

NATIONAL PARK SYSTEM REFORM ACT OF 1995

—————
JUNE 7, 1995.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

ADDITIONAL AND DISSENTING VIEWS

[To accompany H.R. 260]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 260) to provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

PURPOSE OF THE BILL

The purpose of H.R. 260 is to provide for the development of a plan for a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System.

BACKGROUND AND NEED FOR LEGISLATION

The National Park Service is charged with the stewardship of many of the nation's precious natural and historical resources. The 368 areas which make up the National Park System are a diverse collection of parks, historic sites, memorials, monuments, seashores, battlefields, parkways and trails. These areas are known throughout the world for their scenic beauty and historical signifi-

cance. H.R. 260 is aimed toward maintaining the integrity of the National Park System through various improvements to the process of planning and establishing units of the National Park System.

The National Park Service has been directed by Congress (16 U.S.C. 1a-5) to study and monitor areas to determine if they are nationally significant and whether they have potential for inclusion in the National Park System. To be eligible for favorable consideration as a unit of the National Park System, an area must: (1) possess nationally significant natural or historical resources; (2) be a suitable and feasible addition to the system; and (3) require direct National Park Service management instead of alternative protection by other agencies or the private sector. These criteria are designed to ensure that the National Park System includes only the most outstanding examples of the nation's heritage. After the National Park Service studies a potential new area, their study is forwarded to Congress.

The Committee believes that the lack of an overall plan to guide the future of the National Park System is a serious deficiency. Section 8 of the Act of August 18, 1970 (commonly known as the General Authorities Act) requires the Secretary of the Interior to prepare a comprehensive "National Park System Plan" which identifies natural and historic themes of the United States, from which areas can be identified and selected to be units of the National Park System. While the National Park Service has prepared natural and historical Thematic Frameworks, these documents cannot really be considered "plans." Instead, these documents list major natural and historical themes of the United States and then describe how the themes are represented by existing National Park Service units and historic landmarks. These documents do not contain direction about what the National Park System should include, what areas are priorities for addition to the system, or what themes are currently overrepresented in the National Park System. The lack of an overall plan to guide the direction and expansion of the system is problematic for both the National Park Service and Congress when it comes to making decisions about adding new units to the National Park System.

Another area where reforms are needed is the process by which areas for addition to the Park System are studied and recommended for Congressional consideration. Congress relies heavily on National Park Service studies to make evaluations about the significance of an area and its suitability for designation as a National Park Service unit. Between 1976 and 1981 the National Park Service had a program of identifying high priority candidates for study. This program was terminated in 1981, and until very recently, the National Park Service has not had a legislative program to recommend potential new parks. In the absence of any initiatives coming from the National Park Service, Congress directed numerous studies of specific areas both in authorizing legislation and in appropriation earmarks.

Several problems with the current new area study process exist. First, there are three separate sources for new area studies: the National Park Service itself, the authorizing committees and the appropriations committees. There is no agreed upon process for ranking the priority of these studies, nor is there adequate funding

to complete all of them. Because studies usually require two to three years, some studies are delayed indefinitely or are started then stopped in midstream because all available funding in a particular fiscal year is earmarked for other studies. The quality of the studies also ranges widely, as does the level of review and scrutiny by the Washington Office of the National Park Service. It has been too easy for political considerations to be injected into the study process, and recommendations of professional planners are sometimes changed for political reasons. Another serious problem is that studies come to Congress without any preferred action, which can lead to confusion regarding the Administration's position on a particular area. New area legislation may be introduced on the basis of an ambiguous study, when in fact the resource involved might not meet the criteria for designation.

Finally, Members of Congress, the Administration and the public have all expressed the desire to maintain a high level of integrity for units of the National Park System. Views have been expressed that some of the 368 units of the National Park System may not now meet the criteria of national significance, suitability and feasibility and do not belong in the National Park System. In fact, the Administration recently recommended that portions of several units be turned over to the States. The lack of consensus regarding the future of areas currently managed by the National Park Service could be due to inaccurate information about the significance of an area at the time of designation, degradation of a resource after its designation or a realization that another agency or level of government would be a more appropriate entity to manage a particular area. While there have been about two dozen park deauthorizations in the past, there has never been a systematic evaluation of the entire National Park System to determine if certain areas would be more appropriately managed outside the National Park System.

