

TO FACILITATE THE USE OF CERTAIN LAND IN NEBRASKA FOR PUBLIC  
OUTDOOR RECREATIONAL OPPORTUNITIES, AND FOR OTHER PURPOSES

DECEMBER 8, 2020.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 3651]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3651) to facilitate the use of certain land in Nebraska for public outdoor recreational opportunities, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. USE OF CONVEYED LAND.**

Section 342(c) of the Consolidated Natural Resources Act of 2008 is amended—

(1) by striking “The conveyance” and inserting the following:

“(1) PRIMARY USE.—The conveyance”; and

(2) by adding at the end the following:

“(2) ADDITIONAL USE.—The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. may use, or enter into an agreement with another party to lease, not more than 40 acres of the land conveyed under subsection (a) for public outdoor recreation under the following conditions:

“(A) The land shall continue to be maintained in a manner that is compatible with the use authorized in paragraph (1), conditions stated in the deed for the land, and the memorandum of understanding with the National Park Service dated June 2009.

“(B) The nature trail around the perimeter of the land shall remain in place and may be enhanced with educational signage about the flora and fauna that are native to the land and planting of native flora.

“(C) Revenue from any use (including any lease or agreement entered into) under this paragraph shall be used to offset maintenance and operating costs of the Lewis and Clark Interpretive Center.”.

**PURPOSE OF THE BILL**

The purpose of H.R. 3651 is to facilitate the use of certain land in Nebraska for public outdoor recreational opportunities, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 3651, as reported, authorizes the Missouri River Basin Lewis and Clark Interpretative Trail and Visitor Center Foundation, Inc. (Foundation) to use, or enter into an agreement with another party to lease, up to 40 acres of certain land in Nebraska City, Nebraska, for public outdoor recreation purposes. This land was originally conveyed to the Foundation in the Consolidated Natural Resources Act of 2008<sup>1</sup> solely for use as a historic site and interpretive center for the Lewis and Clark National Historic Trail.<sup>2</sup>

The legislation stipulates that the Foundation is still required to maintain the property in a manner that is compatible with its intended use based on the deed of transfer and a 2009 memorandum of understanding with NPS. The bill also requires that any income generated from the lease or agreement be used to offset the operating costs of the Lewis and Clark Interpretive Center.

## COMMITTEE ACTION

H.R. 3651 was introduced on July 9, 2019, by Representative Jeff Fortenberry (R–NE). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On February 27, 2020, the Subcommittee held a hearing on the bill. On September 30, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment designated Grijalva #1. The amendment was agreed to by unanimous consent. No additional amendments were offered, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

## HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 3651: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on February 27, 2020.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congress-

<sup>1</sup>P.L. No. 110–229, 122 Stat. 754 (2008), <https://uscode.house.gov/statviewer.htm?volume=122&page=754> (codified as amended at various, see [https://uscode.house.gov/table3/110\\_229.htm](https://uscode.house.gov/table3/110_229.htm)) (no statutory compilation available).

<sup>2</sup>*Id.* at §342, 122 Stat. at 796 (2008), <https://uscode.house.gov/statviewer.htm?volume=122&page=796> (not codified).

sional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to facilitate the use of certain land in Nebraska for public outdoor recreational opportunities.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

**CONSOLIDATED NATURAL RESOURCES ACT OF 2008**

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**TITLE III—NATIONAL PARK SERVICE  
AUTHORIZATIONS**

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**Subtitle E—Trails and Rivers**

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**SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Interior 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 titled “Lewis and Clark National Historic Trail”, numbered 648/80,002, and dated March 2006.

(b) **SURVEY; CONVEYANCE COST.**—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) **CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.**—**[The conveyance]**

(1) **PRIMARY USE.**—*The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.*

(2) **ADDITIONAL USE.**—*The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. may use, or enter into an agreement with another party to lease, not more than 40 acres of the land conveyed under subsection (a) for public outdoor recreation under the following conditions:*

(A) *The land shall continue to be maintained in a manner that is compatible with the use authorized in paragraph (1), conditions stated in the deed for the land, and the memorandum of understanding with the National Park Service dated June 2009.*

(B) *The nature trail around the perimeter of the land shall remain in place and may be enhanced with edu-*

*cational signage about the flora and fauna that are native to the land and planting of native flora.*

*(C) Revenue from any use (including any lease or agreement entered into) under this paragraph shall be used to offset maintenance and operating costs of the Lewis and Clark Interpretive Center.*

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated \$150,000 per year for a period not to exceed 10 years.

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SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

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