

117TH CONGRESS  
1ST SESSION

# S. 1816

To amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 25, 2021

Mr. WARNER (for himself, Mr. CASEY, Mr. VAN HOLLEN, Mr. KAINE, Mr. CARDIN, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 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  
5 Science, Education, and Ecosystem Enhancement Act of  
6 2021”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that the Chesapeake Bay  
3 Office of the National Oceanic and Atmospheric Adminis-  
4 tration should be the primary representative of the Na-  
5 tional Oceanic and Atmospheric Administration in the  
6 Chesapeake Bay watershed.

7 **SEC. 3. REAUTHORIZATION OF THE CHESAPEAKE BAY OF-**  
8 **FICE OF THE NATIONAL OCEANIC AND AT-**  
9 **MOSPHERIC ADMINISTRATION.**

10 (a) ESTABLISHMENT.—Section 307(a) of the Na-  
11 tional Oceanic and Atmospheric Administration Author-  
12 ization Act of 1992 (15 U.S.C. 1511d(a)) is amended—

13 (1) in paragraph (1), by striking “(in this sec-  
14 tion” and all that follows and inserting a period;

15 (2) by amending paragraph (2) to read as fol-  
16 lows:

17 “(2) The Office shall be headed by a Director,  
18 who shall—

19 “(A) have knowledge and experience in re-  
20 search or resource management efforts in the  
21 Chesapeake Bay; and

22 “(B) be responsible for—

23 “(i) the administration and operation  
24 of the Office; and

25 “(ii) the implementation of this sec-  
26 tion.”; and

1 (3) by striking paragraph (3).

2 (b) FUNCTIONS.—Section 307(b) of such Act (15  
3 U.S.C. 1511d(b)) is amended—

4 (1) in paragraph (2), by striking “Secretary of  
5 Commerce” and inserting “Administrator”;

6 (2) in paragraph (3)—

7 (A) in the matter preceding subparagraph

8 (A)—

9 (i) by inserting “with and represent”  
10 after “coordinate”; and

11 (ii) by striking “, the Chesapeake Bay  
12 Regional Sea Grant Programs, and the  
13 Chesapeake Bay units of the National Es-  
14 tuarine Research Reserve System,” and in-  
15 serting “for the Chesapeake Bay Program  
16 and that relate to the Chesapeake Bay wa-  
17 tershed, in furtherance of the coastal re-  
18 source stewardship mission of the Adminis-  
19 tration,”;

20 (B) in subparagraph (A)—

21 (i) in clause (vi), by striking “and” at  
22 the end;

23 (ii) in clause (vii), by striking “and”  
24 at the end; and

1 (iii) by adding at the end the fol-  
 2 lowing:

3 “(viii) coastal hazards and climate  
 4 change; and

5 “(ix) education; and”; and  
 6 (C) in subparagraph (B)—

7 (i) in clause (iii), by striking “and” at  
 8 the end;

9 (ii) in clause (iv), by inserting “and”  
 10 after the semicolon; and

11 (iii) by adding at the end the fol-  
 12 lowing:

13 “(v) integrated ecosystem assess-  
 14 ments;”;

15 (3) in paragraph (4)—

16 (A) by striking “Environmental Protection  
 17 Agency” and inserting “Chesapeake Executive  
 18 Council”; and

19 (B) by inserting before the semicolon at  
 20 the end the following: “as appropriate to fur-  
 21 ther the purposes of this section”;

22 (4) by striking paragraphs (5) and (7);

23 (5) by redesignating paragraph (6) as para-  
 24 graph (5); and

25 (6) by adding at the end the following:

1 “(6) perform any functions necessary to sup-  
 2 port the programs and activities described in para-  
 3 graph (3).”.

4 (c) ACTIVITIES.—Such Act (15 U.S.C. 1511d et seq.)  
 5 is amended—

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

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

8 “(c) ACTIVITIES.—

9 “(1) IN GENERAL.—The Administrator,  
 10 through the Director, shall implement the activities  
 11 authorized under this section—

12 “(A) to support the activities of the Chesapeake  
 13 Executive Council; and

14 “(B) to further the purposes of this sec-  
 15 tion.

