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PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1262) TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT TO AUTHORIZE APPROPRIATIONS FOR STATE WATER POLLUTION CONTROL REVOLVING FUNDS, AND FOR OTHER PURPOSES

MARCH 11, 2009.—Referred to the House Calendar and ordered to be printed

Mr. ARCURI, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 235]

The Committee on Rules, having had under consideration House Resolution 235, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1262, the "Water Quality Investment Act of 2009," under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution makes in order the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure as the original bill for the purpose of further amendment and considers the committee amendment as read. The resolution waives all points of order against the committee amendment except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report and waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The amendments made in order shall be considered as read, shall be debatable for the time specified in this report equally divided by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question. The resolution provides one motion to recommit with or without in-

structions. Finally, the resolution lays on the table House Resolutions 218, 219, and 229.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI) includes waivers of: (1) clause 3(c)(4) of rule XIII (requiring a statement of general performance goals and objectives in committee reports) and (2) section 303 of the Congressional Budget Act (prohibiting consideration of legislation, as reported, providing changes in revenues for a fiscal year until the budget resolution for that year has been agreed to). The waiver of all points of order against the committee amendment in the nature of a substitute includes a waiver of clause 5(a) of rule XXI (prohibiting a bill carrying a tax or tariff measure from being reported by a committee not having jurisdiction to report tax or tariff measures).

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. Oberstar, James (MN): Would authorize tribal governments to be eligible for technical and management assistance for small publicly-owned sewerage agencies; amend an existing Clean Water Act authority for the Environmental Protection Agency (EPA) to carry out pilot projects by ensuring that certain "green technology" activities are eligible for controlling stormwater runoff, and increase the authorization of appropriations for this authority to $100 million for each of fiscal years 2010 through 2014; clarify the eligibility for construction of energy-efficient or renewable-energy generation technologies at publicly-owned sewerage agencies under the Clean Water State Revolving Fund; provide additional criteria for States to determine "affordability criteria" for waste-water infrastructure projects and activities, including factors related to per capita income and local unemployment rates; provide additional transparency and accountability for expenditures from the Clean Water State Revolving Fund by requiring EPA to conduct, and make publicly available, an annual performance review of expenditures from the Clean Water State Revolving Fund, including a review of the types and categories of projects and activities carried out using the fund, and an estimate of the number of jobs created from proceeds of the fund; strike a provision related to the collection of tonnage duties that was unnecessary; authorize additional studies on the water-related infrastructure needs along the United States-Mexican border region, and the condition of wastewater infrastructure on the Great Lakes; require States to set-aside 20 percent of combined sewer and sanitary sewer grants to communities that implement green infrastructure or other water and energy efficient improvements; and require the EPA Administrator to conduct a study on the presence of pharmaceuticals and personal care products in the waters of the United States. (10 minutes)

2. Mack, Connie (FL): Would remove all Davis-Bacon prevailing wage provisions from the bill. (20 minutes)

3. Markey, Betsy (CO)/Kratovil, Frank, Jr. (MD): Would require states to use at least 15% (instead of 10% as required in the bill) of each capitalization grant for water pollution control to provide assistance to municipalities of less than 10,000 people to the extent that there are sufficient applications for assistance. (10 minutes)

4. Miller, Candice (MI): Would direct the EPA to convene a task force (EPA, FDA, and others appointed by the Administrator of the EPA) to develop recommendations on the proper disposal of unused pharmaceuticals and a strategy to educate the public on those recommendations. It also would permit, at the request of the head of the task force, any federal agency or department to detail personnel to the task force. (10 minutes)

5. Flake, Jeff (AZ): Would prohibit earmarking of funds appropriated as a result of the reauthorization of the Water Pollution Control Revolving Loan Funds included in the bill. (10 minutes)

6. Polis, Jared (CO): Would require that States, in the development of their priority methodology, give priority to projects that construct bioswales that filter and naturally store stormwater runoff and floodwaters for future water supply and recharge of natural aquifers. (10 minutes)

7. Roskam, Peter (IL): Would require the Director of OMB to study programs authorized by the Act under the Program Assessment Rating Tool or a successor performance assessment tool developed by OMB. (10 minutes)

8. Dahlkemper, Kathleen (PA): Would require certification by a system operator that both water and energy conservation are components of their fiscal sustainability plan. (10 minutes)

9. Wittman, Robert (VA): Would require the OMB Director to submit to Congress a financial report containing an interagency crosscut budget for restoration activities that protect, conserve, or restore water quality in the Chesapeake Bay watershed. Also, the EPA Administrator would have to develop and update an adaptive management plan for Chesapeake Bay restoration activities. (10 minutes)

10. Driehaus, Steve (OH): Would increase from $1.8 billion to $2.5 billion the authorization level for the grant program that makes funds available for combined sewer overflows and sanitary sewer overflows. (10 minutes)

TEXT OF AMENDMENTS TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OBERSTAR OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1101(a)(3) of the bill, in the matter proposed to be inserted as section 104(b)(8) of the Federal Water Pollution Control Act—

(1) in subparagraph (A)—

(A) insert "and tribal governments" after "small municipalities"; and

(B) insert "and tribal governments" after "such municipalities"; and

(2) in subparagraphs (B) and (C) strike "rural and small" and insert "rural, small, and tribal".

