
REPORT BY THE U.S.

General Accounting Office

Status Of The Department Of Commerce's Implementation Of The Chesapeake Bay Research Coordination Act Of 1980

The act was passed to improve coordination of Federal and State marine research in the Chesapeake Bay area. To provide a mechanism for accomplishing this objective, the act called for the establishment of a Chesapeake Bay Research Board, comprised of Federal and State representatives, and directed the Secretary of Commerce to establish an Office for Research Coordination to serve as staff to the Board. However, the Board has not been funded, its membership has not been appointed, and the Department of Commerce has not established an Office for Research Coordination.

As an alternative, the Department formed a Federal ad hoc committee in July 1982 to develop a research plan and to coordinate research with representatives from Maryland and Virginia. The committee has met only twice and has yet to meet with the State representatives. Little progress has been made toward the development of a Bay area research plan or the achievement of the act's basic objective of coordinating research.



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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

RESOURCES, COMMUNITY,
AND ECONOMIC DEVELOPMENT
DIVISION

B-205349

The Honorable Charles McC. Mathias, Jr.
Chairman, Subcommittee on Governmental
Efficiency and the District of
Columbia
Committee on Governmental Affairs
United States Senate

Dear Mr. Chairman:

Your April 7, 1983, letter requested us to address several questions in conjunction with our work on the Department of Commerce's efforts to implement the Chesapeake Bay Research Coordination Act of 1980 (16 U.S.C. 3001). This report addresses your questions and, as agreed with your office, focuses principally on the Department's actions and plans to satisfy the act's basic objective and requirements.

The act was designed to improve coordination of federally conducted and supported marine research in the Chesapeake Bay area. The act requires that a Chesapeake Bay Research Board and an Office for Chesapeake Bay Research Coordination be established. The Department's National Oceanic and Atmospheric Administration (NOAA) has lead responsibility for implementing the act. The text of the act is included in appendix IX.

The Department has not established the Research Board or the Office for Research Coordination. Instead, the Department formed a Federal ad hoc committee in July 1982 to provide a mechanism for coordinating Federal-State research issues and to help the States of Maryland and Virginia develop a research plan for the Bay area. The committee was formed at the request of the Maryland and Virginia Bi-State Working Committee on the Chesapeake Bay.¹ The Department believes that the ad hoc committee approach will fulfill the act's basic objective of improving research coordination. However, little progress has been made thus far and the Department's approach to improve research coordination is not consistent with the act's specific requirements.

¹Established in 1979 by the Governors of Maryland and Virginia to address the operational problems and issues of the Chesapeake Bay.

OBJECTIVE, SCOPE, AND METHODOLOGY

Our objective was to assess the Department's efforts to satisfy the act's basic objective and specific requirements. We reviewed the act's legislative history and applicable Department records. We discussed the Department's actions with Federal and State officials knowledgeable about the act's requirements as well as the problems of the Bay area. Also, as part of our continuing monitoring of the Department's implementation of the act, we requested NOAA's Administrator to provide information on NOAA's plans for implementing the act. In addition, we obtained information concerning the Environmental Protection Agency's (EPA's) congressionally mandated study of Bay area problems and its plans for solving the problems.

Our review was performed in accordance with generally accepted government auditing standards.

BACKGROUND

The Chesapeake Bay, the Nation's largest estuary, has provided natural resources for commercial and recreational purposes for hundreds of years. Its waters support oysters, clams, crabs, and a variety of commercial and sport fish. Its submerged aquatic vegetation also provides food for migrating birds and waterfowl. However, the future of the Bay as a productive estuary is uncertain. Agricultural, industrial, and municipal waste discharged into the Bay appear to be seriously degrading the quality of the Bay's waters and adversely affecting its habitat.

Recognizing the need to lessen these problems, the Congress directed EPA in 1976 to conduct an intensive study of the Bay's resources, water quality, and current pollution control mechanisms and develop management strategies that could be used to improve water quality. For similar reasons, the Congress enacted the Chesapeake Bay Research Coordination Act of 1980 and directed the Department of Commerce to assume lead responsibility in coordinating the multitude of fragmented Bay area research efforts.

EPA's efforts will result in four reports at a cost of about \$26 million. Two reports have been issued and EPA expects to complete the other two by September 1983. One of EPA's reports, entitled "Chesapeake Bay Program Technical Studies: A Synthesis," discusses three principal Bay area problems--the presence of toxic substances, nutrient enrichment, and the disappearance of submerged aquatic vegetation. The report discusses the severity of these problems and points out the need for action to reverse the current trends in the Bay. EPA headquarters and regional officials told us that completion of the studies will fulfill the 1976 congressional mandate.

ORGANIZATIONAL STRUCTURE REQUIRED
BY THE ACT HAS NOT BEEN ESTABLISHED

The Chesapeake Bay Research Coordination Act of 1980 calls for the establishment of a Chesapeake Bay Research Board--composed of

various Federal, State, local, and private sector representatives-- to coordinate Bay area research and to perform certain specific functions, such as developing a research plan and evaluating Federal research programs. The act states that the membership of the Research Board should consist of seven members selected by the Secretary of Commerce and four members each selected by the Governors of Maryland and Virginia. The act states that members of the Research Board are to be compensated for travel expenses and per diem while engaged in business of the Board. The act also requires that an Office for Chesapeake Bay Research Coordination be established within the Department of Commerce to serve as the staff of the Research Board. The act authorizes an annual appropriation of \$500,000 to the Office for Research Coordination to carry out the purposes of the act.

The Department has not requested funds to establish and operate the Research Board and the Office for Research Coordination because it believes that the act's primary objective--improving research coordination--can be achieved by using existing resources. The NOAA Administrator told us in January 1982 that NOAA would establish an ad hoc committee composed of representatives from various Federal agencies to work with representatives from Maryland and Virginia to facilitate a Federal-State interface. As discussed below, the ad hoc committee, which was established in July 1982, resulted from State rather than Federal initiative. The ad hoc committee, however, is not the type of organizational structure the act called for.

In August 1981 the Governors of Maryland and Virginia requested the Secretary of Commerce to "establish the [Research] Board so that our two states and the federal agencies can improve the process by which Bay research is initiated and conducted." The Governors stated that they were anxious to join with the Federal agencies to establish research priorities for the Bay. The Secretary of Commerce responded in September 1981 by stating "[w]e do not have funds specifically appropriated for implementation of this Act, and any steps taken by the Department must reflect our overall budgetary and policy priorities." The Secretary also stated that NOAA was exploring a number of approaches to achieve the act's goals although no specific approaches were mentioned.

In December 1981 Maryland and Virginia's Bi-State Working Committee on the Chesapeake Bay requested that NOAA establish an ad hoc group of Federal agency representatives involved in Bay area research to help in developing a research plan. In a February 1, 1982, memorandum, the Acting Assistant Administrator for Research and Development, NOAA, told the Administrator that "I believe that this is a reasonable approach that will satisfy the intent of the Chesapeake Bay legislation at virtually no cost." NOAA accepted the proposal and formed an ad hoc committee, comprised of representatives from the Departments of the Army and the Interior, the

Smithsonian Institution, the National Science Foundation, EPA, and NOAA. A NOAA official has been designated the committee's executive secretary. NOAA's intention is to have the ad hoc committee interact with appointed representatives from Maryland and Virginia, thus forming a mechanism to address a variety of Federal-State research issues involving the Bay.

