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SENATE

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{ 115-301

AMERICAN DISCOVERY TRAIL ACT

JULY 16, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1573]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1573) to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the “American Discovery Trail,” and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

The amendment is as follows:
On page 1, line 5, strike “of 2017”.

PURPOSE

The purpose of S. 1573 is to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the “American Discovery Trail.”

BACKGROUND AND NEED

The American Discovery Trail (Trail) is the nation’s only coast-to-coast, non-motorized, multi-use trail, and stretches across 6,800 miles and 15 states. Its route links existing trails, rail-trails, country lanes, small town sidewalks, and big city greenways. It connects rural towns and cities with parks and wilderness, and allows people to hike, bike, or ride horses for an afternoon or a cross-country adventure.

The Trail uses existing public lands to connect five National Scenic, 12 National Historic, and 34 National Recreational Trails; 14 National Parks; and 16 National Forests. It links some 10,000 sites of historic, cultural, and natural significance. The Trail is a “sea-to-shining-sea” showcase of America’s scenic, historic, and cultural treasures.

S. 1573 would authorize the Trail to be fully marked with signage. Currently, many Federal, state, and local land managers will not allow signs to be installed without an official Federal authorization (the Trail is not a part of the National Trails System). The bill would authorize signage only and would not change or affect management of lands along the Trail.

LEGISLATIVE HISTORY

S. 1573 was introduced on July 18, 2017, by Senators Coons and Capito. The Subcommittee on National Parks conducted a hearing on S. 1573 on February 14, 2018.

Similar legislation, H.R. 3251, was introduced in the House of Representatives by Rep. Fortenberry on July 14, 2017, and referred to the Committee on Natural Resources.

In the 114th Congress, similar legislation, S. 2608, was introduced by Senators Kirk and Coons on March 1, 2016. The Subcommittee on National Parks held a hearing to consider the bill on March 17, 2016. The Committee on Energy and Natural Resources ordered S. 2608 favorably reported on July 13, 2016 (S. Rept. 114–328).

In the House of Representatives, similar legislation, H.R. 2661, was introduced by Rep. Fortenberry on June 4, 2015, and referred to the Committee on Natural Resources.

The Committee on Energy and Natural Resources met in open business session on May 17, 2018, and ordered S. 1573 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 2018, by a majority voice vote of a quorum present recommends that the Senate pass S. 1573, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1573, the Committee adopted an amendment to update the date reference in the short title of the bill.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 contains the short title.

Section 2. Definitions

Section 2 contains key definitions.

Section 3. Signage along the American Discovery Trail

Section 3(a) directs the Secretary of the Interior to place signage on Federal land at points along the American Discovery Trail as

soon as practicable after the date on which signage acceptable to the Secretary is donated to the United States.

Subsection (b) prohibits the use of Federal funds to acquire signage authorized for placement under subsection (a).

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

S. 1573 would require federal land management agencies to place donated signage along the American Discovery Trail, a 6,800-mile trail between Delaware and California. Using information provided by the likely donor of the signage, CBO estimates that, under the bill, the Forest Service and agencies within Department of the Interior would be required to place between 2,500 and 5,000 small signs across the United States. Because CBO expects that the signage would be placed by employees performing routine trail maintenance and by volunteers supervised by the affected agencies, we estimate that implementing the bill would cost less than \$500,000; such spending would be subject to the availability of appropriations funds.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 1573 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 1573 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1573. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1573, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1573, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the February 14, 2018, hearing on S. 1573 follows:

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 1573, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the "American Discovery Trail," and for other purposes.

The Department does not support S. 1573. We believe it would be unwise to mandate that Federal trail managers place a private organization's signage on Federal land.

S. 1573 would require the Secretary of the Interior and the Secretary of Agriculture to place signage denoting the American Discovery Trail on Federal land at points along the trail, as soon as practicable after signage acceptable to the respective Secretary is donated. The American Discovery Trail is not a Federally designated trail, but rather a trail coordinated and promoted by the non-profit organization named American Discovery Trail. The organization has done commendable work in bringing public awareness to many of America's special places, including some lesser known sites.

The American Discovery Trail was proposed in 1990 as a continuous mid-continent, coast-to-coast trail to link metropolitan areas to the nation's major long-distance trails, as well as to shorter local and regional trails. In 1992, through P.L. 102-461, Congress directed the Secretary of the Interior to study the feasibility and desirability of adding the American Discovery Trail to the National Trails System. This study was submitted to Congress in 1998. The over 6,000-mile route of the trail, as mapped in the feasibility study, extends from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California.

The study found that the American Discovery Trail could be appropriate for designation within a new class of national trails—National Discovery Trails—separate from National Scenic Trails or National Historic Trails. Congress has not taken action to authorize this new category of national trails or to provide any sort of official designation for an American Discovery Trail.

Under current law, Federal land managers have the authority to determine the appropriateness of signage on Federal lands, and may allow the signage of non-Federal trails upon Federal lands, where appropriate, and in accordance with existing Federal laws, regulations, and policies.

However, Federal land managers also may decline a request to allow signage of a non-Federal trail in instances where they believe the signage may have a detrimental impact upon visitor safety or resource protection. The Department believes that the managers of Federal trails

should retain this decision making authority. We think it would be highly unusual for Federal land managers to be required by law to allow a non-profit organization to place their organization's signage on Federal land.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1573 as ordered reported.