COMMITTEE ACTION

H.R. 260 was introduced on January 4, 1995, by Congressman Hefley. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On February 23, 1995, the Subcommittee held a hearing on H.R. 260, where a broad spectrum of witnesses testified in support of the entire bill and the Administration testified in support of a portion of it. On March 29, 1995, the Subcommittee met to mark up H.R. 260. An amendment in the nature of a substitute was offered by Congressman Hefley. Congressman Vento offered an en bloc amendment to the Hefley amendment which was adopted by voice vote. The amendment in the nature of a substitute was also adopted by voice vote, and the bill, as amended, was ordered favorably reported to the Full Committee in the presence of a quorum.

On May 17, 1995, the Full Resources Committee met to consider H.R. 260. An amendment in the nature of a substitute was offered by Congressman Hefley. Congressman Richardson offered an amendment to expand the list of areas not subject to review by the Commission; the amendment failed on a voice vote. Congressman Richardson offered an amendment to require additional public

meetings for the report prepared under Section 102 of the bill; this amendment also failed on voice vote. Congressman Richardson offered an amendment to strike the Commission established under Section 103 of the bill; this amendment failed on a roll call vote of 9–30, as follows:

BILL NO. H.R. 260—RICHARDSON AMENDMENT NO. 9—PARK COMMISSION

	Yeas	Nays
Mr. Young (Chairman)		X
Mr. Hansen		X
Mr. Saxton		X
Mr. Gallegly		X
Mr. Duncan		X
Mr. Hefley		X
Mr. Doolittle		
Mr. Allard		X
Mr. Gilchrest		X
Mr. Calvert		X
Mr. Pombo		X
Mr. Torkildsen		X
Mr. Hayworth		X
Mr. Creameans		X
Mrs. Cubin		X
Mr. Cooley		X
Mrs. Chenoweth		X
Mrs. Smith		X
Mr. Radanovich		X
Mr. Jones		X
Mr. Thornberry		X
Mr. Hastings		X
Mr. Metcalf		X
Mr. Longley		X
Mr. Shadegg		
Mr. Miller		X
Mr. Rahall	X	
Mr. Vento		X
Mr. Kildee	X	
Mr. Williams		
Mr. Gejdenson	X	
Mr. Richardson	X	
Mr. DeFazio		X
Mr. Faleomavaega	X	
Mr. Johnson	X	
Mr. Abercrombie	X	
Mr. Studds	X	
Mr. Tauzin		X
Mr. Ortiz		X
Mr. Dooley		X
Mr. Romero-Barceló		
Mr. Hinchey		
Mr. Underwood		X
Mr. Farr	X	
Total	9	30

Ranking Minority Member George Miller offered an amendment to include, as part of the plan required under Section 101 of the bill, a list of procedures required for reporting threats to National Park Service employees to law enforcement officials. Congressman Vento, by unanimous consent, amended the Miller amendment to require the submission of this portion of the plan “as soon as possible”. Congressman Allard requested unanimous consent to amend the Miller amendment by requiring the plan to also include proce-

dures for reporting threats by National Park Service employees, but the request was denied. The Miller amendment, as amended by Congressman Vento, was adopted on a roll call vote of 34–6–2, as follows:

BILL NO. H.R. 260—MILLER AMENDMENT—PROTECTING NPS RANGERS

	Yeas	Nays	Present
Mr. Young (Chairman)	X		
Mr. Hansen	X		
Mr. Saxton	X		
Mr. Gallegly	X		
Mr. Duncan	X		
Mr. Hefley	X		
Mr. Doolittle	X		
Mr. Allard	X		
Mr. Gilchrest	X		
Mr. Calvert	X		
Mr. Pombo			X
Mr. Torkildsen	X		
Mr. Hayworth	X		
Mr. Creameans	X		
Mrs. Cubin			X
Mr. Cooley		X	
Mrs. Chenoweth		X	
Mrs. Smith	X		
Mr. Radanovich		X	
Mr. Jones	X		
Mr. Thornberry	X		
Mr. Hastings		X	
Mr. Metcalf		X	
Mr. Longley	X		
Mr. Shadegg		X	
Mr. Miller	X		
Mr. Rahall	X		
Mr. Vento	X		
Mr. Kildee	X		
Mr. Williams			
Mr. Gejdenson	X		
Mr. Richardson	X		
Mr. DeFazio	X		
Mr. Faleomavaega	X		
Mr. Johnson	X		
Mr. Ambergrombie	X		
Mr. Studds	X		
Mr. Tauzin	X		
Mr. Ortiz	X		
Mr. Dooley	X		
Mr. Romero-Barceló			
Mr. Hinchey	X		
Mr. Underwood	X		
Mr. Farr	X		
Total	34	6	2

