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National Park Management

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National Park Management

SUMMARY

The 109th Congress is considering legislation and conducting oversight on National Park Service (NPS) related topics. The Administration is addressing park issues through budgetary, regulatory, and other actions. Earlier Congresses and Administrations also have dealt with similar issues. While this report focuses on several key topics, others may be added if circumstances warrant.

Competitive Sourcing. The Bush Administration's Competitive Sourcing Initiative subjects federal agency activities determined to be commercial to public-private competition, with a goal of saving money. Through July 2004, the NPS had studied the competitive sourcing of positions totaling 1,663 "full-time equivalents" to determine if they should be subject to competitive bidding, but none were contracted out. The initiative has been controversial. The 109th Congress is considering limiting spending during FY2006 on competitive sourcing studies by the Department of the Interior (which includes the NPS).

Historic Preservation. The NPS administers the Historic Preservation Fund (HPF), which provides grants to states and other entities to protect cultural resources. Congress provides annual appropriations for the HPF, and views differ as to whether to retain the federal role in financing the fund or to rely exclusively on private support.

Maintenance Backlog. There is debate over the funding level to meet the physical maintenance obligations of the NPS and whether to provide new funds or use funds from existing programs for them. Attention has focused on the NPS's multibillion-dollar

maintenance backlog, but views differ as to whether the backlog has increased or decreased in recent years. In the past, Congress has included money to address some backlog needs in Interior appropriations laws.

Regional Haze. National parks and wilderness areas (Class I areas) are protected from future visibility impairment by parts of the Clean Air Act, and remedies for existing impairment from pollution in these areas also are provided in the act. There is discussion of the effects of proposed power plants on these areas, and recently a few agency staff findings that emissions could degrade air quality were overruled by higher administration officials. Best available retrofit technology (BART) rules to reduce haze were issued June 15, 2005. The President's Clear Skies proposal and S. 131 as introduced in the 109th Congress seek in part to reduce the role of land managers in power plant permitting decisions.

Wild and Scenic Rivers. The Wild and Scenic Rivers System preserves free-flowing rivers, which are designated by Congress or through state nomination with Secretarial approval. The NPS, and other federal agencies with responsibility for managing designated rivers, prepare management plans to protect river values. Management of lands within river corridors is sometimes controversial, because of issues including the possible effects of designation on private lands and of corridor activities on the rivers.

Other Issues. Other park management topics of potential interest to the 109th Congress include federal land acquisition and park security.

MOST RECENT DEVELOPMENTS

The 109th Congress is examining, through legislation or oversight, a number of National Park Service (NPS) topics that have generated continuing interest. The most recent actions related to these topics are noted below.

- H.R. 2361, the FY2006 Interior appropriations bill as passed by the House and reported by the Senate Committee on Appropriations, capped funding for DOI competitive sourcing studies during FY2006 without specifying the portion to be allocated to the NPS.
- H.R. 2361 as passed by the House contained \$72.7 million for historic preservation, and the Senate committee-reported version included \$72.5 million.
- S. 886, introduced April 21, 2005, seeks to eliminate the annual operating deficit and maintenance backlog in the National Park System. Similar House legislation (H.R. 1124) was introduced earlier.
- On June 15, 2005, EPA issued new best available retrofit technology (BART) rules to reduce haze in parks and natural areas.
- H.R. 38, to designate a portion of the White Salmon River as a component of the Wild and Scenic Rivers System, was placed on the House calendar on June 14, 2005.

BACKGROUND AND ANALYSIS

Introduction

The National Park System is perhaps the federal land category best known to the public. The National Park Service (NPS) in the Department of the Interior (DOI) manages 388 units, including 58 units formally entitled *national parks* and a host of other designations.¹ The system has more than 84 million acres.² The NPS has an appropriation of approximately \$2.37 billion for FY2005, employs about 24,000 permanent and seasonal employees, and uses an additional 90,000 volunteers. An estimated 263 million people visited park units in 2004.

The NPS statutory mission is multifaceted: to conserve, preserve, protect, and interpret the natural, cultural, and historic resources of the nation for the public, and to provide for their use and enjoyment by the public. The dichotomy of use and preservation can be contradictory and results in management challenges. Attention centers on how to balance

¹ Descriptions of the different designations are on the NPS website at [<http://www.nps.gov/legacy/>]. Brief information on each unit is contained in U.S. Dept. of the Interior, National Park Service, *The National Parks: Index 2001-2003* (Washington, DC: 2001).

² This figure includes an estimated 79 million acres of federal land, 1 million acres of other public land, and 4 million acres of private land. NPS policy is to acquire these nonfederal *in-holdings* from willing sellers as funds are made available or to create special agreements to encourage landowners to sell.

the recreational use of parklands with the preservation of park resources, and determine appropriate levels and sources of funding to maintain NPS facilities and to manage NPS programs. In general, activities that harvest or remove resources from units of the system are not allowed. The NPS also supports the preservation of natural and historic places and promotes outdoor recreation outside the system through grant and technical assistance programs.

