



To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff
Date: January 17, 2022
Subject: Markup on 14 Bills: H.R. 268 (Vela), H.R. 441 (Young), H.R. 1415 (Kilmer), H.R. 2512 (Estes), H.R. 2551 (Curtis), H.R. 2773 (Dingell), H.R. 2793 (S. P. Maloney), H.R. 2872 (Cartwright), H.R. 3228 (Velázquez), H.R. 4009 (Norton), H.R. 4358 (Buchanan), H.R. 4380 (Escobar), H.R. 4404 (Soto), H.R. 5118 (Neguse).

The Natural Resources Committee will hold a markup on 14 bills on **Wednesday, January 19, 2022, at 10 a.m. EST** online via Cisco WebEx. The bills include H.R. 268 (Vela), H.R. 441 (Young), H.R. 1415 (Kilmer), H.R. 2512 (Estes), H.R. 2551 (Curtis), H.R. 2773 (Dingell), H.R. 2793 (S. P. Maloney), H.R. 2872 (Cartwright), H.R. 3228 (Velázquez), H.R. 4009 (Norton), H.R. 4358 (Buchanan), H.R. 4380 (Escobar), H.R. 4404 (Soto), H.R. 5118 (Neguse).

Member offices are requested to notify Baylee Seeman (Baylee.Seeman@mail.house.gov) by **4:30 p.m. EDT on Tuesday, January 18, 2022**, if their Member intends to participate in person in the hearing room or remotely from his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee's electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (EverettWinnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Bills expected to move by Regular Order are:
 - H.R. 1415 (Kilmer): This bill was part of the Ocean-Based Climate Solutions Act (Blue New Deal). National Oceanic and Atmospheric Administration expressed concerns that the bill would focus funding on capital-intensive objectives that could adversely affect coastal resources in some cases.
 - H.R. 2773 (Dingell): This bill would permanently authorize \$1.3 billion in new mandatory spending each year for states to implement Wildlife Action Plans with a focus on saving species from extinction.
 - H.R. 2872 (Cartwright): This bill aims to revive a 2013 Obama-era *National Fish Wildlife and Plants Climate Adaptation Strategy*, which the U.S. Fish and Wildlife Service has testified is “duplicative” and “unnecessary.”

- H.R. 3228 (Velazquez): Part of the Ocean-Based Climate Solutions Act (Blue New Deal), this bill would fund NOAA to study ocean levels.
- H.R. 5118 (Neguse): This bill seeks to expedite completion of the already authorized Continental Divide Trail, which lacks about 5 percent of the land necessary to complete it.
- Bills expected to move by unanimous consent are: H.R. 268 (Vela), H.R. 441 (Young), H.R. 2512 (Estes), H.R. 2551 (Curtis), H.R. 2793 (S.P. Maloney), H.R. 4009 (Norton), H.R. 4358 (Buchanan), H.R. 4380 (Escobar), H.R. 4404 (Soto).

II. EXPECTED LEGISLATION

H.R. 268 (Vela), To provide for the boundary of the Palo Alto Battlefield National Historic Park to be adjusted, to authorize the donation of land to the United States for addition to that historic park, and for other purposes

Palo Alto Battlefield National Historical Park in Texas is the site of the first major battle of the Mexican-American War and enjoys the distinction of being the only National Park Service (NPS) unit to interpret the Mexican-American War.¹ Visitors to the Historical Park can experience a landscape largely as it existed on the day of the battle.² Together with the Resaca de la Palma Battlefield unit, Palo Alto Battlefield provides a unique opportunity to learn about the war, its causes and consequences, and its impact on the relationship between the U.S. and Mexico.³

This bill would authorize the transfer of roughly 166.44 acres via donation from the International Boundary and Water Commission to the NPS for inclusion in Palo Alto Battlefield National Historical Park. The addition includes the historic Fort Brown site in Brownsville. The fort served a crucial location during the Mexican-American War and became a National Historic Landmark in 1960.⁴ An identical version of this bill was favorably reported by unanimous consent in the 116th Congress.

