

OCEAN, COASTAL, AND WATERSHED EDUCATION ACT

JANUARY 12, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 3644]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3644) 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, 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. SHORT TITLE.

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

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The United States faces major challenges, such as mitigating and adapting to the impacts of climate change, stewarding critical coastal and marine resources including fish and wildlife habitat while sustaining the commercial and recreational activities that depend on these resources, and improving resilience to natural disasters, that collectively threaten human health, economic development, environmental quality, and national security.

(2) Communities in coastal watersheds are particularly vulnerable to these increasingly urgent, interconnected, and complex challenges and need support for teacher professional development and experiential learning among students of all ages.

(3) These challenges can be met with the help of comprehensive programs specifically targeted to engage coastal watershed communities, schoolchildren, and the general public to develop engaged and environmentally literate citizens who are better able to understand complex environmental issues, assess risk, evaluate proposed plans, and understand how individual decisions affect the environment at local, regional, national, and global scales.

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

(b) PURPOSE.—The purpose of this Act is to advance environmental literacy, develop public awareness and appreciation of the economic, social, recreational, and environmental benefits of coastal watersheds, and emphasize stewardship of critical coastal and marine resources, including an understanding of how climate change is impacting those resources, through the establishment of—

- (1) an Environmental Literacy Grant Program; and
- (2) regional programs under the B-WET Program.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

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

(3) B-WET PROGRAM.—The term “B-WET Program” means the Bay-Watershed Education and Training Program of the National Oceanic and Atmospheric Administration, as in effect immediately before the enactment of this Act and modified under this Act or any subsequently enacted Act.

(4) ELIGIBLE ENTITY.—The term “eligible entity” means a State agency, local agency, school district, institution of higher education, or for-profit or non-profit nongovernmental organization, consortium, or other entity that the Administrator finds has demonstrated expertise and experience in the development of the institutional, intellectual, or policy resources to help environmental education become more effective and widely practiced.

(5) ENVIRONMENTAL EDUCATION.—The term “environmental education” means interdisciplinary formal and informal learning about the relevant interrelationships between dynamic environmental and human systems, and which results in increasing the learner’s capacity for decisionmaking and stewardship regarding natural and community resources.

(6) ENVIRONMENTAL LITERACY.—The term “environmental literacy” means the capacity to perceive and interpret the relative health of environmental systems and the interrelationships between natural and social systems and technology, and to assess options and take appropriate action to maintain, restore, or improve the health of those systems.

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

(8) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

SEC. 4. ENVIRONMENTAL LITERACY GRANT PROGRAM.

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

- (1) expand the adoption of coastal, ocean, Great Lakes, and climate on all time scales education;
- (2) build administrative and technical capacity with coastal, ocean, and watershed communities and stakeholder groups to enhance their effectiveness;
- (3) encourage water-dependent, wildlife-dependent, and other outdoor recreation, experiential learning, and hands-on involvement with coastal and watershed resources as a method of promoting stewardship of those resources; and

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

(b) **PRIORITIES.**—In awarding grants under this section, the Administrator shall give priority consideration to innovative, strategic, high-leverage projects that demonstrate strong potential for being sustained in the future by a grant recipient beyond the time period in which activities are carried out with the grant.

(c) **GUIDELINES.**—No later than 180 days after the date of enactment of this Act and after consultation with appropriate stakeholders, the Administrator shall publish in the Federal Register guidelines regarding the implementation of this grant program, including publication of criteria for eligible entities, identification of national priorities, establishment of performance measures to evaluate program effectiveness, information regarding sources of non-Federal matching funds or in-kind contributions, and reporting requirements for grant award recipients.

(d) **LIMITATION ON USE OF FUNDS BY ADMINISTRATOR.**—Of the amounts made available to implement this section—

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

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

(3) no less than 10 percent of the annual funds appropriated for the program authorized under this section shall be used to fund contracts or cooperative agreements to conduct strategic planning, promote communications among grant recipients and within communities, coordinate grant activities to foster an integrated program, and oversee national evaluation efforts.

