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SENATE

{ REPORT
110-156

LEWIS AND CLARK NATIONAL HISTORIC TRAIL INTERPRETIVE CENTER CONVEYANCE

SEPTEMBER 17, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 471]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 471), to authorize the Secretary of the Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as a historical interpretive site along the trail, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Beginning on page 2, strike line 3 and all that follows through page 5, line 10, and insert the following:

“(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior (referred to in this section as the ‘Secretary’) may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc., a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410, all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of 2 parcels, as generally depicted on the map entitled ‘Lewis and Clark National Historic Trail’, numbered 648/80,002, and dated March 2006.”.

2. On page 6, strike lines 9 through 14 and insert the following:

“(e) ADDITIONAL TERMS AND CONDITIONS.—

“(1) IN GENERAL.—The Secretary may require any additional terms and conditions for the conveyance under subsection (a) or the conveyance, if any, under subsection (d) that the Secretary determines to be appropriate to protect the interests of the United States.

“(2) NATIONAL PARK SERVICE STANDARDS.—The Secretary shall enter into a written agreement with the foundation referred to in subsection (a) to ensure that the land conveyed under that subsection is operated in accordance with National Park Service standards for preservation, maintenance, and interpretation.”.

PURPOSE

The purpose of S. 471 is to convey approximately 78 acres of Federal land and an interpretive center associated with the Lewis and Clark National Historic Trail in Nebraska to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

BACKGROUND AND NEED

The Lewis and Clark National Historic Trail was designated in 1978, as one of the original components of the National Trails System Act. The trail extends over 3,700 miles, from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following the outbound and inbound routes of the Lewis and Clark Expedition of 1804–1806.

As part of the bicentennial celebration of the Lewis and Clark Expedition, Congress appropriated \$22 million between 2001–2005 for the National Park Service’s Lewis and Clark Challenge Cost-Share program. This appropriation was matched with \$87 million, almost four times the Federal contribution, in non-Federal funds.

The Lewis and Clark Interpretive Center in Nebraska City, Nebraska, was created with funds from the Challenge Cost-Share Program. The National Park Service purchased 65 acres of land and obligated money for the center, and The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. provided a land donation and more than a 2-to-1 match in non-Federal funds to build, staff, and maintain the center.

Section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)) provides that “wherever possible, [trail interpretive] sites shall be maintained by a State agency under a cooperative agreement between the appropriate agency and the State agency.” The National Park Service and the Foundation have determined that the Foundation, because of its financial and technical resources, is best able to operate and manage the Interpretive Center.

As ordered reported, S. 471 would authorize the Secretary of the Interior to convey the center and adjacent land to the Foundation, without consideration, with a requirement that the site continue to be managed as an historic site and interpretive center, and in accordance with National Park Service preservation, maintenance, and interpretation standards.

The National Park Service presently spends approximately \$200,000 each year to operate and maintain the Interpretive Center. The legislation authorizes continued Federal appropriations of \$150,000 annually for a period not to exceed 10 years, to assist the

Foundation in operating the center. After the ten-year authorization, the Foundation is expected to become self-sufficient in its operation of the center and the National Park Service would no longer be involved in its funding.

LEGISLATIVE HISTORY

S. 471 was introduced by Senators Hagel and Ben Nelson on February 1, 2007. Companion legislation, H.R. 761, sponsored by Representative Fortenberry, passed the House of Representatives by voice vote on July 23, 2007.

During the 109th Congress, the Committee considered a similar measure, S. 1957, also sponsored by Senators Hagel and Nelson. The Subcommittee on National Parks held a hearing on S. 1957 on April 6, 2006 (S. Hrg. 109–447). No further legislative action occurred with respect to that bill.

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered S. 471 favorably reported, with amendments.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 471, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 471, the Committee adopted two amendments. The first amendment replaced the metes and bounds description of the property to be conveyed with a map reference. The second amendment requires the Secretary of the Interior to enter into a written agreement with the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. to ensure that the land conveyed under this Act is operated in accordance with National Park Service standards for preservation, maintenance, and interpretation.

SECTION-BY-SECTION ANALYSIS

Section 1(a) authorizes the Secretary of the Interior to convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc., all right, title, and interest of the United States in two Federally owned parcels in Nebraska City, Nebraska, together comprising approximately 78 acres, and including the Trail Interpretive Center, as depicted on the referenced map.

Subsection (b) states that the exact acreage and legal description of the land to be conveyed shall be determined by a survey satisfactory to the Secretary of the Interior. The cost of the survey and all other costs incurred by the Secretary as part of the conveyance shall be paid by the Foundation.

Subsection (c) provides that the conveyance shall be subject to a condition that the Foundation use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

Subsection (d) contains reversionary language that if the Foundation ceases to use the conveyed land as an historic site and interpretive center, the land shall be conveyed back to the Secretary, without consideration.

