

# Union Calendar No. 229

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3644

[Report No. 111-392]

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2009

Mrs. CAPPS (for herself, Mr. EHLERS, and Mr. FARR) introduced the following bill; which was referred to the Committee on Natural Resources

JANUARY 12, 2010

Additional sponsors: Ms. BORDALLO, Ms. KILPATRICK of Michigan, Mr. BLUMENAUER, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. RICHARDSON, Mr. THOMPSON of California, Mr. SABLAN, Ms. LEE of California, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. CONNOLLY of Virginia, Ms. HIRONO, Ms. SHEA-PORTER, Mr. MCNERNEY, Mr. LIPINSKI, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. MORAN of Virginia, Mr. HOLT, Mr. PALLONE, Mr. HINCHEY, Mrs. MILLER of Michigan, Mr. SARBANES, Mr. INSLEE, Mrs. NAPOLITANO, Mr. POLIS of Colorado, and Mr. FILNER

JANUARY 12, 2010

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 September 24, 2009]

# **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Ocean, Coastal, and Wa-*  
5 *tershed Education Act”.*

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

8            *(1) The United States faces major challenges,*  
9 *such as mitigating and adapting to the impacts of*  
10 *climate change, stewarding critical coastal and ma-*  
11 *rine resources including fish and wildlife habitat*  
12 *while sustaining the commercial and recreational ac-*  
13 *tivities that depend on these resources, and improving*  
14 *resilience to natural disasters, that collectively threat-*  
15 *en human health, economic development, environ-*  
16 *mental quality, and national security.*

17            *(2) Communities in coastal watersheds are par-*  
18 *ticularly vulnerable to these increasingly urgent,*  
19 *interconnected, and complex challenges and need sup-*  
20 *port for teacher professional development and experi-*  
21 *ential learning among students of all ages.*

22            *(3) These challenges can be met with the help of*  
23 *comprehensive programs specifically targeted to en-*  
24 *gage coastal watershed communities, schoolchildren,*  
25 *and the general public to develop engaged and envi-*

1        *ronmentally literate citizens who are better able to*  
2        *understand complex environmental issues, assess risk,*  
3        *evaluate proposed plans, and understand how indi-*  
4        *vidual decisions affect the environment at local, re-*  
5        *gional, national, and global scales.*

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

14                *(b) PURPOSE.—The purpose of this Act is to advance*  
15        *environmental literacy, develop public awareness and ap-*  
16        *preciation of the economic, social, recreational, and envi-*  
17        *ronmental benefits of coastal watersheds, and emphasize*  
18        *stewardship of critical coastal and marine resources, in-*  
19        *cluding an understanding of how climate change is impact-*  
20        *ing those resources, through the establishment of—*

21                *(1) an Environmental Literacy Grant Program;*

22        *and*

23                *(2) regional programs under the B-WET Pro-*  
24        *gram.*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *ADMINISTRATOR.*—The term “Adminis-  
4 trator” means the Administrator of the National Oce-  
5 anic and Atmospheric Administration.

6 (2) *BAY-WATERSHED EDUCATION.*—The term  
7 “bay-watershed education” means environmental edu-  
8 cation focused on watersheds, with an emphasis on  
9 stewardship of critical coastal and marine resources,  
10 including an understanding of how climate change is  
11 impacting those resources.

12 (3) *B-WET PROGRAM.*—The term “B-WET Pro-  
13 gram” means the Bay-Watershed Education and  
14 Training Program of the National Oceanic and At-  
15 mospheric Administration, as in effect immediately  
16 before the enactment of this Act and modified under  
17 this Act or any subsequently enacted Act.

18 (4) *ELIGIBLE ENTITY.*—The term “eligible enti-  
19 ty” means a State agency, local agency, school dis-  
20 trict, institution of higher education, or for-profit or  
21 non-profit nongovernmental organization, consortium,  
22 or other entity that the Administrator finds has dem-  
23 onstrated expertise and experience in the development  
24 of the institutional, intellectual, or policy resources to  
25 help environmental education become more effective  
26 and widely practiced.

