

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 729) TO AMEND THE
COASTAL ZONE MANAGEMENT ACT OF 1972 TO AUTHORIZE GRANTS TO
INDIAN TRIBES TO FURTHER ACHIEVEMENT OF TRIBAL COASTAL ZONE
OBJECTIVES, AND FOR OTHER PURPOSES

DECEMBER 9, 2019.—Referred to the House Calendar and ordered to be printed

Mr. MORELLE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 748]

The Committee on Rules, having had under consideration House Resolution 748, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 729, the Tribal Coastal Resiliency Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–40 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in this report and amendments en bloc described in section 3 of the resolution. Each amendment printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report or amendments en bloc described in section 3 of the resolution. Section 3 of the resolution provides that the chair of the Committee on Natural Resources or his designee may offer amendments en bloc consisting of amendments printed

in this report not earlier disposed of. Amendments en bloc shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee Natural Resources or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes waivers of the following:

Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.

Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.

The waiver of all points of order against provisions in the bill includes a waiver of clause 4 of rule XXI, which prohibits reporting a bill carrying an appropriation from a committee not having jurisdiction to report an appropriation.

Although the resolution waives all points of order against the amendments printed in this report or amendments en bloc described in section 3, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS TO H.R. 729 MADE IN ORDER

1. Hastings (FL): Expands the list of eligible activities for the award of Coastal Climate Change Adaptation Project Implementation Grants to include projects to address the immediate and long-term degradation or loss of coral and coral reefs. (10 minutes)

2. Hastings (FL): Includes coral reefs as eligible under the National Fish Habitat Conservation Through Partnerships program. (10 minutes)

3. Morelle (NY): Ensure that up to 5 percent of the funds appropriated under this section will be used by the Secretary to provide technical assistance, which will help accelerate early-stage resources and planning assistance for communities. (10 minutes)

4. Brown (MD): Authorizes the NOAA Administrator to award grants to eligible entities for collaborative research projects on the conservation, restoration, or management of oysters in the Chesapeake Bay. (10 minutes)

5. McEachin (VA): Includes communities that may not have the resources necessary to prepare for or respond to coastal hazards to the list of priority areas the NOAA Administrator shall consider when determining living shoreline projects to receive federal grants. These communities include low-income communities, communities of color, Tribal communities, and rural communities. (10 minutes)

6. Huizenga (MI): Requires no less than 10 percent of the funds awarded under the Living Shoreline grant program be available to projects located within the Great Lakes. (10 minutes)

7. Lipinski (IL): Requires that climate change adaptation plans for Great Lakes coastal states shall include adaptive management strategies for Great Lakes ecosystems and resources. (10 minutes)

8. Katko (NY), Brindisi (NY), Morelle (NY), Stefanik (NY): Adds research on harmful algal bloom development to U.S. Geological Survey research conducted under H.R. 729. (10 minutes)

9. Katko (NY), Brindisi (NY), Morelle (NY): Provides grant eligibility under H.R. 729 to projects that assess the impact of water level regulating practices on the Great Lakes on coastal resiliency. (10 minutes)

10. Moore (WI): Amend the Climate Change Adaption program to add invasive species as a target of the adaptive management strategies to be included in the plans and to require such proposals to describe how they will involve and address concerns regarding the impact of climate change in coastal communities on nearby tribes and low-income and low-resource communities. (10 minutes)

11. Moore (WI): Amends the Living Shoreline Grant Program to require plans to include an education and outreach component for the community stakeholders most affected by the proposal and to add tribes and tribal organizations to the list that the Administrator may consult with in developing program standards. (10 minutes)

12. Crist (FL), Rooney (FL), Bonamici (OR), Kaptur (OH), Hastings (FL): Clarifies that Section 323, the Climate Change Adaptation Preparedness and Response Program, includes projects to address harmful algal blooms. (10 minutes)

13. Higgins, Brian (NY): Directs USGS research to include the impacts of harmful algal blooms, nutrient pollution, and dead zones on Great Lakes fisheries. (10 minutes)

14. Panetta (CA), Waltz (FL): Adds a finding that collaborations and partnerships between institutions of higher education and Federal agencies help ensure digital data focused on coastal management issues are communicated effectively between such entities. (10 minutes)

15. Speier (CA), Huffman (CA): Specifies that “built and natural environments” in terms of infrastructure would include sea walls and living shorelines. (10 minutes)

