

CRS Report for Congress

National Park Management

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**Prepared for Members and
Committees of Congress**

National Park Management

Summary

The 110th 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.

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. Legislation to reauthorize the HPF and amend provisions on the Advisory Council on Historic Preservation was enacted in the 109th Congress (P.L. 109-453). The President's budget request for the HPF for FY2008 (\$63.7 million) would be a 3% decrease from FY2007. Both the House and the Senate Appropriations Committee supported higher amounts — \$81.5 million and \$80.0 million, respectively.

Maintenance Backlog. Attention has focused on the NPS's maintenance backlog, estimated by DOI at between \$5.80 billion and \$12.42 billion for FY2006, with a mid-range figure of \$9.11 billion. Estimates of the backlog have increased from an average of \$4.25 billion in FY1999 to \$9.11 billion in FY2006, although it is unclear what portion may be attributable to better estimates or the addition of maintenance work not done on time. The NPS has been defining and quantifying its maintenance needs. The first cycle of comprehensive condition assessments of NPS facilities was completed by the end of FY2006. The results are being used in part to determine the allocation of maintenance funding and to identify assets for disposal. H.R. 1731, to eliminate the NPS annual operating deficit and maintenance backlog, has been introduced.

Wild and Scenic Rivers. The Wild and Scenic Rivers System preserves free-flowing rivers, which are designated by Congress or through state nomination with approval by the Secretary of the Interior. The NPS manages 36 river units, totaling 3,018.4 miles. 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 a variety of issues including the possible effects of designation on private lands and of corridor activities on the rivers. Legislation has been introduced to designate, study, or extend components of the system.

Other Issues. Some other park management topics of possible interest to the 110th Congress are covered here. One addresses proposals to boost NPS funding and programs before the agency's 100th anniversary in 2016. Another involves various science-related activities in the National Park System, namely regional haze control, bio-prospecting, and research. Still another issue pertains to security of park units, particularly at national icons and along international borders.

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National Park Management

Introduction

The National Park System is perhaps the federal land best known to the public. The National Park Service (NPS) in the Department of the Interior (DOI) manages 391 units, including units formally entitled *national parks* and a host of other designations.¹ The system has more than 84 million acres.² The NPS had an appropriation of about \$2.30 billion for FY2007. For FY2008, the Administration requested \$2.36 billion, while the House and Senate Committee on Appropriations supported \$2.51 billion and \$2.46 billion, respectively. As of January 10, 2006, the agency employed 24,679 federal employees and used an additional 137,000 volunteers.

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 use and preservation of resources has appeared to some as contradictory and has resulted in management challenges. Attention centers on how to balance 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 recreation outside the system through grant and technical assistance programs.

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.

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 2005-2007* (Washington, DC: 2005).

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 within unit boundaries. NPS policy is to acquire these nonfederal *inholdings* from willing sellers, as funds are available, or to create special agreements to encourage landowners to sell.

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.

The 110th Congress is considering legislation or conducting oversight on many NPS-related topics. Several major topics are covered in this report: historic preservation through the Historic Preservation Fund, which is administered by the NPS; the NPS maintenance backlog; and management of wild and scenic rivers, which are administered by the NPS or another land management agency. Other issues addressed are proposals to enhance NPS funding before the agency’s 2016 centennial, science-related activities at national park units, 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 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 RL33806, *Natural Resources Policy: Management, Institutions, and Issues*, coordinated by Carol Hardy Vincent, Nicole T. Carter, and Julie Jennings. Information on appropriations for the NPS is included in CRS Report RL34011, *Interior, Environment, and Related Agencies: FY2008 Appropriations*, coordinated by Carol Hardy Vincent. Information on BLM and Forest Service lands is contained in CRS Report RL33792, *Federal Lands Managed by the Bureau of Land Management (BLM) and the Forest Service: Issues for the 110th Congress*, by Ross W. Gorte, Carol Hardy Vincent, Marc Humphries, and Kristina Alexander.

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 Report RL33462, *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 Report RL33525, *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

Historic Preservation (by Blake Alan Naughton and Carol Hardy Vincent)

Background. The National Historic Preservation Act of 1966 (NHPA) (P.L. 89-665, 16 U.S.C. §§ 470, et seq.) 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 buildings at historically black colleges and universities (HBCUs); and Save America's Treasures and Preserve America grants. The major purpose of the HPF program is to protect cultural resources, and to enhance economic development and cultural heritage tourism through restoration of historic buildings, districts, sites, and objects significant in American history and culture. The HPF has been reauthorized through FY2015.