History

The establishment of several national parks preceded the 1916 creation of the National Park Service (NPS) as the park system management agency. Congress established the nation's first national park — Yellowstone National Park — in 1872. The park was created in the then-territories of Montana and Wyoming “for the benefit and enjoyment of the people,” and placed “under the exclusive control of the Secretary of the Interior” (16 U.S.C. §§21-22). In the 1890s and early 1900s, Congress created several other national parks mostly from western public domain lands, including Sequoia, Yosemite, Mount Rainier, Crater Lake, and Glacier. In addition to the desire to preserve nature, there was interest in promoting tourism. Western railroads, often recipients of vast public land grants, were advocates of many of the early parks and built grand hotels in them to support their business.

There also were efforts to protect the sites and structures of early Native American cultures and other special sites. The Antiquities Act of 1906 authorized the President to proclaim national monuments on federal lands that contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” (16 U.S.C. §431). Most national monuments are managed by the NPS. (For more information, see CRS Report RS20902, *National Monument Issues*, by Carol Hardy Vincent.)

There was no system of national parks and monuments until 1916, when President Wilson signed a law creating the NPS to manage and protect the national parks and many of the monuments. That *Organic Act* provided that the NPS “shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations ... to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (16 U.S.C. §1). President Franklin D. Roosevelt greatly expanded the system of parks in 1933 by transferring 63 national monuments and historic military sites from the USDA Forest Service and the War Department to the NPS.

Overview of Topics

The 109th Congress is considering legislation or conducting oversight on many NPS-related topics. Several major topics are covered in this report: activities of the NPS under the President's Competitive Sourcing Initiative; historic preservation through the Historic Preservation Fund, which is administered by the NPS; the NPS maintenance backlog; air quality at national park units; and management of wild and scenic rivers, which are administered by the NPS or another land management agency. Other issues addressed in brief are federal land acquisition by the NPS through the Land and Water Conservation Fund and security of NPS units and lands.

While in some cases the topics covered are relevant to other federal lands and agencies, this report does not comprehensively cover topics issues primarily affecting other lands/agencies. For background on federal land management generally, see CRS Report RL32393, *Federal Land Management Agencies: Background on Land and Resources Management*, coordinated by Carol Hardy Vincent. Overview information on numerous natural resource issues, focused on resource use and protection, is provided in CRS Report RL32699, *Natural Resources: Selected Issues for the 109th Congress*, coordinated by Nicole Carter and Carol Hardy Vincent. Information on appropriations for the NPS is included in CRS Report RL32893, *Interior and Related Agencies: FY2006 Appropriations*, coordinated by Carol Hardy Vincent and Susan Boren. Information on BLM and Forest Service lands is contained in CRS Issue Brief IB10076, *Bureau of Land Management (BLM) Lands and National Forests*, coordinated by Ross W. Gorte.

Several other NPS-related topics are not covered in this brief. Some of them, or other topics, may be added to this brief if events warrant. For example, how national park units are created and what qualities make an area eligible to be an NPS unit are of continuing interest. (For more information, see CRS Report RS20158, *National Park System: Establishing New Units*, by Carol Hardy Vincent.) Second, legislation has been considered in recent Congresses to study, designate, and fund particular National Heritage Areas (NHAs) as well as to establish a process and criteria for designating and managing NHAs. (For more information, see CRS Issue Brief IB10126, *Heritage Areas: Background, Proposals, and Current Issues*, by Carol Hardy Vincent and David Whiteman.) Third, recent decades have witnessed increased demand for a variety of recreational opportunities on federal lands and waters. New forms of motorized recreation have gained in popularity, and the use of motorized off-highway vehicles (OHVs) has been particularly contentious. (For more information, see CRS Issue Brief IB10141, *Recreation on Federal Lands*, coordinated by Kori Calvert and Carol Hardy Vincent.) Fourth, the management of the NPS concessions program, which provides commercial visitor services, continues to receive oversight. Finally, the role of gateway communities in NPS planning and the impact of land uses on gateway communities have received increased attention.

Current Issues

Competitive Sourcing (by Carol Hardy Vincent)

Background. The Bush Administration's Competitive Sourcing Initiative seeks to expand on earlier programs to subject federal agency activities judged to be commercial in nature to public-private competition. This government-wide effort could affect diverse government activities in agencies, including the NPS. The Administration's goal is to save money through competition, particularly in areas where private business might provide better commercial services. For the NPS, these areas include maintenance, administration, and cultural resource positions. Rangers, fee collectors, and park guides are among those positions classified as either "inherently governmental" or "core to the mission," and thus not subject to competitive review. The general controversy over the initiative extends to the NPS, with concerns as to whether it would save the agency money, whether the private sector could provide the same quality of service, whether it is being used to accomplish policy objectives by outsourcing particular functions, and whether it would weaken the morale and

diversity of the NPS workforce. Apart from the current initiative, the NPS has long contracted many jobs to private industry, including concession operation, trash collection, and lifeguard positions. The number of such jobs contracted in 2003 was estimated at 28,000. (For information on competitive sourcing generally, see CRS Report RL32017, *Circular A-76 Revision 2003: Selected Issues*, by L. Elaine Halchin.)