The Hefley amendment in the nature of a substitute was adopted by voice vote, and the bill as amended was then ordered favorably reported by a 34–8 vote to the House of Representatives, in the presence of a quorum, as follows:

BILL NO. HR. 260—H.R. 260 AS AMENDED—FINAL PASSAGE

	Yeas	Nays
Mr. Young (Chairman)	X	

BILL NO. HR. 260—H.R. 260 AS AMENDED—FINAL PASSAGE—Continued

	Yeas	Nays
Mr. Hansen	X	.....
Mr. Saxton	X	.....
Mr. Gallegly	X	.....
Mr. Duncan	X	.....
Mr. Hefley	X	.....
Mr. Doolittle	X	.....
Mr. Allard	X	.....
Mr. Gilchrest	X	.....
Mr. Calvert	X	.....
Mr. Pombo	X	.....
Mr. Torkildsen	X	.....
Mr. Hayworth	X	.....
Mr. Creameans	X	.....
Mrs. Cubin	X	.....
Mr. Cooley .....	.....	X
Mrs. Chenoweth	X	.....
Mrs. Smith	X	.....
Mr. Radanovich	X	.....
Mr. Jones	X	.....
Mr. Thornberry	X	.....
Mr. Hastings	X	.....
Mr. Metcalf	X	.....
Mr. Longley	X	.....
Mr. Shadegg	X	.....
Mr. Miller	X	.....
Mr. Rahall .....	.....	X
Mr. Vento	X	.....
Mr. Kildee .....	.....	X
Mr. Williams .....	.....	.....
Mr. Gejdenson .....	.....	X
Mr. Richardson .....	.....	X
Mr. DeFazio	X	.....
Mr. Faleomavaega	X	.....
Mr. Johnson .....	.....	X
Mr. Abercrombie	X	.....
Mr. Studds .....	.....	X
Mr. Tauzin	X	.....
Mr. Ortiz	X	.....
Mr. Dooley	X	.....
Mr. Romero-Barceló .....	.....	.....
Mr. Hinchey .....	.....	X
Mr. Underwood	X	.....
Mr. Farr	X	.....
Total	34	8

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 provides that this Act may be cited as the “National Park System Reform Act of 1995.”

SECTION 2. DEFINITIONS

Section 2 defines terms used in the bill.

SECTION 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN

Section 101 of the bill directs the Secretary of the Interior, acting through the Director of the National Park Service, to prepare a plan to guide the direction of the National Park System into the next century. The plan would be submitted to Congress and would:

define the role of the National Park Service in preserving America's heritage relative to other efforts at the Federal, State, local, and private levels; include detailed criteria to be used to determine which resources are appropriate for inclusion in the National Park System; identify aspects of American heritage which are adequately and inadequately represented in the existing National Park System; and list priorities of the types of resources which should be added to the National Park System. Additionally, the plan would include an analysis of the role of the National Park Service with respect to such topics as the conservation of natural areas and ecosystems, the preservation of industrial America, the preservation of intangible cultural resources, open space protection, and the provision of outdoor recreation opportunities. These five topics need particular attention due to the increasing frequency of legislative initiatives relating to them and the park planning and management questions they pose.

While human history continues to evolve, leading to a virtual unending supply of historical sites for potential inclusion in the National Park System, the variety of natural systems is finite and generally well known. Further, while all Federal agencies are required to preserve historic resources in accord with the National Historic Preservation Act of 1966, for Federal agencies, other than the National Park Service, this responsibility is incidental to the basic agency mission. However, there are three other Federal land management agencies who have conservation of natural communities as a primary agency mission. In the past, a number of new park units have been established by transferring lands from the jurisdiction of other Federal land management agencies to the National Park Service. The respective roles of these agencies must be clarified in order to reduce duplication and cost, and ensure a more integrated land use planning approach.

