

109TH CONGRESS
1ST SESSION

S. 886

To eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2005

Mr. MCCAIN (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. SALAZAR, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Park Centen-
5 nial Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The National Park Service was established
9 to conserve the national parks, their scenery, natural
10 and historic objects, and wildlife for public enjoy-

1 ment, in such manner and by such means as will
2 leave them unimpaired for the enjoyment of future
3 generations.

4 (2) The central purpose of the establishment of
5 our national parks is being challenged by chronic
6 funding shortfalls, which have created annual short-
7 falls in operational funding that exceed
8 \$600,000,000, and have amassed a maintenance
9 backlog estimated by the General Accounting Office
10 at between \$4,080,000,000 and \$6,800,000,000.

11 (3) Without providing the Park Service the re-
12 sources necessary to operate and maintain our na-
13 tional parks, future generations will—

14 (A) receive diminished visitor services;

15 (B) experience a continually weakening
16 system that is less and less able to fulfill its
17 mission; and

18 (C) inherit a National Park System that
19 has been left to them in worse condition than
20 it was left to their ancestors.

21 (4) The annual Congressional appropriations
22 process has proved insufficient to fully address the
23 debilitating funding shortfalls of the national parks,
24 making it necessary to supplement what the appro-
25 priations process is able to accomplish.

1 (5) It is necessary to ensure that fiscal re-
2 sources devoted to the national parks are spent wise-
3 ly and effectively, making strong congressional over-
4 sight over annual appropriations extremely impor-
5 tant.

6 (6) Congress can enhance the resources avail-
7 able for national park operations and ensure ade-
8 quate oversight over Park Service spending by re-
9 moving from the appropriations process a series of
10 funding responsibilities that are outside the core op-
11 erating budgets for the national parks.

12 (b) PURPOSE.—The purpose of this Act is to elimi-
13 nate the annual operating deficit and the maintenance
14 backlog in the national parks by the centennial anniver-
15 sary of the National Park System by enabling Congress
16 to focus on overseeing and fully funding the core oper-
17 ations of the national parks in the annual appropriations
18 process.

19 **TITLE I—CENTENNIAL FUND**

20 **SEC. 101. CENTENNIAL FUND FOR PRESERVING** 21 **AMERICA’S’S NATIONAL PARKS.**

22 (a) ESTABLISHMENT.—There is established in the
23 Treasury a fund which shall be known as the “National
24 Park Centennial Fund”, hereinafter in this Act referred
25 to as the “Centennial Fund”. In each fiscal year beginning

1 in fiscal year 2006, the Secretary of the Treasury shall
2 deposit into the Centennial Fund amounts set forth in
3 subsection (b) sufficient to fund the programs identified
4 in titles II, III, and IV.

5 (b) APPROPRIATIONS.—There are hereby appro-
6 priated to the Centennial Fund in each fiscal year, the
7 following amounts:

8 (1) Amounts equivalent to the amounts des-
9 igned in the taxable year ending in the fiscal year
10 concerned under section 6097 of the Internal Rev-
11 enue Code of 1986.

12 (2) Any additional amounts necessary to make
13 the total amounts deposited to the Centennial Fund
14 each fiscal year equal to the total amount listed in
15 section 103.

16 **SEC. 102. DESIGNATION OF OVERPAYMENTS AND CON-**
17 **TRIBUTIONS FOR THE BENEFIT OF UNITS OF**
18 **THE NATIONAL PARK SYSTEM.**

19 (a) IN GENERAL.—Subchapter A of chapter 61 of the
20 Internal Revenue Code of 1986 is amended by adding at
21 the end the following new part:

1 **“PART IX—DESIGNATION OF OVERPAYMENTS**
2 **AND CONTRIBUTIONS FOR THE BENEFIT OF**
3 **UNITS OF THE NATIONAL PARK SYSTEM**

“PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE
BENEFIT OF UNITS OF THE NATIONAL PARK SYSTEM

“Sec. 6097. Designation.

4 **“SEC. 6097. DESIGNATION.**

5 “(a) IN GENERAL.—In the case of an individual, with
6 respect to each taxpayer’s return for the taxable year of
7 the tax imposed by chapter 1, such taxpayer may des-
8 ignate that—

9 “(1) a specified portion (but not less than \$1)
10 of any overpayment of tax for such taxable year, and

11 “(2) any cash contribution which the taxpayer
12 includes with such return,

13 shall be used for the benefit of units of the National Park
14 System.

15 “(b) MANNER AND TIME OF DESIGNATION.—A des-
16 ignation under subsection (a) may be made with respect
17 to any taxable year only at the time of filing the return
18 of the tax imposed by chapter 1 for such taxable year.
19 Such designation shall be made in such manner as the
20 Secretary prescribes by regulations except that such des-
21 ignation shall be made either on the first page of the re-
22 turn or on the page bearing the taxpayer’s signature.

