



Legislative Bulletin.....July 10, 2008

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H.R. 1286—Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 1

Total Cost of Discretionary Authorizations: \$300,000 in FY 2009 and \$2 million over the FY 2009—FY 2013 period.

Effect on Revenue: \$0

Total Change in Mandatory Spending: 0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:

H.R. 1286—Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act (*Hinchey, D-NY*)

Order of Business: H.R. 1286, the Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act, is scheduled to be considered on the House floor on Wednesday, July 9, 2008, likely subject to a structured rule. The RSC will distribute a summary of the rule and all of the amendments made in order under the rule when they are available.

Summary: H.R. 1286 would establish the Washington-Rochambeau Revolutionary Route National Historic Trail. The trail would stretch across 600 miles of land routes in nine states

(Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Massachusetts) and the District of Columbia.

The Trail would commemorate the march of the French and Continental armies, led by Generals Rochambeau and Washington respectively, from Rhode Island to the Revolutionary War's final battle at Yorktown, Virginia.

The bill would require the Secretary of Interior, acting through the National Park Service (NPS), to administer the trail. The NPS would be authorized to acquire land with the owner's consent and would be required to consult with federal, state, and local agencies to develop planning and maintenance of the trail. The NPS would also be responsible for coordinating state, local, and tribal governments, as well as non-profit organizations to operate and maintain programs for trail visitors. CBO estimates that the bill would cost \$300,000 in FY 2009 and \$2 million over the FY 2009—FY 2013 period.

Finally, H.R. 1286 would state that nothing in the legislation shall “prohibit or hinder the development, conveyance, or transmission of energy.”

Additional Background: The National Trails System Act of 1968 authorized the creation of a series of federally designated national trails across the U.S. Since that time the federal government has provided financial assistance, volunteer support, and coordination with states and other authorities to promote the federal trail systems. The National Trails System Act established three main types of trail designations:

- **Historic trails**, which are, generally, motorized travel routes that are of historical “significance to the entire Nation.” There are 18 historic trails nationwide.
- **Scenic trails**, which must be continuous trails that are 100 miles or longer and designated for non-motorized travel. There are eight scenic trails nationwide.
- **Recreation trails**, which are existing local trails that are recognized by either the Secretary of the Interior or Agriculture. There are over 900 recognized recreational trails nationwide (creating recreational trails does not require an act of Congress).

The NPS describes a national historic trail as “an extended trail that follows routes of travel that are historically and nationally significant. The trail must be significant with respect to any of several broad facets of American History, such as trade and commerce, exploration, migration and settlement, or military campaigns, and must have significant potential for public recreational use or historical interest based on historical interpretation and appreciation. The trail need not be continuous and might include land and water segments, marked highways paralleling the route, and sites that together form a chain or network along the route.”

The Washington-Rochambeau Revolutionary Route National Historic Trail would be the 19th historic trail designation authorized by Congress. The creation of the trail was first initiated with the passage of the Washington–Rochambeau Revolutionary Route National Heritage Act of 2000 (PL 106-473). The bill produced an October 2006 study wherein the NPS recommended that the route be made a National Historic Trail. The most recent historic trail designation, the

Star-Spangled Banner National Historic Trail, was passed in the House on April 29, 2008, as a provision of the Consolidated Natural Resources Act of 2008 ([S. 2739](#)), by a vote of [291-117](#).

The Washington-Rochambeau Revolutionary Route National Historic Trail would follow the march of George Washington and the French General Jean Baptiste Donatien de Vimeur, comte de Rochambeau, from Rhode Island to Yorktown, Virginia, where the British Army surrendered to Washington. According to the NPS study of the proposed National Historic Trail, General Rochambeau arrived in Newport, Rhode Island, with some 5,000 French troops in the summer of 1780. Rochambeau then march across Rhode Island and Connecticut and joined with General Washington and his Continental Army in Philipsburg, New York. The two generals quickly abandoned their tentative plans to attack the British at the heavily fortified port of New York City and instead marched south.

The march to Virginia eventually crossed though nine states as well as what would later become the District of Columbia. The two armies finally tracked down England's Army, under the command of Lord General Cornwallis, in Yorktown in late September, 1781. The combined French and Continental forces laid siege to the British strong-hold by land while a French fleet, under the command of Admiral De Grasse, blocked a British escape by sea. After a three week siege, the British were forced to surrender on October 19, 1781. The triumph marked one of the most decisive victories for the colonies and the end of the Revolutionary War. Following his successful campaign with Washington, General Rochambeau wintered in Virginia before marching his army to Boston, where he set sail for France in December of 1782. The proposed historic trail would trace Washington and Rochambeau's 600 mile march from Rhode Island to Virginia.

According to CRS, the current system of historic and scenic trails covers over 50,000 miles of land across the country. Each new trail designation that is passed in Congress is handled by a different land-management agency, depending on the stipulations of the legislation. H.R. 1286 would require the NPS to maintain the Washington-Rochambeau Revolutionary Route National Historic Trail and to consult with federal, state, and local agencies to develop the continued planning and maintenance of the trail.

While Congress debates adding a new historic trail to its responsibilities, the NPS is facing a huge maintenance deficit and collapsing national park infrastructure. According to CRS, the NPS backlog for maintenance on existing buildings, trails, and other infrastructure was more than \$9 billion in FY 2006. The backlog is a result of the NPS failing to do scheduled maintenance and upkeep that was not funded or carried out according to plan. As a result of the backlog, NPS infrastructure is deteriorating at a faster and faster rate. For instance, the estimated maintenance backlog more than doubled, from \$4.25 billion in 1999, in just seven years. CRS notes that some estimates put the existing backlog as high as \$12.42 billion. That figure is more than five times the President's total FY 2009 request for the NPS of \$2.4 billion. Of that amount, only \$471 million is budgeted for maintenance.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 1286 would create a new unit in the federal historic trail system that would be the responsibility of the National Park Service (NPS). Some conservatives may be concerned that the NPS currently

faces an estimated \$12.42 billion maintenance backlog for park and trail infrastructure under its control and has only requested \$471 million for maintenance in FY 2009. Some conservatives may be concerned that H.R. 1286 would increase the responsibilities of the NPS (and, therefore, its maintenance deficit) without addressing current funding problems, which could lead to further deterioration of current infrastructure. Some conservatives may believe that the NPS should address its maintenance deficit before expanding. Also, some conservatives may be concerned that the NPS maintenance backlog will likely be paid for by taxpayers with new government spending.

In addition, some conservatives may be concerned that H.R. 1286 does not specifically require the Secretary of Interior to notify the owners of private property along the trail of the designation or let them decline from participating.

Committee Action: H.R. 1286 was introduced on March 1, 2007, and was referred to the Committee on Natural Resources' Subcommittee on National Parks, Forests, and Public Lands. On October 10, 2007, subcommittee hearings were held. The full committee held a mark-up on June 25, 2008, and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO, implementing H.R. 1286 would cost the National Park Service (NPS) \$300,000 in FY 2009 and \$2 million over the FY 2009—FY 2013 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates a new national historic trail.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A committee report citing compliance with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits was not available at press time.

Constitutional Authority: A committee report citing constitutional authority was not available as of press time.

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