

Union Calendar No. 414

117TH CONGRESS
2^D SESSION

H. R. 3540

[Report No. 117-573]

To reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. SARBANES (for himself, Mr. SCOTT of Virginia, Mr. WITTMAN, Mr. CONNOLLY, Mr. BROWN of Maryland, Mr. RUPPERSBERGER, Ms. WEXTON, Mr. HOYER, Ms. BLUNT ROCHESTER, Mr. CARTWRIGHT, Mrs. LURIA, Mr. MCEACHIN, Ms. SPANBERGER, Mr. RASKIN, Ms. NORTON, Mr. MFUME, and Mr. TRONE) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 16, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 25, 2021]

A BILL

To reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, 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 “Chesapeake Bay Science,*
5 *Education, and Ecosystem Enhancement Act of 2021”.*

6 **SEC. 2. SENSE OF CONGRESS.**

7 *It is the sense of Congress that the National Oceanic*
8 *and Atmospheric Administration’s Chesapeake Bay Office*
9 *should be the primary representative of the National Oce-*
10 *anic and Atmospheric Administration in the Chesapeake*
11 *Bay watershed.*

12 **SEC. 3. REAUTHORIZATION OF THE NATIONAL OCEANIC**
13 **AND ATMOSPHERIC ADMINISTRATION CHESA-**
14 **PEAKE BAY OFFICE.**

15 *Section 307 of the National Oceanic and Atmospheric*
16 *Administration Authorization Act of 1992 (15 U.S.C.*
17 *1511d) is amended—*

18 *(1) in subsection (a)—*

19 *(A) in paragraph (1) by striking “(in this*
20 *section” and all that follows and inserting a pe-*
21 *riod;*

22 *(B) by amending paragraph (2) to read as*
23 *follows:*

24 *“(2) The Office shall be headed by a Director, who—*

1 “(A) shall have knowledge and experience in re-
2 search or resource management efforts in the Ches-
3 apeake Bay; and

4 “(B) shall be responsible for the administration
5 and operation of the office and the implementation of
6 this section.”; and

7 (C) by striking paragraph (3);

8 (2) in subsection (b)—

9 (A) in paragraph (2), by striking “Sec-
10 retary of Commerce” and inserting “Adminis-
11 trator”;

12 (B) in paragraph (3)—

13 (i) by inserting “with and represent”
14 after “coordinate”;

15 (ii) by striking “, the Chesapeake Bay
16 Regional Sea Grant Programs, and the
17 Chesapeake Bay units of the National Estu-
18 arine Research Reserve System,” and in-
19 serting “for the Chesapeake Bay Program
20 and that relate to the Chesapeake Bay wa-
21 tershed in furtherance of such Administra-
22 tion’s coastal resource stewardship mis-
23 sion,”;

24 (iii) in subparagraph (A)—

- 1 (I) in clauses (vi) and (vii), by
2 striking “and” at the end; and
- 3 (II) by adding at the end the fol-
4 lowing:
5 “(viii) coastal hazards and climate
6 change; and
7 “(ix) education; and”; and
8 (iv) in subparagraph (B)—
9 (I) in clause (iii), by striking
10 “and” at the end;
11 (II) in clause (iv), by inserting
12 “and” after the semicolon; and
13 (III) by adding at the end the fol-
14 lowing:
15 “(v) integrated ecosystem assess-
16 ments;”;
17 (C) in paragraph (4)—
18 (i) by striking “Environmental Protec-
19 tion Agency” and inserting “Chesapeake
20 Executive Council”; and
21 (ii) by inserting before the semicolon at
22 the end the following: “as appropriate to
23 further the purposes of this section”;
24 (D) by striking paragraphs (5) and (7);

1 (E) by redesignating paragraph (6) as
2 paragraph (5); and

3 (F) by adding at the end the following:

4 “(6) perform any functions necessary to support
5 the programs referred to in paragraph (3).”;

6 (3) by striking subsections (c), (d), and (e); and

7 (4) by adding at the end the following:

8 “(c) PROGRAM ACTIVITIES.—

9 “(1) IN GENERAL.—The Administrator, through
10 the Director, shall implement the program activities
11 authorized by this section to support the activity of
12 the Chesapeake Executive Council and to further the
13 purposes of this section.

14 “(2) ENSURING SCIENTIFIC AND TECHNICAL
15 MERIT.—The Director shall—

16 “(A) establish and use an effective and
17 transparent mechanism to ensure that projects
18 funded under this section have undergone appro-
19 priate peer review; and

20 “(B) provide other appropriate means to
21 determine that such projects have acceptable sci-
22 entific and technical merit for the purpose of
23 achieving maximum use of available funds and
24 resources to benefit the Chesapeake Bay area.

