

113TH CONGRESS  
2D SESSION

# S. 2590

To advance the purposes of the Lewis and Clark National Historic Trail Interpretive Center, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 10, 2014

Mr. TESTER (for himself and Mr. WALSH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To advance the purposes of the Lewis and Clark National Historic Trail Interpretive Center, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Lewis and Clark Na-  
5       tional Historic Trail Interpretive Center Act of 2014”.

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are—

8               (1) to provide for a pilot program of public-pri-  
9       vate partnership regarding the operation of the

1       Lewis and Clark National Historic Trail Interpretive  
2       Center;

3           (2) to promote the use and development of the  
4       Interpretive Center by the Lewis & Clark Founda-  
5       tion, in support of the purposes of Public Law 100–  
6       552 (102 Stat. 2766);

7           (3) to allow and promote use of the Interpretive  
8       Center, with the goal of achieving financial self-sus-  
9       tainability; and

10          (4) to authorize the Secretary of Agriculture to  
11       participate and cooperate in the operation of the In-  
12       terpretive Center as necessary or desirable to pro-  
13       mote—

14           (A) the conservation and management of  
15       United States public land;

16           (B) the use, understanding, and enjoyment  
17       of—

18           (i) the Interpretive Center; and

19           (ii) natural resources and natural his-  
20       tory; and

21           (C) interpretation of the historical events  
22       associated with—

23           (i) the Lewis and Clark Expedition;

24           (ii) Native Americans; and

25           (iii) the American West.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) FOUNDATION.—The term “Foundation”  
4 means the Lewis & Clark Foundation, a nonprofit  
5 corporation existing under the laws of the State (or  
6 any successor in interest to that foundation).

7 (2) GRANT DEED.—The term “Grant Deed”  
8 means the instrument that—

9 (A) conveys to the United States from the  
10 Montana Department of Fish, Wildlife and  
11 Parks a parcel of land comprising 27.29 acres,  
12 as depicted on the Map and located in Cascade  
13 County, Montana;

14 (B) comprises 8 pages recorded in the land  
15 records of Cascade County as document num-  
16 bered R0040589; and

17 (C) is dated June 6, 2002.

18 (3) INTERPRETIVE CENTER.—

19 (A) IN GENERAL.—The term “Interpretive  
20 Center” means the Lewis and Clark National  
21 Historic Trail Interpretive Center, located in  
22 Great Falls, Montana.

23 (B) INCLUSIONS.—The term “Interpretive  
24 Center” includes all land, buildings, and fix-  
25 tures associated with the center described in  
26 subparagraph (A).

1           (4) MAP.—The term “Map” means the map en-  
 2           titled “Lewis and Clark Interpretive Center, Tract  
 3           No. 1 of the Certificate of Survey #3942”, filed on  
 4           April 18, 2002, in the offices of the Clerk and Re-  
 5           corder, Cascade County, Montana.

6           (5) SECRETARY.—The term “Secretary” means  
 7           the Secretary of Agriculture.

8           (6) STATE.—The term “State” means the State  
 9           of Montana.

10 **SEC. 4. AMENDMENTS.**

11           Public Law 100–552 (16 U.S.C. 1244 note; 102 Stat.  
 12           2766) is amended—

13           (1) in section 2—

14                   (A) in subsection (b), in the first sentence,  
 15                   by striking “donated” and inserting “con-  
 16                   veyed”; and

17                   (B) by striking subsection (c); and

18           (2) in section 3(a), by striking the second sen-  
 19           tence.

20 **SEC. 5. RATIFICATION OF PRIOR CONVEYANCE.**

21           Notwithstanding section 2 of Public Law 100–552  
 22           (16 U.S.C. 1244 note; 102 Stat. 2766), the Grant Deed  
 23           is ratified in accordance with the terms of the Grant Deed.

24 **SEC. 6. CONVEYANCE BY LEASE.**

25           (a) PILOT PROJECT.—

1           (1) IN GENERAL.—Not later than 180 days  
2           after the date of enactment of this Act, without fur-  
3           ther administrative procedures, reviews, or analyses  
4           and subject to valid existing rights of record, the  
5           Secretary shall carry out a pilot project under which  
6           the Secretary shall offer to lease to the Foundation,  
7           for no consideration, the land and improvements  
8           comprising the Federal interest in the Interpretive  
9           Center, including the real property depicted on the  
10          Map and conveyed by the Grant Deed.

11          (2) TIMING.—At any time, the Secretary and  
12          the Foundation may agree to the lease of all or any  
13          portion of the property described in paragraph (1)—

14                 (A) at 1 time; or

15                 (B) in phases over time.

16          (3) PERSONAL PROPERTY CONVEYANCE.—The  
17          Secretary may convey, by deed of gift or lease to the  
18          Foundation, for no consideration, such furniture,  
19          equipment, and other personal property as the Sec-  
20          retary and the Foundation agree to be appropriate,  
21          including any property that has been used in connec-  
22          tion with the operation and maintenance of the In-  
23          terpretive Center on or before the date of enactment  
24          of this Act.

