

CHESAPEAKE BAY SCIENCE, EDUCATION, AND
ECOSYSTEM ENHANCEMENT ACT OF 2021

NOVEMBER 16, 2022.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3540]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3540) to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2021”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the National Oceanic and Atmospheric Administration’s Chesapeake Bay Office should be the primary representative of the National Oceanic and Atmospheric Administration in the Chesapeake Bay watershed.

SEC. 3. REAUTHORIZATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CHESAPEAKE BAY OFFICE.

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

(1) in subsection (a)—

(A) in paragraph (1) by striking “(in this section” and all that follows and inserting a period;

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

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

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

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

- (C) by striking paragraph (3);
- (2) in subsection (b)—
- (A) in paragraph (2), by striking “Secretary of Commerce” and inserting “Administrator”;
- (B) in paragraph (3)—
- (i) by inserting “with and represent” after “coordinate”;
- (ii) by striking “, the Chesapeake Bay Regional Sea Grant Programs, and the Chesapeake Bay units of the National Estuarine Research Reserve System,” and inserting “for the Chesapeake Bay Program and that relate to the Chesapeake Bay watershed in furtherance of such Administration’s coastal resource stewardship mission,”;
- (iii) in subparagraph (A)—
- (I) in clauses (vi) and (vii), by striking “and” at the end; and
- (II) by adding at the end the following:
- “(viii) coastal hazards and climate change; and
- “(ix) education; and”;
- (iv) in subparagraph (B)—
- (I) in clause (iii), by striking “and” at the end;
- (II) in clause (iv), by inserting “and” after the semicolon; and
- (III) by adding at the end the following:
- “(v) integrated ecosystem assessments;”;
- (C) in paragraph (4)—
- (i) by striking “Environmental Protection Agency” and inserting “Chesapeake Executive Council”; and
- (ii) by inserting before the semicolon at the end the following: “as appropriate to further the purposes of this section”;
- (D) by striking paragraphs (5) and (7);
- (E) by redesignating paragraph (6) as paragraph (5); and
- (F) by adding at the end the following:
- “(6) perform any functions necessary to support the programs referred to in paragraph (3).”;
- (3) by striking subsections (c), (d), and (e); and
- (4) by adding at the end the following:
- “(c) PROGRAM ACTIVITIES.—
- “(1) IN GENERAL.—The Administrator, through the Director, shall implement the program activities authorized by this section to support the activity of the Chesapeake Executive Council and to further the purposes of this section.
- “(2) ENSURING SCIENTIFIC AND TECHNICAL MERIT.—The Director shall—
- “(A) establish and use an effective and transparent mechanism to ensure that projects funded under this section have undergone appropriate peer review; and
- “(B) provide other appropriate means to determine that such projects have acceptable scientific and technical merit for the purpose of achieving maximum use of available funds and resources to benefit the Chesapeake Bay area.
- “(3) CONSULTATION WITH CHESAPEAKE EXECUTIVE COUNCIL.—The Director shall, in the implementation of the program activities authorized under this section, consult with the Chesapeake Executive Council, to ensure that the activities of the Office are consistent with the purposes and priorities of the Chesapeake Bay Agreement and plans developed pursuant to the such agreement.
- “(4) INTEGRATED COASTAL OBSERVATIONS.—
- “(A) IN GENERAL.—The Administrator, through the Director, may collaborate with scientific and academic institutions, State and Federal agencies, non-governmental organizations, and other constituents in the Chesapeake Bay watershed, to support an integrated observations system for the Chesapeake Bay consistent with the purposes of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.).
- “(B) SPECIFIC REQUIREMENTS.—To support the system referred to in subparagraph (A) and provide a complete set of environmental information for the Chesapeake Bay, the Director shall—
- “(i) coordinate monitoring with Federal and State agencies in the tidal portions of the Chesapeake Bay to understand impacts of water quality on living marine resources;
- “(ii) identify new data collection needs and deploy new technologies, as appropriate;
- “(iii) collect and analyze the scientific information necessary for the management of living marine resources and the marine habitat associated with such resources; and

