

118TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Ms. MURKOWSKI (for herself, Mr. WHITEHOUSE, Ms. COLLINS, Mr. PETERS, Mr. SULLIVAN, Mr. KING, Mr. MARKEY, Mr. BLUMENTHAL, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

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

8 (1) by striking paragraph (4);

9 (2) by redesignating paragraphs (2), (3), and
10 (5) as paragraphs (4), (5), and (6) respectively;

11 (3) by inserting after paragraph (1) the fol-
12 lowing:

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

17 “(3) NATIVE HAWAIIAN ORGANIZATION.—The
18 term ‘Native Hawaiian organization’ has the mean-
19 ing given that term in section 3 of the NATIVE Act
20 (25 U.S.C. 4352).”;

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

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

25 “(7) SUBCOMMITTEE.—The term ‘Sub-
26 committee’ means the National Science and Tech-

1 nology Council Subcommittee on Ocean Science and
2 Technology.

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

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

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

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

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

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

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

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

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

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

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

16 “(G) Two representatives from Indian
17 Tribes, Native Hawaiian organizations, Tribal
18 organizations, and Tribal consortia affected by
19 ocean acidification and coastal acidification.”;
20 and

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

24 (c) APPOINTMENT OF ADVISORY BOARD MEM-
25 BERS.—Section 12404(c)(4)(C) of the Federal Ocean

1 Acidification Research And Monitoring Act of 2009 (33
2 U.S.C. 3703(c)(4)(C)) is amended by striking “State and
3 local” and inserting “State, local, and Indigenous”.

4 (d) ENGAGEMENT AND COORDINATION WITH INDIAN
5 TRIBES.—Paragraph (9) of section 12404(c) of the Fed-
6 eral Ocean Acidification Research And Monitoring Act of
7 2009 (33 U.S.C. 3703(c)) is amended to read as follows:

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

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

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

22 (e) COLLABORATION ON VULNERABILITY ASSESS-
23 MENTS, RESEARCH PLANNING, AND SIMILAR ACTIVI-
24 TIES.—Section 12404(e)(4)(A) of the Federal Ocean

1 Acidification Research And Monitoring Act of 2009 (33
2 U.S.C. 3703(e)(4)(A)) is amended—

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

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

6 “(ix) identifies the efforts of the Sec-
7 retary to collaborate with State and local
8 governments, Indian Tribes, and Native
9 Hawaiian organizations on community vul-
10 nerability assessments, research planning,
11 and similar activities, pursuant to section
12 12406(e);”.

13 (f) CONTENTS OF STRATEGIC RESEARCH PLAN.—

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

17 (1) in paragraph (10), by striking “section
18 12404(c)(4)” and inserting “section 12404(e)(4)”;
19 and

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

1 tion networks, fishery management councils and
2 commissions, Indigenous groups, non-Federal re-
3 source managers, and scientific experts not employed
4 by the Federal Government”.

5 (g) IMPROVING COLLABORATION ON NOAA OCEAN
6 ACIDIFICATION ACTIVITIES.—Section 12406 of the Fed-
7 eral Ocean Acidification Research And Monitoring Act of
8 2009 (33 U.S.C. 3705) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

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

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

16 (iii) in subparagraph (F), by striking
17 “Tribal governments” and inserting “In-
18 dian Tribes, Native Hawaiian organiza-
19 tions”; and

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

1 members, coastal stakeholders, community
2 acidification networks, fishery management
3 councils and commissions, Indigenous groups,
4 non-Federal resource managers, and scientific
5 experts not employed by the Federal Govern-
6 ment”;

7 (2) in subsection (c)—

8 (A) in paragraph (1), by striking “State,
9 local, and Tribal governments” and inserting
10 “State and local governments, Indian Tribes,”;
11 and

12 (B) in paragraph (2)—

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

15 (ii) by redesignating subparagraph
16 (B) as subparagraph (C);

17 (iii) by inserting after subparagraph
18 (A) the following:

19 “(B) on ocean acidification and coastal
20 acidification research, data, and monitoring
21 from affected industry members, coastal stake-
22 holders, community acidification networks, fish-
23 ery management councils and commissions, In-
24 digenous groups, non-Federal resource man-

1 agers, and scientific experts not employed by
2 the Federal Government; or”); and

3 (iv) in subparagraph (C), as redesign-
4 nated by clause (ii), by striking “State
5 governments, local governments, Tribal
6 governments” and inserting “State and
7 local governments, Indian Tribes”;

8 (3) in subsection (d)(1)(C), by striking “Tribes
9 or Tribal governments” and inserting “Indian
10 Tribes, Native Hawaiian organizations, Tribal orga-
11 nizations, and Tribal consortia”); and

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

13 “(e) BETTER COLLABORATION ON VULNERABILITY
14 ASSESSMENTS, RESEARCH PLANNING, AND SIMILAR AC-
15 TIVITIES.—

16 “(1) IN GENERAL.—In carrying out the pro-
17 gram under subsection (a), and in support of vulner-
18 ability assessments transmitted under section
19 12404(e)(4) and recommendations included in the
20 strategic research plan described in section
21 12405(b)(10), the Secretary shall build upon exist-
22 ing activities and collaborate with State and local
23 governments and Indian Tribes that are conducting
24 or have completed vulnerability assessments, re-
25 search planning, climate action plans, or other simi-

1 lar activities related to ocean acidification and coast-
2 al acidification and the impacts of ocean acidifica-
3 tion and coastal acidification on coastal commu-
4 nities, for the purpose of—

5 “(A) supporting collaborative interagency
6 relationships and information sharing at the
7 State, local, and Tribal levels; and

8 “(B) assisting State and local governments
9 and Indian Tribes in—

10 “(i) improving existing systems and
11 programs to better address ocean acidifica-
12 tion and coastal acidification; and

13 “(ii) identifying whether such activi-
14 ties can be used as a model for other com-
15 munities.

16 “(2) NATIVE HAWAIIAN ORGANIZATIONS, TRIB-
17 AL ORGANIZATIONS, AND TRIBAL CONSORTIA.—In
18 carrying out the program under subsection (a), and
19 in support of vulnerability assessments transmitted
20 under section 12404(e)(4) and recommendations in-
21 cluded in the strategic research plan described in
22 section 12405(b)(10), the Secretary may build upon
23 existing activities and collaborate with Native Ha-
24 waiian organizations, Tribal organizations, and Trib-
25 al consortia that are conducting or have completed

1 vulnerability assessments, research planning, climate
2 action plans, or other similar activities related to
3 ocean acidification and coastal acidification and the
4 impacts of ocean acidification and coastal acidifica-
5 tion on coastal communities.

6 “(3) PRIORITY.—In carrying out paragraphs
7 (1) and (2), the Secretary shall prioritize under-
8 served populations and entities in the use of re-
9 sources of the National Oceanic and Atmospheric
10 Administration.”.

11 **SEC. 4. TECHNICAL CORRECTIONS.**

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

14 (1) in section 12402 (33 U.S.C. 3701)—

15 (A) in paragraph (1), by striking “develop-
16 ment coordination and implementation” and in-
17 serting “development, coordination, and imple-
18 mentation”; and

19 (B) in paragraph (4), by striking “research
20 adaptation strategies and mitigating the im-
21 pacts” and inserting “research on adaptation
22 strategies and mitigation of the impacts”;

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

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

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