An Amendment in the Nature of a Substitute (ANS) offered by Chairman Grijalva adds a requirement that the NPS complete a boundary revision study to evaluate the national significance of the proposed addition and determine the suitability and feasibility of managing it as part of the historical park prior to revising the boundary and acquiring the land. *The Ranking Member supports the bill. The bill is expected to move by unanimous consent.*

The hearing memo for H.R. 268 prepared by Committee Republican staff may be viewed [here](#).

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

¹ Learn About the Park, National Park Service (2019), <https://www.nps.gov/paal/learn/index.htm>.

² *Id.*

³ *Id.*

⁴ Fort Brown Brownsville, Texas, National Park Service (last visited Jan 14, 2022), https://www.nps.gov/nr/travel/american_latino_heritage/Fort_Brown.html.

H.R. 441 (Young), To provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and for other purposes

The bill would direct the Secretary of Health and Human Services (HHS) to convey by warranty deed, within 180 days of enactment, 11.25-acres of federal land located in Tanana, Alaska, to the Tanana Tribal Council (TTC) for use in connection with health and social services related programs. The bill does not allow for any reversionary interest of the U.S. in the property. The TTC provides health services under a compact with the Indian Health Service (IHS), pursuant to the Indian Self Determination Education Assistance Act. The parcel of land that the Tribe is requesting encompasses a portion of a former IHS hospital site. TTC intends to use the 11.25 acres of land to facilitate the construction of a new community wellness clinic, expanding elder care and developing nursing care services. *The Ranking Member supports this bill. The bill is expected to move by unanimous consent.*

The hearing memo for H.R. 441 prepared by Committee Republican staff may be viewed [here](#).

Staff contact: Ken Degenfelder (Ken.Degenfelder@mail.house.gov) (202-306-5328)

H.R. 1415 (Kilmer), Tribal Coastal Resiliency Act

The goal of Coastal Zone Management Act (CZMA) is to “to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation’s coastal zone.”⁵ As currently drafted, H.R. 1415 would designate \$5 million of the annually appropriated CZMA grant dollars given to states for Tribes. In FY 2022, CZMA grants were appropriated a total of \$78.5 million.⁶ All 35 coastal and Great Lakes states and territories (with the exception of Alaska) participate in CZMA. Tribes have historically partnered with states to receive CZMA funds towards projects that meet the law’s objectives.⁷

This bill would stipulate that grants under \$200,000 would have a 100 percent federal cost share, while grants that exceed \$200,000 would have a 95 percent federal cost share. In addition, the bill would give the Secretary of Commerce the discretion to waive or reduce the non-federal cost share under the bill. In contrast, many current CZMA grants are allocated using formulas based on shoreline lengths and coastal populations, and most of the grants are matched on a 1:1 basis.⁸

⁵ 33 U.S.C. 1452

⁶ Congressional Record 166-218 (December 21, 2020) <https://www.govinfo.gov/content/pkg/CREC-2020-12-21/pdf/CREC-2020-12-21-house-bk3.pdf>.

⁷ NOAA Office for Coastal Management, Coastal Resilience Grant Program Project Summaries (last accessed January 14, 2022) <https://www.coast.noaa.gov/resilience-grant/projects/>.

⁸ NOAA, Coastal Zone Management Act Overview (last accessed January 14, 2022) <https://coast.noaa.gov/data/digitalcoast/pdf/czma-overview.pdf>.

In the 116th Congress, the Water, Oceans, and Wildlife Subcommittee held a hearing on similar legislation (H.R. 729). Information on this hearing, including testimony on the bill, can be found [here](#). During the hearing, the National Oceanic and Atmospheric Administration (NOAA) expressed concerns that the bill would focus funding on objectives the agency found “capital-intensive and, in some cases, adversely affect nearby beaches, dunes, and other coastal resources.”⁹ Those objectives that caused drew concerns from NOAA are still included in H.R. 1415.

The 116th Congress version of this bill passed the Natural Resources Committee by voice vote, but dissenting views were filed. Those can be found [here](#). This bill was also included as part of a larger package which passed the House by a 262 to 151 vote.¹⁰

The ANS makes the language in H.R. 1415 identical to the language included in H.R. 3764, the Ocean-Based Climate Solutions Act (Rep. Raul Grijalva, D-AZ), which passed the Natural Resources Committee by a vote of 23 to 19 on July 14, 2021. The ANS would make the following changes to H.R. 1415:

- Authorize a new, separate CZMA grant program of \$25 million over five years for Indian tribes. This funding would be in addition to the funding allocated to the states.
- Removes a requirement that grantees consult with the affected coastal state regarding the grant objectives and purpose.

