



To: House Committee on Natural Resources Republican Members
From: Subcommittee on National Parks, Forests, and Public Lands Republican Staff;
Aniela Butler (Aniela@mail.house.gov) & Terry Camp
(Terry.Camp@mail.house.gov)
Date: January 31, 2022
Subject: Legislative Hearing on Seven Bills

The Subcommittee on National Parks, Forests, and Public Lands will hold a legislative hearing on seven bills: H.R. 6142 (Rep. Ryan), “Buckeye National Scenic Trail Feasibility Study Act of 2021”; H.R. 6199 (Rep. Smith), “Ste. Geneviève National Historical Park Boundary Revision Act”; H.R. 6201 (Rep. Watson Coleman), “National Liberty Memorial Preservation Act”; H.R. 6337 (Rep. Neguse), “Biking on Long-Distance Trails Act”; H.R. 6434 (Rep. Obernolte), “Japanese American World War II History Network Act”; H.R. 6435 (Rep. McMorris Rodgers), “To provide for the application of certain provisions of the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2021”; and H.R. 6451 (Rep. Kirkpatrick), “Chiricahua National Park Act” on **Thursday, February 3, 2022, at 10:00 am EST** via Cisco WebEx.

Member offices are requested to notify Terry Camp (Terry.Camp@mail.house.gov) **no later than Wednesday, February 2, at 4:30 pm EST** 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 (Everett.Winnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Committee Democrats are starting off the new year by continuing to ignore the real issues facing Americans, namely rising inflation, the supply chain crisis and shortages of basic goods, and continued overregulation that is stagnating American competitiveness.
- This hearing includes three Republican bills: one making an important technical correction for fiscal year (FY) 2021 Secure Rural Schools (SRS) payments, one to establish a Japanese American World War II History Network and one to authorize the donation of an existing visitor center to the National Park Service (NPS).
- H.R. 6435, drafted to correct technical errors in the “Infrastructure Investment and Jobs Act” (Pub. L. 117-58, colloquially known as “the BIF”), will require timely consideration and passage by Congress to ensure counties receive their SRS payments



in a timely manner and to prevent certain counties from receiving lower SRS payments than what they are owed by the U.S. Forest Service.

II. WITNESSES

Panel I:

- **Representative Cathy McMorris Rodgers**, Washington, 5th District (*tentative*)
- **Representative Jason Smith**, Missouri, 8th District (*tentative*)
- **Representative Jay Obernolte**, California, 8th District
- **Representative Tim Ryan**, Ohio, 13th District (*tentative*)
- **Representative Ann Kirkpatrick**, Arizona, 2nd District (*tentative*)
- **Representative Bonnie Watson Coleman**, New Jersey, 12th District (*tentative*)

Panel II:

- **Dr. Herbert C. Frost**, Regional Director, Interior Regions 3, 4, & 5, National Park Service, U.S. Department of the Interior

Panel III:

- **The Honorable Skip Brandt**, Commissioner, Idaho County, Idaho [*Republican Witness*] (H.R. 6435)
- **Mr. Happy Welch**, City Administrator, St. Genevieve, Missouri [*Republican Witness*] (H.R. 6199)
- **Mr. Bruce Saito**, Chair, Friends of Manzanar [*Republican Witness*] (H.R. 6434)
- **Mr. Maurice Barboza**, Founder, Liberty Fund D.C. (H.R. 6201)
- **Mr. Andrew Bashaw**, Executive Director, Buckeye Trail Association (H.R. 6142)

III. BACKGROUND

[H.R. 6142 \(Ryan\)](#)

The Buckeye Trail is a system of trails extending approximately 1,454 miles around the State of Ohio. The Buckeye Trail passes through many of the most scenic locations in the state, such as the Hocking Hills region and Cuyahoga Valley National Park. First envisioned in the late 1950s, the Buckeye Trail evolved over time and grew to become a loop around much of Ohio.¹ The North Country National Scenic Trail coincides with the Buckeye Trail for a large part of its route, and the American Discovery Trail also coincides with it through southern Ohio. The Buckeye Trail Association, a non-profit volunteer organization, maintains and develops the trail and marks it with blue blazes on trees or poles. The Buckeye Trail is open to the public through the cooperation of federal, state, and local agencies, as well as private landowners.²

