

Union Calendar No. 335

113TH CONGRESS
2^D SESSION

H. R. 739

[Report No. 113–453, Part I]

To require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2013

Mr. WITTMAN introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 19, 2014

Additional sponsors: Mr. RIGELL, Mr. MORAN, Mr. WOLF, Mr. VAN HOLLEN,
Mr. SCOTT of Virginia, and Mr. CONNOLLY

MAY 19, 2014

Reported from the Committee on Natural Resources

MAY 19, 2014

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To require the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, to require the Environmental Protection Agency to develop and implement an adaptive management plan, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chesapeake Bay Ac-
5 countability and Recovery Act of 2013”.

6 **SEC. 2. CHESAPEAKE BAY CROSSCUT BUDGET.**

7 (a) CROSSCUT BUDGET.—The Director, in consulta-
8 tion with the Chesapeake Executive Council, the chief ex-
9 ecutive of each Chesapeake Bay State, and the Ches-
10 peake Bay Commission, shall submit to Congress a finan-
11 cial report containing—

12 (1) an interagency crosscut budget that dis-
13 plays—

14 (A) the proposed funding for any Federal
15 restoration activity to be carried out in the suc-
16 ceeding fiscal year, including any planned inter-
17 agency or intra-agency transfer, for each of the
18 Federal agencies that carry out restoration ac-
19 tivities;

20 (B) to the extent that information is avail-
21 able, the estimated funding for any State res-
22 toration activity to be carried out in the suc-
23 ceeding fiscal year;

24 (C) all expenditures for Federal restoration
25 activities from the preceding 2 fiscal years, the

1 current fiscal year, and the succeeding fiscal
2 year; and

3 (D) all expenditures, to the extent that in-
4 formation is available, for State restoration ac-
5 tivities during the equivalent time period de-
6 scribed in subparagraph (C);

7 (2) a detailed accounting of all funds received
8 and obligated by all Federal agencies for restoration
9 activities during the current and preceding fiscal
10 years, including the identification of funds which
11 were transferred to a Chesapeake Bay State for res-
12 toration activities;

13 (3) to the extent that information is available,
14 a detailed accounting from each State of all funds
15 received and obligated from a Federal agency for
16 restoration activities during the current and pre-
17 ceeding fiscal years; and

18 (4) a description of each of the proposed Fed-
19 eral and State restoration activities to be carried out
20 in the succeeding fiscal year (corresponding to those
21 activities listed in subparagraphs (A) and (B) of
22 paragraph (1)), including the—

23 (A) project description;

24 (B) current status of the project;

1 (C) Federal or State statutory or regu-
2 latory authority, programs, or responsible agen-
3 cies;

4 (D) authorization level for appropriations;

5 (E) project timeline, including benchmarks;

6 (F) references to project documents;

7 (G) descriptions of risks and uncertainties
8 of project implementation;

9 (H) adaptive management actions or
10 framework;

11 (I) coordinating entities;

12 (J) funding history;

13 (K) cost-sharing; and

14 (L) alignment with existing Chesapeake
15 Bay Agreement and Chesapeake Executive
16 Council goals and priorities.

17 (b) MINIMUM FUNDING LEVELS.—The Director shall
18 only describe restoration activities in the report required
19 under subsection (a) that—

20 (1) for Federal restoration activities, have fund-
21 ing amounts greater than or equal to \$100,000; and

22 (2) for State restoration activities, have funding
23 amounts greater than or equal to \$50,000.

24 (c) DEADLINE.—The Director shall submit to Con-
25 gress the report required by subsection (a) not later than

1 30 days after the submission by the President of the Presi-
2 dent's annual budget to Congress.

3 (d) REPORT.—Copies of the financial report required
4 by subsection (a) shall be submitted to the Committees
5 on Appropriations, Natural Resources, Energy and Com-
6 merce, and Transportation and Infrastructure of the
7 House of Representatives and the Committees on Appro-
8 priations, Environment and Public Works, and Commerce,
9 Science, and Transportation of the Senate.

10 (e) EFFECTIVE DATE.—This section shall apply be-
11 ginning with the first fiscal year after the date of enact-
12 ment of this Act for which the President submits a budget
13 to Congress.

14 **SEC. 3. ADAPTIVE MANAGEMENT PLAN.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, the Administrator, in con-
17 sultation with other Federal and State agencies, shall de-
18 velop an adaptive management plan for restoration activi-
19 ties in the Chesapeake Bay watershed that includes—

20 (1) definition of specific and measurable objec-
21 tives to improve water quality, habitat, and fisheries;

22 (2) a process for stakeholder participation;

23 (3) monitoring, modeling, experimentation, and
24 other research and evaluation practices;

1 (4) a process for modification of restoration ac-
2 tivities that have not attained or will not attain the
3 specific and measurable objectives set forth under
4 paragraph (1); and

5 (5) a process for prioritizing restoration activi-
6 ties and programs to which adaptive management
7 shall be applied.

