

Union Calendar No. 22

107TH CONGRESS
1ST SESSION

H. R. 642

[Report No. 107-33]

To reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. GILCHREST (for himself, Mr. CARDIN, Mrs. MORELLA, Mr. CUMMINGS, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Resources

APRIL 3, 2001

Additional sponsors: Mr. EHRLICH, Mr. HOYER, and Mr. BARTLETT of Maryland

APRIL 3, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 14, 2001]

A BILL

To reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

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

3 **SECTION 1. CHESAPEAKE BAY OFFICE.**

4 *(a) REAUTHORIZATION OF OFFICE.—Section 307 of*
5 *the National Oceanic and Atmospheric Administration Au-*
6 *thorization Act of 1992 (15 U.S.C. 1511d) is amended to*
7 *read as follows:*

8 **“SEC. 307. CHESAPEAKE BAY OFFICE.**

9 *“(a) ESTABLISHMENT.—(1) The Secretary of Com-*
10 *merce shall establish, within the National Oceanic and At-*
11 *mospheric Administration, an office to be known as the*
12 *Chesapeake Bay Office (in this section referred to as the*
13 *‘Office’).*

14 *“(2) The Office shall be headed by a Director who shall*
15 *be appointed by the Secretary of Commerce, in consultation*
16 *with the Chesapeake Executive Council. Any individual ap-*
17 *pointed as Director shall have knowledge and experience in*
18 *research or resource management efforts in the Chesapeake*
19 *Bay.*

20 *“(3) The Director may appoint such additional per-*
21 *sonnel for the Office as the Director determines necessary*
22 *to carry out this section.*

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

1 “(1) provide technical assistance to the Adminis-
2 trator, to other Federal departments and agencies,
3 and to State and local government agencies in—

4 “(A) assessing the processes that shape the
5 Chesapeake Bay system and affect its living re-
6 sources;

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

11 “(C) monitoring the implementation and ef-
12 fectiveness of management plans;

13 “(2) develop and implement a strategy for the
14 National Oceanic and Atmospheric Administration
15 that integrates the science, research, monitoring, data
16 collection, regulatory, and management responsibil-
17 ities of the Secretary of Commerce in such a manner
18 as to assist the cooperative, intergovernmental Chesa-
19 peake Bay Program to meet the commitments of the
20 Chesapeake Bay Agreement;

21 “(3) coordinate the programs and activities of
22 the various organizations within the National Oce-
23 anic and Atmospheric Administration, the Chesa-
24 peake Bay Regional Sea Grant Programs, and the

1 *Chesapeake Bay units of the National Estuarine Re-*
2 *search Reserve System, including—*

3 *“(A) programs and activities in—*

4 *“(i) coastal and estuarine research,*
5 *monitoring, and assessment;*

6 *“(ii) fisheries research and stock assess-*
7 *ments;*

8 *“(iii) data management;*

9 *“(iv) remote sensing;*

10 *“(v) coastal management;*

11 *“(vi) habitat conservation and restora-*
12 *tion; and*

13 *“(vii) atmospheric deposition; and*

14 *“(B) programs and activities of the Cooper-*
15 *ative Oxford Laboratory of the National Ocean*
16 *Service with respect to—*

17 *“(i) nonindigenous species;*

18 *“(ii) estuarine and marine species pa-*
19 *thology;*

20 *“(iii) human pathogens in estuarine*
21 *and marine environments; and*

22 *“(iv) ecosystem health;*

23 *“(4) coordinate the activities of the National*
24 *Oceanic and Atmospheric Administration with the*

1 *activities of the Environmental Protection Agency*
2 *and other Federal, State, and local agencies;*

3 *“(5) establish an effective mechanism which shall*
4 *ensure that projects have undergone appropriate peer*
5 *review and provide other appropriate means to deter-*
6 *mine that projects have acceptable scientific and tech-*
7 *nical merit for the purpose of achieving maximum*
8 *utilization of available funds and resources to benefit*
9 *the Chesapeake Bay area;*

10 *“(6) remain cognizant of ongoing research, mon-*
11 *itoring, and management projects and assist in the*
12 *dissemination of the results and findings of those*
13 *projects; and*

14 *“(7) submit a biennial report to the Congress*
15 *and the Secretary of Commerce with respect to the ac-*
16 *tivities of the Office and on the progress made in pro-*
17 *tecting and restoring the living resources and habitat*
18 *of the Chesapeake Bay, which report shall include an*
19 *action plan consisting of—*

20 *“(A) a list of recommended research, moni-*
21 *toring, and data collection activities necessary to*
22 *continue implementation of the strategy de-*
23 *scribed in paragraph (2); and*

24 *“(B) proposals for—*

1 “(i) continuing any new National Oce-
2 anic and Atmospheric Administration ac-
3 tivities in the Chesapeake Bay; and

4 “(ii) the integration of those activities
5 with the activities of the partners in the
6 Chesapeake Bay Program to meet the com-
7 mitments of the Chesapeake 2000 agreement
8 and subsequent agreements.

