

111TH CONGRESS  
2D SESSION

# H. R. 3534

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## AN ACT

To provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes.



1 any other penalties to which the owner or operator of the  
2 facility is subject, including those under section 311.”.

3 (2) **EFFECTIVE DATE.**—The amendment made  
4 by paragraph (1) takes effect on April 1, 2010.

## 5 **TITLE VI—COORDINATION AND** 6 **PLANNING**

### 7 **SEC. 601. REGIONAL COORDINATION.**

8 (a) **IN GENERAL.**—The purpose of this title is to pro-  
9 mote—

10 (1) better coordination, communication, and  
11 collaboration between Federal agencies with authori-  
12 ties for ocean, coastal, and Great Lakes manage-  
13 ment; and

14 (2) coordinated and collaborative regional plan-  
15 ning efforts using the best available science, and to  
16 ensure the protection and maintenance of marine  
17 ecosystem health, in decisions affecting the sustain-  
18 able development and use of Federal renewable and  
19 nonrenewable resources on, in, or above the ocean  
20 (including the Outer Continental Shelf) and the  
21 Great Lakes for the long-term economic and envi-  
22 ronmental benefit of the United States.

23 (b) **OBJECTIVES OF REGIONAL EFFORTS.**—Such re-  
24 gional efforts shall achieve the following objectives:

1           (1) Greater systematic communication and co-  
2           ordination among Federal, coastal State, and af-  
3           fected tribal governments concerned with the con-  
4           servation of and the sustainable development and  
5           use of Federal renewable and nonrenewable re-  
6           sources of the oceans, coasts, and Great Lakes.

7           (2) Greater reliance on a multiobjective,  
8           science- and ecosystem-based, spatially explicit man-  
9           agement approach that integrates regional economic,  
10          ecological, affected tribal, and social objectives into  
11          ocean, coastal, and Great Lakes management deci-  
12          sions.

13          (3) Identification and prioritization of shared  
14          State and Federal ocean, coastal, and Great Lakes  
15          management issues.

16          (4) Identification of data and information need-  
17          ed by the Regional Coordination Councils established  
18          under section 602.

19          (c) REGIONS.—There are hereby designated the fol-  
20          lowing Coordination Regions:

21               (1) PACIFIC REGION.—The Pacific Coordination  
22               Region, which shall consist of the coastal waters and  
23               Exclusive Economic Zone adjacent to the States of  
24               Washington, Oregon, and California.

1           (2) GULF OF MEXICO REGION.—The Gulf of  
2 Mexico Coordination Region, which shall consist of  
3 the coastal waters and Exclusive Economic Zone ad-  
4 jacent to the States of Texas, Louisiana, Mississippi,  
5 and Alabama, and the west coast of Florida.

6           (3) NORTH ATLANTIC REGION.—The North At-  
7 lantic Coordination Region, which shall consist of  
8 the coastal waters and Exclusive Economic Zone ad-  
9 jacent to the States of Maine, New Hampshire, Mas-  
10 sachusetts, Rhode Island, and Connecticut.

11           (4) MID ATLANTIC REGION.—The Mid Atlantic  
12 Coordination Region, which shall consist of the  
13 coastal waters and Exclusive Economic Zone adja-  
14 cent to the States of New York, New Jersey, Penn-  
15 sylvania, Delaware, Maryland, and Virginia.

16           (5) SOUTH ATLANTIC REGION.—The South At-  
17 lantic Coordination Region, which shall consist of  
18 the coastal waters and Exclusive Economic Zone ad-  
19 jacent to the States of North Carolina, South Caro-  
20 lina, Georgia, the east coast of Florida, and the  
21 Straits of Florida Planning Area.

22           (6) ALASKA REGION.—The Alaska Coordination  
23 Region, which shall consist of the coastal waters and  
24 Exclusive Economic Zone adjacent to the State of  
25 Alaska.

1           (7) PACIFIC ISLANDS REGION.—The Pacific Is-  
2           lands Coordination Region, which shall consist of the  
3           coastal waters and Exclusive Economic Zone adja-  
4           cent to the State of Hawaii, the Commonwealth of  
5           the Northern Mariana Islands, American Samoa,  
6           and Guam.