- “(iv) organize the information described in clause (iii) into products that are useful to policy makers, resource managers, scientists, and the public.
- “(C) CHESAPEAKE BAY INTERPRETIVE BUOY SYSTEM.—To further the development and implementation of the Chesapeake Bay Interpretive Buoy System and associated monitoring assets to improve weather and ecological forecasts, monitor habitat conditions for living marine resources, the Director may—
- “(i) support the establishment and implementation of the Captain John Smith Chesapeake National Historic Trail;
 - “(ii) delineate key waypoints along the trail and provide appropriate real-time data and information for trail users;
 - “(iii) interpret data and information for use by educators and students to inspire stewardship of Chesapeake Bay; and
 - “(iv) incorporate the observational data from the Chesapeake Bay Interpretive Buoy System into the Integrated Ocean Observing System regional network of observatories.
- “(5) CHESAPEAKE BAY WATERSHED EDUCATION AND TRAINING PROGRAM.—
- “(A) IN GENERAL.—The Administrator, through the Director, may establish a Chesapeake Bay watershed education and training program. The program shall—
- “(i) continue and expand the Chesapeake Bay watershed education programs offered by the Office immediately before the enactment of the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2021;
 - “(ii) improve the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay;
 - “(iii) provide education and career pathway internships; and
 - “(iv) meet the educational goals of the Chesapeake Bay Watershed Agreement.
- “(B) GRANT PROGRAM.—The Director may award grants for the purposes of this paragraph. Grants awarded under this subparagraph may be used to support education and training projects that enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or a goal of the Chesapeake Bay Program, or protect or restore living resources of the Chesapeake Bay watershed, including projects that—
- “(i) provide classroom education, including the development and use of distance learning and other innovative technologies, related to the Chesapeake Bay watershed;
 - “(ii) provide meaningful watershed educational experiences in the Chesapeake Bay watershed;
 - “(iii) provide professional development for teachers related to the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;
 - “(iv) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;
 - “(v) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems; and
 - “(vi) build the capacity of school districts and their partners to deliver high quality environmental education programs.
- “(C) COORDINATION.—The Director shall implement the education and training program in coordination with the heads of other Federal agencies, as the Director determines appropriate.
- “(6) COASTAL AND LIVING RESOURCES MANAGEMENT AND HABITAT PROGRAM.—
- “(A) IN GENERAL.—The Administrator, through the Director, may establish a Chesapeake Bay Coastal Living Resources Management and Habitat Program to support coordinated management, protection, characterization, and restoration of priority Chesapeake Bay habitats and living resources, including oysters, blue crabs, submerged aquatic vegetation, and economically and ecologically important fish species such as striped bass and menhaden.
- “(B) ACTIVITIES.—Under the Chesapeake Bay Coastal Living Resources Management and Habitat Program, the Director may carry out or enter into grants, contracts, and cooperative agreements and provide technical assistance to support—
- “(i) native oyster research and restoration;

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

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

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

“(v) habitat mapping, characterization, and assessment techniques necessary to identify, assess, and monitor Chesapeake Bay conditions and restoration actions;

“(vi) application and transfer of applied scientific research and ecosystem management tools to fisheries and habitat managers;

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

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

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

“(d) DELEGATION.—

“(1) AUTHORITY.—The Administrator shall delegate to the Director such authority as may be necessary to carry out this section.

“(2) STAFF.—The Administrator shall delegate to the Director appropriate staff representing expertise that covers the breadth of the duties of the Office.

“(e) REPORTS.—

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

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

“(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy under subsection (b)(2); and

“(B) recommendations to integrate National Oceanic and Atmospheric Administration activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement and subsequent agreements.

“(f) AGREEMENTS.—

“(1) IN GENERAL.—The Administrator, through the Director, may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act.

“(2) USE OF OTHER RESOURCES.—For purposes related to the understanding, protection, and restoration of Chesapeake Bay, the Director may use, with consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, Indian Tribe, or of any political subdivision thereof.

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

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) CHESAPEAKE BAY AGREEMENT; CHESAPEAKE BAY ECOSYSTEM; CHESAPEAKE BAY PROGRAM; CHESAPEAKE EXECUTIVE COUNCIL.—The terms ‘Chesapeake Bay Agreement’, ‘Chesapeake Bay ecosystem’, ‘Chesapeake Bay Program’, and ‘Chesapeake Executive Council’ have the meanings given those terms in section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267(a)).

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

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

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

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

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

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

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

PURPOSE OF THE BILL

The purpose of H.R. 3540 is to reauthorize and enhance the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration.

