

Calendar No. 217

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-78 }

REGIONAL OCEAN PARTNERSHIP ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1894



FEBRUARY 15, 2022.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

29-010

WASHINGTON : 2022

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

MARIA CANTWELL, Washington, *Chair*

AMY KLOBUCHAR, Minnesota	ROGER WICKER, Mississippi
RICHARD BLUMENTHAL, Connecticut	JOHN THUNE, South Dakota
BRIAN SCHATZ, Hawaii	ROY BLUNT, Missouri
EDWARD MARKEY, Massachusetts	TED CRUZ, Texas
GARY PETERS, Michigan	DEB FISCHER, Nebraska
TAMMY BALDWIN, Wisconsin	JERRY MORAN, Kansas
TAMMY DUCKWORTH, Illinois	DAN SULLIVAN, Alaska
JON TESTER, Montana	MARSHA BLACKBURN, Tennessee
KYRSTEN SINEMA, Arizona	TODD YOUNG, Indiana
JACKY ROSEN, Nevada	MIKE LEE, Utah
BEN RAY LUJAN, New Mexico	RON JOHNSON, Wisconsin
JOHN HICKENLOOPER, Colorado	SHELLEY MOORE CAPITO, West Virginia
RAPHAEL WARNOCK, Georgia	RICK SCOTT, Florida
	CYNTHIA LUMMIS, Wyoming

MELISSA PORTER, *Acting Staff Director*

JOHN KEAST, *Minority Staff Director*

Calendar No. 217

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-78

REGIONAL OCEAN PARTNERSHIP ACT

FEBRUARY 15, 2022.—Ordered to be printed

Ms. CANTWELL, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 1894]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1894) 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. 1894, the Regional Ocean Partnership Act, is to provide a process for Governors of coastal states to apply for designation as a Regional Ocean Partnership (ROP); provide authority to the Secretary of Commerce to designate ROPs; designate the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council, and the West Coast Ocean Alliance as ROPs; define the functions of ROPs; and establish ROP coordination requirements with Federal agencies, Indian Tribes, and non-governmental entities.

BACKGROUND AND NEEDS

In the United States, the ocean and Great Lakes economy accounted for 3.3 million jobs and produced \$307 billion in goods and services annually, or 1.5 percent of total U.S. gross domestic prod-

uct (GDP), in 2017.¹ Over 40 percent of all Americans currently live in coastal regions, and these regions account for nearly half of total economic productivity in the United States,² with 3.2 million employees working in 152,000 businesses in the ocean and Great Lakes economy, earning \$128 billion in wages as of 2015.³

Coastal and ocean management issues frequently cross State boundaries and require regional coordination. The 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,⁴ 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,⁵ 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.⁶ A key recommendation of the Ocean Commission was that a National Ocean Council should support the 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.⁷

¹National Oceanic and Atmospheric Administration, Office for Coastal Management, *NOAA Report on the U.S. Marine Economy*, 2020, Charleston, SC: NOAA Office for Coastal Management (<http://coast.noaa.gov/data/digitalcoast/pdf/econ-report-2017.pdf>) (accessed September 8, 2021).

²Ibid.

³National Oceanic and Atmospheric Administration, Office for Coastal Management, *NOAA Report on the U.S. Ocean and Great Lakes Economy*, 2018, Charleston, SC: NOAA Office for Coastal Management (<http://coast.noaa.gov/data/digitalcoast/pdf/econ-report-2015.pdf>) (accessed September 8, 2021).

⁴Bureau of Ocean Energy Management and National Oceanic and Atmospheric Administration, “About MarineCadastre.gov” (<https://marinecadastre.gov/about/>) (accessed September 8, 2021).

⁵Public Law 106-256.

⁶U.S. Commission on Ocean Policy, “About the Commission,” updated December 27, 2004 (<http://govinfo.library.unt.edu/oceancommission/commission/welcome.html>) (accessed September 8, 2021).

⁷U.S. Commission on Ocean Policy, see chapter 5 in *An Ocean Blueprint for the 21st Century*, 2004 (https://govinfo.library.unt.edu/oceancommission/documents/full_color_rpt/000_ocean_full_report.pdf) (accessed September 8, 2021).

