

117TH CONGRESS  
1ST SESSION

# H. R. 3864

To require the Secretary of the Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to provide grants supporting research on the conservation, restoration, or management of oysters in estuarine ecosystems, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2021

Mr. BROWN introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To require the Secretary of the Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to provide grants supporting research on the conservation, restoration, or management of oysters in estuarine ecosystems, 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 maybe cited as the “Oyster Conservation  
5 Act”.

1 **SEC. 2. GRANTS FOR RECOVERING OYSTERS.**

2 (a) ESTABLISHMENT.—The Administrator shall es-  
3 tablish a grant program (in this section referred to as the  
4 “Program”) under which the Administrator shall award  
5 grants to eligible entities for the purpose of conducting  
6 research on the conservation, restoration, or management  
7 of oysters in estuarine ecosystems.

8 (b) APPLICATION.—To be eligible to receive a grant  
9 under this section, an eligible entity shall submit to the  
10 Administrator an application at such time, in such man-  
11 ner, and containing such information as the Administrator  
12 may require.

13 (c) ALLOCATION OF GRANT FUNDS.—

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

17 (2) MATCHING REQUIREMENT.—

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

1           (B) WAIVER.—The Administrator may  
2           waive all or part of the requirement in subpara-  
3           graph (A) if the Administrator determines that  
4           no reasonable means are available through  
5           which an eligible entity applying for a grant  
6           under this section can meet such requirement  
7           and the probable benefit of such research  
8           project outweighs the public interest in such re-  
9           quirement.

10          (3) EQUITABLE DISTRIBUTION.—The Adminis-  
11          trator shall ensure, to the maximum extent prac-  
12          ticable, that grant funding under this section is ap-  
13          portioned according to the historic baseline oyster  
14          population of each estuary of the United States.

15          (d) DEFINITIONS.—In this section, the following defi-  
16          nitions apply:

17               (1) ACADEMIC COMMUNITY.—The term “aca-  
18               demic community” means faculty, researchers, pro-  
19               fessors, and representatives of State-accredited col-  
20               leges and universities.

21               (2) ADMINISTRATOR.—The term “Adminis-  
22               trator” means the Secretary of Commerce acting  
23               through the Administrator of the National Oceanic  
24               and Atmospheric Administration.

1           (3) ELIGIBLE ENTITY.—The term “eligible enti-  
2           ty” means a member of the academic community,  
3           the seafood industry, a relevant nonprofit organiza-  
4           tion, or a relevant State agency, that is proposing or  
5           conducting a research project on the conservation,  
6           restoration, or management of oysters in an estua-  
7           rine ecosystem developed through consultation with  
8           a member of the academic community, a member of  
9           the seafood industry, a relevant nonprofit organiza-  
10          tion, or a relevant State agency.

11          (4) HISTORIC BASELINE.—The term “historic  
12          baseline” means the estimated population of oysters  
13          in an estuary in 1850.

14          (5) NONPROFIT ORGANIZATION.—The term  
15          “nonprofit organization” means an organization de-  
16          scribed in section 501(c)(3) of the Internal Revenue  
17          Code of 1986 and exempt from tax under section  
18          501(a) of such Code.

19          (6) SEAFOOD INDUSTRY.—The term “seafood  
20          industry” means shellfish growers, shellfish har-  
21          vesters, commercial fishermen, and recreational fish-  
22          ermen.

23          (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
24          authorized to be appropriated to the Administrator

- 1 \$5,000,000 for each of the fiscal years 2022 through 2026
- 2 to carry out this section.

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