1           (5) *ENVIRONMENTAL EDUCATION.*—*The term*  
2           *“environmental education” means interdisciplinary*  
3           *formal and informal learning about the relevant*  
4           *interrelationships between dynamic environmental*  
5           *and human systems, and which results in increasing*  
6           *the learner’s capacity for decisionmaking and stew-*  
7           *ardship regarding natural and community resources.*

8           (6) *ENVIRONMENTAL LITERACY.*—*The term “en-*  
9           *vironmental literacy” means the capacity to perceive*  
10          *and interpret the relative health of environmental sys-*  
11          *tems and the interrelationships between natural and*  
12          *social systems and technology, and to assess options*  
13          *and take appropriate action to maintain, restore, or*  
14          *improve the health of those systems.*

15          (7) *HIGH-LEVERAGE PROJECTS.*—*The term*  
16          *“high-leverage projects” means projects supported by*  
17          *grants authorized under this Act that use Federal,*  
18          *State and nongovernmental financial, technical, and*  
19          *other resources in such a manner that the potential*  
20          *beneficial outcomes are highly magnified or enhanced.*

21          (8) *STATE.*—*The term “State” means each of the*  
22          *several States of the United States, the District of Co-*  
23          *lumbia, the Commonwealth of Puerto Rico, the Virgin*  
24          *Islands, Guam, American Samoa, the Commonwealth*  
25          *of the Northern Mariana Islands, any other territory*

1        *or possession of the United States, and any Indian*  
2        *tribe.*

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

4        *(a) IN GENERAL.—The Administrator shall establish*  
5        *a national competitive grant program, to be known as the*  
6        *“Environmental Literacy Grant Program”, under which*  
7        *the Administrator shall provide, subject to the availability*  
8        *of appropriations, financial assistance to—*

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

11                *(2) build administrative and technical capacity*  
12                *with coastal, ocean, and watershed communities and*  
13                *stakeholder groups to enhance their effectiveness;*

14                *(3) encourage water-dependent, wildlife-depend-*  
15                *ent, and other outdoor recreation, experiential learn-*  
16                *ing, and hands-on involvement with coastal and wa-*  
17                *tershed resources as a method of promoting steward-*  
18                *ship of those resources; and*

19                *(4) develop and implement new approaches to*  
20                *advance coastal, ocean, Great Lakes, and climate on*  
21                *all time scales education and environmental literacy*  
22                *at national, regional, and local levels.*

23        *(b) PRIORITIES.—In awarding grants under this sec-*  
24        *tion, the Administrator shall give priority consideration to*  
25        *innovative, strategic, high-leverage projects that dem-*

1 *onstrate strong potential for being sustained in the future*  
2 *by a grant recipient beyond the time period in which activi-*  
3 *ties are carried out with the grant.*

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

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

17               (1) *no less than 80 percent shall be used for com-*  
18 *petitive grants or cooperative agreements;*

19               (2) *no more than 10 percent may be used by the*  
20 *Administrator to implement the grant program; 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 regional*  
7        *programs conducted or under active consideration for cre-*  
8        *ation under such program immediately before the enact-*  
9        *ment 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 this*  
14        *subsection.*

15                (2) *STRATEGY.*—

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

19                        (B) *CONTENTS.*—*The strategy shall include*  
20        *the following:*

21                                (i) *Evaluation of the need for new re-*  
22        *gional program in areas that are not served*  
23        *under the B-WET Program on the date of*  
24        *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 future*  
5                   *expansion of the B-WET Program over the*  
6                   *period for which appropriations are author-*  
7                   *ized 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 Com-*  
17                  *mittee on Natural Resources of the House of Rep-*  
18                  *resentatives and the Committee on Commerce,*  
19                  *Science, and Transportation of the Senate by not*  
20                  *later than 270 days after the date of enactment*  
21                  *of this Act.*

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

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

5           (B) *the Great Lakes States;*

6           (C) *Alaska; and*

7           (D) *the mid-Atlantic region.*

8           (c) *MODIFICATION OF B-WET PROGRAM.—*

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

12           (A) *changes in regional needs;*

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

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

19           (D) *other circumstances as determined nec-*  
20          *essary by the Administrator.*

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

23           (A) *consult with the persons conducting a*  
24          *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 MAN-*  
8           *AGER.—The Administrator shall be responsible for the*  
9           *selection, appointment, and when necessary replace-*  
10          *ment of a regional program manager for each re-*  
11          *gional 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 commu-  
2           nities within the region to be served by the B-  
3           WET Program;

4           (C) encourage water-dependent, wildlife-de-  
5           pendent, and other outdoor recreation, experien-  
6           tial learning experiences for students, and hands-  
7           on involvement with coastal and watershed re-  
8           sources as a method of promoting stewardship of  
9           those resources and complementing core class-  
10          room curriculum;

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

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

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

22          (G) perform any additional duties as nec-  
23          essary to carry out the functions of the program.