1 “(c) OVERPAYMENTS TREATED AS REFUNDED.—For
2 purposes of this title, any portion of any overpayment of
3 tax designated under subsection (a) shall be treated as
4 being refunded to the taxpayer as of the last date pre-
5 scribed for filing the return of tax imposed by chapter 1
6 (determined without regard to extensions) or, if later, the
7 date the return is filed.”.

8 (b) CLERICAL AMENDMENT.—The table of parts for
9 subchapter A of chapter 61 of such Code is amended by
10 adding at the end thereof the following new item:

“Part IX. Designation of overpayments and contributions for the benefit of
units of the National Park System”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2005.

14 **SEC. 103. PROGRAM ALLOCATION.**

15 (a) ANNUAL DEPOSITS.—There shall be deposited in
16 the Centennial Fund from amounts designated under sec-
17 tion 6097 of the Internal Revenue Code of 1986 (and from
18 the General Fund of the Treasury to the extent the
19 amounts so designated are less than the total amounts
20 specified in this section for the fiscal year concerned),
21 \$150,000,000 for fiscal year 2006 and, for each suc-
22 ceeding fiscal year through fiscal year 2016, an amount
23 equal to 15 percent above the amount deposited the prior
24 fiscal year. Such amounts shall, without further appro-

1 priation, be available to the Secretary of the Interior until
2 expended.

3 (b) SUNSET.—Effective October 1, 2016, this Act
4 shall expire.

5 **SEC. 104. PATRIOTS FOR NATIONAL PARKS.**

6 There are hereby authorized to be appropriated to the
7 Secretary of the Interior such sums as necessary for a
8 public awareness campaign about the existence of the Cen-
9 tennial Fund and the ability of taxpayers to contribute
10 to it through the tax checkoff created in section 6097 of
11 the Internal Revenue Code of 1986.

12 **TITLE II—ELIMINATING THE NA-**
13 **TIONAL PARK MAINTENANCE**
14 **BACKLOG**

15 **SEC. 201. BACKLOG ELIMINATION.**

16 (a) IN GENERAL.—Sixty percent of the funds depos-
17 ited into the Centennial Fund shall be used to eliminate
18 the backlog of unmet needs in the national parks, as iden-
19 tified in the Facility Condition Index (hereinafter in this
20 Act referred to as the “FCI”) of the National Park Serv-
21 ice.

22 (b) PRIORITIES.—(1) The Secretary of the Interior
23 shall prepare, as part of the annual budget proposal, a
24 priority list of projects to be funded under this section.
25 Moneys shall be made available from the Centennial Fund,

1 without further appropriation, effective October 15 of each
2 calendar year, for the projects identified on the priority
3 list.

4 (2) In preparing the list of projects to be funded
5 under this section, the Secretary of the Interior shall give
6 priority to projects that—

7 (A) are identified in the general management
8 plan of a national park;

9 (B) are listed in the FCI;

10 (C) are identified by the Secretary of the Inte-
11 rior as necessary to prevent immediate damage to
12 the natural, cultural, or historic resources with a na-
13 tional park, with priority given to projects with the
14 most significant benefit to conservation of resources
15 or visitor education;

16 (D) are identified as necessary to promote pub-
17 lic health and safety; and

18 (E) do not receive funding from the Highway
19 Trust Fund.

20 (c) OVERHEAD.—National parks undertaking
21 projects under this section may allocate not more than 8
22 percent of the funds for such projects for oversight of such
23 projects and other associated overhead responsibilities.

1 **TITLE III—PROTECTING**
2 **NATURAL WONDERS**

3 **SEC. 301. NATURAL RESOURCE CHALLENGE.**

4 (a) NATURAL RESOURCE PROTECTION.—Twenty
5 percent of the funds deposited into the Centennial Fund
6 shall be used to protect natural resources within national
7 parks.

8 (b) PROJECT DESCRIPTION.—The Secretary of the
9 Interior shall prepare, as part of the annual budget pro-
10 posal, a description of projects to be funded under this
11 section. Moneys shall be made available from the Centen-
12 nial Fund, without further appropriation, effective Octo-
13 ber 15 of each calendar year for projects that include each
14 of the following:

15 (1) Natural resource inventories.

16 (2) Monitoring efforts including air and water
17 quality monitoring.

18 (3) Protection of native and endangered species
19 and their habitats.

20 (4) Control of nonnative species.

21 (5) Resource planning.

22 (6) Increased collaboration with scientists.

