

REGIONAL OCEAN PARTNERSHIP ACT

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R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 2166



DECEMBER 19, 2019.—Ordered to be printed

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### REGIONAL OCEAN PARTNERSHIP ACT

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DECEMBER 19, 2019.—Ordered to be printed

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Mr. WICKER, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany S. 2166]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2166) to designate Regional Ocean Partnerships of the National Oceanic and Atmospheric Administration, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of S. 2166, the Regional Ocean Partnerships Act, is to give authority to the Governor or Governors of coastal state(s) to apply to the Secretary of Commerce for designation as a Regional Ocean Partnership; designate the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council, and the West Coast Ocean Alliance as Regional Ocean Partnerships; and define the functions of Regional Ocean Partnerships.

#### BACKGROUND AND NEEDS

In the United States, the ocean and Great Lakes economy accounted for 3.2 million jobs and produced \$320 billion, or 1.8 percent of total U.S. gross domestic product (GDP), in goods and services in 2015.<sup>1</sup> Over 40 percent of all Americans currently live in coastal regions, and these regions account for nearly half of total

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<sup>1</sup>National Oceanic and Atmospheric Administration, Office for Coastal Management, "NOAA Report on the U.S. Ocean and Great Lakes Economy," 2018 (<http://coast.noaa.gov/digitalcoast/training/econreport.html>) (accessed March 21, 2019).

economic productivity in the United States,<sup>2</sup> with 3.2 million employees working in 152,000 businesses in the ocean and Great Lakes economy, earning \$128 billion in wages as of 2015.<sup>3</sup>

Coastal and ocean management issues frequently cross State boundaries and require regional coordination. The Regional Ocean Partnerships (ROPs) are voluntarily convened by State Governors in collaboration with local and Federal Government partners and stakeholders to address ocean and coastal issues of common concern for the region. There are currently four ROPs, located in the Northeast, Mid-Atlantic, Gulf of Mexico, and the West Coast. ROPs provide a State-led model for coordinated ocean and coastal resource management, and present opportunities for increased efficiency, cost-effectiveness and more robust ecosystem-based approaches to the way the nation engages the ocean and its many stakeholder groups. They leverage existing State and Federal resources, knowledge, and partnerships to build a stronger base of information and experience to make well-informed decisions about the use of ocean resources.

Several of the ROPs have established Ocean Data Portals, which link existing data systems together to provide an easy-to-use gateway to discover ocean and coastal data. Coastal decision-makers, researchers, and stakeholders use the portals to access data and decision-support tools they need to understand and address high-priority regional issues. These regional data portals work with the national-level data portal,<sup>4</sup> called the Marine Cadastre, to provide national-level data and identify multi-use areas for siting projects, identifying compatibility, and providing data to support ocean action plans. The portals may also contain data specific to a region such as State-created recreational data.

In 2000, Congress passed the Oceans Act,<sup>5</sup> in recognition of the importance of and the challenges to the oceans and the coasts. Pursuant to that Act, President Bush appointed a 16-member U.S. Commission on Ocean Policy, which submitted its report, “An Ocean Blueprint for the 21st Century,” to the President and Congress.<sup>6</sup> A key recommendation of the Ocean Commission was that a National Ocean Council should support voluntary establishment of regional ocean councils in order to improve Federal agency coordination at the regional level and develop and disseminate regionally important data that would be useful for ecosystem management.<sup>7</sup>

Following the recommendations, the regions began to organize. The Gulf of Mexico Alliance started in 2004 and includes the States of Alabama, Florida, Louisiana, Mississippi, and Texas. Its mission is to enhance the ecological and economic health of the Gulf of Mexico through increased regional collaboration.<sup>8</sup> The Northeast Regional Ocean Council was formed in 2005 by the Governors of

<sup>2</sup>NOAA Digital Coast, “Socioeconomic Data Summary” (<https://coast.noaa.gov/data/digitalcoast/pdf/socioeconomic-data-summary.pdf>) (accessed March 21, 2019).

<sup>3</sup>National Oceanic and Atmospheric Administration, Office for Coastal Management, “NOAA Report on the U.S. Ocean and Great Lakes Economy,” 2018 (<http://coast.noaa.gov/digitalcoast/training/econreport.html>) (accessed March 21, 2019).

<sup>4</sup>“About MarineCadastre.gov” (<https://marinecadastre.gov/about/>) (accessed July 19, 2019).

<sup>5</sup>Pub. L. 106–256.

<sup>6</sup>See “About the Commission” (<http://govinfo.library.unt.edu/oceancommission/commission/welcome.html>) (accessed September 16, 2019).