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 current 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, which no longer receives an annual federal appropriation through the NHPA. 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.

Administrative Actions. President Bush's annual budget requests have recommended funding for a Preserve America program (previously established by Executive Order 13287). The program consists of competitive grants providing one-time assistance to encourage community preservation of cultural, historic, and natural

heritage through education and heritage tourism. It serves as an adjunct to Save America's Treasures, which provides grants to preserve nationally significant heritage resources such as buildings, districts, films, books, and records. Funds for Save America's Treasures were first appropriated in FY1999 and used to restore such historic documents as the Star Spangled Banner, the Declaration of Independence, and the U.S. Constitution. For FY2006, Congress provided that a portion of Save America's Treasures funds could be allocated to Preserve America grants. The first round of Preserve America grants (\$3.5 million) was announced on March 9, 2006.

For FY2008, the Administration requested \$63.7 million for the HPF, a 3% decrease from the FY2007 level of \$65.7 million. That FY2007 level included \$10.0 million in supplemental funding for a specialized grants-in-aid program for the repair and rehabilitation of historic structures damaged by Hurricanes Katrina and Rita, particularly properties listed on the National Register of Historic Places. In Interior appropriations legislation for FY2008, both the House and the Senate Committee on Appropriations supported higher levels of funding for the HPF than enacted in FY2007 and requested by the President for FY2008. Specifically, the House approved \$81.5 million while the Senate Committee recommended \$80.0 million (including \$5.0 million for Preserve America in another line item).

The Administration's request included \$20.0 million for Save America's Treasures and the Preserve America program, an increase over the FY2007 appropriation of \$13.0 million for both programs. The House and the Senate Committee on Appropriations supported higher levels — \$30.0 million and \$35.0 million, respectively. While the Administration sought the same amount of funding for each of the two programs — \$10.0 million each — both the House and the Senate Committee on Appropriations supported more money for Treasures than for Preserve America. Specifically, the House approved \$20.0 million for Treasures and \$10.0 million for Preserve America, while the Senate Appropriations Committee recommended \$30.0 million for Treasures and \$5.0 million for Preserve America. In report language, the Senate Appropriations Committee expressed the belief that the Save America's Treasures program enjoys widespread support, and that its \$30.0 million recommendation was consistent with the "historic level of funding" for the program (S.Rept. 110-91, p. 28).

Legislative Activity. P.L. 109-453 reauthorized the HPF (NHPA § 108) through FY2015. It extended through FY2015 the authority to fund the HPF through annual deposits of \$150 million earned from oil and gas development in the Outer Continental Shelf. Congress determines the level of appropriations for the HPF each year as part of its consideration of the Interior, Environment, and Related Agencies appropriations bill. P.L. 109-453 also amended provisions pertaining to the operation of the Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation (ACHP) was established as an independent agency by the NHPA to advise Congress and the President on historic preservation matters. The new law expands the size of the Advisory Council and authorizes an appropriation of "such sums as may be necessary." (For more information on historic preservation, see CRS Report RL33617, *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 was not done when scheduled or planned. DOI estimates deferred maintenance for the NPS for FY2006, based on varying assumptions, at between \$5.80 billion and \$12.42 billion with a mid-range figure of \$9.11 billion.³ While the other federal land management agencies — the Forest Service (FS), Bureau of Land Management (BLM), and Fish and Wildlife Service (FWS) — also have maintenance backlogs, congressional and administrative attention has centered on the NPS backlog. For FY2006, the FS estimates its backlog at \$5.59 billion, while DOI estimates the FWS backlog at between \$1.42 billion and \$1.92 billion and the BLM backlog at between \$0.39 billion and \$0.47 billion. The four agencies together have a combined backlog estimated at between \$13.20 billion and \$20.41 billion, with a mid-range figure of \$16.80 billion, according to the agencies.⁴ The NPS and other agency backlogs have been attributed to decades of funding shortfalls. 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. The NPS budget justification for FY2008 states that there has been an “almost \$5 billion federal investment in addressing the facility maintenance backlog.”⁵ 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 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.