BACKGROUND AND NEED FOR LEGISLATION

The Chesapeake Bay is the largest estuary in the United States, with a 64,000 square mile watershed.¹ Eighteen million people live in the watershed shared by Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia. The Bay supports thriving fishing, tourism, and real estate industries, generating billions in GDP annually. However, declines in water quality from agricultural runoff and industrial and sewage sources have shrunk vital fish and wildlife populations, including economically important species such as oysters and blue crabs. Other challenges to the health of Bay habitats include overfishing, loss of coastal habitats, and coastal development.

In 1992, Congress established a National Oceanic and Atmospheric Administration (NOAA) Chesapeake Bay Estuarine Research Office, housed within the National Marine Fisheries Service (NMFS), to coordinate NOAA research and restoration efforts in the Chesapeake Bay.² Congress last reauthorized the office in 2002,³ and its reauthorization expired in 2006, although Congress has continued to appropriate funding for the office.

In addition, NOAA provides competitive Chesapeake Bay Watershed Education and Training (B-WET) grants.⁴ Eligible entities include K–12 schools, higher education institutions, nonprofits, and state and local governments. Chesapeake B-WET grants aim to fund educational experiences that help students learn about the Chesapeake Bay and develop the skills needed to protect it.⁵ B-WET receives annual appropriations from Congress through the NOAA Office of Education,⁶ but Congress has never explicitly authorized the program.

H.R. 3540 would amend Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992, which established the Chesapeake Bay Office, to allow the office to better collaborate with universities, nonprofits, and other stakeholders to carry out science, monitoring, and observation activities, and to support coordinated management, science, and conservation of Chesapeake Bay habitats, fish and wildlife, and other resources. It also authorizes the Chesapeake B-WET grant program for restora-

¹See PERVAZE A. SHEIKH & LAURA GATZ, CRS, IF10627, IN FOCUS, ECOSYSTEM RESTORATION OF THE CHESAPEAKE BAY (updated July 5, 2017), <https://www.crs.gov/reports/pdf/IF10627/IF10627.pdf>—of which the above text is partly excerpts.

²National Oceanic and Atmospheric Administration Authorization Act of 1992, Pub. L. No. 102–567, § 307, 106 Stat. 4270, 4284, <https://uscode.house.gov/statviewer.htm?volume=106&page=4284> (codified as amended as 15 U.S.C. § 1511d).

³Act of Dec. 19, 2002, Pub. L. No. 107–372, § 401(a), 116 Stat. 3078, 3096, <https://uscode.house.gov/statviewer.htm?volume=116&page=3096> (codified as 15 U.S.C. § 1511d).

⁴NOAA *Chesapeake Bay Watershed Education and Training Program*, NMFS (last updated Nov. 18, 2021), <https://www.fisheries.noaa.gov/grant/noaa-chesapeake-bay-watershed-education-and-training-program>; see also *Bay Watershed Education and Training (B-WET)*, NOAA OFF. OF EDUC. (last updated May 12, 2022), <https://www.noaa.gov/office-education/bwet>.

⁵*Resources for Prospective Chesapeake Bay B-WET Grantees*, NOAA CHESAPEAKE BAY OFF. (last updated Oct. 25, 2022), <https://www.fisheries.noaa.gov/content/resources-prospective-chesapeake-bay-b-wet-grantees>.

⁶NOAA, BUDGET ESTIMATES: FISCAL YEAR 2022 at MS–24 (pdf page 986), <https://www.noaa.gov/sites/default/files/2021-06/NOAA%20FY22%20CJ.pdf>.

tion education. H.R. 3540 would reauthorize the NOAA Chesapeake Bay Office through 2025, with authorization levels starting at \$17,000,000 in FY22 and increasing by 1% each year.

COMMITTEE ACTION

H.R. 3540 was introduced on May 25, 2021, by Representative John P. Sarbanes (D–MD). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On January 20, 2022, the Subcommittee held a hearing on the bill. On February 16, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment designated Grijalva #081. The amendment was agreed to by voice vote. By unanimous consent, Ranking Member Bruce Westerman (R–AR) offered an amendment designated Moore #1 on behalf of Rep. Blake Moore (R–UT). The amendment was not agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by voice vote.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Oceans, and Wildlife held on January 20, 2022.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 27, 2022.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3540, the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 3540, Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2021			
As ordered reported by the House Committee on Natural Resources on February 16, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	1	2
Revenues	0	0	0
Increase in the Deficit	0	1	2
Spending Subject to Appropriation (Outlays)	0	78	79
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3540 would authorize appropriations totaling \$79 million over the 2022–2025 period for the National Oceanic and Atmospheric Administration (NOAA) to operate its Chesapeake Bay Office. That office works on restoring oyster habitat and education and training programs and the bill would expand those activities. In 2021, NOAA allocated about \$8 million to the office.

