

111TH CONGRESS
2^D SESSION

H. R. 3644

IN THE SENATE OF THE UNITED STATES

MARCH 22 (legislative day, MARCH 19), 2010

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ocean, Coastal, and
3 Watershed Education Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The United States faces major challenges,
7 such as mitigating and adapting to the impacts of
8 climate change, stewarding critical coastal and ma-
9 rine resources including fish and wildlife habitat
10 while sustaining the commercial and recreational ac-
11 tivities that depend on these resources, and improv-
12 ing resilience to natural disasters, that collectively
13 threaten human health, sustainable economic devel-
14 opment, environmental quality, and national secu-
15 rity.

16 (2) Communities in coastal watersheds are par-
17 ticularly vulnerable to these increasingly urgent,
18 interconnected, and complex challenges and need
19 support for teacher professional development and ex-
20 periential learning among students of all ages.

21 (3) These challenges can be met with the help
22 of comprehensive programs specifically targeted to
23 engage coastal watershed communities, school-
24 children, and the general public to develop engaged
25 and environmentally literate citizens who are better
26 able to understand complex environmental issues, as-

1 sess risk, evaluate proposed plans, and understand
2 how individual decisions affect the environment at
3 local, regional, national, and global scales.

4 (4) The intrinsic social and conservation values
5 of wildlife-dependent and other outdoor recreation
6 can play an important role in outdoor educational
7 programs that address the myriad of coastal and
8 ocean concerns, as well as instill a sustainable con-
9 servation ethic that will enable them to face those
10 challenges to the betterment of both the environment
11 and coastal communities.

12 (5) The economic importance of coastal areas
13 and resources to the overall economy of the United
14 States is significant. According to the U.S. Commis-
15 sion on Ocean Policy, coastal and ocean-related ac-
16 tivities support millions of American jobs and gen-
17 erate more than \$1 trillion, or one tenth of the Na-
18 tion's annual gross domestic product. Sustainable
19 use of the Nation's natural resources can provide
20 additional economic opportunities to the United
21 States economy.

22 (b) PURPOSE.—The purpose of this Act is to advance
23 environmental literacy, develop public awareness and ap-
24 preciation of the economic, social, recreational, and envi-
25 ronmental benefits of coastal watersheds, and emphasize

1 stewardship and sustainable economic development of crit-
2 ical coastal and marine resources, including an under-
3 standing of how climate change is impacting those re-
4 sources, through the establishment of—

5 (1) an Environmental Literacy Grant Program;

6 and

7 (2) regional programs under the B-WET Pro-
8 gram.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **ADMINISTRATOR.**—The term “Adminis-
12 trator” means the Administrator of the National
13 Oceanic and Atmospheric Administration.

14 (2) **BAY-WATERSHED EDUCATION.**—The term
15 “bay-watershed education” means environmental
16 education focused on watersheds, with an emphasis
17 on stewardship and sustainable economic develop-
18 ment of critical coastal and marine resources, includ-
19 ing an understanding of how climate change is im-
20 pacting those resources.

21 (3) **B-WET PROGRAM.**—The term “B-WET
22 Program” means the Bay-Watershed Education and
23 Training Program of the National Oceanic and At-
24 mospheric Administration, as in effect immediately

1 before the enactment of this Act and modified under
2 this Act or any subsequently enacted Act.

3 (4) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means a State agency, local agency, school dis-
5 trict, institution of higher education, or for-profit or
6 non-profit nongovernmental organization, consor-
7 tium, or other entity that the Administrator finds
8 has demonstrated expertise and experience in the de-
9 velopment of the institutional, intellectual, or policy
10 resources to help environmental education become
11 more effective and widely practiced.

12 (5) ENVIRONMENTAL EDUCATION.—The term
13 “environmental education” means interdisciplinary
14 formal and informal learning about the relevant
15 interrelationships between dynamic environmental
16 and human systems, including economic systems
17 that depend on coastal, watershed and marine re-
18 sources for job creation and economic growth, that
19 results in increasing the learner’s capacity for deci-
20 sionmaking, stewardship, and sustainable economic
21 development of natural and community resources.

22 (6) ENVIRONMENTAL LITERACY.—The term
23 “environmental literacy” means the capacity to per-
24 ceive and interpret the relative health of environ-
25 mental systems and the interrelationships between

1 natural, economic, and social systems and tech-
2 nology, and to assess options and take appropriate
3 action to maintain, restore, or improve the health of
4 those systems and promote sustainable economic de-
5 velopment.