The Committee notes the growing number of legislative initiatives dealing with America's industrial and technological history, ranging from mining to manufacturing. The Committee believes there is an important role for the National Park Service in preserving and interpreting our industrial heritage and notes that a number of such units already exist. The Committee is concerned, however, about the proliferation of such proposals and the lack of context and criteria to guide the consideration of these proposals, and their potential cost. The history of industry is full of advances and innovations and there are numerous sites which may have some historic value. The National Park Service needs to develop a framework to help decide how to best use its limited resources to assist in the preservation of industrial history.

The Committee also notes a trend of new area proposals dealing with art, music and other nontangible cultural resources. The National Park Service needs to develop a clear policy direction with regard to these types of resources.

Protection of undeveloped open space is argued by some as important to the overall quality of life. This is particularly true in urban areas, where open space is often more limited. In recent years, there have been an increasing number of proposals for the Federal Government, through the National Park Service, to devote considerable effort to urban open space protection. Often times,

these areas do not have any nationally significant natural resource values. The National Park Service needs to evaluate the extent to which the agency should make commitments to open space preservation.

The provision of outdoor recreation opportunities has always been a function of the National Park Service, yet there is little Congressional policy direction about how this function fits in with the more fundamental agency role of protecting natural and historical resources. Outdoor recreation is essential to the quality of our lives, and outdoor recreation opportunities are provided by nearly every land managing agency at the Federal, State and local level. The plan should address the National Park Service's particular role in providing outdoor recreation opportunities relative to these other agencies, and whether outdoor recreation is a reason in and of itself to establish a unit of the National Park System.

Section 101(a)(8) directs the National Park Service to prepare a comprehensive financial plan for its future. The Committee is very concerned about adequacy of funding for the National Park Service. National Park Service general management plans, new area studies and other plans often propose actions which are not financially achievable. Therefore, the Committee wants to insure that: (1) the National Park Service develops a program which will meet the basic financial needs of the agency to provide for resource conservation and essential visitor services; and (2) that any plan for the future of the agency be financially realistic.

Section 101(b) requires the Secretary to undertake a broad program of public involvement in the development of the plan. The consultations will include appropriate opportunities for public review and comment.

Section 101(c) directs the National Park Service to submit the plan to relevant Congressional committees no later than two complete fiscal years after the date of enactment of this Act.

Section 101(d) provides for an opportunity for Congress to provide input into the plan. Since any plan developed for the future of the National Park System will only be viable to the extent it is agreed to by both the Administration and Congress, it is critical that Congress be provided an opportunity for input on this plan. Congress may elect to adopt the plan entirely, agree with some portions of the plan and reject other portions, or reject the plan entirely.

Section 101(e) provides for the official identification of existing areas or units of the Park System. This is important, since existing law requires that all existing laws, policies and regulations of the Park System apply to all areas administered by the agency. Without an accurate list of areas or units administered by the National Park Service, the agency would be required to apply this regulatory framework to areas unintended by Congress. For example, a general management plan would have to be prepared for every area and National Park Service policies on fishing and hunting could have unknown intentions.

Section 101(f) clarifies the manner in which units may be added to the National Park System. Specifically excluded under this language is the authority of the Secretary of the Interior to establish new units pursuant to a cooperative agreement.

SECTION 102. MANAGEMENT REVIEW OF NATIONAL PARK SYSTEM

Section 102 of the bill directs the Secretary to conduct a management review of the existing National Park System to determine whether there are more appropriate alternatives for managing specific units or portions of units, including partnerships or direct management by States, local governments, other agencies or the private sector. This review would be conducted using the direction provided by the plan required in Section 101 and by the criteria developed pursuant to Section 102(a).

H.R. 260, as introduced, listed the specific criteria to be used by the National Park Service in their review of existing areas managed by the agency. The reported version of the bill deletes those criteria and provides an open public process for the development of the criteria.

