

# Committee on Natural Resources

Rob Bishop, Chairman

## Mark-Up Memo

March 23, 2015

To: All Natural Resources Committee Members

From: Spencer Kimball, Subcommittee on Federal Lands Majority Staff (x67736)

Mark-Up: March 25, 2015 H. R. 152, Corolla Wild Horses Protection Act

---

### **H. R. 152 - Corolla Wild Horses Protection Act**

#### **Summary of the Bill**

H. R. 152, the Corolla Wild Horses Protection Act, was introduced by Rep. Walter Jones (NC-03) on January 6, 2015. This legislation would direct the Secretary of the Interior to enter into a new agreement for the management of free-roaming wild horses in and around the Currituck National Wildlife Refuge (NWR), which is located on the northern end of North Carolina's Outer Banks.

#### **Cosponsors**

None

#### **Background**

Last year, a subcommittee hearing was held on identical legislation, H. R. 306, on April 7, 2011. The bill was favorably reported from the Committee on October 5, 2011 and passed the House of Representatives by voice vote on February 6, 2012. A mark-up hearing was held on another identical bill, H. R. 126, on April 24, 2013. The bill was favorably reported from the Committee on May 17, 2014 and passed the House of Representatives by voice vote on June 3, 2013.

There is evidence that Corolla horses were introduced to the Currituck Outer Banks by Spanish explorers 500 years ago. In 2007, the National Horse of the Americas Registry recognized and registered these horses as Colonial Spanish Mustangs. The Corolla horses are a key part of North Carolina's heritage and are recognized as the state horse. Today, the herd is comprised of about 83 animals that live on approximately 7,544 acres of public and private lands. Of the total acreage, 4,671 acres are privately owned; 2,495 acres are part of the Currituck National Wildlife Refuge; 326 acres are found in the North Carolina National Estuarine Research Reserve and 51 acres are owned by The Nature Conservancy.

In 1988, the Corolla Wild Horse Fund (CWHF) was established to support Spanish mustangs in the wild and to educate the public about the history of the herd. The Fund was also instrumental in the enactment of a 1989 ordinance which made it unlawful for any person to lure, attract, or entice a wild horse to come within 50 feet of any person or for any person to lure or entice a wild

horse out of a wild horse sanctuary. In Currituck County, the wild horse sanctuary extends from Corolla, North Carolina to the Virginia state line.

The Currituck NWR was established by the U.S. Fish and Wildlife Service (Service) in 1984 to manage waterfowl, migratory birds, and endangered species such as piping plovers and sea turtles. The Service allows wild horses to freely roam the refuge as long as the horses do not significantly impact existing wildlife populations or habitat. While the Service has been unable to quantify any negative impacts of the eight Corolla horses that utilize refuge land, the Service views the Corolla wild horses as feral domestic animals.

In 2007, a wild horse management plan was approved with the concurrence of the CWHF, Currituck County, the State of North Carolina, and the Service. Under this plan, the maximum number of horses was limited to 60 and the Service was permitted to control the herd population “through adoption, relocation, auction or contraceptive fertility methods.” Equine genetic scientists believe a herd comprised of just 60 horses threatens the herd’s existence and viability due to high levels of inbreeding and low levels of genetic diversity. Dr. Gus Colthran of the College of Veterinary Medicine at Texas A&M University has found that “[h]orses of the Corolla herd show levels of genetic variability that are among the lowest seen in any horse population. Under the circumstances that the Corolla herd is now in, a minimum number of 110 should be considered.”

In April of 2008, the CWHF formally requested that the maximum herd size be increased and that a small number of mares from the Shackleford Banks herd be introduced into the herd to restore diversity to the Corolla horses’ gene pool. Both requests were denied by the Service and the 2007 management plan has now expired. The proponents argue that the primary reasons for this legislation are the refusal of the Service to renegotiate the terms of the current agreement and the view of the CWHF that: “[w]ithout introductions from the Shackleford Banks herd and a larger herd size, the wild horses of Corolla are at great risk of genetic collapse and disappearing altogether. Managing the wild horses of Corolla at a maximum of 60 is managing for extinction.”

### **Major Provisions/Analysis of H.R. 152**

This measure would require the Secretary of the Interior to enter into a new agreement with the CWHF, Currituck County, and the State of North Carolina within 180 days after the date of enactment. Under the terms of the new agreement, the size of the herd would be not less than 110 and not more than 130 free-roaming wild horses. It would also provide for the cost-effective management of the herd and the introduction of a small number of free-roaming wild horses from the herd at the Cape Lookout National Seashore in order to improve the herd’s genetics. There is no cost to the federal government for the management of these horses and no authorization of appropriations. All expenses related to the wild horse management throughout their range have been and would continue to be paid by the CWHF.

### **Effect on Current Law**

H.R. 152 does not amend or affect any current law.

## **Cost**

The Congressional Budget Office has not estimated costs associated with H.R. 152, but did perform a cost estimate of the previous version of the bill (H.R. 126) and found that it would incur no significant additional costs on the federal government.<sup>1</sup>

## **Administration Position**

The Service has raised concerns about this legislation, claiming it would purportedly force the agency to add staff, affect costs for caring and management of horses, and the agency's ability to fulfill its mission at the Currituck NWR.

---

<sup>1</sup> Cost Estimate: H.R. 126, Corolla Wild Horses Protection Act. Congressional Budget Office. Prepared by Jeff LaFave. May 15, 2013.

# Committee on Natural Resources

Rob Bishop, Chairman

## Markup Memo

March 23, 2015

To: All Natural Resource Committee Members

From: Subcommittee on Indian, Insular and Alaska Native Affairs (x6-9725)

Subject: March 25, 2015 Markup of H.R. 308 (Franks-AZ), the “*Keep the Promise Act of 2015.*”

---

### **H.R. 308, Keep the Promise Act of 2015**

#### **Summary and Status of the Bill**

H.R. 308, the “*Keep the Promise Act of 2015,*” was introduced by Rep. Franks (R-AZ) on January 13, 2015 and referred to the Subcommittee on Indian, Insular, and Alaska Native Affairs. The Full Committee will mark up H.R. 308 beginning 4:00 p.m. on March 24<sup>th</sup> (opening statement) with amendments and votes beginning at 9:00 a.m. on March 25<sup>th</sup>.

H.R. 308 would prohibit class II (bingo) and class III (Las Vegas-style) gambling activities regulated under the Indian Gaming Regulatory Act of 1988 (IGRA) within the Phoenix, Arizona, metropolitan area until January 1, 2027, when the compacts between the State of Arizona and tribes operating class III casinos expire.<sup>1</sup> The immediate effect of the bill is to prohibit the operation of an off-reservation casino in Glendale by the Tohono O’odham Nation (“TO Nation”), whose reservation is about 100 miles away.

#### **Cosponsors**

Cosponsors of H.R. 308 include Reps. Gosar (R-AZ), Salmon (R-AZ), Schweikert (R-AZ), Kirkpatrick (D-AZ), and McCollum (D-MN).

#### **Background**

The Tohono O’odham Nation (TO Nation) is a tribe with approximately 30,000 members and a large reservation stretching from Tucson to Mexico. In 1986, Congress passed the Gila Bend Indian Reservation Lands Replacement Act (P.L. 99-503). This Act authorizes the TO Nation to purchase up to 9,880 acres of lands that, when placed in trust, would replace a reservation area flooded by the federally constructed Painted Rock Dam on the Gila River. Furthermore, the

---

<sup>1</sup> H.R. 308 defines the Phoenix metro area as certain land north of a latitude line in Maricopa and Pinal Counties.

replacement lands must be non-incorporated and within three counties (Pima, Pinal, or Maricopa).

While there is no mention of gaming in this 1986 law, two years later Congress passed the Indian Gaming Regulatory Act of 1988 (IGRA). Under IGRA, gaming is prohibited on lands acquired in trust after October 1988 unless one of several exceptions is met. One of these exceptions is when “lands are taken into trust as part of ... a settlement of a land claim” (25 U.S.C. 2719(b)(1)(B)(i)).

There is no legislative history regarding the “land claim exception” under IGRA. Under rules developed by the Department of the Interior, when a tribe seeks to open a casino under the land claim exception, the Department must issue an “opinion” to determine whether the exception applies. An opinion “is not, per se, a final agency action under the Administrative Procedures Act (APA).<sup>2</sup>” Therefore, the merits of land claim exception opinions by the Department are difficult to challenge.

