

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 2620

To establish the Chesapeake National Recreation Area as a unit of the National Park System, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake National

5 Recreation Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVISORY COMMISSION.**—The term “Advi-

9 sory Commission” means the Chesapeake National

10 Recreation Area Advisory Commission established

11 under section 9(a).

1 (2) BAY.—The term “Bay” means the Chesa-
2 peake Bay, including its tidal tributaries, in Mary-
3 land and Virginia.

4 (3) BAY PROGRAM.—The term “Bay Program”
5 means the Chesapeake Bay Program authorized
6 under section 117 of the Federal Water Pollution
7 Control Act (33 U.S.C. 1267).

8 (4) CHESAPEAKE GATEWAYS.—The term
9 “Chesapeake Gateways” means the Chesapeake Bay
10 Gateways and Watertrails Network authorized under
11 section 502 of the Chesapeake Bay Initiative Act of
12 1998 (54 U.S.C. 320101 note; Public Law 105–
13 312).

14 (5) MAP.—The term “Map” means the map en-
15 titled “Chesapeake National Recreation Area Pro-
16 posed Boundary”, numbered P99/189631, and dated
17 June 2023 (5 pages).

18 (6) NATIONAL RECREATION AREA.—The term
19 “National Recreation Area” means the Chesapeake
20 National Recreation Area established by section
21 3(a).

22 (7) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

1 (8) YOUTH REPRESENTATIVE.—The term
2 “youth representative” means a member of the Advi-
3 sory Commission who—

4 (A) has not attained the age of 22 as of
5 the date on which the member is appointed or
6 reappointed; and

7 (B) is tasked with representing the inter-
8 ests of children and young adults in the State
9 from which the member is appointed.

10 **SEC. 3. ESTABLISHMENT AND BOUNDARIES OF CHESA-**
11 **PEAKE NATIONAL RECREATION AREA.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 there is established the Chesapeake National Recre-
15 ation Area in the States of Maryland and Virginia
16 as a unit of the National Park System to preserve,
17 protect, interpret, and provide for the public enjoy-
18 ment of, and access to, the natural, cultural, his-
19 toric, and recreational resources relating to the Bay
20 and surrounding areas.

21 (2) DETERMINATION BY THE SECRETARY.—

22 The National Recreation Area shall not be estab-
23 lished until the date on which the Secretary deter-
24 mines that a sufficient quantity of land or interests

1 in land has been acquired to constitute a manage-
2 able park unit.

3 (3) NOTICE.—Not later than 30 days after the
4 Secretary makes a determination under paragraph
5 (2), the Secretary shall publish in the Federal Reg-
6 ister notice of the establishment of the National
7 Recreation Area.

8 (b) BOUNDARY.—The boundary of the National
9 Recreation Area shall include any area acquired by the
10 Secretary from sites depicted on the Map.

11 (c) AVAILABILITY OF MAP.—The Map shall be on file
12 and available for public inspection in the appropriate of-
13 fices of the National Park Service.

14 (d) REVISION OF FORT MONROE NATIONAL MONU-
15 MENT BOUNDARY.—

16 (1) IN GENERAL.—At such time as the Sec-
17 retary determines that the land identified on the
18 Map within the boundary of Fort Monroe National
19 Monument established by Proclamation 8750, dated
20 November 1, 2011 (54 U.S.C. 320301 note; 76 Fed.
21 Reg. 68625), has been remediated and is appro-
22 priate for inclusion in the National Recreation
23 Area—

24 (A) administrative jurisdiction over the
25 land shall be transferred from the Secretary of

1 the Army to the Secretary for inclusion in the
2 National Recreation Area; and

3 (B) the boundary of the Fort Monroe Na-
4 tional Monument shall be revised to exclude all
5 land and interests in land within the North
6 Beach area of the Monument (as in existence
7 on the day before the date of enactment of this
8 Act), as generally depicted on the Map.

9 (2) REFERENCES TO NATIONAL RECREATION
10 AREA.—Any reference in any law, regulation, docu-
11 ment, record, map, or other paper of the United
12 States to the land described in paragraph (1) shall
13 be considered to be a reference to the National
14 Recreation Area.

15 (3) INTERIM ADMINISTRATION.—Until the date
16 on which administrative jurisdiction over the land
17 and interests in land is transferred to the Secretary
18 under paragraph (1), the Secretary of the Army
19 shall continue to administer the land and interests
20 in land described in that paragraph that were under
21 the jurisdiction of the Secretary of the Army as of
22 the day before the date of enactment of this Act in
23 accordance with the memorandum of agreement be-
24 tween the Secretary of the Army and the Secretary
25 entitled “Memorandum of Agreement Between the

1 Department of the Army and the Department of the
2 Interior for Fort Monroe National Monument” and
3 dated December 9, 2016.