SEC. 5. B-WET PROGRAM.

(a) **EXISTING PROGRAM.**—The Administrator shall conduct the B-WET Program, including each of the regional programs conducted or under active consideration for creation under such program immediately before the enactment of this Act.

(b) **NEW REGIONAL PROGRAMS.**—

(1) **IN GENERAL.**—The Administrator may create new regional programs under the B-WET Program in accordance with a strategy issued under this subsection.

(2) **STRATEGY.**—

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

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

(i) Evaluation of the need for new regional program in areas that are not served under the B-WET Program on the date of enactment of this Act.

(ii) Identification of potential new regional programs, including a listing of potential principal non-Federal partners.

(iii) A comprehensive budget for future expansion of the B-WET Program over the period for which appropriations are authorized under this Act.

(iv) Such other information as the Administrator considers necessary.

(C) **CONSULTATION AND PUBLIC COMMENT.**—The Administrator shall consult with relevant stakeholders and provide opportunity for public comment in the development of the strategy.

(D) **SUBMISSION TO CONGRESS.**—The Administrator shall submit the strategy to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by not later than 270 days after the date of enactment of this Act.

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

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

(B) the Great Lakes States;

(C) Alaska; and

(D) the mid-Atlantic region.

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

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

(A) changes in regional needs;

(B) mutual interest between the Administrator and relevant stakeholders within a region or regions;

(C) changes in resources available to the Administrator to implement the B-WET Program; and

- (D) other circumstances as determined necessary by the Administrator.
- (2) CONSULTATION AND PUBLIC COMMENT.—The Administrator shall—
 - (A) consult with the persons conducting a regional program and provide opportunity for public comment prior to making a final decision to modify or realign such regional program; and
 - (B) publish public notice of such a decision no less than 30-days before the effective date of such a modification or realignment.
- (d) REGIONAL PROGRAM MANAGERS.—
 - (1) APPOINTMENT OF REGIONAL PROGRAM MANAGER.—The Administrator shall be responsible for the selection, appointment, and when necessary replacement of a regional program manager for each regional program under the B-WET Program.
 - (2) QUALIFICATIONS.—To qualify for appointment as a regional program manager, an individual must—
 - (A) reside in the region for which appointed; and
 - (B) demonstrate competence and expertise in bay-watershed education and training.
 - (3) FUNCTIONS.—Each regional program manager shall—
 - (A) be responsible for managing and administering the B-WET Program in the region for which appointed, in accordance with this Act;
 - (B) determine the most appropriate communities within the region to be served by the B-WET Program;
 - (C) encourage water-dependent, wildlife-dependent, and other outdoor recreation, experiential learning experiences for students, and hands-on involvement with coastal and watershed resources as a method of promoting stewardship of those resources and complementing core classroom curriculum;
 - (D) support communication and collaboration among educators, natural resource planners and managers, and governmental and nongovernmental stakeholders;
 - (E) share and distribute information regarding educational plans, strategies, learning activities, and curricula to all stakeholders within its region;
 - (F) provide financial and technical assistance pursuant to the guidelines developed by the Administrator under this section; and
 - (G) perform any additional duties as necessary to carry out the functions of the program.
- (e) PROGRAM GUIDELINES.—No later than 180 days after the date of enactment of this Act and after consultation with appropriate stakeholders, the Administrator shall publish in the Federal Register guidelines regarding the implementation of the B-WET Program, as follows:
 - (1) CONTRACTS.—The Administrator shall create guidelines through which each regional program manager may enter into contracts (subject to the availability of appropriations) to support projects to design, demonstrate, evaluate, or disseminate practices, methods, or techniques related to Bay-watershed education and training.
 - (2) GRANT MAKING AND COOPERATIVE AGREEMENTS.—
 - (A) IN GENERAL.—The Administrator shall create guidelines through which each regional program manager may provide financial assistance in the form of a grant (subject to the availability of appropriations) or cooperative agreement to support projects that advance the purpose of this Act. The guidelines shall include criteria for eligible entities, identification of national priorities, establishment of performance measures to evaluate program effectiveness, and reporting requirements for grant award recipients.
 - (B) PRIORITY.—In making grants under this paragraph, each regional program manager shall give priority to those projects that will—
 - (i) promote bay-watershed education throughout the region concerned;
 - (ii) advance strategic initiatives to incorporate bay-watershed education into formal and informal education systems;
 - (iii) build capacity within bay-watershed education communities and stakeholder groups for expanding and strengthening their work;
 - (iv) build bay-watershed education into professional development or training activities for educators; and
 - (v) broadly replicate existing, proven bay-watershed education programs.
- (f) NON-FEDERAL SHARE.—
 - (1) IN GENERAL.—In awarding grants under this section, the regional program managers shall give priority consideration to a project for which the Federal share does not exceed 75 percent of the aggregate cost of such project.