LITTLE PROGRESS MADE TOWARD
IMPLEMENTING THE ACT

The act requires the Department to assume lead responsibility for assuring that the act's basic objective--improving research coordination--and the specific requirements of the act are achieved. Little progress, however, has been made. None of the act's specific requirements have been implemented. Also, NOAA does not plan to assume lead responsibility for coordinating Bay area research.

Basic objective and specific
requirements of the act

The act's basic objective is to coordinate research of the Chesapeake Bay area. In addition, the act has certain specific requirements designed to achieve this objective. The act requires the Research Board to

- develop a research plan and update the plan biennially to reflect changing priorities and the need for fundamental research;
- periodically review Federal research programs pertaining to the Bay and determine the extent to which the research programs are consistent with the research plan; and
- submit an annual report to the Congress and the Governors of Maryland and Virginia on current and planned research programs pertaining to the Bay and their relationship to the research plan, together with recommendations for improving research coordination.

The act also requires the Office for Research Coordination to

- identify Federal and State research programs relating to the Bay area and annually update the inventory;
- establish a Chesapeake Bay research exchange to enhance the dissemination and use of information pertaining to ongoing, completed, and future research projects;
- make recommendations to the Research Board on the relationship of Federal programs to the research plan; and

--make recommendations to the Research Board on possible revisions to the research plan.

Ad hoc committee plans

Although the Department and the ad hoc committee have not carried out the above requirements, the ad hoc committee does intend to work with the States of Maryland and Virginia toward achieving the act's basic objective--improving research coordination. The committee's executive secretary, however, told us that the States will have to assume lead responsibility for identifying research coordination issues.

The ad hoc committee was initially formed to help the States develop a research plan for the Bay area. Since its formation, the committee has expanded its scope to include any Federal/State issues involving the Chesapeake Bay area that Maryland and Virginia consider important. The committee's executive secretary told us, however, that the committee's involvement would be limited because

--no funds have been made available for Federal and State representatives to carry out research coordination activities and

--committee members are only involved in such activities on a part-time basis and the Department has not assigned staff to help carry out the act's specific requirements.

Although NOAA believes the act's basic objective can be achieved using the ad hoc committee approach, virtually no progress has been made toward achieving that goal. The ad hoc committee has met only twice and no meetings have been held between the States and the ad hoc committee because of a delay by Virginia in nominating its representatives and a recent requirement that the ad hoc committee obtain formal advisory status. The ad hoc committee's executive secretary recently informed us that the Federal and State representatives to the committee are not authorized to meet until the ad hoc committee is formally recognized as an advisory committee in accordance with the Federal Advisory Committee Act, as amended. The executive secretary said that he did not know whether the Department and the other Federal agencies would support formal recognition of the ad hoc committee. He further stated that even if support is forthcoming, it will take at least 3 months before the Federal and State representatives can meet.

CONCLUSIONS

We believe that the actions the Department has taken are not adequate to fully implement the act in the manner prescribed by the Congress. The Department has not assumed a lead role in coordinating Federal research activities involving the Bay, and little progress has been made toward achieving the act's basic

objective and specific requirements. Unless the ad hoc committee or the Department takes additional action to implement the requirements, such as establishing a research exchange or developing a Bay area research plan, the act's basic objective will not be met. Also, a Federal ad hoc committee interacting with Maryland and Virginia representatives is not the type of mechanism called for by the act.

AGENCY COMMENTS AND OUR EVALUATION

We requested comments on a draft of this report from the Secretaries of the Army, Commerce, Defense, the Interior, and the Smithsonian Institution; the EPA Administrator; and the Governors of Maryland and Virginia. The agencies' and the States' specific comments are included in appendixes II through VIII. Our evaluation of these comments are presented below.

The Department of Commerce said that the report generally presents an accurate description of the Department's position as well as the status of its implementation of the act. The Department believes, however, that the ad hoc committee, referred to as the Committee for Chesapeake Bay Research Coordination, is an appropriate mechanism for addressing those areas of research coordination that have been a problem. The Department also believes that the most important and needed requirements can be carried out at no additional cost to the taxpayer. The Department stated that the act's important and needed requirements include

- identifying the need for, and the priority of, research programs to benefit the management of the resources of the Bay;
- promoting optimum utilization of available Bay research funds;
- providing a means of communication between Federal and State officials regarding Bay research and needs;
- aiding and participating with the States in conducting research conferences, symposia, and workshops;
- developing a Bay research plan consistent with Federal and States needs; and
- participating in developing monitoring programs to provide data necessary for State management of the Bay's resources.

The Governor of Maryland said that there seems to have been more attention given to achieving the intent of the act than indicated by the report. He said that NOAA's action to establish the ad hoc committee is appropriate to satisfy the act's primary intent and that the States should provide lead responsibility for identifying research coordination issues.

The Governor of Virginia said that the general picture presented by the report seems to be correct. He said that the Maryland-Virginia Bi-State Working Committee accepted the Department of Commerce's reluctance to implement the act and encouraged the establishment of the ad hoc committee as an alternative to the Research Board. He also said that the ad hoc committee seems like an adequate vehicle.

We believe that implementation of the functions the Department of Commerce views as the important and needed requirements may help achieve the act's basic objective of improving research coordination. However, the ad hoc committee, which the Department and the Governors of Maryland and Virginia endorse, is not the type of organizational structure required by the act. In addition, as previously noted, little progress has been made thus far and Federal and State representatives to the committee will not meet until the ad hoc committee obtains formal advisory status.

The Smithsonian Institution stated that the report seems to be an accurate and objective assessment of the situation. The Smithsonian said that NOAA has not implemented the act and apparently does not plan to do more than convene an ad hoc committee for several meetings.

The Departments of the Army and the Interior generally agreed with our assessment. The Department of the Interior added that the ad hoc committee approach falls short of the act's requirements. EPA did not comment on the merits of the report but stated that implementation of the act would duplicate existing coordination efforts to some extent.

RESPONSES TO QUESTIONS CONCERNING
COORDINATING BAY AREA RESEARCH

Your April 7, 1983, letter (see app. I) requested us to address (1) what aspects of the act should be implemented, (2) who has, or should have, lead responsibility for coordinating Bay area research, (3) what annual funding level is needed to effectively coordinate Bay area research, and (4) how should funding be shared between the Federal Government and affected States. As arranged with your office, we requested the Secretaries of the Army, Commerce, Defense, the Interior, and the Smithsonian Institution; the EPA Administrator; and the Governors of Maryland and Virginia to provide their views. The Federal agencies' and the States' specific comments are included in appendixes II through VIII.

The Department of the Interior and the States of Maryland and Virginia believe that the act's requirements should be implemented and that either the ad hoc committee or NOAA should assume lead responsibility for coordinating Bay area research. The Department of Commerce believes that a mechanism, such as the ad hoc committee, is needed to provide a forum for addressing research issues and coordination problems that arise between the Federal agencies sponsoring research and the States responsible for managing the Bay and its

resources. The Smithsonian Institution believes that the research information exchange should be established and operated by NOAA or another agency and that the Chesapeake Research Consortium or a similar organization should be assigned responsibility for formulating objectives for federally funded research on the Bay. EPA believes that existing coordinating mechanisms ranging from informal meetings, workshops, and symposia to formal State public forums on special issues are adequate. The Department of the Army stated that the Department of Commerce should provide lead responsibility for coordinating Bay area research, but it did not express a view as to what specific requirements of the act should be implemented.

