
19 ship designated under subsection (b) shall have a
20 governing body.

21 (2) MEMBERSHIP.—A governing body described
22 in paragraph (1)—

23 (A) shall be comprised, at a minimum, of
24 voting members from each coastal state partici-
25 pating in the Regional Ocean Partnership, des-

1 ignated by the Governor of the coastal state;
2 and

3 (B) may include such other members as
4 the partnership considers appropriate.

5 (d) FUNCTIONS.—A Regional Ocean Partnership des-
6 ignated under subsection (b) may perform the following
7 functions:

8 (1) Promote coordination of the actions of the
9 agencies of coastal states participating in the part-
10 nership with the actions of the appropriate officials
11 of Federal agencies, State governments, and Indian
12 Tribes in developing strategies—

13 (A) to conserve living resources, increase
14 valuable habitats, enhance coastal resilience and
15 ocean management, promote ecological and eco-
16 nomic health, and address such other issues re-
17 lated to the shared ocean, coastal, or Great
18 Lakes areas as are determined to be a shared,
19 regional priority by those states; and

20 (B) to manage regional data portals and
21 develop associated data products for purposes
22 that support the priorities of the partnership.

23 (2) In cooperation with appropriate Federal and
24 State agencies, Indian Tribes, and local authorities,

1 develop and implement specific action plans to carry
2 out coordination goals.

3 (3) Coordinate and implement priority plans
4 and projects, and facilitate science, research, mod-
5 eling, monitoring, data collection, and other activi-
6 ties that support the goals of the partnership
7 through the provision of grants and contracts under
8 subsection (f).

9 (4) Engage, coordinate, and collaborate with
10 relevant governmental entities and stakeholders to
11 address ocean and coastal related matters that re-
12 quire interagency or intergovernmental solutions.

13 (5) Implement outreach programs for public in-
14 formation, education, and participation to foster
15 stewardship of the resources of the ocean, coastal,
16 and Great Lakes areas, as relevant.

17 (6) Develop and make available, through publi-
18 cations, technical assistance, and other appropriate
19 means, information pertaining to cross-jurisdictional
20 issues being addressed through the coordinated ac-
21 tivities of the partnership.

22 (7) Serve as a liaison with, and provide infor-
23 mation to, international counterparts, as appropriate
24 on priority issues for the partnership.

1 (e) COORDINATION, CONSULTATION, AND ENGAGE-
2 MENT.—

3 (1) IN GENERAL.—A Regional Ocean Partner-
4 ship designated under subsection (b) shall maintain
5 mechanisms for coordination, consultation, and en-
6 gagement with the following:

7 (A) The Federal Government.

8 (B) Indian Tribes.

9 (C) Nongovernmental entities, including
10 academic organizations, nonprofit organizations,
11 and private sector entities.

12 (D) Other federally mandated regional en-
13 tities, including the Regional Fishery Manage-
14 ment Councils, the regional associations of the
15 National Integrated Coastal and Ocean Obser-
16 vation System, and relevant Marine Fisheries
17 Commissions.

18 (2) RULE OF CONSTRUCTION.—Nothing in
19 paragraph (1)(B) may be construed as affecting any
20 requirement to consult with Indian Tribes under Ex-
21 ecutive Order 13175 (25 U.S.C. 5301 note; relating
22 to consultation and coordination with Indian tribal
23 governments) or any other applicable law or policy.

24 (f) GRANTS AND CONTRACTS.—

1 (1) IN GENERAL.—A Regional Ocean Partner-
2 ship designated under subsection (b) may, in coordi-
3 nation with existing Federal and State management
4 programs, from amounts made available to the part-
5 nership by the Administrator or the head of another
6 Federal agency, provide grants and enter into con-
7 tracts for the purposes described in paragraph (2).

8 (2) PURPOSES.—The purposes described in this
9 paragraph include any of the following:

10 (A) Monitoring the water quality and living
11 resources of multi-State ocean and coastal eco-
12 systems and coastal communities.

