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117TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
117–576

NEW YORK-NEW JERSEY WATERSHED PROTECTION ACT

NOVEMBER 16, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4677]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4677) to direct restoration and protection of the New York-New Jersey watersheds and estuaries hydrologically connected to New York-New Jersey Harbor, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "New York-New Jersey Watershed Protection Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROVED PLANS.—The term "approved plan"—

(A) means any plan for management of the New York-New Jersey Watershed—

(i) that has been approved by a Federal, regional, State, Tribal, or local governmental entity, including but not limited to State Wildlife Action Plans, Comprehensive Conservation Management Plans, Watershed Improvement Plans; or

(ii) that is determined by the Director, in consultation with such entities, to contribute to the achievement of the purposes of this Act; and

(B) includes the New York-New Jersey Harbor & Estuary Program (HEP) Action Agenda, the Hudson Raritan Comprehensive Restoration Plan, the Hudson River Comprehensive Restoration Plan, the Hudson River Estuary Program Action Agenda, the Hudson River Park Trust Estuarine Sanctuary

Management Plan, the Mohawk River Action Agenda, the Sustainable Raritan River Initiative Action Plan, the Lower Passaic and Bronx & Harlem Federal Urban Waters Partnership Workplans, the New Jersey Sports and Exhibition Authority Meadowlands Restoration Plan, as well as other conservation projects in the region that achieve the purposes of this Act.

(2) DIRECTOR.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(3) ENVIRONMENTAL JUSTICE.—The term "environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(4) FOUNDATION.—The term "Foundation" means the National Fish and Wildlife Foundation.

(5) GRANT PROGRAM.—The term "grant program" means the voluntary New York-New Jersey Watershed Restoration Grant Program established under section 4.

(6) PROGRAM.—The term "program" means the New York-New Jersey Watershed Restoration Program established under section 3.

(7) RESTORATION AND PROTECTION.—The term "restoration and protection" means the conservation, stewardship, and enhancement of habitat for fish and wildlife and water quality to preserve and improve ecosystems and ecological processes on which they depend and for use and enjoyment by the public.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director.

(9) SERVICE.—The term "Service" means the United States Fish and Wildlife Service.

(10) WATERSHED.—The term "Watershed" means the New York-New Jersey Watershed, which is comprised of all land area whose surface water drains into New York-New Jersey Harbor, the waters contained within that land area, and the estuaries associated with those watersheds.

SEC. 3. PROGRAM ESTABLISHMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a nonregulatory program to be known as the "New York-New Jersey Watershed Restoration Program".

(b) DUTIES.—In carrying out the program, the Secretary shall—

(1) draw on existing and new approved plans for the Watershed, or portions of the Watershed, and work in consultation with applicable management entities, including representatives of the New York-New Jersey Harbor and Estuary Program (HEP), Hudson River Estuary Program, Mohawk River Basin Program, Sustainable Raritan River Initiative, the Federal Government, and other State and local governments, and regional and nonprofit organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Watershed; and

(2) adopt a Watershed-wide strategy that—

(A) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with paragraph (1);

(B) targets cost-effective projects with measurable results;

(C) maximizes conservation outcomes;

(D) prioritizes the needs of communities lacking in environmental justice; and

(E) establishes the voluntary grant and technical assistance programs authorized in this Act.

(c) CONSULTATION AND COORDINATION.—In establishing the program, the Secretary shall, as appropriate—

(1) consult with—

(A) the heads of Federal agencies, including—

(i) the Administrator of the Environmental Protection Agency;

(ii) the Administrator of the National Oceanic and Atmospheric Administration;

(iii) the Secretary of the U.S. Department of Agriculture;

(iv) the Director of the National Park Service; and

(v) other agencies, as appropriate; and

(B) Indian Tribes; and

(2) coordinate with—

(A) the Governors of New York and New Jersey, along with the Commissioner of the New York State Department of Environmental Conservation and the Director of the New Jersey Division of Fish and Wildlife;

(B) the New York-New Jersey Harbor & Estuary Program; and

(C) other public agencies and organizations with authority for the planning and implementation of conservation strategies in the Watershed.

