

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1947
OFFERED BY MR. WITTMAN OF VIRGINIA**

At the end of title XII, add the following new subtitle:

1 **Subtitle D—Chesapeake Bay**
2 **Accountability and Recovery**

3 **SECTION 12401. SHORT TITLE.**

4 This subtitle may be cited as the “Chesapeake Bay
5 Accountability and Recovery Act of 2013”.

6 **SEC. 12402. 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

1 Federal agencies that carry out restoration ac-
2 tivities;

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

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

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

15 (2) a detailed accounting of all funds received
16 and obligated by all Federal agencies for restoration
17 activities during the current and preceding fiscal
18 years, including the identification of funds which
19 were transferred to a Chesapeake Bay State for res-
20 toration activities;

21 (3) to the extent that information is available,
22 a detailed accounting from each State of all funds
23 received and obligated from a Federal agency for
24 restoration activities during the current and pre-
25 ceding fiscal years; and

- 1 (4) a description of each of the proposed Fed-
2 eral and State restoration activities to be carried out
3 in the succeeding fiscal year (corresponding to those
4 activities listed in subparagraphs (A) and (B) of
5 paragraph (1)), including the—
- 6 (A) project description;
 - 7 (B) current status of the project;
 - 8 (C) Federal or State statutory or regu-
9 latory authority, programs, or responsible agen-
10 cies;
 - 11 (D) authorization level for appropriations;
 - 12 (E) project timeline, including benchmarks;
 - 13 (F) references to project documents;
 - 14 (G) descriptions of risks and uncertainties
15 of project implementation;
 - 16 (H) adaptive management actions or
17 framework;
 - 18 (I) coordinating entities;
 - 19 (J) funding history;
 - 20 (K) cost sharing; and
 - 21 (L) alignment with existing Chesapeake
22 Bay Agreement and Chesapeake Executive
23 Council goals and priorities.

1 (b) MINIMUM FUNDING LEVELS.—The Director shall
2 only describe restoration activities in the report required
3 under subsection (a) that—

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

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

8 (c) DEADLINE.—The Director shall submit to Con-
9 gress the report required by subsection (a) not later than
10 30 days after the submission by the President of the Presi-
11 dent’s annual budget to Congress.

12 (d) REPORT.—Copies of the financial report required
13 by subsection (a) shall be submitted to the Committees
14 on Appropriations, Natural Resources, Energy and Com-
15 merce, and Transportation and Infrastructure of the
16 House of Representatives and the Committees on Appro-
17 priations, Environment and Public Works, and Commerce,
18 Science, and Transportation of the Senate.

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

1 **SEC. 12403. RESTORATION THROUGH ADAPTIVE MANAGE-**
2 **MENT.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator, in con-
5 sultation with other Federal and State agencies, and with
6 the participation of stakeholders, shall develop a plan to
7 provide technical and financial assistance to Chesapeake
8 Bay States to employ adaptive management in carrying
9 out restoration activities in the Chesapeake Bay water-
10 shed.

11 (b) PLAN DEVELOPMENT.—The plan referred to in
12 subsection (a) shall include—

13 (1) specific and measurable objectives to im-
14 prove water quality, habitat, and fisheries identified
15 by Chesapeake Bay States;

16 (2) a process for stakeholder participation;

17 (3) monitoring, modeling, experimentation, and
18 other research and evaluation technical assistance
19 requested by Chesapeake Bay States;

20 (4) identification of State restoration activities
21 planned by Chesapeake Bay States to attain the
22 State's objectives under paragraph (1);

23 (5) identification of Federal restoration activi-
24 ties that could help a Chesapeake Bay State to at-
25 tain the State's objectives under paragraph (1);

1 (6) recommendations for a process for modifica-
2 tion of State and Federal restoration activities that
3 have not attained or will not attain the specific and
4 measurable objectives set forth under paragraph (1);
5 and

6 (7) recommendations for a process for inte-
7 grating and prioritizing State and Federal restora-
8 tion activities and programs to which adaptive man-
9 agement can be applied.

