

118TH CONGRESS
2D SESSION

S. 5469

To direct the Secretary of the Interior to establish a National Climate Adaptation Science Center and Regional Climate Adaptation Science Centers to respond to the effects of extreme weather events and climate trends, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2024

Ms. HIRONO (for herself, Mr. DURBIN, Mr. MARKEY, Mr. LUJÁN, Mr. WHITEHOUSE, Ms. SMITH, Mr. HEINRICH, Ms. WARREN, Mr. HICKENLOOPER, Mr. SCHATZ, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Secretary of the Interior to establish a National Climate Adaptation Science Center and Regional Climate Adaptation Science Centers to respond to the effects of extreme weather events and climate trends, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Climate Adaptation
5 Science Centers Act” or the “CASC Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADAPTATION.—The term “adaptation”
4 means—

5 (A) the process of adjustment to actual or
6 expected climate and the effects of extreme
7 weather, climate trends, and climate variability;
8 and

9 (B) protection, management, and conserva-
10 tion efforts designed to maintain or enhance the
11 ability of people, fish, wildlife, plants, land, eco-
12 systems, and water of the United States to
13 withstand, adjust to, or recover from the effects
14 of extreme weather, climate trends, and climate
15 variability.

16 (2) ADVISORY SERVICE ACTIVITIES.—The term
17 “advisory service activities” means activities includ-
18 ing—

19 (A) sharing climate science and climate ad-
20 aptation knowledge between National and Re-
21 gional Climate Adaptation Science Center re-
22 searchers, stakeholders, and other partners;

23 (B) building collaborations between Na-
24 tional and Regional Climate Adaptation Science
25 Center researchers, stakeholders, and other
26 partners; and

1 (C) integrating climate adaptation science
 2 into natural and cultural resource management,
 3 decision-making and planning.

4 (3) COMMITTEE.—The term “Committee”
 5 means the Advisory Committee on Climate and Nat-
 6 ural Resource Sciences established under section 6.

7 (4) CONSORTIUM INSTITUTION.—The term
 8 “consortium institution” means college, university,
 9 State cooperative institution, State agency, Indian
 10 Tribe, Tribal College or University, Historically
 11 Black College or University, Tribal organization,
 12 Native Hawaiian organization, minority-serving in-
 13 stitution, or other educational institution or organi-
 14 zation, Federal agency, public or private organiza-
 15 tion, or any other party within each regional center
 16 other than the United States Geological Survey and
 17 the host institution.

18 (5) CULTURAL RESOURCES.—The term “cul-
 19 tural resources”—

20 (A) means those features and values re-
 21 lated to cultural heritage; and

22 (B) includes—

23 (i) biological species with cultural her-
 24 itage or ceremonial importance, and his-
 25 toric and precontact sites, cultural land-

scapes, trails, structures, inscriptions, art,
and artifacts on Federal lands or rep-
resentative of the culture of Indian Tribes,
Native Hawaiians, and Native American
Pacific Islanders; and

(ii) resources considered to be cultural
resources according to the traditional
knowledge of Indian Tribes, Native Hawai-
ians, and Native American Pacific Island-
ers.

(6) DEPARTMENT.—The term “Department”
means the Department of the Interior.

(7) ECOSYSTEM SERVICES.—The term “eco-
system services” means those benefits that eco-
systems provide humans and human society, includ-
ing clean air, clean water, and other economically
important services.

(8) HISTORICALLY BLACK COLLEGES AND UNI-
VERSITIES.—The term “Historically Black Colleges
and Universities” has the same meaning given the
term “part B institutions” in section 322 of the
Higher Education Act of 1965 (20 U.S.C. 1061).

(9) HOST INSTITUTION.—The term “host insti-
tution” means the non-Federal lead organization
within each regional center.

1 (10) INDIAN TRIBE.—The term “Indian Tribe”
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 5304(e)).

5 (11) MINORITY-SERVING INSTITUTION.—The
6 term “minority-serving institution” means a His-
7 panic-serving institution, an Alaska Native-serving
8 institution, a Native Hawaiian-serving institution, a
9 Predominantly Black Institution, an Asian American
10 and Native American Pacific Islander-serving insti-
11 tution, or a Native American-serving nontribal insti-
12 tution (as described in section 371 of the Higher
13 Education Act of 1965 (20 U.S.C. 1067q(a))).