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

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

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

- (1) Strategic planning efforts.
- (2) Integration and coordination of programs.
- (3) Coordination of national evaluation efforts.
- (4) Promotion of network wide communications.
- (5) Selection of new Regional Program Managers.
- (6) Management, tracking, and oversight of the B-WET Program.

(h) **LIMITATION ON USE OF FUNDS BY ADMINISTRATOR.**—Of the amounts made available to implement this section—

- (1) no less than 80 percent shall be used for implementation of regional program activities, including the award of grants; and
- (2) no more than 20 percent may be used by the Administrator to implement the regional programs and regional program coordination.

SEC. 6. BIENNIAL REPORT.

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

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this Act such sums as may be necessary for each of fiscal years 2011 through 2015.

PURPOSE OF THE BILL

The purpose of H.R. 3644 is 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.

BACKGROUND AND NEED FOR LEGISLATION

Since 2002 and 2005, respectively, the National Oceanic and Atmospheric Administration (NOAA) Bay-Watershed Education and Training (B-WET) and Environmental Literacy Grant (ELG) Programs have made great strides in advancing ocean, atmospheric, and environmental literacy in the United States. With a focus on children in grades K–12, these programs have promoted public awareness and appreciation of the economic, social, and environmental benefits of coastal and watershed areas, and the importance of responsible stewardship of these invaluable resources.

NOAA’s B-WET program provides regionally-focused funding through competitive grants to projects which promote “meaningful watershed educational experiences,” in which schoolchildren are involved in hands-on investigative or project-oriented learning experiences. There are currently six NOAA B-WET offices: Chesapeake Bay, California, Hawaii, Gulf Coast, New England, and Northwest. Over the program’s history, more than \$40 million has been used to fund more than 530 B-WET projects across the country. In Fis-

cal Year 2008 alone, 130 B-WET projects reached more than 125,000 students and 6,000 teachers.

NOAA's ELG program focuses on creating an environmentally literate public that uses a comprehensive understanding of the role of the oceans, coasts and atmosphere to guide responsible social, environmental, and economic decision-making. Since 2005, 59 competitive awards totaling \$25.8 million have been granted through the ELG program, enabling NOAA to partner with a variety of educational and nonprofit organizations that reach diverse audiences across the country.

Both the B-WET and ELG programs were established through the congressional appropriations process. Neither program has been formally codified in law, although language to formally authorize the Chesapeake Bay B-WET Program as an activity of NOAA's Chesapeake Bay Office exists in H.R. 1771, the Chesapeake Bay Science, Education, and Ecosystem Enhancement Act of 2009, which passed the House of Representatives on September 30, 2009.

COMMITTEE ACTION

H.R. 3644 was introduced on September 24, 2009 by Representative Lois Capps (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs, Oceans and Wildlife. On October 15, 2009, the Subcommittee held a hearing where the Administration and several other witnesses testified in support of the legislation.

