

110TH CONGRESS
2D SESSION

H. R. 5335

To amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2008

Mr. WAMP (for himself, Mr. ADERHOLT, Mr. BOOZMAN, Mr. SULLIVAN, Mr. LUCAS, Mr. LINCOLN DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. COHEN, Mr. WHITFIELD of Kentucky, Mr. COLE of Oklahoma, Mr. SHULER, Mr. BERRY, Mr. DUNCAN, Mr. SNYDER, Mr. TANNER, Ms. FALLIN, Mr. GINGREY, and Mr. PRICE of Georgia) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ADDITIONS TO TRAIL OF TEARS NATIONAL HIS-**
4 **TORIC TRAIL.**

5 Section 5(a)(16) of the National Trails System Act
6 (16 U.S.C. 1244(a)(16)) is amended as follows:

1 (1) By amending subparagraph (C) to read as
2 follows:

3 “(C) In addition to the areas otherwise
4 designated under this paragraph, the following
5 routes and land components by which the Cher-
6 okee Nation was removed to Oklahoma are
7 components of the Trail of Tears National His-
8 toric Trail:

9 “(i) The Bengie and Bell routes.

10 “(ii) The land components of the des-
11 igned water routes in Alabama, Arkan-
12 sas, Oklahoma, and Tennessee.

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

16 “(iv) The related campgrounds located
17 along the routes and land components de-
18 scribed in clauses (i) through (iii).”.

19 (2) By striking the first sentence in subpara-
20 graph (D).

21 (3) By adding at the end the following new sub-
22 paragraphs:

23 “(E) The Secretary may not use eminent
24 domain to acquire lands for the Trail of Tears
25 National Historic Trail and shall only include

1 lands in that trail that are consistent with and
2 appropriate to the purpose for which the trail
3 was designated.

4 “(F) Nothing in this paragraph shall be
5 construed to—

6 “(i) require any private property
7 owner to allow public access (including
8 Federal, State, or local government access)
9 to such private property;

10 “(ii) modify any provision of Federal,
11 State, or local law with regard to public
12 access to or use of private property;

13 “(iii) modify the authority of Federal,
14 State, or local governments to regulate
15 land use;

16 “(iv) require the owner of any private
17 property located within the boundaries of
18 the trail to participate in or be associated
19 with the trail;

20 “(v) provide any nonexisting regu-
21 latory authority on land use within the
22 trail; or

23 “(vi) be considered to create any li-
24 ability, or to have any effect on any liabil-
25 ity under any other law, of any private

1 property owner with respect to any persons
2 injured on such private property.

3 “(G) The boundaries designated for the
4 trail represent the area within which Federal
5 funds appropriated for the purpose of this para-
6 graph may be expended.”.

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