7           (8) CARIBBEAN REGION.—The Caribbean Co-  
8           ordination Region, which shall consist of the coastal  
9           waters and Exclusive Economic Zone adjacent to  
10          Puerto Rico and the United States Virgin Islands.

11          (9) GREAT LAKES REGION.—The Great Lakes  
12          Coordination Region, which shall consist of waters of  
13          the Great Lakes in the States of Illinois, Indiana,  
14          Michigan, Minnesota, New York, Ohio, Pennsyl-  
15          vania, and Wisconsin.

16 **SEC. 602. REGIONAL COORDINATION COUNCILS.**

17          (a) IN GENERAL.—Within 180 days after the date  
18          of enactment of this Act, the Chairman of the Council on  
19          Environmental Quality, in consultation with the affected  
20          coastal States and affected Indian tribes, shall establish  
21          or designate a Regional Coordination Council for each of  
22          the Coordination Regions designated by section 601(e).

23          (b) MEMBERSHIP.—

24                  (1) FEDERAL REPRESENTATIVES.—Within 90  
25          days after the date of enactment of this Act, the

1 Chairman of the Council on Environmental Quality  
2 shall publish the titles of the officials of each Fed-  
3 eral agency and department that shall participate in  
4 each Council. The Councils shall include representa-  
5 tives of each Federal agency and department that  
6 has authorities related to the development of ocean,  
7 coastal, or Great Lakes policies or engages in plan-  
8 ning, management, or scientific activities that sig-  
9 nificantly affect or inform the use of ocean, coastal,  
10 or Great Lakes resources. The Chairman of the  
11 Council on Environmental Quality shall determine  
12 which Federal agency representative shall serve as  
13 the chairperson of each Council.

14 (2) COASTAL STATE REPRESENTATIVES.—

15 (A) NOTICE OF INTENT TO PARTICI-  
16 PATE.—The Governor of each coastal State  
17 within each Coordination Region designated by  
18 section 601(c) shall within 3 months after the  
19 date of enactment of this Act, inform the Chair-  
20 man of the Council on Environmental Quality  
21 whether or not the State intends to participate  
22 in the Regional Coordination Council for the  
23 Region.

24 (B) APPOINTMENT OF RESPONSIBLE  
25 STATE OFFICIAL.—If a coastal State intends to

1           participate in such Council, the Governor of the  
2           coastal State shall appoint an officer or em-  
3           ployee of the coastal State agency with primary  
4           responsibility for overseeing ocean and coastal  
5           policy or resource management to that Council.

6           (C) ALASKA REGIONAL COORDINATION  
7           COUNCIL.—The Regional Coordination Council  
8           for the Alaska Coordination Region shall in-  
9           clude representation from each of the States of  
10          Alaska, Washington, and Oregon, if appointed  
11          by the Governor of that State in accordance  
12          with this paragraph.

13          (3) REGIONAL FISHERY MANAGEMENT COUNCIL  
14          REPRESENTATION.—A representative of each Re-  
15          gional Fishery Management Council with jurisdiction  
16          in the Coordination Region of a Regional Coordina-  
17          tion Council (who is selected by the Regional Fish-  
18          ery Management Council) and the executive director  
19          of the interstate marine fisheries commission with  
20          jurisdiction in the Coordination Region of a Regional  
21          Coordination Council shall each serve as a member  
22          of the Council.

23          (4) REGIONAL OCEAN PARTNERSHIP REP-  
24          RESENTATION.—A representative of any Regional  
25          Ocean Partnership that has been established for any

1 part of the Coordination Region of a Regional Co-  
2 ordination Council may appoint a representative to  
3 serve on the Council in addition to any Federal or  
4 State appointments.

5 (5) TRIBAL REPRESENTATION.—An appropriate  
6 tribal official selected by affected Indian tribes situ-  
7 ated in the affected Coordination Region may elect  
8 to appoint a representative of such tribes collectively  
9 to serve as a member of the Regional Coordination  
10 Council for that Region.

11 (6) LOCAL REPRESENTATION.—The Chairman  
12 of the Council on Environmental Quality shall, in  
13 consultation with the Governors of the coastal States  
14 within each Coordination Region, identify and ap-  
15 point representatives of county and local govern-  
16 ments, as appropriate, to serve as members of the  
17 Regional Coordination Council for that Region.

