

TO REAUTHORIZE THE CHESAPEAKE BAY OFFICE OF THE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APRIL 3, 2001.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources
submitted the following

R E P O R T

[To accompany H.R. 642]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 642) 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. CHESAPEAKE BAY OFFICE.

(a) REAUTHORIZATION OF OFFICE.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended to read as follows:

“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.

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

“(1) provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—

“(A) assessing the processes that shape the Chesapeake Bay system and affect its living resources;

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

- “(C) monitoring the implementation and effectiveness of management plans;
 - “(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 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—
 - “(A) programs and activities in—
 - “(i) coastal and estuarine research, monitoring, and assessment;
 - “(ii) fisheries research and stock assessments;
 - “(iii) data management;
 - “(iv) remote sensing;
 - “(v) coastal management;
 - “(vi) habitat conservation and restoration; and
 - “(vii) atmospheric deposition; and
 - “(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—
 - “(i) nonindigenous species;
 - “(ii) estuarine and marine species pathology;
 - “(iii) human pathogens in estuarine and marine environments; and
 - “(iv) ecosystem health;
 - “(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the Environmental Protection Agency and other Federal, State, and local agencies;
 - “(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) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and
 - “(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) BUDGET LINE ITEM.—The Secretary of Commerce shall identify, in the President’s annual budget to the Congress, the funding request for the Office.

“(e) 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.

“(f) 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.”

(b) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended by striking subsection (e).

(c) MULTIPLE SPECIES MANAGEMENT STRATEGY.—

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

(A) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

(B) to develop a multiple species management strategy for the Chesapeake Bay.

(2) REQUIRED ELEMENTS OF STUDY.—In order to improve the understanding necessary for the development of the strategy under paragraph (1)(B), the study shall—

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

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

(C) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

PURPOSE OF THE BILL

The purpose of H.R. 642 is to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Chesapeake Bay Estuarine Resources Office was established in 1992 through the National Oceanic and Atmospheric Administration (NOAA) Authorization Act of 1992 (Title III, section 307 of Public Law 102–567; 106 Stat. 4284) within NOAA. The office was created to provide a focus for NOAA’s multiple capabilities and activities in the Chesapeake Bay and coordinate NOAA’s efforts with-

in the multi-state/federal partnership that comprises the Chesapeake Bay Program (CBP). Its function is to represent all NOAA line offices and to provide a clear focal point within NOAA for Chesapeake Bay initiatives. It is also charged with involving all relevant NOAA entities in Bay restoration efforts, managing peer-reviewed research funded by the Chesapeake Bay Office, and strengthening NOAA's interactions with Chesapeake Bay partners.

In addition to reauthorizing the Office, this legislation would place two new requirements on the Office. The first requirement would be to conduct a five-year study leading to the development of a multiple species management strategy for the Chesapeake Bay. The study would determine the current status and trends of selected fish and shellfish that live in the Chesapeake Bay estuaries, evaluate and assess interactions among the multiple species, and make recommendations for management actions to optimize the return to a healthy ecosystem for the Bay. The second requirement is to establish and administer a community-based fishery and habitat restoration small grants and technical assistance program. The program would pay the federal share, up to 75 percent, of projects that are carried out by eligible entities for the restoration of fisheries and habitats in the Chesapeake Bay watershed.

To fund the Office and the improvements, H.R. 642 authorizes \$6 million to be appropriated for each of Fiscal Years 2002 through 2006. In the past, the Office was authorized at \$2.5 million for each of Fiscal Years 1997 and 1998.

COMMITTEE ACTION

H.R. 642 was introduced on February 14, 2001, by Congressman Wayne T. Gilchrest (R-MD). The bill was cosponsored by Congressman Benjamin L. Cardin (D-MD), Congresswoman Constance A. Morella (R-MD), Congressman Elijah E. Cummings (D-MD), Congressman Albert Russell Wynn (D-MD), Congressman Robert L. Ehrlich, Jr. (R-MD), Congressman Steny H. Hoyer (D-MD), and Congressman Roscoe G. Bartlett (R-MD). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. Although no hearings were held on this bill during the 107th Congress, on September 21, 2000, the Subcommittee held a hearing on H.R. 5133, legislation introduced in the 106th Congress that was very similar to H.R. 642. On March 28, 2001, the Full Resources Committee met to consider H.R. 642. The Subcommittee was discharged from further consideration of the bill by unanimous consent. An amendment authored by Mr. Gilchrest was adopted by unanimous consent. The Gilchrest amendment clarifies the type of work done by the Chesapeake Bay Office and expands the types of projects that can be funded by the grants program to include projects that prevent, identify or control nonindigenous species. The bill, as amended, was favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Chesapeake Bay Office