4 (4) BOUNDARY REVISION.—On transfer of ad-
5 ministrative jurisdiction over the land to the Sec-
6 retary under paragraph (1), the boundary of the Na-
7 tional Recreation Area shall be revised to include the
8 land transferred under that paragraph, which shall
9 be administered in accordance with the laws applica-
10 ble to the National Recreation Area.

11 **SEC. 4. ACQUISITION OF LAND FOR THE CHESAPEAKE NA-**
12 **TIONAL RECREATION AREA.**

13 (a) IN GENERAL.—Subject to subsection (c), the Sec-
14 retary may acquire land or interests in land within the
15 boundary of the National Recreation Area by—

- 16 (1) donation;
17 (2) purchase from a willing seller with donated
18 or appropriated funds;
19 (3) exchange; or
20 (4) transfer from another Federal agency.

21 (b) ADDITIONAL SITES.—The Secretary, in consulta-
22 tion with the Advisory Commission, may—

- 23 (1) identify additional sites near or adjacent to
24 the Bay for potential addition to the National Recre-
25 ation Area; and

1 (2) subject to the availability of appropriations,
2 assess whether sites identified under paragraph
3 (1)—

4 (A) are appropriate for addition to the Na-
5 tional Recreation Area; and

6 (B) meet National Park Service criteria
7 applicable to additions to units of the National
8 Park System.

9 (c) LIMITATION.—Any land or interest in land owned
10 by a State or a political subdivision of a State that is with-
11 in the boundary of the National Recreation Area may be
12 acquired only by donation.

13 (d) CONDEMNATION.—No land or interest in land
14 may be acquired for the National Recreation Area by con-
15 demnation.

16 **SEC. 5. ADMINISTRATION.**

17 (a) IN GENERAL.—The Secretary shall administer
18 the National Recreation Area in accordance with—

19 (1) this section; and

20 (2) the laws generally applicable to units of the
21 National Park System, including—

22 (A) sections 100101(a), 100751(a),
23 100752, 100753, and 102101 of title 54,
24 United States Code; and

1 (B) chapters 1003 and 3201 of title 54,
2 United States Code.

3 (b) HEADQUARTERS.—To facilitate coordination of
4 the National Recreation Area with the Chesapeake Gate-
5 ways program and the Bay Program, the Secretary may
6 locate the headquarters of the National Recreation Area
7 at the Chesapeake Bay Office of the National Park Serv-
8 ice.

9 (c) ADMINISTRATIVE, INTERPRETIVE, AND VISITOR
10 SERVICE SITES.—The Secretary may acquire, in accord-
11 ance with section 4(a), not more than 10 acres outside
12 the boundary of the National Recreation Area for adminis-
13 trative, interpretive, and visitor service purposes.

14 (d) COMMERCIAL AND RECREATIONAL FISHING.—
15 Nothing in this Act affects statutory or regulatory author-
16 ity with respect to navigation or regulation of commercial
17 or recreational fishing activities or shellfish aquaculture
18 in the Chesapeake Bay or its tributaries.

19 (e) STATE JURISDICTION.—Nothing in this Act en-
20 larges or diminishes the jurisdiction of a State, including
21 the jurisdiction or authority of a State with respect to fish
22 and wildlife management.

23 (f) COORDINATION.—

24 (1) IN GENERAL.—Consistent with the purposes
25 of the National Recreation Area, the Secretary shall

1 coordinate the management of the National Recre-
2 ation Area with the Chesapeake Gateways and the
3 Chesapeake Bay Program.

4 (2) COORDINATION WITH NATIONAL PARK
5 SERVICE SITES.—As a component of the manage-
6 ment plan required under section 8, the Secretary
7 shall, to the maximum extent practicable, coordinate
8 the development of an implementation plan to inter-
9 pret and enhance public understanding of the out-
10 standing, remarkable, and nationally significant re-
11 sources of the Bay with units of the National Park
12 System located in the Bay watershed.

13 **SEC. 6. AGREEMENTS.**

14 The Secretary may enter into an agreement with a
15 State, a political subdivision of a State, a nonprofit organi-
16 zation, or an individual to interpret and restore nationally
17 significant historic, cultural, or recreational resources re-
18 lating to the Bay if the agreement provides for reasonable
19 public access to the resources covered by the agreement.

20 **SEC. 7. CHESAPEAKE GATEWAYS.**

21 (a) IN GENERAL.—The Secretary shall administer
22 the Chesapeake Gateways in coordination with the Na-
23 tional Recreation Area.

24 (b) PERMANENT AUTHORIZATION.—Section 502(c)
25 of the Chesapeake Bay Initiative Act of 1998 (54 U.S.C.