In 2000, the Department granted the TO Nation’s request to waive restrictions on where the tribe could acquire replacement lands through the Gila Bend Indian Reservation Replacement Lands Act. The tribe then secured a Departmental opinion allowing the tribe to open a casino on replacement lands under the land claim exception of IGRA.

In 2002, Arizona voters passed Proposition 202, a referendum to approve a tribal-state compact under which Arizona tribes were granted a statewide casino monopoly with limits on the scope and location of the gambling facilities. In the campaign on “Prop 202,” the tribes (including the TO Nation) told voters that the compact would not allow additional casinos in Phoenix.<sup>3</sup> While the tribes were informing voters the compact would not allow additional casinos in Phoenix, the TO Nation was undertaking confidential plans to build a new casino in the Phoenix area, apparently contrary to public assurances made by the tribes to Arizona voters.

In 2003, using a shell company, the TO Nation began purchasing 134 acres of unincorporated land in the Phoenix area (located between the cities of Glendale, Peoria, and Tolleson). On January 28, 2009, the tribe asked the Department of the Interior to accept this parcel of land in trust and deem it to be replacement lands under the 1986 Gila Bend Act. The Secretary then issued a decision to take the land in trust on August 26, 2010. The Gila River Indian Community, the City of Glendale, and other plaintiffs challenged the decision in federal court. However, federal litigation has been largely resolved in favor of the Department of the Interior and the TO Nation, except for one aspect to the controversy which cannot be resolved unless the TO Nation waives its immunity from suit.

---

<sup>2</sup> See Federal Register, Vol. 73, No. 98, May 20, 2008, p. 29358

<sup>3</sup> Yes on 202/The 17-Tribe Indian Self-Reliance Initiative, “Answers to Common Questions” Flyer

On July 3, 2014, the Department of the Interior transferred the land in trust. In August 2014, the City of Glendale secured an agreement with the tribe that gives the city an average of \$1.3 million per year for 20 years. On August 28, 2014, the tribe broke ground on construction of the \$400 million casino project.

### **Major Provisions and Analysis of H.R. 308**

H.R. 308 prohibits class II gaming (bingo) and class III gaming (Las Vegas style games of chance like slot machines and blackjack) regulated by IGRA on land in the Phoenix metropolitan area. The prohibition expires on January 1, 2027, which is the expiration date of the current Arizona tribal-state compact.

H.R. 308 has no effect on any other use of the Glendale property by the TO Nation.

*Previous Committee Action.* In the 113<sup>th</sup> Congress, the Subcommittee on Indian and Alaska Native Affairs held a hearing on an identical bill, H.R. 1410 (Franks-AZ), on May 16, 2013. The House Natural Resources Committee ordered the bill to be reported out favorably by a bipartisan roll call vote of 35 to 5 on July 24, 2013.<sup>4</sup> On September 17, 2013 the House passed the bill under suspension of the rules, agreed to by voice vote.

In the 112<sup>th</sup> Congress, the House passed a similar bill, H.R. 2938 (Franks-AZ) by a vote of 343-78, 2 present.

*Senate Action:* Senators McCain and Flake have introduced an identical bill in the Senate, S. 152. In the 113<sup>th</sup> Congress, the Senators introduced S. 2670, which was identical to H.R. 1410. A hearing was held on S. 2670 on September 17, 2014. No further consideration has occurred in the Senate on these bills.

### **Cost**

The CBO has not completed a cost estimate for H.R. 308. Previous CBO analyses for H.R. 2938 (112<sup>th</sup> Congress) and H.R. 1410 (113<sup>th</sup> Congress) determined the bills did not have a budget impact, but they would be an unfunded mandate that would not exceed the annual threshold established in the Unfunded Mandates Reform Act (UMRA).

### **Anticipated Amendments**

None.

\* \* \*

---

<sup>4</sup> See House Report 113-210.

# Committee on Natural Resources

Rob Bishop, Chairman

Mark-Up Memo

March 23, 2015

To: All Natural Resources Committee Members

From: Terry Camp, Subcommittee on Federal Lands Majority Staff (x6-7736)

Mark-Up: March 25, 2015 markup on H.R. 373, Good Samaritan Search and Recovery Act

---

## **H.R. 373 - Good Samaritan Search and Recovery Act**

### **Summary of the Bill**

H.R. 373, introduced by Congressman Joe Heck (NV-03), would require the Secretary of the Interior and Secretary of Agriculture to establish a program to provide expedited access to federal lands for Good Samaritan search-and-recovery missions.

### **Cosponsors**

Rep. Tom McClintock (CA-4)  
Rep. Doug LaMalfa (CA-1)  
Rep. Mark Amodei (NV-2)  
Rep. Crescent Hardy (NV-4)  
Rep. Mike Kelly (PA-3)  
Rep. David Valadao (CA-21)  
Rep. Bruce Westerman (AR-4)  
Rep. Ryan Zinke (MT-At-large)

### **Background**

This legislation comes following the discovery of the bodies of Keith Goldberg and Air Force Staff Sergeant Antonio Tucker in Lake Mead Recreation Area (administered by the National Park Service) by Good Samaritan search and recovery teams. In both cases, these volunteer groups had to wait an unacceptable amount of time to navigate the federal bureaucracy before they could conduct their searches.

At the May, 2013 hearing on the legislation, Representative Heck recounted the story that led to the bill.<sup>1</sup> On January 31, 2012, Las Vegas taxi driver Keith Goldberg went missing. Investigators believed that he was killed and the body disposed of in the desert in the vicinity of Lake Mead National Recreation Area. Local law enforcement suspended their search in April

---

<sup>1</sup> <https://heck.house.gov/media-center/press-releases/heck-testifies-access-public-lands-good-samaritan-search-and-rescue>

after Mr. Goldberg was not found and arrests were made. Mr. Goldberg's family still wanted answers – they wanted his body to be found to provide closure to their horrific ordeal.

The Goldberg family turned to Red Rock Search and Rescue, a non-profit search and rescue team that helps families like the Goldberg's when loved ones go missing. Red Rock is a trained group of volunteers with extensive experience, willing to do a public service at no cost to the taxpayer. As they prepared to start their search in Lake Mead National Recreation Area they ran into a number of bureaucratic road blocks, including the requirements to obtain a special use permit and liability insurance.

Some fifteen months after Keith Goldberg disappeared Red Rock was able to obtain an insurance policy and the requisite permits that would allow them to start their search. In less than two hours they found Mr. Goldberg's body.

On June 23, 2012, Air Force Staff Sergeant Antonio Tucker was presumed drowned in Lake Mead. As the National Park Service searched for the body, it was contacted by Steve Schafer, owner of a company specializing in underwater survey and recovery work. He offered to help. He was told by the National Park Service that they had all the help that was needed. Ten months later, after hiring an attorney, filing a request for public documents, and applying for a special use permit, he was finally cleared to search the lake and Mr. Tucker's body was found.

H.R. 373 has been introduced to expedite access to public lands for Good Samaritan search and recovery organizations so that they may conduct searches for missing persons and help bring closure to the families of missing persons.

This legislation was previously introduced by Congressman Heck in the 113th Congress as H.R. 2166. Congressman Heck testified on H.R. 2166 before the Subcommittee on Public Lands and Environmental Regulation on May 7, 2013. On January 23, 2014, the Committee on Natural Resources reported the bill out of committee (H. Rept. 113-331) and on January 27, 2014 it passed the House by a recorded vote of 394-0.

A companion bill, S.160, has been introduced Senator Heller (R-NV).

### **Major Provisions/Analysis of H.R. 373**

H.R. 373 requires that permits for accessing public lands be issued to groups within 48 hours of application and that groups are not responsible for obtaining an insurance policy given they waive federal government liability. The bill also instructs the Secretary of the Interior and Secretary of Agriculture to develop search and recovery focused partnerships to better coordinate and expedite search and recovery on federal lands.

### **Effect on Current Law**

H.R. 373 does not affect current law



## **Cost**

In the 113th Congress, a cost estimate of H.R. 2166 provided by the Congressional Budget Office concluded that the costs of expediting access to federal lands for search and recovery purposes would be minimal and that the legislation would have no significant impact on the federal budget.