<sup>7</sup>See Chapter 5, “An Ocean Blueprint for the 21st Century” ([http://govinfo.library.unt.edu/oceancommission/documents/full\\_color\\_rpt/000\\_ocean\\_full\\_report.pdf](http://govinfo.library.unt.edu/oceancommission/documents/full_color_rpt/000_ocean_full_report.pdf)).

<sup>8</sup>Gulf of Mexico Alliance (<https://gulfofmexicoalliance.org/>) (accessed July 19, 2019).

the New England States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut to serve as a forum for the development of goals and priorities and address regional coastal and ocean management challenges with creative solutions.<sup>9</sup>

In June 2009, President Obama issued a memorandum establishing an Interagency Ocean Policy Task Force to develop recommendations regarding a coordinated national ocean policy, improved stewardship, and coastal and marine spatial planning.<sup>10</sup>

The same month, the Governors of Virginia, Maryland, Delaware, New Jersey, and New York signed an agreement to enhance the vitality of the Mid-Atlantic’s ocean ecosystem and economy by identifying four regional priorities for shared action to improve ocean health and contribute to the quality of life and economic vitality of the region.<sup>11</sup>

In 2010, the Interagency Ocean Policy Task Force released its recommendations. Chief among them was that nine regional planning bodies should be formed to—among other things—aggregate and coordinate development of regional coastal and marine spatial plans.<sup>12</sup> President Obama formally adopted these recommendations in a July 19, 2010 Executive order.<sup>13</sup>

Though the National Ocean Policy espoused laudable goals, it faced political backlash due to concerns regarding separation of powers. In response, Congress enacted several appropriations provisions barring funding to be expended on implementation of the policy. One inadvertent result was that the existing regional bodies (Gulf of Mexico Alliance, Northeast Regional Council, and the Mid-Atlantic Regional Ocean Council) lost all funding related to the National Ocean Policy.

In the years since, there has been interest among the regional bodies and on Capitol Hill in differentiating the conflict regarding a broad and sweeping national ocean policy and the more narrowly-tailored consensus push for regional ocean and coastal planning and data-sharing. For example, in 2016, the Senate Committee on Commerce, Science, and Transportation favorably reported S. 3038, the Coastal Coordination Act. This bill would have reauthorized the Coastal Zone Management Act of 1972 and included new provisions strengthening the role of interstate and regional coordination of coastal zone management. It would have also specifically authorized the Gulf of Mexico Alliance as a regional coordination body. The legislation was never considered in the full Senate.

On June 19, 2018, President Trump signed an Executive order<sup>14</sup> rescinding President Obama’s National Ocean Policy. The new Executive order was intended to advance the economic, security, and

<sup>9</sup>Northeast Regional Ocean Council (<https://www.northeastoceancouncil.org/>) (accessed July 19, 2019).

<sup>10</sup>Interagency Ocean Policy Task Force ([https://obamawhitehouse.archives.gov/administration/eop/ceq/whats\\_new/Interagency-Ocean-Policy-Task-Force](https://obamawhitehouse.archives.gov/administration/eop/ceq/whats_new/Interagency-Ocean-Policy-Task-Force)) (accessed September 16, 2019).

<sup>11</sup>Mid-Atlantic Regional Council on the Ocean (<http://midatlanticocean.org/>) (accessed July 19, 2019).

<sup>12</sup>See pages 52–60, Final Recommendations of the Interagency Ocean Policy Task Force ([https://obamawhitehouse.archives.gov/files/documents/OPTF\\_FinalRecs.pdf](https://obamawhitehouse.archives.gov/files/documents/OPTF_FinalRecs.pdf)) (accessed September 16, 2019).

<sup>13</sup>Executive Order 13547—Stewardship of the Ocean, Our Coasts, and the Great Lakes (<https://obamawhitehouse.archives.gov/the-press-office/2011/07/13/13547-stewardship-ocean-our-coasts-and-great-lakes>) (accessed September 16, 2019).

<sup>14</sup>EO 13840. “Ocean Policy To Advance the Economic, Security, and Environmental Interests of the United States” (<https://www.govinfo.gov/content/pkg/FR-2018-06-22/pdf/2018-13640.pdf>) (accessed July 19, 2019).

environmental interests of the United States through improved public access to marine data and information, efficient Federal agency coordination on ocean related matters, and engagement with marine industries, the science and technology community, and other ocean stakeholders, including ROPs. However, the Executive order excluded climate change and conservation goals of the previous National Ocean Policy.<sup>15</sup>

Finally, the most recently formed regional ocean partnership, the West Coast Ocean Alliance, includes the States of Washington, Oregon, and California, and was formed in December 2018 to support healthy, resilient ocean ecosystems and communities that thrive on ocean resources.<sup>16</sup>

This legislation has the ability to provide a strong national framework for the regions to address their own specific issues while also being able to coordinate better with Federal agencies acting on the ground.