14 (12) NATIONAL CENTER.—The term “National
15 Center” means the National Climate Adaptation
16 Science Center established under section 3(a).

17 (13) NATIVE AMERICAN PACIFIC ISLANDERS.—
18 The term “Native American Pacific Islanders”
19 means any descendent of the aboriginal people of
20 any island in the Pacific Ocean that is a territory
21 of the United States.

22 (14) NATIVE HAWAIIAN.—The term “Native
23 Hawaiian” means any individual who is a descend-
24 ant of the aboriginal people who, prior to 1778, oc-

1 cupied and exercised sovereignty in the area that
2 now constitutes the State of Hawaii.

3 (15) NATIVE HAWAIIAN ORGANIZATION.—The
4 term “Native Hawaiian organization” means—

5 (A) the Office of Hawaiian Affairs;

6 (B) Hui Malama I Na Kupuna O Hawai'i
7 Nei; and

8 (C) any other organization that—

9 (i) serves and represents the interests
10 of Native Hawaiians;

11 (ii) has as a primary and stated pur-
12 pose the provision of services to Native
13 Hawaiians; and

14 (iii) has expertise in Native Hawaiian
15 Affairs.

16 (16) NATURAL RESOURCES.—The term “nat-
17 ural resources” has the meaning given that term in
18 section 11.14 of title 43, Code of Federal Regula-
19 tions.

20 (17) REGIONAL CENTER.—The term “regional
21 center” means one of the Regional Climate Adapta-
22 tion Science Centers established under section 3(a)
23 that provide support for specific geographic locations
24 in the United States.

1 (18) SECRETARY.—The term “Secretary”
2 means the Secretary of the Interior.

3 (19) STATE.—The term “State” means—

4 (A) a State of the United States;

5 (B) the District of Columbia;

6 (C) American Samoa;

7 (D) Guam;

8 (E) the Commonwealth of the Northern
9 Mariana Islands;

10 (F) Puerto Rico; and

11 (G) the Virgin Islands of the United
12 States.

13 (20) TRIBAL COLLEGE OR UNIVERSITY.—The
14 term “Tribal College or University” means an insti-
15 tution that—

16 (A) qualifies for funding under the Tribally
17 Controlled Colleges and Universities Assistance
18 Act of 1978 (25 U.S.C. 1801 et seq.) or the
19 Navajo Community College Act (25 U.S.C.
20 640a note); or

21 (B) is cited in section 532 of the Equity in
22 Educational Land-Grant Status Act of 1994 (7
23 U.S.C. 301 note).

24 (21) TRIBAL ORGANIZATION.—The term “Trib-
25 al organization” means—

1 (A) the recognized governing body of any
 2 Indian Tribe; or

3 (B) any legally established organization of
 4 Indians that is—

5 (i) controlled, sanctioned, or chartered
 6 by the recognized governing body of an In-
 7 dian Tribe; or

8 (ii)(I) democratically elected by the
 9 adult members of the Indian community to
 10 be served by such organization; and

11 (II) includes the maximum participa-
 12 tion of Indians in all phases of its activi-
 13 ties.

14 (22) UNIVERSITY.—The term “university” has
 15 the meaning given to the term “institution of higher
 16 education” in section 101(a) of the Higher Edu-
 17 cation Act of 1965 (20 U.S.C. 1001(a)).

18 **SEC. 3. ESTABLISHMENT AND DUTIES.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—The Secretary, in collabora-
 21 tion with States, Indian Tribes, and other partner
 22 organizations, shall establish a program to be known
 23 as the “National and Regional Climate Adaptation
 24 Science Centers”, which shall—

1 (A) provide scientific expertise to agencies,
2 organizations, individuals, Indian Tribes, tribal
3 organizations, and Native Hawaiian organiza-
4 tions engaged in the management of natural re-
5 sources, cultural resources, and ecosystem serv-
6 ices for the purpose of informing decisions that
7 aid adaptation to a changing climate and ex-
8 treme weather events; and

9 (B) include a National Climate Adaptation
10 Science Center and Regional Climate Adapta-
11 tion Science Centers.

12 (2) CHIEF; DIRECTORS.—

13 (A) CHIEF.—The Chief of the National
14 Center shall be a United States Geological Sur-
15 vey employee and shall be responsible for na-
16 tional-scale and network-wide strategic initia-
17 tives, science direction, and partnerships.

