

111TH CONGRESS  
1ST SESSION

# S. 1224

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

JUNE 10, 2009

Mr. WARNER (for himself, Ms. MIKULSKI, Mr. CARDIN, and Mr. WEBB) 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 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 2009”.

1 **SEC. 2. REAUTHORIZATION OF CHESAPEAKE BAY OFFICE**  
2 **OF NATIONAL OCEANIC AND ATMOSPHERIC**  
3 **ADMINISTRATION.**

4 Section 307 of the National Oceanic and Atmospheric  
5 Administration Authorization Act of 1992 (15 U.S.C.  
6 1511d) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by striking “(1) The Secretary”  
10 and inserting the following:

11 “(1) IN GENERAL.—The Secretary”; and

12 (ii) by striking “(in this section” and  
13 all that follows and inserting a period;

14 (B) by amending paragraph (2) to read as  
15 follows:

16 “(2) DIRECTOR.—

17 “(A) IN GENERAL.—The Office shall be  
18 headed by a Director who shall be selected by  
19 the Secretary of Commerce from among individ-  
20 uals who have knowledge and experience in re-  
21 search or resource management efforts in the  
22 Chesapeake Bay.

23 “(B) DUTIES.—The duties of the Director  
24 are as follows:

25 “(i) Administration and operation of  
26 the Office.

1                   “(ii) Carrying out the provisions of  
2                   this section.”; and

3                   (C) by striking paragraph (3);

4                   (2) in subsection (b)—

5                   (A) by striking the matter preceding para-  
6                   graph (1) and inserting the following:

7                   “(b) PURPOSE.—The purpose of this section is to  
8                   focus the relevant science, research, and resource manage-  
9                   ment capabilities of the National Oceanic and Atmospheric  
10                  Administration as they apply to the Chesapeake Bay and  
11                  to utilize the Office to—”;

12                  (B) in paragraph (2), by striking “Sec-  
13                  retary of Commerce” and inserting “Adminis-  
14                  trator”;

15                  (C) in paragraph (3)—

16                  (i) by striking the matter preceding  
17                  subparagraph (A) and inserting the fol-  
18                  lowing:

19                  “(3) coordinate with the programs and activi-  
20                  ties of the various organizations within the National  
21                  Oceanic and Atmospheric Administration in further-  
22                  ance of such administration’s coastal resource stew-  
23                  ardship mission, including—”;

24                  (ii) in subparagraph (A)—

1 (I) in clause (vi), by striking “;  
2 and” and inserting a semicolon; and

3 (II) by inserting after clause (vii)  
4 the following:

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

7 (iii) in subparagraph (B)—

8 (I) in clause (iii), by striking “;  
9 and” and inserting a semicolon;

10 (II) in clause (iv), by adding  
11 “and” at the end; and

12 (III) by adding at the end the  
13 following:

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

16 (D) in paragraph (4), by inserting before  
17 the semicolon at the end the following: “as ap-  
18 propriate to further the purposes of this sec-  
19 tion”;

20 (E) by striking paragraphs (5) and (7);

21 (F) by redesignating paragraph (6) as  
22 paragraph (5);

23 (G) in paragraph (5), as redesignated by  
24 subparagraph (F), by adding “and” at the end;  
25 and

1 (H) by adding at the end the following:

2 “(6) perform such functions as may be nec-  
3 essary to support the programs referred to in para-  
4 graph (3)”;

5 (3) by striking subsection (c) and all that fol-  
6 lows through the end of the section and inserting the  
7 following:

8 “(c) PROGRAM ACTIVITIES.—

9 “(1) IN GENERAL.—The Director shall imple-  
10 ment the program activities required by this sub-  
11 section to support the activity of the Chesapeake Ex-  
12 ecutive Council and to further the purposes of this  
13 section.

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

16 “(A) establish and utilize an effective and  
17 transparent mechanism to ensure that projects  
18 funded under this section have undergone ap-  
19 propriate peer review, using, to the extent prac-  
20 ticable, the capabilities of the Maryland and  
21 Virginia Sea Grant Program;

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

1 funds and resources to benefit the Chesapeake  
2 Bay area; and

3 “(C) ensure that all data and other prod-  
4 ucts generated by any project funded under this  
5 section be provided to the Director.

6 “(3) CONSULTATION WITH CHESAPEAKE EXEC-  
7 UTIVE COUNCIL.—The Director shall, in the imple-  
8 mentation of the program activities authorized under  
9 this section, consult with the Chesapeake Executive  
10 Council to ensure that the activities of the Office are  
11 consistent with the purposes and priorities of the  
12 Chesapeake Bay Agreement and plans developed  
13 pursuant to the Agreement.

