

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriation Language

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, [including not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, \$1,389,144,000] \$1,470,499,000, of which [~~\$9,227,000~~] \$10,869,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which [not to exceed \$7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100-203] \$75,349,000, to remain available until expended, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police [operations are those needed to continue services at the same level as was provided in fiscal year 2000 at the Statue of Liberty and Gateway National Recreation Area] are for United States Park Police pension costs, and those funds approved for emergency law and order incidents pursuant to established National Park Service procedures and those funds needed to maintain and repair United States Park Police administrative facilities.

[For an additional amount for "Operation of the National Park System", \$100,000 for completion of studies related to the Arlington Boathouse in Virginia.]

Justification of Proposed Language Changes

1. Deletion: "including not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706,"

This language is proposed to be removed and to be replaced by new bill language elsewhere under this same heading which takes into account new legislation that includes the Youth Conservation Corps within a new conservation spending category.

2. Deletion: "not to exceed \$7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100-203"

This language is proposed to be deleted because no funds are expected to remain after FY 2001 in the special recreation fee account described in the bill language as a result of the recent enactment of section 310 of Public Law 106-176, which has the effect of requiring that recreation fees collected by non-demonstration parks be made available to the collecting parks in a new account.

3. Addition: "\$75,349,000, to remain available until expended, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments;"

This language is proposed to make funds available until expended to provide the flexibility needed to carry out the activities described in the bill language.

4. Addition: "and of which \$2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects"

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This language is proposed to earmark funds for the Youth Conservation Corps and to identify these funds as coming within the “Urban and Historic Preservation subcategory” of the new conservation spending category in accordance with the recent amendment to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; this amendment to the Act was included in Title VIII of Public Law 106-291, the Department of the Interior and Related Agencies Appropriations Act, 2001. This proposed bill language would replace other language that has been included elsewhere under this same heading to earmark funds for the YCC.

5. Deletion: “operations are those needed to continue services at the same level as was provided in fiscal year 2000 at the Statue of Liberty and Gateway National Recreation Area”

This language, describing certain Park Police activities remaining in the Operation of the National Park System account in FY 2001, is proposed to be deleted to reflect the proposal to fund these activities in the U. S. Park Police account instead, as directed in the Conference Report (H. Rpt. 106-914, p. 131) on Interior appropriations for FY 2001.

6. Addition: “are for United States Park Police pension costs”

This language is proposed to be added to the bill language to reflect the proposal to return the funding of the Park Police pension costs to the Operation of the National Park System account, where they had been funded before the new U. S. Park Police account was established. Funding these costs in the ONPS account instead of the U. S. Park Police account would provide a much larger source of funds from which to reprogram for unanticipated increases in Park Police pension costs.

7. Deletion: “For an additional amount for “Operation of the National Park System”, \$100,000 for completion of studies related to the Arlington Boathouse in Virginia”

This language enacted by the Consolidated Appropriations Act, 2001, is proposed to be deleted because no funds are requested for this purpose for FY 2002.

Appropriation Language Citations

1. For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service

5 U.S.C. 5901-5903; 16 U.S.C. 1-17n, 18f, 20-20g, 21 - 450rr-6,
451-458a, 459 - 460a-11, 460 1-6a, 460 1-22, 460m - 460zz-11, 461-467,
590a, 594, 1131-1136, 1241-1249, and 1281(c); and 43 U.S.C. 620g.

16 U.S.C. 1-17n, 18f, 431-433, 451-458a, 590a, 460 1-22 and 594 create the National Park Service, define the National Park System, and provide various authorities related thereto, including authority for management, operation, and maintenance of areas and facilities administered by the National Park Service.