24          (e) *PROGRAM GUIDELINES.*—No later than 180 days  
25 after the date of enactment of this Act and after consulta-

1 *tion with appropriate stakeholders, the Administrator shall*  
2 *publish in the Federal Register guidelines regarding the im-*  
3 *plementation of the B-WET Program, as follows:*

4           (1) *CONTRACTS.—The Administrator shall create*  
5 *guidelines through which each regional program man-*  
6 *ager may enter into contracts (subject to the avail-*  
7 *ability of appropriations) to support projects to de-*  
8 *sign, demonstrate, evaluate, or disseminate practices,*  
9 *methods, or techniques related to Bay-watershed edu-*  
10 *cation and training.*

11           (2) *GRANT MAKING AND COOPERATIVE AGREE-*  
12 *MENTS.—*

13           (A) *IN GENERAL.—The Administrator shall*  
14 *create guidelines through which each regional*  
15 *program manager may provide financial assist-*  
16 *ance in the form of a grant (subject to the avail-*  
17 *ability of appropriations) or cooperative agree-*  
18 *ment to support projects that advance the pur-*  
19 *pose of this Act. The guidelines shall include cri-*  
20 *teria for eligible entities, identification of na-*  
21 *tional priorities, establishment of performance*  
22 *measures to evaluate program effectiveness, and*  
23 *reporting requirements for grant award recipi-*  
24 *ents.*

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

4                   (i) *promote bay-watershed education*  
5                   *throughout the region concerned;*

6                   (ii) *advance strategic initiatives to in-*  
7                   *corporate bay-watershed education into for-*  
8                   *mal and informal education systems;*

9                   (iii) *build capacity within bay-water-*  
10                   *shed education communities and stakeholder*  
11                   *groups for expanding and strengthening*  
12                   *their work;*

13                   (iv) *build bay-watershed education into*  
14                   *professional development or training activi-*  
15                   *ties for educators; and*

16                   (v) *broadly replicate existing, proven*  
17                   *bay-watershed education programs.*

18           (f) *NON-FEDERAL SHARE.*—

19                   (1) *IN GENERAL.*—*In awarding grants under*  
20                   *this section, the regional program managers shall give*  
21                   *priority consideration to a project for which the Fed-*  
22                   *eral share does not exceed 75 percent of the aggregate*  
23                   *cost of such project.*

24                   (2) *IN-KIND CONTRIBUTION.*—*The non-Federal*  
25                   *share of the costs of any project supported by an*

1       *award of grant funding under this section may be*  
2       *cash or the fair market value of services, equipment,*  
3       *donations, or any other form of in-kind contribution.*

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

13          (g) *REGIONAL PROGRAM COORDINATION.*—*Within the*  
14       *National Oceanic and Atmospheric Administration, the Of-*  
15       *fice of Education shall work with regional program man-*  
16       *agers on the following regional B-WET Program functions:*

17           (1) *Strategic planning efforts.*

18           (2) *Integration and coordination of programs.*

19           (3) *Coordination of national evaluation efforts.*

20           (4) *Promotion of network wide communications.*

21           (5) *Selection of new Regional Program Man-*  
22       *agers.*

23           (6) *Management, tracking, and oversight of the*  
24       *B-WET Program.*



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

4           (1) *no less than 80 percent shall be used for im-*  
5 *plementation of regional program activities, includ-*  
6 *ing the award of grants; and*

7           (2) *no more than 20 percent may be used by the*  
8 *Administrator to implement the regional programs*  
9 *and regional program coordination.*

10 **SEC. 6. BIENNIAL REPORT.**

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

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21       *There are authorized to be appropriated to the Admin-*  
22 *istrator to carry out this Act such sums as may be necessary*  
23 *for each of fiscal years 2011 through 2015.*

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11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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JANUARY 12, 2010

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