

117TH CONGRESS  
1ST SESSION

# H. R. 3540

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. SARBANES (for himself, Mr. SCOTT of Virginia, Mr. WITTMAN, Mr. CONNOLLY, Mr. BROWN, 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

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## 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  
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 National Oceanic  
3 and Atmospheric Administration's Chesapeake Bay Office  
4 should be the primary representative of the National Oce-  
5 anic and Atmospheric Administration in the Chesapeake  
6 Bay watershed.

7 **SEC. 3. REAUTHORIZATION OF THE NATIONAL OCEANIC**  
8 **AND ATMOSPHERIC ADMINISTRATION**  
9 **CHESAPEAKE BAY OFFICE.**

10 Section 307 of the National Oceanic and Atmospheric  
11 Administration Authorization Act of 1992 (15 U.S.C.  
12 1511d) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1) by striking “(in this  
15 section” and all that follows and inserting a pe-  
16 riod;

17 (B) by amending paragraph (2) to read as  
18 follows:

19 “(2) The Office shall be headed by a Director,  
20 who—

21 “(A) shall have knowledge and experience  
22 in research or resource management efforts in  
23 the Chesapeake Bay; and

24 “(B) shall be responsible for the adminis-  
25 tration and operation of the office and the im-  
26 plementation of this Act.”; and

1 (C) by striking paragraph (3);

2 (2) in subsection (b)—

3 (A) in paragraph (2), by striking “Sec-  
4 retary of Commerce” and inserting “Adminis-  
5 trator”;

6 (B) in paragraph (3)—

7 (i) by inserting “with and represent”  
8 after “coordinate,”;

9 (ii) by striking “, the Chesapeake Bay  
10 Regional Sea Grant Programs, and the  
11 Chesapeake Bay units of the National Es-  
12 tuarine Research Reserve System,” and in-  
13 serting “for the Chesapeake Bay Program  
14 and that relate to the Chesapeake Bay wa-  
15 tershed in furtherance of such Administra-  
16 tion’s coastal resource stewardship mis-  
17 sion,”;

18 (iii) in subparagraph (A)—

19 (I) in clause (vi), by striking  
20 “and” at the end; and

21 (II) by adding at the end the fol-  
22 lowing:

23 “(viii) coastal hazards and climate  
24 change;

25 “(ix) education; and”; and

1 (iv) in subparagraph (B)—

2 (I) in clause (iii), by striking  
3 “and” at the end;

4 (II) in clause (iv), by inserting  
5 “and” after the semicolon; and

6 (III) by adding at the end the  
7 following:

8 “(v) integrated ecosystem assess-  
9 ments;”;

10 (C) in paragraph (4)—

11 (i) by striking “Environmental Pro-  
12 tection Agency” and inserting “Chesapeake  
13 Executive Council”; and

14 (ii) by inserting before the semicolon  
15 at the end the following: “as appropriate to  
16 further the purposes of this section”;

17 (D) by striking paragraphs (5) and (7);

18 (E) by redesignating paragraph (6) as  
19 paragraph (5); and

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

21 “(6) perform any functions necessary to sup-  
22 port the programs referred to in paragraph (3).”;

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

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

25 “(c) PROGRAM ACTIVITIES.—

1           “(1) IN GENERAL.—The Administrator,  
2 through the Director, shall implement the program  
3 activities authorized by this section to support the  
4 activity of the Chesapeake Executive Council and to  
5 further the purposes of this section.

6           “(2) ENSURING SCIENTIFIC AND TECHNICAL  
7 MERIT.—The Director shall—

8                   “(A) establish and use an effective and  
9 transparent mechanism to ensure that projects  
10 funded under this section have undergone ap-  
11 propriate peer review; and

12                   “(B) provide other appropriate means to  
13 determine that such projects have acceptable  
14 scientific and technical merit for the purpose of  
15 achieving maximum use of available funds and  
16 resources to benefit the Chesapeake Bay area.

17           “(3) CONSULTATION WITH CHESAPEAKE EXEC-  
18 UTIVE COUNCIL.—The Director shall, in the imple-  
19 mentation of the program activities authorized under  
20 this section, consult with the Chesapeake Executive  
21 Council, to ensure that the activities of the Office  
22 are consistent with the purposes and priorities of the  
23 Chesapeake Bay Agreement and plans developed  
24 pursuant to the such agreement.