(d) PURPOSES.—The purposes of the program include—

(1) coordinating restoration and protection activities among Federal, State, Tribal, local, and regional entities and conservation partners throughout the Watershed;

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance throughout the Watershed—

(A) to sustain and enhance fish and wildlife habitat restoration and protection activities;

(B) to improve and maintain water quality to support fish, wildlife, and their habitat, as well as to improve opportunities for public access and recreation in the Watershed consistent with the ecological needs of fish and wildlife habitat;

(C) to advance the use of natural and nature-based features, living shoreline, natural climate solutions, and other green infrastructure techniques to maximize the resilience of communities, natural systems, and habitats under changing sea levels, storm risks, and watershed conditions;

(D) to engage the public, particularly communities experiencing environmental injustice, through outreach, education, and community involvement to increase capacity and support for coordinated restoration and protection activities in the Watershed;

(E) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities;

(F) to provide for feasibility and planning studies for projects that achieve habitat restoration and stormwater management goals;

(G) to support land conservation and management activities necessary to fulfill the Watershed-wide strategy adopted under subsection (b);

(H) to provide technical assistance to carry out restoration and protection activities in the Watershed;

(I) to monitor environmental quality to assess progress toward the goals of this Act; and

(J) to improve fish and wildlife habitats, as well as opportunities for personal recreation, along rivers and shore fronts within communities experiencing environmental injustice; and

(3) other activities necessary for the implementation of approved plans.

SEC. 4. NEW YORK-NEW JERSEY WATERSHED RESTORATION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a voluntary grant and technical assistance program, to be known as the "New York-New Jersey Watershed Restoration Grant Program", to provide competitive matching grants of varying amounts to State, Tribal and local governments, nonprofit organizations, institutions of higher education, and other eligible entities to carry out activities described in section 3(d)(2).

(b) CRITERIA.—The Secretary, in consultation with the agencies, organizations, and other persons referred to in section 3(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section 3(d)(2) and advance the implementation of priority actions or needs identified in the Watershed-wide strategy adopted under section 3(b)(2).

(c) CAPACITY BUILDING.—The Secretary shall include grant program provisions designed to increase the effectiveness of organizations that work at the nexus of natural resource and community health issues within the New York-New Jersey Watershed by addressing organizational capacity needs.

(d) COST SHARING.—

(1) DEPARTMENT OF THE INTERIOR SHARE.—The Department of the Interior share of the cost of a project funded under the grant program shall not exceed 75 percent of the total cost of the activity, as determined by the Secretary.

(2) NON-DEPARTMENT OF THE INTERIOR SHARE.—

(A) IN GENERAL.—The non-Department of the Interior share of the cost of a project funded under the grant program may be provided in cash or in the form of an in-kind contribution of services or materials.

(B) OTHER FEDERAL FUNDING.—Non-Department of the Interior Federal funds may be used for not more than 25 percent of the total cost of a project funded under the grant program.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement under section 4(d) if the Secretary determines that—

(A) no reasonable means are available through which an applicant can meet the matching requirement; and

(B) the probable benefit of the project outweighs the public interest in the matching requirement.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary may enter into an agreement to manage the grant program with the National Fish and Wildlife Foundation or a similar organization that offers grant management services.

(2) FUNDING.—If the Secretary enters into an agreement under paragraph (1), the organization selected shall—

(A) for each fiscal year, receive amounts made available to carry out this section in an advance payment of the entire amounts on October 1 of that fiscal year, or as soon as practicable thereafter;

(B) invest and reinvest those amounts for the benefit of the grant program; and

(C) otherwise administer the grant program to support partnerships between the public and private sectors in accordance with this Act.

(3) REQUIREMENTS.—If the Secretary enters into an agreement with the Foundation under paragraph (1), any amounts received by the Foundation under this section shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), excluding section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 5. ANNUAL REPORTS.

Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the implementation of this Act, including a description of each project that has received funding under this Act in the preceding fiscal year.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this Act $25,000,000 for each of fiscal years 2022 through 2027.