## **Administration Position**

Supportive with minor amendments

# Committee on Natural Resources

Rob Bishop, Chairman  
Markup Memo

March 23, 2015

To: All Natural Resources Committee Members

From: Kiel Weaver, Subcommittee on Water, Power and Oceans (5-8331)

Hearing: March 25, 2015 Markup on H.R. 404 (Smith, R-NE), *To authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska*

---

## **H.R. 404, To authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska**

### **Summary of the Bill**

H.R. 404 gives individual landowners within the Northport Irrigation District (Northport) the ability to make accelerated or lump sum capital repayments to the federal government. In exchange for paying their part of Northport's debt, the landowners who pay will no longer be subject to federal acreage limitations and paperwork requirements. This bill is based on bipartisan precedents.

### **Cosponsors**

None

### **Background**

Under federal law, any irrigation district that receives contracted water from a Bureau of Reclamation (Reclamation) facility must repay its allocated portion of the capital costs of the federal water project. These repayment costs are typically set forth in long-term capital repayment contracts between the irrigation district and the federal government.<sup>1</sup>

Northport, located in western Nebraska, is one of four irrigation districts that receive water from the federal North Platte Project. Water for Northport is conveyed 80 miles from the Guernsey reservoir through the Tri-State Canal, which is privately owned and operated by the Farmers Irrigation District (Farmers).<sup>2</sup> In return for allowing the water to be conveyed through the Tri-State canal, Farmers receives compensation from Northport. Pursuant to a 1958 amendment to the Northport/Bureau of Reclamation contract, if the amount of the carriage fee owed to Farmers

---

<sup>1</sup> <http://www.ccrh.org/comm/moses/primary/reclamact.html>

<sup>2</sup> [http://www.usbr.gov/projects/Project.jsp?proj\\_Name=North+Platte+Project](http://www.usbr.gov/projects/Project.jsp?proj_Name=North+Platte+Project)

by Northport is more than \$8,000 per year, Northport is not obligated to make its annual capital repayment to the federal government.<sup>3</sup> According to a Northport official, the annual carriage fee can be anywhere from \$80,000 to \$100,000.<sup>4</sup> Since carriage fees have been over \$8,000 per year since the early 1950's, Northport's capital repayment debt to the federal government has remained at approximately \$923,000 for over six decades.<sup>5</sup> As long as Northport owes the debt, its landowners are subject to the 960 irrigated acre planting limitation and paperwork requirements that must be met prior to getting water each year, as set forth in the Reclamation Reform Act of 1982 (P.L. 97-293).<sup>6</sup>

There are several landowners within Northport that have reached retirement age with plans to leave the real estate to family members who have already accumulated acres. Those combined acres will make additional families subject to the 960 irrigated acre planting limitation. Several landowners within Northport are willing to repay their portion of the capital repayment obligations owed to the federal government in order to avoid being subject to the federal requirements in P.L. 97-293. The same law, however, prohibits these landowners from making such accelerated or lump sum payments. According to a Northport Board Member, approximately 20 of the 65 landowners may use the authorities granted in H.R. 404 to repay the federal government.<sup>7</sup>

Allowing individual landowners (as opposed to an entire irrigation district) the ability to do this is based on two relatively recent precedents during Democratic and Republican Congresses: "The Southern Idaho Bureau of Reclamation Repayment Act" (Section 508 of P.L. 110-229)<sup>8</sup> and "The Southern Oregon Bureau of Reclamation Repayment Act" (P.L. 109-138)<sup>9</sup>, respectively. These public laws and H.R. 404 waive Section 213 of the Reclamation Reform Act of 1982, which prohibits any early repayment unless the repayment contract between an irrigation district and the United States allowed for prepayment of the contract at the time the Reclamation Reform Act was enacted.

---

<sup>3</sup> <http://naturalresources.house.gov/UploadedFiles/WPLetter1.pdf>

<sup>4</sup> Natural Resources Republican staff conversation with Northport Irrigation District Board Member George Hall on June 3, 2014

<sup>5</sup> <http://naturalresources.house.gov/UploadedFiles/WPLetter1.pdf>

<sup>6</sup> Natural Resources Republican staff conversation with Northport Irrigation District Board Member George Hall on June 3, 2014

<sup>7</sup> Id

<sup>8</sup> <http://www.gpo.gov/fdsys/pkg/PLAW-110publ229/html/PLAW-110publ229.htm>

<sup>9</sup> <http://www.gpo.gov/fdsys/pkg/PLAW-109publ138/html/PLAW-109publ138.htm>

## **Major Provisions/Analysis of H.R. 404**

Section 1 authorizes any landowner within the Northport Irrigation District the option to repay the applicable capital construction costs. After repayment of these allocated costs, the landowner within Northport is no longer subject to federal reporting requirements or federal acreage limitations mandated under the Reclamation Reform Act.

### **Cost**

The Congressional Budget Office found that an identical version of this legislation in the last Congress would increase revenues to the federal government by \$440,000 over the 2015-2024 period.<sup>10</sup>

### **Administration Position**

The Administration testified in support of identical legislation (H.R. 4562) in the last Congress.<sup>11</sup>

### **Anticipated Amendments**

None

---

<sup>10</sup> <http://www.cbo.gov/publication/45529>

<sup>11</sup> <http://www.usbr.gov/newsroom/testimony/detail.cfm?RecordID=2643>

# Committee on Natural Resources

Rob Bishop, Chairman

Markup Memo

March 23, 2015

To: All Natural Resource Committee Members

From: Subcommittee on Indian, Insular and Alaska Native Affairs (x6-9725)

Subject: March 25, 2015 markup of H.R. 533 (Mullin-R-OK), *“To revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe, and for other purposes.”*

---

## **H.R. 533, To revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe, and for other purposes**

### **Summary of the Bill**

H.R. 533, a bill *“To revoke the charter of incorporation of the Miami Tribe of Oklahoma at the request of that tribe, and for other purposes”* was introduced by Rep. Markwayne Mullin (R-OK) on January 26, 2015 and referred to the Subcommittee on Indian, Insular, and Alaska Native Affairs. This is a non-controversial bill that would revoke the 1940 Oklahoma Indian Welfare Act Corporate Charter for the Miami Tribe of Oklahoma (Tribe).

The Tribe does not operate under the Corporate Charter and the Tribe believes the foundation of this charter to be outdated for operating business activities in the 21st century. H.R. 533 would direct Congress to officially revoke their charter of incorporation. The bill does not change existing law and has no effect on spending.

### **Cosponsors**

Reps. Young (R-AK) and Cole (R-OK) are original cosponsors.

### **Background**

The Miami Tribe of Oklahoma is a federally recognized tribe and organized under the Oklahoma Indian Welfare Act of 1936 (49 Stat. 1967). The Tribe voted to adopt the Oklahoma Indian Welfare Act Constitution and Bylaws on October 10, 1939. This Act is similar to but separate from the 1934 Indian Reorganization Act (25 U.S.C. Section 461) which mainly concerned non-Oklahoma tribes. On June 1, 1940, the Department of the Interior ratified the Tribe’s Corporate Charter (“Charter”). The charter of incorporation allows the tribe to create a federally chartered

corporation with the power “to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange for therefore interests in corporate property, and such further powers as may be incidental to the conduct of corporate business.” These tribal charters may be revoked only by an Act of Congress.

*Previous Committee Action.* In the 113th Congress, the Subcommittee on Indian and Alaska Native Affairs held a hearing on an identical bill, H.R. 4002, on March 27, 2014. The House Natural Resources Committee ordered the bill to be favorably reported, by unanimous consent, on April 9, 2014.<sup>1</sup> On June 23, 2014, the House passed the bill under suspension of the rules, by voice vote.

**Cost**

None

**Admiration Position**

The Department does not object to the bill.

**Anticipated Amendments**

None

\* \* \*

---

<sup>1</sup> See House Report 113-420.

# Committee on Natural Resources

Rob Bishop, Chairman

## Mark-Up Memo

March 23, 2015

To: All Natural Resources Committee Members

From: Terry Camp, Subcommittee on Federal Lands Majority Staff (x6-7736)

Mark-Up: March 25, 2015 markup on H.R. 979, To designate a mountain in the John Muir Wilderness of the Sierra National Forest as “Sky Point”

---

### **H.R. 979 - To designate a mountain in the John Muir Wilderness of the Sierra National Forest as “Sky Point”**

#### **Summary of the Bill**

H.R. 979, introduced by Congressman Tom McClintock (CA-04), would designate a mountain peak in the John Muir Wilderness, located in the Sierra National Forest, as “Sky Point.”

#### **Cosponsors**

All 52 members of the California congressional delegation.