1 320101 note; Public Law 105–312) is amended by strik-
2 ing “is authorized” and all that follows through the period
3 at the end and inserting “are authorized to be appro-
4 priated such sums as are necessary to carry out this sec-
5 tion.”.

6 (c) EFFECT.—Nothing in this section or an amend-
7 ment made by this section modifies the eligibility criteria
8 developed under section 502(b)(2) of the Chesapeake Bay
9 Initiative Act of 1998 (54 U.S.C. 320101 note; Public
10 Law 105–312).

11 **SEC. 8. MANAGEMENT PLAN.**

12 (a) IN GENERAL.—Not later than 3 years after the
13 date on which funds are first made available for the prepa-
14 ration of a management plan for the National Recreation
15 Area, the Secretary, in consultation with the Chesapeake
16 Executive Council (as defined in section 117(a) of the
17 Federal Water Pollution Control Act (33 U.S.C. 1267(a)))
18 and the Advisory Commission, shall prepare a manage-
19 ment plan for the National Recreation Area in accordance
20 with section 100502 of title 54, United States Code.

21 (b) VISITOR FACILITIES.—In preparing the manage-
22 ment plan under subsection (a), the Secretary shall con-
23 sider the inclusion of visitor facilities for the National
24 Recreation Area in Annapolis, Maryland, and near Fort
25 Monroe.

1 (c) TRANSPORTATION PLANNING.—As part of the
2 management plan prepared under subsection (a), the Sec-
3 retary, in consultation with State and local governments,
4 shall seek to minimize park-related traffic impacts of the
5 National Recreation Area on nearby communities.

6 **SEC. 9. CHESAPEAKE NATIONAL RECREATION AREA ADVI-**
7 **SORY COMMISSION.**

8 (a) ESTABLISHMENT.—Not later than 180 days after
9 the date of enactment of this Act, the Secretary shall es-
10 tablish an advisory commission, to be known as the
11 “Chesapeake National Recreation Area Advisory Commis-
12 sion”.

13 (b) DUTIES AND AUTHORIZATIONS.—The Advisory
14 Commission—

15 (1) shall—

16 (A) make recommendations to the Sec-
17 retary on the development and implementation
18 of the management plan required under section
19 8; and

20 (B) after consultation with the States and
21 other interested parties, provide to the Sec-
22 retary recommendations on the Bay for addi-
23 tional properties on the Bay to be studied for
24 potential addition to the National Recreation
25 Area in accordance with section 4(b); and

1 (2) may establish committees relating to spe-
2 cific National Recreation Area management issues,
3 including education, tourism, transportation, natural
4 resources, cultural and historic resources, and activi-
5 ties to raise revenue for the National Recreation
6 Area, with membership on a committee established
7 under this paragraph to be open to members of the
8 Advisory Commission and individuals that are not
9 members of the Advisory Commission.

10 (c) APPLICABLE LAW.—Except as otherwise provided
11 in this section, the Advisory Commission shall be subject
12 to—

13 (1) chapter 10 of title 5, United States Code
14 (commonly known as the “Federal Advisory Com-
15 mittee Act”), except section 1013(b) of that title;
16 and

17 (2) all other applicable laws (including regula-
18 tions).

19 (d) MEMBERSHIP.—

20 (1) IN GENERAL.—The Advisory Commission
21 shall be composed of 19 members, appointed by the
22 Secretary, of whom—

23 (A) 9 shall be appointed from the State of
24 Maryland, of whom—

1 (i) 4 shall have knowledge of environ-
2 mental, recreational, cultural, or historic
3 resources, education, or interpretation;

4 (ii) 1 shall represent commercial fish-
5 ing interests on the Bay;

6 (iii) 1 shall represent agricultural in-
7 terests in the watershed of the Bay;

8 (iv) 1 shall be a youth representative;

9 (v) 1 shall be selected after consid-
10 ering recommendations by the Governor of
11 the State of Maryland; and

12 (vi) 1 shall be a representative of a
13 federally recognized Indian Tribe or State-
14 recognized Indian Tribe that is tradition-
15 ally associated with the Bay;

16 (B) 9 shall be appointed from the State of
17 Virginia, of whom—

18 (i) 4 shall have knowledge of environ-
19 mental, recreational, cultural, or historic
20 resources, education, or interpretation;

21 (ii) 1 shall represent commercial fish-
22 ing interests on the Bay;

23 (iii) 1 shall represent agricultural in-
24 terests in the watershed of the Bay;

25 (iv) 1 shall be a youth representative;

1 (v) 1 shall be selected after consid-
2 ering recommendations by the Governor of
3 the State of Virginia; and

4 (vi) 1 shall be a representative of a
5 federally recognized Indian Tribe or State-
6 recognized Indian Tribe that is tradition-
7 ally associated with the Bay; and

8 (C) 1 shall be the Executive Director of
9 the Chesapeake Bay Commission.