18 (B) DIRECTORS.—Each regional center
19 shall have—

20 (i) a Federal Director who shall—

21 (I) be a United States Geological
22 Survey employee;

23 (II) report directly to the Chief
24 of the National Center; and

1 (III) be responsible for region-
2 specific and cross-regional strategic
3 initiatives and implementation of cli-
4 mate science research agendas; and
5 (ii) a Host Institution Director who
6 shall—

7 (I) carry out the terms and con-
8 ditions of the financial assistance
9 award;

10 (II) lead the institutional consor-
11 tium in each region; and

12 (III) oversee training and capac-
13 ity building at the host and consor-
14 tium institutions.

15 (C) COOPERATIVE WORK.—Each Regional
16 Federal Director and each Host Institution Di-
17 rector shall work cooperatively to further the
18 mission of the relevant regional center.

19 (D) ADMINISTRATION.—The National Cen-
20 ter and all regional centers shall be adminis-
21 tered by the United States Geological Survey.

22 (b) DUTIES OF THE NATIONAL CENTER.—In collabo-
23 ration with Federal agencies, States, Indian Tribes, Tribal
24 organizations, Native Hawaiians, Native Hawaiian organi-

1 zations, Native American Pacific Islanders, and other
2 partner organizations, the National Center shall—

3 (1) serve as the national office for the regional
4 centers;

5 (2) provide leadership and guidance on adminis-
6 tration, partnerships, information management, and
7 communications;

8 (3) develop and facilitate coordination among
9 the regional centers;

10 (4) coordinate and collaborate with other Fed-
11 eral agencies working on similar research and activi-
12 ties to—

13 (A) minimize, as much as possible, the du-
14 plication of research and effort; and

15 (B) use, as much as possible, existing data
16 in the development of new or ongoing research;

17 (5) conduct research on cross-regional and na-
18 tional science priorities;

19 (6) support regional centers that—

20 (A) are hosted at a university, or a consor-
21 tium of universities or other research institu-
22 tions, within the region of each regional center;

23 (B) are collaborations between the Federal
24 Director and the Host Institution Director and
25 their staffs to address the broad scientific mis-

1 sion and goals as defined by the National Cen-
2 ter in a manner that is relevant to its specific
3 geographic region and in cooperation with State
4 and local governments, Indian Tribes, Tribal
5 organizations, Native Hawaiians, Native Hawai-
6 ian organizations, Native American Pacific Is-
7 landers, and other entities within that region;

8 (C) promote research, education, training,
9 and advisory service activities to stakeholders,
10 Tribal governments, and the public via informa-
11 tional publications, trainings, and other out-
12 reach methods; and

13 (D) receive funding at the host institution
14 through cooperative agreements, contracts, and
15 grants under section 4; and

16 (7) acting through the Chief of the National
17 Center, with respect to the regional centers—

18 (A) evaluate and assess the performance of
19 the programs of regional centers every five
20 years, using the priorities, guidelines, and quali-
21 fications established by the Secretary under this
22 section, and determine if the programs are well
23 managed and carry out high-quality research,
24 education, training, and advisory service activi-
25 ties; and

1 (B) subject to the availability of appropria-
2 tions, allocate funding among regional centers
3 so as to—

4 (i) conduct regionally relevant re-
5 search, education, training, and advisory
6 service activities in each of the regions;

7 (ii) encourage collaborations among
8 regional centers to address regional and
9 national priorities established under this
10 section;

11 (iii) ensure successful implementation
12 and operation of regional centers;

13 (iv) to the maximum extent consistent
14 with other provisions of this Act, provide a
15 stable base of funding in support of the re-
16 gional centers on 5-year terms, with addi-
17 tional funds available annually subject to
18 the availability of appropriations;

19 (v) encourage and promote coordina-
20 tion and cooperation between the research,
21 education, training, and advisory service
22 activities of the Department and those of
23 the host and consortium institutions; and

24 (vi) pay the official Federal Govern-
25 ment negotiated overhead rate to the host

1 institution and partners on the basic
2 agreement establishing the location of the
3 regional center.

4 (c) AUTHORITIES OF THE NATIONAL CENTER.—The
5 National Center may—

6 (1) procure the services of appropriate public
7 and private agencies and institutions and other
8 qualified persons to conduct its work; and

9 (2) operate and fund a network of not fewer
10 than nine regional centers that shall address the im-
11 pacts of climate trends and variability, including ex-
12 treme weather events, on natural and cultural re-
13 sources and ecosystem services.