14 “(4) INTEGRATED COASTAL OBSERVATIONS.—

15 “(A) IN GENERAL.—The Director shall col-  
16 laborate with scientific and academic institu-  
17 tions, State and Federal agencies, nongovern-  
18 mental organizations, and other constituents in  
19 the Chesapeake Bay watershed, to support the  
20 development of an integrated observations sys-  
21 tem for the Chesapeake Bay.

22 “(B) SPECIFIC REQUIREMENTS.—To sup-  
23 port the system referred to 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 existing monitoring  
4                   and observing activities in the Chesapeake  
5                   Bay;

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

9                   “(iii) facilitate the collection and anal-  
10                  ysis of the scientific information necessary  
11                  for the management of living marine re-  
12                  sources and the marine habitat associated  
13                  with such resources;

14                  “(iv) coordinate with regional partners  
15                  to manage and interpret the information  
16                  described in clause (iii); and

17                  “(v) support regional partners to en-  
18                  sure the information described in clause  
19                  (iii) is organized into products that are  
20                  useful to policy makers, resource man-  
21                  agers, scientists, and the public.

22                  “(C) CHESAPEAKE BAY INTERPRETIVE  
23                  BUOY SYSTEM.—To further the development  
24                  and implementation of the Chesapeake Bay In-  
25                  terpretive Buoy System, the Director shall—

1 “(i) support the establishment and  
2 implementation 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 in-  
9 spire stewardship of Chesapeake Bay; and

10 “(iv) incorporate the Chesapeake Bay  
11 Interpretive Buoy System into the Inte-  
12 grated Ocean Observing System regional  
13 network of observatories.

14 “(5) CHESAPEAKE BAY WATERSHED EDU-  
15 CATION AND TRAINING PROGRAM.—

16 “(A) IN GENERAL.—The Director shall es-  
17 tablish a Chesapeake Bay watershed education  
18 and training program. The program shall—

19 “(i) continue and expand the Chesa-  
20 peake Bay watershed education programs  
21 offered by the Office on the day before the  
22 date of the enactment of the Chesapeake  
23 Bay Science, Education, and Ecosystem  
24 Enhancement Act of 2009;



1           “(ii) improve the understanding of el-  
2           mentary and secondary school students  
3           and teachers of the living resources of the  
4           ecosystem of the Chesapeake Bay;

5           “(iii) provide community education to  
6           improve watershed protection; and

7           “(iv) meet the educational goals of the  
8           most recent Chesapeake Bay Agreement.

9           “(B) GRANT PROGRAM.—The Director  
10          may award grants to support education and  
11          training projects that enhance understanding  
12          and assessment of a specific environmental  
13          problem in the Chesapeake Bay watershed or a  
14          goal of the Chesapeake Bay Program, or pro-  
15          tect or restore living resources of the Ches-  
16          apeake Bay watershed, including projects that—

17               “(i) provide classroom education, in-  
18               cluding the development and use of dis-  
19               tance learning and other innovative tech-  
20               nologies, related to the Chesapeake Bay  
21               watershed;

22               “(ii) provide watershed educational  
23               experiences in the Chesapeake Bay water-  
24               shed;

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

6           “(iv) demonstrate or disseminate envi-  
7           ronmental educational tools and materials  
8           related to the Chesapeake Bay watershed;

9           “(v) demonstrate field methods, prac-  
10          tices, and techniques including assessment  
11          of environmental and ecological conditions  
12          and analysis of environmental problems;

13          “(vi) build the capacity of organiza-  
14          tions to deliver high quality environmental  
15          education programs; and

16          “(vii) educate local land use officials  
17          and decision makers on the relationship of  
18          land use to natural resource and watershed  
19          protection.

20          “(C) COLLABORATION.—The Director shall  
21          provide technical assistance to support the edu-  
22          cation and training program established under  
23          subparagraph (A) in collaboration with the  
24          heads of other relevant Federal agencies.

1           “(6) COASTAL AND LIVING RESOURCES MAN-  
2           AGEMENT AND HABITAT PROGRAM.—

3           “(A) IN GENERAL.—The Director shall es-  
4           tablish a Chesapeake Bay coastal living re-  
5           sources management and habitat program to  
6           support coordinated management, protection,  
7           characterization, and restoration of priority  
8           Chesapeake Bay habitats and living resources,  
9           including oysters, blue crabs, and submerged  
10          aquatic vegetation.