The FY2008 NPS budget focuses on funds for cyclic (regular) maintenance as a way to prevent deterioration of facilities, which increases the maintenance backlog. The Administration proposes \$461.7 million for *total maintenance*, including regular and deferred maintenance, which is an increase of 19% from the \$389.1 million appropriated for FY2006 (the most recent year available). The portion of the request for *deferred maintenance* is not readily available. The National Parks Conservation Association, a leading park advocacy group, praised the overall FY2008 budget as a step towards eliminating what they estimate to be a systemwide NPS annual

³ Another DOI source, from March 2007, reports an NPS deferred maintenance backlog of \$7.94 billion, of which \$4.34 billion is park roads.

⁴ Estimates are from DOI and the FS, and reflect only direct project costs in accordance with requirements of the Federal Accounting Standards Advisory Board.

⁵ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2008* (Washington, DC: 2007), p. Overview-2.

shortfall exceeding \$800 million.⁶ In Interior appropriations legislation for FY2008, the House and the Senate Committee on Appropriations, respectively, supported \$8.0 million and \$7.0 million less than the Administration requested for maintenance.

DOI estimates of the NPS backlog have increased from an average of \$4.25 billion in FY1999 to \$9.11 billion in FY2006. 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 period. Annual presidential budget requests and appropriations laws do not typically specify 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 \$223.0 million in FY1999 to \$311.1 million in FY2006, with a peak in FY2002 at \$364.2 million.⁷ For FY2007, the Administration requested \$208.1 million, a \$103.0 million (33%) reduction from the FY2006 level and a \$14.9 million (7%) reduction from the FY1999 level. More recent information is not available from the DOI Budget Office.

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. The first cycle of comprehensive condition assessments of NPS facilities was completed by the end of FY2006. The NPS uses two industry standard measurements of its facilities. The "Asset Priority Index" (API) is a rating of each asset's importance to the NPS mission. The "Facility Condition Index" (FCI) quantifies the condition of a facility by dividing the deferred maintenance backlog by the current replacement value of the facility. These ratings are used in part to determine the allocation of maintenance funding among NPS facilities. They also are used to determine whether to retain assets given their condition and uses. The NPS, like the other land management agencies, is identifying for disposal assets that are not critical to the agency's mission and that are in relatively poor condition, as one way to reduce the maintenance backlog.

Legislative Activity. Legislation relating to the maintenance backlog of the NPS has been reintroduced in the 110th Congress. H.R. 1731 seeks to eliminate the annual operating deficit and maintenance backlog in the National Park System by the 2016 centennial anniversary of the NPS. The bill proposes the creation of the National Park Centennial Fund in the Treasury, 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 FY2008, there

⁶ National Parks Conservation Association, *Administration's Budget Makes Unprecedented Step Toward Restoring National Parks for Centennial*, Feb. 5, 2007, available on the web at [http://www.npca.org/media_center/press_releases/2007/page.jsp?itemID=29410057].

⁷ U.S. Dept. of the Interior, Office of Budget, Internal Memorandum (Washington, DC), received April 7, 2006.

is to be deposited in the Centennial Fund \$200.0 million, with an increase of 15% each year through FY2016. The fund is to be available to the Secretary of the Interior, without further appropriation, as follows: 60% to eliminate the NPS maintenance backlog, 20% to protect NPS natural resources, and 20% to protect NPS cultural resources. After October 1, 2016, money in the Centennial Fund is to be used to supplement annual appropriations for park operations. The bill also would require the Government Accountability Office (GAO) to submit to Congress biennial reports on the progress of Congress in eliminating the NPS deficit in operating funds and on the funding needs of national parks compared with park appropriations, among other issues.⁸

Wild and Scenic Rivers (by Sandra L. Johnson)

Background. The National Wild and Scenic Rivers System was authorized on October 2, 1968, by the Wild and Scenic Rivers Act (16 U.S.C. §§ 1271-1287).⁹ 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 eight rivers as part of the system. Today there are 165 river units with 11,408.9 miles in 38 states and Puerto Rico, administered by the NPS, other federal agencies, and several state agencies. The NPS manages 36 of these river units, totaling 3,018.4 miles.¹⁰ Congress also commonly 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).¹¹ 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 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,

⁸ Other legislation to create a National Park Centennial Fund is discussed below in the section entitled “National Parks Centennial.”

⁹ The text of the Wild and Scenic Rivers Act is available on the NPS website at [<http://www.rivers.gov/wsract.html>].

¹⁰ These figures reflect exclusive and shared NPS management of river units.