On November 18, 2009, the Subcommittee was discharged from the further consideration of H.R. 3644 and the full Natural Resources Committee met to consider the bill. Rep. Capps offered an amendment in the nature of a substitute to limit the authorization of B-WET regional programs to those in existence or under active consideration for creation immediately before enactment of the Act (such as the Great Lakes regional program). Additionally, the amendment specified that the NOAA Administrator may expand the B-WET program pursuant to the development of a strategy for growth, which shall be reported to Congress and which shall include a prioritization of areas for expansion based on need, interest and available resources. The amendment also changed the authorization level to such sums as may be necessary for the next five fiscal years, and made other technical and clarifying changes.

Representative Bill Cassidy (R-LA) offered an amendment to the amendment in the nature of a substitute that would level funding of the B-WET Program at \$9,700,000 per year and reduce the funding level of the Environmental Literacy Grant Program to \$8,500,000 per year through fiscal year 2015. It was not adopted by a roll call vote of 11 yeas to 16 nays, as follows:

Rep. Cassidy offered a second amendment that would add economic education and economic literacy as a co-equal purpose. The amendment was withdrawn. The amendment in the nature of a substitute was then adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by a roll call vote of 22 yeas to 13 nays, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

Section 1 provides that this Act may be cited as the “Ocean, Coastal and Watershed Education Act.”

Section 2—Findings and purpose

Section 2 establishes the findings of this Act as follows: (1) The United States faces major environmental challenges (e.g., climate change, overfishing, habitat destruction, natural disasters) that threaten human health, economic development, environmental quality, and national security; (2) Communities in coastal watersheds are increasingly vulnerable to these environmental challenges; (3) These challenges can be met by engaging all members of coastal watershed communities to create more engaged and environmentally literate citizens; and (4) Wildlife-dependent (as defined in the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) to mean recreational uses involving “hunting, fishing, wildlife observation and photography, or environmental education and interpretation”) and other outdoor recreation has intrinsic social and conservation value and can play an important role in instilling a sustainable conservation ethic in America’s youth.

Section 2 also establishes the purposes of the Act, which include advancing environmental literacy, stewardship, and public awareness and appreciation of the economic, social, recreational, and environmental benefits of coastal watersheds. To achieve these purposes, the Act establishes two programs: (1) Environmental Literacy Grant Program, and (2) Bay Watershed Education and Training (B–WET) regional programs.

Section 3—Definitions

Section 3 defines terms that appear in the Act.

Section 4—Environmental Literacy Grant Program

Section 4 provides that the Administrator of NOAA (Administrator) shall establish the Environmental Literacy Grant Program. It further establishes that this national competitive grant program shall provide financial assistance to: (1) Expand the adoption of coastal, ocean, Great Lakes, and climate on all time scales education; (2) Build administrative and technical capacity within coastal and watershed communities to enhance their effectiveness; (3) Encourage water-dependent and outdoor recreation and learning to promote environmental stewardship; and (4) Develop and implement new approaches to coastal, ocean, Great Lakes, and climate on all time scales education and literacy. Priority consideration shall be given to innovative, strategic, high-leverage projects that demonstrate long-term potential.

This section further provides that after consultation with appropriate stakeholders and within 180 days of enactment of this Act, the Administrator must publish program guidelines, including criteria for eligible entities, national priorities, and performance measures. Of amounts made available to implement the program, no less than 80% shall be used for competitive grants, no more than 10% for the Administrator to implement the program, and no

less than 10% for strategic planning and coordination to foster communication, integration, and evaluation efforts.

Section 5—B-WET Program

Section 5 provides that the Administrator shall conduct B-WET programs that already exist or are under active consideration for creation. It also authorizes the Administrator to create new regional programs, pursuant to a strategy that identifies regional needs, potential partnerships, a budget for expansion, and potential new regional programs. The section further provides that priority consideration for the establishment of new programs shall be given to U.S. territories, the Great Lakes States, Alaska, and the mid-Atlantic region. Public comment is required and the strategy must be submitted to Congress. The Administrator, following public comment and notice, may also modify or realign regional programs based on regional need, mutual interest, and resource availability.

