

113TH CONGRESS  
1ST SESSION

# S. 1000

To require the Director of the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 21, 2013

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To require the Director of the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, 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. DEFINITIONS.**

7       In this Act:

1           (1) ADAPTIVE MANAGEMENT.—The term  
2 “adaptive management” means a type of natural re-  
3 source management in which project and program  
4 decisions are made as part of an ongoing science-  
5 based process that—

6           (A) includes testing, monitoring, and eval-  
7 uating applied strategies and incorporating new  
8 knowledge into programs and restoration activi-  
9 ties that are based on scientific findings and  
10 the needs of society; and

11           (B) uses the results of activities described  
12 in subparagraph (A) to modify management  
13 policies, strategies, practices, programs, and  
14 restoration activities.

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

18           (3) CHESAPEAKE BAY STATE.—The term  
19 “Chesapeake Bay State” or “State” mean any of—

20           (A) the States of Maryland, West Virginia,  
21 Delaware, and New York;

22           (B) the Commonwealths of Virginia and  
23 Pennsylvania; and

24           (C) the District of Columbia.

1           (4) CHESAPEAKE BAY WATERSHED.—The term  
2           “Chesapeake Bay watershed” means the Chesapeake  
3           Bay and the geographic area within the Chesapeake  
4           Bay States, consisting of 36 tributary basins,  
5           through which precipitation drains into the Chesapeake  
6           Bay, as determined by the Secretary of the  
7           Interior.

8           (5) CHESAPEAKE EXECUTIVE COUNCIL.—The  
9           term “Chesapeake Executive Council” has the meaning  
10          given the term by section 307 of the National  
11          Oceanic and Atmospheric Administration Authorization  
12          Act of 1992 (15 U.S.C. 1511d).

13          (6) CHIEF EXECUTIVE.—The term “chief executive”  
14          means, in the case of a State or Commonwealth, the  
15          Governor of the State or Commonwealth  
16          and, in the case of the District of Columbia, the  
17          Mayor of the District of Columbia.

18          (7) DIRECTOR.—The term “Director” means  
19          the Director of the Office of Management and Budget.  
20          et.

21          (8) RESTORATION ACTIVITIES.—

22                 (A) IN GENERAL.—The term “restoration  
23                 activity” means any Federal or State program  
24                 or project that directly or indirectly protects,  
25                 conserves, or restores living resources, habitat,

1 water resources, or water quality in the Chesapeake Bay watershed, including programs or  
 2 projects that promote responsible land use,  
 3 stewardship, and community engagement in the  
 4 Chesapeake Bay watershed.  
 5

6 (B) INCLUSIONS.—The term “restoration  
 7 activity” includes any one or more of the fol-  
 8 lowing:

- 9 (i) Physical restoration.
- 10 (ii) Planning.
- 11 (iii) Feasibility studies.
- 12 (iv) Scientific research.
- 13 (v) Monitoring.
- 14 (vi) Education.
- 15 (vii) Infrastructure Development.

16 **SEC. 3. CHESAPEAKE BAY CROSSCUT BUDGET.**

17 (a) CROSSCUT BUDGET.—The Director, in consulta-  
 18 tion with the Chesapeake Executive Council, the chief ex-  
 19 ecutive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall annually submit to Congress  
 20 a financial report containing—

22 (1) an interagency crosscut budget that dis-  
 23 plays—

24 (A) the proposed funding for any Federal  
 25 restoration activity to be carried out in the suc-

1           ceeding fiscal year, including any planned inter-  
2           agency or intra-agency transfer, for each Fed-  
3           eral agency that carries out restoration activi-  
4           ties;

5           (B) to the extent that information is avail-  
6           able, the estimated funding for any State res-  
7           toration activity to be carried out in the suc-  
8           ceeding fiscal year;

9           (C) all expenditures for Federal restoration  
10          activities from the preceding 2 fiscal years, the  
11          current fiscal year, and the succeeding fiscal  
12          year; and

13          (D) all expenditures, to the extent that in-  
14          formation is available, for State restoration ac-  
15          tivities during the equivalent time period de-  
16          scribed in subparagraph (C);

17          (2) a detailed accounting of all funds received  
18          and obligated by each Federal agency for restoration  
19          activities during the current and preceding fiscal  
20          years, including the identification of funds that were  
21          transferred to a Chesapeake Bay State for restora-  
22          tion activities;

23          (3) to the extent that information is available,  
24          a detailed accounting from each State of all funds  
25          received and obligated from a Federal agency for

1 restoration activities during the current and pre-  
2 ceding fiscal years; and