¹¹ For further information on the Nationwide Rivers Inventory, see the NPS website at [<http://www.nps.gov/rtca/nri/>].

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. The act requires the managing agency of each component of the system to prepare a comprehensive management plan to protect 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.

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.

Legislative Activity. The 110th Congress is considering legislation to designate, study, or extend components of the Wild and Scenic Rivers System. Such measures are shown in the following table. The table includes bills that could involve management by the NPS or other agencies.

Title or River	Type	Bill No.	Status
California Wild Heritage Act of 2007 (designates CA river segments; study Carson River, East Fork, CA)	Desig./ Study	H.R. 860 S. 493	Introduced Introduced
Eightmile Wild and Scenic River Act (CT)	Desig.	H.R. 986 S. 553	Passed House Comm. Reported
Fossil Creek Wild and Scenic River Act (AZ)	Desig.	H.R. 199 S. 86	Introduced Introduced
Lewis and Clark Mt. Hood Wilderness Act of 2007 (designates waterways in the Mt. Hood National Forest (OR))	Desig.	S. 647	Ordered Reported
New River Wild and Scenic River Act of 2007 (designates NC and VA river segments)	Desig.	S. 1057	Hearings Held
Northern Rockies Ecosystem Protection Act (designates ID, MT, and WY river segments)	Desig.	H.R. 1975	Introduced
Owyhee Initiative Implementation Act of 2007 (ID)	Desig.	S. 802	Introduced
Perquimans River Wild and Scenic River Study Act of 2007 (NC)	Study	H.R. 3139	Introduced
Snake Headwaters Legacy Act of 2007 (WY)	Desig.	S. 1281	Hearings Held
Taunton River (MA)	Desig.	H.R. 415 S. 868	Introduced Introduced

The 109th Congress enacted legislation to designate, study, or extend specific components of the Wild and Scenic Rivers System. The Upper White Salmon River Act (P.L. 109-44) adds a 20-mile portion of the river to the system. The Northern California Coastal Wild Heritage Wilderness Act (CA) (P.L. 109-362) designates 21 miles in three segments of the Black Butte River as wild and scenic river components. The Lower Farmington River and Salmon Brook Wild and Scenic River Study Act (P.L. 109-370) directs the NPS to conduct a feasibility study to evaluate whether the 40-mile stretch of the lower Farmington River and Salmon Brook (CT) would qualify for possible inclusion in the system. Several other 109th Congress bills passed the House or Senate but were not enacted into law.

Other Issues

National Parks Centennial. (by Carol Hardy Vincent) To be ready for the NPS's 100th anniversary in 2016, the Administration and Congress have proposed multi-year initiatives to strengthen visitor services and other park programs. The National Park Centennial Initiative, announced by President Bush in August 2006, seeks to add up to \$3 billion in new funds for the parks over the next 10 years through a joint public/private effort. The initiative has three components: (1) a commitment to add \$100.0 million annually in discretionary funds; (2) a challenge for the public to donate at least \$100.0 million annually; and (3) a commitment to match the public donations with federal funds of up to \$100.0 million annually.

For this third component, the President proposed establishing a mandatory program with \$100.0 million annually for 10 years. Companion legislation (H.R. 2959 and S. 1253) has been introduced to create a mandatory program along the lines of the President's initiative. The bills would establish the National Park Centennial Challenge Fund in the Treasury consisting of cash donations and matching appropriations from the general fund of the Treasury. The match may not exceed \$100.0 million for each of 10 years beginning with FY2008. The funds are available, without further appropriation, to finance "signature projects and programs." These projects and programs will be identified by the NPS Director as helping prepare the national parks for another century of conservation, preservation, and enjoyment.

Another House bill (H.R. 3094) also would establish a National Park Centennial Fund in the Treasury, consisting of \$100.0 million annually over 10 years, but would take a different approach. The funds would be derived from fees for commercial activities on DOI lands. The Secretary of the Interior would be required to promulgate regulations to establish new fees or increase existing fees for commercial activities, including leases. The funds would be available beginning with FY2009, without further appropriation, for projects approved in Interior appropriations laws. The Administration is to include a list of proposals for funding in its annual budget submissions to Congress. The proposals must meet be consistent with certain criteria and initiatives set out in the bill. The bill specifies the appropriation of funds among six park initiatives, with 10% of the funds to each of diversity, support for park professionals, environmental leadership, and natural resource protection and 30% to

each of education and line item construction. No matching funds would be required, but the Secretary of the Interior may accept donations for projects.¹²