Administrative Actions. Through July 2004, the NPS had studied, or was in the process of studying, the competitive sourcing of positions totaling 1,663 “full-time equivalents” (FTEs) to determine whether they should be subject to competitive bidding.³ That represents about 15% of the agency’s 11,010 FTEs identified as commercial, and about 9% of the total NPS workforce of 19,380 FTEs. Thus far, 74 FTEs were subjected to competitive bidding, but none were contracted out. In addition, prior to May 29, 2003, the NPS had converted 859 FTEs to contract positions; the agency jobs were primarily seasonal, temporary, and vacant.⁴ DOI reports that no permanent, full-time employee has been involuntarily separated from federal employment as a result of competitive sourcing, although some permanent employees were moved to other positions or opted for retirement inducements, such as “early outs” or “buyouts.” Also, some seasonal or temporary employees have not been rehired. The cost of the competitive sourcing initiative through July 2004 is estimated at \$2.4 million, with projected savings estimated at \$5.5 million.⁵

The agency’s competitive sourcing “green plan” covers competitive sourcing activities planned for FY2005-FY2008. During FY2005, the NPS expects to conduct preliminary planning efforts at three park units to determine whether to conduct competitive sourcing studies at these sites. The three units are the San Juan National Historical Site, Indiana Dunes National Seashore, and Boston National Historical Park. According to the NPS budget justification for FY2006, the NPS has improved its competitive review process by conducting preliminary planning with the help of industry expertise. In FY2006, the NPS plans to conduct a preliminary planning effort for 150 FTE, four standard studies for 549.5 FTE, and six streamlined studies for 255.5 FTE, for a total of 955 FTE during FY2006. (For information on competitive sourcing targets, see CRS Report RL32079, *Federal Contracting of Commercial Activities: Competitive Sourcing Targets*, by L. Elaine Halchin.)

Legislative Activity. The House-passed and Senate Appropriations Committee-reported versions of H.R. 2361, the FY2006 Interior appropriations bill, placed a cap of \$3.45 million on DOI competitive sourcing studies during FY2006, but did not specify the portion to be allocated to the NPS. The Senate committee version also provided that agencies include, in any reports to the Appropriations Committees on competitive sourcing, information on costs associated with sourcing studies and related activities. Similar language was stricken on the House floor as constituting legislation on an appropriations bill. The

³ A full-time equivalent (FTE) is the “staffing of Federal civilian employee positions, expressed in terms of annual productive work hours” (U.S. Office of Management and Budget, *Circular No. A-76 (Revised)*, p. D-5).

⁴ OMB Circular No. A-76, revised May 29, 2003, eliminated direct conversions by not including this option in the revision.

⁵ The data on the NPS competitive sourcing initiative are derived from a personal conversation with Donna K. Kalvels, Director, Center for Competitive Sourcing Excellence, U.S. Dept. of the Interior, Washington, DC, on Jan. 10, 2005.

FY2004 and FY2005 Interior appropriations laws also limited spending for competitive sourcing studies of agencies, and contained other provisions on competitive sourcing. These provisions originated out of concern that some agencies were spending significant sums on competitive sourcing in cases where the Administration did not request or receive funds for this purpose, and were not providing Congress with complete information on costs and implications of the initiative.

Historic Preservation (by Susan Boren)

Background. The National Historic Preservation Act of 1966 (NHPA; P.L. 89-665, 16 U.S.C. §479) created a program of state grants for historic preservation under the Historic Preservation Fund (HPF). The program has been expanded to include Indian tribal grants; grants for Alaska Natives and Native Hawaiians; restoration grants for historically black colleges and universities (HBCUs); and Save America's Treasures grants. The major purpose of the HPF program is to protect cultural resources.

Administered by the National Park Service, the HPF provides grants-in-aid to states and territories for activities specified in the NHPA. These grants are funded on a 60% federal/40% state matching share basis. States carry out program purposes directly through State Historic Preservation Offices or through subgrants and contracts with public and private agencies, organizations, institutions of higher education, and private individuals. Under law, 10% of each state's annual allocation distributed by the Secretary of the Interior is to be transferred to local governments that are certified eligible under program regulation.