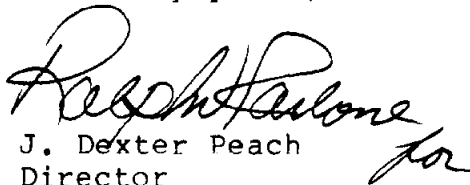
The Federal agencies provided a wide range of views on the funding needed to effectively coordinate Bay area research and how such funding should be shared between the agencies and the affected States. The Department of Commerce believes that no specific funding is needed. The Smithsonian Institution believes that \$100,000 to \$200,000 is needed to operate a research information exchange and that costs might be shared between Federal and State governments. EPA believes that the Department of Commerce needs an annual budget of about \$300,000 to carry out the act's requirements, including funds to maintain a computerized research information exchange. Other Federal agencies and the States did not specify the funding level needed to effectively coordinate Bay area research and they provided general comments or did not comment on how funds should be shared between the Federal Government and the States.

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We plan to continue monitoring the Department's progress toward achieving the act's basic objective, and, as discussed with your office, we will inform you of any significant developments. We also plan to provide a final report to the Congress by September 30, 1984, as required by the act.

We are sending copies of this report to the House and Senate Committees on Appropriations; the House Committee on Government Operations; the Senate Committee on Governmental Affairs; the Senate Committee on Commerce, Science, and Technology; and the House Committee on Merchant Marine and Fisheries. In addition, we are sending copies to the Secretary of Commerce, the NOAA Administrator, and the Governors of Maryland and Virginia. As agreed with your office, we will also make copies available to others on their request.

Sincerely yours,


J. Dexter Peach
Director

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United States Senate

COMMITTEE ON
 GOVERNMENTAL AFFAIRS
 SUBCOMMITTEE ON
 GOVERNMENTAL EFFICIENCY AND THE DISTRICT
 OF COLUMBIA
 WASHINGTON, D.C. 20510

April 7, 1983

The Honorable Charles A. Bowsher
 Comptroller General of the
 United States
 General Accounting Office
 441 G Street, NW
 Washington, D.C. 20548

Dear Mr. Bowsher:

Recently, your staff briefed Subcommittee staff on a draft GAO report concerning implementation of the Chesapeake Bay Research Coordination Act of 1980. Your report was mandated by that Act.

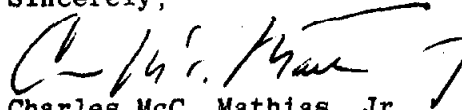
I would appreciate GAO circulating the draft report for 30 day comment to the Department of Commerce, the U.S. Army Corps of Engineers - Baltimore District, the Environmental Protection Agency, the Fish and Wildlife Service of the Department of the Interior, the Secretary of the Smithsonian, and the Governors of Maryland and Virginia.

I look forward to your report and ask that you address the following:

1. What requirements, if any, of the Chesapeake Bay Research Coordination Act of 1980 should be implemented?
2. What entity has or should have lead responsibility for coordinating federally-funded Bay area research?
3. What annual funding level is needed to effectively coordinate Bay area research and how should this responsibility be shared between the Federal government and the affected States?

I would appreciate receiving your report by August 1983.
If you have questions concerning this request, please contact
Marion Morris of the Subcommittee staff at 224-4161.

Sincerely,



Charles McC. Mathias, Jr.
Chairman

CM:mtm:sm



UNITED STATES DEPARTMENT OF COMMERCE
The Inspector General
Washington, D.C. 20230

JUN 30 1983

Mr. J. Dexter Peach
Director, Resources, Community
and Economic Development Division
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Peach:

This is in reply to your letter of May 23, 1983, requesting comments on the draft report entitled "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination Act of 1980."

We have reviewed the enclosed comments of the Administrator, National Oceanic and Atmospheric Administration and believe they are responsive to the matters discussed in the report.

Sincerely,

A handwritten signature in black ink, appearing to read "S. M. Funk".

Sherman M. Funk
Inspector General

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

THE ADMINISTRATOR

JUN 24 1983

Mr. J. Dexter Peach
Director, Resources Community and
Economic Development Divisoon
U.S. General Accounting Office
Washington, D.C. 20548

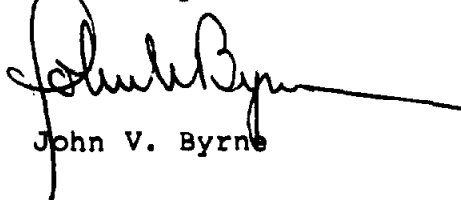
Dear Mr. Peach:

This is in reply to your letter to the Secretary of Commerce, requesting comments on the draft GAO report entitled, "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination Act of 1980."

We have reviewed the draft report and find that the document generally presents an accurate position for this Agency as well as the status of NOAA's implementation of the Act to date. I have enclosed comments which, I believe, will justify the reasons for our position.

I have also enclosed, in response to your request, our views concerning the three questions posed by Senator Charles McC. Mathias.

Sincerely,



John V. Byrne

Enclosures



10TH ANNIVERSARY 1970-1980
National Oceanic and Atmospheric Administration
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COMMENTS REGARDING GAO DRAFT REPORT

The responsibility for implementing the terms of the Chesapeake Bay Research Coordination Act of 1980 was assigned to the National Oceanic and Atmospheric Administration (NOAA). This Act called for the establishment of both an Office for Chesapeake Bay Research Coordination and a Chesapeake Bay Research Board in the Department of Commerce. However, since no funds were appropriated to implement this legislation, the establishment of these two entities became impossible. However, NOAA has been, and remains, very sensitive to the needs of the states that are concerned with managing the Chesapeake Bay and its valuable resources. Therefore, after a great deal of interaction with the Federal Agencies sponsoring Bay research, Maryland and Virginia state officials and various scientists involved in research on the Bay, NOAA is implementing an organization to address many of the requirements of the Act without a specific Chesapeake Bay appropriation. This organization, Committee for Chesapeake Bay Research Coordination, will be chaired by NOAA and will be comprised of Federal representatives from the agencies sponsoring Bay research and state officials appointed by the Governors of Maryland and Virginia. The state appointed members represent the spectrum from state legislators to members of citizens and private interest groups. A listing of the Federal and state appointed members to the Committee is attached.

I believe that this Committee will be an appropriate mechanism to address the areas of research coordination that, to date, have been problems. Those are the areas relating to coordination among the Federal agencies supporting Bay research and also among the Federal research sponsors and state managers who are responsible for regulating and preserving the resources of the Chesapeake Bay. Coordination at the research level is already appropriately addressed in existing organizations such as the Maryland and Virginia Bi-State Working Committee and the EPA Chesapeake Bay Program Management Committee as well as by the scientists themselves through the Maryland and Virginia Sea Grant Programs and the Chesapeake Bay Research Consortium. Therefore, at virtually no additional cost to the taxpayers, most of the important and needed requirements of the legislation can be carried out. These requirements include: identification of the need for, and the priority of, research programs to benefit the management of the resources of Chesapeake Bay; promote optimum utilization of available Bay research funds; provide a means of communication between Federal and state officials regarding Bay research and needs; aid and participate with the states in conducting research conferences, symposia and workshops; develop a Chesapeake Bay research plan consistent with Federal and state needs; and participate in the development of monitoring programs to provide data necessary for state management of the Bay's resources.