In section 1103(a)(2) of the bill, amend subparagraph (A) to read as follows:

(A) in the matter preceding paragraph (1)—

(i) by striking "for treatment works" and inserting "to a municipality or municipal entity"; and

(ii) by striking "wet weather discharge";

In section 1103(a)(2)(B) of the bill, in the matter proposed to be inserted in section 122(a)(2) of the Federal Water Pollution Control Act, strike "technologies" and insert "technologies and other techniques that utilize infiltration, evapotranspiration, and reuse of storm water on site".

In section 1103 of the bill, amend subsection (b) to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 122(c)(1) is amended—

(1) by striking "and"; and

(2) by striking the period and inserting ", such sums as may be necessary for each of fiscal years 2005 through 2009, and $100,000,000 for each of fiscal years 2010 through 2014.".

In section 1303(a) of the bill, in the matter proposed to be inserted in section 603(c) of the Federal Water Pollution Control Act—

(1) in paragraph (7) strike "and" after the semicolon;

(2) in paragraph (8) strike "section 122.", the closing quotation marks, and the final period and insert "section 122; and"; and

(3) add after paragraph (8) the following:

"(9) to any municipality or intermunicipal, interstate, or State agency for measures to reduce the energy consumption needs for publicly owned treatment works, including the implementation of energy-efficient or renewable-energy generation technologies.".

In section 1303(f) of the bill, in the matter proposed to be inserted as section 603(i)(2)(A) of the Federal Water Pollution Control Act, strike the last sentence and insert the following: "Such criteria shall be based on income data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).".

Amend section 1306 of the bill to read as follows:

SEC. 1306. ANNUAL REPORTS.

Section 606(d) (33 U.S.C. 1386(d)) is amended—

(1) by striking "(d) ANNUAL REPORT.—Beginning" and inserting the following:

"(d) ANNUAL REPORTS.—

"(1) STATE REPORT.—Beginning";

(2) in paragraph (1) (as so designated) by striking "loan amounts," and inserting "loan amounts, the eligible purposes under section 603(c) for which the assistance has been provided,"; and

(3) by adding at the end the following:

"(2) FEDERAL REPORT.—The Administrator shall annually prepare, and make publicly available, a report on the performance of the projects and activities carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized under this title during the previous fiscal year, including—

"(A) the annual and cumulative financial assistance provided to States under this title;

"(B) the categories and types of such projects and activities;

"(C) an estimate of the number of jobs created through carrying out such projects and activities;

"(D) an assessment of the progress made toward meeting the goals and purposes of this Act through such projects and activities; and

"(E) any additional information that the Administrator considers appropriate.".

At the end of title I of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 1309. UNITED STATES-MEXICAN BORDER WATER INFRASTRUCTURE STUDIES.

(a) STUDY OF INFRASTRUCTURE ALONG THE RIO GRANDE RIVER.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of wastewater treatment facilities that discharge into the Rio Grande River and develop recommendations for improving monitoring, information sharing, and cooperation between the United States and Mexico.

(2) CONSULTATION.—The Administrator shall conduct the study in consultation with the Secretary of State, appropriate representatives of the Mexican government, and the International Boundary Waters Commission.

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under paragraph (1).

(b) STUDY OF WATER INFRASTRUCTURE ALONG THE UNITED STATES-MEXICO BORDER.—

(1) STUDY.—The Comptroller General shall conduct a study on water infrastructure along the border between the United States and Mexico to augment current studies relating to colonias development.

(2) CONTENTS.—In conducting the study, the Comptroller General shall examine the comprehensive planning needs relating to water and wastewater infrastructure for colonias along the border between the United States and Mexico.

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

In section 1501 of the bill, strike subsection (b) and redesignate subsections (c) and (d) as subsections (b) and (c), respectively.

In section 1501(c)(3) of the bill (as so redesignated)—

(1) in subparagraph (A) insert "and" after the semicolon;

(2) in subparagraph (B) strike "; and" and insert a period; and

(3) strike subparagraph (C).

