

UNITED STATES CIVIL RIGHTS TRAIL SPECIAL RESOURCE
STUDY ACT OF 2009

SEPTEMBER 29, 2009.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 685]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 685) to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Civil Rights Trail Special Resource Study Act of 2009”.

SEC. 2. SPECIAL RESOURCE STUDY REGARDING PROPOSED UNITED STATES CIVIL RIGHTS TRAIL.

(a) **STUDY REQUIRED.**—The Secretary of the Interior shall conduct a special resource study for the purpose of evaluating a range of alternatives for protecting and interpreting sites associated with the struggle for civil rights in the United States, including alternatives for potential addition of some or all of the sites to the National Trails System.

(b) **CONSULTATION.**—The Secretary shall conduct the special resource study in consultation with appropriate Federal, State, county, and local governmental entities.

(c) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(d) **STUDY OBJECTIVES.**—In conducting the special resource study, the Secretary shall evaluate alternatives for achieving the following objectives:

(1) Identifying the resources and historic themes associated with the movement to secure racial equality in the United States for African Americans that,

focusing on the period from 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights for all American citizens.

(2) Making a review of existing studies and reports, such as the Civil Rights Framework Study, to complement and not duplicate other studies of the historical importance of the civil rights movements that may be underway or undertaken.

(3) Establishing connections with agencies, organizations, and partnerships already engaged in the preservation and interpretation of various trails and sites dealing with the civil rights movement.

(4) Protecting historically significant landscapes, districts, sites, and structures.

(5) Identifying alternatives for preservation and interpretation of the sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations, including the potential inclusion of some or all of the sites in a National Civil Rights Trail.

(6) Identifying cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives developed under the special resource study.

(e) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study conducted under subsection (c) and any recommendations of the Secretary with respect to the route.

Amend the title so as to read:

A bill to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 685, as ordered reported, is to require the Secretary of the Interior to conduct a special resource study regarding a proposed United States Civil Rights Trail, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

There are a large number of sites, scattered across many states, associated with historic events of the civil rights movement in the United States. At least 49 of these sites have been nominated for listing on the National Register of Historic Places. Many are managed by state or local agencies and organizations committed to their preservation and interpretation.

H.R. 685, as introduced, proposed a study of the feasibility of establishing a National Civil Rights Trail System to link sites like these with common signage, maps, and educational materials to improve public awareness and facilitate the study of their importance in United States history. The legislation originally envisioned the study being conducted by the Archivist of the United States, in consultation with the Secretaries of the Interior and Agriculture, in the same manner as those done under the National Trails System Act (16 U.S.C. 1241 et seq.) for National Historic Trails. The bill, as introduced, also mandated the Secretary of the Interior to establish and maintain at least one trail in each state where a significant civil rights event occurred and to establish at least six trails as soon as practical after enactment.

COMMITTEE ACTION

H.R. 685 was introduced on January 26, 2009 by Representative William Lacy Clay (D–MO). The bill was referred to the Committee

on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands.

The Administration testified in support of the bill before the Subcommittee on National Parks, Forests, and Public Lands on July 8, 2009, but recommended that it be amended to require the study be a Special Resource Study completed by the National Park Service, consistent with similar studies in the past.

On September 10, 2009, the Subcommittee was discharged from further consideration of H.R. 685 and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Grijalva (D-AZ) offered an amendment in the nature of a substitute which incorporates the Administration's recommendation, making the Secretary of the Interior responsible for completion of a Special Resource Study in lieu of a study by the Archivist, to eliminate the requirement for establishment of pilot trails, and to define the focus of the study as the struggle for racial equality for African Americans from approximately 1954 through 1968. The amendment was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "United States Civil Rights Trail Special Resource Study Act of 2009."

Section 2. Special Resource Study regarding proposed United States Civil Rights Trail

Subsection (a) requires the Secretary of the Interior to complete a Special Resource Study to evaluate a range of alternatives for protecting and interpreting sites associated with the struggle for civil rights in the United States.

Subsection (b) requires consultation with appropriate federal, state, county, and local entities in completing the study.

Subsection (c) provides that the study be conducted in accordance with the guidelines set forth in the National Trails System Act and those applicable to potential new units of the National Park System.

Subsection (d) lists the objectives of the study, including identifying resources and historic themes; reviewing relevant existing studies and reports; establishing connections with agencies and organizations already engaged with preservation of related sites; protecting historically significant landscapes, districts, sites, and structures; identifying alternatives for preservation and interpretation of sites; potential for inclusion of certain sites in a National Civil Rights Trail; and identifying cost estimates associated with these alternatives.

Subsection (e) requires that a report with recommendations be provided to the appropriate committees of Congress within three years of funding being made available to conduct the study.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on

Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

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

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail, and for other purposes.

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

H.R. 685—United States Civil Rights Trail Special Resource Study Act of 2009

H.R. 685 would direct the Secretary of the Interior to conduct a special resource study to evaluate ways of protecting and interpreting sites related to the civil rights movement in the United States. Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that conducting the study would cost about \$500,000 over the next three years. Enacting the bill would not affect revenues or direct spending.

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

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 685 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.