COMMENTS AND QUESTIONS ASKED BY SENATOR CHARLES McC. MATHIAS

1. What requirements, if any, of the Chesapeake Bay Research Coordination Act of 1980 should be implemented?

A mechanism that will provide a forum for addressing research issues and coordination problems that arise between the various Federal agencies sponsoring research on Chesapeake Bay and the state agencies responsible for managing the Bay and its resources is needed. NOAA, after consulting with Maryland and Virginia officials and private sector scientists; is implementing a Committee for Chesapeake Bay Research Coordination that should satisfy this need. The Committee is composed of representatives from the Federal agencies sponsoring Bay research as well as four representatives appointed by the Governors of Maryland and three by the Governor of Virginia. It is anticipated that this Committee will become involved in the development and approval of a Bay research plan, identification of research priorities and gaps, design and approval of Bay monitoring studies, management interpretation of Bay research results, and provide a means for effective communication for research needs and results among research sponsors, Bay resource managers and researchers.

2. What entity has or should have responsibility for coordinating Federally-funded Bay area research?

This responsibility was given to the Department of Commerce (subsequently assigned to NOAA) by virtue of the Chesapeake Bay Research Coordination Act of 1980. After considering several alternatives with Federal and state officials and members from the private research sector, NOAA is now in the process of implementing a mechanism to address Federal-state-private sector research coordination issues both efficiently and economically. It is anticipated that this mechanism, the Committee for Chesapeake Bay Research Coordination, will fulfill a necessary niche and compliment other Bay coordination organizations, such as the Bi-State Working Committee, Chesapeake Bay Commission, the Chesapeake Bay Research Consortium, and the Maryland and Virginia Sea Grant Programs.

3. What annual funding level is needed to effectively coordinate Bay area research and how should this responsibility be shared among the Federal Government and the affected states?

It is my view that Bay research is already properly coordinated at the working level through the Maryland and Virginia Sea Grant programs and the Chesapeake Bay Research

Consortium. Furthermore, the Committee for Chesapeake Bay Research Coordination, recently established by NOAA, should effectively address any problems that arise at the Federal level or among the Federal research sponsors and the state and private sector scientists, without a specific appropriation. Therefore, it is NOAA's position that no specific funding for Bay research coordination is necessary. The Federal and state agencies represented on the Committee for Chesapeake Bay Research Coordination have agreed to provide the necessary resources to support the work of the Committee.



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

June 17, 1983

Mr. William J. Anderson
Director
General Government Division
General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

Thank you for your letter of May 23. The Smithsonian has reviewed the draft of your proposed report entitled "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination Act of 1980." The draft seems to be an accurate and objective assessment of the situation. Basically, NOAA has not implemented the act and apparently does not plan to do more than convene an ad hoc committee for several meetings.

Senator Mathias' questions raise several important issues. The first is whether the various provisions of the act should be implemented. The Smithsonian feels that some approaches to research coordination could lead to undesirable interference with ongoing research or the inadvertent prevention of future research. This unfortunate possibility could result from the creation of an unnecessary layer of coordination, particularly if undertaken without full awareness of the manner in which quality research necessarily is conducted. Thorough peer review of research is desirable, but once it has been established that a project is well conceived, it should not then be interfered with. In competing for research funds, any added time or difficulty imposed upon research scientists in the Chesapeake Region would place them at a significant disadvantage. We believe the creation of a Chesapeake Bay Research Information Clearinghouse would better serve the needs to which the act was addressed, while not impeding future research. Any interested party could then efficiently determine: (a) what research had been carried out in the past and what results were obtained; and (b) what research activities are now being conducted and who to contact to learn their current status. This should also allow interested parties to determine appropriate levels for funding of future research activities.

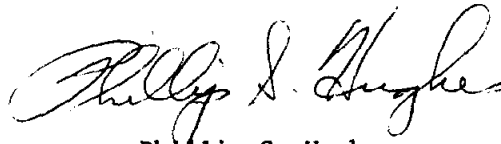
Senator Mathias' next question is what entity should have the lead responsibility for coordination of the research? The Smithsonian suggests that his query be divided in two parts: (a) the formulation of a series of objectives for federally-funded research on Chesapeake Bay; and (b) the

operation of an information exchange, as discussed above. The first might best be carried out under contract by an organization such as the Chesapeake Research Consortium; the second by NOAA, another agency, or by a sub-contractor.

The third question concerns the appropriate annual funding level for these activities and the responsibility for funding. An effective information exchange might be operated for approximately \$100,000-\$200,000 per year. These activities need not be very expensive. A staff of three full-time people, occasional part-time help, and a modest amount of office space would probably be sufficient. The goal would be to assemble and index published studies including as much "gray" literature as possible and to keep an updated index of ongoing research projects. It would not be necessary to create a centralized computer data bank. The costs for these activities might be shared between the federal and state governments.

We hope that these suggestions will be of use in the preparation of your report.

Sincerely yours,

A handwritten signature in cursive script that reads "Phillip S. Hughes". The signature is written in dark ink and is positioned above the typed name and title.

Phillip S. Hughes
Acting Secretary



HARRY HUGHES
GOVERNOR

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

ANNAPOLIS, MARYLAND 21404

July 1, 1983

Mr. J. Dexter Peach
Director
Resources, Community & Economic
Development Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

Your report entitled, "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination Act of 1980", has been reviewed by the Department of Natural Resources. The attached paper contains their comments which reflect the position of the State concerning your report.

As you may know, the well being of the Chesapeake Bay is a major focus of the State of Maryland. We are strongly committed to develop a comprehensive and well coordinated plan of action for improving the management of the Chesapeake Bay area. In this regard, the efforts put forth by the Department of Commerce to achieve effective coordination of research programs for the Bay are significant and should be continued.

Maryland is vitally concerned that the interest in improving the quality of the Chesapeake Bay should continue. We are ready to assist the federal government in any way we can to further this goal.

Sincerely,

Governor

Department of Natural Resources
Comments on "Assessment of the Department of Commerce's Implementation of the
Chesapeake Bay Research Coordination Act of 1980"

The assessment of the Department of Commerce's implementation of the Chesapeake Bay Research Coordination Act presents a strong suggestion of non-compliance with the requirements of the Act. This appears to be based more on the specific language of the Act, rather than on fulfilling the intent of the Act. There seems to have been more attention given, on the part of the States and several federal agencies, to the intent of the Act than your report indicates.

There is no question that the Act was enacted to improve coordination of federally supported and conducted marine research in the Chesapeake Bay area. Also one can appreciate that significant problems existed within the Department of Commerce which prevented the establishment of a formal Chesapeake Bay Research Board and an Office of Chesapeake Bay Research within the Department of Commerce. Balancing of program priorities is indeed difficult today with the growing constraints on the federal budget. Under the circumstances, the action of NOAA to establish an ad-hoc State-federal Research and Development Coordination Committee is appropriate to satisfy the primary intent of the Act. NOAA has developed a charter to guide the operation of the ad hoc Committee and advises that the Committee will begin its work sometime next month. You should be aware that State representatives to this Committee were recommended by Governor Hughes' office and Governor Robb's office for Virginia. These representatives are well qualified, in conjunction with the federal appointees, to develop a process of effective coordination of research programs for the Chesapeake Bay area.

