

CHESAPEAKE BAY SCIENCE, EDUCATION, AND
ECOSYSTEM ENHANCEMENT ACT OF 2009

SEPTEMBER 29, 2009.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1771]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1771) to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend 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 2009”.

SEC. 2. REAUTHORIZATION OF NOAA 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 Act.”; and

(C) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking so much as precedes paragraph (1) and inserting the following:

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

(B) in paragraph (2), by striking “Secretary of Commerce” and inserting “Administrator”;

(C) in paragraph (3)—

(i) by striking the matter preceding subparagraph (A) and inserting the following:

“(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration in furtherance of such administration’s coastal resource stewardship mission, including—”;

(ii) in subparagraph (A), by striking “and” after the semicolon at the end of clause (vi), and by inserting after clause (vii) the following:

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

(iii) in subparagraph (B), by striking “and” after the semicolon at the end of clause (iii), by inserting “and” after the semicolon at the end of clause (iv), and by adding at the end the following:

“(v) integrated ecosystem assessments;”;

(D) 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 purposes of this section”;

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

(F) by redesignating paragraph (6) as paragraph (5); and

(G) by adding at the end the following:

“(6) perform any functions necessary to support the programs referred to in paragraph (3).”; and

(3) by striking subsection (c) and all that follows through the end of the section and inserting the following:

“(c) PROGRAM ACTIVITIES.—

“(1) IN GENERAL.—The Administrator, through the Director, shall implement the program activities authorized by this subsection 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 utilize 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 utilization 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 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 subtitle C of title XII of Public Law 111–11 (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 existing monitoring and observing activities in the Chesapeake Bay;

“(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;

“(iv) manage and interpret the information described in clause (iii); and

- “(v) 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, 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 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 2009;
 - “(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 community education to improve watershed protection; and
 - “(iv) meet the educational goals of the Chesapeake 2000 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 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;
 - “(vi) build the capacity of organizations to deliver high quality environmental education programs; and
 - “(vii) educate local land use officials and decision makers on the relationship of land use to natural resource and watershed protection.
 - “(C) COLLABORATION.—The Director shall implement the education and training program in collaboration with the heads of other relevant Federal agencies.
- “(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, and submerged aquatic vegetation.
 - “(B) ACTIVITIES.—Under the program, the Director may, subject to the availability of appropriations, carry out or enter into grants, contracts, and cooperative agreements and provide technical assistance to support—
 - “(i) native oyster 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 propagation programs;

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

“(v) habitat mapping, characterization, and assessment techniques necessary to identify, assess, and monitor 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; and

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

“(d) 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 2000 agreement and subsequent agreements.

“(e) AGREEMENTS.—

“(1) IN GENERAL.—The Administrator, through the Director, may, subject to the availability of appropriations, 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 their 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 tribal government, or of any political subdivision thereof.

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

“(f) DEFINITIONS.—In this section:

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

“(2) CHESAPEAKE BAY AGREEMENT.—The term ‘Chesapeake Bay Agreement’ means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and are signed by the Chesapeake Executive Council.

“(3) CHESAPEAKE EXECUTIVE COUNCIL.—The term ‘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.

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

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

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

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

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

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

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

PURPOSE OF THE BILL

The purpose of H.R. 1771 is to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The original partners of the Chesapeake Bay Program and signatories of the 1983 Chesapeake Bay Agreement (Maryland, Virginia and Pennsylvania; the District of Columbia; the Environmental Protection Agency (EPA); and the Chesapeake Bay Commission) form the Chesapeake Executive Council, which meets annually to assess federal/state efforts to restore the environmental health of the Bay. In 1984, the National Oceanic and Atmospheric Administration (NOAA) signed a memorandum of agreement with the EPA establishing NOAA as a federal partner of the Chesapeake Bay Program. To provide focus for NOAA's multiple programmatic capabilities and activities that support Chesapeake Bay restoration, in 2002 Congress authorized within NOAA a Chesapeake Bay Office (NCBO) as part of Public Law 107-372.

The NCBO operates under a broad mission of understanding, predicting and explaining changes in the Chesapeake Bay's environment and also promotes conserving and managing coastal and estuarine resources to meet the region's economic, social and environmental needs. Through field offices in Maryland (Annapolis and Oxford) and Virginia (Norfolk and Gloucester Point), the NCBO has evolved to fulfill three primary functions: (1) ecosystem science; (2) coastal and living resources management; and (3) environmental literacy. This relatively new internal alignment of priorities has replaced the former emphasis on fisheries, habitat, integrated coastal observations, and education, and better integrates NOAA's assets to both facilitate ecosystem-based management and support the Council's restoration goals. The current authorizing statute does not reflect this new NCBO programmatic configuration.

COMMITTEE ACTION

H.R. 1771 was introduced on March 26, 2009 by Rep. John Sarbanes (D-MD). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs, Oceans and Wildlife. On July 7, 2009, the Subcommittee held a hearing on the bill. On July 29, 2009, the Subcommittee was discharged from further consideration of H.R. 1771 and the full Natural Resources Committee met to consider the bill. Rep. Sarbanes offered an amendment in the nature of a substitute to make technical and clarifying changes to the bill. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009."