Some Members of Congress support proposals to eliminate a federal government role in financing the HPF, leaving such programs to be sustained by private support. A case in point is the National Trust for Historic Preservation, for which permanent federal funding was eliminated in FY1998. Others assert that a federal role in supporting historic preservation is necessary and should be maintained. One example of a program receiving bipartisan support is the Save America's Treasures program, currently funded under the HPF (see discussion below). The HPF, authorized by the National Historic Preservation Act Amendments of 2000 (NHPA; P.L. 106-208), is due to expire at the end of FY2005.

Administrative Actions. President Bush's FY2006 budget, like the FY2005 budget, recommended creation of a program called Preserve America. The program would consist of competitive grants providing one-time assistance to encourage community preservation of cultural, historic, and natural heritage through education and heritage tourism. It would serve as an adjunct to Save America's Treasures. The 108th Congress did not establish the program, in part because of budget constraints and because it was considered similar to Save America's Treasures. The 109th Congress is considering whether to fund Preserve America. (See legislative discussion below.) The current Save America's Treasures program appears to be relatively popular with some Members of Congress and the Administration. It was created in 1998, as former President Clinton's Millennium initiative, to preserve nationally significant intellectual and cultural artifacts and historic structures. Funds were first appropriated in FY1999 and used to restore the Star Spangled Banner, the Declaration of Independence, and the U.S. Constitution, as well as for historic preservation priority millennium projects of federal agencies. The conference report on the FY2001 Interior appropriations law (P.L. 106-291) required that project recommendations be subject to formal approval by the House and Senate Committees on Appropriations prior to distribution

of funds. These projects require a 50% cost share, and no single project can receive more than one grant from this program. Currently, approximately half, or \$15 million, of the Save America's Treasures grants are specifically designated in appropriations law.

Legislative Activity. Most of the recent congressional action on historic preservation has been in the appropriations arena, since the authorization typically has been for five-year periods and is current through FY2005. In the 108th Congress, legislation was introduced to extend the authorization for NHPA programs through FY2010; no further action was taken. In the 109th Congress, oversight hearings were held (April 21, 2005) on the National Historic Preservation Act by the House Subcommittee on National Parks of the House Committee on Resources. During House debate on H.R. 2361, the FY2006 Interior appropriations bill, the chairman of the House Resources Committee objected to the appropriation for the HPF on the grounds that it was not authorized for FY2006 and that there should be no appropriation without an authorization. His amendment on this issue was ruled out of order as constituting legislation on an appropriations bill. There has been no further action on reauthorization of the NHPA in the 109th Congress.

The FY2005 appropriation for HPF was \$71.7 million (P.L. 108-447). Within that total, the appropriation for Save America's Treasures was \$29.6 million, and no funds were provided for Preserve America. The total FY2006 request for the HPF was \$66.2 million, reflecting a decrease of \$5.5 million from the FY2005 appropriation. The FY2006 request sought \$15.0 million for Save America's Treasures and \$12.5 million for Preserve America grants. The House-passed FY2006 Interior appropriations bill (H.R. 2361) contained \$72.7 million for the HPF for FY2006. The total includes \$30.0 million for Save America's Treasures, \$36.0 million for grants-in-aid to states, \$3.2 million for tribal grants, and \$3.5 million for HBCUs. The House did not include funding for Preserve America. However, the Senate Appropriations Committee's version of H.R. 2361 would allow no more than \$7.5 million of the allocation for Save America's Treasures to be used for Preserve America pilot grants. The Senate committee bill would provide a total of \$72.5 million for the HPF, comprising \$38.5 million for grants-in-aid to states, \$4.0 million for tribal grants, and \$30.0 million for Save America's Treasures. (For more information on funding for historic preservation, see CRS Report 96-123 EPW, *Historic Preservation: Background and Funding*, by Susan Boren.)

Maintenance Backlog (by Carol Hardy Vincent)

Background. The NPS has maintenance responsibility for buildings, trails, recreation sites, and other infrastructure. There is debate over the levels of funds to maintain this infrastructure, whether to use funds from other programs, and how to balance the maintenance of the existing infrastructure with the acquisition of new assets. Congress continues to focus on the agency's *deferred maintenance*, often called the *maintenance backlog* — essentially maintenance that could not be done when scheduled or planned. The estimate of deferred maintenance for the NPS, based on varying assumptions, is between \$4.52 billion and \$9.69 billion, with a mid-range figure of \$7.11 billion. While the other federal land management agencies — the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and Forest Service (FS) — also have maintenance backlogs, congressional and administrative attention has centered on the NPS backlog. The FS backlog is estimated at \$6.54 billion, with the FWS at between \$1.28 billion and \$1.74 billion and the BLM at between \$0.54 billion and \$0.66 billion. The four agencies together

have a combined backlog estimated at between \$12.89 billion and \$18.63 billion, with a mid-range figure of \$15.76 billion, according to agency documents. The NPS and other agency backlogs have been attributed to decades of funding shortfalls, and have accrued under both democratic and republican administrations. The agencies assert that continuing to defer maintenance of facilities accelerates their rate of deterioration, increases their repair costs, and decreases their value.