In conducting this review, the Committee does not intend for the National Park Service to conduct a boundary study of every park area. Rather, the term "significant portion" refers to a discrete portion of a park which would typically constitute a district or subdistrict. While the Secretary may recommend discontinuation of National Park Service management for any entire unit of the Park System (except a National Park), which is inconsistent with the National Park System plan, the Secretary may only recommend modification of the management at a portion of a park which does not conform to the plan. The legislation prohibits the Secretary from reviewing any portion of the 54 areas currently classified as "national parks."

In developing the list of areas where National Park Service management should be modified or terminated, Section 102 also requires the National Park Service to consult with other Federal agencies, State and local officials, resource managers, recreation and scholarly organizations and other interested parties. This list would be transmitted to Congress within 18 months after the completion of the National Park System plan and would require the Secretary to recommend alternative entities to manage sites proposed to be terminated. For any area determined to have national significance, the Secretary shall identify feasible alternatives to National Park Service management which will protect the resources and assure continued public access.

This bill does not provide for the automatic closing of any unit of the National Park System. Instead, the Committee believes that Congress should retain this authority. National Park System units, in the overwhelming majority of cases, have been established by Congressional action and any de-authorization, should be by Act of Congress as well. While legislation would be required to deauthorize any existing park units, the bill is not intended to limit the Secretary's current authority to make modifications in the management of National Park System units, including developing partnerships or other arrangements to the extent that such modifications are already authorized by law. The Committee notes the sensitive nature of the National Park Service's task in developing this list. The Committee expects the National Park Service to make an intensive effort to research, develop and cultivate alternative entities to manage areas proposed for deauthorization. The likelihood of

deauthorizing legislation passing Congress would be increased if there is sustained and thorough effort to develop a “soft landing” for areas proposed for deauthorization.

SECTION 103. NATIONAL PARK SYSTEM REVIEW COMMISSION

Section 103 provides for the establishment of an 11-member National Park System Review Commission. This Commission would be charged with reviewing the report of the National Park Service prepared pursuant to Section 102 of the Act, or, if the Secretary does not complete such a report, the National Park System Review Commission is charged with preparing the report in the same manner as if prepared by the Secretary. The National Park System Review Commission shall complete its work no later than two years after the completion of the National Park Service plan, and shall terminate 90 days after submission of its report to Congress.

The Committee believes that establishment of an independent commission is the best way to ensure the completion of a thorough, independent and professional review of the National Park System. The Committee has provided for a balanced Commission by ensuring the involvement of the Administration and House and Senate Majority and Minority Leaders in the selection process for Commission members. Further, the legislation requires that Commission members be knowledgeable regarding the National Park Service and have special expertise with respect to the mission of the agency. With respect to the requirement that Commission members have expertise in natural resources, the Committee intends that the Commission include expertise in both marine resources and terrestrial ecology.

SECTION 104. SUBSEQUENT ACT OF CONGRESS REQUIRED TO MODIFY OR TERMINATE A PARK

Section 104 clarifies that Congressional action is required to modify or terminate a National Park System unit.

SECTION 105. AUTHORIZATION OF APPROPRIATIONS

Section 105 provides for the authorization of necessary funding to implement the Act.

SECTION 106. COMMENDATION AND PROTECTION OF NATIONAL PARK RANGERS

Section 106 requires that the Secretary of the Interior report to Congress on procedures in place to report threats or acts of violence against National Park Service employees.

SECTION 201. STUDY OF NEW PARK SYSTEM AREAS

Section 201 amends the Act of August 18, 1970 (commonly known as the General Authorities Act) to make a number of reforms to the new areas study process.

The new subsection (b) provides that at the beginning of each calendar year, along with the annual budget submission. The Secretary will submit to Congress a list of any areas recommended for study with potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give spe-

cial consideration to themes, sites, and resources not already adequately represented in the National Park System as identified in the National Park System Plan.

This Section would require all new area studies to be specially authorized by Congress. The Committee notes that this prohibition does not apply to the authority of the National Park Service to conduct preliminary resources assessments, gather data on potential study sites, provide technical and planning assistance, process nomination for administrative designations, update previous studies, or complete reconnaissance surveys of individual sites requiring a total expenditure of less than \$25,000. The Committee also notes that this provision does not effect the study authority contained in the Wild and Scenic Rivers Act, the National Trails System Act or the Wilderness Act. Upon authorization, studies would have to be completed in three years and would have to contain the management alternative preferred by the National Park Service. This Section also specifies the national significance, suitability, and feasibility criteria and other factors which the study must consider.