The deliberations of the Committee toward developing a research plan for the Chesapeake Bay will be assisted by the products of a Chesapeake Bay Conference which will be convened in December of this year. This major effort, sponsored

by Maryland, Virginia, Pennsylvania, EPA and other pertinent groups, is designed to identify public policy issues related to the management of uses of Chesapeake Bay and its watershed, and to recommend actions to protect and enhance the living resources of the tidal system. Using as background material the EPA's Chesapeake Bay Program's reports, the conference will focus on the decisions for federal, State, and local jurisdiction actions necessary to improve the health of Chesapeake Bay and its tributaries. In addition, soon to be available for Committee use will be a report being prepared by the Chesapeake Research Consortium on the research needs for the 80's for the Chesapeake Bay.

The GAO report indicated that the Committee's Executive Director, a NOAA official, felt the States would have to assume the lead for identifying research coordination issues. We agree with this position. State representatives on EPA's Chesapeake Bay Program's Management Committee have effectively done this for the past six years of that program. Some of these same individuals will remain on the Bay Management Committee which will continue to function after the completion of the EPA Bay Program on September 30th. Allied to this Committee's function will be the operation of a State-federal data management center. This center's capabilities in storage and analysis of natural resources data will augment research planning efforts by providing updated resource status reports and environmental parameter updates, both valuable to research coordination efforts.

The several areas of interaction among State and federal environmental managers mentioned above, appear to have a strong capability to achieve the goals of the Chesapeake Bay Research Coordination Act. We expect this effort to intensify during the coming year for the reasons cited above.

In addition to these comments on your office's draft report, you posed several questions concerning the Chesapeake Bay from Senator Charles McC. Mathias, Jr. Following are comments on these questions:

1. What requirements, if any, of the Chesapeake Bay Research Coordination Act of 1980 should be implemented?

The need for a concerted effort to improve federal-State coordination of research programs relating to Chesapeake Bay is as strong, if not stronger, today as it was when the Act was enacted in 1980. With the termination of the EPA Chesapeake Bay Program, it is vital that the momentum it has created for restoring the health of the Bay be continued in terms of comprehensive research and action programs by State and federal management agencies.

Implementation of Section 5 of the Act, which calls for formation of a Chesapeake Bay Research Board and defines its responsibilities, should therefore, continue. We believe the Chesapeake Bay Research and Development Coordinating Committee, organized by NOAA, will fulfill the intent of this section of the Act. Federal and State membership on the Committee comply with the State-federal representation required by the Chesapeake Bay Research Board. Committee responsibilities should include those specified under Section 5(d) of the Act. Travel expenses for Committee members, who are not federal or State employees, should be provided as authorized by Section 5(e).

Section 4 of the Act should also be implemented. An office of Chesapeake Bay Research Coordination, as provided for by this section of the Act, would function as staff for the Chesapeake Bay Research and Development Committee, established in lieu of the Chesapeake Bay Research Board. The functions of this Office would include those responsibilities identified in the Act as deemed appropriate by the Committee. It would seem appropriate that this Office should be within the Research and Development Division of NOAA, which has thus far been the branch of NOAA working to achieve implementation of the Act.

Section 6 of the Act authorizes funding to provide for operation of the Office. This section of the Act should also be implemented.

2. What entity has or should have lead responsibility for coordinating federally funded Bay area research?

The ad hoc Chesapeake Bay Research and Development Committee, unless a formal Chesapeake Bay Research Board is established, should be the entity responsible for coordinating federally funded Bay area research. Members of this Committee provide representation from pertinent federal and State agencies providing funding and carrying out Chesapeake Bay area research (see attached lists).

3. What annual funding level is needed to effectively coordinate Bay area research, and how should this responsibility be shared between the Federal government and the affected States?

Annual funding levels for federal representation on the Chesapeake Bay Research and Development Committee and the Office of Chesapeake Bay Research Coordination, should be developed by the federal agencies involved. Funding for State participants in research coordination efforts should be available within normal State budgets. That significant coordination efforts are possible without specific funding, has been demonstrated by the Virginia-Maryland Bi-State Working Committee, which has successfully operated since 1979 without special appropriations in its efforts to enhance cooperation in joint management issues in the Chesapeake Bay area.

June 22, 1983

Maryland Appointees
to the
Chesapeake Bay Research Coordination Board

Dr. Rita R. Colwell
Director, University of Maryland Sea Grant Program
Department of Microbiology, University of Maryland
College Park, Maryland 20742

A microbiologist of international reputation, Dr. Colwell is Director of the Maryland Sea Grant Program. Dr. Colwell also serves as a member of the Governor's Science Advisory Council, the Coastal Resources Advisory Committee, and has been active in the work of the Interstate Commission on the Potomac River Basin, the National Science Foundation and numerous scientific and professional organizations.

Senator Catherine I. Riley
Maryland General Assembly
20 Office Street
Bel Air, Maryland 21014

Senator Riley has represented the Sixth District as a Delegate since 1975. In 1982, she was elected Senator from the Sixth District. As a member of the Joint Legislative Advisory Commission on the Chesapeake Bay as a Delegate, she was active in the formation of the Chesapeake Bay Commission. Senator Riley, while a Delegate, was also a member of the Environmental Matters Committee and has sponsored environmental and energy related legislation.

Mr. William M. Eichbaum
Assistant Secretary for Environmental Programs
201 W. Preston Street
Baltimore, Maryland 21201

Mr. Eichbaum is responsible for the management of the State environmental pollution control program including those water quality programs affecting the Chesapeake Bay and its tributaries.

Mr. Levio E. Zeni
Administrator, Tidewater Administration
Maryland Department of Natural Resources
Taves State Office Building
Annapolis, Maryland 21401

Mr. Zeni directs the Tidewater Administration with Chesapeake Bay and Atlantic coastal area responsibilities of the State: Tidal Fisheries, Coastal Resources Management, Waterway Improvement, and Recreational Boating. Mr. Zeni has also served as the Administrator of the Energy and Coastal Zone Administration and as the Director of the Power Plant Siting Program.

Virginia Appointees
to the
Chesapeake Bay Research Coordination Board

Dr. Maurice P. Lynch
Assistant Director, VIMS
Head, Division of Special Programs

Mr. Paul E. Fisher
Project Director, Hampton Roads
Water Quality Agency

Mr. Hayden Ross-Clunis
President, Yorktown Chapter
Chesapeake Bay Foundation

MEMBERS

Chesapeake Bay R&D Coordinating Committee

NOAA

Ked A. Ostenso: Acting Assistant Administrator for Research
and Development
6010 Executive Boulevard, Room 908
Rockville, MD 20852
(301) 443-8344

W. Lawrence Pugh: Special Assistant to Assistant Administrator
for Research and Development
6010 Executive Boulevard, Room 920
Rockville, MD 20852

COE

William E. Roper: Assistant Director, R&D (Civil Works)
COE (DAEN-RDC)
Washington, D.C. 20314
(202) 272-0257

DOI

Thomas Bahr: Director, Office of Water Policy
18th & C Streets, N.W., Room 7260
Washington, D.C. 20240
(202) 343-3121

EPA

Herbert B. Quinn, Jr.: Director, Water and Land Division
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NSF

M. Grant Gross: Director, Ocean Sciences Division
National Science Foundation
Washington, D.C. 20550
(202) 357-9639

Smithsonian

J. Kevin Sullivan: Director, Chesapeake Bay Center for
Environmental Studies
P.O. Box 28
Edgewater, MD 21037
(301) 261-4190



COMMONWEALTH of VIRGINIA

Office of the Governor

Richmond 23219

June 17, 1983

Charles S. Robb
Governor

Mr. J. Dexter Peach, Director
Resources, Community and Economic
Development Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

Thank you for the opportunity to review GAO's draft report "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination Act of 1980." Your report has been distributed to a number of state agencies and institutions, and their comments are reflected in the attached paper.

