

TO AMEND THE DELAWARE WATER GAP NATIONAL RECREATION AREA  
IMPROVEMENT ACT TO EXTEND THE EXCEPTION TO THE CLOSURE OF  
CERTAIN ROADS WITHIN THE RECREATION AREA FOR LOCAL BUSI-  
NESSES, AND FOR OTHER PURPOSES

SEPTEMBER 28, 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

[To accompany H.R. 6364]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6364) to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 6364 is to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 6364 would amend the Delaware Water Gap National Recreation Area Improvement Act to extend the use of Highway 209, a federally owned road within the boundaries of the Delaware Water Gap National Recreation Area, by certain commercial vehicles that serve local businesses until September 30, 2026. Permits are not required for local school buses, fire, ambulance, or other safety or emergency vehicles.

The Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey preserves 70,000 acres on both sides of the Delaware River. Highway 209 spans 21 miles through the middle of the Recreation Area and served as a major truck route for many

years. In 1981, the section of Highway 209 within the boundaries of the Recreation Area was transferred from the Commonwealth of Pennsylvania to the National Park Service (NPS). In 1983, a provision of P.L. 98–63, the FY83 Supplemental Appropriations Act, closed the NPS segment of Highway 209 to commercial traffic, except for commercial vehicular operations serving businesses or persons located in or contiguous to the boundaries of the Recreation Area. Congress extended permitting for commercial vehicle traffic within the Recreation Area in 1996 and 2005, respectively, with the latter extension expiring in 2015. In September 2015, the more than 30-year-old exemption for the Recreation Area expired, leaving commercial traffic with limited or no acceptable alternative routes and local businesses in a state of uncertainty.

On December 21, 2017, Congress unanimously passed P.L. 115–101, which reinstated the exemption through September 2021, set up a fee structure, and exempted certain vehicles from the fee. On September 30, 2021, this commercial vehicle exemption lapsed. On March 15, 2022, Congress passed P.L. 117–103, the FY22 Consolidated Appropriations Act, which included a one-year extension of the commercial vehicle exemption, set to expire on September 30, 2022.

#### COMMITTEE ACTION

H.R. 6364 was introduced on January 10, 2022, by Representative Matt Cartwright (D–PA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On June 14, 2022, the Subcommittee held a hearing on the bill. On July 13, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### 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 National Parks, Forests, and Public Lands held on June 14, 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 Com-

mittee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 19, 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. 6364, a bill to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes.

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

Sincerely,

PHILLIP L. SWAGEL,  
Director.

Enclosure.

<b>H.R. 6364, a bill to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes</b>			
As ordered reported by the House Committee on Natural Resources on July 13, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	Yes	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and zero.			

H.R. 6364 would extend the authority of the National Park Service (NPS) to allow certain commercial vehicles to pass through the Delaware Water Gap National Recreation Area and to collect an annual fee of \$200 per vehicle for those permits through September 30, 2026. Under current law, the authority expires on September 30, 2022.

Under current law, commercial vehicles are prohibited from using roads in the recreation area, though permits are available for vehicles owned or operated by businesses in the recreation area or that provide services to those businesses. Collections resulting from those permits are classified in the budget as offsetting receipts, or reductions in direct spending, and are available for the NPS to spend without further appropriation. Using information from the

NPS, CBO estimates that enacting the bill would have a negligible effect on net direct spending.

The CBO staff contact for this estimate is Madeleine Fox. 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 amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses.

#### 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.

#### 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 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 italics, and existing law in which no change is proposed is shown in roman):

### **SECTION 4 OF THE DELAWARE WATER GAP NATIONAL RECREATION AREA IMPROVEMENT ACT**

#### **SEC. 4. USE OF CERTAIN ROADS WITHIN THE RECREATION AREA.**

(a) **IN GENERAL.**—Except as otherwise provided in this section, Highway 209, a federally owned road within the boundaries of the Recreation Area, shall be closed to all commercial vehicles.

(b) EXCEPTION FOR LOCAL BUSINESS USE.—[Until September 30, 2021, subsection (a)] *Until September 30, 2026, subsection (a)* shall not apply with respect to the use of commercial vehicles that have four or fewer axles and are—

- (1) owned and operated by a business physically located in—
  - (A) the Recreation Area; or
  - (B) one or more adjacent municipalities; or
- (2) necessary to provide services to businesses or persons located in—
  - (A) the Recreation Area; or
  - (B) one of more adjacent municipalities.

(c) FEE.—The Secretary shall establish a fee and permit program for the use by commercial vehicles of Highway 209 under subsection (b). The program shall include an annual fee not to exceed \$200 per vehicle. All fees received under the program shall be set aside in a special account and be available, without further appropriation, to the Secretary for the administration and enforcement of the program, including registering vehicles, issuing permits and vehicle identification stickers, and personnel costs.

(d) EXCEPTIONS.—The following vehicles may use Highway 209 and shall not be subject to a fee or permit requirement under subsection (c):

- (1) Local school buses.
- (2) Fire, ambulance, and other safety and emergency vehicles.
- (3) Commercial vehicles using Federal Road Route 209, from—
  - (A) Milford to the Delaware River Bridge leading to U.S. Route 206 in New Jersey; and
  - (B) mile 0 of Federal Road Route 209 to Pennsylvania State Route 2001.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.