14 (d) DESIGNATION OF THE REGIONAL CENTERS.—

15 (1) EXISTING REGIONAL CENTER DESIGNA-
16 TIONS.—

17 (A) IN GENERAL.—Any institution or con-
18 sortium of institutions designated as a regional
19 center before the date of enactment of this Act
20 shall participate in one final competition for its
21 status as a regional center upon the conclusion
22 of its existing 5-year term to assure that the
23 host institutions and association consortium in-
24 stitutions update proposals recognizing the
25 long-term commitment as a host.

1 (B) RECOMPETES.—After the next com-
 2 petition for regional center after the date of en-
 3 actment of this Act, a designated regional cen-
 4 ter shall not have to recompile on 5-year terms,
 5 but shall be subject to review on 5-year terms
 6 as described in paragraph (2). After competed,
 7 the final agreements shall only be recomputed
 8 in the event of a failed review.

9 (2) REVIEWS OF THE REGIONAL CENTERS.—

10 (A) The Chief of the National Center, in
 11 consultation with the Committee, shall establish
 12 guidelines for 5-year merit reviews of each re-
 13 gional center, which shall include guidelines
 14 for—

15 (i) the establishment of a statement of
 16 objectives, agreed upon by the National
 17 Center and regional host institutions at the
 18 beginning of the 5-year term, that outline
 19 the expectations of activities or measures
 20 of success to be completed during the
 21 agreed upon period; and

22 (ii) an independent merit review, con-
 23 ducted by the National Center, of the host
 24 institution's activities as related to the
 25 statement of objectives.

1 (B) If a regional center does not meet the
2 requirements included in the statement of ob-
3 jective as determined by the independent merit
4 review referred to in subparagraph (A)(ii), the
5 host institution or consortium of institutions
6 may not continue as a host of a regional center.

7 (C) If a host institution or consortium of
8 institution fails a merit review referred to in
9 subparagraph (A)(ii), the Chief of the National
10 Center may give the host institution or consor-
11 tium of institutions a probationary period of
12 one year. After the one-year probationary pe-
13 riod, the Chief of the National Center shall un-
14 dertake an additional review referred to in sub-
15 paragraph (A)(ii) to determine if the host insti-
16 tution or consortium of institutions shall—

17 (i) continue as a host of a regional
18 center; or

19 (ii) not continue as a host of a re-
20 gional center, in which case the Chief of
21 the National Center shall initiate a com-
22 petitive process to select a new host insti-
23 tution.

1 (D) The Chief of the National Center shall
2 ensure that reviews completed pursuant to this
3 paragraph are publicly available.

4 (3) CHANGES TO CONSORTIUM INSTITUTIONS.—
5 The Chief of the National Center, in consultation
6 with the Federal Director and Host Institution Di-
7 rector of a regional center, may add or remove con-
8 sortium institutions at any time to address regional
9 and national priorities established under this section.

10 (4) FACA.—Committees, subcommittees, and
11 working groups appointed by Federal Directors of
12 the regional centers pursuant to this subsection shall
13 not be subject to chapter 10 of title 5, United States
14 Code (commonly referred to as the “Federal Advi-
15 sory Committee Act”).

16 (e) DUTIES OF THE REGIONAL CENTERS.—In col-
17 laboration with Federal and State natural resources agen-
18 cies and departments, Indian Tribes, Tribal organizations,
19 Native Hawaiians, Native Hawaiian organizations, Native
20 American Pacific Islanders, Tribal Colleges or Univer-
21 sities, Historically Black Colleges or Universities, minor-
22 ity-serving institutions, universities, other research or edu-
23 cational institutions, and other partner organizations, re-
24 gional centers shall develop research, education, training,
25 and advisory service priorities regarding the impacts of cli-

1 mate trends and variability on natural and cultural re-
 2 source management in their regions for the purpose of cli-
 3 mate adaptation.

4 (f) PROJECT SOLICITATION.—Subject to the avail-
 5 ability of appropriations, each regional center shall under-
 6 go a project solicitation process annually that shall—

7 (1) include regionally identified science priority
 8 topics;

9 (2) work with science partners in the region to
 10 develop a scientific review process to assure the
 11 highest quality of proposals are selected; and

12 (3) final decisions on annual project selections
 13 shall be made by the Federal Directors of the re-
 14 gional centers.