Subsection (a). Reauthorization of Office.—This section amends and recodifies Section 307 of the National Oceanic and Atmospheric

Administration Authorization Act of 1992 (15 U.S.C. 1511d) to re-authorize the Chesapeake Bay Office.

Section 307(a) establishes the Chesapeake Bay Office (the Office) within the National Oceanic and Atmospheric Administration. The Office will have a director who is appointed by the Secretary of Commerce in consultation with the Chesapeake Executive Council, and will be staffed by the Director.

Section 307(b) outlines the functions that the Office undertakes in consultation with the Executive Council. The Office will provide technical assistance to NOAA and to other federal, State and local government agencies; develop and implement a strategy for NOAA that integrates the various responsibilities of the Secretary; coordinate the programs and activities of the various organizations within NOAA, the Chesapeake Bay Regional Sea Grant Programs, and the Chesapeake Bay units of the National Estuarine Research Reserve System; and coordinate the activities of NOAA with the activities of the Environmental Protection Agency and other federal, State, and local agencies. The Office will also establish an effective mechanism to ensure 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. In addition, the Office will remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects. Lastly, the Office will submit a biennial report to 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.

Section 307(c) establishes and describes the Chesapeake Bay fishery and habitat restoration small watershed grants program. The Director, in cooperation with the Chesapeake Executive Council, will establish and administer a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed. The Director shall make grants under this subsection to pay the federal share of the cost, not to exceed 75 percent, of projects that are carried out by entities eligible for the restoration of fisheries and habitats in the Chesapeake Bay. Projects for which grants may be made under this subsection include the improvement of fish passageways; the creation of natural or artificial reefs or substrata for habitats; the restoration of wetland or sea grass; the production of oysters for restoration projects; and the prevention, identification, and control of non-indigenous species. Under this subsection, governments of a political subdivision of a State in the Chesapeake Bay watershed, the government of the District of Columbia and tax-exempt organizations in the Chesapeake Bay watershed are eligible to receive grants. This subsection also states that the Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this subsection.

Section 307(d) states that the Secretary shall identify, in the President's annual budget to Congress, the funding request for the Office.

Section 307(e) defines, for purposes of Section 307, the Chesapeake Executive Council as the representatives from the Common-

wealth 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.

Section 307(f) authorizes to be appropriated to the Department of Commerce for the Chesapeake Bay Office \$6 million for each of Fiscal Years 2002 through 2006.

Subsection (b). Conforming Amendment.—This subsection includes a conforming amendment regarding the Marine Fisheries Program Authorization Act.

Subsection (c). Multiple Species Management Strategy.—Within six months of the enactment of this Act, the Director of the Office will begin a 5-year study to determine and expand the understanding of the role and response of living marine resources in the Chesapeake Bay ecosystem and to develop a multiple species management strategy for the Chesapeake Bay. This will be done in cooperation with the Chesapeake Bay scientific community, appropriate State and interstate resource management entities, and appropriate federal agencies. To improve the understanding necessary for the development of the strategy, the study shall determine the current status and trends of fish and shellfish that live in the Chesapeake Bay estuaries and are selected for study. The study will also evaluate and assess interactions among the fish and shellfish and other living resources, with particular attention to the impact of changes within and among trophic levels, and the study will recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

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 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.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 29, 2001.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 642, a bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

H.R. 642—A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes

Summary: H.R. 642 would reauthorize the Chesapeake Bay Office within the National Oceanic and Atmospheric Administration (NOAA). The bill would establish a program to provide grants and technical assistance to state, local, and nonprofit entities for the restoration of fisheries and habitat in the Chesapeake Bay watershed. It also would direct NOAA to conduct a five-year study of living resources in the bay and to develop a management strategy for them. For these purposes, the bill would authorize the appropriation of \$6 million annually for fiscal years 2002 through 2006.

