

108TH CONGRESS
2D SESSION

H. R. 5358

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2004

Mr. SOUDER (for himself, Mr. BAIRD, Mr. EHLERS, Mr. GRIJALVA, Mr. GORDON, Mr. CASE, Mr. RODRIGUEZ, Mr. MCINNIS, Mr. BOEHLERT, Mr. VAN HOLLEN, Mrs. CAPITO, Mr. HOFFEL, Ms. MCCOLLUM, Mr. SNYDER, Mr. UDALL of Colorado, Mr. KILDEE, Mr. MARKEY, Ms. ROSLEHTINEN, Mr. NEAL of Massachusetts, Ms. BORDALLO, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 of 2004”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds:

3 (1) The National Park Service was established
4 to conserve the national parks, their scenery, natural
5 and historic objects, and wildlife for the enjoyment,
6 in such manner and by such means as will leave
7 them unimpaired for the enjoyment of future gen-
8 erations.

9 (2) The central purpose of the establishment of
10 our national parks is being challenged by chronic
11 funding shortfalls, which have created annual short-
12 falls in operational funding that exceed
13 \$600,000,000, and have amassed a maintenance
14 backlog estimated by the General Accounting Office
15 at between \$4,080,000,000 and \$6,800,000,000.

16 (3) Without providing the Park Service the re-
17 sources necessary to operate and maintain our na-
18 tional parks, future generations will receive dimin-
19 ished visitor services, will experience a continually
20 weakening system that is less and less able to fulfill
21 its mission, and will inherit a national park system
22 than has been left to them in worse condition that
23 it was left to their ancestors.

24 (4) The annual appropriations process has
25 proved incapable of fully addressing the debilitating
26 funding shortfalls of the national parks, making it

1 necessary to supplement what the appropriations
2 process is able to accomplish.

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

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

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

21 **TITLE I—CENTENNIAL FUND**

22 **SEC. 101. CENTENNIAL FUND FOR PRESERVING AMERICA'S** 23 **NATIONAL PARKS.**

24 (a) ESTABLISHMENT.—There is established in the
25 Treasury of the United States a fund which shall be

1 known as the “National Park Centennial Fund”, herein-
2 after in this Act referred to as the “Centennial Fund”.
3 In each fiscal year beginning in fiscal year 2005, the Sec-
4 retary of the Treasury shall deposit in the Centennial
5 Fund amounts set forth in subsection (b) sufficient to
6 fund the programs identified in titles II, III, and IV.

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

10 (1) Amounts equivalent to the amounts des-
11 ignated in the fiscal year concerned under section
12 6097 of the Internal Revenue Code of 1986.

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

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

20 (a) IN GENERAL.—Subchapter A of chapter 61 of the
21 Internal Revenue Code of 1986 is amended by adding at
22 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**

“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, shall be used for the ben-
13 efit of units of the National Park System.

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

22 “(c) OVERPAYMENTS TREATED AS REFUNDED.—For
23 purposes of this title, any portion of any overpayment of
24 tax designated under subsection (a) shall be treated as

1 being refunded to the taxpayer as of the last date pre-
 2 scribed for filing the return of tax imposed by chapter 1
 3 (determined without regard to extensions) or, if later, the
 4 date the return is filed.”.

5 (b) CLERICAL AMENDMENT.—The table of parts for
 6 subchapter A of chapter 61 of such Code is amended by
 7 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”.

8 (c) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years beginning after
 10 December 31, 2004.

11 **SEC. 103. PROGRAM ALLOCATION.**

12 The following amounts shall be deposited in the Cen-
 13 tennial Fund from amounts designated under section 102
 14 (and from the General Fund of the Treasury to the extent
 15 the amounts so designated are less than the total amounts
 16 specified in this section for the fiscal year concerned).
 17 Such amounts shall, without further appropriation, be
 18 available to the Secretary of the Interior until expended:

19 (1) Fiscal year 2005: \$100,000,000.

20 (2) Fiscal year 2006: \$125,000,000.

21 (3) Fiscal year 2007: \$150,000,000.

22 (4) Fiscal year 2008: \$175,000,000.

23 (5) Such sums as may be necessary through fis-
 24 cal year 2016.

1 **SEC. 104. DISTRIBUTION OF FUND.**

2 There are hereby created within the Centennial Fund
3 3 accounts, designated for the following purposes:

4 (1) National Park Backlog Elimination Fund
5 (60 percent).

6 (2) Natural Resource Challenge Fund (20 per-
7 cent).

8 (3) Cultural Resource Challenge Fund (20 per-
9 cent).