This section further provides that each regional program is appointed one regional manager who administers and supports the program. The Administrator must publish program implementation guidelines within 180 days of enactment of the Act, including guidelines related to contracts, grant making, and cooperative agreements. Priority consideration shall be given to those programs that promote bay-watershed education throughout the region, build capacity for expanding and strengthening current work, promote professional development and training for educators, and replicate existing proven programs. Priority consideration shall also be given to those projects for which the federal share does not exceed 75% and those which are conducted by or benefit any under-served or low-income communities.

Section 5 also requires NOAA's Office of Education to work with regional B-WET programs on strategic planning, integration and coordination, evaluation, network-wide communications, selection of new regional program managers, and management, tracking and oversight. Of amounts made available to implement the program, no less than 80% of funds shall be used to implement regional grant programs activities and no more than 20% shall be used by the Administrator to implement the program.

Section 6—Report

Section 6 requires the Administrator to submit a biennial report to Congress on the grant programs authorized under this Act.

Section 7—Authorization of appropriations

Section 7 authorizes to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2015.

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 Natural 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 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.

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:

H.R. 3644—Ocean, Coastal, and Watershed Education Act

Summary: H.R. 3644 would reauthorize—through 2015—and expand two National Oceanic and Atmospheric Administration (NOAA) grant programs aimed at enhancing environmental education related to water resources. Based on information from NOAA and assuming appropriation of the necessary amounts, CBO estimates that implementing the legislation would cost \$139 million over the 2011–2014 period and \$48 million after 2014. Enacting the legislation would not affect direct spending or revenues.

H.R. 3644 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. 3644 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Environmental Literacy Grant Program:						
Estimated Authorization Level	0	19	20	20	20	79
Estimated Outlays	0	14	19	20	20	73
Bay-Watershed Education and Training Program:						
Estimated Authorization Level	0	17	17	18	18	70
Estimated Outlays	0	13	17	18	18	66

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
Total Changes:						
Estimated Authorization Level	0	36	37	38	38	149
Estimated Outlays	0	27	36	38	38	139

Basis of estimate: For this estimate, CBO assumes that H.R. 3644 will be enacted early in calendar year 2010 and that the necessary amounts will be appropriated for each fiscal year from 2011 through 2015. (The two programs are already authorized in 2010 under current law.) Estimated outlays are based on historical spending patterns for similar NOAA programs.

H.R. 3644 would reauthorize NOAA's Environmental Literacy Grant Program, which funds projects to educate the public about water resources. In 2009, NOAA received appropriations totaling \$9 million for environmental literacy grants. (The agency has not yet received a full-year appropriation for 2010.) Based on information from NOAA regarding funding levels for similar grant programs, CBO estimates that the agency would require funding equal to about twice that amount to implement the program because the agency is currently able to fund less than 10 percent of the proposals it receives under the program. For other similar grant programs the agency provides funding for 25 percent of the proposals it receives. Assuming appropriation of the necessary amounts, CBO estimates that implementing the program would cost \$73 million over the 2011–2014 period and \$26 million after 2014.

H.R. 3644 also would reauthorize and expand NOAA's Bay-Watershed Education and Training (B-WET) Program to promote stewardship of coastal and marine resources in several regions of the United States. In 2009, NOAA received appropriations totaling \$10 million to fund grants for six regional programs. Under the bill, NOAA would maintain existing regional programs, expand one of those programs to include U.S. territories in the Pacific Ocean, and establish four additional regional programs. Based on historical funding for the B-WET Program (about \$1.6 million per region annually) and assuming appropriation of the necessary amounts, CBO estimates that implementing the program would cost \$66 million over the 2011–2014 period and \$23 million after 2014.

