

REAUTHORIZE THE CHESAPEAKE BAY PROGRAM

SEPTEMBER 13, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4688]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4688) to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 4688 is to amend section 117 of the Federal Water Pollution Control Act (the Clean Water Act) to reauthorize the Chesapeake Bay Program within the Environmental Protection Agency (EPA).

BACKGROUND AND NEED FOR LEGISLATION

The Chesapeake Bay is the largest estuary in the United States. It provides millions of pounds of seafood, extensive wildlife habitat, a wide variety of recreational opportunities, and is a major hub for shipping and commerce. Stresses on the Chesapeake Bay ecosystem have threatened the productivity and water quality of the Bay. Recognition of these problems led to the inception of the Chesapeake Bay Program in 1983.

The Chesapeake Bay Program is a unique regional partnership that directs and conducts the restoration of the Chesapeake Bay under the voluntary Chesapeake Bay Agreement, first adopted in 1983. Additional Chesapeake Bay agreements were signed in 1987, 1992, and 2000. The signatories to the Chesapeake Bay Agree-

ments are Virginia, Maryland, Pennsylvania, the District of Columbia, the Chesapeake Bay Commission, and EPA.

Progress has been made in restoring the Chesapeake Bay. EPA's Chesapeake Bay Program Office reports that nitrogen and phosphorous levels are decreasing in non-tidal portions of rivers that flow to the Bay. Sediment levels in some rivers are declining as well. However, the goals of the Chesapeake Bay Program have not yet been reached and more must be done to reduce pollutant loadings.

EPA's participation in the Chesapeake Bay Program was authorized formally in P.L. 100-4, the 1987 amendments to the Clean Water Act, which added a new section 117 to the Act. Section 117 authorized \$52 million in Federal assistance for the Chesapeake Bay Program: \$3 million per year for each of fiscal years 1987 through 1990 for the Chesapeake Bay Program office and \$10 million per year for each of fiscal years 1987 through 1990 for grants to implement interstate development plan grants. In 2000, in P.L. 106-457, Congress reauthorized section 117 through 2005 and increased the authorization ceiling to \$40 million per year.

SUMMARY OF THE LEGISLATION

Section 1. Reauthorization of Chesapeake Bay Program

Section 1 of H.R. 4688 amends section 117 of the Clean Water Act to extend the authorization of appropriations of \$40 million per year in support for the Chesapeake Bay Program through fiscal year 2010.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Water Resources and Environment Subcommittee held a hearing on H.R. 4688 and other pending legislation on July 8, 2004. Testimony was presented by a representative of the Chesapeake Bay Commission.

The Water Resources and Environment Subcommittee met on July 15, 2004, to consider H.R. 4688 and other legislation. The Subcommittee reported the bill favorably without amendment to the Committee on Transportation and Infrastructure, by voice vote. The Committee on Transportation and Infrastructure met in open session on July 21, 2004, and ordered the bill reported, without amendment, to the House by voice vote.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 4688 reported. A motion to order H.R. 4688 reported to the House was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to restore and protect the Chesapeake Bay ecosystem and the living resources of the Bay through the cooperative efforts of the Chesapeake Bay Program.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4688 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 28, 2004.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4688, a bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs) and Gregory Waring (for the state and local impact).

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 4688—A bill to amend the Federal Water Pollution Control Act to reauthorize the Chesapeake Bay Program

Summary: H.R. 4688 would extend the authorization of appropriations for the Environmental Protection Agency's (EPA's) Chesapeake Bay Program through 2010. Under current law, \$40 million

is authorized to be appropriated each year through 2005, and enacting H.R. 4688 would maintain the same authorized annual funding level for subsequent years. Such funding would be used to restore the ecological health of the bay. CBO estimates that implementing this legislation would cost \$129 million over the next five years, assuming appropriations of the authorized amounts. (The additional amounts authorized would be spent after 2009.)

The bill would not affect direct spending or receipts. H.R. 4688 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: For purposes of this estimate, CBO assumes that the bill will be enacted this year and that the amounts authorized will be appropriated for each fiscal year, beginning with 2006. Estimated outlays are based on historical spending patterns for similar activities. The estimated budgetary impact of H.R. 4688 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

	By fiscal year, in millions of dollars—					
	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law on Chesapeake Bay Program:						
Authorization level ¹	23	40	0	0	0	0
Estimated outlays	23	30	21	6	1	0
Proposed changes:						
Authorization level	0	0	40	40	40	40
Estimated outlays	0	0	16	34	39	40
Spending under H.R. 4688 on Chesapeake Bay Program:						
Authorization level ¹	23	40	40	40	40	40
Estimated outlays	23	30	37	40	40	40

¹ The 2004 level is the amount appropriated for that year to EPA to implement the Chesapeake Bay Program. The 2005 amount is the level authorized to be appropriated under current law for the program.

Intergovernmental and private-sector impact: H.R. 4688 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Maryland, Virginia, Pennsylvania, local governments in those states, and the District of Columbia would benefit from the bill's extension of grants, technical assistance, monitoring, and restoration activities for the bay and affected areas. Any expenditures made by those governments to satisfy the matching requirements of the program's grants would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Gregory Waring. Impact on the Private Sector: Amina Masood.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursu-

ant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 4688 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 117 OF THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 117. CHESAPEAKE BAY.

(a) * * *

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(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through ~~2005~~ 2010. Such sums shall remain available until expended.

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