The Ranking Member opposes this bill. The bill is expected to move by regular order.

The hearing memo prepared by Committee Republican staff may be viewed [here](#).

Staff contact: Kiel Weaver (Kiel.Weaver@mail.house.gov) and Annick Miller (Annick.Miller@mail.house.gov)

H.R. 2512 (Estes), Chisholm National Historic Trail and Western National Historic Trail Designation Act

The Chisholm Trail and the Western Trail were the two primary trails used by Texas ranchers and contractors to move cattle from Texas to midwestern and Great Plains states from the 1850s through the 1880s.¹¹ These two trails, which include approximately 2,548 miles of routes, passed through Texas, Oklahoma, Kansas, and Nebraska, with distribution routes extending into northern states and even Canada.¹² The development and use of the

⁹ [Written Testimony by RDML Tim Gallaudet, Deputy NOAA Administrator, Hearing July 25, 2019.](#)

¹⁰ H.R. 729 (116th Congress) <https://www.congress.gov/bill/116th-congress/house-bill/729>.

¹¹ National Park Service, Chisholm and Great Western National Historic Trail Feasibility Study / Environmental Assessment iii (2019) <https://parkplanning.nps.gov/showFile.cfm?projectID=30803&MIMEType=application%252Fpdf&filename=Chisholm%20and%20Great%20Western%20NHT%20Feasibility%20Study%20Environmental%20Assessment%20Final%202019%2Epdf&sfid=374337>.

¹² *Id.*

Chisholm and Western Trails to move cattle to market in the 19th century played a vital role in the economic recovery of Texas and other western states following the Civil War.¹³

This bill designates the Chisholm National Historic Trail and the Western National Historic Trail as part of the National Trails System. The bill authorizes the Secretary of the Interior to administer the trails located on Federal land as a single administrative unit and to administer any portion of the trails located on non-Federal land only with the consent of the property owner. In 2009, Congress authorized the NPS to conduct a national historic trail feasibility study.¹⁴ The NPS transmitted the final feasibility study to Congress in May 2019 and found the trails to be eligible for designation to the National Trails System.¹⁵ The NPS testified in support of H.R. 2512 at a hearing on November 9, 2021. *The Ranking Member supports this bill. The bill is expected to move by unanimous consent.*

The hearing memo for H.R. 2512 prepared by Committee Republican staff may be viewed [here](#).

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H.R. 2551 (Curtis), Bonneville Shoreline Trail Advancement Act

The Bonneville Shoreline Trail (BST) concept began in 1990 as an effort to preserve a heavily used mountain biking, jogging, and walking pathway along a corridor between Emigration Canyon and Dry Canyon on the east side of Salt Lake City, Utah.¹⁶ After receiving unanimous support from the mayor, city council, and planning commission staff, Salt Lake City adopted the BST as a formal trail system through the foothills east and north of the City.¹⁷ In 1991, the Bonneville Shoreline Trail Committee formed and by 1994, Davis, Weber, and Utah Counties joined Salt Lake County in the effort to create one continuous foothill shoreline trail along the foothills of ancient Lake Bonneville.¹⁸ Piece by piece, the existing BST segments have been planned and adopted within each political jurisdiction over the last 30 years. When completed, the BST will be a 280-mile-long regional hiking, biking, and equestrian trail at the back door of more than 1.5 million people.¹⁹

To advance the completion of the BST, the “Bonneville Shoreline Trail Advancement Act” authorizes minor boundary adjustments to swap out approximately 326 acres of wilderness, divided over 20 small parcels, that overlay the trail for an equal amount added in other areas to the Mount Olympus Wilderness in the Uinta-Wasatch-Cache National Forest. The current portions of the trail within the boundaries of the wilderness area are unusable to

¹³ *Id.*

¹⁴ *Supra* n. 5.