Administrative Actions. In FY2002, the Bush Administration proposed to eliminate the NPS backlog (estimated at \$4.9 billion in 2002) over five years, through a combination of transportation fund money, appropriated funds, and revenues from recreation fees. The NPS budget justification for FY2006 states that the Administration's request "fulfills the President's commitment to provide \$4.9 billion over five years for maintenance backlog reduction."⁶ The figure reflects total appropriations for line items of which deferred maintenance is only a part. Specifically, according to the NPS, it consists of appropriations for FY2002 through FY2005, and monies requested by the Administration for FY2006, for all NPS facility maintenance, NPS construction, and the NPS park roads and parkway program funded through the Federal Highway Administration. It also includes fees used for maintenance, such as a portion of the recreation fees NPS collects. The National Parks Conservation Association, among others, disagrees with the Administration's assessment regarding its progress on eliminating the backlog. The association claims that the Administration has supported little new money to address park maintenance, and is using "misleading" math to appear to be on track to eliminate the backlog.⁷ It further contends that national parks on average have about 2/3 of the funding they need, and that sufficient operating funds are necessary for stemming the growth of the backlog.

It is uncertain if the NPS backlog has decreased, increased, or remained the same in recent years. For instance, while estimates of the NPS backlog increased from an average of \$4.90 billion in FY2000 to \$7.11 billion in FY2004, it is unclear what portion of the change is due to the addition of maintenance work that was not done on time or the availability of more precise estimates of the backlog. Further, it is unclear how much total funding has been provided for backlogged maintenance over this time period. Annual presidential budget requests and appropriations laws do not typically specify the portion of funds for backlogged maintenance, but instead combine funding for all NPS construction, facility operation, and regular and deferred maintenance. According to the DOI Budget Office, the appropriation for NPS deferred maintenance increased from \$228.5 million in FY2000 to \$295.4 million in FY2005, with a peak of \$364.2 million in FY2002. For FY2006, the Administration is seeking \$330.2 million.

The NPS has been defining and quantifying its maintenance needs. These efforts, like those of other land management agencies, include developing computerized systems for tracking and prioritizing maintenance projects and collecting comprehensive data on the condition of facilities. While initial condition assessments have been done, comprehensive

⁶ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2006*, p. overview-2 (Washington, DC: 2005).

⁷ National Parks Conservation Association, *The Burgeoning Backlog: A Report on the Maintenance Backlog in America's National Parks*, May 2004, p. 6, available on the web at [http://www.npca.org/across_the_nation/visitor_experience/backlog/default.asp].

condition assessments are scheduled to be completed on all facilities by the end of FY2006. The Park Service has acknowledged that until the effort is completed, it will not have the necessary data to accurately estimate its entire maintenance backlog and assess the agency's success in eliminating it.

Legislative Activity. H.R. 1124 and S. 886 seek to eliminate the annual operating deficit and maintenance backlog in the national park system. The bills would create a special fund in the Treasury — the National Park Centennial Fund — to be comprised of monies designated by taxpayers on their tax returns. If monies from tax returns are insufficient to meet funding levels established in the bill, they are to be supplemented by contributions to the Centennial Fund from the General Fund of the Treasury. For FY2006, there is to be deposited in the Centennial Fund a total of \$150.0 million, and that amount is to increase by 15% for each year through FY2016. The monies in the Centennial Fund would be available to the Secretary of the Interior, without further appropriation, as follows: 60% of the fund is to be used to eliminate the NPS maintenance backlog, 20% of the fund is to be used to protect natural resources within the national park system, and 20% of the fund is to be used to protect cultural resources within the national park system. The Senate bill would terminate the fund on October 1, 2016. Under the House bill, after that date money in the Centennial Fund is to be used to supplement annual appropriations for park operations. The bills also would require that the Government Accountability Office (GAO) submit to Congress biennial reports on the progress of the NPS in eliminating its deficit in operating funds and the funding needs of national parks compared with park appropriations, among other issues.

In addition, on May 10, 2005, a Senate subcommittee held a hearing on NPS funding issues, including the maintenance backlog.

Regional Haze (by Larry Parker and Ross Gorte)

Background. In 1977 amendments to the Clean Air Act, Congress established a national goal of protecting Class I areas — most then-existing national parks and wilderness areas — from future visibility impairment and remedying any existing impairment resulting from manmade air pollution. (Newly designated parks and wilderness areas can be classified as Class I only by state actions.) This “regional haze” program has several facets, including the development of state implementation plans and the imposition of Best Available Retrofit Technology (BART) on large sources of air pollution built between 1962 and 1977. (For a general description of the regional haze program, see CRS Report RL32483, *Visibility, Regional Haze, and the Clean Air Act: Status of Implementation*, by Larry Parker and John Blodgett). A related program, Prevention of Significant Deterioration, provides that permits may not be issued to major new facilities within 100 kilometers of a Class I area if federal land managers, such as at the NPS, allege that the facilities' emissions “may cause or contribute to a change in the air quality” in a Class I area (42 U.S.C. §7457).

