

118TH CONGRESS
1ST SESSION

S. 2534

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.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

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

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 2023”.

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 **OFFICE OF THE NATIONAL OCEANIC AND AT-**
9 **MOSPHERIC ADMINISTRATION.**

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, who
20 shall—

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

24 “(B) be responsible for—

25 “(i) the administration and operation of
26 the Office; and

1 “(ii) the implementation of this section.”;

2 and

3 (C) by striking paragraph (3);

4 (2) in subsection (b)—

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

8 (B) in paragraph (3)—

9 (i) in the matter preceding subpara-
10 graph (A)—

11 (I) by inserting “with and rep-
12 resent” after “coordinate”; and

13 (II) by striking “, the Chesa-
14 peake Bay Regional Sea Grant Pro-
15 grams, and the Chesapeake Bay units
16 of the National Estuarine Research
17 Reserve System,” and inserting “for
18 the Chesapeake Bay Program and
19 that relate to the Chesapeake Bay wa-
20 tershed in furtherance of the coastal
21 resource stewardship mission of the
22 Administration,”;

23 (ii) in subparagraph (A)—

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

1 (II) in clause (vii), by striking
2 “and” at the end; and

3 (III) by adding at the end the
4 following:

5 “(viii) coastal hazards and climate
6 change; and

7 “(ix) education; and”; and

8 (iii) 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
14 following:

15 “(v) integrated ecosystem assess-
16 ments;”;

17 (C) in paragraph (4)—

18 (i) by striking “Environmental Pro-
19 tection Agency” and inserting “Chesapeake
20 Executive Council”; and

21 (ii) by inserting before the semicolon
22 at 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 sup-
5 port the programs and activities described in para-
6 graph (3).”;

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

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

9 “(c) ACTIVITIES.—

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

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

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

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

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

23 “(B) provide other appropriate means to
24 determine that such projects have acceptable
25 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 or required under this section, the Director
6 shall consult with the Chesapeake Executive Council
7 to ensure that the activities of the Office are con-
8 sistent with the purposes and priorities of the
9 Chesapeake Bay Agreement and plans developed
10 pursuant to 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 impacts of water quality on living marine
7 resources;

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 of the National Oceanic
23 and Atmospheric Administration and associated
24 monitoring assets to improve weather and eco-

1 logical forecasts and monitor habitat conditions
2 for living marine resources, the Director may—

3 “(i) support the establishment and
4 implementation of the Captain John Smith
5 Chesapeake National Historic Trail des-
6 ignated by section 5(a)(25) of the National
7 Trails System Act (16 U.S.C.
8 1244(a)(25));

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

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

16 “(iv) incorporate the observational
17 data from the Chesapeake Bay Interpretive
18 Buoy System into the regional observing
19 system network of the Integrated Ocean
20 Observing System of the National Oceanic
21 and Atmospheric Administration.

22 “(5) CHESAPEAKE BAY WATERSHED EDU-
23 CATION AND TRAINING PROGRAM.—

24 “(A) IN GENERAL.—The Administrator,
25 through the Director, may establish a program

1 to be known as the ‘Chesapeake Bay Watershed
2 Education and Training Program’.

3 “(B) ACTIVITIES.—The Chesapeake Bay
4 Watershed Education and Training Program
5 shall—

6 “(i) continue and expand the Chesa-
7 peake Bay watershed education programs
8 offered by the Office immediately before
9 the date of the enactment of the Chesa-
10 peake Bay Science, Education, and Eco-
11 system Enhancement Act of 2023;

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

16 “(iii) provide education and career
17 pathway internships; and

18 “(iv) meet the educational goals of the
19 Chesapeake Bay Agreement.

20 “(C) GRANTS.—

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

1 “(ii) USE OF GRANTS.—Grants
2 awarded under clause (i) may be used to
3 support education and training projects
4 that enhance understanding and assess-
5 ment of a specific environmental problem
6 in the Chesapeake Bay watershed or a goal
7 of the Chesapeake Bay Program, or pro-
8 tect or restore living resources of the
9 Chesapeake Bay watershed, including
10 projects that—

11 “(I) provide classroom education,
12 including the development and use of
13 distance learning and other innovative
14 technologies, related to the Chesa-
15 peake Bay watershed;

16 “(II) provide meaningful water-
17 shed educational experiences in the
18 Chesapeake Bay watershed;

19 “(III) provide professional devel-
20 opment for teachers related to the
21 Chesapeake Bay watershed and the
22 dissemination of pertinent education
23 materials oriented to varying grade
24 levels;

1 “(IV) demonstrate or disseminate
2 environmental educational tools and
3 materials related to the Chesapeake
4 Bay watershed;

5 “(V) demonstrate field methods,
6 practices, and techniques, including
7 assessment of environmental and eco-
8 logical conditions and analysis of envi-
9 ronmental problems; and

10 “(VI) build the capacity of school
11 districts and partners of school dis-
12 tricts to deliver high-quality environ-
13 mental education programs.