6 (7) HIGH-LEVERAGE PROJECTS.—The term
7 “high-leverage projects” means projects supported
8 by grants authorized under this Act that use Fed-
9 eral, State and nongovernmental financial, technical,
10 and other resources in such a manner that the po-
11 tential beneficial outcomes are highly magnified or
12 enhanced.

13 (8) STATE.—The term “State” means each of
14 the several States of the United States, the District
15 of Columbia, the Commonwealth of Puerto Rico, the
16 Virgin Islands, Guam, American Samoa, the Com-
17 monwealth of the Northern Mariana Islands, any
18 other territory or possession of the United States,
19 and any Indian tribe.

20 **SEC. 4. ENVIRONMENTAL LITERACY GRANT PROGRAM.**

21 (a) IN GENERAL.—The Administrator shall establish
22 a national competitive grant program, to be known as the
23 “Environmental Literacy Grant Program”, under which
24 the Administrator shall provide, subject to the availability
25 of appropriations, financial assistance to—

1 (1) expand the adoption of coastal, ocean, Great
2 Lakes, and climate on all time scales education;

3 (2) build administrative and technical capacity
4 with coastal, ocean, and watershed communities and
5 stakeholder groups to enhance their effectiveness;

6 (3) encourage water-dependent, wildlife-depend-
7 ent, and other outdoor recreation, experiential learn-
8 ing, and hands-on involvement with coastal and wa-
9 tershed resources as a method of promoting steward-
10 ship and sustainable economic development of those
11 resources;

12 (4) develop and implement new approaches to
13 advance coastal, ocean, Great Lakes, and climate on
14 all time scales education and environmental literacy
15 at national, regional, and local levels; and

16 (5) encourage formal and informal environ-
17 mental education about the systemic interrelation-
18 ships between healthy coastal, watershed, and ma-
19 rine resources and sustainable economic systems
20 that depend on such resources for job creation and
21 economic development.

22 (b) PRIORITIES.—In awarding grants under this sec-
23 tion, the Administrator shall give priority consideration to
24 innovative, strategic, high-leverage projects that dem-
25 onstrate strong potential for being sustained in the future

1 by a grant recipient beyond the time period in which ac-
2 tivities are carried out with the grant.

3 (c) GUIDELINES.—No later than 180 days after the
4 date of enactment of this Act and after consultation with
5 appropriate stakeholders, the Administrator shall publish
6 in the Federal Register guidelines regarding the imple-
7 mentation of this grant program, including publication of
8 criteria for eligible entities, identification of national prior-
9 ities, establishment of performance measures to evaluate
10 program effectiveness, information regarding sources of
11 non-Federal matching funds or in-kind contributions, and
12 reporting requirements for grant award recipients.

13 (d) LIMITATION ON USE OF FUNDS BY ADMINIS-
14 TRATOR.—Of the amounts made available to implement
15 this section—

16 (1) no less than 80 percent shall be used for
17 competitive grants or cooperative agreements;

18 (2) no more than 10 percent may be used by
19 the Administrator to implement the grant program;
20 and

21 (3) no less than 10 percent of the annual funds
22 appropriated for the program authorized under this
23 section shall be used to fund contracts or cooperative
24 agreements to conduct strategic planning, promote
25 communications among grant recipients and within

1 communities, coordinate grant activities to foster an
2 integrated program, and oversee national evaluation
3 efforts.

4 **SEC. 5. B-WET PROGRAM.**

5 (a) EXISTING PROGRAM.—The Administrator shall
6 conduct the B-WET Program, including each of the re-
7 gional programs conducted or under active consideration
8 for creation under such program immediately before the
9 enactment of this Act.

10 (b) NEW REGIONAL PROGRAMS.—

11 (1) IN GENERAL.—The Administrator may cre-
12 ate new regional programs under the B-WET Pro-
13 gram in accordance with a strategy issued under
14 this subsection.

15 (2) STRATEGY.—

16 (A) IN GENERAL.—The Administrator
17 shall issue a strategy for establishing such new
18 regional programs.

19 (B) CONTENTS.—The strategy shall in-
20 clude the following:

21 (i) Evaluation of the need for new re-
22 gional program in areas that are not
23 served under the B-WET Program on the
24 date of enactment of this Act.

1 (ii) Identification of potential new re-
2 gional programs, including a listing of po-
3 tential principal non-Federal partners.

