

119TH CONGRESS
2^D SESSION

S. _____

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. Kaine, Mr. Van Hollen, and Ms. Alsbrooks) introduced the following bill; which was read twice and referred to the Committee on _____

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. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake Watershed
5 Advancement for Training, Education, Restoration, and
6 Science Act” or the “WATERS Act”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that the Chesapeake Bay
9 Office of the National Oceanic and Atmospheric Adminis-

1 tration should be the primary representative of the Na-
2 tional Oceanic and Atmospheric Administration in the
3 Chesapeake Bay watershed.

4 **SEC. 3. REAUTHORIZATION OF THE NATIONAL OCEANIC**
5 **AND ATMOSPHERIC ADMINISTRATION**
6 **CHESAPEAKE BAY OFFICE.**

7 Section 307 of the National Oceanic and Atmospheric
8 Administration Authorization Act of 1992 (15 U.S.C.
9 1511d) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking “(in this
12 section referred to as the ‘Office’)”;

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

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

16 “(A) shall have knowledge and experience in re-
17 search or resource management efforts in the Ches-
18 peake Bay; and

19 “(B) shall be responsible for the administration
20 and operation of the Office and the implementation
21 of this section.”; and

22 (C) by striking paragraph (3);

23 (2) in subsection (b)—

1 (A) in paragraph (2), by striking “Sec-
2 retary of Commerce” and inserting “Adminis-
3 trator”;

4 (B) in paragraph (3)—

5 (i) by inserting “with and represent”
6 after “coordinate”;

7 (ii) by striking “, the Chesapeake Bay
8 Regional Sea Grant Programs, and the
9 Chesapeake Bay units of the National Es-
10 tuarine Research Reserve System,” and in-
11 sserting “for the Chesapeake Bay Program
12 and that relate to the Chesapeake Bay wa-
13 tershed in furtherance of such Administra-
14 tion’s coastal resource stewardship mis-
15 sion,”;

16 (iii) in subparagraph (A)—

17 (I) in clauses (vi) and (vii), by
18 striking “and” at the end; and

19 (II) by adding at the end the fol-
20 lowing:

21 “(viii) coastal hazards and climate
22 change; and

23 “(ix) education; and”; and

24 (iv) in subparagraph (B)—

4

1 (I) in clause (iii), by striking
2 “and” at the end;

3 (II) in clause (iv), by inserting
4 “and” after the semicolon; and

5 (III) by adding at the end the
6 following:

7 “(v) integrated ecosystem assess-
8 ments;”;

9 (C) in paragraph (4)—

10 (i) by striking “Environmental Pro-
11 tection Agency” and inserting “Chesapeake
12 Executive Council”; and

13 (ii) by inserting “as appropriate to
14 further the purposes of this section” after
15 “agencies”;

16 (D) by striking paragraphs (5) and (7);

17 (E) by redesignating paragraph (6) as
18 paragraph (5); and

19 (F) by adding at the end the following:

20 “(6) perform any functions necessary to sup-
21 port the programs and activities referred to in para-
22 graph (3).”;

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

24 (4) by adding at the end the following:

25 “(c) PROGRAMS AND ACTIVITIES.—

1 “(1) IN GENERAL.—The Administrator,
2 through the Director, shall implement the programs
3 and activities authorized by this section to support
4 the activity of the Chesapeake Executive Council and
5 to further the purposes of this section.

6 “(2) ENSURING SCIENTIFIC AND TECHNICAL
7 MERIT.—The Director shall—

8 “(A) establish and use an effective and
9 transparent mechanism to ensure that projects
10 carried out under this section have undergone
11 appropriate peer review; and

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

17 “(3) CONSULTATION WITH CHESAPEAKE EXEC-
18 UTIVE COUNCIL.—The Director shall, in the imple-
19 mentation of the programs and activities authorized
20 by this section, consult with the Chesapeake Execu-
21 tive Council to ensure that the activities of the Of-
22 fice are consistent with the purposes and priorities
23 of the Chesapeake Bay Agreement and plans devel-
24 oped pursuant to that agreement.