Since the Commonwealth is heavily involved in the management of the Chesapeake Bay and its resources, we have a great interest in achieving the most effective use of the limited funds available for Bay-related research.

We are ready to cooperate with the federal government in that important task.

Sincerely,

Charles S. Robb

Attachment: Comments on GAO Assessment

cc: The Honorable Betty J. Diener
Ms. Sheila M. Prindiville

June, 1983
Commonwealth of Virginia

Comments on the U.S. General Accounting Office's draft document "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination Act of 1980" and on Associated Questions Raised by Senator Mathias.

Many positive things have happened since the concept of the Act was first considered. While none of what has been accomplished since that time lessens the need for research coordination, it is clear that conditions now are much more favorable to the development of a well-defined consensus on research needs and the overall management of Bay-related federally-funded research.

The EPA-Chesapeake Bay Program is drawing to a close, and the baseline data, the research projects, the environmental characterization and the management information coming from that cooperative federal-state effort constitute a major addition to our knowledge of the Chesapeake Bay estuarine system and our options for managing that system. At the same time, that program is reaching its final phases a major conference on the Bay is being planned for December 7th-9th which will focus on Bay management needs and opportunities. The conference is being preceded by a set of five workshops on management topics with each workshop having a number of meetings and involving a large and widely representative group of participants. The workshops will produce management reports and recommendations which will be discussed at the Conference. Both Maryland and Virginia are also deeply involved in respective budget processes in the effort to create special new programs and projects to expand and improve Bay management.

While these events are taking place several fairly new Bay advisory bodies continue to mature and to develop meaningful roles. The Chesapeake Bay Commission and the Maryland-Virginia Bi-State Working Committee now are both well established as effective means of bi-state communication and cooperation. The Bi-State Committee is currently undergoing a reorganization of procedures which, among other things, will result in the establishment of a permanent subcommittee on research and education. The management committee of the EPA-Chesapeake Bay Program also is undergoing a transformation, as yet somewhat ill-defined, to a permanent Chesapeake Bay advisory committee on environmental and resource matters. This group will have a wider membership and scope than the existing committee and will be served by a center located in Annapolis which will have a staff of about eight, the Bay data base and a new computer system.

Once the Chesapeake Bay Program and the Conference have been concluded and the new Bay advisory committee defined and established, it will be an appropriate time to begin a careful review and planning of research related to Bay management. The possibility of significant funds being made available for Bay research through an amendment to the Clean Water Act and through OCS revenue-sharing is also good reason to begin that process of review and planning.

Responses to Senator Mathias' Questions

Senator Mathias has raised three questions which must be answered in the context of the steadily improving pattern of communication and cooperation which has been outlined above.

Question #1:

What requirements, if any, of the Chesapeake Bay Research Coordination Act of 1980 should be implemented?

Of the various requirements of the Act the Commonwealth is most interested in the following:

(a) Establishment of a Chesapeake Bay Research Coordination Board. (This is discussed below in response to Question #2).

(b) Establishment of an Office of Chesapeake Bay Research Coordination within the U.S. Department of Commerce. Carrying out the various requirements specified in the Act would require a staff of some modest size. Now that it appears likely that a Chesapeake Bay Liaison Office will be established in the near term it might be possible for that staff to share some of the responsibilities assigned to the proposed Office of Chesapeake Bay Research Coordination. Whatever the arrangements that could be made it is obvious that some number of full time personnel must be assigned to the major tasks specified in the Act if they are to be accomplished.

(c) Development of a Chesapeake Bay Research Plan designed to coordinate federally-funded research related to the Chesapeake Bay and its resources. The findings of the EPA-Chesapeake Bay Program, the final conclusions of the Corps of Engineers' Bay study, the soon to be published Research Needs for the 80's by the Chesapeake Research Consortium, the results of the December 1983 Chesapeake Bay Conference and other information could be combined readily to develop a comprehensive research plan.

(d) Establishment of an annual review and evaluation of federally funded Bay research. This would be a useful tool but might be done less frequently.

(e) Establish a Chesapeake Bay Research Exchange. This is another useful tool, and it could be contracted out to some organization such as the Chesapeake Research Consortium or the new Chesapeake Bay Liaison Office.

Question #2:

What entity has or should have lead responsibility for coordinating federally-funded Bay area research?

The Act calls for the establishment of a formal Chesapeake Bay Research Coordination Board. That did not happen, and an ad hoc committee has been established in its place. Since there is every reason to believe that the committee can accomplish the tasks that will develop if it is properly staffed there is no reason at this time to establish a Board.

Question #3:

What annual funding level is needed to effectively coordinate Bay area research and how should this responsibility be shared between the federal government and the affected states?

Improved communication and coordination among the interested parties as well as greater experience in dealing with research management since the Act was passed suggests that the question of the level of funding ought to be reviewed. The existing ad hoc committee would be the logical body to conduct such a review. The question of shared funding responsibilities should also be reviewed by that group. For the most part, state support would have to be in-kind.

Comments on the GAO Assessment

The GAO report provides a detailed review of the requirements of the Act and of the approach taken by the U.S. Department of Commerce towards that responsibility. The general picture presented seems to be correct. The Maryland-Virginia Bi-State Working Committee accepted the reluctance of Commerce to implement the Act and encouraged the creation of an ad hoc committee to serve as an alternate to the required Board. The committee still seems like an adequate vehicle.

We understand that Congress, GAO and Commerce are required to deal with the past problems associated with the implementation of the Act. Virginia and Maryland are interested in moving ahead to carry out the intent if not the letter of the Act.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUN 30 1983

Mr. J. Dexter Peach, Director
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

This responds to your letter of May 23, 1983, requesting comments on the Draft Report on Implementation of the Chesapeake Bay Research Coordination Act (Act) of 1980 (GAO/RCED-83-167), and additional questions contained in your letter. We have reviewed the GAO report and agree that the ad hoc committee approach falls short of the requirements of the Act. Involvement of this Department was handled through our Office of Water Policy. That office has participated in the two meetings between Federal representatives on the ad hoc committee. Within the past 2 months, the Commerce Department has moved more aggressively to establish a functioning ad hoc committee to more closely pursue the requirements of the Act.

Regarding the specific questions posed by Senator Mathias, we have the following comments:

1. What requirements, if any, of the Chesapeake Bay Research Coordination Act of 1980 should be implemented?

We support the intent and purposes of the Act, and the basic requirements that it contains. While research on the Bay has been ongoing, in the past there has been no central coordination of this research. We support the establishment of the Research Board and designation of one or more persons to work full-time on coordinating the development of a Research Plan for the Chesapeake Bay area. This would provide for the coordinated development and implementation of needed research which reflects the needs and efforts of Federal and State agencies involved in such research. As provided in the Act, ongoing coordination of research efforts should include the maintenance of a current inventory of Federal and State research efforts and other programs relating to the Chesapeake Bay as well as a mechanism to disseminate this information.

2. What entity has or should have the lead responsibility for coordinating federally-funded Bay research?

The Department of Commerce has the responsibility by law.

3. What annual funding level is needed to effectively coordinate Bay area research and how should this responsibility be shared between the Federal government and affected States?

We have no basis for anticipating funding requirements. As for division of responsibility, we believe that decisions on research priorities can be made jointly by State and Federal entities through the Research Board.