25          (b) TERMS AND CONDITIONS.—

1           (1) TERM.—The lease under subsection (a)  
2 shall be—

3           (A) for a primary term of not more than  
4 40 years; and

5           (B) renewable for additional terms of not  
6 more than 40 years each, in accordance with  
7 such terms and conditions as the Secretary and  
8 the Foundation agree to be appropriate.

9           (2) CONDITION.—The Secretary—

10           (A) shall lease any real or personal prop-  
11 erty pursuant to this section in the existing  
12 condition of the property; and

13           (B) has no obligation to repair or replace  
14 any such property or improvement.

15           (3) REQUIREMENTS.—

16           (A) IN GENERAL.—The terms of any lease,  
17 lease modification, or lease renewal under this  
18 section shall be consistent with the require-  
19 ments of this Act.

20           (B) OTHER TERMS AND CONDITIONS.—  
21 The lease may contain such other terms and  
22 conditions including provisions relating to—

23           (i) the partial occupancy and use at  
24 reduced or no charges by the Forest Serv-  
25 ice, other Federal departments or agencies,

1 and any other entities referred to in Public  
2 Law 100–552 (16 U.S.C. 1244 note; 102  
3 Stat. 2766);

4 (ii) capital improvements made by the  
5 Foundation, the title to which shall vest in  
6 the United States on termination of the  
7 lease, unless otherwise agreed to by the  
8 Secretary and the Foundation; and

9 (iii) the upkeep and maintenance of  
10 any appropriate facilities by the Founda-  
11 tion.

12 (4) MODIFICATIONS.—The lease may be modi-  
13 fied from time to time by mutual written agreement  
14 of the Secretary and the Foundation.

15 (5) TERMINATION.—The lease under subsection  
16 (a) shall be terminable by the Secretary in any case  
17 in which the Secretary determines that the Interpre-  
18 tive Center is—

19 (A) destroyed by fire or act of God such  
20 that the Interpretive Center cannot continue  
21 operating, and the Foundation has elected not  
22 to construct or reconstruct any necessary im-  
23 provements;

24 (B) attempted to be sold, mortgaged, or  
25 used as security for indebtedness;

1 (C) abandoned or ceases to be used for the  
 2 purposes of the lease for a consecutive period of  
 3 1 year, unless otherwise agreed to by the Foun-  
 4 dation and the Secretary; or

5 (D) used in a manner that is inconsistent  
 6 with the terms of the lease.

7 (c) ADMINISTRATIVE ACTIONS.—The Regional For-  
 8 ester, Northern Region, of the Forest Service may act on  
 9 behalf of the Secretary in carrying out this Act.

10 (d) RESERVATION OF RIGHTS IN UNITED STATES.—

11 (1) IN GENERAL.—At all times, the United  
 12 States shall reserve the right to locate, develop, and  
 13 use the Interpretive Center for other uses by the  
 14 Federal Government that are compatible with the  
 15 purposes and operation of Interpretive Center.

16 (2) CONSULTATION REQUIRED.—The Founda-  
 17 tion shall be consulted prior to any development or  
 18 use under paragraph (1).

19 (e) INSURANCE.—

20 (1) IN GENERAL.—The Foundation shall main-  
 21 tain general liability insurance for the duration of  
 22 the lease under this section, in such amount as is  
 23 agreed to by the Secretary and the Foundation.

24 (2) REQUIREMENT.—The United States shall  
 25 be named as an additional insured under the policy.

1 **SEC. 7. USE BY FOUNDATION.**

2 The lease under this Act—

3 (1) shall permit the Foundation to assume  
4 stewardship responsibilities for the Interpretive Cen-  
5 ter, including through—

6 (A) the sale of souvenirs and merchandise;

7 (B) the provision of food and visitor serv-  
8 ices;

9 (C) the rental of facilities for short-term  
10 events; and

11 (D) the assessment of admission and use  
12 fees in an amount determined by the Founda-  
13 tion; and

14 (2) may permit the Foundation, with prior writ-  
15 ten approval of the Secretary—

16 (A) to construct or renovate any applicable  
17 improvements; and

18 (B) to sublet any space or facility for any  
19 use that is compatible with the purposes of the  
20 Interpretive Center.

21 **SEC. 8. MONETARY PROVISIONS.**

22 (a) **ADMISSION AND USE FEES.**—The Foundation  
23 shall have sole discretion to establish and charge admis-  
24 sion and use fees for the Interpretive Center.

1 (b) RECEIPTS.—The Foundation may retain and use  
 2 all amounts generated from the operation of the Interpre-  
 3 tive Center, including through—

4 (1) the sale of merchandise; and

5 (2) the assessment of admission and use fees.

6 (c) ACCOUNTS.—

7 (1) IN GENERAL.—The Foundation shall main-  
 8 tain documents and accounts that are—

9 (A) prepared by an accountant certified or  
 10 licensed by a State regulatory authority; and

11 (B) prepared in accordance with generally  
 12 accepted accounting principles.