(b) USE FOR GRANT PROGRAM.—Of any amount made available under this section for each fiscal year, the Secretary shall use at least 75 percent to carry out the grant program under section 4 and to provide, or provide for, technical assistance under such program.

PURPOSE OF THE BILL

The purpose of H.R. 4677 is to direct restoration and protection of the New York-New Jersey watersheds and estuaries hydrologically connected to New York-New Jersey Harbor.

BACKGROUND AND NEED FOR LEGISLATION

The Hudson River Basin encompasses approximately 14,000 square miles in New York and New Jersey, with the river flowing 315 miles from the Adirondack Mountains, through the Hudson Valley, and ending in New York Harbor. More than 23,000 miles of streams and rivers flow into the Hudson. Once home to tribes including the Mohawk and Lenape Tribes, the watershed is the most populous in the United States, generating over $60 billion per year in revenue from tourism and outdoor recreation.[1] It is also home to dozens of endangered and threatened species, including the threatened Blanding's turtle[2] and the endangered Atlantic sturgeon.[3]

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[1] *Saving America's Most Crowded Watershed*, OFF. OF U.S. REP. PAUL TONKO, https://tonko.house.gov/uploadedfiles/nynjwpa_one_pager_117.pdf (last accessed Nov. 7, 2022); *see also* Office of U.S. Senator Cory Booker, Press Release, Booker, Gillibrand, Menendez, Schumer Introduce Legislation to Protect the New York-New Jersey Watershed (Jan. 13, 2022), https://www.booker.senate.gov/news/press/booker-gillibrand-menendez-schumer-introduce-legislation-to-protect-the-new-york-new-jersey-watershed.

[2] *Blanding's Turtle*, N.Y. DEP'T OF ENV'T CONSERVATION, https://www.dec.ny.gov/animals/7166.html (last visited Nov. 7, 2022).

[3] AM. RIVERS, AMERICA'S MOST ENDANGERED RIVERS 6–7 (2019), https://www.americanrivers.org/wp-content/uploads/2019/04/MER-Report-2019_Full-Layout_FNL1.pdf.

Threats to the watershed include toxic waste sites and polychlorinated biphenyls (PCBs) from industrial activities, sea-level rise and flooding, and hardened shorelines. In 2019, American Rivers named the Hudson River to its list of most endangered rivers in the United States.[4] Environmental justice challenges along the Hudson include heavily industrialized and contaminated areas, chronic flooding, and poor public access to the river in low-income communities.

States, tribes, local governments, and nonprofit organizations have developed a series of restoration plans for the Hudson River basin. Restoration efforts throughout the region include installing living shorelines and restoring water flow, upgrading culverts, addressing public access issues, reducing pollution, and using native vegetation to improve water quality and reduce flooding.[5] Federal involvement in the area's restoration initiatives includes the Hudson River National Estuarine Research Reserve, Army Corps projects, U.S. Fish and Wildlife Service (FWS) endangered species recovery, and the State and Tribal Wildlife Grants program.

H.R. 4677 would direct the FWS, in coordination with federal, state, and local agencies and organizations, to build on the state and local restoration efforts and develop and adopt a watershed-wide restoration strategy to coordinate, fund, and provide technical assistance for conservation and restoration activities that promote healthy fish and wildlife habitats, improve water quality, use nature-based methods, increase public engagement, address the needs of environmental justice communities, and support monitoring and scientific research in the watershed. The bill would establish a grant program for activities consistent with the bill, allowing up to 75% of the costs to be covered by the grants. The bill would authorize $25,000,000 for fiscal years 2022 through 2027.

COMMITTEE ACTION

H.R. 4677 was introduced on July 22, 2021, by Representative Paul Tonko (D–NY). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On January 20, 2022, the Subcommittee held a hearing on the bill. On February 16, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment in the nature of a substitute. Rep. Tonko offered an amendment designated Tonko #1 to the amendment in the nature of a substitute. The amendment was agreed to by voice vote. Rep. Russ Fulcher (R–ID) offered an amendment designated Fulcher #1 to the amendment in the nature of a substitute. The amendment was withdrawn. Rep. Blake Moore (R–UT) offered an amendment designated Moore #1 to the amendment in the nature of a substitute. The amendment was not agreed to by a roll call vote of 18 yeas and 23 nays, as follows:

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[4] *Id.* at 3, 6–7; *see also* Riverkeeper, Press Release, Hudson River Named One of America's Most Endangered Rivers of 2019 (Apr. 16, 2019), https://www.riverkeeper.org/news-events/news/preserve-river-ecology/hudson-river-named-one-of-americas-most-endangered-rivers-of-2019/.