#### **Background**

This legislation was introduced to honor Marine Staff Sergeant Sky Mote, who was killed in Afghanistan on August 10, 2012. The bill would designate a mountain peak in the John Muir Wilderness, under which the Mote family gathered to camp every year, as “Sky Point.”

Sky Mote enlisted in the Marine Corps upon graduation from Union Mine High School in El Dorado, California. Sky’s nine years of service included a deployment to Iraq and two deployments to Afghanistan. Sky was awarded the Navy Cross, the Purple Heart, the Navy-Marine Corps Commendation Medal, a Navy-Marine Corps Achievement Medal, two Combat Action Ribbons and three Good Conduct Medals.

#### **Effect on Current Law**

H.R. 979 does not affect current law.

#### **Cost**

The Congressional Budget Office has not completed a cost estimate for H.R.979

#### **Administration Position**

Unknown

# Committee on Natural Resources

Rob Bishop, Chairman

## Mark-Up Memo

March 23, 2015

To: All Members, Natural Resources Committee on Natural Resources

From: Otto Mucklo, Subcommittee on Federal Lands (x6-7736)

Mark-Up: March 25, 2015 markup on H.R. 984, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail, and for other purposes.

---

### **H.R. 984, to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail.**

#### **Summary of the Bill**

H.R. 984, introduced by Congressman Jeff Fortenberry (R-NE) on February 13, 2015 and would amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail. The feasibility study would require the Secretary of the Interior to “consider input from owners of private land within or adjacent to the study area.”

#### **Cosponsors**

Rep. Cole (R-OK)

---

#### **Background**

The Chief Standing Bear Trail, extending approximately 550 miles from Niobrara, Nebraska, to Ponca City, Oklahoma, follows the route taken by Chief Standing Bear and the Ponca people during Federal Indian removal. It is a circular trail and charts not only the removal but also the Chief’s return to Nebraska. The trail also commemorates the Chief’s return to Nebraska and subsequent trial in 1879, when he became the first Native American to be recognized as a person in a federal court decision.

The bill was H.R. 5086 in the 113<sup>th</sup> Congress. On December 9, 2014, the Committee on Natural Resources reported the bill out of committee (H. Rept. [113-651](#)) and it passed the House by voice vote on the same day. When it was reintroduced in the 114<sup>th</sup> Congress, it incorporated two minor noncontroversial changes – removal of the one-year requirement for completion of the study and it added a requirement for the Secretary of the Interior to “consider input from owners of private land within or adjacent to the study area.”

#### **Cost**

The Congressional Budget Office estimates that implementing the bill would cost approximately \$500,000 over the next year or two.

#### **Administration Position**

Supports



Effect on Current Law (Ramsever)

**The National Trails Systems Act (16 U.S.C. 1244(c)), as amended by H.R. 984  
(new text in italics – pages 20-21)**

**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) The Appalachian National Scenic Trail, a trail of approximately two thousand miles extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as 'Nationwide System of Trails, Proposed Appalachian Trail, NST-AT-101-May 1967', which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable, such rights-of-way shall include lands protected for it under agreements in effect as of the date of enactment of this Act, to which Federal agencies and State were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

(2) The Pacific Crest National Scenic Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally depicted on the map, identified as 'Nationwide System of Trails, Proposed Pacific Crest Trail, NST-PC-103-May 1967' which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(3) The Oregon National Historic Trail, a route of approximately two thousand miles extending from near Independence, Missouri, to the vicinity of Portland, Oregon, following a route as depicted on maps identified as 'Primary Route of the Oregon Trail 1841-1848', in the Department of the Interior's Oregon Trail study report dated April 1977, and which shall be on file and available for public inspection in the office of the Director of the National Park Service. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

(4) The Mormon Pioneer National Historic Trail, a route of approximately one thousand three hundred miles extending from Nauvoo, Illinois, to Salt Lake City, Utah, following the primary historical route of the Mormon Trail as generally depicted on a map, identified as, 'Mormon Trail Vicinity Map, figure 2' in the Department of the Interior Mormon Trail study report dated March

1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximate route depicted on the map, identified as 'Proposed Continental Divide National Scenic Trail' in the Department of the Interior Continental Divide Trail study report dated March 1977 and which shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, D.C. The Continental Divide National Scenic Trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 7(c), the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

(6) The Lewis and Clark National Historic Trail, a trail of approximately three thousand seven hundred miles, extending from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following the outbound and inbound routes of the Lewis and Clark expedition depicted on maps identified as, 'Vicinity Map, Lewis and Clark Trail' study report dated April 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

(7) The Iditarod National Historic Trail, a route of approximately two thousand miles extending from Seward, Alaska to Nome, Alaska, following the routes as depicted on maps identified as 'Seward-Nome Trail', in the Department of the Interior's study report entitled 'The Iditarod Trail (Seward-Nome Route) and other Alaskan Gold Rush Trails' dated September 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as 'Proposed North Country Trail-Vicinity Map' in the Department of the Interior 'North Country Trail Report', dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any

federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.

(9) The Overmountain Victory National Historic Trail, a system totaling approximately two hundred seventy-two miles of trail with routes from the mustering point near Abingdon, Virginia, to Sycamore Shoals (near Elizabethton, Tennessee); from Sycamore Shoals to Quaker Meadows (near Morganton, North Carolina); from the mustering point in Surry County, North Carolina, to Quaker Meadows; and from Quaker Meadows to Kings Mountain, South Carolina, as depicted on the map identified as Map 3--Historic Features--1780 in the draft study report entitled 'Overmountain Victory Trail' dated December 1979. The map shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(10) The Ice Age National Scenic Trail, a trail of approximately one thousand miles, extending from Door County, Wisconsin, to Interstate Park in Saint Croix County, Wisconsin, generally following the route described in 'On the Trail of the Ice Age--A Hiker's and Biker's Guide to Wisconsin's Ice Age National Scientific Reserve and Trail', by Henry S. Reuss, Member of Congress, dated 1980. The guide and maps shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. Overall administration of the trail shall be the responsibility of the Secretary of the Interior pursuant to section 5(d) of this Act. The State of Wisconsin, in consultation with the Secretary of the Interior, may, subject to the approval of the Secretary, prepare a plan for the management of the trail which shall be deemed to meet the requirements of section 5(e) of this Act. Notwithstanding the provisions of section 7(c), snowmobile use may be permitted on segments of the Ice Age National Scenic Trail where deemed appropriate by the Secretary and the managing authority responsible for the segment. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.

(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as 'National Trails System, Proposed Potomac Heritage Trail' in 'The Potomac Heritage Trail', a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.

(12) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled 'Concept Plan, Natchez Trace Trails Study' in 'The Natchez Trace', a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in 'The Florida Trail', a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. The report

shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.

(14) The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in 'Nez Perce (Nee-Me-Poo) Trail Study Report' prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Agriculture. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than 1/4 mile on either side of the trail.

(15) The Santa Fe National Historic Trail, a trail of approximately 950 miles from a point near Old Franklin, Missouri, through Kansas, Oklahoma, and Colorado to Santa Fe, New Mexico, as generally depicted on a map entitled 'The Santa Fe Trail' contained in the Final Report of the Secretary of the Interior pursuant to subsection (b) of this section, dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Santa Fe Trail except with the consent of the owner thereof. Before acquiring any easement or entering into any cooperative agreement with a private landowner with respect to the trail, the Secretary shall notify the landowner of the potential liability, if any, for injury to the public resulting from physical conditions which may be on the landowner's land. The United States shall not be held liable by reason of such notice or failure to provide such notice to the landowner. So that significant route segments and sites recognized as associated with the Santa Fe Trail may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donation of suitable markers for placement at appropriate locations.

(16)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled 'Trail of Tears' and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally

administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

(B) In carrying out his responsibilities pursuant to 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) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

(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).

(D) The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations. No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.

(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) entitled 'Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment' and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Juan Bautista de Anza National Historic Trail without the consent of the owner thereof. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.

(18) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment' and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the

United States for the California National Historic Trail except with the consent of the owner thereof.

(19) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment', and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.

(20) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled 'Selma to Montgomery' and dated April 1993. Maps depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered in accordance with this Act, including section 7(h). The Secretary of the Interior, acting through the National Park Service, which shall be the lead Federal agency, shall cooperate with other Federal, State and local authorities to preserve historic sites along the route, including (but not limited to) the Edmund Pettus Bridge and the Brown Chapel A.M.E. Church.

(21) El camino real de tierra adentro-

(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

(B) Map- A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(C) Administration- The Trail shall be administered by the Secretary of the Interior.