For this estimate, CBO assumes that the bill will be enacted late in fiscal year 2022 and that the authorized amounts will be appropriated each year. On that basis, CBO expects that any spending from amounts appropriated for 2022 would begin in 2023. Using information on historical spending patterns for the office’s activities, CBO estimates that implementing H.R. 3540 would cost \$78 million over the 2022–2027 period and \$1million after 2027, assuming appropriation of the authorized amounts.

The bill also would authorize NOAA to enter into leases as necessary to carry out the office’s programs. Because signing a lease agreement would commit NOAA to pay the lessor to use a property over multiple years and in advance of appropriations for those future years, CBO considers the costs associated with such a lease to be direct spending. Based on similar authority provided for other NOAA activities and the relatively narrow focus of the Chesapeake Bay Office, CBO expects NOAA would use this authority to enter into one 30-year lease for additional lab facilities at some point during the 2022–2032 period.

Using information from the General Services Administration on the costs of NOAA’s current leases, CBO estimates that the lifetime cost of such a lease would be \$2 million, which would be recorded in the year the authority is granted. Because CBO cannot predict when NOAA would enter into a lease agreement under the bill, we estimate there is an equal chance that the agreement is initiated in every year over the 2022–2032 period. Using historical spending

patterns for similar activities, CBO estimates that spending on the additional lease would be less than \$500,000 in each year and total \$2 million over the 2022–2032 period.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3540

	By fiscal year, millions of dollars—												2022– 2027	2022– 2032
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032			
	Increases in Direct Spending													
Estimated Budget Authority	2	0	0	0	0	0	0	0	0	0	0	0	2	2
Estimated Outlays	0	*	*	*	*	*	*	*	*	*	*	*	1	2
	Increases in Spending Subject to Appropriation													
Authorization	17	19	21	23	0	0	0	0	0	0	0	0	79	79
Estimated Outlays	0	25	18	23	9	4	1	0	0	0	0	0	78	79

Components may not sum to totals because of rounding; * = between zero and \$500,000.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to reauthorize and enhance the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104 does not identify other programs as related to the Chesapeake Bay Studies program (CFDA No. 11.457) reauthorized and revised by this bill. The Chesapeake Bay Watershed Education and Training program established by this bill is currently encompassed in the same Chesapeake Bay Studies listing (CFDA No. 11.457). The Chesapeake Bay Coastal Living Resources Management and Habitat Program established by this bill would likely be encompassed within the same listing.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION AUTHORIZATION ACT OF 1992**

* * * * *

TITLE III—NOAA MARINE FISHERY PROGRAMS

* * * * *

SEC. 307. CHESAPEAKE BAY OFFICE.

(a) **ESTABLISHMENT.**—(1) The Secretary of Commerce shall establish, within the National Oceanic and Atmospheric Administration, an office to be known as the Chesapeake Bay Office [(in this section referred to as the “Office”).].

[(2) The Office shall be headed by a Director who shall be appointed by the Secretary of Commerce, in consultation with the Chesapeake Executive Council. Any individual appointed as Director shall have knowledge and experience in research or resource management efforts in the Chesapeake Bay.

[(3) The Director may appoint such additional personnel for the Office as the Director determines necessary to carry out this section.]

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

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

(B) shall be responsible for the administration and operation of the office and the implementation of this section.

