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National Park Management

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Carol Hardy Vincent, Coordinator
Resources, Science, and Industry Division

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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.

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. Legislation has been introduced to reauthorize the HPF, and the Senate measure (S. 1378) has been reported from committee.

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. For FY2006, Congress included money in P.L. 109-54 to address some backlog needs.

Policy Revisions. The NPS is currently revising its service-wide management policies — one of the authorities governing decision making on a wide range of issues. Draft policies have been controversial, with debate over whether any policy changes are needed, some of the particular changes that have been proposed, and the procedure for proposing changes. The House and Senate have held hearings on this issue, related NPS authorities, and broader management issues.

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. Legislation is pending to designate, study, or extend components of the system.

Other Issues. Some other park management topics of interest to the 109th Congress are covered there. They relate to the competitive sourcing initiative, whereby certain NPS activities judged to be commercial in nature are subject to public-private competition; air quality at national park units; and security of park units, particularly at national icons and along international borders.

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.

- For FY2007, the Administration requested $71.9 million for the Historic Preservation Fund, and proposed combining funding for National Heritage Areas, Save America's Treasures, and Preserve America grants into a new program within the Historic Preservation Fund.
- On April 20, 2006, the Senate Committee on Energy and Natural Resources reported S. 1378 to reauthorize the Historic Preservation Fund through FY2015.
- DOI has estimated NPS deferred maintenance at between $5.80 billion and $12.42 billion for FY2005. The NPS continues to define and quantify its maintenance needs, with comprehensive condition assessments expected by the end of FY2006.
- The NPS currently is analyzing public comment on its draft Management Policies received before the closing date of February 18, 2006, and considering changes to the draft.

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 390 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 about $2.28 billion for FY2006. As of January 10, 2006, the agency employed 24,679 federal employees and used an additional 137,000 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 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

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[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.

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.

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: historic preservation through the Historic Preservation Fund, which is administered by the NPS; the NPS maintenance backlog; an NPS review of agency policies; and management of wild and scenic rivers, which are administered by the NPS or another land management agency. Other issues addressed in brief are activities of the NPS under the President's Competitive Sourcing Initiative, air quality 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 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 RL33399, *Interior, Environment, and Related Agencies: FY2007 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 and Carol Hardy Vincent.

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

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 buildings at 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. The HPF, authorized by the National Historic Preservation Act Amendments of 2000 (NHPA; P.L. 106-208), expired at the end of FY2005 but has been sustained through the FY2006 Interior appropriations law.

Administrative Actions. President Bush's annual budget requests, including the request for FY2007, 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. For FY2006, Congress provided that a portion of Save America's Treasures funds could be allocated to Preserve America's grants. (See "Legislative Activity" below.) The first round of Preserve America grants for FY2006 (totaling $3.5 million) was announced on March 9, 2006. 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. These projects require a 50% cost share, and no single project can receive more than one grant from this program.

The FY2007 Administration budget contains $71.9 million for the Historic Preservation Fund. It proposes shifting funding for National Heritage Areas to the HPF, as part of a new America's Heritage and Preservation Partnership Program. Funding for Heritage Partnerships would be cut from $13.3 million in FY2006 to $7.4 million for FY2007. The Save America's Treasures program would be cut in half, from $29.6 million to $14.8 million, but the Preserve America grants would double — from $5.0 million to $10.0 million.

In other action, the Advisory Council on Historic Preservation, which in its advisory capacity oversees NHPA §106 historic preservation review, has proposed principles for a policy revision that is controversial with the public and Indian tribes. (See 70 *Fed. Reg.* 52066, September 1, 2005.) The Advisory Council was established as an independent agency by the NHPA to advise Congress and the President on historic preservation matters. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties. The proposed principles bring to the forefront the issue of the power of the Advisory Council, including the extent to which its policies have the force of law and whether it is allowed to make final decisions in §106 reviews. This issue is likely to be considered during NHPA reauthorization.