16. Bonamici (OR), Crist (FL): Adds studying coastal acidification and hypoxia as allowable activities through the Coastal Climate Change Adaptation Project Implementation Grant program. (10 minutes)

17. Bonamici (OR): Directs NOAA to enter into an agreement with the National Academy of Sciences to assess the need for and feasibility of establishing an Advanced Research Projects Agency-Oceans (ARPA-O). (10 minutes)

18. Kildee (MI): Requires NOAA to update the Environmental Sensitivity Index for the Great Lakes every seven years. (10 minutes)

19. Plaskett (VI): Permits a waiver of certain non-Federal contribution requirements for a fish habitat conservation project at the discretion of the Secretary. (10 minutes)

20. Jayapal (WA), Haaland (NM): Amends the legislation to increase the membership of the Fish Habitat Board by one seat to provide an additional seat for tribal representation. (10 minutes)

21. Jayapal (WA): Amends the legislation to ensure that grant funds awarded through the Living Shoreline Grant Program may be used to incentivize landowners to engage in living shoreline projects. (10 minutes)

22. Jayapal (WA): Amends the legislation to ensure that in developing minimum standards to be used in selecting eligible entities to receive grants under the Living Shoreline Grant Program, the Administrator considers entities with systems to disburse funding from a single grant to support multiple small-scale projects. (10 minutes)

23. Mucarsel-Powell (FL): Ensures that corals are included as a natural element eligible for grants provided for by the Living Shoreline Grant Program. (10 minutes)

24. Levin, Andy (MI): Specifies avian habitat protection and restoration projects as eligible activities to be considered for the Coastal Climate Change Adaptation Project Implementation grants in this bill. (10 minutes)

25. Levin, Andy (MI): Adds research into the effects of PFAS chemicals, mercury, and other contaminants on fisheries and fishery ecosystems to the list of research activities that may be conducted in the Great Lakes Basin by the U.S. Fish and Wildlife Service. (10 minutes)

26. Luria (VA): Directs NOAA to consider the potential of a living shoreline project to support the resiliency of military communities when developing criteria for grant applications. (10 minutes)

27. Rouda (CA): Adds a new section to the bill for a prize competition to stimulate innovation to advance coastal risk and resilience measures. (10 minutes)

28. Rouda (CA): Adds a new section to the bill that would require the development of a catalog of research on applicable coastal risk reduction and resilience measures. (10 minutes)

29. Johnson, Mike (LA): Amends the Marine Mammal Protection Act of 1972 to limit the scope of the moratorium on taking and importing marine mammals and marine mammal products, and revises the requirements for obtaining an authorization for incidentally taking by harassment marine mammals. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 729 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 49, after line 24, insert the following:

(G) Activities or projects to address the immediate and long-term degradation or loss of coral and coral reefs in response to bacteria, fungi, viruses, increased sea surface temperatures, ultraviolet radiation, and pollutants.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 66, line 4, insert “coral reefs,” after “environments,”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MORELLE OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 35, line 4, strike “may” and insert “shall”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 92, after line 7, insert the following:

Subtitle C—Chesapeake Bay Oyster Research

SEC. 218. SENSE OF CONGRESS.

It is the sense of Congress that the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall be the primary representative of the Administration in the Chesapeake Bay.

SEC. 219. GRANTS FOR RESEARCHING OYSTERS IN THE CHESAPEAKE BAY.

(a) ESTABLISHMENT.—The Secretary of the Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish a grant program (in this section referred to as the “Program”) under which the Secretary shall award grants to eligible entities for the purpose of conducting research on the conservation, restoration, or management of oysters in the Chesapeake Bay.

(b) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) ALLOCATION OF GRANT FUNDS.—

(1) IN GENERAL.—The Secretary shall award a grant under the Program to eligible entities that submit an application under subsection (b).

(2) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the total amount of Federal funding received under the Program by an eligible entity may not exceed 85 percent of the total cost of the research project for which the funding was awarded. For the purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Secretary may waive all or part of the requirement in subparagraph (A) if the Secretary determines that no reasonable means are available through which an eligible entity applying for a grant under this section can meet such requirement and the probable benefit of such research project outweighs the public interest in such requirement.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) ACADEMIC COMMUNITY.—The term “academic community” means faculty, researchers, professors, and representatives of State-accredited colleges and universities.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a member of the academic community, the seafood industry, a relevant nonprofit organization, or a relevant State agency, that is proposing or conducting a research project on the conservation, restoration, or management of oysters in the Chesapeake Bay developed through consultation with a member of the academic community, a member of the seafood industry, a relevant nonprofit organization, or a relevant State agency.