(D) Land acquisition- No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

(E) Volunteer groups; consultation- The Secretary of the Interior shall--

(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

(F) Coordination of activities- The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.

(22) Ala kahakai national historic trail-

(A) In general- The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as `Waha'ula', as generally depicted on the map entitled `Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled `Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

(B) Map- A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(C) Administration- The trail shall be administered by the Secretary of the Interior.

(D) Land acquisition- No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

(E) Public participation; consultation- The Secretary of the Interior shall--

(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.

(23) Old spanish national historic trail-

(A) In general- The Old Spanish National Historic Trail, an approximately 2,700 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848, as generally depicted on the maps numbered 1 through 9, as contained in the report entitled `Old Spanish Trail National Historic Trail Feasibility Study', dated July 2001, including the Armijo Route, Northern Route, North Branch, and Mojave Road.

(B) Map- A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(C) Administration- The trail shall be administered by the Secretary of the Interior (referred to in this paragraph as the `Secretary').

(D) Land acquisition- The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

(E) Consultation- The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

(F) Additional routes- The Secretary may designate additional routes to the trail if--

(i) the additional routes were included in the Old Spanish Trail National Historic Trail Feasibility Study, but were not recommended for designation as a national historic trail; and

(ii) the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.

(24) El camino real de los tejas national historic trail-

(A) In general- El Camino Real de los Tejas (the Royal Road to the Tejas) National Historic Trail, a combination of historic routes (including the Old San Antonio Road) totaling approximately 2,580 miles, extending from the Rio Grande near Eagle Pass and Laredo, Texas, to Natchitoches, Louisiana, as generally depicted on the map entitled `El Camino Real de los Tejas' contained in the report entitled `National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated July 1998.

(B) Map- A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(C) Administration- (i) The Secretary of the Interior (referred to in this paragraph as `the Secretary') shall administer the trail.

(ii) The Secretary shall administer those portions of the trail on non-Federal land only with the consent of the owner of such land and when such trail portion qualifies for certification as an officially established component of the trail, consistent with section 3(a)(3). An owner's approval of a certification agreement shall satisfy the consent requirement. A certification agreement may be terminated at any time.

(iii) The designation of the trail does not authorize any person to enter private property without the consent of the owner.

(D) Consultation- The Secretary shall consult with appropriate State and local agencies in the planning and development of the trail.

(E) Coordination of activities- The Secretary may coordinate with United States and Mexican public and nongovernmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to



establish an international historic trail with complementary preservation and education programs in each nation.

(F) Land acquisition- The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-administered area without the consent of the owner of the land or interest in land.

(25) Captain John Smith Chesapeake National Historic Trail-

(A) In general- The Captain John Smith Chesapeake National Historic Trail, a series of water routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, and Delaware, and in the District of Columbia, that traces the 1607-1609 voyages of Captain John Smith to chart the land and waterways of the Chesapeake Bay, as generally depicted on the map entitled 'Captain John Smith Chesapeake National Historic Trail Map MD, VA, DE, and DC', numbered P-16/8000 (CAJO), and dated May 2006.

(B) Map- The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(C) Administration- The trail shall be administered by the Secretary of the Interior--

(i) in coordination with--

(I) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961); and

(II) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267); and

(ii) in consultation with--

(I) other Federal, State, tribal, regional, and local agencies; and

(II) the private sector.

(D) Land acquisition- The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

(26) Star-spangled banner national historic trail-

(A) In general- The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map

titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

(B) Map- The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

(C) Administration- Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

(D) Land acquisition- No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

(E) Public participation- The Secretary of the Interior shall--

(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

(F) Interpretation and assistance- Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in--

(i) carrying out preservation and development of the trail; and

(ii) providing education relating to the War of 1812 along the trail.

(27) Arizona national scenic trail-

(A) In general- The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.-Mexico international border to the Arizona-Utah border, as generally depicted on the map entitled 'Arizona National Scenic Trail' and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

(B) Availability of map- The map shall be on file and available for public inspection in appropriate offices of the Forest Service.

(28) New England national scenic trail- The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the 'Metacomet Monadnock

Mattabeset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.

(29) Washington-rochambeau revolutionary route national historic trail-

(A) In general- The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled 'WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL', numbered T01/80,001, and dated June 2007.

(B) Map- The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(C) Administration- The trail shall be administered by the Secretary of the Interior, in consultation with--

(i) other Federal, State, tribal, regional, and local agencies; and

(ii) the private sector.

(D) Land acquisition- The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

(30) Pacific northwest national scenic trail-

(A) In general- The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the 'map').

(B) Availability of map- The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(C) Administration- The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

(D) Land acquisition- The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

(b) The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or

national historic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible. The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from the date of enactment of this sentence, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

- (1) the proposed route of such trail (including maps and illustrations);
- (2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental purposes;
- (3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461);
- (4) the current status of land ownership and current and potential use along the designated route;
- (5) the estimated cost of acquisition of lands or interest in lands, if any;
- (6) the plans for developing and maintaining the trail and the cost thereof;
- (7) the proposed Federal administering agency (which, in the case of a national scenic or national historic trail wholly or substantially within a national forest, shall be the Department of Agriculture);
- (8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof;
- (9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;
- (10) the anticipated impact of public outdoor recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to their national historic significance; and

(11) to qualify for designation as a national historic trail, a trail must meet all three of the following criteria:

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variation offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on broad patterns of American culture. Trails significant in the history of native Americans may be included.

(C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails, and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) Continental Divide Trail, a three-thousand-one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one-hundred-and-seventy-mile Chesapeake and Ohio Canal towpath.

(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

- (7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.
- (8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.
- (9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.
- (10) Long Trail, extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian Border.
- (11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.
- (12) Gold Rush Trails in Alaska.
- (13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico, and Arizona to Los Angeles, California.
- (14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. Augustine National Park Monument.
- (15) Bartram Trail, extending through the States of Georgia, North Carolina, South Carolina, Alabama, Florida, Louisiana, Mississippi, and Tennessee.
- (16) Daniel Boone Trail, extending from the vicinity of Statesville, North Carolina, to Fort Boonesborough State Park, Kentucky.
- (17) Desert Trail, extending from the Canadian border through parts of Idaho, Washington, Oregon, Nevada, California, and Arizona, to the Mexican border.
- (18) Dominguez-Escalante Trail, extending approximately two thousands miles along the route of the 1776 expedition led by Father Francisco Atanasio Dominguez and Father Silvestre Velez de Escalante, originating in Santa Fe, New Mexico; proceeding northwest along the San Juan, Dolores, Gunnison, and White Rivers in Colorado; thence westerly to Utah Lake; thence southward to Arizona and returning to Santa Fe.
- (19) Florida Trail, extending north from Everglades National Park, including the Big Cypress Swamp, the Kissimmee Prairie, the Withlacoochee State Forest, Ocala National Forest, Osceola National Forest, and Black Water River State Forest, said completed trail to be approximately one thousand three hundred miles long, of which over four hundred miles of trail have already been built.
- (20) Indian Nations Trail, extending from the Red River in Oklahoma approximately two hundred miles northward through the former Indian nations to the Oklahoma-Kansas boundary line.
- (21) Nez Perce Trail extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana.
- (22) Pacific Northwest Trail, extending approximately one thousand miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington, by way of--

(A) Flathead National Forest and Kootenai National Forest in the State of Montana;

(B) Kaniksu National Forest in the State of Idaho; and

(C) Colville National Forest, Okanogan National Forest, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades National Park, Mount Baker, the Skagit River, Deception Pass, Whidbey Island, Olympic National Forest, and Olympic National Park in the State of Washington.

(23) Overmountain Victory Trail, extending from the vicinity of Elizabethton, Tennessee, to Kings Mountain National Military Park, South Carolina.

(24) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.

(25) Trail of Tears, including the associated forts and specifically, Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma.

(26) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

(27) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith--

(A) during the period 1826-1827, extending from the Idaho-Wyoming border, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valley, Bald Mount, Mount Grafton, and Great Salt Lake to Bear Lake, Utah; and

(B) during 1828, extending from the Sacramento and Trinity River Valleys along the Pacific coastline, through the Smith and Willamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.

(28) General Crook Trail, extending from Prescott, Arizona, across the Mogollon Rim to Fort Apache.

(29) Beale Wagon Road, within the Kaibab and Coconino National Forests in Arizona: *Provided*, That such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990.