Section 2. Reauthorization of NOAA Chesapeake Bay Office

Section 2 amends Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 to realign the relevant science, research and resource management capabilities of the NOAA Chesapeake Bay Office, and designates specific program

activities. The authorized program activities include Integrated Coastal Observations, which incorporates the Chesapeake Bay Interpretive Buoy System; a Chesapeake Bay Watershed Education and Training Program; and a Coastal and Living Resources Management and Habitat Program. These new authorized program activities replace the previous Chesapeake Bay fishery and habitat restoration small watershed grants program and more accurately reflect the ongoing priorities and future activities of the NOAA Chesapeake Bay Office.

This section also directs the NOAA Administrator to submit a biennial report to Congress and allows the Administrator to enter into cooperative agreements, contracts, leases and grants. Finally, this section authorizes appropriations for fiscal year 2011 through fiscal year 2014.

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.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d) (2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1771—Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009

Summary: H.R. 1771 would reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration

(NOAA). The bill would authorize appropriations totalling \$79 million over the 2011–2014 period to support certain activities carried out by the Chesapeake Bay Office. The bill also would authorize the Chesapeake Bay Office to accept donations of funds, property and services for use in implementing its programs.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1771 would cost \$68 million over the 2010–2014 period and \$11 million after 2014. Enacting the legislation would have no net impact on revenues or direct spending.

H.R. 1771 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 1771 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	0	17	19	21	23	79
Estimated Outlays	0	11	16	19	22	68

Note.—Numbers in table do not add to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes the bill will be enacted near the end of fiscal year 2009 and that the authorized amounts will be appropriated each year. Estimated outlays are based on historical spending patterns for similar NOAA programs.

H.R. 1771 would authorize appropriations totaling \$79 million over the 2011–2014 period for the Chesapeake Bay Office of NOAA. The bill would authorize the Chesapeake Bay Office to expand grant programs that promote the protection and restoration of the Chesapeake Bay watershed. The bill also would authorize the director of the Chesapeake Bay Office to carry out certain activities that would enhance watershed monitoring. Finally, the bill would require the Chesapeake Bay Office to prepare a biennial report that identifies progress made in protecting and restoring the Chesapeake Bay.

Additionally, H.R. 1771 would authorize the Chesapeake Bay Office to accept donations of funds, property, and services for use in implementing its programs. Based on information from NOAA, CBO expects that most of those donations would be in-kind support from other federal agencies. CBO estimates that monetary donations received by the Chesapeake Bay Office would not exceed \$500,000 per year.

Authorization for the Chesapeake Bay Office expired in 2006. In fiscal years 2007 through 2009, the Chesapeake Bay Office received appropriations ranging from \$12 million to \$19 million annually, including \$15 million in fiscal year 2009.

Intergovernmental and private-sector impact: H.R. 1771 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeff LaFave, Impact on State, Local, and Tribal Governments: Ryan Miller, Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1771 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

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 italic, 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 Act.

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

(b) *PURPOSE.—The purpose of this section is to focus the relevant science, research, and resource management capabilities of the Na-*

tional Oceanic and Atmospheric Administration as they apply to the Chesapeake Bay and to utilize the Office to—

(1) * * *

(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 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, including—]

(3) *coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration in furtherance of such administration's coastal resource stewardship mission, including—*

(A) programs and activities in—

(i) * * *

* * * * *

(vi) habitat conservation and restoration; [and]

* * * * *

(viii) *coastal hazards and climate change; and*

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

(i) * * *

* * * * *

(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 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

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

[(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.]

[(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 subsection 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 utilize 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 utilization 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 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 subtitle C of title XII of Public Law 111–11 (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 existing monitoring and observing activities in the Chesapeake Bay;

(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;

(iv) manage and interpret the information described in clause (iii); and

(v) 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, 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 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 2009;

(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 community education to improve watershed protection; and

(iv) meet the educational goals of the Chesapeake 2000 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 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;

(vi) build the capacity of organizations to deliver high quality environmental education programs; and

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

(C) *COLLABORATION.*—The Director shall implement the education and training program in collaboration with the heads of other relevant Federal agencies.

(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, and submerged aquatic vegetation.

(B) *ACTIVITIES.*—Under the program, the Director may, subject to the availability of appropriations, carry out or enter into grants, contracts, and cooperative agreements and provide technical assistance to support—

(i) native oyster 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 propagation programs;

(iv) the development of programs that protect and restore critical coastal habitats;

(v) habitat mapping, characterization, and assessment techniques necessary to identify, assess, and monitor 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; and

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

(d) *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 2000 agreement and subsequent agreements.

(e) AGREEMENTS.—

(1) IN GENERAL.—The Administrator, through the Director, may, subject to the availability of appropriations, 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 their 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 tribal government, or of any political subdivision thereof.

(3) DONATIONS.—The Director may accept donations of funds, other property, and services for use in understanding, protecting, and restoring the Chesapeake Bay. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

(f) DEFINITIONS.—In this section:

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

(2) CHESAPEAKE BAY AGREEMENT.—The term “Chesapeake Bay Agreement” means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and are signed by the Chesapeake Executive Council.

(3) CHESAPEAKE EXECUTIVE COUNCIL.—The term “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.

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

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

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

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

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

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

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

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