(3) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(4) SEAFOOD INDUSTRY.—The term “seafood industry” means shellfish growers, shellfish harvesters, commercial fishermen, and recreational fishermen.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$2,000,000 for each of the fiscal years 2020 through 2025 to carry out this section.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE McEACHIN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, line 5, strike “or”.

page 10, line 8, strike the period and insert “; or”

(C) which include communities that may not have adequate resources to prepare for or respond to coastal hazards, including low income communities, communities of color, Tribal communities, and rural communities.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUIZENGA OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, after line 2, insert the following:

(h) MINIMUM REQUIRED FUNDS FOR SHORELINE PROJECTS LOCATED WITHIN THE GREAT LAKES.—The Secretary shall make not less than 10 percent of the funds awarded under this section to projects located in the Great Lakes.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LIPINSKI OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 45, line 25, insert after subparagraph (C) the following:

(C) Adaptive management strategies for Great Lakes ecosystems and resources, including strategies to support freshwater fisheries, monitor ice cover, manage phosphorous and nitrogen chemical loads, minimize invasive species and harmful blooms of algae, and create protected areas to maintain Great Lakes ecosystems.

Page 46, lines 1 and 7, redesignate subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KATKO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 91, after line 14, insert the following:

(7) harmful algal bloom development research;

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KATKO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 49, after line 24, insert the following:

(G) Projects to assess the impact on coastal resiliency of water level regulating practices on the Great Lakes.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 45, line 15, insert “combat invasive species,” after “strategies to”.

Page 46, after line 6, insert the following:

(E) A description of how the plan will address the impact of climate change affecting coastal communities will have on nearby Tribes, Tribal communities, and low-income or low-resource communities and how those stakeholders will be included in and informed about the development of the plan.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 7, line 17, strike “and”.

Page 7, line 23, strike the period and insert “; and”

(3) include an outreach or education component that seeks and solicits feedback from the local or regional community most directly affected by the proposal.

Page 11, after line 6, insert the following:

(II) Tribes and Tribal organizations;

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRIST OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 48, lines 19–20, insert “harmful algal blooms,” after “ocean acidification,”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HIGGINS OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 91, after line 14, insert the following:

(7) research on the impacts of harmful algal blooms, nutrient pollution, and dead zones on Great Lakes fisheries;

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PANETTA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 92, after line 23, insert the following:

(3) Collaborations and partnerships between institutions of higher education and Federal agencies help ensure digital data focused on coastal management issues are communicated effectively between such entities.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPEIER OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 49, line 19, insert “, such as sea walls and living shorelines” after “environment”.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BONAMICI OF OREGON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 48, line 19, insert “coastal acidification, hypoxia,” after “acidification,”.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BONAMICI OF OREGON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title III, insert the following:

SEC. 307. ADVANCED RESEARCH PROJECTS AGENCY-OCEANS.

(a) AGREEMENT.—Not later than 45 days after the date of the enactment of this section, the Administrator shall seek to enter into an agreement with the National Academy of Sciences to conduct the comprehensive assessment under subsection (b).

(b) COMPREHENSIVE ASSESSMENT.—

(1) IN GENERAL.—Under an agreement between the Administrator and the National Academy of Sciences under this section, the National Academy of Sciences shall conduct a comprehensive assessment of the need for and feasibility of establishing an Advanced Research Projects Agency–Oceans (ARPA–O).

(2) ELEMENTS.—The comprehensive assessment carried out pursuant to paragraph (1) shall include—

(A) an assessment of how an ARPA–O could help overcome the long-term and high-risk technological barriers in the development of ocean technologies, with the goal of enhancing the economic, ecological, and national security of the United States through the rapid development of technologies that result in—

(i) improved data collection, monitoring, and prediction of the ocean environment, including sea ice conditions;

(ii) overcoming barriers to the application of new and improved technologies, such as high costs and scale of operational missions;

(iii) improved management practices for protecting ecological sustainability;

(iv) improved national security capacity;

(v) improved technology for fishery population assessments;

(vi) expedited processes between and among Federal agencies to successfully identify, transition, and co-

ordinate research and development output to operations, applications, commercialization, and other uses; and

(vii) ensuring that the United States maintains a technological lead in developing and deploying advanced ocean technologies;

(B) an evaluation of the organizational structures under which an ARPA-O could be organized, which takes into account—

(i) best practices for new research programs;

(ii) metrics and approaches for periodic program evaluation;

(iii) capacity to fund and manage external research awards; and

(iv) options for oversight of the activity through a Federal agency, an interagency organization, non-governmental organization, or other institutional arrangement; and

(C) an estimation of the scale of investment necessary to pursue high priority ocean technology projects.

