AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 658

110TH CONGRESS, 2d Session | SENATE | REPORT 110–306

LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION STUDY ACT OF 2007

APRIL 10, 2008.—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. 1991]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1991) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phase of the expedition, and for other purposes, 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 2, line 5, strike "2007" and insert "2008".
2. On page 3, lines 9 and 10, strike "the inclusion of the Eastern Legacy sites" and insert "adding the Eastern Legacy sites to the Trail".
3. On page 3, line 20, strike "2" and insert "3".

PURPOSE

The purpose of S. 1991 is to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis & Clark National Historic Trail to include sites associated with the preparation or return phases of the expedition in the eastern United States.

BACKGROUND AND NEED

The Lewis and Clark National Historic Trail was designated in 1978 and covers the 3,700-mile-long route traveled by the Lewis and Clark expedition from 1804–1806, beginning at Wood River, Il-

69–010

linois, and extending to the mouth of the Columbia River in Oregon.

Although the trail officially begins at the confluence of the Missouri and Mississippi Rivers, which has traditionally been regarded as the starting point of the expedition, preparation for the trip began much earlier. After President Jefferson authorized the expedition, Meriwether Lewis traveled throughout many of the eastern United States acquiring supplies and receiving training before heading out to Ohio to meet up with William Clark.

S. 1991 authorizes the National Park Service to conduct a study to determine whether the route of the pre-expedition travels as well as the routes covered after the expedition returned to St. Louis in 1806, should be added to the existing national historic trail.

LEGISLATIVE HISTORY

S. 1991 was introduced by Senator Bunning on August 3, 2007. The Subcommittee on National Parks held a hearing on S. 1991 on November 8, 2007. (S. Hrg. 110–282.) At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1991 favorably reported, with amendments.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1991, if amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 1991, the Committee adopted three amendments. The first amendment updates the date reference in the short title. The second amendment requires the study to analyze the potential impact that adding sites in the eastern United States to the Lewis and Clark National Historic Trail would have on those sites. The final amendment extends the time for completion of the study from two to three years.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the "Lewis and Clark National Historic Trail Extension Study Act of 2008".

Section 2 defines key terms used in the Act.

Section 3(a) directs the Secretary of the Interior (the "Secretary") to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include sites associated with the preparation or return phases of the Lewis and Clark expedition, and including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois.

Subsection (b) requires the Secretary, in conducting the study, to evaluate the routes associated with the preparation and return phases of the expedition, evaluate the suitability and feasibility of adding those sites to the National Historic Trail, analyze the potential impact that adding the sites to the trail will have on those sites, and analyze the potential impact that adding the sites to the

trail will have on tourist visitation in the western portion of the trail.

Subsection (c) states that the study shall use the criteria used for studies of areas for potential inclusion in the National Park System, as described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

Subsection (d) requires the Secretary to complete the study within three years after the date on which funds are first made available for the study, and to transmit the study to the House and Senate authorizing committees, including any conclusions and recommendations of the Secretary.

COST AND BUDGETARY CONSIDERATIONS

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

S. 1991—Lewis and Clark National Historic Trail Extension Study Act of 2007

S. 1991 would direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic trail to include sites in 11 states and the District of Columbia. Assuming the availability of appropriated funds, CBO estimates that implementing S. 1991 would have an insignificant effect on discretionary spending. Enacting this legislation would have no effect on direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

S. 1991 would direct the Secretary of the Interior to conduct a study on the suitability and feasibility of adding the Eastern Legacy sites to the existing Lewis and Clark National Historic Trail. The Eastern Legacy sites include locations associated with the Lewis and Clark expedition within 11 states and the District of Columbia. The Secretary would report to the Congress on the results of this study within two years. Based on information from the National Park Service, CBO estimates that implementing S. 1991 would cost less than $500,000 over the 2008–2010 period, subject to availability of appropriated funds.

On November 20, 2007, CBO transmitted a cost estimate for H.R. 3998, the America's Historical and Natural Resources Legacy Study Act, as ordered reported by the House Committee on Natural Resources on November 7, 2007. That legislation is identical to S. 1991. As such, the estimated costs are the same.