16 “(2) ENSURING SCIENTIFIC AND TECHNICAL  
 17 MERIT.—The Director shall—

18 “(A) establish and use an effective and  
 19 transparent mechanism to ensure that projects  
 20 funded under this section have undergone ap-  
 21 propriate peer review; and

22 “(B) provide other appropriate means to  
 23 determine that such projects have acceptable  
 24 scientific and technical merit for the purpose of

1 achieving maximum use of available funds and  
2 resources to benefit the Chesapeake Bay area.

3 “(3) CONSULTATION WITH CHESAPEAKE EXEC-  
4 UTIVE COUNCIL.—In implementing the activities au-  
5 thorized under this section, the Director shall con-  
6 sult with the Chesapeake Executive Council to en-  
7 sure that the activities of the Office are consistent  
8 with the purposes and priorities of the Chesapeake  
9 Bay Agreement and plans developed pursuant to  
10 that agreement.

11 “(4) INTEGRATED COASTAL OBSERVATIONS.—

12 “(A) IN GENERAL.—The Administrator,  
13 through the Director, may collaborate with sci-  
14 entific and academic institutions, State and  
15 Federal agencies, nongovernmental organiza-  
16 tions, and other constituents in the Chesapeake  
17 Bay watershed to support an integrated obser-  
18 vations system for the Chesapeake Bay con-  
19 sistent with the purposes of the Integrated  
20 Coastal and Ocean Observation System Act of  
21 2009 (33 U.S.C. 3601 et seq.).

22 “(B) SPECIFIC REQUIREMENTS.—To sup-  
23 port the system described in subparagraph (A)  
24 and provide a complete set of environmental in-

1 formation for the Chesapeake Bay, the Director  
2 shall—

3 “(i) coordinate monitoring with Fed-  
4 eral and State agencies in the tidal por-  
5 tions of the Chesapeake Bay to understand  
6 effects of water quality on living marine re-  
7 sources;

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

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

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

19 “(C) CHESAPEAKE BAY INTERPRETIVE  
20 BUOY SYSTEM.—To further the development  
21 and implementation of the Chesapeake Bay In-  
22 terpretive Buoy System and associated moni-  
23 toring assets to improve weather and ecological  
24 forecasts and monitor habitat conditions for liv-  
25 ing marine resources, the Director may—

1 “(i) support the establishment and  
 2 implementation of the Captain John Smith  
 3 Chesapeake National Historic Trail des-  
 4 ignated by section 5(a)(25) of the National  
 5 Trails System Act (16 U.S.C.  
 6 1244(a)(25));

7 “(ii) delineate key waypoints along the  
 8 trail and provide appropriate real-time  
 9 data and information for trail users;

10 “(iii) interpret data and information  
 11 for use by educators and students to in-  
 12 spire stewardship of the Chesapeake Bay;  
 13 and

14 “(iv) incorporate the Chesapeake Bay  
 15 Interpretive Buoy System into the Inte-  
 16 grated Ocean Observing System regional  
 17 network of observatories.

18 “(5) CHESAPEAKE BAY WATERSHED EDU-  
 19 CATION AND TRAINING PROGRAM.—

20 “(A) IN GENERAL.—The Administrator,  
 21 through the Director, may establish a program,  
 22 to be known as the ‘Chesapeake Bay Watershed  
 23 Education and Training Program’.

1 “(B) PROGRAM OBJECTIVES.—The Chesa-  
2 peake Bay Watershed Education and Training  
3 Program shall—

4 “(i) continue and expand the Chesa-  
5 peake Bay watershed education programs  
6 offered by the Office immediately before  
7 the date of the enactment of the Chesa-  
8 peake Bay Science, Education, and Eco-  
9 system Enhancement Act of 2021;

10 “(ii) improve the understanding of el-  
11 ementary and secondary school students  
12 and teachers of the living resources of the  
13 ecosystem of the Chesapeake Bay;

14 “(iii) provide education and career  
15 pathway internships; and

16 “(iv) meet the educational goals of the  
17 Chesapeake Bay Watershed Agreement.

