

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL
PARK COMMISSION EXTENSION ACT

JANUARY 30, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1727]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1727) to amend the Chesapeake and Ohio Canal Development Act to extend the Chesapeake and Ohio Canal National Historical Park Commission, 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 “Chesapeake and Ohio Canal National Historical Park Commission Extension Act”.

SEC. 2. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking “40” and all that follows through the period at the end and inserting “on October 1, 2031.”.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1727 is to amend the Chesapeake and Ohio Canal Development Act to extend the Chesapeake and Ohio Canal National Historical Park Commission.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1727 would renew the federal advisory commission for the Chesapeake and Ohio Canal National Historic Park (C&O Canal). The C&O Canal stretches over 184.5 miles from Georgetown in

Washington, D.C. to Cumberland, Maryland. The Canal played a critical role in the transportation of many agricultural products, coal, and lumber along the Potomac River for nearly 100 years. Today, the National Historic Park's canal and towpath offer numerous outdoor recreational opportunities, including rides on replica canal boats guided by National Park Service (NPS) rangers that help tell the story of this unique part of American history. In 2021, over 5 million visitors to the C&O Canal generated \$161 million in economic output in local gateway communities surrounding the park.

The Chesapeake & Ohio Canal National Historic Park Commission (Commission) helps advise the Secretary of the Interior on matters related to the development and administration of the park. The Commission is comprised of nineteen members serving terms of five years each. Throughout its history, the Commission has provided an important link between the NPS and local communities. The Commission engages in issues related to visitor safety and enjoyment, the management of scenic easements, land exchanges, as well as other aspects of the strategic planning process. H.R. 1727 would reauthorize the Chesapeake and Ohio Canal National Historical Park Commission through September 30, 2031, seven years beyond the Commission's current expiration date in 2024. This is a bipartisan bill that is being co-led by Rep. Mooney (R-WV-02). Bipartisan companion legislation in the Senate is being led by Senators Cardin (D-MD) and Capito (R-WV). An amendment was offered at markup shortening the reauthorization of the Commission from ten years to seven years.

COMMITTEE ACTION

H.R. 1727 was introduced on March 22, 2023, by Rep. David J. Trone (D-MD). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On October 19, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On November 15, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of H.R. 1727 by unanimous consent. Ranking Member Raúl Grijalva (D-AZ) offered an amendment designated Grijalva #1. The amendment was adopted by unanimous consent. H.R. 1727, as amended, was 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 Federal Lands held on October 19, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the "Chesapeake and Ohio Canal National Historical Park Commission Extension Act."

Section 2. Chesapeake and Ohio Canal National Historical Park Commission

Section 2 extends the authorization of the Chesapeake and Ohio Canal National Historical Park Commission to September 30, 2031.

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

H.R. 1727, Chesapeake and Ohio Canal National Historical Park Commission Extension Act			
As ordered reported by the House Committee on Natural Resources on November 15, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and \$500,000.

H.R. 1727 would extend the authorization of the Chesapeake and Ohio Canal National Historical Park Commission through September 30, 2034. Under current law, that authority expires on September 26, 2024. Commission members would serve without compensation; however, the Department of Interior may cover the costs for certain incidental expenses. Based on the costs of similar activities, CBO estimates that implementing the bill would cost less than \$500,000 over the 2024–2028 period. Any spending would be subject to the availability of appropriated funds.

On November 20, 2023, CBO transmitted a cost estimate for S. 924, the Chesapeake and Ohio Canal National Historical Park Commission Extension Act, as ordered reported by the Senate Committee on Energy and Natural Resources on September 21,

2023. The two bills are similar, and CBO's estimates of their budgetary effects are the same.

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

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Chesapeake and Ohio Canal Development Act to extend the Chesapeake and Ohio Canal National Historical Park Commission.

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 the Congressional Budget Office, H.R. 1727 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of 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 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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 6 OF THE CHESAPEAKE AND OHIO CANAL
DEVELOPMENT ACT**

ADVISORY COMMISSION

SEC. 6. (a) There is hereby established a Chesapeake and Ohio Canal National Historical Park Commission (hereafter in this section referred to as the "Commission").

(b) The Commission shall be composed of nineteen members appointed by the Secretary for terms of five years each, as follows:

(1) Eight members to be appointed from recommendations submitted by the boards of commissioners or the county councils, as the case may be, of Montgomery, Frederick, Washington, and Allegany Counties, Maryland, of which two members shall be appointed from recommendations submitted by each such board or council, as the case may be;

(2) Eight members to be appointed from recommendations submitted by the Governor of the State of Maryland, the Governor of the State of West Virginia, the Governor of the Commonwealth of Virginia, and the Commissioner of the District of Columbia, of which two members shall be appointed from recommendation submitted by each such Governor or Commissioner, as the case may be; and

(3) Three members to be appointed by the Secretary, one of whom shall be designated Chairman of the Commission and two of whom shall be members of regularly constituted conservation organizations

(c) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. A member may serve after the expiration of his term until his successor has taken office.

(d) Members of the Commission shall serve without compensation, as such, but the Secretary is authorized to pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this Act.

(e) The Secretary, or his designee, shall from time to time but at least annually, meet and consult with the Commission on general policies and specific matters related to the administration and development of the park.

(f) The Commission shall act and advise by affirmative vote of a majority of the members thereof.

(g) The Commission shall cease to exist [40 years from the effective date of this Act.] *on October 1, 2031.*