Intergovernmental and private-sector impact: H.R. 3644 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Jeff LaFave; Impact on state, local, and tribal governments: Ryan Miller; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3644 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

ADDITIONAL VIEWS

H.R. 3644, the Bay-Watershed Education and Training Regional Program and National Environmental Literacy Grant Program Act, authorizes two existing programs within the National Oceanic and Atmospheric Administration (NOAA): the Bay-Watershed Education and Training Regional Program and the National Environmental Literacy Program. While both of these programs have received some level of funding from Congress, no authorization for either program has been enacted. Authorization levels in the bill, as introduced, are far above what the programs have historically received and are at a level that are unsupportable. Rather than address the concerns raised by Members of the Committee at both the Subcommittee hearing and full Committee mark-up of the legislation, specific authorization levels were replaced by “such sums as may be necessary” in the Amendment in the Nature of a Substitute that was considered at the mark-up.

At a time when the country faces record deficit levels, a “blank check” authorization for these two programs is irresponsible. Not only does this ignore this authorizing Committee’s responsibility to set funding levels for the Appropriators to follow, but it also ignores the realities of this country’s current economic problems.

As introduced, the legislation would have authorized the two programs at a total of \$235.0 million over a five year period. Concern over the funding levels were raised by Members of the Subcommittee during the Subcommittee on Insular Affairs, Oceans and Wildlife hearing which was held on October 15, 2009. In addition to concerns raised by Members, the NOAA testimony included the statement “NOAA supports education and outreach programs in the Office of Education and throughout NOAA’s line offices—the authorization levels in H.R. 3644 could divert funding from these other programs.”

Funding for the Bay-Watershed Education and Training Program began in Fiscal Year 2002 with the Chesapeake Bay B-WET program which received \$1.2 million. While five new B-WET programs have been added by Appropriators since Fiscal Year 2003, funding for the entire program has never exceeded \$9.699 million. H.R. 3644, as introduced, would increase this level to \$20.0 million in the first year and increase to \$25.0 million in the third year for a total authorization of \$117.5 million over five years. This level of increase represents an increase of more than 200 percent in the first year.

The President’s Fiscal Year 2010 budget request did not request any funding for either the B-WET California program (a decrease of \$2.5 million from the FY 2009 appropriated level) or the B-WET Regional Programs (a decrease of \$7.2 million from the FY 2009 appropriated level). Congressional action on the Department of Commerce’s appropriation in both the House and Senate bills in-

cluded funding levels far below the authorization levels in H.R. 3644 as introduced—\$2.5 million for the California B-WET program in the House-passed bill report language and \$7.2 million for the B-WET Regional Programs in the Senate-passed bill report language. It is clear that neither the President nor Congressional appropriators have supported the authorization levels intended by this legislation.

In addition, the National Environmental Literacy Program which has been funded under the line item in the NOAA budget called Competitive Education Grants has only been requested in the President's budget request since Fiscal Year 2008. In Fiscal Year 2008, the program received \$4.881 and in Fiscal Year 2009, the program received \$8.5 million. H.R. 3644 would increase this level to \$20.0 million in the first year and increase to \$25.0 million in the third year for a total authorization of \$117.5 million over five years. This level of increase represents an increase of more than 200 percent in the first year.

The President's Fiscal Year 2010 budget request included \$5.043 million for the Competitive Educational Grants—a decrease of \$4.0 million from the FY 2009 level. While both the House and Senate bills to appropriate funds for NOAA for Fiscal Year 2010 included increases to this program, neither bill approaches the funding levels included in H.R. 3644 as introduced.

In authorizing these programs that have been in existence for a number of years, reasonable authorization levels need to be established with existing national deficit levels in mind. Replacing unreasonable authorization levels with a blank check—as was done at the full Committee consideration of this legislation—ignores this Committee's responsibilities.

BILL CASSIDY.

