

107TH CONGRESS
1ST SESSION

S. 1045

To amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2001

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN) 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 revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, 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 “NOAA Chesapeake
5 Bay Office Reauthorization Act of 2001”.

1 **SEC. 2. CHESAPEAKE BAY OFFICE.**

2 (a) ESTABLISHMENT.—Section 307(a) of the Na-
3 tional Oceanic and Atmospheric Administration Author-
4 ization Act of 1992 (15 U.S.C. 1511d(a)) is amended—
5 (1) in paragraph (1), by striking “Estuarine
6 Resources”; and

7 (2) by amending paragraph (2) to read as fol-
8 lows:

9 “(2) The Secretary of Commerce shall appoint
10 as Director of the Office an individual who has
11 knowledge of and experience in research or resource
12 management efforts in the Chesapeake Bay.”.

13 (b) FUNCTIONS.—

14 (1) Section 307(b)(3) of the National Oceanic
15 and Atmospheric Administration Authorization Act
16 of 1992 (15 U.S.C. 1511d(b)(3)) is amended to read
17 as follows:

18 “(3) facilitate coordination of the programs and
19 activities of the various organizations and facilities
20 within the National Oceanic and Atmospheric Ad-
21 ministration, the Chesapeake Bay units of the Na-
22 tional Estuarine Research Reserve System, the
23 Chesapeake Bay Regional Sea Grant Programs, and
24 the Cooperative Oxford Lab, including—

25 “(A) programs and activities in—

1 “(i) coastal and estuarine research,
2 monitoring, and assessment;
3 “(ii) fisheries research and stock as-
4 sessments;
5 “(iii) data management;
6 “(iv) remote sensing;
7 “(v) coastal management;
8 “(vi) habitat conservation and restora-
9 tion; and
10 “(vii) atmospheric deposition; and
11 “(B) programs and activities of the Coop-
12 erative Oxford Laboratory of the National
13 Ocean Service with respect to—
14 “(i) nonindigenous species;
15 “(ii) marine species pathology;
16 “(iii) human pathogens in marine en-
17 vironments; and
18 “(iv) ecosystems health;”.

19 (2) Section 307(b)(7) of the National Oceanic
20 and Atmospheric Administration Authorization Act
21 of 1992 (15 U.S.C. 1511d(b)(7)) is amended by
22 striking the period at the end and inserting the fol-
23 lowing: “, which report shall include an action plan
24 consisting of—

1 “(A) a list of recommended research, moni-
2 toring, and data collection activities necessary
3 to continue implementation of the strategy de-
4 scribed in paragraph (2); and

5 “(B) proposals for—

6 “(i) continuing and new National Oce-
7 anic and Atmospheric Administration ac-
8 tivities in the Chesapeake Bay; and

9 “(ii) the integration of those activities
10 with the activities of the partners in the
11 Chesapeake Bay Program to meet the
12 commitments of the Chesapeake 2000
13 agreement and subsequent agreements.”.

14 (c) CONFORMING AMENDMENT.—Section 307 of the
15 National Oceanic and Atmospheric Administration Au-
16 thorization Act of 1992 (15 U.S.C. 1511d) is amended
17 by striking the section heading and inserting the following:

18 **“SEC. 307. CHESAPEAKE BAY OFFICE.”.**

19 **SEC. 3. MULTIPLE SPECIES MANAGEMENT STRATEGY;**
20 **CHESAPEAKE BAY FISHERY AND HABITAT**
21 **RESTORATION SMALL GRANTS PROGRAM;**
22 **COASTAL PREDICTION CENTER.**

23 The National Oceanic and Atmospheric Administra-
24 tion Authorization Act of 1992 is amended by inserting
25 after section 307 (15 U.S.C. 1511d) the following:

1 **“SEC. 307A. MULTIPLE SPECIES MANAGEMENT STRATEGY.**

2 “(a) IN GENERAL.—Not later than 180 days after
3 the date of enactment of this section, the Director of the
4 Chesapeake Bay Office of the National Oceanic and At-
5 mospheric Administration shall commence a 5-year study,
6 in cooperation with the scientific community of the Chesa-
7 peake Bay and appropriate Federal agencies—

8 “(1) to determine and expand the under-
9 standing of the role and response of living resources
10 in the Chesapeake Bay ecosystem; and
11 “(2) to develop a multiple species management
12 strategy for the Chesapeake Bay.

13 “(b) REQUIRED ELEMENTS OF STUDY.—In order to
14 improve the understanding necessary for the development
15 of the strategy under subsection (a), the study shall—

16 “(1) determine the current status and trends of
17 fish and shellfish that live in the Chesapeake Bay es-
18 tuary and are selected for study;

19 “(2) evaluate and assess interactions among the
20 fish and shellfish described in paragraph (1) and
21 other living resources, with particular attention to
22 the impact of changes within and among trophic lev-
23 els; and

24 “(3) recommend management actions to opti-
25 mize the return of a healthy and balanced ecosystem
26 for the Chesapeake Bay.