18 (c) ADVISORY COMMITTEE.—Each Regional Coordi-  
19 nation Council shall establish advisory committees for the  
20 purposes of public and stakeholder input and scientific ad-  
21 vice, made up of a balanced representation from the en-  
22 ergy, shipping, transportation, commercial and rec-  
23 reational fishing, and recreation industries, from marine  
24 environmental nongovernmental organizations, and from  
25 scientific and educational authorities with expertise in the

1 conservation and management of ocean, coastal, and  
2 Great Lakes resources to advise the Council during the  
3 development of Regional Assessments and Regional Stra-  
4 tegic Plans and in its other activities.

5 (d) COORDINATION WITH EXISTING PROGRAMS.—  
6 Each Regional Coordination Council shall build upon and  
7 complement current State, multistate, and regional capac-  
8 ity and governance and institutional mechanisms to man-  
9 age and protect ocean waters, coastal waters, and ocean  
10 resources.

11 **SEC. 603. REGIONAL STRATEGIC PLANS.**

12 (a) INITIAL REGIONAL ASSESSMENT.—

13 (1) IN GENERAL.—Each Regional Coordination  
14 Council, shall, within one year after the date of en-  
15 actment of this Act, prepare an initial assessment of  
16 its Coordination Region that shall identify defi-  
17 ciencies in data and information necessary to in-  
18 formed decisionmaking by Federal, State, and af-  
19 fected tribal governments concerned with the con-  
20 servation of and management of the oceans, coasts,  
21 and Great Lakes. Each initial assessment shall to  
22 the extent feasible—

23 (A) identify the Coordination Region's re-  
24 newable and non renewable resources, including  
25 current and potential energy resources, except

1 for the assessment for the Great Lakes Coordi-  
2 nation Region, for which the Regional Coordi-  
3 nation Council for such Coordination Region  
4 shall only identify the Great Lakes Coordina-  
5 tion Region's renewable energy resources, in-  
6 cluding current and potential renewable energy  
7 resources;

8 (B) identify and include a spatially and  
9 temporally explicit inventory of existing and po-  
10 tential uses of the Coordination Region, includ-  
11 ing fishing and fish habitat, recreation, and en-  
12 ergy development;

13 (C) document the health and relative envi-  
14 ronmental sensitivity of the marine ecosystem  
15 within the Coordination Region, including a  
16 comprehensive survey and status assessment of  
17 species, habitats, and indicators of ecosystem  
18 health;

19 (D) identify marine habitat types and im-  
20 portant ecological areas within the Coordination  
21 Region;

22 (E) assess the Coordination Region's ma-  
23 rine economy and cultural attributes and in-  
24 clude regionally-specific ecological and socio-  
25 economic baseline data;

1 (F) identify and prioritize additional sci-  
2 entific and economic data necessary to inform  
3 the development of Strategic Plans; and

4 (G) include other information to improve  
5 decision making as determined by the Regional  
6 Coordination Council.

7 (2) DATA.—Each initial assessment shall—

8 (A) use the best available data;

9 (B) collect and provide data in a spatially  
10 explicit manner wherever practicable and pro-  
11 vide such data to the interagency comprehensive  
12 digital mapping initiative as described in section  
13 2 of Public Law 109–58 (42 U.S.C. 15801);  
14 and

15 (C) make publicly available any such data  
16 that is not classified information.

17 (3) PUBLIC PARTICIPATION.—Each Regional  
18 Coordination Council shall provide adequate oppor-  
19 tunity for review and input by stakeholders and the  
20 general public during the preparation of the initial  
21 assessment and any revised assessments.

22 (b) REGIONAL STRATEGIC PLANS.—

23 (1) REQUIREMENT.—Each Regional Coordina-  
24 tion Council shall, within 3 years after the comple-  
25 tion of the initial regional assessment, prepare and

1 submit to the Chairman of the Council on Environ-  
2 mental Quality a multiobjective, science- and eco-  
3 system-based, spatially explicit, integrated Strategic  
4 Plan in accordance with this subsection for the  
5 Council's Coordination Region.