(c) **REPORT.**—Not later than 18 months after the date of the enactment of this section, the Administrator shall submit to Congress a report on the comprehensive assessment conducted under subsection (b).

(d) **DEFINITIONS.**—In this section, the term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILDEE OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, insert the following:

SEC. 108. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) **UPDATE REQUIRED ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) **PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.**—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) **PRIORITIES.**—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environment; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this subsection, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary \$7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PLASKETT OF VIRGIN ISLANDS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 75, lines 7-8, strike “paragraph (2)” and insert “paragraphs (2) and (4)”.

Page 75, after line 25, insert the following:

(4) WAIVER AUTHORITY.—The Secretary, in consultation with the Secretary of Commerce with respect to marine or estuarine projects, may waive the application of paragraph (2)(A) with respect to a State or an Indian Tribe, or otherwise reduce the portion of the non-Federal share of the cost of an activity required to be paid by a State or an Indian Tribe under paragraph (1), if the Secretary determines that the State or Indian Tribe does not have sufficient funds not derived from another Federal grant program to pay such non-Federal share, or portion of the non-Federal share, without the use of loans.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JAYAPAL OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 55, line 25, strike “25” and insert “26”.

Page 56, line 16, strike “1 shall be a representative” and insert “2 shall be representatives”.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JAYAPAL OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, line 16, strike “and”.

Page 11, line 20, strike the period and insert “; and”

(3) to incentivize landowners to engage in living shoreline projects.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JAYAPAL OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, line 15, strike “and”.

Page 10, line 18, strike the period and insert “; and”.

Page 10, after line 19, insert the following:

(iii) the consideration of an established eligible entity program with systems to disburse funding from a single grant to support multiple small-scale projects.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MUCARSEL-POWELL OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, line 6, insert “corals,” after “submerged aquatic plants,”.

Page 17, line 18, insert “corals,” after “submerged aquatic vegetation,”

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEVIN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 49, line 1, insert “, avian,” after “marine”.

Page 49, line 5, insert “, avian,” after “fish”.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEVIN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 91, after line 14, insert the following:

(7) research into the affects of per- and polyfluoroalkyl substances, mercury, and other contaminants on fisheries and fishery ecosystems;

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LURIA OF VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 24, strike “and”.

Page 9, line 18, strike the period and insert “; and”.

Page 9, line 19, insert “(E) the potential of the project to support resiliency at a military installation or community infrastructure supportive of a military installation (as such terms are defined in section 2391 of title 10, United States Code).”

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROUDA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 50, after line 24, insert the following:

SEC. 107. PRIZE COMPETITIONS.

(a) IN GENERAL.—The Secretary may carry out a program to award prizes competitively under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), for the purpose described in subsection (b).

(b) PURPOSE.—The purpose described in this subsection is to stimulate innovation to advance the following coastal risk reduction and resilience measures:

- (1) Natural features, including dunes, reefs, and wetlands.
- (2) Nature-based features, including beach nourishment, dune restoration, wetland and other coastal habitat restoration, and living shoreline construction.
- (3) Nonstructural measures, including flood proofing of structures, flood warning systems, and elevated development.

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROUDA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 50, after line 24, insert the following:

SEC. 107 CATALOG OF RESEARCH ON APPLICABLE COASTAL RISK REDUCTION AND RESILIENCE MEASURES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, acting through the Administrator, shall—

- (1) identify all Department of Commerce research activities regarding applicable coastal risk reduction and resilience measures;
- (2) consult with the heads of other Federal agencies to identify what activities, if any, those Federal agencies are conducting regarding applicable coastal risk reduction and resilience measures;
- (3) evaluate the effectiveness of the activities identified under paragraphs (1) and (2); and
- (4) appoint one or more officers or employees of the National Oceanic and Atmospheric Administration to liaise with non-Federal entities conducting research related to applicable coastal risk reduction and resilience measures in order to eliminate redundancies, cooperate for common climate research goals, and to make research findings readily available to the public.

