

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-37

NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF
1997

JUNE 26, 1997.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 231]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 231) to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purpose, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 231 is to establish the National Cave and Karst Research Institute in the State of New Mexico. The purposes of the Institute would be to further the science of speleology; to centralize and standardize speleological information; to foster interdisciplinary cooperation in cave and karst research programs; to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and to promote and develop environmentally sound and sustainable resource management practices.

BACKGROUND AND NEED

The National Geographic Society has identified the protection and management of water resources—critical both to public health and to sustainable economic development—as the major issue facing the world as society enters the 21st century. The overwhelming majority of the nation's freshwater resources consists of groundwater, some 25 percent of which is located in cave and karst regions (areas of limestone formations that are characterized by sinks, ravines, and underground streams).

Over 20 percent of the earth's surface is characterized as karst. The United States as a whole is 20 percent karst. East of central

Oklahoma, 40 percent of the country is karst. Approximately 58 units of the National Park System contain caves and karst features; these range from as few as 10 to 15 caves per park unit (the C & O Canal) to well over 200 caves per unit (the Grand Canyon).

Caves provide scientists with information on natural resources, human history, and evolution. Recent studies have also indicated that caves contain valuable data related to global climate change, waste disposal, groundwater supply and contamination, petroleum recovery, and biomedical investigations. Caves also contain information pertinent to anthropological, archeological, geological, paleontological, and mineralogical discoveries and resources.

Congress created a major impetus for America's involvement in cave and karst protection and management in 1988 by passing the Federal Cave Resources Protection Act (Public Law 100-691), which directed the Secretaries of the Interior and Agriculture to inventory and list significant caves on Federal lands and to provide for the management and dissemination of information about caves. The inventory and list was completed in December 1995. According to a 1994 study by the National Park Service, since the passage of the Act, Federal land management agencies have developed a heightened awareness of the management needs for the cave and karst resources on their lands; of the need for both a cave research program and a repository for cave and karst information; and of their own growing needs for assistance in inventorying and classifying their cave and karst resources.

In 1990, through the passage of Public Law 101-578, Congress directed the National Park Service to establish and administer a cave research program, and to prepared a proposal for Congress that examines the feasibility of a centralized National Cave and Karst Research Institute, associated with an existing cave and karst research program already established by the National Park Service. The National Park Service study report to Congress, prepared in cooperation with other Federal cave-managing agencies, cave-related organizations, cave experts, and interested individuals, was completed in December 1994.

The study report states as goals of the Institute the furtherance of the science of speleology (cave study); centralization and standardization of speleological information; interdisciplinary cooperation in cave and karst research programs to foster research; education; promotion of national and international cooperation in environmental considerations for the protection of cave and karst landforms; and promotion of environmentally sound, sustainable research management practices. Program areas that the study considers essential to the Institute's mission include information management, research and education.

S. 231 reflect suggestions made in the study, including: joint administration; cost sharing; the location of the Institute in a local community that possesses significant cave resources (rather than inside a unit of the National Park Service) and which provides easy accessibility for researchers, students and other visitors, and is large enough to attract and retain high-quality employees and their families.

LEGISLATIVE HISTORY

S. 231 was introduced by Senator Bingaman on January 29, 1997. Senator Lautenberg was added as a cosponsor on May 7, 1997. Senator Domenici was added as a cosponsor on June 17, 1997.

At the business meeting on June 11, 1997, the Committee on Energy and Natural Resources ordered S. 231 favorably reported without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 12, 1997, by a unanimous vote of a quorum present, recommends that the Senate pass S. 231 without amendment.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles	
Mr. Craig	
Mr. Campbell	
Mr. Thomas	
Mr. Kyl	
Mr. Grams	
Mr. Smith	
Mr. Gorton	
Mr. Burns ¹	
Mr. Bumpers	
Mr. Ford	
Mr. Bingaman ¹	
Mr. Akaka ¹	
Mr. Dorgan ¹	
Mr. Graham ¹	
Mr. Wyden	
Mr. Johnson ¹	
Mrs. Landrieu	

¹Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the “National Cave and Karst Research Institute Act of 1997.”

Section 2 describes the purposes of the Act as being: (1) to further the science of speleology; (2) to centralize and standardize speleological information; (3) to foster interdisciplinary cooperation in cave and karst research programs; (4) to promote public education; (5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and (6) to promote and develop environmentally sound and sustainable management practices.

