

## Calendar No. 133

106TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
{ 106-63

---

---

### STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

—————  
JUNE 7, 1999.—Ordered to be printed  
—————

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

### REPORT

[To accompany S. 441]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 441) to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 4, lines 20 and 21, strike “Columbia.” and insert “Columbia.”
2. On page 4, after line 20, add a new subparagraph (C) and new section 4 as follows:

“(C) COORDINATION WITH OTHER CONGRESSIONALLY MANDATED ACTIVITIES.—The Secretary shall coordinate the trail study with the Revolutionary War and War of 1812 Historic Preservation study authorized under section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note), and the Chesapeake Bay Gateways and Watertrails Network authorized under title V of Public Law 105-312 (16 U.S.C. 461 note). Such coordination shall extend to any research needed to complete the studies and any findings and implementation actions that result from the studies. The Secretary shall utilize available resources to the greatest extent possible to avoid unnecessary duplication of effort.

**“SEC. 4. TRAIL REPORT.**

“(a) Not later than two years after the date funds are made available for the Star Spangled Banner National Historic Trail Study, the Secretary of the Interior shall forward the completed study with final recommendations to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources of the House of Representatives.”.

## PURPOSE OF THE MEASURE

The purpose of S. 441, as ordered reported, is to amend the National Trails System Act to designate the route of the British invasion of Maryland and Washington, District of Columbia during the War of 1812; and the route of the American defense, for study for potential addition to the National Trails System.

## BACKGROUND AND NEED

This legislation would assess the feasibility and desirability of designating the route of the British invasion of Washington, District of Columbia during the War of 1812 and the subsequent defeat of the British at Baltimore, Maryland as a component of the National Trails System.

Approximately 30 sites along the proposed trail mark some of the most historically important events of the War of 1812. The proposed trail would include, but not be limited to, sites of the June 1814 battles at St. Leonard’s Creek in Calvert County, Maryland; the site of the British landing at Benedict, Maryland; Fort Washington in Prince George’s County; the White House and the Capitol in Washington, DC; and Fort McHenry in Baltimore.

## LEGISLATIVE HISTORY

S. 441 was introduced by Senators Sarbanes and Mikulski on February 23, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 441 on April 22, 1999.

In the 105th Congress similar legislation (S. 2465) was introduced on September 4, 1998, by Senator Sarbanes. No further action was taken on S. 2465.

At its business meeting on May 19, 1999, the Committee on Energy and Natural Resources ordered S. 441, favorably reported, as amended.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 19, 1999, by unanimous voice vote of a quorum present, recommends that the Senate pass S. 441, as amended as described herein.

## COMMITTEE AMENDMENTS

During the consideration of S. 441, the committee adopted two clarifying amendments.

The first amendment directs the Secretary of the Interior to coordinate this trail study with two other studies currently ongoing in and around the Chesapeake Bay and its environs.

The second amendment specifies that the study is to be completed not later than two years after the date funds are made available to carry out the purposes of this Act.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the bill's short title as the "Star-Spangled Banner National Historic Trail Study Act of 1999".

*Section 2* lists several Congressional findings.

*Section 3* amends Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) to:

- (1) redesignate paragraph (36) as (37);
- (2) designate the paragraphs relating to the Old Spanish Trail and the Great Western Scenic Trail as paragraphs (38) and (39), respectively; and
- (3) adds paragraph (40), authorizing a study of the Star Spangled Banner National Historic Trail.

The section describes the proposed trail and lists the affected areas as 6 Maryland counties, the city of Baltimore and Washington, D.C.

The Secretary is directed to coordinate the study with the Revolutionary War and War of 1812 Historic Preservation study authorized under section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note) and the Chesapeake Bay Gateways and Watertrails Network authorized under title V of Public Law 105-312 (U.S.C. 461 note).

*Section 4* requires the study to be completed within 2 years after funds are made available, with final recommendations to be submitted to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Resources.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 26, 1999.*

Hon. FRANK H. MURKOWSKI,  
*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. 441, the Star-Spangled Banner National Historic Trail Study Act of 1999.

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

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*S. 441—Star-Spangled Banner National Historic Trail Study Act of 1999*

S. 441 would provide for the study of two routes for potential inclusion in the National Trails System. The National Park Service (NPS) would coordinate the study of the route of the British invasion of Maryland and Washington, D.C., in the War of 1812 and the route of the American defense with ongoing studies of the War of 1812 and other related projects. Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that the trail study would cost the federal government around \$250,000 over the next two years.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 441 contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, 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. 441. The bill is not a regulatory measure in the sense of imposing Government-established standards of 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 enactment of S. 441, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

At the Subcommittee hearing a representative from the National Park Service testified in support of S. 441 and recommended a number of amendments as follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 441, a bill to amend the National Trails System Act to authorize a study of the route of the British invasion of Maryland and the District of Columbia and the route of American defense during the War of 1812 for potential addition to the National Trails System as a National Historic Trail. The National Park Service supports this legislation but recommends that such a study be coordinated with the other current National Park Service initiatives related to the

War of 1812 and the Chesapeake Bay. We would also recommend a technical amendments to the legislation.