We appreciate the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Hite", with a long horizontal flourish extending to the right.

Richard R. Hite
Principal Deputy Assistant Secretary,
Policy, Budget, and Administration



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 28 1983

OFFICE OF
POLICY AND RESOURCE MANAGEMENT

Mr. J. Dexter Peach
Director
Resources, Community, and Economic
Development Division
General Accounting Office
Washington, D.C. 20548

Dear Mr. Peach:

The Environmental Protection Agency (EPA) has prepared the following comments relative to the General Accounting Office (GAO) draft report, "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination Act of 1980" (RCED-83-167). As you know, Public Law 96-226 requires that the Agency submit comments on the report for GAO's consideration during preparation of the final report. In addition, we are providing comments on Senator Mathias' questions, which were requested by you in your May 25 letter to Administrator Ruckelshaus.

Douglas Costle, providing Agency comments in a letter to Senator Eagleton dated September 8, 1980, relative to S. 1316 and H.R. 44-17 (which later evolved into this Act), pointed out that some duplication of coordination efforts could be expected and noted the fact that Pennsylvania was not represented on the proposed Chesapeake Bay Research Board. It is our current view that our 1980 response to the Act remains appropriate and that existing coordinating mechanisms ranging from informal meetings, workshops, symposia to formal State public forums on special issues are adequate for the task at hand.

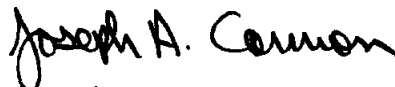
Although the Act replicates other existing programs in a number of respects, we are of the opinion that the National Oceanic and Atmospheric Administration (NOAA) should be the Agency responsible for its implementation and should have the necessary resources to carry out its responsibilities. Primary requirements of the Act, i.e. coordination of Federal and State research, development of an annual research plan, and reporting on the status of the plan to Congress and the Governors, will be ineffective until adequate funding and personnel are provided. We estimate that NOAA will require an annual budget of approximately \$300,000 for a Director, two full-time support staff for administrative matters, and for maintenance of computerized data and information systems.

The status of Board membership remains unclear at the moment as some members have not yet been appointed, Virginia is without a Director for the water management agency, and Pennsylvania has not yet become a member of the Board. No full Ad Hoc Committee meeting has occurred although an informal Federal planning session occurred on May 5, 1983. A full Ad Hoc Committee meeting, planned for early summer, will be hosted by the Smithsonian Institution Laboratory.

As the Act expires on September 30, 1984, activities that have been initiated during 1983-1984 will be terminated unless the Act is extended and/or revised appropriately.

We appreciate the opportunity to comment on this draft report prior to publication of the final report.

Sincerely yours,



Joseph A. Cannon
Associate Administrator
for Policy and Resource Management



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310

1 AUG 1983

Mr. J. Dexter Peach
Director, Resources, Community
and Economic Development Division
General Accounting Office
Washington, D. C. 20548

Dear Mr. Peach:

This is in reply to your May 23, 1983, letter to the Secretary of Defense, requesting review and comment on your proposed report entitled "Assessment of the Department of Commerce's Implementation of the Chesapeake Bay Research Coordination October of 1980," dated May 23, 1983 (GAO Code No. 082130) - OSD Case No. 6266 and requesting views on three additional questions concerning the Chesapeake Bay.

We have completed the report review and generally concur with your assessment. The Baltimore District Office of the Corps of Engineers participated in that review. With regards to the questions, our views are furnished on the attachment.

Sincerely,

Handwritten signature of William R. Gianelli in cursive.

William R. Gianelli
Assistant Secretary of the Army
(Civil Works)

Attachment

DEPARTMENT OF DEFENSE VIEWS
ON
QUESTIONS CONCERNING THE CHESAPEAKE BAY
GAO DRAFT REPORT, DATED MAY 23, 1983
GAO CODE NO. 082130 - OSD CASE NO. 6266

Q. What requirements, if any, of the Chesapeake Bay Research Coordination Act of 1980 should be implemented?

The primary requirements of the 1980 Act are to (1) coordinate research; (2) develop and biennially update a Baywide research plan; (3) review Federal research programs; and (4) submit an annual report on these matters. Given the importance of the resource and the limited funding available for research purposes, DoD concurs that the requirement of the Act for coordination by a single entity is desirable for the efficient management of Chesapeake Bay research activities. Because of the limited DoD involvement, we would defer to others on how this coordination should be implemented and on other specific requirements of the Act.

Q. What entity has or should have lead responsibility for coordinating Federally-funded Bay area research?

As directed in the 1980 Act, the Department of Commerce has the lead responsibility for meeting the objectives of the Act. The Department's National Oceanic and Atmospheric Administration is the agency charged with implementation. Given the present missions of the various agencies responsible for research in estuarine waters, DoD concurs with the present arrangements.

Q. What annual funding level is needed to effectively coordinate Bay area research and how should this responsibility be shared between the Federal government and the affected states?

Because of its limited involvement, DoD defers to the Department of Commerce and others on an effective coordination funding level and on how this should be shared between the states and the Federal government.

APPENDIX IX

APPENDIX IX

PUBLIC LAW 96-460—OCT. 15, 1980

CHESAPEAKE BAY RESEARCH COORDINATION
ACT OF 1980

79-139 o - 80 (292)

94 STAT. 2044

PUBLIC LAW 96-460—OCT. 15, 1980

Public Law 96-460
96th Congress

An Act

Oct. 15, 1980
[H.R. 4417]

To provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes.

Chesapeake Bay
Research
Coordination Act
of 1980.
16 USC 3001
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Research Coordination Act of 1980".

16 USC 3001.

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) The Congress finds that—

(1) the Chesapeake Bay area is one of the greatest national resources in the United States of America, serving as an abundant source of seafood, recreation, beauty, and enjoyment, as well as providing habitat for a wide variety of fish, waterfowl, flora, and fauna;

(2) the Chesapeake Bay area serves as one of the world's major waterways, each year carrying millions of tons of waterborne shipping to and from all parts of the globe;

(3) the productivity and beauty of the Chesapeake Bay area in recent years has been diminished and threatened by water pollution, shoreline erosion, excessive sedimentation, and other injuries;

(4) numerous Federal agencies have initiated and supported research to study, manage, enhance, protect, preserve, or restore the resources of the Chesapeake Bay area; and

(5) the various research relating to the Chesapeake Bay area could be more effectively coordinated in order to obtain maximum benefits.

(b) The purposes of this Act are—

(1) to provide for the rational and effective coordination of federally conducted and supported research aimed at increasing fundamental knowledge in support of wise management of the Chesapeake Bay area;

(2) to identify key management information needs and specify a coherent program of research that will respond to those needs;

(3) to identify the needs and priorities for such additional research as are required for the improvement of fundamental knowledge about the Chesapeake Bay area;

(4) to assure a comprehensive and balanced approach to federally conducted and supported research on the Chesapeake Bay area;

(5) to encourage the utilization of the results and findings of research, and of other relevant information, in the management decisionmaking processes which have an impact on the Chesapeake Bay area; and

PUBLIC LAW 96-460—OCT. 15, 1980

94 STAT. 2045

(6) to foster public understanding of the role of the Chesapeake Bay area as a unique national resource, the greatest natural ecological entity of its kind in the United States.

SEC. 3. DEFINITIONS.