#### SUMMARY OF PROVISIONS

S. 2166, the Regional Ocean Partnerships Act, would do the following:

- Give authority to the Governor or Governors of coastal State(s) to apply to the Secretary of Commerce for designation as a Regional Ocean Partnership.
- Designate the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council, and the West Coast Ocean Alliance as Regional Ocean Partnerships.
- Define the functions of Regional Ocean Partnerships.

#### LEGISLATIVE HISTORY

S. 2166 was introduced on July 18, 2019, by Senator Wicker (for himself and Senators Cantwell, Cassidy, Collins, and Jones) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. Senators Markey, Kennedy, and Murphy are additional cosponsors. On July 24, 2019, the Committee met in open Executive Session and, by voice vote, ordered S. 2166 reported favorably with an amendment (in the nature of a substitute).

In the 114th Congress, similar language was included in the Coastal Coordination Act of 2016, S. 3038, introduced by Senator Nelson (for himself and Senator Wicker) on June 8, 2016. It was reported favorably out of the Committee on Commerce, Science, and Transportation and passed in the Senate with an amendment (in the nature of a substitute) by voice vote on December 9, 2016.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

<sup>15</sup> "Trump's New Oceans Policy Washes Away Obama's Emphasis on Conservation and Climate" (<https://www.sciencemag.org/news/2018/06/trump-s-new-oceans-policy-washes-away-obama-s-emphasis-conservation-and-climate>) (accessed September 16, 2019).

<sup>16</sup> West Coast Ocean Alliance (<https://westcoastcoceanalliance.org/>) (accessed July 19, 2019).

<b>S. 2166, Regional Ocean Partnership Act</b>			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on July 24, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	45	62
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 2166 would designate four Regional Ocean Partnerships which would consist of coastal states that share a common ocean or coastal area. The bill also would create a process for other groups of two or more coastal states to apply for recognition as such a partnership. Those partnerships would coordinate actions between the state and federal governments to conserve shared coastal resources and liaise with international counterparts.

The bill would authorize the appropriation of specific amounts that total \$62 million over the 2020–2025 period for the National Oceanic and Atmospheric Administration to provide grants to those partnerships to complete the activities authorized under S. 2166.

Based on historical spending patterns for the similar activities, and assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2166 would cost \$45 million over the 2019–2024 period and \$17 million after 2024. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 2166

	By fiscal year, millions of dollars—												
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2019–2024	2019–2029
Authorization .....	0	10	10	10	10	10	11	0	0	0	0	51	62
Estimated Outlays .....	0	6	8	10	10	10	10	4	2	*	0	45	62

Components may not sum to totals because of rounding; \* = between zero and \$500,000.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

## NUMBER OF PERSONS COVERED

S. 2166 as reported does not create any new programs or impose any new regulatory requirements, and therefore will not subject any individuals or businesses to new regulations.

## ECONOMIC IMPACT

S. 2166 is not expected to have a negative impact on the Nation's economy.

## PRIVACY

The reported bill would have no impact on the personal privacy of individuals.

## PAPERWORK

S. 2166 would require a report every 5 years from the Administrator of the National Oceanic and Atmospheric Administration (NOAA) on the effectiveness of the partnership. This requirement would sunset in 2040.

## CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

This section would provide that the bill may be cited as the "Regional Ocean Partnership Act".

*Section 2. Findings; Sense of Congress; Purposes*

This section states that it is the sense of Congress that the United States should seek to attain coordination of ocean management, conservation, resilience, and restoration through Regional Ocean Partnerships.

*Section 3. Regional Ocean Partnerships*

This section would define the terms "Administrator," "coastal state," and "Indian Tribe." It would allow a coastal state to participate in a Regional Ocean Partnership with another coastal state(s) that shares a common ocean or coastal area. The section would give authority to the Governor or Governors of coastal state(s) to apply to the Secretary of Commerce for designation as a Regional Ocean Partnership. It would require that partnerships are designated as Regional Ocean Partnerships only if they are established to manage coastal resources, focus on environmental issues affecting ocean and coastal areas, and do not have a regulatory function. It would designate the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council, and the West Coast Ocean Alliance as Regional Ocean Partnerships. This section would establish that a Regional Ocean Partnership be governed by



a governing body comprised of voting members from each State in the partnership and designated by the Governor.

This section would define the functions of Regional Ocean Partnerships. These would include promoting coordination between State and Federal agencies, State and local authorities, and other stakeholders to conserve natural resources, manage data and data portals, and implement outreach programs. It would allow Regional Ocean Partnerships to create grants and enter into contracts for the purposes of monitoring water quality and other ocean and coastal natural resources, and researching and addressing the effects of environmental change.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