(30) Pony Express Trail, extending from Saint Joseph, Missouri, through Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, to Sacramento, California, as indicated on a map labeled 'Potential Pony Express Trail', dated October 1983 and the California Trail, extending from the vicinity of Omaha, Nebraska, and Saint Joseph, Missouri, to various points in California, as indicated on a map labeled 'Potential California Trail' and dated August 1, 1983. Notwithstanding subsection (b) of this section, the study under this paragraph shall be completed and submitted to the Congress no later than the end of two complete fiscal years beginning after the date of the enactment of this paragraph. Such study shall be separated into two portions, one relating to the Pony Express Trail and one relating to the California Trail.

(31) De Soto Trail, the approximate route taken by the expedition of the Spanish explorer Hernado de Soto in 1539, extending through portions of the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, to the area of Little Rock, Arkansas, on to Texas and Louisiana, and any other States which may have been crossed by the expedition. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than one calendar year after the date of enactment of this paragraph.

(32) Coronado Trail, the approximate route taken by the expedition of the Spanish explorer Francisco Vasquez de Coronado between 1540 and 1542, extending through portions of the States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. The study under this paragraph shall be prepared in accordance with subsection (b) of this section. In conducting the study under this paragraph, the Secretary shall provide for (A) the review of all original Spanish documentation on the Coronado Trail, (B) the continuing search for new primary documentation on the trail, and (C) the examination of all information on the archeological sites along the trail.

(33) The route from Selma to Montgomery, Alabama traveled by people in a march dramatizing the need for voting rights legislation, in March 1965, includes Sylvan South Street, Water Avenue, the Edmund Pettus Bridge, and Highway 80. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than 1 year after the enactment of this paragraph.

(34) American Discovery Trail, extending from Pt. Reyes, California, across the United States through Nevada, Utah, Colorado, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Ohio, West Virginia, Maryland, and the District of Columbia, to Cape Henlopen State Park, Delaware; to include in the central United States a northern route through Colorado, Nebraska, Iowa, Illinois, and Indiana and a southern route through Colorado, Kansas, Missouri, Illinois, and Indiana.

(35) Ala Kahakai Trail in the State of Hawaii, an ancient Hawaiian trail on the Island of Hawaii extending from the northern tip of the Island of Hawaii approximately 175 miles along the western and southern coasts to the northern boundary of Hawaii Volcanoes National Park.

(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

(B) The study shall--

- (i) examine changing routes within the general corridor;
- (ii) examine major connecting branch routes; and
- (iii) give due consideration to alternative name designations.

(C) The Secretary of the Interior is authorized to work in cooperation with the Government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic route along the El Camino Real de Tierra Adentro.

(37)(A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the



vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

(B) The study shall--

- (i) examine the changing roads within the historic corridor;
- (ii) examine the major connecting branch routes;
- (iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;
- (iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled 'A Texas Legacy: The Old San Antonio Road and the Caminos Reales', dated January, 1991; and
- (v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

(E) The study shall consider alternative name designations for the trail.

(F) The study shall be completed no later than two years after the date funds are made available for the study.

(38) The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.

(39) The Great Western Scenic Trail, a system of trails to accommodate a variety of travel users in a corridor of approximately 3,100 miles in length extending from the Arizona-Mexico border to the Idaho-Montana-Canada border, following the approximate route depicted on the map identified as 'Great Western Trail Corridor, 1988', which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture. The trail study shall be conducted by the Secretary of Agriculture, in consultation with the Secretary of the Interior, in accordance with subsection (b) and shall include--

- (A) the current status of land ownership and current and potential use along the designated route;
- (B) the estimated cost of acquisition of lands or interests in lands, if any; and
- (C) an examination of the appropriateness of motorized trail use along the trail.

(40) Star-Spangled Banner National Historic Trail-

(A) In general- The Star-Spangled Banner National Historic Trail, tracing the War of 1812 route from the arrival of the British fleet in the Patuxent River in Calvert County and St. Mary's County, Maryland, the landing of the British forces at Benedict, the sinking of the Chesapeake Flotilla at Pig Point, the American defeat at the Battle of Bladensburg, the siege of the Nation's Capital, Washington, District of Columbia (including the burning of the United States Capitol and the White House), the British naval diversions in the upper Chesapeake Bay leading to the Battle of Caulk's Field in Kent County, Maryland, the route of the American troops from Washington through Georgetown, the Maryland Counties of Montgomery, Howard, and Baltimore, and the City of Baltimore, Maryland, to the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry on September 14, 1814.

(B) Affected areas- The trail crosses eight counties within the boundaries of the State of Maryland, the City of Baltimore, Maryland, and Washington, District of Columbia.

(C) Coordination with other congressionally mandated activities- The study under this paragraph shall be undertaken in coordination with the study authorized under section 603 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1a-5 note; 110 Stat. 4172) and the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961). Such coordination shall extend to any research needed to complete the studies and any findings and implementation actions that result from the studies and shall use available resources to the greatest extent possible to avoid unnecessary duplication of effort.

(D) Deadline for study- Not later than 2 years after funds are made available for the study under this paragraph, the study shall be completed and transmitted with final recommendations to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

(42) The Long Walk Trail, a series of routes which the Navajo and Mescalero Apache Indian tribes were forced to walk beginning in the fall of 1863 as a result of their removal by the United States Government from their ancestral lands, generally located within a corridor extending through portions of Canyon de Chelly, Arizona, and Albuquerque, Canyon Blanco, Anton Chico, Canyon Piedra Pintado, and Fort Sumner, New Mexico.

(41) Metacomet-Monadnock-Mattabesett Trail- The Metacomet-Monadnock-Mattabesett Trail, a system of trails and potential trails extending southward approximately 180 miles through western Massachusetts on the Metacomet-Monadnock Trail, across central Connecticut on the Metacomet Trail and the Mattabesett Trail, and ending at Long Island Sound.

(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering--

(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; title V of Public Law 105-312); and

(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(C) The study shall include an extensive analysis of the potential impacts the designation of the trail as a national historic watertrail is likely to have on land and water, including docks and piers, along the proposed route or bordering the study route that is privately owned at the time the study is conducted.

(44) Chisholm trail-

(A) In general- The Chisholm Trail (also known as the `Abilene Trail'), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

(B) Requirement- In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

(45) Great western trail-

(A) In general- The Great Western Trail (also known as the `Dodge City Trail'), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan's Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

(B) Requirement- In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

(46) *Chief standing bear national historic trail-*

*(A) In general- The Chief Standing Bear Trail, extending approximately 550 miles from Niobrara, Nebraska, to Ponca City, Oklahoma, which follows the route taken by Chief Standing Bear and the Ponca people during Federal Indian removal, and approximately 550 miles from Ponca City, Oklahoma, through Omaha, Nebraska, to Niobrara, Nebraska, which follows the return route taken by Chief Standing Bear and the Ponca people, as generally depicted on the map entitled `Chief Standing Bear National Historic Trail Feasibility Study' numbered 903/125,630, and dated November 2014.*

*(B) Availability of map- The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.*

*(C) Components- The feasibility study conducted pursuant to subparagraph (A) shall include a determination on whether the Chief Standing Bear Trail meets the criteria described in subsection (b) for designation as a national historic trail.*

*(D) Considerations.—In conducting the feasibility study under subparagraph (A), the Secretary of the Interior shall consider input from owners of private land within or adjacent to the study area.*

(d) The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the system, and within sixty days of the enactment of this sentence for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment, except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment. If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;

(2) a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;

(3) one or more members appointed to represent private organizations, including corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(4) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(e) Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail, and the North Country National Scenic Trail, as part of the system, and within two complete fiscal years of the date of enactment of this subsection for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to section 5(d), and the Appalachian Trail Conference in the case of the Appalachian Trail, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved (along with high potential historic sites and high potential route segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

(3) general and site-specific development plans including anticipated costs.

(f) Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail or the North Country National Scenic Trail, as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to section 5(d) of this Act, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying capacity of the trail and a plan for its implementation;

(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 7(c) of this Act;

(3) a protection plan for any high potential historic sites or high potential route segments; and

(4) general and site-specific development plans, including anticipated costs.

(g) Revision of Feasibility and Suitability Studies of Existing National Historic Trails-

(1) Definitions- In this subsection:

(A) Route- The term `route' includes a trail segment commonly known as a cutoff.

