

113TH CONGRESS
2D SESSION

S. 1000

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chesapeake Bay Ac-
3 countability and Recovery Act of 2014”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

9 (2) **CHESAPEAKE BAY STATE.**—The term
10 “Chesapeake Bay State” or “State” means any of—

11 (A) the States of Maryland, West Virginia,
12 Delaware, and New York;

13 (B) the Commonwealths of Virginia and
14 Pennsylvania; and

15 (C) the District of Columbia.

16 (3) **CHESAPEAKE BAY WATERSHED.**—The term
17 “Chesapeake Bay watershed” means all tributaries,
18 backwaters, and side channels, including watersheds,
19 draining into the Chesapeake Bay.

20 (4) **CHESAPEAKE EXECUTIVE COUNCIL.**—The
21 term “Chesapeake Executive Council” has the mean-
22 ing given the term by section 117(a) of the Federal
23 Water Pollution Control Act (33 U.S.C. 1267(a)).

24 (5) **CHIEF EXECUTIVE.**—The term “chief exec-
25 utive” means, in the case of a State or Common-
26 wealth, the Governor of the State or Commonwealth

1 and, in the case of the District of Columbia, the
2 Mayor of the District of Columbia.

3 (6) DIRECTOR.—The term “Director” means
4 the Director of the Office of Management and Budget.
5 et.

6 (7) FEDERAL RESTORATION ACTIVITY.—

7 (A) IN GENERAL.—The term “Federal res-
8 toration activity” means a Federal program or
9 project carried out under Federal authority in
10 existence as of the date of enactment of this
11 Act with the express intent to directly protect,
12 conserve, or restore living resources, habitat,
13 water resources, or water quality in the Ches-
14apeake Bay watershed, including programs or
15 projects that provide financial and technical as-
16 sistance to promote responsible land use, stew-
17 ardship, and community engagement in the
18 Chesapeake Bay watershed.

19 (B) CATEGORIZATION.—Federal restora-
20 tion activities may be categorized as follows:

21 (i) Physical restoration.

22 (ii) Planning.

23 (iii) Feasibility studies.

24 (iv) Scientific research.

25 (v) Monitoring.

1 (vi) Education.

2 (vii) Infrastructure development.

3 (8) STATE RESTORATION ACTIVITY.—

4 (A) IN GENERAL.—The term “State res-
 5 toration activity” means any State program or
 6 project carried out under State authority that
 7 directly or indirectly protect, conserve, or re-
 8 store living resources, habitat, water resources,
 9 or water quality in the Chesapeake Bay water-
 10 shed, including programs or projects that pro-
 11 mote responsible land use, stewardship, and
 12 community engagement in the Chesapeake Bay
 13 watershed.

14 (B) CATEGORIZATION.—State restoration
 15 activities may be categorized as follows:

16 (i) Physical restoration.

17 (ii) Planning.

18 (iii) Feasibility studies.

19 (iv) Scientific research.

20 (v) Monitoring.

21 (vi) Education.

22 (vii) Infrastructure development.

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

24 (a) IN GENERAL.—The Director, in consultation with
 25 the Chesapeake Executive Council, the chief executive of

1 each Chesapeake Bay State, and the Chesapeake Bay
2 Commission, shall submit to Congress a financial report
3 containing—

4 (1) an interagency crosscut budget that dis-
5 plays, as applicable—

6 (A) the proposed funding for any Federal
7 restoration activity to be carried out in the suc-
8 ceeding fiscal year, including any planned inter-
9 agency or intra-agency transfer, for each of the
10 Federal agencies that carry out restoration ac-
11 tivities;

12 (B) to the extent that information is avail-
13 able, the estimated funding for any State res-
14 toration activity to be carried out in the suc-
15 ceeding fiscal year;

16 (C) all expenditures for Federal restoration
17 activities from the preceding 2 fiscal years, the
18 current fiscal year, and the succeeding fiscal
19 year;

20 (D) all expenditures, to the extent that in-
21 formation is available, for State restoration ac-
22 tivities during the equivalent time period de-
23 scribed in subparagraph (C); and

24 (E) a section that identifies and evaluates,
25 based on need and appropriateness, specific op-