(b) DEFINITION OF APPLICABLE COASTAL RISK REDUCTION AND RESILIENCE MEASURES.—In this section, the term “applicable coastal risk reduction and resilience measures” means natural features, nature-based features, or nonstructural measures.

29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE V—STREAMLINING ENVIRONMENTAL APPROVALS

SEC. 501. ADDRESSING PERMITS FOR TAKING OF MARINE MAMMALS.

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(D)) is amended as follows:

- (1) In clause (i)—
 - (A) by striking “citizens of the United States” and inserting “persons”;
 - (B) by striking “within a specific geographic region”;
 - (C) by striking “of small numbers”;

(D) by striking “such citizens” and inserting “such persons”; and

(E) by striking “within that region”.

(2) In clause (ii)—

(A) in subclause (I), by striking “, and other means of effecting the least practicable impact on such species or stock and its habitat”;

(B) in subclause (III), by striking “requirements pertaining to the monitoring and reporting of such taking by harassment, including” and inserting “efficient and practical requirements pertaining to the monitoring of such taking by harassment while the activity is being conducted and the reporting of such taking, including, as the Secretary determines necessary,”; and

(C) by adding at the end the following:

“Any condition imposed pursuant to subclause (I), (II), or (III) may not result in more than a minor change to the specified activity and may not alter the basic design, location, scope, duration, or timing of the specified activity.”

(3) In clause (iii), by striking “receiving an application under this subparagraph” and inserting “an application is accepted or required to be considered complete under subclause (I)(aa), (II)(aa), or (IV) of clause (viii), as applicable,”.

(4) In clause (vi), by striking “a determination of ‘least practicable adverse impact on such species or stock’ under clause (i)(I)” and inserting “conditions imposed under subclause (I), (II), or (III) of clause (ii)”.

(5) By adding at the end the following:

“(viii)(I) The Secretary shall—

“(aa) accept as complete a written request for authorization under this subparagraph for incidental taking described in clause (i), by not later than 45 days after the date of submission of the request; or

“(bb) provide to the requester, by not later than 15 days after the date of submission of the request, a written notice describing any additional information required to complete the request.

“(II) If the Secretary provides notice under subclause (I)(bb), the Secretary shall, by not later than 30 days after the date of submission of the additional information described in the notice—

“(aa) accept the written request for authorization under this subparagraph for incidental taking described in clause (i); or

“(bb) deny the request and provide the requester a written explanation of the reasons for the denial.

“(III) The Secretary may not make a second request for information, request that the requester withdraw and resubmit the request, or otherwise delay a decision on the request.

“(IV) If the Secretary fails to respond to a request for authorization under this subparagraph in the manner provided in subclause (I) or (II), the request shall be considered to be complete.

“(ix)(I) At least 90 days before the expiration of any authorization issued under this subparagraph, the holder of such authorization may apply for a one-year extension of such authorization. The Secretary shall grant such extension within 14 days after the date of such request on the same terms and without further review if there

has been no substantial change in the activity carried out under such authorization nor in the status of the marine mammal species or stock, as applicable, as reported in the final annual stock assessment reports for such species or stock.

“(II) In subclause (I) the term ‘substantial change’ means a change that prevents the Secretary from making the required findings to issue an authorization under clause (i) with respect to such species or stock.

“(III) The Secretary shall notify the applicant of such substantial changes with specificity and in writing within 14 days after the applicant’s submittal of the extension request.

“(x) If the Secretary fails to make the required findings and, as appropriate, issue the authorization within 120 days after the application is accepted or required to be considered complete under subclause (I)(aa), (II)(aa), or (III) of clause (viii), as applicable, the authorization is deemed to have been issued on the terms stated in the application and without further process or restrictions under this Act.”.

SEC. 502. REMOVING DUPLICATIONS.

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)(D)), as amended, is further amended by adding at the end the following:

“(xi) Any taking of a marine mammal in compliance with an authorization under this subparagraph is exempt from the prohibition on taking in section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1538). Any Federal agency authorizing, funding, or carrying out an action that results in such taking, and any agency action authorizing such taking, is exempt from the requirement to consult regarding potential impacts to marine mammal species or designated critical habitat under section 7(a)(2) of such Act (16 U.S.C. 1536(a)(2)).”.