

118TH CONGRESS  
1ST SESSION

# S. 1808

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.

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IN THE SENATE OF THE UNITED STATES

JUNE 6, 2023

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 Commerce, Science, and Transportation

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## 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”.

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