[5] *See generally* DANIEL E. MILLER, N.Y. DEP'T OF ENV'T CONSERVATION, HUDSON RIVER ESTUARY PROGRAM, THE HUDSON RIVER ESTUARY HABITAT RESTORATION PLAN (2013), https://www.dec.ny.gov/docs/remediation_hudson_pdf/hrhrp.pdf; PARTNERS RESTORING THE HUDSON, HUDSON RIVER COMPREHENSIVE RESTORATION PLAN (2018), http://thehudsonweshare.org/wp-content/uploads/2018/07/Hudson_River_Report_Final_August-2018_s.pdf.

Date: February 16, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 4677

Amendment: Rep. Moore #1 amendment

Disposition: Was not agreed to by a roll call vote of 18 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (*Chair*)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP			
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	REP. MEMBERS (22)			
1	*Mr. Bentz, OR*	X		
2	*Mrs. Boebert, CO*	X		
3	*Mr. Carl, AL*			
4	*Mr. Fulcher, ID*	X		
5	*Mr. Gohmert, TX*	X		
6	*Miss González-Colón, PR*	X		
7	*Mr. Graves, LA*	X		
8	*Ms. Herrell, NM*	X		
9	*Mr. Hice, GA*			
10	*Mr. Lamborn, CO*	X		
11	*Mr. McClintock, CA*	X		
12	*Mr. Moore, UT*	X		
13	*Mr. Obernolte, CA*	X		
14	*Mrs. Radewagen, AS*			
15	*Mr. Rosendale, MT*	X		
16	*Mr. Stauber, MN*	X		
17	*Mr. Tiffany, WI*	X		
18	*Mr. Webster, FL*	X		
19	*Mr. Westerman, AR (RM)*	X		
20	*Mr. Wittman, VA*	X		
21	*Mr. Young, AK*	X		
22	*vacancy*			
	Total: 48 / Quorum: 16 / Report: 25	18	23	
	TOTALS	**YEAS**	**NAYS**	**PRESENT**

The amendment in the nature of a substitute, as amended, was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 24 yeas and 18 nays, as follows:

Date: February 16, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 4677

Amendment:

Disposition: Final Passage: H.R. 4677, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 24 yeas and 18 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN			
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. García, IL	X		
9	Mr. Grijalva, AZ (*Chair*)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA			
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP			
20	Mr. San Nicolas, GU	X		
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY	X		
	REP. MEMBERS (22)			
1	*Mr. Bentz, OR*		X	
2	*Mrs. Boebert, CO*		X	
3	*Mr. Carl, AL*		X	
4	*Mr. Fulcher, ID*		X	
5	*Mr. Gohmert, TX*		X	
6	*Miss González-Colón, PR*		X	
7	*Mr. Graves, LA*	X		
8	*Ms. Herrell, NM*		X	
9	*Mr. Hice, GA*			
10	*Mr. Lamborn, CO*		X	
11	*Mr. McClintock, CA*		X	
12	*Mr. Moore, UT*		X	
13	*Mr. Obernolte, CA*		X	
14	*Mrs. Radewagen, AS*			
15	*Mr. Rosendale, MT*		X	
16	*Mr. Stauber, MN*		X	
17	*Mr. Tiffany, WI*		X	
18	*Mr. Webster, FL*		X	
19	*Mr. Westerman, AR (RM)*		X	
20	*Mr. Wittman, VA*		X	
21	*Mr. Young, AK*		X	
22	*vacany*			
	Total: 48 / Quorum: 16 / Report: 25	24	18	
	TOTALS	**YEAS**	**NAYS**	**PRESENT**

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Oceans, and Wildlife held on January 20, 2022.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 27, 2022.