4 (iii) A comprehensive budget for fu-
5 ture expansion of the B-WET Program
6 over the period for which appropriations
7 are authorized under this Act.

8 (iv) Such other information as the Ad-
9 ministrator considers necessary.

10 (C) CONSULTATION AND PUBLIC COM-
11 MENT.—The Administrator shall consult with
12 relevant stakeholders and provide opportunity
13 for public comment in the development of the
14 strategy.

15 (D) SUBMISSION TO CONGRESS.—The Ad-
16 ministrator shall submit the strategy to the
17 Committee on Natural Resources of the House
18 of Representatives and the Committee on Com-
19 merce, Science, and Transportation of the Sen-
20 ate by not later than 270 days after the date
21 of enactment of this Act.

22 (3) PRIORITY CONSIDERATION.—In creating
23 new regional programs under this subsection, the
24 Administrator shall give priority consideration to the
25 needs of—

1 (A) United States territories, including
2 Guam, the Commonwealth of Puerto Rico, the
3 Virgin Islands, the Commonwealth of the
4 Northern Mariana Islands, and American
5 Samoa;

6 (B) the Great Lakes States;

7 (C) Alaska; and

8 (D) the mid-Atlantic region.

9 (c) MODIFICATION OF B-WET PROGRAM.—

10 (1) IN GENERAL.—The Administrator may
11 modify or realign regional programs under the B-
12 WET Program, based on—

13 (A) changes in regional needs;

14 (B) mutual interest between the Adminis-
15 trator and relevant stakeholders within a region
16 or regions;

17 (C) changes in resources available to the
18 Administrator to implement the B-WET Pro-
19 gram; and

20 (D) other circumstances as determined
21 necessary by the Administrator.

22 (2) CONSULTATION AND PUBLIC COMMENT.—
23 The Administrator shall—

24 (A) consult with the persons conducting a
25 regional program and provide opportunity for

1 public comment prior to making a final decision
2 to modify or realign such regional program; and

3 (B) publish public notice of such a decision
4 no less than 30-days before the effective date of
5 such a modification or realignment.

6 (d) REGIONAL PROGRAM MANAGERS.—

7 (1) APPOINTMENT OF REGIONAL PROGRAM
8 MANAGER.—The Administrator shall be responsible
9 for the selection, appointment, and when necessary
10 replacement of a regional program manager for each
11 regional program under the B-WET Program.

12 (2) QUALIFICATIONS.—To qualify for appoint-
13 ment as a regional program manager, an individual
14 must—

15 (A) reside in the region for which ap-
16 pointed; and

17 (B) demonstrate competence and expertise
18 in bay-watershed education and training.

19 (3) FUNCTIONS.—Each regional program man-
20 ager shall—

21 (A) be responsible for managing and ad-
22 ministering the B-WET Program in the region
23 for which appointed, in accordance with this
24 Act;

1 (B) determine the most appropriate com-
2 munities within the region to be served by the
3 B-WET Program;

4 (C) encourage water-dependent, wildlife-de-
5 pendent, and other outdoor recreation, experi-
6 ential learning experiences for students, and
7 hands-on involvement with coastal and water-
8 shed resources as a method of promoting stew-
9 ardship and sustainable economic development
10 of those resources and complementing core
11 classroom curriculum;

12 (D) support communication and collabora-
13 tion among educators, natural resource plan-
14 ners and managers, and governmental and non-
15 governmental stakeholders;

16 (E) share and distribute information re-
17 garding educational plans, strategies, learning
18 activities, and curricula to all stakeholders with-
19 in its region;

20 (F) provide financial and technical assist-
21 ance pursuant to the guidelines developed by
22 the Administrator under this section; and

23 (G) perform any additional duties as nec-
24 essary to carry out the functions of the pro-
25 gram.

1 (e) PROGRAM GUIDELINES.—No later than 180 days
2 after the date of enactment of this Act and after consulta-
3 tion with appropriate stakeholders, the Administrator
4 shall publish in the Federal Register guidelines regarding
5 the implementation of the B-WET Program, as follows:

6 (1) CONTRACTS.—The Administrator shall cre-
7 ate guidelines through which each regional program
8 manager may enter into contracts (subject to the
9 availability of appropriations) to support projects to
10 design, demonstrate, evaluate, or disseminate prac-
11 tices, methods, or techniques related to Bay-water-
12 shed education and training.