(B) Shared route- The term `shared route' means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

(2) Requirements for revision-

(A) In general- The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

(B) Study requirements and objectives- The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

(C) Completion and submission of study- A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

(3) Oregon national historic trail-

(A) Study required- The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled `Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

(B) Covered routes- The routes to be studied under subparagraph (A) shall include the following:

(i) Whitman Mission route.

(ii) Upper Columbia River.

(iii) Cowlitz River route.

(iv) Meek cutoff.

(v) Free Emigrant Road.

(vi) North Alternate Oregon Trail.

(vii) Goodale's cutoff.

(viii) North Side alternate route.

(ix) Cutoff to Barlow road.

(x) Naches Pass Trail.

(4) Pony express national historic trail- The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

(5) California national historic trail-

(A) Study required- The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled `Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to

determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

(B) Covered routes- The routes to be studied under subparagraph (A) shall include the following:

(i) Missouri valley routes-

- (I) Blue Mills-Independence Road.
- (II) Westport Landing Road.
- (III) Westport-Lawrence Road.
- (IV) Fort Leavenworth-Blue River route.
- (V) Road to Amazonia.
- (VI) Union Ferry Route.
- (VII) Old Wyoming-Nebraska City cutoff.
- (VIII) Lower Plattsmouth Route.
- (IX) Lower Bellevue Route.
- (X) Woodbury cutoff.
- (XI) Blue Ridge cutoff.
- (XII) Westport Road.
- (XIII) Gum Springs-Fort Leavenworth route.
- (XIV) Atchison/Independence Creek routes.
- (XV) Fort Leavenworth-Kansas River route.
- (XVI) Nebraska City cutoff routes.
- (XVII) Minersville-Nebraska City Road.
- (XVIII) Upper Plattsmouth route.
- (XIX) Upper Bellevue route.

(ii) Central routes-

- (I) Cherokee Trail, including splits.
- (II) Weber Canyon route of Hastings cutoff.
- (III) Bishop Creek cutoff.
- (IV) McAuley cutoff.

(V) Diamond Springs cutoff.

(VI) Secret Pass.

(VII) Greenhorn cutoff.

(VIII) Central Overland Trail.

(iii) Western routes-

(I) Bidwell-Bartleson route.

(II) Georgetown/Dagget Pass Trail.

(III) Big Trees Road.

(IV) Grizzly Flat cutoff.

(V) Nevada City Road.

(VI) Yreka Trail.

(VII) Hennes Pass route.

(VIII) Johnson cutoff.

(IX) Luther Pass Trail.

(X) Volcano Road.

(XI) Sacramento-Coloma Wagon Road.

(XII) Burnett cutoff.

(XIII) Placer County Road to Auburn.

(6) Mormon pioneer national historic trail-

(A) Study required- The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

(B) Covered routes- The routes to be studied under subparagraph (A) shall include the following:

(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

(ii) 1856-57 Handcart route (Iowa City to Council Bluffs).

(iii) Keokuk route (Iowa).

(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.



(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

(vi) 1850 Golden Pass Road in Utah.

(7) Shared California and Oregon trail routes-

(A) Study required- The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

(B) Covered routes- The routes to be studied under subparagraph (A) shall include the following:

(i) St. Joe Road.

(ii) Council Bluffs Road.

(iii) Sublette cutoff.

(iv) Applegate route.

(v) Old Fort Kearny Road (Oxbow Trail).

(vi) Childs cutoff.

(vii) Raft River to Applegate.

\* \* \* \* \*

# Committee on Natural Resources

Rob Bishop, Chairman

## Markup Memo

March 23, 2015

To: All Natural Resource Committee Members

From: Majority Committee Staff, Subcommittee on Indian, Insular and Alaska Native Affairs (6-9725)

Subject: March 25, 2015 markup of H.R. 1168 (Cramer-ND), the “*Native American Children Safety Act*”

---

### **H.R. 1168 (Cramer-ND), the “*Native American Children Safety Act*”**

#### **Summary of the Bill**

H.R. 1168, the “*Native American Children Safety Act*,” was introduced by Rep. Cramer on February 27, 2015 and referred to the Subcommittee on Indian, Insular, and Alaska Native Affairs. The bill amends section 408 of the Indian Child Protection and Family Violence Prevention Act<sup>1</sup> to require tribal social service agencies to perform character background investigations of all foster care parents and adults living in foster care homes, prior to placement of an Indian child into a foster home. Placement is disallowed if the background check reveals a federal, state, or tribal crime of child neglect or abuse. The requirement to conduct a background investigation shall not apply to an emergency foster care placement, as determined by a tribal social services agency.

#### **Cosponsors**

None

#### **Background**

On June 24, 2014, the Subcommittee on Indian and Alaska Native Affairs held an oversight hearing to determine the state of child protection and safety on the Spirit Lake Reservation in North Dakota. For several years, incidents of child abuse, neglect, and death in the Reservation have been at epidemic levels.<sup>2</sup> It was revealed that the tribe placed children in unlicensed foster homes where sex offenders were known to reside.

---

<sup>1</sup> P.L. 101-630, Title IV (25 U.S.C. 3207)

<sup>2</sup> In 2013, the local ABC affiliate for Grand Forks reported the U.S. Marshals verified there were 41 registered sex offenders on the reservation out of approximately 6,200 residents. In comparison, the Sex Offender web site for the

In the Subcommittee hearing, testimony was obtained from the Director of the BIA, the chairman of the Spirit Lake Tribe, a former tribal judge, a witness from the Administration for Children and Families (Department of Health and Human Services), and a witness from the Casey Foundation, which works with tribes and federal agencies to improve tribal child welfare services. It was learned that despite a BIA finding that the tribe's administration of a BIA social services program through a Public Law 93-638 contract was posing an "imminent danger" to the health and safety of certain Indian children on Spirit Lake, the tribe was allowed to continue operating the program for an additional five months before it relinquished control to the BIA.

While the BIA assumed the 638 contract, the tribe nonetheless retained certain powers over the placement of Indian children in foster homes. There are continuing concerns that the tribe has failed to take sufficient measures to protect the health and welfare of Indian children under its jurisdiction. In the hearing the BIA witness acknowledged the possibility that the 638 contract for federally-funded child social services could eventually be restored to the tribe.

One of the problems facing Indian children in Indian country is the lack of a federal requirement for a tribe or tribal agency to conduct background checks on individuals in foster homes to which the tribe may order the placement of Indian children. On April 30, 2014, Rep. Cramer introduced a bill, H.R. 4534, to require a tribe to conduct background checks on individuals who reside in or are employed by foster homes where an Indian child may be placed by a tribe through a tribal foster placement proceeding. The Administration voiced support for the principles of the bill.

### **Major Provisions/Analysis of H.R. 1168**

H.R. 1168 amends the Indian Child Protection and Family Violence Prevention Act to prohibit a tribe from ordering a foster placement of an Indian child until the tribe, within 14 days of the foster care proceeding, completes a background investigation of a covered individual (18 and older) who resides in or is employed by the foster home or institution in which the foster placement will be made. No foster placement may be ordered by the tribe if the background investigation shows that a covered individual has been convicted by a federal, state, or tribal court of<sup>3</sup> –

- Felony child abuse or neglect, spousal abuse, crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, at any time; or
- Felony physical assault, battery, or drug-related offense committed within the past 5 years.

---

State of North Dakota indicates that nearby Grand Forks currently have 19 registered sex offenders out of a population of 53,000.

<sup>3</sup> 42 U.S.C. 671(a)(20)(A)

Under the bill, the restrictions on a tribe from placing a foster child as described above can be waived by the tribe in an “emergency placement,” as determined by the tribe.

H.R. 1168 requires a tribe to establish procedures within 24 months of the enactment to recertify the safety of foster homes where a tribe may place an Indian child. The Secretary of the Interior is shall promulgate regulations, within two years of enactment and after tribal consultation, concerning background check procedures and self-reporting requirements for foster homes.

The bill should not score as it does not include any new spending. Other provisions of note in the bill would also:

- Apply to foster care placements under the exclusive jurisdiction of the tribe;
- Require that adults who join a foster care household after placement of the Indian child also be subject to character investigations; and
- Require that tribes establish recertification procedures, within two years (subject to regulations promulgated by the Secretary of the Interior), of homes or institutions in which foster care placements are made.

*Previous Committee Action.* In the 113<sup>th</sup> Congress, the Subcommittee on Indian and Alaska Native Affairs held a hearing on an identical bill, H.R. 4534 on July 29, 2014. The House Natural Resources Committee ordered the bill as amended, by unanimous consent to be reported favorably on September 18, 2014.<sup>4</sup> No further action was taken on the bill in the 113<sup>th</sup> Congress.