18 “(C) GRANT PROGRAM.—

19 “(i) IN GENERAL.—The Director may  
20 award grants to carry out the Chesapeake  
21 Bay Watershed Education and Training  
22 Program.

23 “(ii) USE OF FUNDS.—Grants award-  
24 ed under clause (i) may be used to support  
25 education and training projects that en-

1           hance understanding and assessment of a  
2           specific environmental problem in the  
3           Chesapeake Bay watershed or a goal of the  
4           Chesapeake Bay Program, or to protect or  
5           restore living resources of the Chesapeake  
6           Bay watershed, including projects that—

7                   “(I) provide classroom education,  
8                   including the development and use of  
9                   distance learning and other innovative  
10                  technologies, related to the Ches-  
11                  apeake Bay watershed;

12                  “(II) provide meaningful water-  
13                  shed educational experiences in the  
14                  Chesapeake Bay watershed;

15                  “(III) provide professional devel-  
16                  opment for teachers related to the  
17                  Chesapeake Bay watershed and dis-  
18                  seminate pertinent education mate-  
19                  rials oriented to varying grade levels;

20                  “(IV) demonstrate or disseminate  
21                  environmental educational tools and  
22                  materials related to the Chesapeake  
23                  Bay watershed;

24                  “(V) demonstrate field methods,  
25                  practices, and techniques, including

1 assessment of environmental and eco-  
2 logical conditions and analysis of envi-  
3 ronmental problems; and

4 “(VI) build the capacity of school  
5 districts and partners of school dis-  
6 tricts to deliver high quality environ-  
7 mental education programs.

8 “(D) COORDINATION.—The Director shall  
9 implement the Chesapeake Bay Watershed  
10 Education and Training Program in coordina-  
11 tion with the heads of other Federal agencies,  
12 as the Director determines appropriate.

13 “(6) COASTAL AND LIVING RESOURCES MAN-  
14 AGEMENT AND HABITAT PROGRAM.—

15 “(A) IN GENERAL.—The Administrator,  
16 through the Director, may establish a program,  
17 to be known as the ‘Chesapeake Bay Coastal  
18 Living Resources Management and Habitat  
19 Program’, to support coordinated management,  
20 protection, characterization, and restoration of  
21 priority Chesapeake Bay habitats and living re-  
22 sources, including oysters, blue crabs, sub-  
23 merged aquatic vegetation, and economically  
24 and ecologically important fish species such as  
25 striped bass and menhaden.

1           “(B) ACTIVITIES.—Under the Chesapeake  
2 Bay Coastal Living Resources Management and  
3 Habitat Program, the Director may carry out  
4 or enter into grants, contracts, and cooperative  
5 agreements and provide technical assistance to  
6 support—

7           “(i) native oyster research and res-  
8 toration;

9           “(ii) fish and shellfish aquaculture  
10 that is carried out in accordance with a  
11 valid Federal or State permit;

12           “(iii) the establishment of submerged  
13 aquatic vegetation restoration programs;

14           “(iv) the development of programs  
15 that restore, protect, and build the resil-  
16 ience of critical coastal habitats and com-  
17 munities;

18           “(v) habitat mapping, characteriza-  
19 tion, and assessment techniques necessary  
20 to identify, assess, and monitor Chesa-  
21 peake Bay conditions and restoration ac-  
22 tions;

23           “(vi) application and transfer of ap-  
24 plied scientific research and ecosystem

1 management tools to fisheries and habitat  
2 managers;

3 “(vii) collection, synthesis, and shar-  
4 ing of information to inform and influence  
5 coastal and living resource management  
6 issues;

7 “(viii) ecologically and economically  
8 important fish and shellfish research; and

9 “(ix) such other activities as the Di-  
10 rector determines appropriate to carry out  
11 the purposes of the Chesapeake Bay Coast-  
12 al Living Resources Management and  
13 Habitat Program.”.