This bill would direct the Secretary of the Interior to study the feasibility and suitability of designating the Buckeye Trail as a National Scenic Trail. There are currently 11 National Scenic Trails nationwide. National Scenic Trails are typically administered by the NPS, the Bureau of

¹ *The Buckeye Trail Story*, Buckeye Trail Association, <https://www.buckeyetrail.org/history.php> (last visited Jan 27, 2022).

² *Id.*

Land Management (BLM), or the U.S. Forest Service (USFS). National Scenic Trail designations are intended to provide opportunities for outdoor recreation and also for conservation of scenic, historic, natural, or cultural qualities.³ Following completion of a feasibility study, Congress must act before new National Scenic Trails are designated. These designations often include specific provisions concerning land acquisition and trail use policies. **Staff contact: Terry Camp (x67736)**

H.R. 6199 (Smith)

In 2020, Congress passed the “John D. Dingell, Jr. Conservation, Management, and Recreation Act” and established the Ste. Geneviève National Historical Park in Missouri. The Historical Park preserves the history of Ste. Geneviève, the first permanent European settlement in Missouri. The enabling statute specified that the Historical Park could not be officially established until sufficient land had been acquired to constitute a manageable unit. To that end, NPS entered into a general agreement with the City of Ste. Geneviève to utilize an existing, City-owned welcome center. The city would like to donate the welcome center to NPS to serve as a permanent visitor center for the Historical Park.

This bill would authorize the Secretary to acquire, by donation, the welcome center and adjoining parking lot owned by the city and expand the boundary of the Historical Park to include this addition. A companion bill has been introduced by Senator Blunt (R-MO) as S. 3338. **Staff contact: Terry Camp (x67736)**

H.R. 6201 (Watson Coleman)

In 1986, Congress authorized the Black Revolutionary War Patriots Memorial Foundation to establish the Black Revolutionary War Patriots Memorial to honor the 5,000 courageous slaves and free Black persons who served as soldiers or provided civilian assistance during the American Revolution.⁴ In 1987, Congress enacted a second law authorizing placement of the memorial within the monumental core area as then defined by the Commemorative Works Act (CWA).⁵ The following year, NPS, the Commission of Fine Arts, and the National Capital Planning Commission approved a site in Constitution Gardens for the Black Revolutionary War Patriots Memorial and, in 1996, approved its design.⁶ Despite four extensions of the memorial's legislative authorization over 21 years, the Foundation has been unable to raise sufficient funds for the construction of the memorial. The legislative authority for the memorial (and associated site and design approvals) lapsed in October 2005, and the Foundation disbanded with numerous outstanding debts and unpaid creditors.⁷

³ Mark K DeSantis & Sandra L Johnson, *The National Trails System: A Brief Overview*, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/R/R43868> (last visited Jan 28, 2022).

⁴ Jacob Straus, *Monuments and Memorials Authorized Under the Commemorative Works Act in the District of Columbia: Current Development of In Progress and Lapsed Works*, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/R/R43744> (last visited Jan 27, 2022).

⁵ 40 U.S.C. 8901 et seq.

⁶ *Id.*

⁷ *Id.*

In 2013, Congress provided a new authorization for the memorial to a different non-profit organization, the National Mall Liberty Fund D.C., to construct a commemorative work honoring the same individuals proposed by the Black Revolutionary War Patriots Memorial Foundation, subject to the requirements of the CWA.⁸ The Liberty Fund now commonly calls the memorial the National Liberty Memorial.⁹ In 2014, President Obama signed H.J. Res. 120 (Pub. L. 113-176) to provide the memorial with a location in Area I, which is the area outside of the National Mall for commemorative works of “preeminent historical and lasting significance to the United States.”¹⁰ Since 2014, no memorial site has been selected.¹¹ The CWA provides a seven-year authorization for commemorative works beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the [commemorative work](#) within Area I.¹² Authorization for the commemorative work lapsed in 2021.

