

TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO UPDATE THE FEASIBILITY AND SUITABILITY STUDY ORIGINALLY PREPARED FOR THE TRAIL OF TEARS NATIONAL HISTORIC TRAIL AND PROVIDE FOR THE INCLUSION OF NEW TRAIL SEGMENTS, LAND COMPONENTS, AND CAMPGROUNDS ASSOCIATED WITH THAT TRAIL, AND FOR OTHER PURPOSES

JULY 10, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3085]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDY OF TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended—

(1) in subparagraph (B), by striking “subsections” and inserting “sections”;

and

(2) by adding at the end the following new subparagraph:

“(C) Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall complete the remaining criteria and submit to Congress a study regarding the feasibility and suitability of designating, as additional components of the Trail of Tears National Historic Trail, the following routes and land components by which the Cherokee Nation was removed to Oklahoma:

“(i) The Bengé and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).”.

PURPOSE OF THE BILL

The purpose of H.R. 3085 is to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Congress designated the Trail of Tears National Historic Trail in 1987. The trail encompasses the primary water route and northern land route used during the forced removal of the Cherokee Nation from its homelands in the southeastern United States to present-day Oklahoma. H.R. 3085 would direct the Secretary of the Interior to study the feasibility and suitability of adding various land routes and sites to the Trail of Tears National Historic Trail, including the popular Bell and Bengé routes. As ordered reported, the bill requires the Secretary of the Interior to submit the report to Congress within six months of the date of enactment of this legislation.

COMMITTEE ACTION

H.R. 3085 was introduced on June 28, 2005, by Congressman Zach Wamp (R-TN). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On April 27, 2006, the Subcommittee held a hearing on the bill. On June 21, 2006, the Full Resources Committee met to consider the bill, at which time the Subcommittee on National Parks was discharged from further consideration of the bill by unanimous consent. Congressman Stevan Pearce (R-NM) offered an amendment in the nature of a substitute to expedite the time line for study to be completed as well as eliminate the Secretarial authority to designate additional segments to the Trail of Tears National Historic Trail. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

CONSTITUTIONAL AUTHORITY STATEMENT

Article IV, section 3, clause 2 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section

308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. The bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3085—A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with the trail

H.R. 3085 would require the National Park Service (NPS) to complete, over six months, a feasibility study for designating certain routes as components of the Trail of Tears National Historic Trail. Assuming the availability of appropriated funds, CBO estimates that carrying out the required work would cost less than \$100,000 over the next year. Enacting H.R. 3085 would not affect direct spending or revenues.

H.R. 3085 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On January 12, 2006, CBO transmitted a cost estimate for H.R. 3085, as introduced in the House of Representatives on June 28, 2005. The estimated cost of implementing the committee-approved version of the legislation is lower than the estimated cost for the introduced version of H.R. 3085 because the earlier version (as introduced in the House) would direct the NPS to designate as a component of the historic trail any studied segments that it might deem appropriate, without further Congressional authorization. Also, the introduced version of H.R. 3085 would provide three years for the required studies rather than six months.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

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 5 OF THE NATIONAL TRAILS SYSTEM ACT

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) * * *

* * * * *

(16)(A) * * *

(B) In carrying out his responsibilities pursuant to [subsections] sections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky, Fort Smith, Arkansas, Trail of Tears State Park, Missouri, and Tahlequah, Oklahoma.

(C) *Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall complete the remaining criteria and submit to Congress a study regarding the feasibility and suitability of designating, as additional components of the Trail of Tears National Historic Trail, the following routes and land components by which the Cherokee Nation was removed to Oklahoma:*

(i) The Bengé and Bell routes.

(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).

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