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

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

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2023”.

SEC. 2. SENSE OF CONGRESS.

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

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


(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 shall—

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

“(B) be responsible for—

“(i) the administration and operation of
“(ii) 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) in the matter preceding subparagraph (A)—

(I) by inserting “with and represent” after “coordinate”; and

(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 the coastal resource stewardship mission of the Administration,”;

(ii) in subparagraph (A)—

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

(III) by adding at the end the following:

“(viii) coastal hazards and climate change; and

“(ix) education; and”; and

(iii) 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 and activities described in paragraph (3).”;

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

(4) by adding at the end the following:

“(e) Activities.—

“(1) In general.—The Administrator, through the Director, shall implement the activities authorized or required under this section—

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

“(B) 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 EXEC-
UTIVE COUNCIL.—In implementing the activities au-
thorized or required under this section, the Director
shall consult with the Chesapeake Executive Council
to ensure that the activities of the Office are con-
sistent with the purposes and priorities of the
Chesapeake Bay Agreement and plans developed
pursuant to that agreement.

“(4) INTEGRATED COASTAL OBSERVATIONS.—

“(A) IN GENERAL.—The Administrator,
through the Director, may collaborate with sci-
entific and academic institutions, State and
Federal agencies, nongovernmental organiza-
tions, and other constituents in the Chesapeake
Bay watershed to support an integrated observ-
vations system for the Chesapeake Bay con-
sistent 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 sup-
port the system described in subparagraph (A)
and provide a complete set of environmental in-
formation 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 of the National Oceanic and Atmospheric Administration and associated monitoring assets to improve weather and eco-
logical forecasts and 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 des-
ignated by section 5(a)(25) of the National
Trails System Act (16 U.S.C.
1244(a)(25));

“(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 in-
spire stewardship of the Chesapeake Bay;
and

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

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

“(A) IN GENERAL.—The Administrator,
through the Director, may establish a program
to be known as the ‘Chesapeake Bay Watershed Education and Training Program’.

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

“(i) continue and expand the Chesapeake Bay watershed education programs offered by the Office immediately before the date of the enactment of the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2023;

“(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 Agreement.

“(C) GRANTS.—

“(i) IN GENERAL.—The Director may award grants to carry out the Chesapeake Bay Watershed Education and Training Program.
“(ii) USE OF GRANTS.—Grants awarded under clause (i) 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 partners of school districts to deliver high-quality environmental education programs.

“(D) COORDINATION.—The Director shall implement the Chesapeake Bay Watershed Education and Training Program in coordination with the heads of other Federal agencies, as the Director determines appropriate.

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

“(A) IN GENERAL.—The Administrator, through the Director, may establish a program to be known as the ‘Chesapeake Bay Coastal
Living Resources Management and Habitat Program’.

“(B) PURPOSE.—The purpose of the Chesapeake Bay Coastal Living Resources Management and Habitat Program shall be 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.

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

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

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

“(ix) such other activities as the Director determines appropriate to carry out the purpose of such program.

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

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

“(e) REPORTS.—

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

“(A) the activities of the Office; and

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

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

“(A) a list of recommended research, moni-
toring, and data collection activities necessary
to continue implementation of the strategy re-
quired by subsection (b)(2); and
“(B) recommendations to integrate activities of the National Oceanic and Atmospheric Administration 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; USE OF OTHER RESOURCES.—

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

“(2) USE OF OTHER RESOURCES.—For purposes related to the understanding, protection, and restoration of the 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, or Indian Tribe, or of any political subdivision thereof.

“(g) DEFINITIONS.—In this section:

“(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 are authorized to be appropriated to the Secretary of Commerce to carry out this section—

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

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

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

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