This bill would extend the authorization for the National Mall Liberty Fund D.C. to construct a commemorative work in Washington, D.C., through September 30, 2027. A companion bill has been introduced by Senator Grassley (R-IA) as S. 3334. **Staff contact: Terry Camp (x67736)**

H.R. 6337 (Neguse)

The outdoor recreation economy accounted for nearly 2 percent of gross domestic product (\$374.3 billion) in 2020 and more than 4 million jobs.¹³ Biking is one of the fastest growing sectors in the outdoor recreation economy. From April 2019 to April 2020, nationwide sales of mountain bikes rose by 150 percent.¹⁴ Market Research Future predicted the mountain bike market will grow by 10 percent worldwide between now and 2027.¹⁵ With this huge increase in mountain bike sales, many trails on public lands are replete with riders.

The BOLT Act, H.R. 6337, is intended to meet the needs of biking enthusiasts by increasing the number of long-distance biking trails on federal lands. To accomplish this goal, the bill would direct the Departments of the Interior and Agriculture to 1) identify at least 10 long-distance bike trails; 2) identify at least 10 areas in which there is an opportunity to develop or complete long-distance bike trails; and 3) coordinate with stakeholders on the feasibility of, and resources necessary for, completing the development of such trails. A companion bill has been introduced by Senator Ben Ray Lujan (D-NM) as S. 3264. **Staff contact: Terry Camp (x67736)**

⁸ *Id.*

⁹ *Id.*

¹⁰ Straus, Jacob, “Monuments and Memorials Authorized and Completed Under the Commemorative Works Act in the District of Columbia,” CRS, November 17, 2017, R43743.

¹¹ *Id.*

¹² 40 U.S.C. § 8903.

¹³ Patricia Washington, Jeannine Aversa & Stanislaw Rzeznik, *Outdoor Recreation*, U.S. Bureau of Economic Analysis (2021), <https://www.bea.gov/data/special-topics/outdoor-recreation> (last visited Jan 27, 2022). *New economic report showcases outdoor recreation economy’s strength & resiliency during difficult year*, Outdoor Recreation Roundtable, , <https://recreationroundtable.org/2020-03-20/bea-2020-orsa-release/#:~:text=The%20Bureau%20of%20Economic%20Analysis,and%20creates%204.3%20million%20jobs> (last visited Jan 27, 2022).

¹⁴ *Bike market skyrockets, with sales up 75% in April*, Bicycle Retailer and Industry News, <https://www.bicycleretailer.com/studies-reports/2020/06/16/bike-market-skyrockets-sales-75-april#.YfMMcerMKUm> (last visited Jan 27, 2022).

¹⁵ *Mountain Bike Market Size, Share, Growth*, Marketresearchfuture.com, <https://www.marketresearchfuture.com/reports/mountain-bike-market-5165> (last visited Jan 27, 2022).

H.R. 6434 (Obernolte)

In February 1942, just two months following the attack on Pearl Harbor, President Franklin Delano Roosevelt issued Executive Order 9066 (later codified as P.L. 77-503) forcibly removing tens of thousands of Japanese Americans, including nearly 70,000 American citizens, from the West Coast to ten relocation centers further inland during World War II.¹⁶ These Japanese Americans were imprisoned without trial and forced to relocate to some of the most desolate places in the country with what little personal belongings they could carry.¹⁷ Relocation center sites included the geographically disparate sites shown on the map below.¹⁸

Sites Associated with Japanese Americans During World War II



Source: National Park Service

In recent decades, Congress and several presidential administrations conserved remnants of Japanese confinement sites through various means, including establishing units of the National Park System, through National Historic Landmark and National Register of Historic Places designations, and the creation of the Japanese American Confinement Sites (JACS) grant program. While these designations and the JACS grant program helped conserve many historic and cultural resources and educate the public, requests for assistance far outpace available

¹⁶ *Japanese-American Internment During World War II*, National Archives and Records Administration, <https://www.archives.gov/education/lessons/japanese-relocation> (last visited Jan 27, 2022).