Subsection (e) provides that the Secretary may require any additional terms and condition the Secretary determines to be appropriate to protect the interests of the United States. The subsection also requires the Secretary to enter into a written agreement with the Foundation to ensure that the conveyed land is operating in accordance with National Park Service standards for preservation, maintenance, and interpretation.

Subsection (f) authorizes the appropriation of \$150,000 annually for a period not to exceed 10 years, to assist with the operation of the facility.

COST AND BUDGETARY CONSIDERATIONS

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

JULY 30, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 471, a bill to authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc., certain federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretative site along the trail.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tyler Kruzich.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 471—A bill to authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc., certain federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretative site along the trail

S. 471 would authorize the Department of the Interior (DOI) to convey two parcels of federally owned land, and a visitor center located on the property, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. The foundation would continue to operate the land as an historic site and interpretive center.

Assuming appropriation of the authorized amount and based on information provided by the agency, CBO estimates that DOI would spend \$150,000 per year until 2017 to assist with operation of the facility. Enacting the legislation would not affect direct spending or revenues.

S. 471 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and it would impose no costs on state, local, or tribal governments.

On July 11, 2007, CBO transmitted a cost estimate for H.R. 761, a bill to authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc., certain federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretative site along the trail, as ordered reported by the House Committee on Natural Resources on June 28, 2007. The two pieces of legislation are similar, and our cost estimates are identical.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Peter H. Fontaine, 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. 471. 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. 471, as ordered reported.

EXECUTIVE COMMUNICATIONS

Because S. 471 is similar to legislation considered during the 109th Congress, the Committee did not request Executive Agency views on S. 471. The testimony provided by the National Park Service at the Subcommittee hearing on S. 1957 in the 109th Congress follows:

STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, ASSOCIATE DIRECTOR FOR PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 1957, a bill to authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail. The Department supports enactment of S. 1957, with an amendment.

S. 1957 would convey without consideration, all right, title, and interest of the United States in two parcels of land at 100 Valmont Drive, Nebraska City, Nebraska to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (Foundation). The Foundation would bear all the costs associated with the conveyance. If the Foundation determines to discontinue use of the land as an historic site and interpretive center, the land shall be conveyed back to the Secretary of the Interior.

The three-story Missouri River Basin Lewis & Clark Interpretive Trail & Visitor Center (Center), authorized by the National Trails System Act (NTSA), was designed and constructed by the National Park Service (NPS). The Center is located on the Federally owned 78-acre site acquired for this purpose, and focuses on the flora and fauna and scientific discoveries recorded by the Lewis and Clark expedition and the Native American people's role in the success of the Corp of Discovery. There is a Keelboat Exhibition Room on the entry level with an authentic replica of the 55-foot-long keelboat used on the journey, and the lower walkout level houses a Theater Educational Room and the Young Explorer's Discovery Wing. There also is an outdoor classroom and an unobstructed view of the Missouri River, part of the route used by Lewis and Clark as they pulled upriver and walked the banks to make the scientific observations and collect specimens of flora and fauna. There are 11 other historic and interpretive facilities along the Lewis and Clark National Historic Trail.

The NTSA specifies that, wherever possible, the facility is to be operated by a non-federal entity. The Foundation was established as the non-federal operating partner and raised the necessary funds. The NPS has provided approximately \$1.1 million to purchase the land, to provide design and construction supervision services, and to develop the facilities and exhibits. The Foundation raised about \$2.2 million toward the cost and development of the visitor center. Construction of the facility began in the spring of 2003 and was completed in July 2004. The Foundation has oper-

ated the Center since July 2004, with a substantial Federal subsidy.

The Midwest Region of NPS currently subsidizes the Center out of ONPS base (\$150,000), contingency (\$32,000), and cyclic (\$18,000) funding, for about \$200,000 per year. This helps pay salaries, utilities, routine maintenance, and other needed expenses. It is estimated that it would cost approximately \$574,000 per year for the NPS to operate the Center for a traditional 7-day per week schedule.

By owning the Center, the Foundation could collect entrance and special use fees to supplement donations for operations and maintenance. Annual visitation for calendar year 2005 was 27,105; based on a typical \$5 entrance fee, that could result in \$135,525. The Foundation projects it could collect approximately \$88,000 in special use fees per year. The two fee types could thus generate about \$223,525 per year.

The passage of S. 1957 would authorize \$150,000 a year for 10 years to assist in the operation of the facility. The NPS spends approximately \$50,000 more than this amount to subsidize current operations. The savings would then be used to assist with other trail partnerships and perhaps contingency issues in other national park units of the Midwest Region.

The Department recommends that section 1(a) be amended to include a map reference to replace the metes and bounds description of the two parcels to be conveyed.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared testimony. I would be pleased to answer any questions 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. 471, as ordered reported.