9 “(c) CHESAPEAKE BAY FISHERY AND HABITAT RES-
10 TORATION SMALL WATERSHED GRANTS PROGRAM.—

11 “(1) IN GENERAL.—The Director of the Chesa-
12 peake Bay Office of the National Oceanic and Atmos-
13 pheric Administration (in this section referred to as
14 the ‘Director’), in cooperation with the Chesapeake
15 Executive Council, shall carry out a community-based
16 fishery and habitat restoration small grants and tech-
17 nical assistance program in the Chesapeake Bay wa-
18 tershed.

19 “(2) PROJECTS.—

20 “(A) SUPPORT.—The Director shall make
21 grants under this subsection to pay the Federal
22 share of the cost of projects that are carried out
23 by entities eligible under paragraph (3) for the
24 restoration of fisheries and habitats in the Chesa-
25 peake Bay.

1 “(B) *FEDERAL SHARE.*—*The Federal share*
2 *under subparagraph (A) shall not exceed 75 per-*
3 *cent.*

4 “(C) *TYPES OF PROJECTS.*—*Projects for*
5 *which grants may be made under this subsection*
6 *include—*

7 “(i) *the improvement of fish passage-*
8 *ways;*

9 “(ii) *the creation of natural or artifi-*
10 *cial reefs or substrata for habitats;*

11 “(iii) *the restoration of wetland or sea*
12 *grass;*

13 “(iv) *the production of oysters for res-*
14 *toration projects; and*

15 “(v) *the prevention, identification, and*
16 *control of nonindigenous species.*

17 “(3) *ELIGIBLE ENTITIES.*—*The following entities*
18 *are eligible to receive grants under this subsection:*

19 “(A) *The government of a political subdivi-*
20 *sion of a State in the Chesapeake Bay watershed,*
21 *and the government of the District of Columbia.*

22 “(B) *An organization in the Chesapeake*
23 *Bay watershed (such as an educational institu-*
24 *tion or a community organization)—*

1 “(i) that is described in section 501(c)
2 of the Internal Revenue Code of 1986 and is
3 exempt from taxation under section 501(a)
4 of that Code; and

5 “(ii) that will administer such grants
6 in coordination with a government referred
7 to in subparagraph (A).

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

12 “(d) *BUDGET LINE ITEM.*—*The Secretary of Com-*
13 *merce shall identify, in the President’s annual budget to*
14 *the Congress, the funding request for the Office.*

15 “(e) *CHESAPEAKE EXECUTIVE COUNCIL.*—*For pur-*
16 *poses of this section, ‘Chesapeake Executive Council’ means*
17 *the representatives from the Commonwealth of Virginia, the*
18 *State of Maryland, the Commonwealth of Pennsylvania, the*
19 *Environmental Protection Agency, the District of Colum-*
20 *bia, and the Chesapeake Bay Commission, who are signato-*
21 *ries to the Chesapeake Bay Agreement, and any future sig-*
22 *natories to that Agreement.*

23 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
24 *authorized to be appropriated to the Department of Com-*

1 *merce for the Chesapeake Bay Office \$6,000,000 for each*
2 *of fiscal years 2002 through 2006.”.*

3 (b) *CONFORMING AMENDMENT.*—Section 2 of the Na-
4 *tional Oceanic and Atmospheric Administration Marine*
5 *Fisheries Program Authorization Act (Public Law 98–210;*
6 *97 Stat. 1409) is amended by striking subsection (e).*

7 (c) *MULTIPLE SPECIES MANAGEMENT STRATEGY.*—

8 (1) *IN GENERAL.*—Not later than 180 days after
9 *the date of enactment of this Act, the Director of the*
10 *Chesapeake Bay Office of the National Oceanic and*
11 *Atmospheric Administration shall begin a 5-year*
12 *study, in cooperation with the scientific community*
13 *of the Chesapeake Bay, appropriate State and inter-*
14 *state resource management entities, and appropriate*
15 *Federal agencies—*

16 (A) *to determine and expand the under-*
17 *standing of the role and response of living re-*
18 *sources in the Chesapeake Bay ecosystem; and*

19 (B) *to develop a multiple species manage-*
20 *ment strategy for the Chesapeake Bay.*

21 (2) *REQUIRED ELEMENTS OF STUDY.*—In order
22 *to improve the understanding necessary for the devel-*
23 *opment of the strategy under paragraph (1)(B), the*
24 *study shall—*

1 (A) determine the current status and trends
2 of fish and shellfish that live in the Chesapeake
3 Bay and its tributaries and are selected for
4 study;

5 (B) evaluate and assess interactions among
6 the fish and shellfish referred to in subparagraph
7 (A) and other living resources, with particular
8 attention to the impact of changes within and
9 among trophic levels; and

10 (C) recommend management actions to op-
11 timize the return of a healthy and balanced eco-
12 system for the Chesapeake Bay.

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