15 **SEC. 4. GENERAL AUTHORITY TO ENTER INTO CONTRACTS,**
 16 **GRANTS, COOPERATIVE AGREEMENTS, AND**
 17 **INTERAGENCY AGREEMENTS.**

18 (a) AUTHORITY.—The Director of the United States
 19 Geological Survey is authorized to enter into contracts,
 20 grants, and cooperative agreements with a host institution
 21 or consortium institution to further the research, edu-
 22 cation, training, and advisory service activities of the De-
 23 partment or its partners relating to impacts of climate
 24 trends and variability. This authority supplements all

1 other laws relating to the Department and is not to be
2 construed as limiting or repealing any existing authorities.

3 (b) LEGAL INSTRUMENTS.—The Director of the
4 United States Geological Survey may use a contract,
5 grant, cooperative agreement, or interagency agreement as
6 the legal instrument reflecting a relationship between the
7 Secretary and a host institution or consortium institution,
8 to further the duties under section 3 without regard to—

9 (1) any requirements for competition;

10 (2) section 6101 of title 41, United States
11 Code; or

12 (3) subsections (a) and (b) of section 3324 of
13 title 31, United States Code.

14 (c) PARTICIPATION OF FEDERAL AGENCIES.—Not-
15 withstanding any other provision of law, any Federal
16 agency may participate in any such cooperative agreement
17 under this section by contributing funds through the Na-
18 tional Center or otherwise if it is mutually agreed that
19 the objectives of the agreement shall further the author-
20 ized programs of the contributing agency.

21 (d) APPROVAL REQUIRED.—In any case where a con-
22 tract is let or grant made to an organization to perform
23 services benefitting more than one Indian Tribe, the ap-
24 proval of each such Indian Tribe shall be a prerequisite
25 to the letting or making of such contract or grant.

1 **SEC. 5. INTERAGENCY COOPERATION.**

2 Each department, agency, or other instrumentality of
3 the Federal Government, that is engaged in or concerned
4 with, or that has authority over, matters relating to nat-
5 ural and cultural resources, ecosystem services, or climate
6 variability or change, including all member agencies of the
7 United States Global Change Research Program—

8 (1) shall, upon a written request from the Sec-
9 retary, furnish any available data or other informa-
10 tion that the Secretary deems necessary to carry out
11 any provision of section 3;

12 (2) shall cooperate with the National Center,
13 regional centers, and duly authorized officials there-
14 of;

15 (3) may make available, on a reimbursable
16 basis or otherwise, any personnel (with their consent
17 and without prejudice to their position and rating),
18 service, or facility which the Chief of the National
19 Center deems necessary to carry out any provision
20 of section 3; and

21 (4) may transfer budgetary resources or other-
22 wise enter into interagency agreements, including
23 funding, facilities, computational resources, data, or
24 other tangible or intangible resources, between the
25 National Center or regional centers to aid collabo-
26 rative work among Federal agencies, when approved

1 by the Chief of the National Center and their coun-
2 terpart in the other Federal agency.

3 **SEC. 6. COMMITTEES.**

4 (a) **AUTHORITY TO ESTABLISH COMMITTEES.**—The
5 Chief of the National Center may establish committees or
6 working groups and procedures to facilitate public partici-
7 pation in the advisory process, such as a national advisory
8 committee for the National Center, stakeholder advisory
9 committees and science implementation panels for the re-
10 gional centers, and working groups for review of competi-
11 tive.

12 (b) **ADVISORY COMMITTEE.**—

13 (1) **ESTABLISHMENT.**—Not later than 180 days
14 after the date of the enactment of this Act, and pur-
15 suant to chapter 10 of title 5, United States Code
16 (commonly referred to as the “Federal Advisory
17 Committee Act”), the Secretary shall establish an
18 Advisory Committee on Climate and Natural Re-
19 source Sciences to advise the National and Regional
20 Climate Adaptation Science Centers on the fol-
21 lowing:

22 (A) The contents of a national strategy
23 identifying key climate adaptation science prior-
24 ities to advance the management of natural and
25 cultural resources in the face of climate change.

1 (B) The nature, extent, and quality of re-
 2 lations with and facilitating engagement of key
 3 partners at the regional center level.

4 (C) The nature and effectiveness of mecha-
 5 nisms to effectively deliver science information
 6 and tools, and build capacity, to aid the natural
 7 and cultural resource management community
 8 and decision-makers in adapting to a changing
 9 climate.