¹⁵ *Id.*

¹⁶ Bonneville Shoreline Trail History, Bonneville Shoreline Trail (2021), <https://www.bonnevilleshorelinetrail.org/history/>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

bikers, which is impeding the overall vision and connectivity of the BST. All the acreage removed from the National Wilderness Preservation System will continue to be managed by the U.S. Forest Service (USFS) as part of the National Forest System. In addition, the bill also resolves a minor boundary issue in Birch Canyon related to a portion of the trail that runs parallel along a roadway.

At the legislative hearing, the USFS testified in support of the bill. The bill is also supported by the State of Utah, the Outdoor Alliance, the Trust for Public Land, People for Bikes, Trails Utah, American Trails, and the International Mountain Bicycling Association among many other organizations. ***The Ranking Member supports this bill. The bill is expected to move by unanimous consent.***

The hearing memo for H.R. 2551 prepared by Committee Republican staff may be viewed [here](#).

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H.R. 2773 (Dingell), Recovering America's Wildlife Act of 2021

The bill would amend the Pittman-Robertson Wildlife Restoration Act by establishing a new “Wildlife Conservation and Restoration Subaccount.” The subaccount would permanently receive \$1.3 billion in new mandatory spending from the U.S. Treasury general fund each year. The subaccount would supplement existing funds for states to implement their State Wildlife Action Plans with a focus on the need to save species from the threat of imminent extinction. The bill would require the Secretary of the Interior to distribute 10 percent of the funds in the subaccount to state and territory fish and wildlife departments through a competitive grant program for the innovation of tools and strategies that will accelerate or expand recovery efforts for species of greatest conservation need.

The remainder of the funds from the subaccount would be used for various purposes, including:

- to implement, develop, or revise the Wildlife Conservation Strategy of a State, territory, or the District of Columbia;
- to assist in the recovery of endangered species, threatened species, candidate species, or species petitioned to be listed (15 percent minimum);
- to increase wildlife conservation education and wildlife-associated recreation projects (including new language to give preference to “historically underserved communities”);
- to manage a species of greatest conservation, need whose range is shared with another state, territory, Indian tribe, or foreign government;
- to manage, control, and prevent invasive species, disease, and other risks to species of greatest conservation need; or
- to help law enforcement activities that are directly related to the protection and conservation of a species of greatest conservation need.

The bill would add new language to the Pittman-Robertson law that would prohibit apportionment of unobligated amounts of less than 1 percent or over 5 percent to any state. It would also limit the amounts apportioned to states for wildlife conservation education and wildlife-associated recreation and inserts new language which calls for \$55 million to be reserved for “states and territories that include plants among their species of greatest conservation need.” The bill would require states to submit a three-year workplan every three years to Congress describing their results.

State Allocation Formula

- The bill would amend Pittman-Robertson to allocate funding accordingly:
 - DC would receive not more than 0.5 percent of the funding;
 - Guam, American Samoa, USVI, & CNMI would receive not less than 1/3 of 1 percent each; and
 - Puerto Rico would receive not less than 1 percent.

- For the remaining funds, the bill creates the following apportionment mechanism:
 - Half of funds would be distributed based on the ratio to which the land and water area of such State bears to the total land and water of all the States. (A change from 1/3 in Pittman-Robertson.)
 - One quarter of funds would be distributed based on the ratio to which the population of such State bears to the total population of all the States. (A change from 2/3 in Pittman-Robertson.)
 - One quarter of funds would be distributed based on the ratio to which the number of species listed in such State bears to the total of number of such species listed in all of the States. (A new provision.)

Title II of the bill would create a “Tribal Wildlife Conservation and Restoration Account” that would receive \$97.5 million annually in permanent funding from the U.S. Treasury. These funds would be awarded to tribes through a noncompetitive application process and would be used for similar purposes as the funding provided by Title I. The bill also specifies that projects under this account would not require a funding match.

In the 116th Congress, the Committee passed a similar bill by a vote of 26 to 6. The bill had bipartisan support, but in Committee Report included “additional views” offered by Republican members that raised concerns about permanent, mandatory spending and lack of a meaningful Endangered Species Act (ESA) fix.²⁰ Republican amendments to address these concerns and other issues are expected to be offered at the mark-up.