According to the Natural Resources News Service, since 2000, 280 power plants (33 of them coal-fired) have sought permits within 100 kilometers of Class I areas, quadruple the number in the previous five years. The increase is driven by a desire for new sources of energy to meet demands for electrical power. Some environmental organizations have expressed concerns that if permits are issued for the power plants proposed near Class I areas, they could significantly degrade air quality in those areas.

Administrative Actions. In 2002, President Bush proposed the Clear Skies Act to amend the Clean Air Act. The proposal included a provision to reduce the geographic area under the authority of federal land managers for the siting of power plants, by limiting the authority to facilities proposed within 50 kilometers of a Class I park or wilderness area, instead of the current 100 kilometers. Also, since late 2002, there have been at least three incidents (in MT, KY, and ND) where employees of NPS or the Environmental Protection Agency (EPA) identified new facilities as having emissions that could degrade air quality in a Class I area, but were overruled by higher-level officials. In the past, such staff recommendations typically have not been overridden.

On June 15, 2005, EPA issued a final rule — the Clean Air Visibility Rule, also known as the BART (best available retrofit technology) rule — intended to reduce haze-forming emissions from industrial facilities that can affect parks and natural areas. (The rule is awaiting publication in the *Federal Register*; see [<http://www.epa.gov/air/visibility/actions.html#bart1>], visited on June 24, 2005.) Facilities in 28 states covered by the Clean Air Interstate Rule (70 *Fed. Reg.* 25162; May 12, 2005) are exempt from the new BART rule, which requires BART to be phased in from 2014 to 2018.

Legislative Activity. The Clear Skies Act of 2005 (S. 131) was reintroduced in the 109th Congress with a provision reducing the area over which federal land managers may prevent the permitting of new power plants to within 50 kilometers of a Class I park or wilderness area. In similar 108th Congress legislation, which was not acted on, this provision was supported as facilitating the siting of new power plants, while still providing sufficient protection for Class I areas from haze. It has been criticized as potentially damaging to air quality in these areas. The Clear Skies Act also would provide a mechanism for existing facilities to avoid imposition of BART by complying with new statutory standards delineated in the bill. The Senate Committee on Environment and Public Works held a markup on the bill on March 9, 2005. A manager's amendment, which would have established managerial authority at 75 kilometers, was considered. However, the bill was not reported, on a 9-9 vote.

Wild and Scenic Rivers (by Sandra L. Johnson)

Background. The NPS manages 28 river units, totaling 2826.3 miles, within the National Wild and Scenic Rivers System. The system was authorized on October 2, 1968, by the Wild and Scenic Rivers Act (P.L. 90-542; 16 U.S.C. §§1271-1287). (See [<http://www.nps.gov/rivers/wsract.html>].) The act established a policy of preserving designated free-flowing rivers for the benefit and enjoyment of present and future generations, to complement the then-current national policy of constructing dams and other structures along many rivers. The act requires that river units be classified and administered as wild, scenic, or recreational rivers, based on the condition of the river, the amount of development in the river or on the shorelines, and the degree of accessibility by road or trail at the time of designation.

Typically rivers are added to the system by an act of Congress, but they also may be added by state nomination with the approval of the Secretary of the Interior. Congress initially designated 789 miles of 8 rivers as part of the system. Today there are 163 river units with 11,337.7 miles in 38 states and Puerto Rico. Congress also enacts legislation to authorize the study of particular rivers for potential inclusion in the system. The NPS

maintains a national registry of rivers that may be eligible for inclusion in the system — the Nationwide Rivers Inventory (NRI); see [<http://www.nps.gov/rtca/nri>]. Congress may consider, among other sources, these NRI rivers which are believed to possess “outstandingly remarkable” values. The Secretaries of the Interior and Agriculture are to report to the President as to the suitability of study areas for wild and scenic designation. The President then submits his recommendations regarding designation to Congress.

Administrative Actions. Wild and scenic rivers designated by Congress generally are managed by one of the four federal land management agencies — NPS, FWS, BLM, and FS. Management varies with the class of the designated river and the values for which it was included in the system. Components of the system managed by the NPS become a part of the National Park System. An Interagency Coordinating Council, consisting of representatives from the four land management agencies, fosters coordinated administration of wild and scenic rivers. The council addresses various issues, ranging from concerns about rivers in the system to the provision of technical assistance to other governments and non-profit organizations.

