



**Legislative Bulletin.....June 5, 2008**

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**H.R. 5540**—Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act

**Summary of the Bill Under Consideration Today:**

**Total Number of New Government Programs:** 0

**Total Cost of Discretionary Authorizations:** \$1 million in FY 2009 and \$5 million over the FY 2009—FY 2013 period.

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** \$0

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 0

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 1

**H.R. 5540—Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act (*Sarbanes, D-MD*)**

**Order of Business:** H.R. 5540 is scheduled to be considered on June 5, 2008, subject to a structured rule ([H.Res. 1233](#)), making in order one amendment (summarized at the bottom of the document), debatable for up to twenty minutes. The rule waives all points of order against the bill and against its consideration (except those for PAYGO and earmarks) and provides one hour of general debate equally divided and controlled by the Chairman and Ranking Member of the Committee on Natural Resources. The rule provides for one motion to recommit on the bill, with or without instructions, and allows the Chair to postpone consideration at any time.

**Summary:** H.R. 5540 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. 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 the same level through FY 2008.

H.R. 5540 would permanently authorize “such sums as are necessary” to carry out certain grant projects within the Chesapeake Bay watershed. Funds 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 ([PL 105-312](#)) 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. At an April 30, 2008, Natural Resources Committee hearing, representatives of the Department of Interior (DOI) indicated that the program was performing well and that DOI would support a permanent authorization of the Chesapeake Bay Gateways and Watertrails Network.

During consideration of H.R. 5540, some 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. On April 24, 2008, at the full committee mark-up of H.R. 5540, Rep. Bill Sali (R-ID) offered an amendment that would have reauthorized the program for five years, through FY 2013. The amendment was not accepted by voice vote. In a June 4, 2008 report on H.R. 5540, Congressional Quarterly quoted Natural Resources Committee Ranking Member Don Young (R-AK) saying, “We shouldn’t give an untested program a permanent authorization without even knowing whether it works or not.”

**Possible Conservative Concerns:** Some conservatives may be concerned that H.R. 5540 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. 5540 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 always been authorized at \$3 million annually.

**Committee Action:** H.R. 5540 was introduced on March 5, 2008, and referred to the Committee on Natural Resources. The following day, the bill was referred to the Subcommittee on National Parks, Forests, and Public Lands, which held hearings on April 24, 2008, and took no further action. On April 30, 2008, the full Committee held a mark-up and reported the bill by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5540 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?** The Committee on Natural Resources, in [House Report 110-667](#), states that “H.R. 5540 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

**Constitutional Authority:** The Committee on Natural Resources, in [House Report 110-667](#), cites constitutional authority in Article I, Section 8, and Article IV, Section 3, but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution. [*emphasis added*].

### **AMENDMENT MADE IN ORDER UNDER THE RULE**

**1. Bishop (R-UT).** The amendment would reauthorize the Chesapeake Bay Initiative for five years, through FY 2013. The amendment would authorize \$3 million annually for programs carried out by the Chesapeake Bay Gateways and Watertrails Network.

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