H.R. 2773 currently has 143 cosponsors, including 35 Republicans.

²⁰ House Report 116-685, Recovering America’s Wildlife Act (116th Congress)
<https://www.congress.gov/congressional-report/116th-congress/house-report/685>.

The Ranking Member supports the conservation goals of the legislation, but opposes this bill in its current form. The bill is expected to move by regular order.

The hearing memo for H.R. 2773 from the Water, Oceans, and Wildlife hearing in July may be viewed [here](#) and the hearing may be viewed [here](#).

Staff contacts: Kiel Weaver (Kiel.Weaver@mail.house.gov) and Rob MacGregor (Robert.MacGregor@mail.house.gov).

H.R. 2793 (S. P. Maloney), Highlands Conservation Reauthorization Act of 2021

Currently, the Highlands Conservation Act (P.L. 108-421) includes parts of Connecticut, New Jersey, Pennsylvania, and New York in its definition of a “Highlands State.”²¹ The stated purpose of the Act is “to recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States.”²² The Act requires the governors of each state to identify conservation partnership projects in the region and submit a list annually to the Secretary of the Interior, who is tasked with working with the Secretary of Agriculture in submitting a final list to Congress for approval and funding.

The Act requires non-federal entities (states and agencies or departments of a state) to enter into an agreement with the Secretary of the Interior to be eligible for funding. In the agreement, the entity must identify who will hold or manage the land and the source of funds that would be used to match federal funds while describing the management objectives for the land to ensure permanent protection. If any of the projects awarded are disposed of or discontinued, the non-federal entity is required to pay the government back. The cost share for projects under the Act is 50/50, unless the state or state entity opted to contribute more. The Act authorized \$10 million a year and includes a savings clause that stipulates that nothing in the Act would require a private property owner to permit public access to land or participate in land conservation programs created under the Act.²³

H.R. 2793 would reauthorize and expand the Act so that the “Highlands Region” includes all municipalities included in the Highlands Region as of the date of enactment and any municipality in any of the four states upon the request of the state and concurrence from the U.S. Fish and Wildlife Service (USFWS). The bill would allow political subdivisions of a state to apply for projects and would increase the authorization from \$10 million to \$20 million per year for FY 2022 through 2028. The bill adds a section to allow a Highlands State to petition the Secretary of the Interior to consider an “alternate appraisal methodology” if there is a conflict between a Department of the Interior appraisal methodology and state law.

²¹ University of New Hampshire, Map of the Highlands, https://ftp.granit.unh.edu/d-luther/Highlands/highlands_wallPoster2010_4States.pdf; Public Law 108-421 (108th Congress) <https://www.govinfo.gov/content/pkg/PLAW-108publ421/pdf/PLAW-108publ421.pdf>.

²² *Id.*

²³ *Id.*

The Water, Oceans and Wildlife Subcommittee held a hearing on the bill in July 2021. At the hearing, a few issues were identified, and an amendment will be offered to resolve those concerns. The amendment would lower the authorization to \$10 million per fiscal year, stipulate that a municipality would have to consent before being included in the program and clarify that a Highlands state must use an appraisal methodology approved by the Department of the Interior.

The Ranking Member supports this bill as amended. The bill is expected to move by unanimous consent.

H.R. 2793 has 23 cosponsors: 21 Democrats and 2 Republicans. The hearing memo prepared by Committee Republican staff may be viewed [here](#) and the hearing may be viewed [here](#).

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H.R. 2872 (Cartwright), SAFE Act

The bill aims to revive a 2013 Obama-era [National Fish Wildlife and Plants Climate Adaptation Strategy](#) (National Strategy) by establishing a sixteen federal agency National Fish, Wildlife, and Plants Climate Adaptation Strategy Joint Implementation Working Group (Working Group) that is tasked with its implementation. The Working Group would have to periodically update the National Strategy to incorporate requirements that “identify fish, wildlife, and plants likely to have the greatest need for protection, restoration, and conservation due to the ongoing and expanding effects of extreme weather and climate change” and “identify Federal policies and actions that may reduce resilience and increase the vulnerability of fish, wildlife, and plants to extreme weather and climate change.”