1 portunities to consolidate similar programs and
2 activities within the budget and recommenda-
3 tions to Congress for legislative action to
4 streamline, consolidate, or eliminate similar
5 programs and activities within the budget;

6 (2) a detailed accounting of all funds received
7 and obligated by each Federal agency for restoration
8 activities during the current and preceding fiscal
9 years, including the identification of funds that were
10 transferred to a Chesapeake Bay State for restora-
11 tion activities;

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

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

22 (A) the project description;

23 (B) the current status of the project;

1 (C) the Federal or State statutory or regu-
2 latory authority, program, or responsible agen-
3 cy;

4 (D) the authorization level for appropria-
5 tions;

6 (E) the project timeline, including bench-
7 marks;

8 (F) references to project documents;

9 (G) descriptions of risks and uncertainties
10 of project implementation;

11 (H) a list of coordinating entities;

12 (I) a description of the funding history for
13 the project;

14 (J) cost sharing; and

15 (K) alignment with the existing Chesa-
16 peake Bay Agreement, Chesapeake Executive
17 Council goals and priorities, and Annual Action
18 Plan required by section 205 of Executive
19 Order 13508 (33 U.S.C. 1267 note; relating to
20 Chesapeake Bay protection and restoration).

21 (b) MINIMUM FUNDING LEVELS.—In describing res-
22 toration activities in the report required under subsection
23 (a), the Director shall only include—

24 (1) for the first 3 years that the report is re-
25 quired, descriptions of—

1 (A) Federal restoration activities that have
2 funding amounts greater than or equal to
3 \$300,000; and

4 (B) State restoration activities that have
5 funding amounts greater than or equal to
6 \$300,000; and

7 (2) for every year thereafter, descriptions of—

8 (A) Federal restoration activities that have
9 funding amounts greater than or equal to
10 \$100,000; and

11 (B) State restoration activities that have
12 funding amounts greater than or equal to
13 \$100,000.

14 (c) DEADLINE.—The Director shall submit to Con-
15 gress the report required by subsection (a) not later than
16 September 30 of each year.

17 (d) REPORT.—Copies of the report required by sub-
18 section (a) shall be submitted to the Committees on Ap-
19 propriations, Natural Resources, Energy and Commerce,
20 and Transportation and Infrastructure of the House of
21 Representatives and the Committees on Appropriations,
22 Environment and Public Works, and Commerce, Science,
23 and Transportation of the Senate.

1 (e) EFFECTIVE DATE.—This section shall apply be-
2 ginning with the first fiscal year after the date of enact-
3 ment of this Act.

4 **SEC. 4. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE**
5 **BAY PROGRAM.**

6 (a) IN GENERAL.—There shall be an Independent
7 Evaluator for restoration activities in the Chesapeake Bay
8 watershed, who shall review and report on—

9 (1) restoration activities; and

10 (2) any related topics that are suggested by the
11 Chesapeake Executive Council.

12 (b) APPOINTMENT.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the date of submission of nominees by the Chesa-
15 peake Executive Council, the Independent Evaluator
16 shall be appointed by the Administrator from among
17 nominees submitted by the Chesapeake Executive
18 Council with the consultation of the scientific com-
19 munity.

20 (2) NOMINATIONS.—The Chesapeake Executive
21 Council may nominate for consideration as Inde-
22 pendent Evaluator a science-based institution of
23 higher education.

24 (3) REQUIREMENTS.—The Administrator shall
25 only select as Independent Evaluator a nominee that

1 the Administrator determines demonstrates excel-
2 lence in marine science, policy evaluation, or other
3 studies relating to complex environmental restora-
4 tion activities.

5 (c) REPORTS.—Not later than 180 days after the
6 date of appointment and once every 2 years thereafter,
7 the Independent Evaluator shall submit to Congress a re-
8 port describing the findings and recommendations of re-
9 views conducted under subsection (a).

10 **SEC. 5. PROHIBITION ON NEW FUNDING.**

11 No additional funds are authorized to be appro-
12 priated to carry out this Act.

Passed the Senate December 2, 2014.

Attest:

Secretary.

113TH CONGRESS
2^D Session

S. 1000

AN ACT

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.