25           “(4) INTEGRATED COASTAL OBSERVATIONS.—

1           “(A) IN GENERAL.—The Administrator,  
2 through the Director, may collaborate with sci-  
3 entific and academic institutions, State and  
4 Federal agencies, non-governmental organiza-  
5 tions, and other constituents in the Chesapeake  
6 Bay watershed, to support an integrated obser-  
7 vations system for the Chesapeake Bay con-  
8 sistent with the purposes of the Integrated  
9 Coastal and Ocean Observation System Act of  
10 2009 (33 U.S.C. 3601 et seq.).

11           “(B) SPECIFIC REQUIREMENTS.—To sup-  
12 port the system referred to in subparagraph (A)  
13 and provide a complete set of environmental in-  
14 formation for the Chesapeake Bay, the Director  
15 shall—

16           “(i) coordinate monitoring with Fed-  
17 eral and State agencies in the tidal por-  
18 tions of the Chesapeake Bay to understand  
19 impacts of water quality on living marine  
20 resources;

21           “(ii) identify new data collection needs  
22 and deploy new technologies, as appro-  
23 priate;

24           “(iii) collect and analyze the scientific  
25 information necessary for the management

1 of living marine resources and the marine  
2 habitat associated with such resources; and

3 “(iv) organize the information de-  
4 scribed in clause (iii) into products that  
5 are useful to policy makers, resource man-  
6 agers, scientists, and the public.

7 “(C) CHESAPEAKE BAY INTERPRETIVE  
8 BUOY SYSTEM.—To further the development  
9 and implementation of the Chesapeake Bay In-  
10 terpretive Buoy System and associated moni-  
11 toring assets to improve weather and ecological  
12 forecasts, monitor habitat conditions for living  
13 marine resources, the Director may—

14 “(i) support the establishment and  
15 implementation of the Captain John Smith  
16 Chesapeake National Historic Trail;

17 “(ii) delineate key waypoints along the  
18 trail and provide appropriate real-time  
19 data and information for trail users;

20 “(iii) interpret data and information  
21 for use by educators and students to in-  
22 spire stewardship of Chesapeake Bay; and

23 “(iv) incorporate the Chesapeake Bay  
24 Interpretive Buoy System into the Inte-

1           grated Ocean Observing System regional  
2           network of observatories.

3           “(5) CHESAPEAKE BAY WATERSHED EDU-  
4           CATION AND TRAINING PROGRAM.—

5           “(A) IN GENERAL.—The Administrator,  
6           through the Director, may establish a Ches-  
7           apeake Bay watershed education and training  
8           program. The program shall—

9                   “(i) continue and expand the Ches-  
10                  apeake Bay watershed education programs  
11                  offered by the Office immediately before  
12                  the enactment of the Chesapeake Bay  
13                  Science, Education, and Ecosystem En-  
14                  hancement Act of 2021;

15                   “(ii) improve the understanding of el-  
16                  ementary and secondary school students  
17                  and teachers of the living resources of the  
18                  ecosystem of the Chesapeake Bay;

19                   “(iii) provide education and career  
20                  pathway internships; and

21                   “(iv) meet the educational goals of the  
22                  Chesapeake Bay Watershed Agreement.

23           “(B) GRANT PROGRAM.—The Director  
24           may award grants for the purposes of this para-  
25           graph. Grants awarded under this subpara-



1 graph may be used to support education and  
2 training projects that enhance understanding  
3 and assessment of a specific environmental  
4 problem in the Chesapeake Bay watershed or a  
5 goal of the Chesapeake Bay Program, or pro-  
6 tect or restore living resources of the Ches-  
7 peake Bay watershed, including projects that—

8 “(i) provide classroom education, in-  
9 cluding the development and use of dis-  
10 tance learning and other innovative tech-  
11 nologies, related to the Chesapeake Bay  
12 watershed;

13 “(ii) provide meaningful watershed  
14 educational experiences in the Chesapeake  
15 Bay watershed;

16 “(iii) provide professional development  
17 for teachers related to the Chesapeake Bay  
18 watershed and the dissemination of perti-  
19 nent education materials oriented to vary-  
20 ing grade levels;

21 “(iv) demonstrate or disseminate envi-  
22 ronmental educational tools and materials  
23 related to the Chesapeake Bay watershed;

24 “(v) demonstrate field methods, prac-  
25 tices, and techniques including assessment

1 of environmental and ecological conditions  
2 and analysis of environmental problems;  
3 and

4 “(vi) build the capacity of school dis-  
5 tricts and their partners to deliver high  
6 quality environmental education programs.

7 “(C) COORDINATION.—The Director shall  
8 implement the education and training program  
9 in coordination with the heads of other Federal  
10 agencies, as the Director determines appro-  
11 priate.