1 **“SEC. 307B. CHESAPEAKE BAY FISHERY AND HABITAT RES-**2 **TORATION SMALL GRANTS PROGRAM.**

3 “(a) IN GENERAL.—The Director of the Chesapeake
4 Bay Office of the National Oceanic and Atmospheric Ad-
5 ministration (referred to in this section as the ‘Director’),
6 in cooperation with the Chesapeake Executive Council (as
7 defined in section 307(e)), shall carry out a community-
8 based fishery and habitat restoration small grants and
9 technical assistance program in the Chesapeake Bay wa-
10 tershed.

11 “(b) PROJECTS.—

12 “(1) SUPPORT.—The Director shall make
13 grants under the program under subsection (a) to
14 pay the Federal share of the cost of projects that
15 are carried out by eligible entities described in sub-
16 section (c) for the restoration of fisheries and habi-
17 tats in the Chesapeake Bay.

18 “(2) FEDERAL SHARE.—The Federal share of
19 the cost of a project under paragraph (1) shall not
20 exceed 75 percent of the total cost of that project.

21 “(3) TYPES OF PROJECTS.—Projects for which
22 grants may be made under the program include—

23 “(A) the improvement of fish passageways;
24 “(B) the creation of natural or artificial
25 reefs or substrata for habitats;

1 “(C) the restoration of wetland or sea
2 grass;

3 “(D) the production of oysters for restora-
4 tion projects; and

5 “(E) the identification and characteriza-
6 tion of contaminated habitats, and the develop-
7 ment of restoration plans for those habitats in
8 the Chesapeake Bay watershed.

9 “(c) ELIGIBLE ENTITIES.—The following entities are
10 eligible to receive grants under the program under this
11 section:

12 “(1) The government of a political subdivision
13 of a State in the Chesapeake Bay watershed and the
14 Government of the District of Columbia.

15 “(2) An organization in the Chesapeake Bay
16 watershed (such as an educational institution or a
17 community organization) that is described in section
18 501(c) of the Internal Revenue Code of 1986 and is
19 exempt from taxation under section 501(a) of the
20 Code.

21 “(d) ADDITIONAL REQUIREMENTS.—The Director
22 may prescribe any additional requirements, including pro-
23 cedures, that the Director considers necessary to carry out
24 the program under this section.

1 **“SEC. 307C. COASTAL PREDICTION CENTER.**

2 “(a) ESTABLISHMENT.—

3 “(1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this section, the Director
5 of the Chesapeake Bay Office of the National Oce-
6 anic and Atmospheric Administration (referred to in
7 this section as the ‘Director’), in collaboration with
8 regional scientific institutions, shall establish a
9 coastal prediction center for the Chesapeake Bay
10 (referred to in this section as the ‘center’).

11 “(2) PURPOSE OF CENTER.—The center shall
12 serve as a knowledge bank for—

13 “(A) assembling, integrating, and modeling
14 coastal information and data from appropriate
15 government agencies and scientific institutions;

16 “(B) interpreting the data; and

17 “(C) organizing the data into predictive
18 products that are useful to policy makers, re-
19 source managers, scientists, and the public.

20 “(b) ACTIVITIES.—

21 “(1) INFORMATION AND PREDICTION SYS-
22 TEM.—The center shall develop an Internet-based
23 information system for integrating, interpreting, and
24 disseminating coastal information and predictions
25 concerning—

26 “(A) climate;

1 “(B) land use;
2 “(C) coastal pollution;
3 “(D) coastal environmental quality;
4 “(E) ecosystem health and performance;
5 “(F) aquatic living resources and habitat
6 conditions; and

7 “(G) weather, tides, currents, and circula-
8 tion that affect the distribution of sediments,
9 nutrients, and organisms, coastline erosion, and
10 related physical and chemical events within the
11 Chesapeake Bay and the tributaries of the
12 Chesapeake Bay.

13 “(2) AGREEMENTS TO PROVIDE DATA, INFOR-
14 MATION, AND SUPPORT.—The Director may enter
15 into agreements with other entities of the National
16 Oceanic and Atmospheric Administration, other ap-
17 propriate Federal, State, and local government agen-
18 cies, and academic institutions, to provide and inter-
19 pret data and information, and provide appropriate
20 support, relating to the activities of the center.

21 “(3) AGREEMENTS RELATING TO INFORMATION
22 PRODUCTS.—The Director may enter into grants,
23 contracts, and interagency agreements with eligible
24 entities for the collection, processing, analysis, inter-

1 pretation, and electronic publication of information
2 products for the center.”.

3 **SEC. 4. ENVIRONMENTAL EDUCATION.**

4 The National Oceanic and Atmospheric Administra-
5 tion Authorization Act of 1992 is amended by inserting
6 after section 307C (as added by section 3) the following:

7 **“SEC. 307D. ENVIRONMENTAL EDUCATION PILOT PRO-
8 GRAM.**

9 “(a) PILOT PROGRAM ESTABLISHED.—Not later
10 than 180 days after the date of enactment of this section,
11 the Director, in cooperation with the Chesapeake Execu-
12 tive Council, shall establish the Chesapeake Environ-
13 mental Education Program to improve the understanding
14 of elementary and secondary school students and teachers
15 of the living resources of the ecosystem of the Chesapeake
16 Bay, and to meet the educational goals of the Chesapeake
17 2000 agreement.