S. 441 would authorize the Secretary of the Interior to undertake a study of the route of British invasion and the route of American defenses occurring in Maryland and the District of Columbia during the War of 1812. Such a study would be conducted so as to determine if those routes would qualify for designation as a National Historic Trail and addition to the National Trails System. The study would address the actions that occurred during the War of 1812 in the summer of 1814 in and around the Chesapeake Bay in Maryland, the District of Columbia and the City of Baltimore.

Certainly the events which occurred during the War of 1812 and the geographic area that are the subject of this bill are historically significant. The goal of a study of these events would be to determine the best way to interpret and commemorate these events for present and future generations of Americans. To look at these events in the context of the National Trails System Act is of merit but the study should not be done without being coordinated and integrated with the other efforts currently underway. In the 104th Congress the National Park Service was authorized to undertake a study of the Revolutionary War and War of 1812. This theme study was begun this fiscal year, FY 1999, and is being conducted by the National Park Service's American Battlefield Protection Program. The study is being modeled on the Civil War Sites Advisory Commission Report of July 1993.

As part of the study of the War of 1812 the National Park Service has just awarded a \$75,000 grant to the State of Maryland to collect information on the War of 1812 sites in the State of Maryland. Most of the sights discussed in S. 441 are also part of the study and data collection that the State of Maryland will be addressing in the grant work. We have developed methodology for surveying and collecting information on battlefield sites that the State of Maryland will use. The information the State collects will be baseline data for the War of 1812 Study.

In addition we are involved in a major planning effort for the Chesapeake Bay. In the 105th Congress the National Park Service was authorized to identify a network of Chesapeake Bay Gateways that would collectively enhance public education and recreational access to the Bay and its associated resources. The aim of the Chesapeake Bay Sites Study is to identify the cultural, historical and natural resources of the Chesapeake Bay region and to develop themes and then possible physical and interpretive connectors that link the resources common to specific themes.

The Chesapeake Bay was an important theater of operation during the War of 1812. Sites in and around the Chesapeake Bay associated with the events of the War of 1812 are among the historic resources that we are review-

ing as part of the Chesapeake Bay Sites Study. Alternatives and recommendations for how these Chesapeake Bay-related resources (including War of 1812 resources) would be protected and managed will be made to the Congress and other partners involved in the Chesapeake Bay Program.

Both of these efforts, the War of 1812 Study and the Chesapeake Bay Sites Study are currently underway and through them the majority of the resources identified in S. 441 will be analyzed. A third, independent piece of legislation, directing the review of these resources through an historic trail study must be coordinated with and build on the other efforts being undertaken regarding the War of 1812 and the Chesapeake Bay's history. The trail study's recommendations should also be coordinated with the recommendations for protecting these resources that will come out of the War of 1812 Study and the Chesapeake Bay Sites Study.

Both the War of 1812 Study and the Chesapeake Bay Sites Study will rely on a partnership effort to protect and interpret the resources identified. The partnerships will include federal, state, local and private, both non-profit and for-profit, partners. How the partnerships are structured will depend on the individual resource or group of resources that are identified for protection and what the program will be for protection, interpretation and public use. National Historic Trails also rely on partnership efforts for protection of the resources associated with the trail route as well as the trail route itself.

We recommend that S. 441 be amended by adding language that requires coordination with these other efforts, the War of 1812 Study and the Chesapeake Bay Sites Study. In addition, due to financial constraints, a section should be added that states that the trail study's completion date fall two years following the date funds are made available for the historic trail study.

This completes my statement. I will be pleased to answer any questions you or other members of the committee may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 441, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### **NATIONAL TRAILS SYSTEM ACT**

AN ACT To establish a national trails system, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act".

\* \* \* \* \*

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) \* \* \*

\* \* \* \* \*

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

\* \* \* \* \*

(40)(A) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—  
IN GENERAL.—The Star Spangled Banner National Historic Trail, tracing the War of 1812 route of the British naval attack on the Chesapeake Flotilla at St. Leonard's Creek, the landing of the British forces at Benedict, Maryland, the American defeat at the Battle of Bladensburg, the siege of the Nation's capital, Washington, District of Columbia (including the burning of the United States Capitol and White House), actions between the British and American forces in the upper Chesapeake Bay, the route of the American troops between Washington and Baltimore, the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry, on September 14, 1814.

(B) AFFECTED AREAS.—The trail crosses more than 6 Maryland counties, the city of Baltimore, and Washington, District of Columbia.

(C) COORDINATION WITH OTHER CONGRESSIONALLY MANDATED ACTIVITIES.—The Secretary shall coordinate the trail study with the Revolutionary War and War of 1812 Historic Preservation study authorized under section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note), and the Chesapeake Bay Gateways and Watertrails Network authorized under title V of Public Law 105-312 (16 U.S.C. 461 note). Such coordination shall extend to any research needed to complete the studies and any findings and implementation actions that result from the studies. The Secretary shall utilize available resources to the greatest extent possible to avoid unnecessary duplication of effort.