House and Senate subcommittees held hearings on these legislative proposals in August 2007. One issue of discussion was the role of philanthropic, corporate, foundation, and other private donors in raising money for the parks. Some observers believe that non-federal funding has been successful in expanding and enhancing a variety of important park programs and is necessary to supplement a shortfall in federal appropriations. Other observers are concerned that non-federal funding will lead to commercialization of national parks and excessive private influence over park operations. Related issues of debate at the hearings included whether to first seek private contributions and then provide a federal match, whether to provide federal funding without a private matching requirement, and whether to allow non-cash contributions. Other issues of discussion were how to finance the Centennial Fund; the role of the NPS and Congress in determining projects eligible for funding; and which, if any, categories of funding (e.g., natural resource protection) to specify in legislation.

In furtherance of the first component of the Administration's initiative, for FY2008 the Administration requested an additional \$100.0 million in centennial funding within the line item "Operation of the National Park System." In Interior appropriations legislation for FY2008, the House and the Senate Appropriations Committees supported this increase. In furtherance of the third component of the Administration's initiative, the House also approved \$50.0 million to be available for matching donations in FY2008. The Senate Committee on Appropriations did not provide money for the program, while expressing support for the concept and a preference that the authorizing committee address the issue (S.Rept. 110-91, p. 25). The Administration had not requested an annual appropriation for this component, but rather \$100.0 million in mandatory funding.

Science in the Parks. (by Ross W. Gorte) Various science-related issues pertain to park management. One involves monitoring and protecting air quality — the regional haze issue. In the 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; they do *not* automatically become Class I areas.) One program to control this "regional haze" is the Prevention of Significant Deterioration program. It 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, assert that the emissions "may cause or contribute to a change in the air quality" in a Class I area (42 U.S.C. § 7457). DOI's strategic plan (2004) contains two air quality goals for Class I areas, related to compliance with national ambient air quality standards and visibility objectives. At 68 park units, the NPS monitors one or more key air quality indicators, and reports annually

¹² Another House bill (H.R. 1731) to establish a National Park Centennial Fund is described above, in the *Maintenance Backlog* section, as a primary intent of the fund would be to eliminate the NPS maintenance backlog.

on progress towards meeting air quality goals. The latest report (2005) concluded that of the reporting park units, 68% showed stable or improving air quality trends generally, 78% met national ambient air quality standards, and 100% met visibility goals.¹³ In August 2006, the National Parks Conservation Association released a new report asserting that “air pollution is among the most serious and wide-ranging problems facing the parks today.... We’ve made some important advances ... but much more remains to be done.”¹⁴ The report includes 10 recommendations to improve air quality in the National Park System.

Another science-related issue is possible commercialization (bio-prospecting) of unique organisms found in some NPS units (notably Yellowstone National Park). The NPS completed a draft Environmental Impact Statement (EIS) on *benefits-sharing* (agreements for using the results of research on organisms in the parks) in September 2006. The public comment period closed on January 29, 2007.¹⁵ The preferred alternative would require researchers to enter into a benefits-sharing agreement before using research results for commercial purposes. To date, a final EIS and record of decision have not been issued.

A third science-related issue is research in the parks. Research support for natural resources includes research on air quality, cooperative ecosystem studies units, and research learning centers. Additional research is conducted in many parks, although “parks do not have specific funds allocated for research, but may choose to fund individual projects in any given year.”¹⁶ Funding for natural resources research support has risen little in recent years, from \$9.3 million in FY2002 to \$9.5 million in FY2006 (the most recent year available). The Administration has proposed an increase to \$9.8 million for FY2008. The Park Service also conducts cultural resources applied research. This program includes archaeological resource inventories; reports on cultural landscapes and on historic and prehistoric structures; museum collections; and ethnographic and historical research. Funding has risen modestly in recent years, from \$18.0 million in FY2002 to \$18.3 million in FY2006 (the most recent year available), with a proposed increase to \$20.1 million for FY2008. The House and Senate fund both these natural and cultural research programs as part of NPS Resource Stewardship (under Operation of the National Park System). For FY2008, the House approved, and the Senate Appropriations Committee recommended, matching the Administration’s request for this account. The completeness and adequacy of these programs and funds to address Park Service research needs and performance is unclear.