18 “(b) GRANT PROGRAM.—

19 “(1) IN GENERAL.—The Director, through the
20 pilot program established under subsection (a), shall
21 make grants to not-for-profit institutions (or con-
22 sortia of such institutions) to pay the federal share
23 of the cost of programs described in paragraph (3).

24 “(2) CRITERIA.—The Director shall award
25 grants under this subsection based on the experience

1 of the applicant in providing environmental education
2 and training programs regarding the Chesapeake Bay watershed to a range of participants and
3 in a range of settings.

5 “(3) FUNCTIONS AND ACTIVITIES.—Grants
6 awarded under this subsection may be used to support
7 education and training programs that—

8 “(A) provide classroom education, including
9 the use of distance learning technologies, on
10 the issues, science, and problems of the living
11 resources of the Chesapeake Bay watershed;

12 “(B) provide meaningful outdoor experience on the Chesapeake Bay, or on a stream or
13 in a local watershed of the Chesapeake Bay, in
14 the design and implementation of field studies,
15 monitoring and assessments, or restoration
16 techniques for living resources;

18 “(C) provide professional development for
19 teachers related to the science of the Chesapeake Bay watershed and the dissemination of
20 pertinent education materials oriented to varying
21 grade levels;

23 “(D) demonstrate or disseminate environmental educational tools and materials related
24 to the Chesapeake Bay watershed;

1 “(E) demonstrate field methods, practices
2 and techniques including assessment of environ-
3 mental and ecological conditions and analysis of
4 environmental problems; and

5 “(F) develop or disseminate projects de-
6 signed to—

7 “(i) enhance understanding and as-
8 essment of a specific environmental prob-
9 lem in the Chesapeake Bay watershed or of
10 a goal of the Chesapeake Bay Program; or
11 “(ii) protect or restore living resources
12 of the Chesapeake Bay watershed.

13 “(4) FEDERAL SHARE.—The Federal share of
14 the cost of a program under paragraph (1) shall not
15 exceed 75 percent of the total cost of that program.

16 “(5) PROGRAM REVIEW.—Not later than 1 year
17 after the date on which the Director awards the first
18 grant under this subsection, and annually thereafter,
19 the Director shall conduct a detailed review and
20 evaluation of the programs supported by grants
21 awarded under this subsection to determine whether
22 the quality of the content, delivery, and outcome of
23 the program warrants continued support.

1 “(c) PROCEDURES.—The Director shall establish pro-
2 cedures, including safety protocols, as necessary for car-
3 rying out the purposes of this section.

4 “(d) TERMINATION AND REPORT.—

5 “(1) TERMINATION.—The program established
6 under this section shall be effective during the 4-
7 year period beginning on October 1, 2001.

8 “(2) REPORT.—Not later than December 31,
9 2005, the Director, in consultation with the Chesa-
10 peake Executive Council, shall submit a report
11 through the Administrator of National Oceanic and
12 Atmospheric Administration to Congress regarding
13 this program and, on the appropriate role of Fed-
14 eral, State and local governments in continuing the
15 program established under this section.

16 “(e) DEFINITION.—In this section, the term ‘Chesa-
17 peake 2000 agreement’ means the agreement between the
18 United States, the States of Maryland, Pennsylvania, and
19 Virginia, and the District of Columbia entered into on
20 June 28, 2000.”.

21 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—Section 307(d) of the National
23 Oceanic and Atmospheric Administration Authorization
24 Act of 1992 (15 U.S.C. 1511d(d)) is amended to read as
25 follows:

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) IN GENERAL.—There is authorized to be
3 appropriated to the Department of Commerce for
4 the Chesapeake Bay Office \$8,000,000 for each of
5 fiscal years 2002 through 2005.6 “(2) AMOUNTS FOR PROGRAMS.—Of the
7 amount authorized to be appropriated for each fiscal
8 year under paragraph (1)—9 “(A) not more than \$2,500,000 shall be
10 available to operate the Chesapeake Bay Office
11 and to carry out section 307A;12 “(B) not more than \$1,000,000 shall be
13 available to carry out section 307B;14 “(C) not more than \$500,000 shall be
15 available to carry out section 307C; and16 “(D) not more than \$2,000,000 shall be
17 available to carry out section 307D.”.18 (b) CONFORMING AMENDMENT.—Section 2 of the
19 National Oceanic and Atmospheric Administration Marine
20 Fisheries Program Authorization Act (97 Stat. 1409) is
21 amended by striking subsection (e), as added by section
22 307(d) of the National Oceanic and Atmospheric Adminis-
23 tration Authorization Act of 1992 (106 Stat. 4285).

1 SEC. 6. TECHNICAL CORRECTION.

2 Section 307(b) of the National Oceanic and Atmos-
3 pheric Administration Authorization Act of 1992 (15
4 U.S.C. 1511d(b)) is amended by striking “Chesapeake
5 Bay Executive Council” and inserting “Chesapeake Exec-
6 utive Council”.

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