¹⁷ *Id.*

¹⁸ *Japanese American Life During Internment*, U.S. National Park Service, <https://www.nps.gov/articles/japanese-american-internment-archeology.htm> (last visited Jan 28, 2022).

resources. Many sites related to Japanese American World War II history are owned and maintained by State and local agencies, Tribal governments, or private non-profit organizations.

The Japanese American World War II History Network Act is intended to improve the visibility and public awareness of all sites (Federal, State, local, Tribal, and private) associated with the Japanese American experience during the war. The bill would create a cohesive national network, coordinated by NPS, to produce and distribute educational materials, share resources, improve communication among related sites, and promote heritage tourism. Similar networks have been established by Congress in recent years to connect geographically disparate sites associated with the Underground Railroad, the African American Civil Rights Movement, and the Reconstruction Era. No additional federal funds would be authorized for the establishment of the network by this legislation. **Staff contact: Terry Camp (x67736)**

[H.R. 6435 \(McMorris Rodgers\)](#)

Historically, states and local governments were eligible to receive a portion of revenues generated (primarily from timber sales) on National Forest System (NFS) lands or certain BLM lands (Oregon and California lands and Coos Bay Wagon Road lands) within their jurisdiction. Funds could be used for public purposes like schools or roads.¹⁹ This amounted to 25 percent of the revenue generated on NFS lands (referred to frequently as “25 percent payments”) and 50 percent of the revenue for certain BLM lands (“50 percent payments”).²⁰ In response to substantially declining timber sales in the 1990s, as a result of federal actions such as the listing of the Spotted Owl as an endangered species, and subsequent declines in revenues to states and counties, Congress enacted the “Secure Rural Schools and Community Self-Determination Act of 2000” (SRS) as a temporary, optional program of payments.²¹ Secure Rural Schools payments are made to states and counties one year in arrears, so FY 2021 payments are scheduled to be distributed to states and counties in the spring of FY 2022.

While originally meant to be a temporary relief program, SRS has now been extended every year with the exception of FY 2016. Counties with eligible lands (either NFS lands or select BLM lands) can opt to receive either an SRS payment or the revenue-sharing payment described above.²² While counties could originally make an election to receive either an SRS payment or revenue-sharing payment that would apply for the following two years, the authority to make those elections expired in FY 2013, essentially “locking in” counties to either receiving SRS payments or revenue-sharing payments since that time.²³

SRS payments are allocated based on a complex formula that takes into account a variety of historic and current factors, including the number of counties opting into receiving SRS payments as opposed to revenue-sharing payments, and divided between three distinct titles (named for the titles in the authorizing law). Counties may choose how their payment is allocated among the three titles, which are as follows:

19 Katie Hoover, *The Secure Rural Schools and Community Self-Determination Act: Background and Issues*, Congressional Research Service., <https://crsreports.congress.gov/product/pdf/R/R41303> (last visited Jan 27, 2022).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.* 90% of counties receive SRS payments, while only 10% receive revenue-sharing payments.

- **Title I:** funds must be used for the same purpose a traditional revenue-sharing payment would be used for (in the case of NFS land, for roads and schools; in the case of BLM land, for any governmental purpose). This can be 80 to 85 percent of the total payment.²⁴
- **Title II:** funds are retained by the federal agency for projects that benefit the federal land within the county in which that land is located. This can be up to 20 percent of the total payment.²⁵
- **Title III:** funds are used for specified county projects such as wildfire preparedness or the reimbursement of certain emergency services. This can be up to 20 percent of the total payment (or only up to 7 percent for certain counties).²⁶

The recently passed “Infrastructure Investment and Jobs Act” (Pub. L. 117-58, colloquially known as “the BIF”) included a three-year extension of SRS. The reauthorization not only extended payments through FY 2023, but also reset the full funding amount used to calculate the SRS formula payments to equal the FY 2017 level of funding. The bill also re-instated elections for counties for the first time since FY 2013 so they could choose to switch between SRS payments and revenue-sharing payments. Additionally, counties could elect to allocate their funding between SRS Titles I, II, and III differently.