### **Cost**

None<sup>5</sup>

### **Amendments**

We do not anticipate any amendments being filed.

---

<sup>4</sup> See House Report 113-606.

<sup>5</sup> S. 184, the identical senate companion bill contains a zero cost.

Effect on Current Law

**The Indian Child Protection and Family Violence Prevention Act  
(25 U.S.C. 3207), as amended by H.R. 1168**

*(new text in italics)*

**TITLE IV--INDIAN CHILD PROTECTION**

\* \* \* \* \*

**SEC. 408. CHARACTER INVESTIGATIONS.**

(a) By Secretary of the Interior and the Secretary of Health and Human Services- The Secretary and the Secretary of Health and Human Services shall-

-

(1) compile a list of all authorized positions within their respective departments the duties and responsibilities of which involve regular contact with, or control over, Indian children,

(2) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the respective Secretary in a position listed pursuant to paragraph (1), and

(3) prescribe by regulations minimum standards of character that each of such individuals must meet to be appointed to such positions.

(b) Criminal Records- The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsection (a) have been found guilty of, or entered a plea of nolo contendere or guilty to, any offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons.

(c) Investigations by Indian Tribes and Tribal Organizations- Each Indian tribe or tribal organization that receives funds under the Indian Self-Determination

and Education Assistance Act or the Tribally Controlled Schools Act of 1988 shall--

(1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by such tribe or tribal organization in a position that involves regular contact with, or control over, Indian children, and

(2) employ individuals in those positions only if the individuals meet standards of character, no less stringent than those prescribed under subsection (a), as the Indian tribe or tribal organization shall establish.

*(d) By Tribal Social Services Agency for Foster Care Placements in Tribal Court Proceedings-*

*(1) Definitions- In this subsection:*

*(A) Covered individual- The term 'covered individual' includes--*

*(i) any individual 18 years of age or older; and*

*(ii) any individual who the tribal social services agency determines is subject to a criminal records check under paragraph (2)(A)*

*(B) Foster care placement- The term 'foster care placement' means any action removing an Indian child from a parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator if--*

*(i) the parent or Indian custodian cannot have the child returned on demand; and*

*(ii) parental rights have not been terminated; or*

*(iii) parental rights have been terminated but the child has not been permanently placed.*

*(C) Indian custodian- The term 'Indian custodian' means any Indian--*

*(i) who has legal custody of an Indian child under tribal law or custom or under State law; or*

*(ii) to whom temporary physical care, custody, and control has been transferred by the parent of the child.*

*(D) Parent- The term `parent' means--*

*(i) any biological parent of an Indian child; or*

*(ii) any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom.*

*(E) Tribal court- The term `tribal court' means a court--*

*(i) with jurisdiction over foster care placements; and*

*(ii) that is--*

*(I) a Court of Indian Offenses;*

*(II) a court established and operated under the code or custom of an Indian tribe; or*

*(III) any other administrative body of an Indian tribe that is vested with authority over foster care placements.*

*(F) Tribal social services agency- The term `tribal social services agency' means the agency of an Indian tribe that has the primary responsibility for carrying out foster care licensing or approval (as of the date on which the proceeding described in paragraph (2)(A) commences) for the Indian tribe.*

*(2) Criminal records check before foster care placement-*

*(A) In general- Except as provided in paragraph (3), no foster care placement shall be finally approved and no foster care license shall be issued until the tribal social services agency--*

*(i) completes a criminal records check of each covered individual who resides in the household or is employed at*

*the institution in which the foster care placement will be made; and*

*(ii) concludes that each covered individual described in clause (i) meets such standards as the Indian tribe shall establish in accordance with subparagraph (B).*

*(B) Standards of placement- The standards described in subparagraph (A)(ii) shall include--*

*(i) requirements that each tribal social services agency described in subparagraph (A)--*

*(I) perform criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3) of title 28, United States Code);*

*(II) check any child abuse registries maintained by the Indian tribe; and*

*(III) check any child abuse and neglect registries maintained by the State in which the covered individual resides for information on the covered individual, and request any other State in which the covered individual resided in the preceding 5 years, to enable the tribal social services agency to check any child abuse and neglect registry maintained by the State for such information; and*

*(ii) any other additional requirement that the Indian tribe determines is necessary and permissible within the existing authority of the Indian tribe, such as the creation of voluntary agreements with State entities in order to facilitate the sharing of information related to the performance of criminal records checks.*

*(C) Results- Except as provided in paragraph (3), no foster care placement shall be ordered in any proceeding described in*



*subparagraph (A) if an investigation described in clause (i) of that subparagraph reveals that a covered individual described in that clause has been found by a Federal, State, or tribal court to have committed any crime listed in clause (i) or (ii) of section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)).*

*(3) Emergency placement- Paragraph (2) shall not apply to an emergency foster care placement, as determined by a tribal social services agency.*

*(4) Recertification of foster homes or institutions-*

*(A) In general- Not later than 2 years after the date of enactment of this subsection, each Indian tribe shall establish procedures to recertify homes or institutions in which foster care placements are made.*

*(B) Contents- The procedures described in subparagraph (A) shall include, at a minimum, periodic intervals at which the home or institution shall be subject to recertification to ensure--*

*(i) the safety of the home or institution for the Indian child; and*

*(ii) that each covered individual who resides in the home or is employed at the institution is subject to a criminal records check in accordance with this subsection, including any covered individual who--*

*(I) resides in the home or is employed at the institution on the date on which the procedures established under subparagraph (A) commences; and*

*(II) did not reside in the home or was not employed at the institution on the date on which the investigation described in paragraph (2)(A)(i) was completed.*

*(C) Guidance issued by the secretary- The procedures established under subparagraph (A) shall be subject to any regulation promulgated or guidance issued by the Secretary that is in accordance with the purpose of this subsection.*

*(5) Guidance- Not later than 2 years after the date of enactment of this subsection and after consultation with Indian tribes, the Secretary shall promulgate guidance regarding--*

*(A) procedures for a criminal records check of any covered individual who--*

*(i) resides in the home or is employed at the institution in which the foster care placement is made after the date on which the investigation described in paragraph (2)(A)(i) is completed; and*

*(ii) was not the subject of an investigation described in paragraph (2)(A)(i) before the foster care placement was made;*

*(B) self-reporting requirements for foster care homes or institutions in which any covered individual described in subparagraph (A) resides if the head of the household or the operator of the institution has knowledge that the covered individual--*

*(i) has been found by a Federal, State, or tribal court to have committed any crime listed in clause (i) or (ii) of section 471(a)(20)(A) of the Social Security Act (42 U.S.C. 671(a)(20)(A)); or*

*(ii) is listed on a registry described in clause (II) or (III) of paragraph (2)(B)(i);*

*(C) promising practices used by Indian tribes to address emergency foster care placement procedures under paragraph (3); and*

*(D) procedures for certifying compliance with this Act.*

\* \* \* \* \*

# Committee on Natural Resources

Rob Bishop, Chairman

Mark-Up Memo

March 23, 2015

To: All Natural Resources Committee Members

From: Gary Schiff, Subcommittee on Federal Lands Majority Staff (x6-7736)

Mark-Up: March 25, 2015 markup on H.R. 1324, Arapaho National Forest Boundary Adjustment Act of 2015

---

## **H.R. 1324 - Arapaho National Forest Boundary Adjustment Act of 2015**

### **Summary of the Bill**

H.R. 1324, introduced by Congressman Jared Polis (CO-02), would adjust the boundary of the Arapaho National Forest in the State of Colorado to incorporate 92.95 additional acres. Federal land to be included in new boundary will become part of the Bowen Gulch Protection Area established under Section 6 of the Colorado Wilderness Act of 1993.

### **Cosponsors**

None

### **Major Provisions/Analysis of H.R. 1324**

Owners of non-Federal lands within the expanded boundary who historically have accessed their lands through lands included in the Arapaho expansion would have continued right of motorized access to their lands across an existing roadway. The bill also authorizes the Secretary of Agriculture to acquire non-Federal lands within the boundary.

### **Background/Amendment**

A Bishop amendment added the following changes to the bill: Written permission of the landowner will be required before a parcel of private land can be included within the expanded boundary. Acquisition of land in the added area can be achieved “only by donation or exchange,” and the motorized use provision is clarified to ensure that the act does not open privately owned land to motorized trespass.

### **Administration Position**

Supports