Hon. RAÚL M. GRIJALVA,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4677, the New York-New Jersey Watershed Protection Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4677, New York-New Jersey Watershed Protection Act
As ordered reported by the House Committee on Natural Resources on February 16, 2022

By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	124	150

		Mandate Effects	
Statutory pay-as-you-go procedures apply?	No		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and $500,000.

H.R. 4677 would authorize the appropriation of $25 million annually over the 2022–2027 period for the U.S. Fish and Wildlife Service (USFWS) to provide grants for restoration and habitat protection within the New York-New Jersey Watershed and to coordinate those activities. The bill would direct USFWS to allocate at least 75 percent of the authorized amounts for grants.

For this estimate, CBO assumes that the legislation will be enacted late in fiscal year 2022 and that the authorized amounts will be provided each year. Using information from USFWS, CBO expects that the agency would enter into an agreement with the National Fish and Wildlife Foundation, a nonfederal entity, to manage the grant program on its behalf, as authorized under the bill. Thus, amounts provided to USFWS for the grant program would be transferred to the foundation in full at the beginning of each fiscal year starting in 2023. On that basis and using historical spending patterns for similar programs, CBO estimates that implementing H.R. 4677 would cost $124 million over the 2022–2026 period and $26 million after 2026.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4677

	By fiscal year, millions of dollars—											
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2022–2026	2022–2031
Authorization	25	25	25	25	25	25	0	0	0	0	125	150
Estimated Outlays	*	48	26	25	25	25	1	0	0	0	124	150

* = between zero and $500,000.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to direct restoration and protection of the New

York-New Jersey watersheds and estuaries hydrologically connected to New York-New Jersey Harbor.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The New York-New Jersey Watershed Restoration Grant Program established by this bill would be related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Sport Fish Restoration (CFDA No. 15.605); Fish and Wildlife Management Assistance (CFDA No. 15.608); Wildlife Restoration and Basic Hunter Education (CFDA No. 15.611); Coastal Wetlands Planning, Protection and Restoration (CFDA No. 15.614); Cooperative Endangered Species Conservation Fund (CFDA No. 15.615); North American Wetlands Conservation Fund (CFDA No. 15.623); Coastal (CFDA No. 15.630); Partners for Fish and Wildlife (CFDA No. 15.631); State Wildlife Grants (CFDA No. 15.634); Tribal Wildlife Grants (CFDA No. 15.639); National Fish Passage (CFDA No. 15.685); and National Fish Habitat Partnership (CFDA No. 15.686).

APPLICABILITY TO 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.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

ADDITIONAL VIEWS

H.R. 4677, as amended by the Committee on Natural Resources, has numerous issues. During full committee markup, several Republican members expressed concerns over provisions included in the amendment in the nature of a substitute (ANS) for H.R. 4677. These issues included a high federal cost share for the program and a waiver for non-federal matching funds, no cap on federal administrative overhead costs, a high authorization of appropriations, no sunset, and no prohibition on federal land acquisition.

To address some of these concerns, Congressman Blake Moore (R–UT) offered an amendment that would have aligned this bill with other watershed-wide programs in existence. First, the amendment removed the language included in the ANS that would have provided for a 75 percent federal cost share and allowed non-Department of the Interior federal dollars to be used as non-federal matching funds. It also removed the authority for the Secretary of the Interior to waive the bill's already lenient non-federal cost share requirements entirely. Instead, the amendment would have included standard cost share language requiring 50 percent of project cost be covered by the federal government and the remainder be covered by other project participants. The amendment also proposed good governance measures such as a three percent cap on administrative costs and a sunset of the program after seven years. While the Majority opposed this amendment, they made commitments to work with Mr. Moore and Republican members to address their concerns. While some of these concerns were resolved after the markup, there are still issues remaining with H.R. 4677 as amended that must be resolved.

For these reasons, until the remaining issues are addressed, I oppose H.R. 4677 as reported by the Committee on Natural Resources.

BRUCE WESTERMAN.

○