Section 3 directs the Secretary of the Interior (“Secretary”), acting through the Director of the National Park Service, to establish

the National Cave and Karst Research Institute (“Institute”) for the purposes described in the Act in the vicinity of Carlsbad Caverns National Park in the State of New Mexico. The legislation stipulates that the Institute shall not be located within the boundaries of the park.

Section 4(a) directs the Institute be jointly administered by the National Park Service and a public or private agency, organization, or institution as determined by the Secretary.

Section 4(b) directs that the institute be operated and managed in accordance with a study prepared by the National Park Service in 1990.

Section 4(c) authorizes the Secretary to enter into a contract or cooperative agreement with a public or private agency, organization, or institution in order to carry out the Act.

Section 4(d) authorizes the Secretary to lease or acquire a facility for the Institute. If the Secretary determines that a suitable facility is not available, the Secretary is authorized to construct a facility for the Institute.

Section 4(e) authorizes the Secretary to accept grants or donations from private persons, and transfer funds from another Federal agency in order to carry out the Act.

Section 5 directs that Federal funds must be matched by an equal amount of funds from non-Federal sources. The bill authorizes the appropriation of such sums as may be necessary.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate for this measure has been provided by the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 231—National Cave and Karst Research Institute Act of 1997

Summary—S. 231 would direct the National Park Service (NPS) to establish the National Cave and Karst Research Institute in New Mexico. The NPS would be authorized to lease or construct a suitable facility for the institute, and to jointly administer the institute with another public or private organization. The bill would authorize the NPS to expend appropriated funds only to the extent that such spending is matched by nonfederal funds to help establish and operate the institute. Assuming appropriation of the necessary funds, CBO estimates that the federal government would spend about \$5 million over the 1998–2002 period to construct a building for the institute and to begin its research operations.

Enacting the bill could affect both receipts and direct spending; therefore, pay-as-you-go procedures would apply. S. 231 would allow the Department of the Interior to accept gifts and donations (which are recorded as governmental receipts), and the department could spend any amounts received without the need for appropriations action. Because any such receipts and direct spending would likely offset each other, however, we estimate no net budgetary impact for pay-as-you-go purposes.

S. 231 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government—The estimated budgetary impact of S. 231 is shown in the following table.

	By fiscal year, in millions of dollars					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	3	(^a)	(^a)	1	1
Estimated Outlays	0	(^a)	1	2	1	1

^a Less than \$500,000.

The costs of this legislation fall within budget function 300 (natural resources and the environment).

Based on information from the NPS, CBO estimates it would cost about \$6 million to construct a building to house the institute over a multiyear planning and construction period. In addition, we estimate that once it is fully operational it would cost about \$2 million annually to operate the institute. This estimate assumes that matching funds will be provided by a nonfederal source to construct and operate the institute, and that half of these funds, or about \$5 million over the 1998–2002 period, would come from federal appropriations.

Pay-as-you-go considerations—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Pay-as-you-go procedures would apply to S. 231 because it would authorize the Department of the Interior to accept gifts and donations to carry out the bill, and the department could spend such donations without further appropriation. We expect, however, that receipts from any gifts or donations would be offset by the spending of those funds and thus there would be no net budgetary impact for pay-as-you-go purposes.

Estimated impact on state, local, and tribal governments—S. 231 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would direct that the proposed institute be jointly managed by the NPS and a public or private agency, organization, or institution.

It also would require that federal expenditures be matched by equal funds from nonfederal sources. It is possible that a public agency or institution would choose to participate in this project and provide some matching funds. Any such contribution would be voluntary.

Estimated impact on the private sector—The bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by—Federal Costs: Victoria V. Heid; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by—Peter H. Fontaine for Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 231. The bill is not a regulatory measure in the sense of impos-

ing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 231, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 21, 1997, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 231. These reports had not been received at the time the report on S. 231 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide the Subcommittee with the views of the National Park Service on S. 231, a bill to establish the National Cave and Karst Research Institute. Similar legislation was introduced and a hearing was held before this Subcommittee during the 104th Congress. The National Park Service supports this legislation; however, funding has not been requested in the Administration's budget request. For the Institute to become a reality we need two things—funding would need to be provided by Congress for the NPS share, and the public/private partners would need to match the federal appropriations. Federal funding for this proposal would be contingent upon NPS budget constraints and Administration priorities.