Each study shall identify what alternative or combination of alternatives would, in the professional judgment of the National Park Service, be most effective and efficient in protecting significant resources and providing for public enjoyment. The letter transmitting each study to Congress, shall contain a recommendation regarding the Administration's preferred management option for the area. The Committee expects these studies to reflect the highest possible professional standards and provide a clear recommendation to Congress. If an area fails to meet established criteria, the study should clearly state this finding. The purpose of these reforms is to provide Congress with professional opinion of the National Park Service earlier in the process of considering areas for addition to the Park System.

This Section also requires the Secretary to annually submit a prioritized list of areas previously studied for addition to the National Park System. The National Park Service will submit two priority rankings, one for areas which contain primarily historical resources and one for areas which contain primarily natural resources.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 260 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 260 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues of tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 260.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 260 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 23, 1995.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 260, the National Park System Reform Act of 1995, as ordered reported by the House Committee on Resources on May 17, 1995. Assuming appropriation of the authorized amounts, CBO estimates that the federal government would spend \$2 million over the next four fiscal years to implement this bill. H.R. 260 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 260 would require the National Park Service (NPS) to prepare a National Park System Plan over the two fiscal years following enactment of the legislation. In addition to making statements regarding federal objectives, priorities, and roles, the plan would specify criteria to be used in determining what sites should be included in the National Park System. The bill also would require the NPS to submit to Congress other documents including an official list of areas and units of the Park Service and a report identifying criteria to be used by the agency in reviewing existing park units. Using the standards and criteria developed through this process, the NPS would then conduct an 18-month review of the existing park system to identify units that could be managed more appropriately by some other entity.

The bill would provide for the creation of a National Park System Review Commission, to be established after the NPS completes the NPS Plan. The 11-member commission would be charged with reviewing the agency's report on existing park units (or developing the report itself if the NPS fails to do so). The commission would report the results of its work to the Congress within two years of establishment. Commission members would receive no pay but would be compensated for expenses.

CBO estimates that preparing the plans and reports mandated by this bill would cost the Park Service \$2 million over the next four years, assuming appropriation of the entire amount authorized for these purposes. Other provisions, including those which would amend existing laws that govern NPS studies of potential new park sites, would not significantly affect federal spending.

Enactment of this legislation would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL,
Director.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 260.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 8 OF THE ACT OF AUGUST 18, 1970

AN ACT To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes.

SEC. 8. (a) *GENERAL AUTHORITY.*—The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. [At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. Each such report shall indicate and elaborate on the theme(s) which the area represents as indicated in the National Park System Plan. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System.] Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report sub-

mission one year earlier. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document: *Provided*, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case.

[(b) The Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive, "National Park System Plan", which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually.]

(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

(2) In developing the list to be submitted under this subsection, the Secretary shall give consideration to those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility. The Secretary shall give special consideration to themes, sites, and resources not already adequately represented in the National Park System as identified in the National Park System Plan to be developed under section 101 of the National Park System Reform Act of 1995.

(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect

or alter the study of any trail for potential addition to the national trails system.

(c) *REPORT.*—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within three complete fiscal years following the date of enactment of specific legislation providing for the study of such area. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

(2) In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources, or outstanding recreational opportunities, and that the area represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the system.

(3) Each study—

(A) shall consider the following factors with regard to the area being studied: (i) the rarity and integrity of the resources, (ii) the threats to those resources, (iii) whether similar resources are already protected in the National Park System or in other public or private ownership, (iv) the public use potential, (v) the interpretive and educational potential, (vi) costs associated with acquisition, development and operation, (vii) the socioeconomic impacts of any designation, (viii) the level of local and general public support, and (ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information which the Secretary deems to be relevant.

(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

(d) *NEW AREA STUDY OFFICE.*—The Secretary shall establish a single office to be assigned to prepare all new area studies and to implement other functions of this section.