The act requires the managing agency of each component of the system to prepare a comprehensive management plan to provide for protection of river values. The managing agency also establishes boundaries for each component of the system, within limitations. Management of lands within river corridors has been controversial in some cases, with debates over the effect of designation on private lands within the river corridors, the impact of activities within a corridor on the flow or character of the designated river segment, and the extent of local input in developing management plans. In recent years, several designations to the system have been based on a local-state-federal partnership approach, especially in areas where the majority of corridor lands are nonfederal. Under the Partnership Wild and Scenic Rivers Program, the NPS has helped communities manage their river-related resources, reviewed activities for compliance with the act’s limitations on water projects that affect river flows, offered technical assistance, and provided limited financial assistance.

State-nominated rivers may be added to the National Wild and Scenic Rivers System only if the river is designated for protection under state law, is approved by the Secretary of the Interior, and is permanently administered by a state agency. Management of state-nominated rivers may be complicated because of the diversity of land ownership in these areas. On October 29, 2004, Interior Secretary Gale Norton announced the expansion of the Westfield National Wild and Scenic River and tributaries in Massachusetts as a state-administered component of the national system; 34.8 miles were added to the 43 miles designated in 1993.

Legislative Activity. Measures introduced in the 109th Congress to designate, study, or extend specific components of the Wild and Scenic Rivers System are shown in the following table. The table includes bills that could involve management by the NPS or other agencies. Bills related to the system more generally will be listed in the “Legislation” section, below.

Bill Number	Type	Title	Status
H.R. 38 S. 74	Desig.	Upper White Salmon Wild and Scenic Rivers Act	House Calendar Senate Calendar
H.R. 233 S. 128	Desig.	Northern California Coastal Wild Heritage Wilderness Act (for segments of the Black Butte River)	Introduced Senate Calendar
H.R. 1155	Desig./ Study	Alaska Rainforest Conservation Act (designate and study rivers within the Chugach National Forest and designate rivers within the Tongass National Forest)	Introduced
H.R. 1204	Desig.	Rockies Prosperity Act (Title IV, to designate certain National Forest System watercourses in ID, MT, and WY)	Introduced
H.R. 1307 S. 1096	Desig.	Musconetcong Wild and Scenic Rivers Act	Introduced Introduced
H.R. 1344 S. 435	Study	Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005	Introduced Introduced

Other Issues

Federal Land Acquisition. (by Kyna Powers) Federal land acquisition is a perennial focus of Congress and the public, with debates over how much land the federal government should own and which parcels of land it should acquire. The principal source of funding for land acquisition for the NPS, as well as BLM, FWS, and FS, is the Land and Water Conservation Fund (LWCF). LWCF monies are generated from many sources, the largest of which are leases and permits from offshore energy activities. The agencies have used the LWCF to acquire about 4.5 million acres.

While the LWCF is authorized at \$900 million annually, each year Congress determines the level of appropriations. Congress typically has identified most of the appropriations for specific areas administered by each agency. A focus for the NPS has been on acquiring inholdings — private property inside national park boundaries. Total funding for federal land acquisition using the LWCF has declined over the last three years, from \$429 million in FY2002 to \$164 million in FY2005. The portion for land acquisition by the NPS dropped over that period from \$130 million to \$55 million. Possible explanations for overall declines include the change from a federal budget surplus to a deficit, different spending priorities since 9/11, and concern by some about the extent of federal land ownership. The FY2006 budget request called for an overall reduction to \$147 million, with the NPS portion dropping slightly, to \$53 million. The House-passed FY2006 Interior appropriations bill, H.R. 2361, includes further reductions. The bill does not provide funding for specified federal acquisitions, but includes \$41.5 million for emergencies and hardships and for management of previous land acquisitions. Of that total, \$7.8 million would go to the NPS. The bill reported by the Senate Appropriations Committee provides \$154 million — more than the

Administration's request, but less than FY2005 appropriations — for federal acquisitions; the NPS would receive \$56 million of this total. (For more information, see CRS Report RS21503, *Land and Water Conservation Fund: Current Status and Issues*, by Jeffrey A. Zinn.)

Security. (by Carol Hardy Vincent) In the aftermath of the September 11, 2001 terrorist attacks on the United States, the NPS has sought to enhance the ability of the agency to prepare for and respond to threats from terrorists and others. As part of overall government efforts to increase homeland security, NPS activities have focused on security enhancements at national icons and along the U.S. borders. The United States Park Police (USPP) have sought to expand physical security assessments of monuments, memorials, and other facilities, and increase patrols and security precautions in Washington monumental areas, at the Statue of Liberty, and at other potentially vulnerable icons. Other activities have included implementing additional training in terrorism response for agency personnel, and reducing the backlog of needed specialized equipment and vehicles to respond to terrorism threats and homeland security requirements. NPS law enforcement rangers and special agents have expanded patrols, use of electronic monitoring equipment, intelligence monitoring, and training in preemptive and response measures. The NPS has taken measures to increase security and protection along international borders, where several national parks are located, to curb illegal immigration and drug traffic through park borders.

