

## Legislative Bulletin.....September 10, 2009

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**H.R. 965** - Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act

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### **H.R. 965—Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act (*Sarbanes, D-MD*)**

**Order of Business:** The bill is scheduled to be considered on Thursday, September 10, 2009, under a structured rule ([H.Res. 726](#)). The rule waives all points of order against considering the bill (except those for PAYGO and earmarks), provides for one hour of general debate, and one motion to recommit. The rule also makes in order an amendment in the nature of a substitute (summarized below) to be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent.

**Major Changes Since the Last Time This Legislation Was Before the House:** None, the bill was considered in the 110<sup>th</sup> Congress (H.R.5540) and passed under a structured rule by a vote of [321 - 86](#).

**Summary:** H.R. 965 would *permanently* authorize the Chesapeake Bay Gateways and Watertrails Network, which was originally authorized by the Chesapeake Bay Initiative Act of 1998 and is carried out by the National Park Service (NPS). The Chesapeake Bay Initiative Act of 1998 authorized \$3 million for the program annually, subject to appropriations. In 2002, the Chesapeake Bay Initiative was reauthorized at this same level (\$3 million) through FY 2008.

H.R. 965 would permanently authorize at “such sums as are necessary” to carry out certain grant projects within the Chesapeake Bay watershed. Actual funding for the program would be subject to appropriations.

**Additional Background:** The Chesapeake Bay Gateways and Watertrails Network awards grants to projects that conserve, restore, and interpret natural, recreational, historical, and cultural resources in the Chesapeake Bay watershed. The network also awards grants to projects that link Chesapeake Bay “gateway” sites with trails, watertrails, and scenic roads. Grants are primarily awarded to parks, nonprofit organizations, wildlife refuges, museums, and historic sites. The program provides grants

for projects in six states that surround the watershed and the District of Columbia. There are now more than 150 gateway sites and 1,500 miles of watertrails within the network.

The Chesapeake Bay Initiative Act requires that the federal share of Chesapeake Bay Gateways and Watertrails Network projects not exceed 50% of each project's total cost. The remainder of the cost must be borne by a non-federal source, which grant recipients may make by using in-kind contributions, such as services or materials. Current law also stipulates that no more than 10% of any project's cost can be used to pay for administrative costs.

In the 110<sup>th</sup> Congress, some Republican Members of the Natural Resources Committee questioned the prudence and necessity of permanently authorizing a relatively young program that has not experienced any difficulties as a result of functioning under five-year authorizations.

**Possible Conservative Concerns:** Some conservatives may be concerned that H.R. 965 would permanently authorize a relatively new grant-making program that has been traditionally authorized for five years at a time. Some conservatives may believe that the program should be authorized for a limited time in order for Congress to better assess its effectiveness.

Some conservatives may also be concerned that H.R. 965 would remove funding limitations from the Chesapeake Bay Gateways and Watertrails Network by authorizing "such sums as necessary" on a permanent basis. The program has previously been authorized at \$3 million annually.

**Committee Action:** None.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** A CBO score of H.R. 965 is unavailable. However, CBO estimated that identical legislation considered in the 110<sup>th</sup> Congress would cost "\$1 million in FY 2009 and \$5 million over the FY 2009—FY 2013 period, subject to appropriation. CBO estimates that the bill would cost \$1 million each year following FY 2013."

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, it permanently authorizes the Chesapeake Bay Initiative for the purpose making grants for projects in and around the Chesapeake Bay.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

**AMENDMENT MADE IN ORDER UNDER THE RULE**

- 1. Bishop (R-UT).** The amendment reauthorizes the Chesapeake Bay Initiative Act of 1998 for an additional five years, through 2014, at the existing, authorized funding level of \$3 million annually.

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