6 (2) OBJECTIVE AND GOALS.—The objective of  
7 the Strategic Plans under this subsection shall be to  
8 foster comprehensive, integrated, and sustainable de-  
9 velopment and use of ocean, coastal, and Great  
10 Lakes resources, while protecting marine ecosystem  
11 health and sustaining the long-term economic and  
12 ecosystem values of the oceans, coasts, and Great  
13 Lakes.

14 (3) CONTENTS.—Each Strategic Plan prepared  
15 by a Regional Coordination Council shall—

16 (A) be based on the initial regional assess-  
17 ment and updates for the Coordination Region  
18 under subsections (a) and (c), respectively;

19 (B) foster the sustainable and integrated  
20 development and use of ocean, coastal, and  
21 Great Lakes resources in a manner that pro-  
22 tects the health of marine ecosystems;

23 (C) identify areas with potential for siting  
24 and developing renewable and nonrenewable en-  
25 ergy resources in the Coordination Region cov-

1           ered by the Strategic Plan, except for the Stra-  
2           tegic Plan for the Great Lakes Coordination  
3           Region which shall identify only areas with po-  
4           tential for siting and developing renewable en-  
5           ergy resources in the Great Lakes Coordination  
6           Region;

7           (D) identify other current and potential  
8           uses of the ocean and coastal resources in the  
9           Coordination Region;

10          (E) identify and recommend long-term  
11          monitoring needs for ecosystem health and so-  
12          cioeconomic variables within the Coordination  
13          Region covered by the Strategic Plan;

14          (F) identify existing State and Federal  
15          regulating authorities within the Coordination  
16          Region covered by the Strategic Plan and meas-  
17          ures to assist those authorities in carrying out  
18          their responsibilities;

19          (G) identify best available technologies to  
20          minimize adverse environmental impacts and  
21          use conflicts in the development of ocean and  
22          coastal resources in the Coordination Region;

23          (H) identify additional research, informa-  
24          tion, and data needed to carry out the Strategic  
25          Plan;

1 (I) identify performance measures and  
2 benchmarks for purposes of fulfilling the re-  
3 sponsibilities under this section to be used to  
4 evaluate the Strategic Plan's effectiveness;

5 (J) define responsibilities and include an  
6 analysis of the gaps in authority, coordination,  
7 and resources, including funding, that must be  
8 filled in order to fully achieve those perform-  
9 ance measures and benchmarks; and

10 (K) include such other information at the  
11 Chairman of the Council on Environmental  
12 Quality determines is appropriate.

13 (4) PUBLIC PARTICIPATION.—Each Regional  
14 Coordination Council shall provide adequate oppor-  
15 tunities for review and input by stakeholders and the  
16 general public during the development of the Stra-  
17 tegic Plan and any Strategic Plan revisions.

18 (c) UPDATED REGIONAL ASSESSMENTS.—Each Re-  
19 gional Coordination Council shall update the initial re-  
20 gional assessment prepared under subsection (a) in coordi-  
21 nation with each Strategic Plan revision under subsection  
22 (e), to provide more detailed information regarding the re-  
23 quired elements of the assessment and to include any rel-  
24 evant new information that has become available in the  
25 interim.

1 (d) REVIEW AND APPROVAL.—

2 (1) COMMENCEMENT OF REVIEW.—Within 10  
3 days after receipt of a Strategic Plan under this sec-  
4 tion, or any revision to such a Strategic Plan, from  
5 a Regional Coordination Council, the Chairman of  
6 the Council of Environmental Quality shall com-  
7 mence a review of the Strategic Plan or the revised  
8 Strategic Plan, respectively.

9 (2) PUBLIC NOTICE AND COMMENT.—Imme-  
10 diately after receipt of such a Strategic Plan or revi-  
11 sion, the Chairman of the Council of Environmental  
12 Quality shall publish the Strategic Plan or revision  
13 in the Federal Register and provide an opportunity  
14 for the submission of public comment for a 90-day  
15 period beginning on the date of such publication.

16 (3) REQUIREMENTS FOR APPROVAL.—Before  
17 approving a Strategic Plan, or any revision to a  
18 Strategic Plan, the Chairman of the Council on En-  
19 vironmental Quality must find that the Strategic  
20 Plan or revision—

21 (A) complies with subsection (b); and

22 (B) complies with the purposes of this title  
23 as identified in section 601(a) and the objec-  
24 tives identified in section 601(b).