(b) **FUNCTIONS.**—The Office, in consultation with the Chesapeake Executive Council, shall—

(1) provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—

(A) assessing the processes that shape the Chesapeake Bay system and affect its living resources;

(B) identifying technical and management alternatives for the restoration and protection of living resources and the habitats they depend upon; and

(C) monitoring the implementation and effectiveness of management plans;

(2) develop and implement a strategy for the National Oceanic and Atmospheric Administration that integrates the science, research, monitoring, data collection, regulatory, and management responsibilities of the **【Secretary of Commerce】** *Administrator* in such a manner as to assist the cooperative, intergovernmental Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement;

(3) coordinate *with and represent* the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration**【**, the Chesapeake Bay Regional Sea Grant Programs, and the Chesapeake Bay units of the National Estuarine Research Reserve System,**】** *for the Chesapeake Bay Program and that relate to the Chesapeake Bay watershed in furtherance of such Administration's coastal resource stewardship mission, including—*

(A) programs and activities in—

(i) coastal and estuarine research, monitoring, and assessment;

(ii) fisheries research and stock assessments;

(iii) data management;

(iv) remote sensing;

(v) coastal management;

(vi) habitat conservation and restoration; **【and】**

(vii) atmospheric deposition; **【and】**

(viii) coastal hazards and climate change; and

(ix) education; and

(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

(i) nonindigenous species;

(ii) estuarine and marine species pathology;

(iii) human pathogens in estuarine and marine environments; **【and】**

(iv) ecosystem health; *and*

(v) integrated ecosystem assessments;

(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the **【Environmental Protection Agency】** *Chesapeake Executive Council* and other Federal, State, and local agencies *as appropriate to further the purposes of this section;*

【(5) establish an effective mechanism which shall ensure that projects have undergone appropriate peer review and provide other appropriate means to determine that projects have acceptable scientific and technical merit for the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area;】

【(6) (5) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and

【(7) submit a biennial report to the Congress and the Secretary of Commerce with respect to the activities of the Office

and on the progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay, which report shall include an action plan consisting of—

[(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

[(B) proposals for—

[(i) continuing any new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

[(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.]

(6) *perform any functions necessary to support the programs referred to in paragraph (3).*

[(c) CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL WATERSHED GRANTS PROGRAM.—

[(1) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (in this section referred to as the “Director”), in cooperation with the Chesapeake Executive Council, shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

[(2) PROJECTS.—

[(A) SUPPORT.—The Director shall make grants under this subsection to pay the Federal share of the cost of projects that are carried out by entities eligible under paragraph (3) for the restoration of fisheries and habitats in the Chesapeake Bay.

[(B) FEDERAL SHARE.—The Federal share under subparagraph (A) shall not exceed 75 percent.

[(C) TYPES OF PROJECTS.—Projects for which grants may be made under this subsection include—

[(i) the improvement of fish passageways;

[(ii) the creation of natural or artificial reefs or substrata for habitats;

[(iii) the restoration of wetland or sea grass;

[(iv) the production of oysters for restoration projects; and

[(v) the prevention, identification, and control of nonindigenous species.

[(3) ELIGIBLE ENTITIES.—The following entities are eligible to receive grants under this subsection:

[(A) The government of a political subdivision of a State in the Chesapeake Bay watershed, and the government of the District of Columbia.

[(B) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization)—

[(i) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; and

[(ii) that will administer such grants in coordination with a government referred to in subparagraph (A).

[(4) ADDITIONAL REQUIREMENTS.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this subsection.

[(d) CHESAPEAKE EXECUTIVE COUNCIL.—For purposes of this section, “Chesapeake Executive Council” means the representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that Agreement.

[(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office \$6,000,000 for each of fiscal years 2002 through 2006.]

(c) PROGRAM ACTIVITIES.—

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

(2) ENSURING SCIENTIFIC AND TECHNICAL MERIT.—*The Director shall—*

(A) establish and use an effective and transparent mechanism to ensure that projects funded under this section have undergone appropriate peer review; and

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

(3) CONSULTATION WITH CHESAPEAKE EXECUTIVE COUNCIL.—*The Director shall, in the implementation of the program activities authorized under this section, consult with the Chesapeake Executive Council, to ensure that the activities of the Office are consistent with the purposes and priorities of the Chesapeake Bay Agreement and plans developed pursuant to the such agreement.*

(4) INTEGRATED COASTAL OBSERVATIONS.—

(A) IN GENERAL.—The Administrator, through the Director, may collaborate with scientific and academic institutions, State and Federal agencies, non-governmental organizations, and other constituents in the Chesapeake Bay watershed, to support an integrated observations system for the Chesapeake Bay consistent with the purposes of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.).