Assuming appropriation of the authorized amounts, CBO estimates that the federal government would spend \$4 million in fiscal year 2002 and a total of \$30 million over the 2002–2006 period on the activities authorized by H.R. 642. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 642 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. 642 is shown in the following table. For purposes of this estimate, CBO assumes that the bill will be enacted during fiscal year 2001 and that the entire amounts authorized will be appropriated for each fiscal year. Estimated outlays are based on information provided by NOAA. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority ¹	3	0	0	0	0	0
Estimated Outlays	3	1	0	0	0	0
Proposed Changes						
Authorization Level	0	6	6	6	6	6
Estimated Outlays	0	4	6	6	7	7
Spending Under H.R. 642						
Authorization Level ¹	3	6	6	6	6	6
Estimated Outlays	3	5	6	6	7	7

¹ The 2001 level is the amount appropriated for that year.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 642 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Eligible local governments could benefit from the grant funds authorized by this bill, which would fund up to 75 percent of the cost of certain restoration projects. Any costs incurred by those governments to match the federal funds would be voluntary.

Estimate prepared by: Federal Costs: Deborah Reis. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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):

SECTION 307 OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1992

[SEC. 307. CHESAPEAKE BAY ESTUARINE RESOURCES 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 Estuarine Resources Office (hereinafter 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 Bay 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.

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

[(1) provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—

[(A) assessing the processes that shape the Chesapeake Bay system and affect its living resources;

[(B) identifying technical and management alternatives for the restoration and protection of living resources and the habitats they depend upon; and

[(C) monitoring the implementation and effectiveness of management plans;

[(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 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 and the Chesapeake Bay Regional Sea Grant Programs (including programs and activities in coastal and estuarine research, monitoring, and assessment; fisheries research and stock assessments; data management; remote sensing; coastal management; and habitat conservation);

[(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the Environmental Protection Agency and other Federal, State, and local agencies;

[(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) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and

[(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.

[(c) BUDGET LINE ITEM.—The Secretary of Commerce shall identify, in the President's annual budget to the Congress, the funding request for the Office.

[(d) AUTHORIZATION OF APPROPRIATIONS.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409), as amended by section 302 of this Act, is further amended by adding at the end the following new subsection:

[(e) Of the sums authorized under subsection (a) of this section, no more than \$2,500,000 are authorized to be appropriated for each of the fiscal years 1992 and 1993 to enable the National Oceanic and Atmospheric Administration to establish the Chesapeake Bay Estuarine Resources Office under section 306 of the National Oceanic and Atmospheric Administration Authorization Act of 1991. No more than 20 percent of the amount appropriated under the authorization in this subsection shall be used for administrative purposes.”]

[(e) 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.]

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.*

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

(1) *provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—*

(A) *assessing the processes that shape the Chesapeake Bay system and affect its living resources;*

(B) *identifying technical and management alternatives for the restoration and protection of living resources and the habitats they depend upon; and*

(C) *monitoring the implementation and effectiveness of management plans;*

(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 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—*

(A) *programs and activities in—*

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

- (ii) fisheries research and stock assessments;
- (iii) data management;
- (iv) remote sensing;
- (v) coastal management;
- (vi) habitat conservation and restoration; and
- (vii) atmospheric deposition; and

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

- (i) nonindigenous species;
- (ii) estuarine and marine species pathology;
- (iii) human pathogens in estuarine and marine environments; and
- (iv) ecosystem health;

(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the Environmental Protection Agency and other Federal, State, and local agencies;

(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) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and

(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 non-indigenous 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) BUDGET LINE ITEM.—The Secretary of Commerce shall identify, in the President's annual budget to the Congress, the funding request for the Office.

(e) 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.

(f) 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.

SECTION 2 OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT

FISHERIES INFORMATION COLLECTION AND ANALYSIS

SEC. 2. (a) * * *

*** * * * ***

[(e) Of the sums authorized under subsection (a) of this section, no more than \$2,500,000 are authorized to be appropriated for each

of the fiscal years 1992 and 1993 to enable the National Oceanic and Atmospheric Administration to establish the Chesapeake Bay Estuarine Resources Office under section 306 of the National Oceanic and Atmospheric Administration Authorization Act of 1991. No more than 20 percent of the amount appropriated under the authorization in this subsection shall be used for administrative purposes.】