H.R. 2872 would condition states’ eligibility for funding under the State & Wildlife Grants program, the Coastal Zone Management Act grants program, and two other grant programs on the Secretary of the Interior’s approval of a state’s adaptation plan. These adaptation plans must include the adaptation provisions of any state comprehensive wildlife conservation strategy that has been submitted, approved, or is pending approval from the Director of the U.S. Fish and Wildlife Service (USFWS). The USFWS provided testimony for this bill this Congress and in the 116th Congress, both times stating that it was duplicative²⁴ and unnecessary.²⁵ In addition, USFWS expressed concerns over “language requiring the States to prepare Fish, Wildlife and Climate Adaptation Plans in order to receive funding.”²⁶

The Ranking Member opposes this bill. The bill is expected to move by regular order.

²⁴ <https://docs.house.gov/meetings/II/II13/20190924/109994/HHRG-116-II13-Wstate-GuertinS-20190924.pdf>.

²⁵ <https://docs.house.gov/meetings/II/II13/20210729/113985/HHRG-117-II13-Wstate-GuertinS-20210729.pdf> at 5.

²⁶ *Id.*

In the 116th Congress, an identical bill was reported out of committee by a 22 to 15 vote, with no Republican support.²⁷ The hearing memo prepared by Committee Republican staff may be viewed [here](#).

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H.R. 3228 (Velázquez), National Coastal Resilience Data and Services Act

This bill would authorize \$300 million annually from FY 2022 to 2027 for the National Oceanic and Atmospheric Administration (NOAA) to develop a comprehensive suite of products and services with respect to coastal flood, sea level rise, Great Lakes water level, and vertical land motion data. In addition, it establishes an interagency Coastal Flooding and Sea Level Rise Subcommittee.

The ANS would make the language in H.R. 1415 identical to the language included in H.R.3764, the Ocean-Based Climate Solutions Act (Rep. Raul Grijalva, D-AZ) which passed the Natural Resources Committee by a 23 to 19 vote on July 14, 2021. The ANS would lower the authorization of appropriations to \$3 million annually from FY 2022 to 2026.

The Ranking Member opposes this bill. The bill is expected to move by regular order.

The hearing memo prepared by Committee Republican staff may be viewed [here](#).

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H.R. 4009 (Norton), Georgetown Waterfront Enslaved Voyages Memorial Act

Georgetown in Washington, D.C., was a tobacco port originally founded in 1751 and possibly a stop along the trans-Atlantic slave route.²⁸ African Americans have lived and worked in Georgetown since its founding and made significant contributions to the Georgetown area and establishment of Washington, D.C., as the nation's capital. The history of slave ships arriving in Georgetown is unsettled, and the Georgetown Landmark Project and NPS are currently undertaking studies to determine whether enslaved Africans ever disembarked at the Georgetown port.²⁹ In 2019, the United Nations Educational,

²⁷ <https://www.congress.gov/congressional-report/116th-congress/house-report/481/1?overview=closed>.

²⁸ Jeanne Mason Fogle, Washington, D.C. Encyclopedia Britannica (2021), <https://www.britannica.com/place/Washington-DC/Foggy-Bottom#ref389010> (last visited Jan 14, 2022).

²⁹ *Id.*

Scientific and Cultural Organization (UNESCO) designated the Georgetown Waterfront as a “Site of Memory” for historical places associated with slavery.³⁰

This bill would authorize the Georgetown African American Historic Landmark Project and Tour to establish a commemorative work on federal land to commemorate the enslaved individuals, whose identities may be known or unknown, who disembarked at Georgetown Waterfront after enduring the Middle Passage. The bill would require the Georgetown African American Historic Landmark Project and Tour to follow the standard legal framework established by the Commemorative Works Act (CWA).

An amendment will be offered to broaden the focus of the memorial to all enslaved individuals who endured the Middle Passage rather than just those who may have disembarked at the Georgetown Waterfront. *The Ranking Member supports the bill as amended. The bill is expected to move by unanimous consent.*

The hearing memo for H.R. 4009 prepared by Committee Republican staff may be viewed [here](#).