¹³ See *2005 Annual Performance and Progress Report: Air Quality in National Parks*, available on the NPS website at [<http://www2.nature.nps.gov/air/Pubs/index.cfm>].

¹⁴ National Parks Conservation Association, *Turning Point*, p. 4, available on the web at [<http://www.npca.org/turningpoint/Full-Report.pdf>].

¹⁵ 71 *Fed. Reg.* 56168 (Sept. 26, 2006). The EIS is available on the NPS website, at [<http://parkplanning.nps.gov/document.cfm?parkId=442&projectId=12515&documentId=16763>].

¹⁶ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2008* (Washington, DC: 2007), p. ONPS-11-12.

Security. (by Carol Hardy Vincent) Since the September 11, 2001 terrorist attacks on the United States, the NPS has sought to enhance its ability to prepare for and respond to threats from terrorists and others. Activities have focused on security enhancements at national icons and along the U.S. borders, where several parks are located. The United States Park Police (USPP) has sought to expand physical security assessments of monuments, memorials, and other facilities, and increase patrols and security precautions in Washington monument 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. 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 and to curb illegal immigration and drug traffic through park borders.

A June 2005 GAO report examined the challenges for DOI in protecting national icons and monuments from terrorism, and actions and improvements the department has taken in response.¹⁷ GAO concluded that since 2001, DOI has improved security at key sites, created a central security office to coordinate security efforts, developed physical security plans, and established a uniform risk management and ranking methodology. GAO recommended that DOI link its rankings to security funding priorities at national icons and monuments and establish guiding principles to balance its core mission with security needs.

Legislation pertaining to immigration reform and border security contains provisions affecting national park units along U.S. borders. For example, S. 330 and S. 1348 call for a study of the construction of physical barriers along the southern border of the United States, including their effect on park units along the borders. S. 1348, S. 1639, and H.R. 1645 would increase customs and border protection personnel to secure park units (and other federal land) along U.S. borders; provide surveillance camera systems, sensors, and other equipment for lands on the border, with priority for NPS units (under S. 1348 and H.R. 1645); and require a recommendation to Congress for the NPS and other agencies to recover costs related to illegal border activity. These three bills also would require the development of a border protection strategy that protects NPS units (and other federal land areas). In June 2007, the Senate considered S. 1348 and S. 1639 but did not vote on final passage because cloture was not invoked. S. 1269 provides for the construction of a fence and other barriers along the southern border. The Secretary of Homeland Security is to create and control a border zone consisting of U.S. land within 100 yards of the border. The head of the NPS, and of other agencies that manage lands along the border, are to transfer land to the Security of Homeland Security without reimbursement.

¹⁷ U.S. Government Accountability Office, *Homeland Security: Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism*, GAO-05-790 (Washington, DC: June 2005). See [<http://www.gao.gov/new.items/d05790.pdf>].

The 110th Congress may hold oversight hearings on border issues affecting federal lands along the northern and southern U.S. borders, including NPS lands. Such hearings in the 109th Congress addressed the damage of illegal border activities to federal lands; how to reduce harm from illegal border activities; efforts of various agencies to secure federal lands along the borders; implementation of a memorandum of understanding among the Departments of Homeland Security, Interior, and Agriculture on initiatives to improve handling of illegal border activities and their impacts on federal lands; and the demands on law enforcement personnel of the federal land management agencies. Illegal activities at issue have included drug trafficking, alien smuggling, money laundering, organized crime, and terrorism. Such activities are reported to have damaged federal lands, including by creating illegal roads, depositing large amounts of trash and human waste, increasing risk of fire from poorly tended camp fires, destroying vegetation and cultural resources, and polluting waterways. The effects on federal lands of border enforcement activities, in response to illegal immigration, also were addressed at 109th Congress hearings.

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 FY2008, the President requested \$88.1 million for the USPP, a 3% increase over FY2007 (\$85.2 million). The increase would be used to hire new officers and to increase officers' pay and benefits, among other purposes. The House and the Senate Committee on Appropriations supported this level in Interior appropriations legislation for FY2008. The President also requested \$158.6 million for law enforcement in FY2008, a 28% increase over the \$124.4 million appropriated for FY2006 (the most recent year available). A portion of the increase is for temporary visitor and resource protection personnel, particularly at park units with relatively high crime and low levels of protection staffing during peak summer visitation. The House and the Senate Committee on Appropriations appeared to support this level.