1 “(3) *CONSULTATION WITH CHESAPEAKE EXECU-*
2 *TIVE COUNCIL.*—*The Director shall, in the implemen-*
3 *tation of the program activities authorized under this*
4 *section, consult with the Chesapeake Executive Coun-*
5 *cil, to ensure that the activities of the Office are con-*
6 *sistent with the purposes and priorities of the Ches-*
7 *apeake Bay Agreement and plans developed pursuant*
8 *to the such agreement.*

9 “(4) *INTEGRATED COASTAL OBSERVATIONS.*—

10 “(A) *IN GENERAL.*—*The Administrator,*
11 *through the Director, may collaborate with sci-*
12 *entific and academic institutions, State and*
13 *Federal agencies, non-governmental organiza-*
14 *tions, and other constituents in the Chesapeake*
15 *Bay watershed, to support an integrated observa-*
16 *tions system for the Chesapeake Bay consistent*
17 *with the purposes of the Integrated Coastal and*
18 *Ocean Observation System Act of 2009 (33*
19 *U.S.C. 3601 et seq.).*

20 “(B) *SPECIFIC REQUIREMENTS.*—*To sup-*
21 *port the system referred to in subparagraph (A)*
22 *and provide a complete set of environmental in-*
23 *formation for the Chesapeake Bay, the Director*
24 *shall—*

1 “(i) coordinate monitoring with Fed-
2 eral and State agencies in the tidal portions
3 of the Chesapeake Bay to understand im-
4 pacts of water quality on living marine re-
5 sources;

6 “(ii) identify new data collection needs
7 and deploy new technologies, as appro-
8 priate;

9 “(iii) collect and analyze the scientific
10 information necessary for the management
11 of living marine resources and the marine
12 habitat associated with such resources; and

13 “(iv) organize the information de-
14 scribed in clause (iii) into products that are
15 useful to policy makers, resource managers,
16 scientists, and the public.

17 “(C) CHESAPEAKE BAY INTERPRETIVE BUOY
18 SYSTEM.—To further the development and imple-
19 mentation of the Chesapeake Bay Interpretive
20 Buoy System and associated monitoring assets to
21 improve weather and ecological forecasts, mon-
22 itor habitat conditions for living marine re-
23 sources, the Director may—

1 “(i) support the establishment and im-
2 plementation of the Captain John Smith
3 Chesapeake National Historic Trail;

4 “(ii) delineate key waypoints along the
5 trail and provide appropriate real-time
6 data and information for trail users;

7 “(iii) interpret data and information
8 for use by educators and students to inspire
9 stewardship of Chesapeake Bay; and

10 “(iv) incorporate the observational
11 data from the Chesapeake Bay Interpretive
12 Buoy System into the Integrated Ocean Ob-
13 serving System regional network of observ-
14 atories.

15 “(5) CHESAPEAKE BAY WATERSHED EDUCATION
16 AND TRAINING PROGRAM.—

17 “(A) IN GENERAL.—The Administrator,
18 through the Director, may establish a Chesapeake
19 Bay watershed education and training program.
20 The program shall—

21 “(i) continue and expand the Chesa-
22 peake Bay watershed education programs
23 offered by the Office immediately before the
24 enactment of the Chesapeake Bay Science,

1 *Education, and Ecosystem Enhancement*
2 *Act of 2021;*

3 “(ii) improve the understanding of ele-
4 *mentary and secondary school students and*
5 *teachers of the living resources of the eco-*
6 *system of the Chesapeake Bay;*

7 “(iii) provide education and career
8 *pathway internships; and*

9 “(iv) meet the educational goals of the
10 *Chesapeake Bay Watershed Agreement.*

11 “(B) GRANT PROGRAM.—*The Director may*
12 *award grants for the purposes of this paragraph.*
13 *Grants awarded under this subparagraph may*
14 *be used to support education and training*
15 *projects that enhance understanding and assess-*
16 *ment of a specific environmental problem in the*
17 *Chesapeake Bay watershed or a goal of the*
18 *Chesapeake Bay Program, or protect or restore*
19 *living resources of the Chesapeake Bay water-*
20 *shed, including projects that—*

21 “(i) provide classroom education, in-
22 *cluding the development and use of distance*
23 *learning and other innovative technologies,*
24 *related to the Chesapeake Bay watershed;*

1 “(ii) provide meaningful watershed
2 educational experiences in the Chesapeake
3 Bay watershed;

4 “(iii) provide professional development
5 for teachers related to the Chesapeake Bay
6 watershed and the dissemination of perti-
7 nent education materials oriented to vary-
8 ing grade levels;

9 “(iv) demonstrate or disseminate envi-
10 ronmental educational tools and materials
11 related to the Chesapeake Bay watershed;

12 “(v) demonstrate field methods, prac-
13 tices, and techniques including assessment
14 of environmental and ecological conditions
15 and analysis of environmental problems;
16 and

17 “(vi) build the capacity of school dis-
18 tricts and their partners to deliver high
19 quality environmental education programs.

20 “(C) COORDINATION.—The Director shall
21 implement the education and training program
22 in coordination with the heads of other Federal
23 agencies, as the Director determines appropriate.