Strike section 3001(b) of the bill and insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 221(f) (33 U.S.C. 1301(f)) is amended to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2010, $300,000,000 for fiscal year 2011, $350,000,000 for fiscal year 2012, $400,000,000 for fiscal year 2013, and $500,000,000 for fiscal year 2014. Such sums shall remain available until expended.

"(2) MINIMUM ALLOCATIONS.—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to control municipal combined sewer overflows and sanitary sewer overflows through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities.".

At the end of title V of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

SEC. 5004. GREAT LAKES WATER QUALITY.

(a) STUDY.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State and the Government of Canada, shall conduct a study of the condition of wastewater treatment facilities located in the United States and Canada that discharge into the Great Lakes.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the effect that such treatment facilities have on the water quality of the Great Lakes; and

(2) develop recommendations—

(A) to improve water quality monitoring by the operators of such treatment facilities;

(B) to establish a protocol for improved notification and information sharing between the United States and Canada; and

(C) to promote cooperation between the United States and Canada to prevent the discharge of untreated and undertreated wastewater into the Great Lakes.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with the International Joint Commission.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, together with the recommendations developed under subsection (b)(2).

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—PHARMACEUTICALS AND PERSONAL CARE PRODUCTS

SEC. 6001. PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.

Section 104 (33 U.S.C. 1254) is amended by adding at the end the following:

"(w) PRESENCE OF PHARMACEUTICALS AND PERSONAL CARE PRODUCTS IN WATERS OF THE UNITED STATES.—

"(1) STUDY.—The Administrator, in consultation with appropriate Federal agencies (including the National Institute of Environmental Health Sciences), shall conduct a study on the presence of pharmaceuticals and personal care products (in this subsection referred to as 'PPCPs') in the waters of the United States.

"(2) CONTENTS.—In conducting the study under paragraph (1), the Administrator shall—

"(A) identify PPCPs that have been detected in the waters of the United States and the levels at which such PPCPs have been detected;

"(B) identify the sources of PPCPs in the waters of the United States, including point sources and nonpoint sources of PPCP contamination; and

"(C) identify methods to control, limit, treat, or prevent PPCPs in the waters of the United States.

"(3) REPORT.—Not later than 12 months after the date of enactment of this subsection, the Administrator shall submit to Congress a report on the results of the study conducted under this subsection, including the potential effects of PPCPs in the waters of the United States on human health and aquatic wildlife.

"(4) PHARMACEUTICALS AND PERSONAL CARE PRODUCTS DEFINED.—In this subsection, the terms 'pharmaceuticals and personal care products' and 'PPCPs' mean products used by individuals for personal health or cosmetic reasons or used to enhance growth or health of livestock.".

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MACK OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, insert "and" after the semi-colon.

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(15) of the Federal Water Pollution Control Act, strike "; and" and insert a period.

In section 1302(b)(4) of the bill, strike the matter proposed to be inserted as section 602(b)(16) of the Federal Water Pollution Control Act.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF COLORADO, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1302(b)(4) of the bill, in the matter proposed to be inserted as section 602(b)(14) of the Federal Water Pollution Control Act, strike "10 percent" and insert "15 percent".

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER OF MICHIGAN, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown

for such designations]) and conform the table of contents accordingly:

TITLE VI—MISCELLANEOUS

SEC. 6001. TASK FORCE ON PROPER DISPOSAL OF UNUSED PHARMACEUTICALS.

(a) IN GENERAL.—In furtherance of the national goals and policies set forth in section 101 of the Federal Water Pollution Control Act (33 U.S.C. 1251), the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator") shall convene a task force (in this Act referred to as the "task force") to develop—

(1) recommendations on the proper disposal of unused pharmaceuticals by consumers, health care providers, and others, which recommendations shall—

(A) be calculated to prevent or reduce the detrimental effects on the environment and human health caused by introducing unused pharmaceuticals, directly or indirectly, into water systems; and

(B) provide for limiting the disposal of unused pharmaceuticals through treatment works in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(2) a strategy for the Federal Government to educate the public on such recommendations.

(b) MEMBERSHIP.—The task force shall be composed of—

(1) the Administrator (or the Administrator's designee), who shall serve as the Chair of the task force;

(2) the Commissioner of Food and Drugs (or the Commissioner's designee); and

(3) such other members as the Administrator may appoint.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the task force shall submit a report to the Congress containing the recommendations and strategy required by subsection (a).

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the task force, the head of any department or agency of the United States may detail any of the personnel of that department or agency to the task force to assist in carrying out its duties under this section.

(e) TERMINATION.—The task force shall terminate 180 days after submitting the report required by subsection (c).

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, before paragraph (1), insert the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—".

In section 1308 of the bill, in the matter proposed to be added as section 609 of the Federal Water Pollution Control Act, add after paragraph (5) the following:

"(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) may be used for a congressional earmark

as defined in clause 9d, of rule XXI of the Rules of the House of Representatives.".