10 (D) Mechanisms that may be employed by
 11 the National Center to ensure high standards of
 12 scientific quality and integrity in its products.

13 (E) The integration of equity, particularly
 14 for historically underserved communities, in the
 15 operation of the National Center and regional
 16 centers.

17 (2) VOTING MEMBERS.—The Committee shall
 18 have not fewer than 15 voting members who shall be
 19 appointed by the Secretary. Each voting member
 20 shall be an employee of—

- 21 (A) an Indian Tribe;
- 22 (B) a Tribal organization;
- 23 (C) a Native Hawaiian organization;
- 24 (D) a State or local government;

1 (E) a nongovernmental organization whose
 2 primary mission is conservation and related sci-
 3 entific and advocacy activities;

4 (F) an academic institution; or

5 (G) other sectors, environmental justice or-
 6 ganizations, or private industry.

7 (3) NON-VOTING MEMBERS.—A Host Institu-
 8 tion Director who is elected by the various Host In-
 9 stitution Directors shall serve as a non-voting mem-
 10 ber of the Committee. No individual is eligible to be
 11 a voting member of the Committee if the individual
 12 is—

13 (A) a Host Institution Director;

14 (B) a full-time officer or employee of the
 15 United States; or

16 (C) a voting member of the Committee
 17 who is an applicant for or beneficiary of any
 18 grant or contract under this Act shall abstain
 19 from voting when there is a conflict of interest.

20 (4) CHAIR.—The Director of the United States
 21 Geological Survey shall appoint a Committee Chair
 22 from among the members of the Committee.

23 (5) VICE CHAIR.—The Committee shall select
 24 one voting member to serve as the Vice Chair, who

1 shall act as Chair in the absence or incapacity of the
2 Chair.

3 (6) NOMINATIONS.—Not less than once each
4 year, the Secretary shall publish a notice in the Fed-
5 eral Register soliciting nominations for membership
6 on the Committee.

7 (7) TERM OF OFFICE.—(A) The term of office
8 of a voting member of the Committee shall be not
9 more than 3 years.

10 (B) No individual may serve more than two
11 consecutive terms as a voting member of the Com-
12 mittee.

13 (C) The Chair may extend the term of office of
14 a voting member of the Committee by up to 1 year.

15 (D) Any individual appointed to a partial or full
16 term may be reappointed for one additional full
17 term.

18 (8) DUTIES.—The Committee shall identify and
19 recommend priorities for ongoing research needs on
20 the issues described in section 3(e) to inform the re-
21 search priorities of the National Center.

22 (9) ESTIMATED NUMBER AND FREQUENCY OF
23 MEETINGS.—The Committee shall meet approxi-
24 mately one to two times annually, and at such other

1 times as designated by the Director of the United
2 States Geological Survey.

3 (c) COMMITTEES; WORKING GROUPS.—

4 (1) IN GENERAL.—At the direction of the Sec-
5 retary, the Chief of the National Center may estab-
6 lish committees or working groups to provide input
7 on the science priorities, implementation of science
8 programs, review of competitive proposals, and eval-
9 uation of the National Center and the regional cen-
10 ters.

11 (2) MEMBERS.—The committees or working
12 groups shall, to the extent practicable, include mem-
13 bers from Federal and State government, univer-
14 sities, private sector, nongovernmental organizations,
15 Indian Tribes, Tribal organizations, and Native Ha-
16 waiian organizations.

17 (3) PUBLIC PARTICIPATION.—The Secretary
18 may establish procedures to facilitate public partici-
19 pation in the advisory process, including providing
20 advance notice of meetings, providing adequate op-
21 portunity for public input and comment, maintaining
22 appropriate records, and making a record of the pro-
23 ceedings of meetings available for public inspection.

24 (4) IMPLEMENTATION; AVAILABILITY OF
25 RECORDS.—The Secretary shall ensure that the pro-

1 cedures described in paragraph (3) are adopted and
2 implemented and that the records described in para-
3 graph (3) are accurately maintained and available
4 for public inspection.

5 (5) FACA.—(A) The committees or working
6 groups shall not be considered advisory committees
7 under chapter 10 of title 5, United States Code
8 (commonly referred to as the “Federal Advisory
9 Committee Act”).

10 (B) Seeking advice and input under paragraph
11 (1) shall not be subject to chapter 10 of title 5,
12 United States Code (commonly referred to as the
13 “Federal Advisory Committee Act”).

○