24 “(6) COASTAL AND LIVING RESOURCES MANAGE-
25 MENT AND HABITAT PROGRAM.—

1 “(A) *IN GENERAL.*—*The Administrator,*
2 *through the Director, may establish a Chesapeake*
3 *Bay Coastal Living Resources Management and*
4 *Habitat Program to support coordinated man-*
5 *agement, protection, characterization, and res-*
6 *toration of priority Chesapeake Bay habitats*
7 *and living resources, including oysters, blue*
8 *crabs, submerged aquatic vegetation, and eco-*
9 *nomically and ecologically important fish species*
10 *such as striped bass and menhaden.*

11 “(B) *ACTIVITIES.*—*Under the Chesapeake*
12 *Bay Coastal Living Resources Management and*
13 *Habitat Program, the Director may carry out or*
14 *enter into grants, contracts, and cooperative*
15 *agreements and provide technical assistance to*
16 *support—*

17 “(i) *native oyster research and restora-*
18 *tion;*

19 “(ii) *fish and shellfish aquaculture that*
20 *is carried out in accordance with a valid*
21 *Federal or State permit;*

22 “(iii) *establishment of submerged*
23 *aquatic vegetation restoration programs;*

1 “(iv) the development of programs that
2 restore, protect, and build the resilience of
3 critical coastal habitats and communities;

4 “(v) habitat mapping, characteriza-
5 tion, and assessment techniques necessary to
6 identify, assess, and monitor Chesapeake
7 Bay conditions and restoration actions;

8 “(vi) application and transfer of ap-
9 plied scientific research and ecosystem man-
10 agement tools to fisheries and habitat man-
11 agers;

12 “(vii) collection, synthesis, and sharing
13 of information to inform and influence
14 coastal and living resource management
15 issues;

16 “(viii) ecologically and economically
17 important fish and shellfish research; and

18 “(ix) other activities that the director
19 determines are appropriate to carry out the
20 purposes of such program.

21 “(d) DELEGATION.—

22 “(1) AUTHORITY.—The Administrator shall dele-
23 gate to the Director such authority as may be nec-
24 essary to carry out this section.

1 “(2) *STAFF.*—*The Administrator shall delegate*
2 *to the Director appropriate staff representing exper-*
3 *tise that covers the breadth of the duties of the Office.*

4 “(e) *REPORTS.*—

5 “(1) *IN GENERAL.*—*The Administrator, through*
6 *the Director, shall submit a biennial report to the*
7 *Congress and the Secretary of Commerce on the ac-*
8 *tivities of the Office and on progress made in pro-*
9 *tecting and restoring the living resources and habitat*
10 *of the Chesapeake Bay.*

11 “(2) *ACTION PLAN.*—*Each such report shall in-*
12 *clude an action plan for the 2-year period following*
13 *submission of the report, consisting of—*

14 “(A) *a list of recommended research, moni-*
15 *tering, and data collection activities necessary to*
16 *continue implementation of the strategy under*
17 *subsection (b)(2); and*

18 “(B) *recommendations to integrate National*
19 *Oceanic and Atmospheric Administration activi-*
20 *ties with the activities of the partners in the*
21 *Chesapeake Bay Program to meet the commit-*
22 *ments of the Chesapeake Bay Agreement and*
23 *subsequent agreements.*

24 “(f) *AGREEMENTS.*—

1 “(1) *IN GENERAL.*—*The Administrator, through*
2 *the Director, may enter into and perform such con-*
3 *tracts, leases, grants, or cooperative agreements as*
4 *may be necessary to carry out the purposes of this*
5 *Act.*

6 “(2) *USE OF OTHER RESOURCES.*—*For purposes*
7 *related to the understanding, protection, and restora-*
8 *tion of Chesapeake Bay, the Director may use, with*
9 *consent and with or without reimbursement, the land,*
10 *services, equipment, personnel, and facilities of any*
11 *Department, agency, or instrumentality of the United*
12 *States, or of any State, local government, Indian*
13 *Tribe, or of any political subdivision thereof.*

14 “(g) *DEFINITIONS.*—*In this section, the following defi-*
15 *nitions apply:*

16 “(1) *ADMINISTRATOR.*—*The term ‘Adminis-*
17 *trator’ means the Administrator of the National Oce-*
18 *anic and Atmospheric Administration.*

19 “(2) *CHESAPEAKE BAY AGREEMENT; CHESA-*
20 *PEAKE BAY ECOSYSTEM; CHESAPEAKE BAY PROGRAM;*
21 *CHESAPEAKE EXECUTIVE COUNCIL.*—*The terms*
22 *‘Chesapeake Bay Agreement’, ‘Chesapeake Bay eco-*
23 *system’, ‘Chesapeake Bay Program’, and ‘Chesapeake*
24 *Executive Council’ have the meanings given those*

1 *terms in section 117(a) of the Federal Water Pollu-*
2 *tion Control Act (33 U.S.C. 1267(a)).*

3 *“(3) DIRECTOR.—The term ‘Director’ means the*
4 *Director of the Office.*

5 *“(4) OFFICE.—The term ‘Office’ means the*
6 *Chesapeake Bay Office established under this section.*

7 *“(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated to the Secretary to carry out*
9 *this section—*

10 *“(1) \$17,000,000 for fiscal year 2022;*

11 *“(2) \$18,700,000 for fiscal year 2023;*

12 *“(3) \$20,570,000 for fiscal year 2024; and*

13 *“(4) \$22,627,000 for fiscal year 2025.”.*

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[Report No. 117-573]

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