Under the statute, counties are required to make their payment election by August 1 and Title allocations by September 30 of each year. Unfortunately, due to statutory deadlines and technical drafting errors in the BIF, the NFS is not able to open either of the elections processes for FY 2021, as deadlines for elections had already passed by the time BIF was signed into law on November 15, 2020. As a result, all counties that receive revenue-sharing payments in the status quo will be forced to receive the SRS formula payment for FY 2021. Typically, the 10 percent of counties that elect to receive revenue-sharing payments do so because the payments they receive are higher than the SRS formula payment, meaning these counties will receive less funding.

Funding allocations for every county will also be set to the default statutory allocation for FY 2021: 80 percent to Title I funding and 20 percent to Title II funding, with no funds allocated to Title III funding. This will negatively impact states and counties who benefit from flexibility in how their SRS payments are allocated. Finally, because the SRS payment formula takes into account how many counties opt-in to SRS payments, payments to counties across the board will be lower as more counties will be forced into SRS for FY 2021. Due to the specific nature of the technical error, the administration anticipates a technical fix is necessary to address the FY 2021 payments.

H.R. 6435 amends current law to revert to the “locked in” FY 2013 elections and Title allocations for FY 2021 only. This will ensure that FY 2021 payments to states and counties follow the same elections as the FY 2020 payments, while still ensuring counties are able make new elections for FY 2022 and FY 2023, when the program is set to expire. This is consistent

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

with previous SRS reauthorizations, which carried forward the elections and allocations made in FY 2013 the period of the reauthorization. *Staff contact: Terry Camp (x67736)*

[H.R. 6451 \(Kirkpatrick\)](#)

Chiricahua National Monument, located in the Sky Island region of southeast Arizona, was established by President Calvin Coolidge in 1924.²⁷ Chiricahua National Monument contains evidence of diverse human history over thousands of years, including prehistoric indigenous peoples, Chiricahua Apaches, Buffalo Soldiers, European American pioneers and ranchers.²⁸ The Monument presently consists of approximately 12,000 acres of mountainous landscape, more than 85 percent of which is designated wilderness.²⁹

This bill would redesignate Chiricahua National Monument as Chiricahua National Park, making it the 64th national park. Although there is no statutory definition of a national park, they are typically considered the “crown jewels” of the National Park System. National parks are generally large, diverse areas with outstanding natural features and ecological resources, such as the Grand Canyon, Yellowstone, or Yosemite National Parks. In addition to the redesignation, the bill would require consultation with Tribes to ensure the protection of traditional cultural and religious sites within the park and establishes a Tribal Commission to provide guidance and recommendations on the development and implementation of the management plans for, and the policies of, the park. Finally, the bill would withdraw, subject to valid existing rights, the land located within the boundaries of the park from all mining and mineral leasing. Committee staff have not yet been informed of the exact acreage of the mineral withdrawal. Given the iconic status of national parks within the National Park System, staff are concerned with whether this proposal meets the high standards of a national park designation and the potential unintended consequences associated with the mineral withdrawal provisions. A companion bill has been introduced by Senator Mark Kelly (D-AZ) as S. 1320. *Staff contact: Terry Camp (x67736)*

IV. MAJOR PROVISIONS & ANALYSIS

[H.R. 6142](#)

Section 2. Buckeye Trail National Scenic Trail Feasibility Study

- Authorizes the Secretary of the Interior to conduct a study of the Buckeye Trail in Ohio to assess the suitability and feasibility of designation as a national scenic trail.

[H.R. 6199](#)

Section 2. Ste. Genevieve National Historical Park Boundary Revision

- Amends the establishing law for Ste. Genevieve National Historical Park by replacing the legislative map for the Historical Park and providing authority to the Secretary to correct map errors.

²⁷ *Foundation Document Overview Chiricahua National Monument*, National Park Service, <http://npshistory.com/publications/foundation-documents/chir-fd-overview.pdf> (last visited Jan 27, 2022).