If enacted, S. 231 would establish a National Cave and Karst Research Institute for the purpose of furthering the science of speleology, encouraging public education in the field, and promoting and developing environmentally sound and sustainable resource management practices. The Institute would be located near Carlsbad Caverns National Park. Management and operation of the Institute would be based on a partnership between the National Park Service and a public or private agency selected by the Secretary.

Cave and karst systems are vital to humankind in many ways. The protection and management of water resources have been identified as major issues facing the planet as we enter the 21st century—and a full 25 percent of America's freshwater resources exist in groundwater in cave and karst regions. Caves also serve as rich storehouses of information about national resources, human history, evolution,

and global climate change—not to mention such current concerns as waste disposal, petroleum recovery, and biomedical investigations.

Congress created a major impetus for America's involvement in cave and karst protection and management by passing the landmark Federal Cave Resources Protection Act of 1988. This Act, among other things, directed the Secretaries of the Interior and Agriculture to inventory and list significant caves on Federal lands. The nationwide assessment of significant Federally owned caves began in 1994. This action has added greatly to the number of known caves on Federal land, and increased the impetus for cave management and research. Federal land managers have since developed a heightened awareness of the management needs of the cave and karst resources on these lands and of their growing needs for assistance in inventorying and classifying their cave and karst resources. It is also evident that in order to succeed in this effort, the private sector as well as other public agencies need to be part of the project. We will need to develop partnerships which will bring funding, as well as research and program content, to the project.

The foundation for S. 231 stems from the study prepared by the National Park Service in response to P.L. 101-578 (November 15, 1990). In that law, Congress directed the Secretary of the Interior, acting through the Director of the National Park Service, to establish and administer a Cave Research Program and to prepare a study that examines the feasibility of establishing a centralized National Cave and Karst Research Institute.

The NPS study was completed in December of 1994. The study recommended that the Institute be jointly administered by the National Park Service and another entity. Congress has identified the National Park Service as project lead since it manages over 60 park units containing significant cave resources. It has had a Cave and Karst Research Program in place since March 1991, and it already has an appropriate general cooperative management model in use, called a "Cooperative Park Studies Unit." The National Park Service would have ultimate responsibility for the Institute, and would retain indirect control over its activities and programs. An academic entity would plan, coordinate, and administer the Institute and its programs.

The location that the study recommended is a local community (rather than a National Park Service unit) that possesses significant cave resources, is easily accessible to researchers, students, and other visitors, is located near the academic entity with which it is associated, and is large enough to offer a favorable quality of life in order to attract and retain high-quality employees and their families. As specifically directed by P.L. 101-578, the study focused on locating the Institute near the region surrounding Carlsbad Caverns National Park. The Carlsbad loca-

tion was identified by the study because of the documented strong local-community and political support, and the numerous and diverse cave and Karst resources found throughout the region.

It is estimated that the cost for the Institute during the first five years, if space for the Institute were donated to the NPS, would exceed \$1.2 million for operating and capital expenses alone over the five year period. Since New Mexico State University is considering housing the Institute at its Carlsbad Environmental Monitoring and Research Center during the first five years, it is anticipated that a permanent facility would need to be built by the sixth year of operation. The estimated construction cost of the Institute exceeds \$1.2 million.

It is critical in times of decreasing budgets and resources that the dictates of this legislation be accomplished jointly—between the National Park Service and a designated partner in this venture, such as the State of New Mexico, New Mexico State University, or private entities. Technical cooperators for research projects could include organizations such as the Karst Waters Institute, the National Speleological Society, the Cave Research Foundation, and the American Cave Conservation Association.

All funds and efforts of the NPS must be matched at least equally and responsibility for the success of the project must be shared. We would strongly recommend a change in bill language to emphasize this position. In Section 4 (c) and (e) as well as Section 5(a) we would suggest changing the Secretary “may” to the Secretary “shall”. This would reaffirm that the commitment to the project is the responsibility of all parties, and its success depends completely on cooperative efforts. Without cooperation, existing NPS projects and programs would be jeopardized.

This concludes my prepared remarks concerning S. 231, Mr. Chairman. I would be pleased to respond to any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 231, as ordered reported.