13 (2) INSPECTION.—All documents and accounts  
 14 of the Foundation shall be open to inspection by—

15 (A) the Secretary; and

16 (B) other appropriate Federal officials.

17 (d) STATE AND LOCAL TAXES.—

18 (1) IN GENERAL.—The Interpretive Center  
 19 shall be considered to be Federal property for pur-  
 20 poses of taxation by the State government and units  
 21 of local government.

22 (2) EFFECT OF ACT.—Nothing in this Act ex-  
 23 empts the Foundation or the Interpretive Center  
 24 from the collection and payment of any sales or ex-  
 25 cise tax.

1 (e) FEDERAL ASSISTANCE.—

2 (1) IN GENERAL.—Subject to the availability of  
3 appropriated funds, the Secretary may provide to  
4 the Foundation (including through a cooperative  
5 agreement under section 9) such sums as the Sec-  
6 retary determines to be appropriate for—

7 (A) startup costs; and

8 (B) subsequent maintenance and oper-  
9 ational expenses.

10 (2) OTHER FEDERAL ASSISTANCE.—The Foun-  
11 dation may apply for and receive any Federal grant  
12 or other form of Federal assistance for which the  
13 Foundation is otherwise eligible, notwithstanding the  
14 status of the Foundation as a lessee of, or coop-  
15 erator with, the United States.

16 **SEC. 9. COOPERATIVE AGREEMENTS.**

17 (a) IN GENERAL.—The Secretary and the Founda-  
18 tion at any time may enter into any cooperative agreement  
19 to provide Federal financial or other assistance at the In-  
20 terpretive Center relating to—

21 (1) the use of Forest Service employees for in-  
22 terpretive or educational services;

23 (2) the use of equipment;

24 (3) the training of staff and volunteers;

1 (4) the provision of interpretive services, includ-  
 2 ing displays, educational programs, and similar in-  
 3 formation;

4 (5) maintenance and operational expenses; and

5 (6) any other activity that the Foundation and  
 6 the Secretary determine to be in support of the pur-  
 7 poses of Public Law 100–552 (16 U.S.C. 1244 note;  
 8 102 Stat. 2766) and this Act.

9 (b) EFFECT OF ACT.—Nothing in this Act precludes  
 10 the use of other cooperative authorities of the Secretary,  
 11 including the National Trails System Act (16 U.S.C. 1241  
 12 et seq.).

#### 13 **SEC. 10. RELATIONSHIP TO OTHER LAWS.**

14 (a) PUBLIC LAW 100–552.—

15 (1) IN GENERAL.—Except as provided in sec-  
 16 tion 4, Public Law 100–552 (16 U.S.C. 1244 note;  
 17 102 Stat. 2766) shall remain in force and effect.

18 (2) CONFLICTS.—If a conflict arises between  
 19 Public Law 100–552 (16 U.S.C. 1244 note; 102  
 20 Stat. 2766) and any provision of this Act, the provi-  
 21 sion of this Act shall prevail.

22 (b) FEES AND CHARGES.—The Foundation and the  
 23 operation of the Interpretive Center shall not be subject  
 24 to the requirements of Federal Lands Recreation En-  
 25 hancement Act (16 U.S.C. 6801 et seq.) or any other law

1 relating to the charging of admission or use fees on Fed-  
2 eral land or facilities.

3 (c) FEDERAL LAWS AND REGULATIONS.—

4 (1) IN GENERAL.—Notwithstanding the lease  
5 under this Act, the Interpretive Center shall con-  
6 tinue to be subject to the laws and regulations relat-  
7 ing to the National Forest System, unless any such  
8 law or regulation is inconsistent with Public Law  
9 100–552 (16 U.S.C. 1244 note; 102 Stat. 2766) or  
10 this Act.

11 (2) REGULATIONS.—No provision contained in  
12 subpart B of part 251 of title 36, Code of Federal  
13 Regulations (as in effect on the date of enactment  
14 of this Act), shall apply to the lease authorized by  
15 this Act, unless such a provision is incorporated in  
16 the lease by agreement of the Secretary and the  
17 Foundation.

18 **SEC. 11. REPORTS TO CONGRESS.**

19 (a) IN GENERAL.—The Secretary and the Founda-  
20 tion each may submit to Congress, from time to time, re-  
21 ports regarding the status of the pilot project authorized  
22 by this Act, including—

23 (1) an assessment of the lease under the pilot  
24 project; and

1           (2) such recommendations as the Secretary or  
2           the Foundation determine to be necessary or appro-  
3           priate for the continued management of the Inter-  
4           pretive Center.

5           (b) APPLICABILITY.—The Secretary may advise Con-  
6           gress with respect to the potential applicability of the pilot  
7           project under this Act to other interpretive centers within  
8           the National Forest System.

9   **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

10          There are authorized to be appropriated to the Sec-  
11          retary such sums as are necessary to carry out—

12               (1) this Act; and

13               (2) Public Law 100–552 (16 U.S.C. 1244 note;  
14          102 Stat. 2766).

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