10 (c) IMPLEMENTATION.—In addition to carrying out
11 Federal restoration activities under existing authorities
12 and funding, the Administrator shall implement the plan
13 developed under subsection (a) by providing technical and
14 financial assistance to Chesapeake Bay States using re-
15 sources available for such purposes that are identified by
16 the Director under section 12402.

17 (d) UPDATES.—The Administrator shall update the
18 plan developed under subsection (a) every 2 years.

19 (e) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than 60 days after
21 the end of a fiscal year, the Administrator shall
22 transmit to Congress an annual report on the imple-
23 mentation of the plan required under this section for
24 such fiscal year.

1 (2) CONTENTS.—The report required under
2 paragraph (1) shall contain information about the
3 application of adaptive management to restoration
4 activities and programs, including level changes im-
5 plemented through the process of adaptive manage-
6 ment.

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

10 (f) INCLUSION OF PLAN IN ANNUAL ACTION PLAN
11 AND ANNUAL PROGRESS REPORT.—The Administrator
12 shall ensure that the Annual Action Plan and Annual
13 Progress Report required by section 205 of Executive
14 Order 13508 includes the adaptive management plan out-
15 lined in subsection (a).

16 **SEC. 12404. INDEPENDENT EVALUATOR FOR THE CHESA-**
17 **PEAKE BAY PROGRAM.**

18 (a) IN GENERAL.—There shall be an Independent
19 Evaluator for restoration activities in the Chesapeake Bay
20 watershed, who shall review and report on restoration ac-
21 tivities and the use of adaptive management in restoration
22 activities, including on such related topics as are suggested
23 by the Chesapeake Executive Council.

24 (b) APPOINTMENT.—

1 (1) IN GENERAL.—The Independent Evaluator
2 shall be appointed by the Administrator from among
3 nominees submitted by the Chesapeake Executive
4 Council.

5 (2) NOMINATIONS.—The Chesapeake Executive
6 Council may submit to the Administrator 4 nomi-
7 nees for appointment to any vacancy in the office of
8 the Independent Evaluator.

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

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

17 **SEC. 12405. DEFINITIONS.**

18 In this subtitle, the following definitions apply:

19 (1) ADAPTIVE MANAGEMENT.—The term
20 “adaptive management” means a type of natural re-
21 source management in which project and program
22 decisions are made as part of an ongoing science-
23 based process. Adaptive management involves test-
24 ing, monitoring, and evaluating applied strategies
25 and incorporating new knowledge into programs and

1 restoration activities that are based on scientific
2 findings and the needs of society. Results are used
3 to modify management policy, strategies, practices,
4 programs, and restoration activities.

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

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

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

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

1 (6) DIRECTOR.—The term “Director” means
2 the Director of the Office of Management and Budg-
3 et.

4 (7) STATE RESTORATION ACTIVITIES.—The
5 term “State restoration activities” means any State
6 programs or projects carried out under State author-
7 ity that directly or indirectly protect, conserve, or re-
8 store living resources, habitat, water resources, or
9 water quality in the Chesapeake Bay watershed, in-
10 cluding programs or projects that promote respon-
11 sible land use, stewardship, and community engage-
12 ment in the Chesapeake Bay watershed. Restoration
13 activities may be categorized as follows:

14 (A) Physical restoration.

15 (B) Planning.

16 (C) Feasibility studies.

17 (D) Scientific research.

18 (E) Monitoring.

19 (F) Education.

20 (G) Infrastructure development.

21 (8) FEDERAL RESTORATION ACTIVITIES.—The
22 term “Federal restoration activities” means any
23 Federal programs or projects carried out under ex-
24 isting Federal authority that directly or indirectly
25 protect, conserve, or restore living resources, habitat,

1 water resources, or water quality in the Chesapeake
2 Bay watershed, including programs or projects that
3 provide financial and technical assistance to promote
4 responsible land use, stewardship, and community
5 engagement in the Chesapeake Bay watershed. Res-
6 toration 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.