13 (2) GRANT MAKING AND COOPERATIVE AGREE-
14 MENTS.—

15 (A) IN GENERAL.—The Administrator
16 shall create guidelines through which each re-
17 gional program manager may provide financial
18 assistance in the form of a grant (subject to the
19 availability of appropriations) or cooperative
20 agreement to support projects that advance the
21 purpose of this Act. The guidelines shall include
22 criteria for eligible entities, identification of na-
23 tional priorities, establishment of performance
24 measures to evaluate program effectiveness, and

1 reporting requirements for grant award recipi-
2 ents.

3 (B) PRIORITY.—In making grants under
4 this paragraph, each regional program manager
5 shall give priority to those projects that will—

6 (i) promote bay-watershed education
7 throughout the region concerned;

8 (ii) advance strategic initiatives to in-
9 corporate bay-watershed education into
10 formal and informal education systems;

11 (iii) build capacity within bay-water-
12 shed education communities and stake-
13 holder groups for expanding and strength-
14 ening their work;

15 (iv) build bay-watershed education
16 into professional development or training
17 activities for educators; and

18 (v) broadly replicate existing, proven
19 bay-watershed education programs.

20 (f) NON-FEDERAL SHARE.—

21 (1) IN GENERAL.—In awarding grants under
22 this section, the regional program managers shall
23 give priority consideration to a project for which the
24 Federal share does not exceed 75 percent of the ag-
25 gregate cost of such project.

1 (2) IN-KIND CONTRIBUTION.—The non-Federal
2 share of the costs of any project supported by an
3 award of grant funding under this section may be
4 cash or the fair market value of services, equipment,
5 donations, or any other form of in-kind contribution.

6 (3) OTHER PRIORITY.—The regional program
7 managers shall give priority consideration to a
8 project that will be conducted by or benefit any
9 under-served community, any community that has
10 an inability to draw on other sources of funding be-
11 cause of the small population or low income of the
12 community, or any other person for any other reason
13 the Administrator considers appropriate and con-
14 sistent with the purpose of this Act.

15 (g) REGIONAL PROGRAM COORDINATION.—Within
16 the National Oceanic and Atmospheric Administration,
17 the Office of Education shall work with regional program
18 managers on the following regional B-WET Program
19 functions:

20 (1) Strategic planning efforts.

21 (2) Integration and coordination of programs.

22 (3) Coordination of national evaluation efforts.

23 (4) Promotion of network wide communications.

24 (5) Selection of new Regional Program Man-
25 agers.

1 (6) Management, tracking, and oversight of the
2 B-WET Program.

3 (h) **LIMITATION ON USE OF FUNDS BY ADMINIS-**
4 **TRATOR.**—Of the amounts made available to implement
5 this section—

6 (1) no less than 80 percent shall be used for
7 implementation of regional program activities, in-
8 cluding the award of grants; and

9 (2) no more than 20 percent may be used by
10 the Administrator to implement the regional pro-
11 grams and regional program coordination.

12 **SEC. 6. BIENNIAL REPORT.**

13 Not later than December 31, 2011, and biennially
14 thereafter, the Administrator shall submit to Congress a
15 report on the grant programs authorized under this Act.
16 Each such report shall include a description of the eligible
17 activities carried out with grants awarded under the Act
18 during the previous two fiscal years, an assessment of the
19 success and impact of such activities, and a description
20 of the type of programs carried out with such grant,
21 disaggregated by State.

22 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
24 are authorized to be appropriated to the Administrator—

1 (1) to carry out the Environmental Literacy
2 Grant Program authorized by section 4 (including
3 administrative expenses for preparing the report
4 under section 6)—

5 (A) for fiscal year 2011, \$13,200,000;

6 (B) for fiscal year 2012, \$14,500,000;

7 (C) for fiscal year 2013, \$16,000,000;

8 (D) for fiscal year 2014, \$17,600,000; and

9 (E) for fiscal year 2015, \$19,300,000; and

10 (2) to carry out the B-WET Program author-
11 ized by section 5 (including administrative expenses
12 for preparing the report under section 6)—

13 (A) for fiscal year 2011, \$10,700,000;

14 (B) for fiscal year 2012, \$11,700,000;

15 (C) for fiscal year 2013, \$12,900,000;

16 (D) for fiscal year 2014, \$14,200,000; and

17 (E) for fiscal year 2015, \$15,600,000.

18 (b) PROHIBITION ON EARMARKS.—None of the funds
19 appropriated pursuant to subsection (a) may be used for