1           (4) **DEADLINE FOR COMPLETION.**—Within 180  
2 days after the receipt of a Strategic Plan, or a revision  
3 to a Strategic Plan, the Chairman of the Council  
4 of Environmental Quality shall approve or dis-  
5 approve the Strategic Plan or revision. If the Chair-  
6 man disapproves the Strategic Plan or revision, the  
7 Chairman shall transmit to the Regional Coordina-  
8 tion Council that submitted the Strategic Plan or re-  
9 vision, an identification of the deficiencies and rec-  
10 ommendations to improve it. The Council shall sub-  
11 mit a revised Strategic Plan or revision to such plan  
12 with 180 days after receiving the recommendations  
13 from the Chairman.

14           (e) **PLAN REVISION.**—Each Strategic Plan shall be  
15 reviewed and revised by the relevant Regional Coordina-  
16 tion Council at least once every 5 years. Such review and  
17 revision shall be based on the most recently updated re-  
18 gional assessment. Any proposed revisions to the Strategic  
19 Plan shall be submitted to the Chairman of the Council  
20 on Environmental Quality for review and approval pursu-  
21 ant to this section.

22 **SEC. 604. REGULATIONS AND SAVINGS CLAUSE.**

23           (a) **REGULATIONS.**—The Chairman of the Council on  
24 Environmental Quality may issue such regulations as the

1 Chairman considers necessary to implement sections 601  
2 through 603.

3 (b) SAVINGS CLAUSE.—Nothing in this title shall be  
4 construed to affect existing authorities under Federal law.

5 **SEC. 605. OCEAN RESOURCES CONSERVATION AND ASSIST-**  
6 **ANCE FUND.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—There is established in the  
9 Treasury of the United States a separate account to  
10 be known as the Ocean Resources Conservation and  
11 Assistance Fund.

12 (2) CREDITS.—The ORCA Fund shall be cred-  
13 ited with amounts as specified in section 9 of the  
14 Outer Continental Shelf Lands Act (43 U.S.C.  
15 1338), as amended by section 207 of this Act.

16 (3) ALLOCATION OF THE ORCA FUND.—Of the  
17 amounts appropriated from the ORCA Fund each  
18 fiscal year—

19 (A) 70 percent shall be allocated to the  
20 Secretary, of which—

21 (i) one-half shall be used to make  
22 grants to coastal States and affected In-  
23 dian tribes under subsection (b); and

1                   (ii) one-half shall be used for the  
2                   ocean, coastal, and Great Lakes grants  
3                   program established by subsection (c);

4                   (B) 20 percent shall be allocated to the  
5                   Secretary to carry out the purposes of sub-  
6                   section (c); and

7                   (C) 10 percent shall be allocated to the  
8                   Secretary to make grants to Regional Ocean  
9                   Partnerships under subsection (d) and the Re-  
10                  gional Coordination Councils established under  
11                  section 602.

12                  (4) PROCEDURES.—The Secretary shall estab-  
13                  lish application, review, oversight, financial account-  
14                  ability, and performance accountability procedures  
15                  for each grant program for which funds are allo-  
16                  cated under this subsection.

17                  (b) GRANTS TO COASTAL STATES.—

18                   (1) GRANT AUTHORITY.—The Secretary may  
19                   use amounts allocated under subsection  
20                   (a)(3)(A)(I)(I) to make grants to—

21                   (A) coastal States pursuant to the formula  
22                   established under section 306(e) of the Coastal  
23                   Zone Management Act of 1972 (16 U.S.C.  
24                   1455(e)); and

1 (B) affected Indian tribes based on and  
2 proportional to any specific coastal and ocean  
3 management authority granted to an affected  
4 tribe pursuant to affirmation of a Federal re-  
5 served right.

6 (2) ELIGIBILITY.—To be eligible to receive a  
7 grant under this subsection, a coastal State or af-  
8 fected Indian tribe must prepare and revise a 5-year  
9 plan and annual work plans that—

10 (A) demonstrate that activities for which  
11 the coastal State or affected Indian tribe will  
12 use the funds are consistent with the eligible  
13 uses of the Fund described in subsection (f);  
14 and

15 (B) provide mechanisms to ensure that  
16 funding is made available to government, non-  
17 government, and academic entities to carry out  
18 eligible activities at the county and local level.