13 (B) Researching and addressing the effects
14 of natural and human-induced environmental
15 changes on—

16 (i) ocean and coastal ecosystems; and
17 (ii) coastal communities.

18 (C) Developing and executing cooperative
19 strategies that—

20 (i) address regional data issues identi-
21 fied by the partnership; and

22 (ii) will result in more effective man-
23 agement of common ocean and coastal
24 areas.

25 (g) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 5 years after
2 the date of the enactment of this Act, the Adminis-
3 trator, in coordination with the Regional Ocean
4 Partnerships designated under subsection (b), shall
5 submit to Congress a report on the partnerships.

6 (2) REPORT REQUIREMENTS.—The report re-
7 quired by paragraph (1) shall include the following:

8 (A) An assessment of the overall status of
9 the work of the Regional Ocean Partnerships
10 designated under subsection (b).

11 (B) An assessment of the effectiveness of
12 the partnerships in supporting regional prior-
13 ities relating to the management of common
14 ocean, coastal, and Great Lakes areas.

15 (C) An assessment of the effectiveness of
16 the strategies that the partnerships are sup-
17 porting or implementing and the extent to
18 which the priority needs of the regions covered
19 by the partnerships are being met through such
20 strategies.

21 (D) An assessment of how the efforts of
22 the partnerships support or enhance Federal
23 and State efforts consistent with the purposes
24 of this Act.

1 (E) Such recommendations as the Admin-
2 istrator may have for improving—

3 (i) efforts of the partnerships to sup-
4 port the purposes of this Act; and

5 (ii) collective strategies that support
6 the purposes of this Act in coordination
7 with all relevant Federal and State entities
8 and Indian Tribes.

9 (F) The distribution of funds from each
10 partnership for each fiscal year covered by the
11 report.

12 (h) AVAILABILITY OF FEDERAL FUNDS.—In addition
13 to amounts made available to the Regional Ocean Partner-
14 ships designated under subsection (b) by the Adminis-
15 trator under this section, the head of any other Federal
16 agency may provide grants to, enter into contracts with,
17 or otherwise provide funding to such partnerships.

18 (i) AUTHORITIES.—Nothing in this section estab-
19 lishes any new legal or regulatory authority of the Na-
20 tional Oceanic and Atmospheric Administration or of the
21 Regional Ocean Partnerships designated under subsection
22 (b), other than—

23 (1) the authority of the Administrator to pro-
24 vide amounts to the partnerships; and

1 (2) the authority of the partnerships to provide
2 grants and enter into contracts under subsection (f).

3 (j) FUNDING.—

4 (1) REGIONAL OCEAN PARTNERSHIPS.—There
5 are authorized to be appropriated to the National
6 Oceanic and Atmospheric Administration the fol-
7 lowing amounts to be made available to the Regional
8 Ocean Partnerships designated under subsection (b)
9 or designated fiscal management entities of such
10 partnerships to carry out activities of the partner-
11 ships under this Act:

12 (A) \$10,100,000 for fiscal year 2022.

13 (B) \$10,202,000 for fiscal year 2023.

14 (C) \$10,306,040 for fiscal year 2024.

15 (D) \$10,412,160 for fiscal year 2025.

16 (E) \$10,520,404 for fiscal year 2026.

17 (2) DISTRIBUTION OF AMOUNTS.—Amounts
18 made available under paragraph (1) shall be divided
19 evenly among the Regional Ocean Partnerships des-
20 ignated under subsection (b).

21 (3) INDIAN TRIBE PARTICIPATION .—There is
22 authorized to be appropriated to the National Oce-
23 anic and Atmospheric Administration \$1,000,000 for
24 each of fiscal years 2022 through 2026 for Indian
25 Tribes to be distributed for purposes of participation

1 in or engagement with the Regional Ocean Partner-
2 ships.

3 (4) DERIVATION.—Funds to carry out the ac-
4 tivities under this Act shall be derived from amounts
5 authorized to be appropriated pursuant to para-
6 graphs (1) and (3) that are appropriated after the
7 date of the enactment of this Act.