Congress appropriates funds to the NPS for security efforts, and the adequacy and use of funds to protect NPS visitors and units are of continuing interest. Funds for security are appropriated through multiple line items, including those for the USPP and Law Enforcement and Protection. For FY2006, the Administration requested \$80.4 million for the USPP, relatively the same as the FY2005 appropriation of \$80.1 million. For Law Enforcement and Protection during FY2006, the Administration sought \$122.9 million, an increase of 2% over the FY2005 level of \$120.0 million. As reported by the Senate Committee on Appropriations, H.R. 2361, the FY2006 Interior appropriations bill, would provide the requested levels for the USPP and Law Enforcement. The House-passed version of the bill would increase funds for the USPP to \$82.4 million while providing the requested level for Law Enforcement.

LEGISLATION

H.R. 1124 (Souder); S. 886 (McCain)

Establish the National Park Centennial Fund in the Treasury, comprised of monies designated by taxpayers on their tax returns and possibly supplemented by monies from the General Fund of the Treasury. The money is available, without further appropriation, for eliminating the maintenance backlog of the NPS, and for other purposes. H.R. 1124 introduced March 3, 2005; referred to Committee on Resources and also Committee on Ways and Means. S. 886 introduced April 21, 2005; referred to Committee on Finance.

S. 131 (Inhofe)

The Clear Skies Act of 2005 would, in part, reduce the area (to a 50-kilometer radius) requiring federal land manager approval for siting new power plants. Committee on

Environment and Public Works held a markup on March 9, 2005, but the bill was not reported.

CONGRESSIONAL HEARINGS, REPORTS, AND DOCUMENTS

U.S. Congress, House Committee on Resources, Subcommittee on National Parks, Recreation, and Public Lands, *Fiscal Year 2005 Budget for the National Park Service and Bureau of Land Management and Ongoing Efforts to Reduce Maintenance Backlogs*, H.Hrg. 108-86, 108th Cong., 2nd sess., Feb. 26, 2004, Wash., DC, 2004.

—*The Impact Land Acquisition Has on the National Park Service Maintenance Backlog, Park Service Management Priorities, and Local Communities*, H.Hrg. 108-61, 108th Cong., 1st sess., Sept. 27, 2003, Sherman Oaks, CA, 2003.

U.S. Congress, Senate Committee on Energy and Natural Resources, Subcommittee on National Parks, *Competitive Sourcing Effort Within the National Park Service*, S.Hrg. 108-154, 108th Cong., 1st sess., July 24, 2003, Wash., DC, 2003.

—*National Parks Backlog*, S.Hrg. 108-94, 108th Cong., 1st sess., July 8, 2003, Wash., DC, 2003.

FOR ADDITIONAL READING

Current and Historical Background

CRS Issue Brief IB10076, *Bureau of Land Management (BLM) Lands and National Forests*, coordinated by Ross W. Gorte and Carol Hardy Vincent.

CRS Report RL32393, *Federal Land Management Agencies: Background on Land and Resources Management*, coordinated by Carol Hardy Vincent.

CRS Report RL32667, *Federal Management and Protection of Paleontological (Fossil) Resources Located on Federal Lands: Current Status and Legal Issues*, by Douglas Reid Weimer.

CRS Issue Brief IB10126, *Heritage Areas: Background, Proposals, and Current Issues*, by Carol Hardy Vincent and David Whiteman.

CRS Report 96-123 EPW, *Historic Preservation: Background and Funding*, by Susan Boren.

CRS Report RL32893, *Interior, Environment, and Related Agencies: FY2006 Appropriations*, coordinated by Carol Hardy Vincent and Susan Boren.

CRS Report RS21503, *Land and Water Conservation Fund: Current Status and Issues*, by Jeffrey A. Zinn.

CRS Report RS20902, *National Monument Issues*, by Carol Hardy Vincent.

CRS Report RS20158, *National Park System: Establishing New Units*, by Carol Hardy Vincent.

CRS Report RL32699, *Natural Resources: Selected Issues for the 109th Congress*, coordinated by Nicole Carter and Carol Hardy Vincent.

CRS Issue Brief IB10141, *Recreation on Federal Lands*, coordinated by Kori Calvert and Carol Hardy Vincent.

CRS Report RL31149, *Snowmobiles: Environmental Standards and Access to National Parks*, by James E. McCarthy.

CRS Report RS20702, *South Florida Ecosystem Restoration and the Comprehensive Everglades Restoration Plan*, by Pervaze A. Sheikh and Nicole T. Carter.

CRS Report RL32483, *Visibility, Regional Haze, and the Clean Air Act: Status of Implementation*, by Larry Parker and John Blodgett.

CRS Report RL31447, *Wilderness: Overview and Statistics*, by Ross W. Gorte.