25 “(4) INTEGRATED COASTAL OBSERVATIONS.—

1 “(A) IN GENERAL.—The Administrator,
2 through the Director, may collaborate with sci-
3 entific and academic institutions, State and
4 Federal agencies, nongovernmental organiza-
5 tions, and other constituents in the Chesapeake
6 Bay watershed to support a regional coastal ob-
7 serving system for the Chesapeake Bay con-
8 sistent with the purposes of the Integrated
9 Coastal and Ocean Observation System Act of
10 2009 (33 U.S.C. 3601 et seq.).

11 “(B) SPECIFIC REQUIREMENTS.—To sup-
12 port the system referred to in subparagraph (A)
13 and provide a complete set of environmental in-
14 formation for the Chesapeake Bay, the Director
15 shall—

16 “(i) coordinate monitoring with Fed-
17 eral and State agencies in the tidal por-
18 tions of the Chesapeake Bay to understand
19 impacts of water quality on living marine
20 resources;

21 “(ii) identify new data collection needs
22 and deploy new technologies, as appro-
23 priate;

24 “(iii) collect and analyze the scientific
25 information necessary for the management

1 of living marine resources and the marine
2 habitat associated with those resources;
3 and

4 “(iv) organize the information de-
5 scribed in clause (iii) into products that
6 are useful to policymakers, resource man-
7 agers, scientists, and the public.

8 “(C) CHESAPEAKE BAY INTERPRETIVE
9 BUOY SYSTEM.—To further the development
10 and implementation of the Chesapeake Bay In-
11 terpretive Buoy System and associated moni-
12 toring assets to improve weather and ecological
13 forecasts and monitor habitat conditions for liv-
14 ing marine resources, the Director may—

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

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

21 “(iii) interpret data and information
22 for use by educators and students to in-
23 spire stewardship of the Chesapeake Bay;
24 and

1 “(iv) incorporate the observational
2 data from the Chesapeake Bay Interpretive
3 Buoy System into the Integrated Ocean
4 Observing System network of regional
5 coastal observing systems.

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

8 “(A) IN GENERAL.—The Administrator,
9 through the Director, may establish a Ches-
10 apeake Bay watershed education and training
11 program. The program shall—

12 “(i) continue and expand the Ches-
13 apeake Bay watershed education programs
14 offered by the Office immediately before
15 the enactment of the Chesapeake Water-
16 shed Advancement for Training, Edu-
17 cation, Restoration, and Science Act;

18 “(ii) improve the understanding of el-
19 ementary and secondary school students
20 and teachers of the living resources of the
21 Chesapeake Bay ecosystem;

22 “(iii) provide education and career
23 pathway internships; and

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

1 “(B) GRANT PROGRAM.—The Director
2 may award grants for the purposes of this para-
3 graph. Grants awarded under this subpara-
4 graph may be used to support education and
5 training projects that enhance understanding
6 and assessment of a specific environmental
7 problem in the Chesapeake Bay watershed or a
8 goal of the Chesapeake Bay Program, or pro-
9 tect or restore living resources of the Chesa-
10 peake Bay watershed, including projects that—

11 “(i) provide classroom education, in-
12 cluding the development and use of dis-
13 tance learning and other innovative tech-
14 nologies, related to the Chesapeake Bay
15 watershed;

16 “(ii) provide meaningful watershed
17 educational experiences in the Chesapeake
18 Bay watershed;

19 “(iii) provide professional development
20 for teachers related to the Chesapeake Bay
21 watershed and the dissemination of perti-
22 nent education materials oriented to vary-
23 ing grade levels;

1 “(iv) demonstrate or disseminate envi-
2 ronmental educational tools and materials
3 related to the Chesapeake Bay watershed;

4 “(v) demonstrate field methods, prac-
5 tices, and techniques, including assessment
6 of environmental and ecological conditions
7 and analysis of environmental problems;
8 and

9 “(vi) build the capacity of school dis-
10 tricts and their partners to deliver high-
11 quality environmental education programs.