3 (4) a description of each of the proposed Fed-  
4 eral and State restoration activities to be carried out  
5 in the succeeding fiscal year (corresponding to those  
6 activities listed in subparagraphs (A) and (B) of  
7 paragraph (1)), including—

8 (A) the project description;

9 (B) the current status of the project;

10 (C) the Federal or State statutory or regu-  
11 latory authority, program, or responsible agen-  
12 cy;

13 (D) the authorization level for appropria-  
14 tions;

15 (E) the project timeline, including bench-  
16 marks;

17 (F) references to project documents;

18 (G) descriptions of risks and uncertainties  
19 of project implementation;

20 (H) a description of the applicable adaptive  
21 management actions or framework;

22 (I) a list of coordinating entities;

23 (J) a description of the funding history for  
24 the project;

25 (K) cost-sharing, if any; and

1           (L) alignment with existing Chesapeake  
2           Bay Agreement and Chesapeake Executive  
3           Council goals and priorities.

4           (b) MINIMUM FUNDING LEVELS.—The Director shall  
5           only describe restoration activities in the report required  
6           under subsection (a) that—

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

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

11           (c) DEADLINE.—Not later than 30 days after the  
12           date on which the President submits the annual budget  
13           to Congress under section 1105 of title 31, United States  
14           Code, the Director shall submit to Congress the report re-  
15           quired by subsection (a) to—

16                 (1) the Committees on Appropriations, Natural  
17                 Resources, Energy and Commerce, and Transpor-  
18                 tation and Infrastructure of the House of Represent-  
19                 atives; and

20                 (2) the Committees on Appropriations, Environ-  
21                 ment and Public Works, and Commerce, Science,  
22                 and Transportation of the Senate.

23           (d) EFFECTIVE DATE.—This section shall apply be-  
24           ginning with the first fiscal year after the date of enact-  
25           ment of this Act for which the President submits a budget

1 to Congress under section 1105 of title 31, United States  
2 Code.

3 **SEC. 4. ADAPTIVE MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 1 year after the  
5 date of enactment of this Act, the Administrator, in con-  
6 sultation with appropriate Federal and State agencies,  
7 shall develop and implement an adaptive management  
8 plan for restoration activities in the Chesapeake Bay wa-  
9 tershed that includes—

10 (1) a definition of specific and measurable ob-  
11 jectives to improve water quality, habitat, and fish-  
12 eries;

13 (2) a process for stakeholder participation;

14 (3) monitoring, modeling, experimentation, and  
15 other research and evaluation practices;

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

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

23 (b) UPDATES.—The Administrator shall update the  
24 adaptive management plan developed under subsection (a)  
25 once every 2 years.

1 (c) REPORT TO CONGRESS.—

2 (1) IN GENERAL.—Not later than 6 days after  
3 the end of each fiscal year, the Administrator shall  
4 submit to Congress a report on the implementation  
5 of the adaptive management plan required under  
6 this section for that fiscal year.

7 (2) CONTENTS.—The report required under  
8 paragraph (1) shall contain information about the  
9 application of adaptive management to restoration  
10 activities and programs, including programmatic and  
11 project level changes implemented through the proc-  
12 ess of adaptive management.

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

16 (d) INCLUSION OF PLAN IN ANNUAL ACTION PLAN  
17 AND ANNUAL PROGRESS REPORT.—The Administrator  
18 shall ensure that the annual Chesapeake Bay Action Plan  
19 and Annual Progress Report required by section 205 of  
20 Executive Order 13508 (33 U.S.C. 1267 note; relating to  
21 Chesapeake Bay protection and restoration) includes the  
22 adaptive management plan outlined in subsection (a).

1 **SEC. 5. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE**  
2 **BAY PROGRAM.**

3 (a) **IN GENERAL.**—There shall be an Independent  
4 Evaluator for restoration activities in the Chesapeake Bay  
5 watershed, who shall review and report on—

6 (1) restoration activities and the use of adaptive  
7 management in restoration activities; and

8 (2) any related topics that are suggested by the  
9 Chesapeake Executive Council.

10 (b) **APPOINTMENT.**—

11 (1) **IN GENERAL.**—The Independent Evaluator  
12 shall be appointed by the Administrator from among  
13 nominees submitted by the Chesapeake Executive  
14 Council.

15 (2) **NOMINATIONS.**—The Chesapeake Executive  
16 Council may submit to the Administrator 4 nomi-  
17 nees for appointment to any vacancy in the office of  
18 the Independent Evaluator.

19 (c) **REPORTS.**—Once every 2 years, the Independent  
20 Evaluator shall submit to Congress a report describing the  
21 review described in subsection (a).

○