The CBO staff contacts for this estimate are Deborah Reis and Daniel Hoople. This estimate was approved by Peter H. Fontaine, 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. 1991. The bill is not a regulatory measure in the sense of impos-

ing 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. 1991, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1991, as 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 National Park Service at the November 8, 2007 hearing on S. 1991 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, 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. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition.

While the Department has some concerns about the need for the study, we do not object to the enactment of S. 1991. However, we believe that priority should be given to the 35 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System that have not yet been transmitted to the Congress.

S. 1991 would authorize a study to determine whether the routes followed by Meriwether Lewis and William Clark, whether independently or together, in the preparation phase of the expedition starting at Monticello, located near Charlottesville, Virginia, and traveling to Wood River, Illinois, and in the return phase of the expedition from Saint Louis, Missouri, to Washington, D.C., would meet the suitability and feasibility criteria for extending the Lewis and Clark National Historic Trail to include these routes and their associated sites. These sites and routes are commonly referred to as the "Eastern Legacy." These routes include designated Lewis and Clark sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. The study also would analyze the potential impact that the inclusion of the Eastern Legacy would have on those sites, as well as on the tourist visitation to the western half of the trail. The bill would require the Secretary of the Interior to complete the study

and provide its conclusions and recommendations within two years from the date funds are first made available for that purpose. We estimate the cost to complete the study would be approximately $250,000 to $300,000.

There have been many discussions in recent years between scholars and interested individuals concerning whether the Eastern Legacy sites and routes merit inclusion in the Lewis and Clark National Historic Trail. However, the issue of whether this area is suitable and feasible as an administrative unit of the National Trails System has not been addressed. S. 1991 would provide that authority.

Discussions in the past against extending the trail to include the Eastern Legacy are focused primarily on the common historical understanding of where the expedition itself began. President Jefferson's instructions to Captain Meriwether Lewis clearly imply that the expedition began with the ascent of the Missouri River. The actual transfer of title to and power over the Louisiana Territory from France to the United States was not effective until March 10, 1804. Prior to that date, the Spanish Lt. Governor of Upper Louisiana refused the expedition's request to proceed up the Missouri; so it is clear that the journey of exploration could not begin until after that date. The journals of the expedition by Captains Lewis and Clark are the official chronicles of the project. On May 14, 1804, the day the expedition left Camp Wood and began its ascent of the Missouri River, Captain Clark wrote in his journal "The mouth of the River Dubois is to be considered as the point of departure." In his journal, Captain Lewis stated that he had informed President Jefferson, by letter, of the departure; this, too, would seem to imply that the expedition began that day.

Some believe that important locations in the Eastern Legacy are already recognized by the trail as certified sites and that they do not need to be connected to the Lewis and Clark National Historic Trail. There is also some concern that extending the trail will somehow dilute the attention to and importance of the existing official trail.

Others point out that the expedition did not simply spring forth from Wood River, Illinois on May 14, 1804, but involved years of preparation at other locations. These include the ruminations of westward expansion and manifest destiny by Thomas Jefferson at Monticello in Virginia, the acquisition of firearms at Harpers Ferry, West Virginia, Lewis' training in medicine and scientific observation in Philadelphia, and taking delivery of the keel boat in Pennsylvania and struggling through low water to bring the boat down the Ohio River.

Although the field expedition ended in September 1806 with the Corps of Discovery's return to Saint Louis, there were still important tasks to undertake such as reporting to the White House to brief the President on the findings of the expedition. Some say that Lewis' death was attributable in large part to the expedition and that his grave

on the Natchez Trace should be a part of the trail. As intended by President Jefferson, the expedition and manifest destiny had far reaching impacts and ramifications beyond the West to American society as a whole, and he certainly considered that his dream of a nation from "sea to shining sea" had been fulfilled, despite the failure to find the mythical "Northwest Passage."

A suitability and feasibility study would take into account the reasons for adding the Eastern Legacy by various interested agencies, organizations, and individuals and evaluate the merits of including the additional routes and sites in the Lewis and Clark National Historic Trail.

Mr. Chairman, 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. 1991, as ordered reported.

○