16 USC 3002.

For purposes of this Act—

(1) The term "Chesapeake Bay area" means the waters of the Chesapeake Bay (including the tributaries to the extent of Chesapeake Bay tidal action), the lands within and under such waters, and the wetlands adjacent to such waters.

(2) The term "research" means the endeavor to discover, develop, and verify knowledge and a careful and critical inquiry or examination in seeking facts or principles.

(3) The term "research project" means any research related to the Chesapeake Bay area for the purpose of promoting the understanding, the improved management, and the protection of the marine or coastal related resources (including those relating to water quality, coastal zone management, navigation, shoreline erosion, wetlands, fisheries, shellfish, and wildlife) which is funded in whole or in part by any department, agency, or independent establishment of the Federal Government.

(4) The term "research program" means any aggregate of related individual research projects.

(5) The term "Secretary" means the Secretary of Commerce.

SEC. 4. OFFICE FOR CHESAPEAKE BAY RESEARCH COORDINATION.

16 USC 3003.

(a)(1) The Secretary shall establish in the Department of Commerce a separate office known as the Office for Chesapeake Bay Research Coordination (hereafter referred to in this Act as the "Office"). The Office shall serve as the staff of the Chesapeake Bay Research Board established under section 5 of this Act.

Establishment.

(2)(A) The Office shall be headed by a Director who by reason of his knowledge and experience in research efforts on the Chesapeake Bay area, is qualified to serve as an adviser with respect to research, and who shall be appointed by the Secretary in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of the Interior, and the Secretary of the Smithsonian Institution.

Director;
appointment.

(B) Before making any appointment under subparagraph (A), the Secretary shall seek the recommendations of the Governor of Maryland and the Governor of Virginia with respect to individuals who are qualified to serve as the Director.

Recommendations.

(3) The Director may appoint such personnel for the Office as he deems desirable, and as is provided for under this Act.

(b) The Office, when directed to do so by the Chesapeake Bay Research Board, shall—

Functions.

(1) identify Federal and State research programs relating to the Chesapeake Bay area and annually update that inventory;

(2) establish a Chesapeake Bay Research Exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning all research projects which are ongoing, completed, or for which funds have been requested, and which are conducted in or affect the Chesapeake Bay area;

(3) make recommendations to the Chesapeake Bay Research Board on the relationship of Federal programs to the Chesapeake Bay Research Plan; and

Additional functions.

(4) make recommendations to the Chesapeake Bay Research Board on possible revisions to such Research Plan.

(c) The Office shall work with the Chesapeake Bay Research Board to—

- (1) identify the need for, and the priority of, research programs which could benefit the management of the resources of the Chesapeake Bay area;
- (2) promote optimum utilization of available funds and resources to benefit the Chesapeake Bay area;
- (3) remain cognizant of ongoing research programs and assist in the dissemination of the results and findings of research programs;
- (4) conduct periodic meetings with representatives of the departments, agencies, and independent establishments of the Federal Government having responsibility for the administration of research programs in the Chesapeake Bay area, representatives of appropriate State, regional, and local agencies, and representatives of the scientific community, in order to obtain and exchange information relating to such programs;
- (5) review proposed Federal legislation which may affect the Chesapeake Bay area and comment to the appropriate entities on the relation of the proposed legislation to the Chesapeake Bay Research Plan;
- (6) determine existing Federal and State programs relating to the Chesapeake Bay area and annually update this inventory;
- (7) plan and conduct a conference on Chesapeake Bay area affairs at least once every two years;
- (8) prepare for the Board an annual report on research programs, current and planned, pertaining to the Chesapeake Bay area; and
- (9) perform such other activities as are consistent with the purposes of this Act.

Administrative services.

(d)(1) The Secretary shall make available to the Office such administrative services and temporary staff as may be reasonably required by the Office to enable it to carry out its functions under this Act.

Other Federal agencies, information and assistance.

(2) The Office may request from any department, agency, or independent establishment of the Federal Government (A) information concerning grants made by such department, agency, or establishment for research in the Chesapeake Bay area, and (B) other assistance or information which the Office deems necessary to enable it to carry out its functions under this Act. Each such department, agency, or independent establishment shall furnish, with or without reimbursement, to the Office such assistance or information so requested consistent with other Federal law.

SEC. 5. CHESAPEAKE BAY RESEARCH BOARD.

Establishment. 16 USC 3004.

Membership.

(a) There is established a Chesapeake Bay Research Board (hereafter referred to in this section as the "Board").

(b)(1) The Board shall consist of—

- (A) four members selected by the Governor of Virginia;
- (B) four members selected by the Governor of Maryland; and
- (C) seven members selected by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of the Interior, and the Secretary of the Smithsonian Institution.

(2) The Secretary, the Governor of Maryland, and the Governor of Virginia shall ensure that the Board is comprised of individuals who are qualified to perform the functions of the Board and who represent

the interests of Federal, State, and local government, industry, the public, and the scientific and environmental communities.

(c) The Chairman of the Board shall be elected annually by the membership of such Board.

Chairman.

(d) The Board shall—

Functions.

(1) develop a Chesapeake Bay Research Plan consistent with the missions and interests of appropriate agencies and States, and update this plan biennially to reflect changing priorities in Federal and State management needs as well as the need for fundamental research;

(2) review and evaluate, on a periodic basis, Federal research programs pertaining to the Chesapeake Bay area, and ascertain the extent to which the research programs are consistent with the Chesapeake Bay Research Plan; and

(3) submit an annual report to the Congress and the Governors of Maryland and Virginia on research programs, current and planned, pertaining to the Chesapeake Bay area and their relationship to the Chesapeake Bay Research Plan, together with any recommendations for improving the coordination of such research.

Report to Congress and to Md. and Va. Governors.

(e) Members of the Board (other than those who are employees of the Federal or State governments) may, while engaged in business for the Board, receive compensation for travel expenses and per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

Travel and per diem expenses.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

16 USC 3005.

There are authorized to be appropriated to the Office to carry out the purposes of this Act the sum of \$500,000 for each of the three fiscal years ending on September 30, 1982, September 30, 1983, and September 30, 1984.

SEC. 7. RELATIONSHIP OF ACT TO EXISTING FEDERAL, STATE, AND LOCAL POWERS.

16 USC 3006.

(a) Nothing contained in this Act shall be construed to affect the jurisdiction, powers, or prerogatives of any existing department, agency, or officer of the Federal Government or of any State or local government.

(b) For purposes of administering this Act (including the preparation of an annual report pursuant to section 4(c)(8)) the Board shall solicit from the appropriate Federal departments and agencies and the Governors, recommendations that may be appropriate with respect to any existing law which may affect or be involved in research programs.

Recommendations, solicitation.

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SEC. 8. TERMINATION.

GAO evaluation,
 submittal to
 Congress.
 16 USC 3007.
 Comments,
 solicitation.

This Act and the authority conferred by this Act shall terminate on September 30, 1984. At such time the General Accounting Office shall submit to the Congress an evaluation of the effectiveness of the Board, Office, and of this Act. In the preparation of such report, comments shall be solicited from Federal agencies, the Governors of Maryland and Virginia, and the research institutions, industries, and environmental and citizen's groups concerned with the Chesapeake Bay area.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-998 (Comm. on Merchant Marine and Fisheries).

SENATE REPORT No. 96-950 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 126 (1980):

May 19, considered and passed House.

Sept. 24, considered and passed Senate, amended.

Sept. 30, House concurred in Senate amendment.



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