(e) *LIST OF AREAS.*—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas

which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the studies for potential new Park System units and for monitoring the welfare of those resources, there are authorized to be appropriated annually not to exceed \$1,000,000. For the purposes of monitoring the welfare and integrity of the national landmarks, there are authorized to be appropriated annually not to exceed \$1,500,000.

ADDITIONAL VIEWS OF CONGRESSMAN GEORGE MILLER

The Committee's passage of my amendment to H.R. 260 strongly disavows the recurrent threats and violence directed toward our National Park Service rangers while they are engaging in official duties. These federal employees are not only responsible for the protection of our nation's natural resources, but for ensuring the safety of the millions of people who annually visit our national parks.

With escalating frequency, violent crime and criminal behavior is transcending urban boundaries and occurring in our federal parks, making the park ranger's job of law enforcement more difficult and dangerous. Rangers and even their families have become victims of personal threats and acts of violence by fringe parties expressing anti-government sentiments and toward the first federal uniform they encounter.

So far in the 1990's, as many as 7,000 serious crimes a year have been committed within the National Park system. In 1994 alone, 207 park service employees were assaulted. Guns and other weapons have been drawn on park rangers, and numerous direct threats of bloodshed against these officers and their families have taken place.

With the support and passage of my amendment, necessary procedures will be developed and implemented for the prompt reporting of any intimidation, threats or acts of violence made against employees of the National Park Service while carrying out their official duties on our federal lands. The Secretary of the Interior will be required to report to the United States Attorney or other appropriate law enforcement official of these occurrences of violence for appropriate action. It is vital that these misdirected incidents be identified and stopped—and the perpetrators brought to justice.

The overwhelming Committee vote of 34-6 with 2 Members voting "present," sends a clear message to the American public that their elected officials recognize the important role of the National Park Service employees in protecting park resources and public safety. We appreciate these federal officers who often risk their lives but continue to carry out their duties. This Committee has voted, in no uncertain terms, to reject such behavior and prosecute violators to the fullest extent practicable.

GEO. MILLER.

ADDITIONAL VIEWS TO H.R. 260 BY REPRESENTATIVE
BRUCE F. VENTO

It is our obligation to ensure that only outstanding resources are included in our National Park System and that parks currently in the system are managed effectively. As former Chairman of the Subcommittee on National Parks, Forests and Public Lands I successfully worked with my colleagues Mr. Hefley and Mr. Hansen to accomplish the goals embraced in this measure. We developed a National Park Service Reform measure in the 103rd Congress, supported by the Clinton Administration, the Department of Interior, the National Park Service and most of the conservation groups. This measure passed the House overwhelmingly. I cosponsored H.R. 260 in the 104th Congress because I remain committed to enacting an effective, meaningful review and reform bill as was attempted in 1994.

I am therefore confused and discouraged by the controversy surrounding this bill. There are many issues before this Congress where significant differences in philosophy have made for some heated debates and will continue to do so in this Congress. H.R. 260 remains much as it was written in the last Congress. I am hoping that we can hold back on our desire to draw the lines in the sand over this issue and that we save our passion for those debates in which there is true disagreement on the issues. The proponents and opponents in the debate over H.R. 260 seem to be talking past one another.

As in the unanimously supported bill last year, H.R. 260 provides that the NPS set specific criteria, Congress approve the criteria, the NPS study a reduced number of parks over a three year period, then convey this to the Congress and the Commission within three years. Frankly, I presume the National Park Service can be trusted to study, report and recommend as to the status, designation, inclusion and exclusion of National Park units to the Congress and to the Commission established in this measure, H.R. 260.

The comparisons of the Commission established under H.R. 260 to the Base Closing Commissions are unwarranted and wholly inaccurate. H.R. 260 explicitly states that the role of the Commission is to "review" the plan put forth by the NPS. The NPS itself, is even involved in the one year study and review conducted by the Commission. Unlike the Base Closing Commissions, which are independent, the Commission set up under this bill is comprised of eleven members—five members, one of whom shall be the Director of the National Park Service, are appointed by the Secretary of the Interior. And perhaps most noteworthy, H.R. 260 distinctly states that Congress and only Congress has the responsibility to remove parks from the National Park System. National Park units become units of the system by action of Congress and can only be changed under the same provisions of law that exist today.