Other parts of the United States Code provide authorities related to certain subjects, as follows:

5 U.S.C. 5901-5903 and 16 U.S.C. 1a-4: Uniform allowance for employees of the National Park Service.
16 U.S.C. 20-20g: Concessioner activities.
16 U.S.C. 21 - 450rr-6, 459 to 460a-11, and 460m - 460zz-11: Specific national park areas or categories of National Park areas.
16 U.S.C. 460 1-6a: Recreation fees and fee collection and use.
16 U.S.C. 461-467: Acquisition, operation and management of historic and archeological sites, buildings, and properties.
16 U.S.C. 1131-1136: National Wilderness Preservation System.

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16 U.S.C. 1241-1249: National Scenic and National Historic Trails.

16 U.S.C. 1281(c): National Wild and Scenic Rivers System components.

16 U.S.C. 1338a as amended by Section 803 of Division I of P.L. 104-333: Feral burros and horses management.

43 U.S.C. 620g: Colorado River storage projects lands.

2. (including special road maintenance service to trucking permittees on a reimbursable basis),

No specific authority

This provision was inserted into the appropriation language in the FY 1954 budget. It stemmed from an emergency need that developed during 1952 at Big Bend National Park, Texas. The road system at Big Bend became a transit for the heavy trucking of ore for defense purposes between Boquillas, Mexico, and the nearest railroad at Marathon, Texas. The weight, size, and capacity of the trucks being used were far beyond that for which the park road system was designed. As a result, the additional cost for maintenance and repair was far in excess of our available road maintenance funds. To meet this emergency, the Defense Materials Procurement Agency made available the sum of \$100,000 to rehabilitate and strengthen the road, with the understanding that the National Park Service would subsequently maintain all sections of it, such maintenance to be financed by reimbursement from the trucking permittees at a rate of 2 cents per mile.

3. and for the general administration of the National Park Service, \$ _____,

16 U.S.C. 1

16 U.S.C. 1, which creates the National Park Service, authorizes this provision, which is included because of the desire of Congress to collect the agency's general administrative expenses in one appropriation.

4. of which \$ _____ for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and

16 U.S.C. 1

16 U.S.C. 1, which creates the National Park Service, authorizes this provision, which provides for administration in support of Federal land acquisition in areas near the park. More specific authority for land acquisition for Everglades restoration is not cited here because the general authority for administrative activities of the National Park Service is considered sufficient.

5. of which \$ _____, to remain available until expended, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments;

16 U.S.C. 1

16 U.S.C. 1, which creates the National Park Service, authorizes this provision, which provides for certain activities as part of management, operation, and maintenance by the National Park Service.

6. and of which \$ _____ is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects:

2 U.S.C. 900(c)(4)(E)(xii) and 16 U.S.C. 1701-1706

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2 U.S.C. 900(c)(4)(E)(xii), which is also section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, lists the Youth Conservation Corps as one of several activities that another part of the Act (section 250(c)(4)(H)) includes in the “Urban and Historic Preservation subcategory” of the conservation spending category.

16 U.S.C. 1701-1706 establishes the Youth Conservation Corps, defines how it shall be administered, and authorizes appropriations not to exceed a Governmentwide total of \$60,000,000 for each fiscal year.

7. Provided, That the only funds in this account which may be made available to support United States Park Police are for United States Park Police pension costs,

Public Law 85-157 and Title IV of the District of Columbia Code

Public Law 85-157 (71 Stat. 391) and Title IV of the District of Columbia Code provide for the United States Park Police pension payments and authorize necessary appropriations from the United States Treasury for payments exceeding salary deductions.

8. and those funds approved for emergency law and order incidents pursuant to established National Park Service procedures

Public Law 102-381

Public Law 102-381 (106 Stat. 1384) includes in the Administrative Provisions for FY 1993 appropriations to the National Park Service the following provision: “... hereafter, any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations”

9. and those funds needed to maintain and repair United States Park Police administrative facilities.

16 U.S.C. 1 and 1a-6

16 U.S.C. 1, which creates the National Park Service, includes implied authority to maintain and repair its administrative facilities.

16 U.S.C. 1a-6 authorizes the law enforcement activities of the United States Park Police.