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 (most recently through FY2005). P.L. 109-54 provided $72.2 million for HPF for FY2006. The total included $29.6 million for Save America's Treasures, $35.7 million for grants-in-aid to states, $3.9 million for tribal grants, and $3.0 million for HBCUs. Appropriations law also provided funding for Preserve America — not to exceed $5.0 million to be allocated through Save America's Treasures. In addition, H.R. 3446 and S. 1378 seek to reauthorize the HPF (§108, NHPA) and to amend provisions pertaining to the

operation of the Advisory Council on Historic Preservation. The House bill would reauthorize the HPF through FY2011, while the Senate bill, as reported from committee on April 20, 2006 (S.Rept. 109-235), would extend the HPF through FY2015. (For more information on funding for historic preservation, see CRS Report 96-123, *Historic Preservation: Background and Funding*, by Susan Boren.)

The President's FY2006 supplemental request and the House-passed bill for FY2006 emergency supplemental appropriations for hurricane recovery (H.R. 4939) would provide $3.0 million for the HPF. The bill as reported by the Senate Committee on Appropriations and under consideration by the Senate would provide $83.0 million for the HPF. That amount exceeds the current FY2006 appropriation for all of HPF's programs ($72.2 million) as well as the President's FY2007 request ($71.9 million). The Senate version seeks to establish a specialized grants-in-aid program ($80.0 million) for the repair and rehabilitation of historic structures that were damaged by Hurricanes Katrina and Rita, and to assist ($3.0 million) SHPOs in states that sustained the most hurricane damage.

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. DOI estimates deferred maintenance for the NPS for FY2005, based on varying assumptions, at between $5.80 billion and $12.42 billion with a mid-range figure of $9.11 billion. 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 FY2005, the FS estimates its backlog at $5.97 billion, while DOI estimates the FWS backlog at between $1.73 billion and $2.34 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 $13.88 billion and $21.20 billion, with a mid-range figure of $17.54 billion, according to the agencies.[3] 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 FY2007 states that, beginning with FY2002, "nearly $4.7 billion has been invested in deferred maintenance."[4] 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

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

[4] U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2007*, p. overview-3 (Washington, DC: 2006).

and parkway program funded through the Federal Highway Administration. It also includes fees used for maintenance. The National Parks Conservation 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.[5] 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 backlog increased from an average of $4.25 billion in FY1999 to $9.11 billion in FY2005, 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. 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.

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 — expected by the end of FY2006.

Legislative Activity. H.R. 1124 and S. 886 seek to eliminate the annual operating deficit and maintenance backlog in the national park system. They would create 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 FY2006, there is to be deposited in the Centennial Fund $150.0 million, with an increase of 15% each year though FY2016. The Fund would 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. 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 the Government Accountability Office (GAO) to 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.

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[5] 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].

Policy Revisions (by Carol Hardy Vincent)

Background. The NPS currently is revising its service-wide management policies, which govern the way NPS managers make decisions on a wide range of issues (together with laws, regulations, and other authorities). Draft management policies have been controversial. The NPS Management Policies were last updated in 2001 after a several year internal and external review. (The policies are contained on the NPS website at [http://data2.itc.nps.gov/npspolicy/index.cfm]).

Administrative Actions. On October 19, 2005, the NPS published draft Management Policies (70 *Fed. Reg.* 60852), with a public comment period through February 18, 2006. The NPS currently is analyzing the comments and considering changes to the draft. According to an NPS spokesman, policy revisions are being proposed currently to address recent changes in certain areas, such as recreation and technology. Also, coverage of financial issues is needed, including on recreation fees, concession royalties, and park service donations. Further, there is some support in Congress for a review of NPS management policies, according to the spokesman.

Some park groups and environmentalists have been concerned that changes would fundamentally alter park protections and potentially lead to damage of park resources. One much discussed proposed change would require "balance" between conservation and enjoyment of park resources, whereas current policy states that "conservation is to be predominant" in conservation/enjoyment conflicts. This controversy illustrates a continuing tension between the Park Service's mission to protect park resources while providing for their use and enjoyment by the public.

The development of policy changes began outside the NPS, with the preparation of draft changes by a senior DOI official. That earlier, internal proposal was criticized by some park groups and environmentalists as shifting the NPS focus from preservation to recreation; removing protective limits on activities that might impair park resources, for instance, motorized recreation; eliminating the scientific underpinning of NPS management; giving too much control to local communities in managing park units; weakening protections for air quality, water, and wildlife; and increasing commercial development of park units. Further, some observers criticized DOI for initiating changes to NPS policies without notifying NPS employees and consulting with the public. That initial draft was reported by the press to have been opposed by the NPS's seven regional directors. The agency subsequently convened a working group of 16 senior staff, who produced a new draft. That draft was to have been reviewed by the National Leadership Council — a group of senior park managers who set policy and overall direction for the NPS — as well as DOI, before its publication in the Federal Register, according to an NPS spokesman.