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

14 “(A) IN GENERAL.—The Administrator,  
15 through the Director, may establish a Ches-  
16 peake Bay Coastal Living Resources Manage-  
17 ment and Habitat Program to support coordi-  
18 nated management, protection, characterization,  
19 and restoration of priority Chesapeake Bay  
20 habitats and living resources, including oysters,  
21 blue crabs, submerged aquatic vegetation, and  
22 economically and ecologically important fish  
23 species such as striped bass and menhaden.

24 “(B) ACTIVITIES.—Under the Chesapeake  
25 Bay Coastal Living Resources Management and

1           Habitat Program, the Director may carry out  
2           or enter into grants, contracts, and cooperative  
3           agreements and provide technical assistance to  
4           support—

5                   “(i) native oyster research and res-  
6                   toration;

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

10                   “(iii) establishment of submerged  
11                   aquatic vegetation restoration programs;

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

16                   “(v) habitat mapping, characteriza-  
17                   tion, and assessment techniques necessary  
18                   to identify, assess, and monitor Ches-  
19                   apeake Bay conditions and restoration ac-  
20                   tions;

21                   “(vi) application and transfer of ap-  
22                   plied scientific research and ecosystem  
23                   management tools to fisheries and habitat  
24                   managers;

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

5                   “(viii) ecologically and economically  
6                   important fish and shellfish research; and

7                   “(ix) other activities that the director  
8                   determines are appropriate to carry out  
9                   the purposes of such program.

10                  “(d) DELEGATION.—

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

14                   “(2) STAFF.—The Administrator shall delegate  
15                   to the Director appropriate staff representing exper-  
16                   tise that covers the breadth of the duties of the Of-  
17                   fice.

18                  “(e) REPORTS.—

19                   “(1) IN GENERAL.—The Administrator,  
20                   through the Director, shall submit a biennial report  
21                   to the Congress and the Secretary of Commerce on  
22                   the activities of the Office and on progress made in  
23                   protecting and restoring the living resources and  
24                   habitat of the Chesapeake Bay.

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

4                   “(A) a list of recommended research, moni-  
5                   toring, and data collection activities necessary  
6                   to continue implementation of the strategy  
7                   under subsection (b)(2); and

8                   “(B) recommendations to integrate Na-  
9                   tional Oceanic and Atmospheric Administration  
10                  activities with the activities of the partners in  
11                  the Chesapeake Bay Program to meet the com-  
12                  mitments of the Chesapeake Bay Agreement  
13                  and subsequent agreements.

14          “(f) AGREEMENTS.—

15               “(1) IN GENERAL.—The Administrator,  
16               through the Director, may enter into and perform  
17               such contracts, leases, grants, or cooperative agree-  
18               ments as may be necessary to carry out the purposes  
19               of this Act.

20               “(2) USE OF OTHER RESOURCES.—For pur-  
21               poses related to the understanding, protection, and  
22               restoration of Chesapeake Bay, the Director may  
23               use, with consent and with or without reimburse-  
24               ment, the land, services, equipment, personnel, and  
25               facilities of any Department, agency, or instrumen-

1 tality of the United States, or of any State, local  
2 government, Indian Tribe, or of any political sub-  
3 division thereof.

4 “(g) DEFINITIONS.—In this section, the following  
5 definitions apply:

6 “(1) ADMINISTRATOR.—The term ‘Adminis-  
7 trator’ means the Administrator of the National  
8 Oceanic and Atmospheric Administration.

9 “(2) CHESAPEAKE BAY AGREEMENT; CHESA-  
10 PEAKE BAY ECOSYSTEM; CHESAPEAKE BAY PRO-  
11 GRAM; CHESAPEAKE EXECUTIVE COUNCIL.—The  
12 terms ‘Chesapeake Bay Agreement’, ‘Chesapeake  
13 Bay ecosystem’, ‘Chesapeake Bay Program’, and  
14 ‘Chesapeake Executive Council’ have the meanings  
15 given those terms in section 117(a) of the Federal  
16 Water Pollution Control Act (33 U.S.C. 1267(a)).

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

19 “(4) OFFICE.—The term ‘Office’ means the  
20 Chesapeake Bay Office established under this sec-  
21 tion.

22 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to the Secretary to carry  
24 out this section—

25 “(1) \$17,000,000 for fiscal year 2022;

- 1 “(2) \$18,700,000 for fiscal year 2023;
- 2 “(3) \$20,570,000 for fiscal year 2024; and
- 3 “(4) \$22,627,000 for fiscal year 2025.”.

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