23 (7) Authorized environmental restoration
24 projects.

1 (8) Use of national parks for learning, includ-
2 ing visitor education and interpretation.

3 (9) Establishment of partnerships with nonpark
4 entities for the purpose of leveraging Federal funds
5 allocated to natural resource protection.

6 **TITLE IV—PROTECTING**
7 **NATIONAL TREASURES**

8 **SEC. 401. CULTURAL RESOURCE CHALLENGE.**

9 (a) CULTURAL RESOURCES.—Twenty percent of the
10 funds deposited into the Centennial Fund shall be used
11 to protect cultural resources within national parks.

12 (b) PROJECT DESCRIPTION.—The Secretary of the
13 Interior shall prepare, as part of the annual budget pro-
14 posal, a description of projects to be funded under this
15 section. Moneys shall be made available from the Centen-
16 nial Fund, without further appropriation, effective Octo-
17 ber 15 of each calendar year, for activities that include
18 each of the following:

19 (1) Cultural or historic resources not listed on
20 the FCI.

21 (2) Documenting and preserving archaeological
22 sites.

23 (3) Preserving collections and archives.

24 (4) Ethnographic activities.

1 (5) Evaluating and protecting cultural land-
2 scapes.

3 (6) Use of national parks for learning, includ-
4 ing visitor education and interpretation.

5 (7) Establishment of partnerships with non-
6 park entities for the purpose of leveraging Federal
7 funds allocated to cultural resource protection.

8 **TITLE V—MEETING ANNUAL**
9 **OPERATING NEEDS**

10 **SEC. 501. PROGRESS ON ANNUAL APPROPRIATIONS.**

11 (a) GAO REPORT.—The General Accounting Office
12 biennially shall submit to the Committee on Appropria-
13 tions, Committee on Government Reform, and Committee
14 on Resources of the United States House of Representa-
15 tives and to the Committee on Appropriations, Committee
16 on Government Affairs, and Committee on Energy and
17 Natural Resources of the United States Senate a report
18 that describes each of the following:

19 (1) The progress of Congress in eliminating the
20 annual operating fund deficit in the National Park
21 System, defined as in excess of \$600,000,000 based
22 on a fiscal year 2002 estimate of then-complete na-
23 tional park business plans, and a projection of when
24 such deficit will be eliminated, based on funding lev-
25 els and trends.

1 (2) A comparison of business plan estimates of
2 national park needs versus actual funds appro-
3 priated to such national parks.

4 (3) Any differences in the National Park Serv-
5 ice's business plan methodology for the estimate in
6 paragraph (2) of this subsection compared to that
7 used in fiscal year 2003.

8 (4) Management improvement measures under-
9 taken by individual park units and by the National
10 Park Service as a whole, including actual realized
11 savings and actual impact on visitor services and re-
12 source protection.

13 (5) Adjustments in, and the total number of,
14 full-time equivalent and actual positions dedicated to
15 resource protection, visitor services, interpretation,
16 and other employment categories.

17 (6) Any adjustments made in service to the
18 public, including but not limited to adjustments to
19 visitor center hours and the number or quality of
20 ranger-led tours.

21 (7) Any changes in the National Park Service's
22 level of effort due to partnership or other leveraged
23 activities.

24 (8) Any new requirements and assessments
25 placed on the national parks for unbudgeted ex-

1 penses, including, but not limited to, homeland secu-
2 rity, natural disasters, and employee cost-of-living
3 adjustments.

4 (9) An assessment of the accuracy and com-
5 pleteness of the Facility Condition Index described
6 in title I of this Act, including adjustments made to
7 such Index on an annual basis.

8 (b) BUSINESS PLAN IMPLEMENTATION DEMONSTRA-
9 TION PROGRAM.—In consultation with the Director of the
10 National Park Service, at least 60 percent of the amounts
11 provided under titles II, III, and IV shall be distributed
12 to national parks that have completed comprehensive busi-
13 ness plans under the Business Plan Initiative of the Na-
14 tional Park Service.

15 (c) EDUCATION AND THE NATIONAL PARKS.—The
16 Secretary of Education is hereby authorized to provide
17 grants to elementary and secondary schools to enter into
18 cooperative agreements with the National Park Service for
19 the purpose of distance learning and onsite education pro-
20 grams for the following purposes:

21 (1) Connecting students to the history of our
22 Nation through the national parks.

23 (2) Using the national parks to facilitate sci-
24 entific instruction.

1 (d) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL
2 APPROPRIATIONS FOR NATIONAL PARK SERVICE.—
3 Amounts made available by this Act are intended by the
4 Congress to supplement, and not detract from, annual ap-
5 propriations for the National Park Service.

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