(B) SPECIFIC REQUIREMENTS.—To support the system referred to in subparagraph (A) and provide a complete set of environmental information for the Chesapeake Bay, the Director shall—

(i) coordinate monitoring with Federal and State agencies in the tidal portions of the Chesapeake Bay to understand impacts of water quality on living marine resources;

(ii) identify new data collection needs and deploy new technologies, as appropriate;

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

(iv) organize the information described in clause (iii) into products that are useful to policy makers, resource managers, scientists, and the public.

(C) *CHESAPEAKE BAY INTERPRETIVE BUOY SYSTEM.*—To further the development and implementation of the Chesapeake Bay Interpretive Buoy System and associated monitoring assets to improve weather and ecological forecasts, monitor habitat conditions for living marine resources, the Director may—

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

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

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

(iv) incorporate the observational data from the Chesapeake Bay Interpretive Buoy System into the Integrated Ocean Observing System regional network of observatories.

(5) *CHESAPEAKE BAY WATERSHED EDUCATION AND TRAINING PROGRAM.*—

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

(i) continue and expand the Chesapeake Bay watershed education programs offered by the Office immediately before the enactment of the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2021;

(ii) improve the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay;

(iii) provide education and career pathway internships; and

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

(B) *GRANT PROGRAM.*—The Director may award grants for the purposes of this paragraph. Grants awarded under this subparagraph may be used to support education and training projects that enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or a goal of the Chesapeake Bay Program, or protect or restore living resources of the Chesapeake Bay watershed, including projects that—

(i) provide classroom education, including the development and use of distance learning and other innova-

tive technologies, related to the Chesapeake Bay watershed;

(ii) provide meaningful watershed educational experiences in the Chesapeake Bay watershed;

(iii) provide professional development for teachers related to the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

(iv) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

(v) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems; and

(vi) build the capacity of school districts and their partners to deliver high quality environmental education programs.

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

(6) COASTAL AND LIVING RESOURCES MANAGEMENT AND HABITAT PROGRAM.—

(A) IN GENERAL.—The Administrator, through the Director, may establish a Chesapeake Bay Coastal Living Resources Management and Habitat Program to support coordinated management, protection, characterization, and restoration of priority Chesapeake Bay habitats and living resources, including oysters, blue crabs, submerged aquatic vegetation, and economically and ecologically important fish species such as striped bass and menhaden.

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

(i) native oyster research and restoration;

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

(iii) establishment of submerged aquatic vegetation restoration programs;

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

(v) habitat mapping, characterization, and assessment techniques necessary to identify, assess, and monitor Chesapeake Bay conditions and restoration actions;

(vi) application and transfer of applied scientific research and ecosystem management tools to fisheries and habitat managers;

(vii) collection, synthesis, and sharing of information to inform and influence coastal and living resource management issues;

(viii) ecologically and economically important fish and shellfish research; and

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

(d) DELEGATION.—

(1) AUTHORITY.—The Administrator shall delegate to the Director such authority as may be necessary to carry out this section.

(2) STAFF.—The Administrator shall delegate to the Director appropriate staff representing expertise that covers the breadth of the duties of the Office.

(e) REPORTS.—

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

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

(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy under subsection (b)(2); and

(B) recommendations to integrate National Oceanic and Atmospheric Administration activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement and subsequent agreements.

(f) AGREEMENTS.—

(1) IN GENERAL.—The Administrator, through the Director, may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act.

(2) USE OF OTHER RESOURCES.—For purposes related to the understanding, protection, and restoration of Chesapeake Bay, the Director may use, with consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, Indian Tribe, or of any political subdivision thereof.

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

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CHESAPEAKE BAY AGREEMENT; CHESAPEAKE BAY ECOSYSTEM; CHESAPEAKE BAY PROGRAM; CHESAPEAKE EXECUTIVE COUNCIL.—The terms “Chesapeake Bay Agreement”, “Chesapeake Bay ecosystem”, “Chesapeake Bay Program”, and “Chesapeake Executive Council” have the meanings given those terms in section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267(a)).

(3) DIRECTOR.—The term “Director” means the Director of the Office.

(4) OFFICE.—The term “Office” means the Chesapeake Bay Office established under this section.

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

- (1) \$17,000,000 for fiscal year 2022;*
- (2) \$18,700,000 for fiscal year 2023;*
- (3) \$20,570,000 for fiscal year 2024; and*
- (4) \$22,627,000 for fiscal year 2025.*

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SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