8 (b) IMPLEMENTATION.—The Administrator shall im-
9 plement the adaptive management plan developed under
10 subsection (a).

11 (c) UPDATES.—The Administrator shall update the
12 adaptive management plan developed under subsection (a)
13 every 2 years.

14 (d) REPORT TO CONGRESS.—

15 (1) IN GENERAL.—Not later than 60 days after
16 the end of a fiscal year, the Administrator shall
17 transmit to Congress an annual report on the imple-
18 mentation of the adaptive management plan required
19 under this section for such fiscal year.

20 (2) CONTENTS.—The report required under
21 paragraph (1) shall contain information about the
22 application of adaptive management to restoration
23 activities and programs, including programmatic and
24 project level changes implemented through the proc-
25 ess of adaptive management.

1 (3) EFFECTIVE DATE.—Paragraph (1) shall
2 apply to the first fiscal year that begins after the
3 date of enactment of this Act.

4 (e) INCLUSION OF PLAN IN ANNUAL ACTION PLAN
5 AND ANNUAL PROGRESS REPORT.—The Administrator
6 shall ensure that the Annual Action Plan and Annual
7 Progress Report required by section 205 of Executive
8 Order 13508 includes the adaptive management plan out-
9 lined in subsection (a).

10 **SEC. 4. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE**
11 **BAY PROGRAM.**

12 (a) IN GENERAL.—There shall be an Independent
13 Evaluator for restoration activities in the Chesapeake Bay
14 watershed, who shall review and report on restoration ac-
15 tivities and the use of adaptive management in restoration
16 activities, including on such related topics as are suggested
17 by the Chesapeake Executive Council.

18 (b) APPOINTMENT.—

19 (1) IN GENERAL.—The Independent Evaluator
20 shall be appointed by the Administrator from among
21 nominees submitted by the Chesapeake Executive
22 Council.

23 (2) NOMINATIONS.—The Chesapeake Executive
24 Council may submit to the Administrator 4 nomi-

1 needs for appointment to any vacancy in the office of
2 the Independent Evaluator.

3 (c) **REPORTS.**—The Independent Evaluator shall sub-
4 mit a report to the Congress every 2 years in the findings
5 and recommendations of reviews under this section.

6 (d) **CHESAPEAKE EXECUTIVE COUNCIL.**—In this sec-
7 tion, the term “Chesapeake Executive Council” has the
8 meaning given that term by section 307 of the National
9 Oceanic and Atmospheric Administration Authorization
10 Act of 1992 (Public Law 102–567; 15 U.S.C. 1511d).

11 **SEC. 5. DEFINITIONS.**

12 In this Act, the following definitions apply:

13 (1) **ADAPTIVE MANAGEMENT.**—The term
14 “adaptive management” means a type of natural re-
15 source management in which project and program
16 decisions are made as part of an ongoing science-
17 based process. Adaptive management involves test-
18 ing, monitoring, and evaluating applied strategies
19 and incorporating new knowledge into programs and
20 restoration activities that are based on scientific
21 findings and the needs of society. Results are used
22 to modify management policy, strategies, practices,
23 programs, and restoration activities.

1 (2) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (3) CHESAPEAKE BAY STATE.—The term
5 “Chesapeake Bay State” or “State” means the
6 States of Maryland, West Virginia, Delaware, and
7 New York, the Commonwealths of Virginia and
8 Pennsylvania, and the District of Columbia.

9 (4) CHESAPEAKE BAY WATERSHED.—The term
10 “Chesapeake Bay watershed” means the Chesapeake
11 Bay and the geographic area, as determined by the
12 Secretary of the Interior, consisting of 36 tributary
13 basins, within the Chesapeake Bay States, through
14 which precipitation drains into the Chesapeake Bay.

15 (5) CHIEF EXECUTIVE.—The term “chief exec-
16 utive” means, in the case of a State or Common-
17 wealth, the Governor of each such State or Common-
18 wealth and, in the case of the District of Columbia,
19 the Mayor of the District of Columbia.

20 (6) DIRECTOR.—The term “Director” means
21 the Director of the Office of Management and Budg-
22 et.

23 (7) RESTORATION ACTIVITIES.—The term “res-
24 toration activities” means any Federal or State pro-
25 grams or projects that directly or indirectly protect,

1 conserve, or restore living resources, habitat, water
2 resources, or water quality in the Chesapeake Bay
3 watershed, including programs or projects that pro-
4 mote responsible land use, stewardship, and commu-
5 nity engagement in the Chesapeake Bay watershed.
6 Restoration activities may be categorized as follows:

- 7 (A) Physical restoration.
- 8 (B) Planning.
- 9 (C) Feasibility studies.
- 10 (D) Scientific research.
- 11 (E) Monitoring.
- 12 (F) Education.
- 13 (G) Infrastructure Development.

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