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1103(a)(2)(C) of the bill, in the matter proposed to be inserted in section 122(a)(4) of the Federal Water Pollution Control Act, strike the closing quotation marks and the final period and insert the following:

"(5) MUNICIPALITY-WIDE STORM WATER MANAGEMENT PLANNING.—The development of a municipality-wide plan that identifies the most effective placement of storm water technologies and management approaches, including green infrastructure, to reduce water quality impairments from storm water on a municipality-wide basis.".

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROSKAM OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—OMB STUDY

SEC. 6001. EVALUATION USING PROGRAM ASSESSMENT RATING TOOL.

(a) STUDY.—The Director of the Office of Management and Budget shall conduct a study to evaluate the programs authorized by this Act, including the amendments made by this Act, under the Program Assessment Rating Tool (PART) or a successor performance assessment tool that is developed by the Office of Management and Budget.

(b) REPORT.—The Director shall transmit to Congress a report on the results of the study.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAHLKEMPER OF PENNSYLVANIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1303(c) of the bill, in the matter proposed to be inserted as section 603(d)(1)(E) of the Federal Water Pollution Control Act—

(1) strike "and" at the end of clause (ii);

(2) redesignate clause (iii) as clause (iv); and

(3) insert after clause (ii) the following:

"(iii) a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WITTMAN OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

TITLE VI—CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY

SEC. 6001. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) CROSSCUT BUDGET.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 3 fiscal years, the current fiscal year, and the succeeding fiscal year; and

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C);

(2) a detailed accounting of all funds received and obligated by all Federal agencies for restoration activities during the current and preceding fiscal years, including the identification of funds which were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

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

(A) project description;

(B) current status of the project;

(C) Federal or State statutory or regulatory authority, programs, or responsible agencies;

(D) authorization level for appropriations;

(E) project timeline, including benchmarks;

(F) references to project documents;

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

(H) adaptive management actions or framework;

(I) coordinating entities;

(J) funding history;

(K) cost-sharing; and

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

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

(1) for Federal restoration activities, have funding amounts greater than or equal to $100,000; and

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

(c) DEADLINE.—The Director shall submit to Congress the report required by subsection (a) not later than 30 days after the submission by the President of the President's annual budget to Congress.

(d) REPORT.—Copies of the financial report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) EFFECTIVE DATE.—This section shall apply beginning with the first fiscal year after the date of enactment of this Act for which the President submits a budget to Congress.

SEC. 6002. ADAPTIVE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other Federal and State agencies, shall develop an adaptive management plan for restoration activities that includes—

(1) definition of specific and measurable objectives to improve water quality;

(2) a process for stakeholder participation;

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

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

(5) a process for prioritizing restoration activities and programs to which adaptive management shall be applied.

(b) IMPLEMENTATION.—The Administrator shall implement the adaptive management plan developed under subsection (a).

(c) UPDATES.—The Administrator shall update the adaptive management plan developed under subsection (a) every 3 years.

(d) REPORT TO CONGRESS.—

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

(2) CONTENTS.—The report required under paragraph (1) shall contain information about the application of adaptive management to restoration activities and programs, including programmatic and project level changes implemented through the process of adaptive management.

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

SEC. 6003. DEFINITIONS.

In this title, the following definitions apply:

(1) ADAPTIVE MANAGEMENT.—The term "adaptive management" means a management technique in which project and program decisions are made as part of an ongoing science-based process. Adaptive management involves testing, monitoring, and evaluating applied strategies and incorporating new knowledge into programs and restoration activities that are based on scientific findings and the needs of society. Results are used to modify management policy, strategies, practices, programs, and restoration activities.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) CHESAPEAKE BAY STATE.—The term "Chesapeake Bay State" or "State" means the States of Maryland, West Virginia, Delaware, and New York, the Commonwealths of Virginia and Pennsylvania, and the District of Columbia.

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

(5) CHIEF EXECUTIVE.—The term "chief executive" means, in the case of a State or Commonwealth, the Governor of each such State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(7) RESTORATION ACTIVITIES.—The term "restoration activities" means any Federal or State programs or projects that directly or indirectly protect, conserve, or restore water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed. Restoration activities may be categorized as follows:

(A) Physical restoration.
(B) Planning.
(C) Feasibility studies.
(D) Scientific research.
(E) Monitoring.
(F) Education.
(G) Infrastructure Development.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DRIEHAUS OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Section 3001(b) of the bill is amended to read as follows:

(b) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 221(f) (33 U.S.C. 1301(f)) is amended by striking "this section $750,000,000" and all that follows through the period at the

end and inserting "this section $500,000,000 for each of fiscal years 2010 through 2014."

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