12 “(C) COORDINATION.—The Director shall
13 implement the education and training program
14 in coordination with the heads of other Federal
15 agencies, as the Director determines appro-
16 priate.

17 “(6) COASTAL LIVING RESOURCES MANAGE-
18 MENT AND HABITAT PROGRAM.—

19 “(A) IN GENERAL.—The Administrator,
20 through the Director, may establish a Chesa-
21 peake Bay Coastal Living Resources Manage-
22 ment and Habitat Program to support coordi-
23 nated management, protection, characterization,
24 and restoration of priority Chesapeake Bay
25 habitats and living resources, including oysters,

1 blue crabs, submerged aquatic vegetation, and
2 economically and ecologically important fish
3 species such as striped bass and menhaden.

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

10 “(i) native oyster research and res-
11 toration;

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

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

17 “(iv) the development of programs
18 that restore, protect, and build the resil-
19 ience of critical coastal habitats and com-
20 munities;

21 “(v) habitat mapping, characteriza-
22 tion, and assessment techniques necessary
23 to identify, assess, and monitor Chesa-
24 peake Bay conditions and restoration ac-
25 tions;

1 “(vi) the application and transfer of
2 applied scientific research and ecosystem
3 management tools to fisheries and habitat
4 managers;

5 “(vii) the collection, synthesis, and
6 sharing of information to inform and influ-
7 ence coastal and living resource manage-
8 ment issues;

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

11 “(ix) other activities that the Director
12 determines are appropriate to carry out
13 the purposes of the program.

14 “(d) DELEGATION.—

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

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

22 “(e) REPORTS.—

23 “(1) IN GENERAL.—The Administrator,
24 through the Director, shall biennially submit to Con-
25 gress and the Secretary of Commerce a report on

1 the activities of the Office and progress made in pro-
2 tecting and restoring the living resources and habi-
3 tat of the Chesapeake Bay.

4 “(2) ACTION PLAN.—Each report required by
5 paragraph (1) shall include an action plan for the 2-
6 year period following submission of the report, con-
7 sisting of—

8 “(A) a list of recommended research, moni-
9 toring, and data collection activities necessary
10 to continue implementation of the strategy
11 under subsection (b)(2); and

12 “(B) recommendations to integrate activi-
13 ties of the National Oceanic and Atmospheric
14 Administration with the activities of the part-
15 ners in the Chesapeake Bay Program to meet
16 the commitments of the Chesapeake Bay Agree-
17 ment and subsequent agreements.

18 “(f) AGREEMENTS.—

19 “(1) IN GENERAL.—The Administrator,
20 through the Director, may enter into and perform
21 such contracts, leases, grants, or cooperative agree-
22 ments as may be necessary to carry out the purposes
23 of this Act.

24 “(2) USE OF OTHER RESOURCES.—For pur-
25 poses related to the understanding, protection, and

1 restoration of the Chesapeake Bay, the Director may
2 use, with consent and with or without reimburse-
3 ment, the land, services, equipment, personnel, and
4 facilities of—

5 “(A) any Department, agency, or instru-
6 mentality of the United States; or

7 “(B) any State, local government, or In-
8 dian Tribe, or any political subdivision thereof.

9 “(g) DEFINITIONS.—In this section:

10 “(1) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the National
12 Oceanic and Atmospheric Administration.

13 “(2) CHESAPEAKE BAY AGREEMENT; CHESA-
14 PEAKE BAY ECOSYSTEM; CHESAPEAKE BAY PRO-
15 GRAM; CHESAPEAKE EXECUTIVE COUNCIL.—The
16 terms ‘Chesapeake Bay Agreement’, ‘Chesapeake
17 Bay ecosystem’, ‘Chesapeake Bay Program’, and
18 ‘Chesapeake Executive Council’ have the meanings
19 given those terms in section 117(a) of the Federal
20 Water Pollution Control Act (33 U.S.C. 1267(a)).

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

23 “(4) OFFICE.—The term ‘Office’ means the
24 Chesapeake Bay Office established under this sec-
25 tion.”.