14 (d) DELEGATION OF AUTHORITY; STAFF; REPORTS;  
15 AGREEMENTS.—Such Act (15 U.S.C. 1511d et seq.), as  
16 amended by subsection (c), is further amended by adding  
17 the end the following:

18 “(d) DELEGATION OF AUTHORITY; STAFF.—

19 “(1) AUTHORITY.—The Administrator shall del-  
20 egate to the Director such authority as may be nec-  
21 essary to carry out this section.

22 “(2) STAFF.—The Administrator shall provide  
23 to the Director appropriate staff representing exper-  
24 tise that covers the breadth of the duties of the Of-  
25 fice.

1 “(e) REPORTS.—

2 “(1) IN GENERAL.—Not less frequently than  
3 once every 2 years, the Administrator, through the  
4 Director, shall submit to Congress and the Secretary  
5 of Commerce a report on—

6 “(A) the activities of the Office during the  
7 period covered by the report; and

8 “(B) progress made in protecting and re-  
9 storing the living resources and habitat of the  
10 Chesapeake Bay during the period covered by  
11 the report.

12 “(2) ACTION PLAN.—Each such report required  
13 by paragraph (1) shall include an action plan for the  
14 2-year period following the date on which the report  
15 is submitted, consisting of—

16 “(A) a list of recommended research, moni-  
17 toring, and data collection activities necessary  
18 to continue implementation of the strategy re-  
19 quired by subsection (b)(2); and

20 “(B) recommendations to integrate activi-  
21 ties of the National Oceanic and Atmospheric  
22 Administration with the activities of the part-  
23 ners in the Chesapeake Bay Program to meet  
24 the commitments of the Chesapeake Bay Agree-  
25 ment and subsequent agreements.

1 “(f) AGREEMENTS.—

2 “(1) IN GENERAL.—The Administrator,  
3 through the Director, may enter into and perform  
4 such contracts, leases, grants, or cooperative agree-  
5 ments as may be necessary to carry out this section.

6 “(2) USE OF OTHER RESOURCES.—For pur-  
7 poses related to the understanding, protection, and  
8 restoration of Chesapeake Bay, the Director may  
9 use, with consent and with or without reimburse-  
10 ment, the land, services, equipment, personnel, and  
11 facilities of any Department, agency, or instrumen-  
12 tality of the United States, or of any State or local  
13 government or Indian Tribe, or of any political sub-  
14 division thereof.”.

15 (e) DEFINITIONS; AUTHORIZATION OF APPROPRIA-  
16 TIONS.—Such Act (15 U.S.C. 1511d et seq.), as amended  
17 by subsections (c) and (d), is further amended by adding  
18 the end the following:

19 “(g) DEFINITIONS.—In this section:

20 “(1) ADMINISTRATOR.—The term ‘Adminis-  
21 trator’ means the Administrator of the National  
22 Oceanic and Atmospheric Administration.

23 “(2) CHESAPEAKE BAY AGREEMENT; CHESA-  
24 PEAKE BAY ECOSYSTEM; CHESAPEAKE BAY PRO-  
25 GRAM; CHESAPEAKE EXECUTIVE COUNCIL.—The

1 terms ‘Chesapeake Bay Agreement’, ‘Chesapeake  
 2 Bay ecosystem’, ‘Chesapeake Bay Program’, and  
 3 ‘Chesapeake Executive Council’ have the meanings  
 4 given those terms in section 117(a) of the Federal  
 5 Water Pollution Control Act (33 U.S.C. 1267(a)).

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

8 “(4) OFFICE.—The term ‘Office’ means the  
 9 Chesapeake Bay Office established under this sec-  
 10 tion.

11 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 12 are authorized to be appropriated to the Secretary of Com-  
 13 merce to carry out this section—

14 “(1) \$17,000,000 for fiscal year 2022;

15 “(2) \$18,700,000 for fiscal year 2023;

16 “(3) \$20,570,000 for fiscal year 2024; and

17 “(4) \$22,627,000 for fiscal year 2025.”.

○