11          “(B) ACTIVITIES.—Under the program re-  
12          quired by subparagraph (A), the Director may,  
13          subject to the availability of appropriations,  
14          carry out or enter into grants, contracts, and  
15          cooperative agreements and provide technical  
16          assistance to support—

17                 “(i) native oyster restoration;

18                 “(ii) fish and shellfish aquaculture;

19                 “(iii) establishment of submerged  
20                 aquatic vegetation propagation programs;

21                 “(iv) the development of programs  
22                 that protect and restore critical coastal  
23                 habitats;

24                 “(v) habitat mapping, characteriza-  
25                 tion, and assessment techniques necessary

1 to identify, assess, and monitor restoration  
2 actions;

3 “(vi) application and transfer of ap-  
4 plied scientific research and ecosystem  
5 management tools to fisheries and habitat  
6 managers;

7 “(vii) collection, synthesis, and shar-  
8 ing of information to inform and influence  
9 coastal and living resource management  
10 issues; and

11 “(viii) such other activities as the Di-  
12 rector considers appropriate to carry out  
13 the program established under subpara-  
14 graph (A).

15 “(d) REPORTS.—

16 “(1) IN GENERAL.—The Director shall, not less  
17 frequently than once every 2 years, submit to Con-  
18 gress a report on—

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

20 “(B) progress made in protecting and re-  
21 storing the living resources and habitat of the  
22 Chesapeake Bay.

23 “(2) ACTION PLAN.—Each report submitted  
24 under paragraph (1) shall include an action plan for

1 the 2-year period following submission of the report,  
2 consisting of—

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

7 “(B) recommendations to integrate the ac-  
8 tivities of the National Oceanic and Atmos-  
9 pheric Administration with the activities of the  
10 partners in the Chesapeake Bay Program in  
11 order to meet the commitments of the Chesa-  
12 peake Bay Agreement.

13 “(e) AGREEMENTS.—

14 “(1) IN GENERAL.—The Director may, subject  
15 to the availability of appropriations, enter into and  
16 perform such contracts, leases, grants, or coopera-  
17 tive agreements as may be necessary to carry out  
18 the provisions of this section.

19 “(2) USE OF OTHER RESOURCES.—For pur-  
20 poses of understanding, protecting, and restoring the  
21 Chesapeake Bay, the Director may use, with or  
22 without reimbursement, the land, services, equip-  
23 ment, personnel, and facilities of any Department,  
24 agency, or instrumentality of the United States, or  
25 of any State, local government, Indian tribal govern-

1 ment, or of any political subdivision thereof if the  
2 Director receives consent from the Department,  
3 agency, instrumentality, State, government, or polit-  
4 ical subdivision concerned for such use.

5 “(3) DONATIONS.—The Director may accept  
6 donations of funds, other property, and services for  
7 use in understanding, protecting, and restoring the  
8 Chesapeake Bay. Donations accepted under this sec-  
9 tion shall be considered as a gift or bequest to or for  
10 the use of the United States.

11 “(f) DEFINITIONS.—In this section:

12 “(1) ADMINISTRATOR.—The term ‘Adminis-  
13 trator’ means the Administrator of the National  
14 Oceanic and Atmospheric Administration.

15 “(2) CHESAPEAKE BAY AGREEMENT.—The  
16 term ‘Chesapeake Bay Agreement’ means the for-  
17 mal, voluntary agreements executed to achieve the  
18 goal of restoring and protecting the Chesapeake Bay  
19 ecosystem and the living resources of the Chesa-  
20 peake Bay ecosystem and are signed by the Chesa-  
21 peake Executive Council.

22 “(3) CHESAPEAKE BAY PROGRAM.—The term  
23 ‘Chesapeake Bay Program’ means the regional  
24 Chesapeake Bay restoration partnership that in-  
25 cludes Maryland, Pennsylvania, Virginia, the Dis-

1        trict of Columbia, the Chesapeake Bay Commission,  
2        the Environmental Protection Agency, other appro-  
3        priate Federal agencies, and participating citizen  
4        and local elected official advisory groups.

5            “(4) CHESAPEAKE EXECUTIVE COUNCIL.—The  
6        term ‘Chesapeake Executive Council’ means the rep-  
7        resentatives from the Commonwealth of Virginia, the  
8        State of Maryland, the Commonwealth of Pennsyl-  
9        vania, the Environmental Protection Agency, the  
10       District of Columbia, and the Chesapeake Bay Com-  
11       mission, who are signatories to the Chesapeake Bay  
12       Agreement, and any future signatories to that agree-  
13       ment.

14           “(5) DIRECTOR.—The term ‘Director’ means  
15        the Director of the Chesapeake Bay Office.

16           “(6) OFFICE.—The term ‘Office’ means the  
17        Chesapeake Bay Office established under subsection  
18        (a).

19           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
20        is authorized to be appropriated to the Secretary to carry  
21        out this section—

22            “(1) \$17,000,000 for fiscal year 2011;

23            “(2) \$18,700,000 for fiscal year 2012;

24            “(3) \$20,570,000 for fiscal year 2013; and

1 “(4) \$22,627,000 for fiscal year 2014.”.

○