19 (3) APPROVAL OF STATE AND AFFECTED TRIB-  
20 AL PLANS.—

21 (A) IN GENERAL.—Plans required under  
22 paragraph (2) must be submitted to and ap-  
23 proved by the Secretary.

24 (B) PUBLIC INPUT AND COMMENT.—In de-  
25 termining whether to approve such plans, the

1 Secretary shall provide opportunity for, and  
2 take into consideration, public input and com-  
3 ment on the plans from stakeholders and the  
4 general public.

5 (5) ENERGY PLANNING GRANTS.—For each of  
6 the fiscal years 2011 through 2015, the Secretary  
7 may use funds allocated for grants under this sub-  
8 section to make grants to coastal States and affected  
9 tribes under section 320 of the Coastal Zone Man-  
10 agement Act of 1972 (16 U.S.C. 1451 et seq.), as  
11 amended by this Act.

12 (6) USE OF FUNDS.—Any amounts provided as  
13 a grant under this subsection, other than as a  
14 grants under paragraph (5), may only be used for  
15 activities described in subsection (f).

16 (c) OCEAN AND COASTAL COMPETITIVE GRANTS  
17 PROGRAM.—

18 (1) ESTABLISHMENT.—The Secretary shall use  
19 amounts allocated under subsection (a)(3)(A)(I)(II)  
20 to make competitive grants for conservation and  
21 management of ocean, coastal, and Great Lakes eco-  
22 systems and marine resources.

23 (2) OCEAN, COASTAL, AND GREAT LAKES RE-  
24 VIEW PANEL.—

1           (A) IN GENERAL.—The Secretary shall es-  
2           tablish an Ocean, Coastal, and Great Lakes Re-  
3           view Panel (in this subsection referred to as the  
4           “Panel”), which shall consist of 12 members  
5           appointed by the Secretary with expertise in the  
6           conservation and management of ocean, coastal,  
7           and Great Lakes ecosystems and marine re-  
8           sources. In appointing members to the Council,  
9           the Secretary shall include a balanced diversity  
10          of representatives of relevant Federal agencies,  
11          the private sector, nonprofit organizations, and  
12          academia.

13          (B) FUNCTIONS.—The Panel shall—

14               (i) review, in accordance with the pro-  
15               cedures and criteria established under  
16               paragraph (3), grant applications under  
17               this subsection;

18               (ii) make recommendations to the  
19               Secretary regarding which grant applica-  
20               tions should be funded and the amount of  
21               each grant; and

22               (iii) establish any specific require-  
23               ments, conditions, or limitations on a grant  
24               application recommended for funding.

1           (3) PROCEDURES AND ELIGIBILITY CRITERIA  
2 FOR GRANTS.—

3           (A) IN GENERAL.—The Secretary shall es-  
4 tablish—

5           (i) procedures for applying for a grant  
6 under this subsection and criteria for eval-  
7 uating applications for such grants; and

8           (ii) criteria, in consultation with the  
9 Panel, to determine what persons are eligi-  
10 ble for grants under the program.

11           (B) ELIGIBLE PERSONS.—Persons eligible  
12 under the criteria under subparagraph (A)(ii)  
13 shall include Federal, State, affected tribal, and  
14 local agencies, fishery or wildlife management  
15 organizations, nonprofit organizations, and aca-  
16 demic institutions.

17           (4) APPROVAL OF GRANTS.—In making grants  
18 under this subsection the Secretary shall give the  
19 highest priority to the recommendations of the  
20 Panel. If the Secretary disapproves a grant rec-  
21 ommended by the Panel, the Secretary shall explain  
22 that disapproval in writing.

23           (5) USE OF GRANT FUNDS.—Any amounts pro-  
24 vided as a grant under this subsection may only be  
25 used for activities described in subsection (f).

1 (d) GRANTS TO REGIONAL OCEAN PARTNERSHIPS.—

2 (1) GRANT AUTHORITY.—The Secretary may  
3 use amounts allocated under subsection (a)(3)(A)(iii)  
4 to make grants to Regional Ocean Partnerships.

