

Comparative Print: Changes in Existing Law for Bill number:

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Summary

- (1) 2 amendments.
- (2) 0 automated notifications.

Current Law(s) being amended

[1. National Oceanic and Atmospheric Administration Authorization Act of 1992](#)

Comparative Print: Changes in Existing Law

1. National Oceanic and Atmospheric Administration Authorization Act of 1992

[As Amended Through P.L. 115–423, Enacted January 7, 2019]

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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.

(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) **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) BLUE CATFISH PILOT PROGRAM.—

(1) IN GENERAL.— The Secretary shall establish a pilot program to award amounts to covered entities to purchase, in accordance with paragraph (3)—

(A) from watermen, blue catfish caught within the Chesapeake Bay Watershed by such watermen; and

(B) from seafood processors, such blue catfish purchased by seafood processors from such watermen.

(2) APPLICATIONS.— To be eligible to be awarded amounts under the pilot program, a covered entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(3) USE OF AMOUNTS.— A covered entity that is awarded amounts under the pilot program—

(A) shall use such amounts to purchase blue catfish from watermen or seafood processors for at least the amount determined by the Secretary under paragraph (5); and

(B) may use not more than 15 percent of such amounts to offset the cost to transport such blue catfish to manufacturing or processing facilities.

(4) WATERMAN AND SEAFOOD PROCESSOR ELIGIBILITY.— To be eligible to sell a blue catfish under the pilot program to a covered entity that is awarded amounts under the pilot program—

(A) a waterman shall certify to such a covered entity that the waterman caught the blue catfish within the Chesapeake Bay Watershed; and

(B) a seafood processor shall certify to such a covered entity that the seafood processor purchased the blue catfish from a waterman who caught the blue catfish within the Chesapeake Bay Watershed.

(5) DETERMINATION OF MINIMUM PURCHASE AMOUNT.— With respect to blue catfish sold by watermen or seafood processors under the pilot program, the Secretary shall determine the minimum price per pound, taking into consideration—

(A) market factors;

(B) feedback from watermen, seafood processors, and covered entities who participate in the pilot program, if available; and

(C) differentiation of price points for fillet and byproduct.

(6) REPORT.— Not later than 180 days after the date on which the pilot program terminates in accordance with paragraph (7), the Secretary shall submit to Congress a report regarding the pilot program, including the following information:

(A) An estimate of the size and spawning stock biomass of the blue catfish population in the Chesapeake Bay Watershed prior to and at the conclusion of the pilot program, using the most recent data available.

(B) The size distribution and diet of the blue catfish population in the Chesapeake Bay Watershed during and at the conclusion of the pilot program.

(C) The number of blue catfish and the amount of blue catfish (measured in pounds) caught by watermen who participate in the pilot program during the pilot program.

(D) The effect of the pilot program on species other than the blue catfish in and the environment of the Chesapeake Bay Watershed.

(E) The economic effect of the pilot program on watermen who participate in the pilot program, including—

(i) the revenue generated by each such waterman by selling blue catfish under the pilot program; and

(ii) catch data with respect to and revenue generated from other species fished by such watermen during the pilot program.

(F) The market response to the pilot program, including—

(i) the total amount awarded to covered entities under the pilot program; and

(ii) trends in the types of covered entities awarded amounts under the pilot program.

(G) With respect to the manufacturing or processing practices of each covered entity that is awarded amounts under the pilot program, information regarding whether each such covered entity—

(i) uses internal or third-party manufacturers or processors;

(ii) uses, for each type of food product produced by the covered entity, whole fish, fillet, or byproduct; and

(iii) if the covered entity uses only part of the fish, sells the remainder to third parties.

(H) How each covered entity that is awarded amounts under the pilot program transports blue catfish purchased by the covered entity, including—

(i) whether the covered entity freezes such blue catfish;

(ii) how often the covered entity picks up such blue catfish; and

(iii) whether the covered entity uses a seafood transport company that is local to the Chesapeake Bay Watershed.

(I) Policy recommendations regarding—

(i) the continuation of the pilot program in the Chesapeake Bay Watershed; and

(ii) the expansion of the pilot program to other watersheds, including—

(I) best practices;

(II) specific recommendations regarding invasive species of carp in the Mississippi rivershed;

(III) with respect to other invasive aquatic species and watersheds that may benefit from the pilot program; and

(IV) other strategies with respect to the mitigation of aquatic invasive species for Congress to consider piloting.

(7) DURATION.— The Secretary shall carry out the pilot program from January 1, 2027 through December 31, 2029.

(8) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to the Secretary to carry out the pilot program \$2,000,000 for each fiscal year for the duration of the pilot program in accordance with paragraph (7).

(9) DEFINITIONS.— In this subsection:

(A) ANIMAL FEED.— The term “*animal feed*”—

(i) means an article that is intended for use—

(I) for food for an animal other than man; and

(II) as a substantial source of nutrients in the diet of such an animal; and

(ii) is not limited to a mixture intended to be the sole ration of such an animal.

(B) AQUACULTURE FEED.— The term “*aquaculture feed*”—

(i) means an article that is intended for use—

(I) for food for an aquacultural species, including any species of finfish, mollusk, crustacean (or other aquatic invertebrate), amphibian, reptile, ornamental fish, or aquatic plant that is propagated and reared in a controlled or selected environment; and

(II) as a substantial source of nutrients in the diet of such an aquacultural species; and

(ii) is not limited to a mixture intended to be the sole ration of such an aquacultural species.

(C) BLUE CATFISH.— The term “*blue catfish*” means the species *Ictalurus furcatus*.

(D) CHESAPEAKE BAY WATERSHED.— The term “*Chesapeake Bay Watershed*” means the region that covers—

(i) the Chesapeake Bay;

(ii) the portions of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia that drain into the Chesapeake Bay; and

(iii) the District of Columbia.

(E) COVERED ENTITY.— The term “*covered entity*” means a person engaged in the business of manufacturing or processing—

(i) pet food;

(ii) animal feed; or

(iii) aquaculture feed.

(F) PILOT PROGRAM.— The term “*pilot program*” means the pilot program established under paragraph (1).

(G) SEAFOOD PROCESSOR.— The term “*seafood processor*” means a person engaged in the business of preparing or packaging fish or fish products (including fish harvested by the processor) for sale.

(H) SECRETARY.— The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceans and Atmospheric Administration.

(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.

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Summary

- (1) 2 amendments.
- (2) 0 automated notifications.

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