10 (2) REQUIREMENT.—In appointing the mem-
11 bers described in subparagraphs (A)(i) and (B)(i) of
12 paragraph (1), the Secretary shall seek to ensure
13 representation from communities around the Bay
14 and broad practicable representation of the areas of
15 knowledge described in those subparagraphs.

16 (e) TERMS.—

17 (1) IN GENERAL.—A member of the Advisory
18 Commission shall be appointed for a term of 3 years.

19 (2) SUCCESSION AND REAPPOINTMENT.—On
20 expiration of the term of a member of the Advisory
21 Commission, the member—

22 (A) shall continue to serve until a suc-
23 cessor is appointed; and

24 (B) may be reappointed to serve an addi-
25 tional 3-year term.

1 (f) VACANCIES.—A vacancy on the Advisory Commis-
2 sion shall be filled in the same manner as the original ap-
3 pointment.

4 (g) ELECTED POSITIONS.—

5 (1) CHAIRPERSON.—The Advisory Commission
6 shall have a Chairperson who shall—

7 (A) be elected by the Advisory Commis-
8 sion; and

9 (B) serve for a term of 1 year, unless re-
10 elected pursuant to procedures established by
11 the Advisory Commission under subsection
12 (h)(1).

13 (2) VICE CHAIRPERSON.—The Advisory Com-
14 mission shall have a Vice Chairperson who shall—

15 (A) be elected by the Advisory Commis-
16 sion;

17 (B) serve for a term of 1 year, unless re-
18 elected pursuant to procedures established by
19 the Advisory Commission under subsection
20 (h)(1); and

21 (C) serve as Chairperson in the absence of
22 the Chairperson.

23 (3) OTHER POSITIONS.—The Advisory Commis-
24 sion may establish other positions and elect members
25 to serve in those positions as the Advisory Commis-

1 sion determines to be appropriate, subject to sub-
2 section (h).

3 (h) PROCEDURES.—

4 (1) IN GENERAL.—Subject to paragraphs (2)
5 through (6) and any applicable laws (including regu-
6 lations), the Advisory Commission may establish
7 such rules and procedures for conducting the affairs
8 of the Advisory Commission as the Advisory Com-
9 mission determines to be necessary.

10 (2) MEETINGS.—The Advisory Commission
11 shall meet at the call of—

12 (A) the Chairperson; or

13 (B) a majority of the appointed members.

14 (3) QUORUM.—A quorum shall consist of not
15 less than 11 of the members of the Advisory Com-
16 mission.

17 (4) ACTIONS OF THE ADVISORY COMMISSION.—
18 Any action of the Advisory Commission shall require
19 a majority vote of the members present at any meet-
20 ing.

21 (5) VIRTUAL MEETINGS.—

22 (A) IN GENERAL.—Meetings of the Advi-
23 sory Commission may be conducted virtually, in
24 whole or in part.

1 (B) REQUEST.—Any member of the Advi-
2 sory Commission may request permission from
3 the Chairperson of the Advisory Commission to
4 participate virtually in—

5 (i) a meeting; and

6 (ii) all activities for that meeting.

7 (6) ELECTIONS.—Not less than $\frac{3}{4}$ of the mem-
8 bers of the Advisory Commission must be present,
9 virtually or in-person, for elections carried out under
10 subsection (g).

11 (i) ADVISORY COMMISSION PERSONNEL MATTERS.—

12 (1) COMPENSATION OF MEMBERS.—

13 (A) IN GENERAL.—Members of the Advi-
14 sory Commission shall serve without compensa-
15 tion.

16 (B) TRAVEL EXPENSES.—Members of the
17 Advisory Commission shall be allowed travel ex-
18 penses, including per diem in lieu of subsist-
19 ence, at rates authorized for an employee of an
20 agency under subchapter 1 of chapter 57 of
21 title 5, United States Code, while away from
22 the home or regular place of business of the
23 member in the performance of services for, or
24 the duties of, the Commission.

25 (2) STAFF.—

1 (A) IN GENERAL.—The Secretary may
2 provide the Advisory Commission with any staff
3 or technical assistance that the Secretary, after
4 consultation with the Advisory Commission, de-
5 termines to be appropriate to enable the Advi-
6 sory Commission to carry out its duties.

7 (B) DETAIL OF EMPLOYEES.—The Advi-
8 sory Commission may accept the services of
9 personnel detailed from a State or any political
10 subdivision of a State.

11 (j) TERMINATION.—The Advisory Commission shall
12 terminate on the date that is 10 years after the date of
13 enactment of this Act.