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 4358 (Buchanan), Little Manatee Wild and Scenic River Act

The Little Manatee River in Florida begins in a swampy area and flows almost 40 miles before emptying into Tampa Bay. The river has been designated an Outstanding Florida Water and is part of the Cockroach Bay Aquatic Preserve.³¹ The Little Manatee River also flows through Little Manatee River State Park for 4.5 miles.³² The river transitions from a 10 to 20-foot-wide creek meandering through ash and oak dominated floodplain forest to a 300-foot-wide tide-influenced river flowing through tidal marsh that empties into Tampa Bay.³³

H.R. 4358 would designate roughly 50 miles of the Little Manatee River as a scenic river of the National Wild and Scenic Rivers System. The bill would require a mineral withdrawal within the boundaries of the designated river segment. There has not been a congressionally authorized study of the suitability of the Little Manatee River for designation under the Wild and Scenic River Act.

An ANS offered by Chairman Grijalva would revise the bill to authorize a Wild and Scenic River study. An amendment to the ANS will be offered to add property rights protections.

³⁰ *Id.*

³¹ Little Manatee River State Park, Florida State Parks (last visited Nov 3, 2021) <https://www.floridastateparks.org/parks-and-trails/little-manatee-river-state-park>.

³² *Id.*

³³ Florida Designated Paddling Trails Little Manatee River, Florida Department of Environmental Protection (last visited Nov 3, 2021) https://floridadep.gov/sites/default/files/Little%20Manatee%20Guide_0.pdf.

The Ranking Member supports the bill as amended. The bill is expected to move by unanimous consent.

The hearing memo for H.R. 4358 prepared by Committee Republican staff may be viewed [here](#).

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H.R. 4380 (Escobar), To designate the El Paso Community Healing Garden National Memorial, and for other purposes.

On August 3, 2019, a gunman shot and killed 23 people and injured 22 more at a Walmart in El Paso, Texas.³⁴ In 2020, the County of El Paso approved the construction of the El Paso Community Healing Garden at Ascarate Park to provide a space to honor victims and survivors and aid in the healing process. The Healing Garden was dedicated on August 3, 2021. This bill would designate the Healing Garden located at 6900 Delta Drive in El Paso, Texas, as the El Paso Community Healing Garden National Memorial. The national memorial designated by this bill will not be a unit of the National Park System and the bill does not authorize any Federal funds to be expended for any purpose related to the memorial. *The Ranking Member supports the bill. It is expected to move by unanimous consent.*

The hearing memo for H.R. 4380 prepared by Committee Republican staff may be viewed [here](#).

Staff contact: Terry Camp (Terry.Camp@mail.house.gov) (202-603-5382)

H.R. 4404 (Soto), Kissimmee River Wild and Scenic River Act

The Kissimmee River stretches more than 100 miles from Lake Kissimmee to Lake Okeechobee in Central Florida. The river serves as both the headwaters for the Everglades and the main drainage route for the expansive Kissimmee River Basin.³⁵ The river was historically characterized by an extensive floodplain, reaching up to three miles wide in certain areas, which was seasonally inundated by heavy rains.³⁶ However, following widespread flooding and property damage in 1947, public outcry prompted Congress to direct the U.S. Army Corps of Engineers to step in and channelize the waterway.³⁷ This led

³⁴ Craig Huber, El Paso Marks 2 Years Since Deadly Mass Shooting, Spectrum News 1 (2021), <https://spectrumlocalnews.com/tx/south-texas-el-paso/news/2021/08/03/el-paso-marks-2-years-since-deadly-mass-shooting---our-hearts-remain-broken->.

³⁵ Statement of P. Daniel Smith, Acting Director, Exercising the Authority of the Director, National Park Service, U.S. Department of the Interior on H.R. 3961, Kissimmee River Wild and Scenic River Study Act of 2018, before the Senate Energy and Natural Resources Subcommittee on National Parks (2018) <https://www.doi.gov/oc/hr-3961-0>.