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.⁸ The Northeast Regional Ocean Council was formed in 2005 by the Governors of 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.⁹

In June 2009, President Obama issued a presidential 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.¹⁰

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 the economic vitality of the region.¹¹

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.¹² President Obama formally adopted these recommendations in a July 19, 2010, Executive order.¹³

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,

⁸ Gulf of Mexico Alliance, "Who We Are" (<https://gulfofmexicoalliance.org/>) (accessed September 8, 2021).

⁹ Northeast Regional Ocean Council, "About" (<https://www.northeastoceancouncil.org/>) (accessed September 8, 2021).

¹⁰ Obama Administration, Executive Office of the President of the United States, Council on Environmental Quality, "Interagency Ocean Policy Task Force," June 12, 2009 (https://obamawhitehouse.archives.gov/administration/eop/ceq/whats_new/Interagency-Ocean-Policy-Task-Force) (accessed September 8, 2021).

¹¹ Mid-Atlantic Regional Council on the Ocean, "About MARCO" (<http://midatlanticocean.org/>) (accessed September 8, 2021).

¹² Obama Administration, Executive Office of the President of the United States, The White House Council on Environmental Quality, *Final Recommendations of the Interagency Ocean Policy Task Force*, pp. 52–60, July 19, 2010 (https://obamawhitehouse.archives.gov/files/documents/OPTF_FinalRecs.pdf) (accessed September 8, 2021).

¹³ "Executive Order 13547 of July 19, 2010, Stewardship of the Ocean, Our Coasts, and the Great Lakes," *Code of Federal Regulations*, title 3 (2011): 227–231 (<https://www.govinfo.gov/content/pkg/CFR-2011-title3-vol1/pdf/CFR-2011-title3-vol1-eo13547.pdf>) (accessed September 8, 2021).

the Coastal Coordination Act. That 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.

On June 19, 2018, President Trump signed an Executive order¹⁴ rescinding President Obama’s National Ocean Policy. The new Executive order was intended to advance the economic, security, and 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.¹⁵

Finally, the most recently formed ROP, 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.¹⁶

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. 1894, the Regional Ocean Partnership Act, would do the following:

- Provide a process for Governors of coastal states to apply to the Secretary of Commerce for designation as a ROP.
- Provide authority to the Secretary of Commerce to designate a ROP.
- Define the governance and functions of ROPs.
- Designate the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council, and the West Coast Ocean Alliance as ROPs.
- Authorize the ROP to award grants and enter into cooperative agreements and contracts.
- Authorize \$10.1 million with a 1 percent increase annually for this program to be split evenly across all ROPs and \$1 million annually to facilitate Tribal participation.

LEGISLATIVE HISTORY

S. 1894 was introduced on May 27, 2021, by Senator Wicker and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On June 16, 2021, the Committee met in

¹⁴“Executive Order 13840 of June 19, 2018, Ocean Policy To Advance the Economic, Security, and Environmental Interests of the United States,” *Code of Federal Regulations*, title 3 (2019): 837–841 (<https://www.govinfo.gov/content/pkg/CFR-2019-title3-vol1/pdf/CFR-2019-title3-vol1.pdf>) (accessed September 8, 2021).

¹⁵David Malakoff, “Trump’s New Oceans Policy Washes Away Obama’s Emphasis on Conservation and Climate,” *Science*, June 19, 2018 (<https://www.sciencemag.org/news/2018/06/trump-s-new-oceans-policy-washes-away-obama-s-emphasis-conservation-and-climate>) (accessed September 8, 2021).

¹⁶West Coast Ocean Alliance, “About Us” (<https://westcoastcoceanalliance.org/>) (accessed September 8, 2021).

open Executive Session and, by voice vote, ordered S. 1894 reported favorably with an amendment (in the nature of a substitute). The amendment added Great Lakes and further clarified Tribal coordination and consultation. On June 24, 2021, Senator Hassan became a cosponsor.