The NPS has had numerous standing and shorter term commissions and while we should proceed carefully and curtail the profusion of commissions this initiative is hardly some unusual precedent. In reality the Commission will serve as a means to hold the NPS and Congress accountable and make this reform and review more credible.

National Park Service reform is especially needed in an era of fiscal constraint and increasing demands on the existing park system. This issue of National Park reform and review is not simple. Narrow-minded solutions are inappropriate when considering the reform of our legacy of precious natural, cultural and historic resources. I do not agree with those who think that our National Park System is complete and that nothing else should be added, or worse still, that we should begin closing parks just to save money. However, I hope that this Congress will come to see that effective management of our National Park System will benefit us all. A National Park reform and review will reinforce support for the conservation of our parks and enhance the status of our National Parks.

Beyond the review functions are the study and reforms which will set the stage for positive consideration of candidates for the National Park System. Consideration will build on the objective criteria and professional recommendations of the quality NPS personnel. I've little fear that almost all the NPS units can be held up to public and intense examination and be judged consistent with national significance, suitability and the necessary criteria to judge their inclusion in the National Park System. H.R. 260 is a good policy initiative that merits strong support from all who revere the National Park System.

H.R. 260 responds to the reasoned criticisms and questions raised beyond the version the House acted upon last year. It is a good bill. As for the hyperbole and paranoia that have dogged H.R. 260, I would hope that members will deal with the tangible and work to pass this legislation.

BRUCE F. VENTO.

DISSENTING VIEWS OF REPRESENTATIVE BILL
RICHARDSON

I am opposed to H.R. 260 as it is presently constituted. The legislation goes far beyond "reform" of our National Park System and is instead a backdoor attempt to close many units of the system which are valuable to this Nation's natural, cultural, and recreational heritage.

No one is calling or writing to me to say that we have too many parks. On the contrary, the American public loves and supports our national parks. That's why I am deeply troubled by this bill. There seems to be more and more talk of this bill as a park closure bill, with some viewing it as a means to close parks they believe are "non-essential." Contrary to what some might believe, it is not easy to get an area designated as a unit of the National Park System and it should not be easy to remove them from the system as well. Those who think deauthorization is a panacea for whatever ails the National Park System are wrong. We could deauthorize all of the 30-plus units designated since 1980, yet we would save less than 2 percent of the NPS's annual operation and maintenance budget.

Specifically, I am very concerned that the legislation relies far too heavily on a Park Closure Commission which would have the authority to recommend the closure of any unit of the National Park System with the exception of the 54 national parks. The Statue of Liberty, Independence Hall and the Washington Monument are all national monuments and would be subject to consideration for closure or privatization under the provisions of the bill. What makes these sites any less worthy than Yellowstone or Grand Canyon National Parks?

National park units are not at all like military bases. We don't need a Closure Commission that can only justify its existence by recommending park closures. If there is any question as to the marching orders of this Commission, one only needs look at the Republican budget resolution that was recently adopted; a 10-percent cut in NPS operating funds, a 5-year land acquisition moratorium, and a 50-percent cut in NPS construction. Is there any doubt what this Commission is supposed to produce?

There are no quick fixes or easy outs to whatever problems the National Park System or the National Park Service may have. Only a balanced and fair reform process will achieve our goal of enhancing the National Park System. Unfortunately, I believe H.R. 260, as it is being proposed, fails that goal.

Congress got it right, I believe, in 1970 when it declared in law regarding the National Park System that ". . . these areas, though distinct in character, are united through their inter-related purposes and resources into one National Park System as cumulative expressions of a single national heritage; that individually and collectively, these areas derive increased national dignity and recogni-

tion of there superb environmental quality through there inclusion jointly with each other in one National Park System preserved and managed for the benefit and inspiration of all the people of the United States”.

I cannot support the systematic second-guessing of our National Park System, as H.R. 260 does. I believe that sections 102 and 103, dealing with the Commission and the management review, should be stricken from the bill. If Congress want to help the national parks, lets deal with concessions reform and entrance fee legislation. We should be looking for way to keep parks open, not for ways to close them.

BILL RICHARDSON.