14 “(D) COORDINATION.—The Director shall
15 implement the Chesapeake Bay Watershed
16 Education and Training Program in coordina-
17 tion with the heads of other Federal agencies,
18 as the Director determines appropriate.

19 “(6) CHESAPEAKE BAY COASTAL AND LIVING
20 RESOURCES MANAGEMENT AND HABITAT PRO-
21 GRAM.—

22 “(A) IN GENERAL.—The Administrator,
23 through the Director, may establish a program
24 to be known as the ‘Chesapeake Bay Coastal

1 Living Resources Management and Habitat
2 Program’.

3 “(B) PURPOSE.—The purpose of the
4 Chesapeake Bay Coastal Living Resources Man-
5 agement and Habitat Program shall be to sup-
6 port coordinated management, protection, char-
7 acterization, and restoration of priority Ches-
8 peake Bay habitats and living resources, includ-
9 ing oysters, blue crabs, submerged aquatic vege-
10 tation, and economically and ecologically impor-
11 tant fish species such as striped bass and men-
12 haden.

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

19 “(i) native oyster research and res-
20 toration;

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

24 “(iii) the establishment of submerged
25 aquatic vegetation restoration programs;

1 “(iv) the development of programs
2 that restore, protect, and build the resil-
3 ience of critical coastal habitats and com-
4 munities;

5 “(v) habitat mapping, characteriza-
6 tion, and assessment techniques necessary
7 to identify, assess, and monitor Chesa-
8 peake Bay conditions and restoration ac-
9 tions;

10 “(vi) the application and transfer of
11 applied scientific research and ecosystem
12 management tools to fisheries and habitat
13 managers;

14 “(vii) the collection, synthesis, and
15 sharing of information to inform and influ-
16 ence coastal and living resource manage-
17 ment issues;

18 “(viii) research on ecologically and
19 economically important fish and shellfish;
20 and

21 “(ix) such other activities as the Di-
22 rector determines appropriate to carry out
23 the purpose of such program.

24 “(d) DELEGATION.—

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

4 “(2) STAFF.—The Administrator shall delegate
5 to the Director appropriate staff representing exper-
6 tise that covers the breadth of the functions of the
7 Office.

8 “(e) REPORTS.—

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

13 “(A) the activities of the Office; and

14 “(B) progress made in protecting and re-
15 storing the living resources and habitat of the
16 Chesapeake Bay.

17 “(2) ACTION PLAN.—Each report required by
18 paragraph (1) shall include an action plan for the 2-
19 year period following the date on which the report
20 is submitted, consisting of—

21 “(A) a list of recommended research, moni-
22 toring, and data collection activities necessary
23 to continue implementation of the strategy re-
24 quired by subsection (b)(2); and

1 “(B) recommendations to integrate activi-
2 ties of the National Oceanic and Atmospheric
3 Administration with the activities of the part-
4 ners in the Chesapeake Bay Program to meet
5 the commitments of the Chesapeake Bay Agree-
6 ment and subsequent agreements.

7 “(f) AGREEMENTS; USE OF OTHER RESOURCES.—

8 “(1) AGREEMENTS.—The Administrator,
9 through the Director, may enter into and perform
10 such contracts, leases, grants, or cooperative agree-
11 ments as may be necessary to carry out this section.

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

21 “(g) DEFINITIONS.—In this section:

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

1 “(2) CHESAPEAKE BAY AGREEMENT; CHESA-
2 PEAKE BAY ECOSYSTEM; CHESAPEAKE BAY PRO-
3 GRAM; CHESAPEAKE EXECUTIVE COUNCIL.—The
4 terms ‘Chesapeake Bay Agreement’, ‘Chesapeake
5 Bay ecosystem’, ‘Chesapeake Bay Program’, and
6 ‘Chesapeake Executive Council’ have the meanings
7 given those terms in section 117(a) of the Federal
8 Water Pollution Control Act (33 U.S.C. 1267(a)).

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

11 “(4) OFFICE.—The term ‘Office’ means the
12 Chesapeake Bay Office established under this sec-
13 tion.

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

17 “(1) \$17,000,000 for fiscal year 2024;

18 “(2) \$18,700,000 for fiscal year 2025;

19 “(3) \$20,570,000 for fiscal year 2026; and

20 “(4) \$22,627,000 for fiscal year 2027.”.

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