5 (2) ELIGIBILITY.—In order to be eligible to re-  
6 ceive a grant, a Regional Ocean Partnership must  
7 prepare and annually revise a plan that—

8 (A) identifies regional science and informa-  
9 tion needs, regional goals and priorities, and  
10 mechanisms for facilitating coordinated and col-  
11 laborative responses to regional issues;

12 (B) establishes a process for coordinating  
13 and collaborating with the Regional Coordina-  
14 tion Councils established under section 602 to  
15 address regional issues and information needs  
16 and achieve regional goals and priorities; and

17 (C) demonstrates that activities to be car-  
18 ried out with such funds are eligible uses of the  
19 funds identified in subsection (f).

20 (3) APPROVAL BY SECRETARY.—Such plans  
21 must be submitted to and approved by the Sec-  
22 retary.

23 (4) PUBLIC INPUT AND COMMENT.—In deter-  
24 mining whether to approve such plans, the Secretary  
25 shall provide opportunity for, and take into consider-

1       ation, input and comment on the plans from stake-  
2       holders and the general public.

3           (5) USE OF FUNDS.—Any amounts provided as  
4       a grant under this subsection may only be used for  
5       activities described in subsection (f).

6       (e) LONG-TERM OCEAN AND COASTAL OBSERVA-  
7       TIONS.—

8           (1) IN GENERAL.—The Secretary shall use the  
9       amounts allocated under subsection (a)(3)(A)(ii) to  
10      build, operate, and maintain the system established  
11      under section 12304 of Public Law 111–11 (33  
12      U.S.C. 3603), in accordance with the purposes and  
13      policies for which the system was established.

14          (2) ADMINISTRATION OF FUNDS.—The Sec-  
15      retary shall administer and distribute funds under  
16      this subsection based upon comprehensive system  
17      budgets adopted by the Council referred to in section  
18      12304(e)(1)(A) of the Integrated Coastal and Ocean  
19      Observation System Act of 2009 (33 U.S.C.  
20      3603(e)(1)(A)).

21       (f) ELIGIBLE USE OF FUNDS.—Any funds made  
22      available under this section may only be used for activities  
23      that contribute to the conservation, protection, mainte-  
24      nance, and restoration of ocean, coastal, and Great Lakes  
25      ecosystems in a manner that is consistent with Federal

1 environmental laws and that avoids environmental deg-  
2 radation, including—

3           (1) activities to conserve, protect, maintain, and  
4           restore coastal, marine, and Great Lakes ecosystem  
5           health;

6           (2) activities to protect marine biodiversity and  
7           living marine and coastal resources and their habi-  
8           tats, including fish populations;

9           (3) the development and implementation of  
10          multiobjective, science- and ecosystem-based plans  
11          for monitoring and managing the wide variety of  
12          uses affecting ocean, coastal, and Great Lakes eco-  
13          systems and resources that consider cumulative im-  
14          pacts and are spatially explicit where appropriate;

15          (4) activities to improve the resiliency of those  
16          ecosystems;

17          (5) activities to improve the ability of those eco-  
18          systems to become more resilient, and to adapt to  
19          and withstand the impacts of climate change and  
20          ocean acidification;

21          (6) planning for and managing coastal develop-  
22          ment to minimize the loss of life and property asso-  
23          ciated with sea level rise and the coastal hazards re-  
24          sulting from it;

1           (7) research, education, assessment, monitoring,  
2           and dissemination of information that contributes to  
3           the achievement of these purposes;

4           (8) research of, protection of, enhancement to,  
5           and activities to improve the resiliency of culturally  
6           significant areas and resources; and

7           (9) activities designed to rescue, rehabilitate,  
8           and recover injured marine mammals, marine birds,  
9           and sea turtles.

10          (g) DEFINITIONS.—In this section:

11           (1) ORCA FUND.—The term “ORCA Fund”  
12           means the Ocean Resources Conservation and As-  
13           sistance Fund established by this section.

14           (2) SECRETARY.—Notwithstanding section 3,  
15           the term “Secretary” means the Secretary of Com-  
16           merce.

17          **SEC. 606. WAIVER.**

18           The Federal Advisory Committee Act (5 U.S.C. App.)  
19           shall not apply to the Regional Coordination Councils es-  
20           tablished under section 602.