Legislative Activity. On November 1, 2005, a Senate subcommittee held a hearing on the draft policies. Witnesses expressed differing opinions on issues including the reasons the policies are being revised; the intent of the 1916 Park Service Organic Act regarding preservation and recreation; the extent to which the policies should emphasize recreation; the impact of proposed changes on park protections and the impairment standard; and whether the draft changes would blur or clarify how park employees are to manage resources.

The NPS Organic Act and its implementation through daily park management were the subject of a December 14, 2005, House Resources subcommittee hearing. Witnesses offered different views on the intent of the NPS Organic Act, particularly with regard to preservation, use, and impairment of NPS resources. Witnesses also presented varying opinions on whether the existing park management policies, or the proposed policy revisions, more accurately reflect the letter and intent of the Organic Act. Whether the management policies should be rewritten, and the proposed changes themselves, also were a matter of much debate. Some witnesses claimed that the NPS has limited access for recreation in recent years, in favor of preservation of resources, and suggested alternative approaches. In addition, at a February 15, 2006, hearing, the subcommittee heard differing views from Administration and private witnesses as to whether park policies should be changed and whether the particular changes in the draft would be beneficial or detrimental.

Also with regard to park management, a subcommittee of the House Government Reform Committee is in the midst of a series of oversight hearings on the role and management of park units. These hearings, being held throughout the country, are examining the issues facing the variety of park units in different areas of the country. They have encompassed diverse issues, including the adequacy of park budgets, backlog in maintaining NPS facilities, control of invasive species, nature and extent of visitor services, and protection of park resources. A report summarizing the critical issues discussed, together with recommendations, is anticipated at the conclusion of the hearings.

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 164 river units with 11,357.7 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. 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. Measures 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	P.L. 109-44; Indef. Postponed
H.R. 233 S. 128	Desig.	Northern California Coastal Wild Heritage Wilderness Act (Black Butte River segments)	Hearing Held Passed Senate
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	Comm. Reported Passed Senate
H.R. 1344 S. 435	Study	Lower Farmington River and Salmon Brook Wild and Scenic River Study Act of 2005	Introduced Passed Senate
H.R. 3321 S. 2033	Desig.	Taunton Wild and Scenic Rivers Act (MA)	Introduced Introduced
H.R. 4105	Study	Perquimans River Wild and Scenic River Study Act of 2005	Introduced
H.R. 5006 S. 2432	Desig.	California Wild Heritage Act of 2006 (designate 22 river segments; study Carson River, East Fork, CA)	Introduced

Bill Number	Type	Title	Status
H.R. 5025	Desig.	Mt. Hood Stewardship Legacy Act (designate waterways in the Mt. Hood National Forest)	Hearing Held
H.R. 5149 S. 2567	Desig.	Eastern Sierra Rural Heritage and Economic Enhancement Act (designate segments of the Amargosa River in CA)	Introduced

The Senate passed two wild and scenic river bills on December 16, 2005. S. 435 would direct the NPS to study a 40-mile stretch of the Farmington River and Salmon Brook (CT) for possible inclusion in the National Wild and Scenic River System. As a result of reduced funding for the Rivers and Trails Studies program for FY2006, the NPS had requested that the date for submitting the study be changed from not later than three years following enactment to not later than three years after funds are made available. This change is included in the Senate-passed bill. Some river proponents objected to the delay in the start of the study. S. 1096, the Musconetcong Wild and Scenic Rivers Act, would designate 24.2 miles of the river in northwestern New Jersey. A House panel held a hearing on a companion bill (H.R. 1307) on November 10, 2005. In earlier action, the Senate also passed S. 128, to designate segments of the Black Butte River (CA) as a wild or scenic river, and H.R. 38 was enacted (P.L 109-44) to designate a portion of the White Salmon River (WA) as a component of the National Wild and Scenic Rivers System.