On June 11, 2021, a corresponding bill, H.R. 3817, was introduced by Representative Crist (for himself and Representatives Palazzo, Lowenthal, and Smith [NJ]) and was referred to the Committee on Natural Resources in the House of Representatives. Representatives Pingree, Murphy [FL], and Huffman are additional cosponsors.

In the 116th Congress, 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 were 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). A corresponding bill, H.R. 5390, the Regional Ocean Partnership Act, was introduced on December 11, 2019, by Representative Crist in the House of Representatives.

In the 114th Congress, similar language was included in S. 3038, the Coastal Coordination Act of 2016, introduced on June 8, 2016, by Senator Nelson (for himself and Senator Wicker) and referred to the Committee on Commerce, Science, and Transportation of the Senate. On June 15, 2016, the Committee met in open Executive Session and, by voice vote, ordered S. 3038 reported favorably with an amendment (in the nature of a substitute). That legislation was not considered in the full Senate.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 12, 2021.

Hon. MARIA CANTWELL,
Chair, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIR: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1984, the Regional Ocean Partnership Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sofia Guo.

Sincerely,

PHILIP L. SWAGEL,
Director.

Enclosure.

S. 1894, Regional Ocean Partnership Act			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 16, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	7	49	56
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

S. 1894 would authorize the appropriation of specific amounts totaling \$57 million over the 2022–2026 period for the National Oceanic and Atmospheric Administration to provide grants to regional ocean partnerships. Those partnerships would consist of coastal states that share a common ocean or coastal area. Under the bill, a partnership would coordinate conservation efforts and other related activities of state, federal, and tribal governments and work with international counterparts to conserve shared coastal resources. The bill would designate four current partnerships under the program and create a process for other groups of two or more coastal states to apply for recognition as such a partnership.

Based on historical spending patterns for similar activities, and assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1894 would cost \$49 million over the 2022–2026 period and \$7 million after 2026 (about 1 percent of the authorized amounts would not be spent). 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. 1894

	By fiscal year, millions of dollars—					
	2022	2023	2024	2025	2026	2022–2026
Authorization	11	11	11	11	12	57
Estimated Outlays	7	9	11	11	11	49

Components may not sum to totals because of rounding.

The CBO staff contact for this estimate is Sofia Guo. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of 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. 1894, as reported, would 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. 1894, as reported, is not expected to have a negative impact on the Nation's economy.

Privacy

S. 1894, as reported, would have no impact on the personal privacy of individuals.

Paperwork

S. 1894, as reported, 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 Act 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 ROPs.

Section 3. Regional Ocean Partnerships.

This section would define the terms "Administrator", "coastal state", "Indian Tribe", and "Regional Ocean Partnership". A coastal state could participate in a ROP with another coastal state(s) that shares a common ocean or coastal area, is a coastal state(s) bordering the Great Lakes and/or with a non-coastal state(s) that shares a watershed with a coastal state. It provides a process by which a Governor or Governors of a coastal state(s) could apply to the Secretary of Commerce for designation as an ROP. Designated ROPs would coordinate the management of coastal and ocean resources, with a focus on environmental issues affecting ocean and coastal areas that complement local, State, and Tribal efforts. The ROPs would not have a regulatory function.

This section would designate the Gulf of Mexico Alliance, the Northeast Regional Ocean Council, the Mid-Atlantic Regional Council, and the West Coast Ocean Alliance as ROPs.

This section would establish the composition of the ROP's governing body to include voting members from each State in the partnership as designated by the Governor. It defines the functions of

a ROP to include promoting coordination between State and Federal agencies, Indian Tribes, State and local authorities, and other stakeholders to conserve natural resources, manage data and data portals, and implement outreach programs. It would direct the ROP to maintain mechanisms for coordination, consultation, and engagement with the Federal Government, Indian Tribes, non-governmental entities, and other federally mandated regional entities. It would allow ROPs 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.

The ROPs would be required to submit a report no later than 5 years after the date of enactment of this Act on the effectiveness of the partnership and recommendations to improve the partnership.

This section would authorize \$10.1 million for fiscal year 2022, with a 1 percent increase annually until fiscal year 2026. This section would also authorize \$1 million for Indian Tribes to improve Tribal participation and engagement with the ROPs.

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.