²⁸ *Id.*

²⁹ *Id.*

- Authorizes the Secretary of the Interior to acquire, by donation, the Ste. Geneviève Welcome Center to serve as the visitor center for the Historical Park and to revise the boundary of the Historical Park upon acquisition of the land and improvements.

H.R. 6201

Section 3. Extension of Authority for Establishment of Commemorative Work

- Amends current law authorizing the National Liberty Memorial to extend authorization for the memorial through September 30, 2027.

H.R. 6337

Section 3. Long-Distance Bike Trails on Federal Land

- Requires the Secretaries of the Interior and Agriculture to 1) Identify not fewer than 10 long-distance bike trails, consistent with management requirements for the Federal land identified, that make use of existing trails and roads; 2) Identify not fewer than 10 areas in which there is an opportunity to develop or complete long-distance bike trails, consistent with the management requirements for the Federal land identified; and 3) coordinate with stakeholders on the feasibility of, and identifying any resources necessary for, completing the development of identified trails.
- Authorizes the Secretaries to publish and distribute maps, install signage, and issue promotional materials for the trails.
- Requires the Secretaries to prepare a report listing the identified trails no later than two years following the date of enactment of the Act.

H.R. 6434

Section 2. Japanese American World War II History Network

- Establishes the Japanese American World War II History Network within the National Park Service.
- Requires the Secretary to produce and disseminate appropriate education materials relating to Japanese American World War II history and Japanese American experiences during the war and create and adopt a uniform symbol or device for the network.
- Outlines the elements of the Network which will include 1) all units and programs of NPS relating to Japanese American World War II History and Japanese American experiences during the war; 2) with the consent of the property owner, other Federal, State, local, Tribal, and privately owned properties relating to such history; and 3) other governmental and non-governmental facilities and programs of an educational, research, or interpretive nature that are directly related to such history.

Section 3. Cooperative Agreements and Memoranda of Understanding

- Authorizes the Secretary of the Interior to enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the heads of other Federal agencies, States, units of local government, Tribes, regional governmental bodies, and private entities.

Section 4. Sunset

- Provides that the authority to the Secretary under this Act will expire after 7 years.

H.R. 6435

Section 1. County Elections for Fiscal Year 2021 Under the Secure Rural Schools and Community Self-determination Act of 2000

- Amends current law to revert to the FY 2013 election and allocation lock for FY 2021 payments under SRS.

H.R. 6451

Section 3. Designation of Chiricahua National Park

- Redesignates Chiricahua National Monument in Arizona as Chiricahua National Park, clarifies that any funds made available for the Monument are to be made available for the National Park, and inserts a new map showing the official boundaries are the National Park.

Section 4. Management of Chiricahua National Park

- Requires the Secretary to consult with Indian Tribes to ensure the protection of traditional cultural and religious sites in the National Park.
- Requires the Secretary to ensure access to traditional cultural and religious sites in the National Park for traditional, cultural, religious, and customary uses.
- Authorizes the Secretary to temporarily close areas to the general upon request of an Indian Tribe to protect traditional cultural and customary uses by Tribal members.
- Requires the Secretary to allow Tribal members to collect plants, including parts or products of plants, and mineral resources within the National Park for non-commercial traditional, religious, customer, and cultural uses.
- Establishes a new Tribal Commission to ensure that management of the National Park reflects the expertise and traditional and historical knowledge of members of applicable Tribes. The Commission shall consist of 1 representative designated by the governing body of each Tribe with a historical association with the area.
- Withdraws, subject to valid existing rights, all land within the boundaries of the National Park from mining and other mineral leasing.

V. COST

None of the bills on this hearing received a formal Congressional Budget Office (CBO) cost analysis.

VI. ADMINISTRATION POSITION

The Biden administration's position on these bills is unknown at this time. However, NPS testified before the Senate Committee on Energy and Natural Resources on June 23, 2021,

in support of S.1320, the Senate companion to H.R. 6451. NPS testimony on this companion can be read [here](#).

EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 6142](#)

[H.R. 6199](#)