Other Issues

Competitive Sourcing. (by Carol Hardy Vincent) 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. The Administration's goal is to save money through competition. For the NPS, areas of focus 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. Concerns include whether the initiative would save the agency money, whether it is being used to accomplish policy objectives by outsourcing particular functions, whether it would weaken the morale and diversity of the NPS workforce, and whether the private sector could provide the same quality of service. The NPS has long contracted many jobs to private industry. (For information on competitive sourcing generally, see CRS Report RL32017, *Circular A-76 Revision 2003: Selected Issues*, by L. Elaine Halchin.)

The NPS competitive sourcing "green plan" covers competitive sourcing activities planned for FY2005-FY2008. In FY2006, the NPS plans to conduct a preliminary planning effort for 150 FTEs,[6] four standard studies for 549.5 FTEs, and six streamlined studies for 255.5 FTEs, for a total of 955 FTEs during FY2006. For FY2007, the agency expects to

[6] 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).

review about 700 FTEs and subsequently to implement related efficiencies. (For information on competitive sourcing targets, see CRS Report RL32079, *Federal Contracting of Commercial Activities: Competitive Sourcing Targets*, by L. Elaine Halchin.)

P.L. 109-54 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 law 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. These provisions originated out of concern that some agencies were spending significant sums on competitive sourcing where the Administration did not request or receive funds for this purpose, and were not providing Congress with complete information on costs and implications. P.L. 109-115 restricts competitive sourcing government-wide.

Regional Haze. (by Ross W. Gorte) 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.) The program to control this "regional haze" 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).

In 2002, President Bush proposed the Clear Skies Act to amend the Clean Air Act, including a provision to significantly reduce the geographic area under the authority of federal land managers for the siting of power plants. 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. 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, but the bill was not reported (9-9).

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) 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. 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 report of the Government Accountability Office (GAO) examined the challenges for DOI in protecting national icons and monuments from terrorism, and actions and improvements the department has taken in response. 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. (See [http://www.gao.gov/new.items/d05790.pdf].)

At a July 9, 2005, House subcommittee hearing, witnesses differed on the extent to which the NPS should be responsible for border security. (See [http://resourcescommittee.house.gov/archives/109/nprpl/070905.htm].) An NPS official testified that the agency's core mission makes it "imperative" that the agency help secure international borders of parks and "aggressively" address border issues. He asserted that cross-border, illegal immigration, and smuggling activities threaten the park mission, natural and historic resources, safety of visitors and employees, and national security. An official from the Border Patrol described cooperative border efforts with the NPS. Other witnesses testified that the Border Patrol should handle immigration and other border issues, because the NPS lacks sufficient resources, training, and equipment. A representative from the National Parks Conservation Association contended that the financial impact of homeland security and border measures has had an adverse impact at park units, and that the NPS has been "woefully underfunded" to meet border and homeland security demands. However, in separate testimony, NPS Director Fran Mainella stated that since 2001, overall base funding for NPS law enforcement and security has increased 25%.

House and Senate bills pertaining to immigration reform and border security contain provisions affecting national park units along U.S. borders. For example, as passed by the House, H.R. 4437 would require an evaluation of security vulnerabilities on DOI lands along U.S. borders and would require the Secretary of Homeland Security to provide border security assistance on these lands. S. 2611, S. 2612, and S. 2454 — which has been considered by the Senate — 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. Among other provisions, S. 2611 and S. 2612 also 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 on DOI lands; and require the submission to Congress of a recommendation for the NPS to recover costs related to illegal border activity.

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 FY2007, the President requested $84.8 million for the USPP, a 6% increase over FY2006 ($80.2 million). The President also requested $128.2 million for law enforcement, a 3% increase over FY2006 ($124.2 million).

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.

H.R. 3446 (Rahall); S. 1378 (Talent)

The National Historic Preservation Act Amendments Act of 2005 would reauthorize the Historic Preservation Fund through FY2011 and amend the operation of the Advisory Council on Historic Preservation. S. 1378 reported by the Committee on Energy and Natural Resources, April 20, 2006. H.R. 3446 introduced July 26, 2005; referred to Committee on Resources.

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.

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, *Historic Preservation: Background and Funding*, by Susan Boren.

CRS Report RL33399, *Interior, Environment, and Related Agencies: FY2007 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.