³⁶ *Id.*

³⁷ Kissimmee River, South Florida Water Management District, <https://www.sfwmd.gov/our-work/kissimmee-river> (last visited Jan 14, 2022).

to the Central and South Florida Project, resulting in engineering changes to deepen and straighten the Kissimmee River, which drained much of the surrounding floodplain.³⁸ In 1992, citing public outcry and biological changes to the region, Congress approved efforts to restore the original flow of the Kissimmee River.³⁹ At a cost of more than \$1 billion, the Kissimmee River Restoration reestablished historic conditions of 44 miles of the river and nearly 63,000 acres of wetlands.⁴⁰

H.R. 4404 would designate the entire Kissimmee River as a scenic river under the Wild and Scenic Rivers Act, in an attempt to preserve the billion-dollar taxpayer investment in the river restoration project. There has not been a congressionally authorized study of the suitability of the Kissimmee River for designation as a scenic river. In the 115th Congress, legislation introduced by Representative Soto (D-FL) to authorize a suitability study of the Kissimmee River passed the House. Representative Soto reintroduced similar study legislation in the 116th Congress.

An ANS offered by Chairman Grijalva would revise the bill to authorize a Wild and Scenic River study. An amendment to the ANS will be offered to add property rights protections. ***The Ranking Member supports the bill as amended. The bill is expected to move by unanimous consent.***

The hearing memo for H.R. 4404 prepared by Committee Republican staff may be viewed [here](#).

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[H.R. 5118 \(Neguse\), Continental Divide Trail Completion Act](#)

The Continental Divide National Scenic Trail, established in 1978, stretches across the United States approximately 3,100 miles between the borders of Mexico and Canada.⁴¹ About 1,900 miles of the corridor contain existing trails or primitive routes.⁴² The corridor varies from 4,000 feet to more than 13,000 feet in elevation.⁴³ Existing and proposed trails along the route traverse a variety of privately and publicly owned lands.⁴⁴ Prior to passage of the Omnibus Public Land Management Act of 2009, federal agencies involved in the management of the trail did not have authority to purchase land from willing sellers.⁴⁵ Since that time, lands have been purchased and the trail is estimated to be roughly 96 percent complete.⁴⁶

³⁸ *Id.* at 25.

³⁹ *Id.* at 25.

⁴⁰ *Id.* at 25.

⁴¹ Lindsey Toomer, Rep. Joe Neguse Proposes Legislation to Complete Continental Divide Trail SummitDaily.com (2021) <https://www.summitdaily.com/news/local/rep-joe-neguse-proposes-legislation-to-complete-continental-divide-trail/>.

⁴² Continental Divide National Scenic Trail, National Park Service (2020) <https://www.nps.gov/romo/planyourvisit/divide.htm>.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 32.

⁴⁶ *Id.* at 32.

H.R. 5118 seeks to expedite the land acquisition necessary to eliminate gaps in the Trail by requiring the Secretary of Agriculture to substantially complete the land acquisition necessary to complete the Trail by 2028, the 50th anniversary of the establishment of the Trail. The bill would require the Secretary of Agriculture, in coordination with the Secretary of the Interior, to establish a joint USFS and Bureau of Land Management (BLM) land acquisition team to facilitate the completion and optimization of the Trail.

Committee Republicans feel that H.R. 5118 is unnecessary and redundant with other existing authorities. The USFS and other federal land management agencies have existing authority to acquire lands for the trail and to develop working partnerships with volunteer and nonprofit organizations that assist with the development, maintenance, and management of the trail. At the legislative hearing on H.R. 5118, the USFS testified that approximately 95 percent of the trail is protected on lands in public or tribal ownership, or through easements across private lands. Only 5 percent is considered incomplete and some of the 5 percent is due to a lack of willing sellers. The USFS stated that work is already underway to accomplish the stated goals of H.R. 5118 and that USFS plans to have a draft optimal location review document finished in 2022. *The Ranking Member opposes the bill. The bill is expected to move by regular order.*

The hearing memo for H.R. 5118 prepared by Committee Republican staff may be viewed [here](#).

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III. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 268 Ramseyer](#)

[H.R. 1415 Ramseyer](#)

[H.R. 2512 Ramseyer](#)

[H.R. 2551 Ramseyer](#)

[H.R. 2773 Ramseyer](#)

[H.R. 2793 Ramseyer](#)

[H.R. 4358 Ramseyer](#)

[H.R. 4404 Ramseyer](#)