10 **SEC. 105. PATRIOTS FOR PARKS PROMOTION.**

11 There are hereby authorized to be appropriated to the
12 Secretary of the Interior such sums as necessary for a
13 public awareness campaign about the existence of the Na-
14 tional Park Centennial Fund created in section 101 and
15 the ability of taxpayers to contribute to it through the tax
16 checkoff created in section 6097 of the Internal Revenue
17 Code of 1986.

18 **TITLE II—ELIMINATING THE NA-**
19 **TIONAL PARK MAINTENANCE**
20 **BACKLOG**

21 **SEC. 201. BACKLOG ELIMINATION.**

22 (a) IN GENERAL.—Sixty percent of the funds depos-
23 ited into the Centennial Fund shall be used to eliminate
24 the backlog of unmet needs in the National Parks, as iden-
25 tified in the Facility Condition Index (hereinafter in this

1 Act referred to as the “FCI”) of the National Park Serv-
2 ice.

3 (b) PRIORITIES.—(1) The Secretary of the Interior
4 shall prepare, as part of the annual budget proposal, a
5 priority list for projects to be funded under this section.
6 Moneys shall be made available from the fund, without
7 further appropriation, effective October 15 of each cal-
8 endar year, for the projects identified on the priority list,
9 unless prior to such date, legislation is enacted estab-
10 lishing a different priority list.

11 (2) In preparing the list of projects to be funded
12 under this section, the Secretary of the Interior shall give
13 priority to projects that—

14 (A) are identified in the park unit’s general
15 management plan;

16 (B) are listed in the FCI;

17 (C) are identified by the Secretary of the Inte-
18 rior as necessary to prevent immediate damage to
19 the park unit’s natural, cultural, or historic re-
20 sources, with priority given to projects with the most
21 significant benefit to conservation of resources or
22 visitor education; and

23 (D) are identified as necessary to promote pub-
24 lic health and safety.

1 (c) OVERHEAD.—National Parks undertaking
2 projects under this section may allocate up to 8 percent
3 of the funds for such projects for oversight of such
4 projects and other associated overhead responsibilities.

5 **TITLE III—PROTECTING**
6 **NATURAL WONDERS**

7 **SEC. 301. NATURAL RESOURCE CHALLENGE.**

8 (a) NATURAL RESOURCE PROTECTION.—Twenty
9 percent of the funds deposited into the Centennial Fund
10 shall be used to protect natural resources within the parks.

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

18 (1) Natural resource inventories.

19 (2) Monitoring efforts including air and water
20 quality monitoring.

21 (3) Protection of native and endangered species
22 and their habitats.

23 (4) Control of nonnative species.

24 (5) Resource planning.

25 (6) Increase collaboration with scientists.

1 (7) Authorized environmental restoration
2 projects.

3 (8) Use of parks for learning.

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

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

9 **SEC. 401. CULTURAL RESOURCE CHALLENGE.**

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

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

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

22 (2) Documenting and preserving archaeological
23 sites.

24 (3) Preserving collections and archives.

25 (4) Ethnographic activities.

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

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

6 **TITLE V—MEETING ANNUAL**
7 **OPERATING NEEDS**

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

9 (a) GAO REPORT.—The General Accounting Office
10 annually shall submit to the Committee on Appropriations,
11 Committee on Government Reform, and Committee on Re-
12 sources of the United States House of Representatives and
13 to the Committee on Appropriations, Committee on Gov-
14 ernment Affairs, and Committee on Energy and Natural
15 Resources of the United States Senate a report that de-
16 scribes each of the following:

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

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

4 (3) Any differences in the Park Service's busi-
5 ness plan methodology for the estimate in paragraph
6 (2) of this subsection compared to that used in fiscal
7 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 Park Service's level of
22 effort due to partnership or other leveraged activi-
23 ties.

24 (8) Any new requirements and assessments
25 placed on the parks for unbudgeted expenses, includ-

1 ing, but not limited to, homeland security, natural
2 disasters, and employee cost-of-living adjustments.

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

7 (b) BUSINESS PLAN IMPLEMENTATION PILOT (DEM-
8 ONSTRATION) PROGRAM.—In consultation with the Direc-
9 tor of the National Park Service, at least 60 percent of
10 the amounts provided under Titles II, III, and IV shall
11 be distributed to national parks that have completed com-
12 prehensive business plans under the Business Plan Initia-
13 tive of the National Park Service.

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

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

22 (2) Using the parks to facilitate scientific in-
23 struction.

24 (d) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL
25 APPROPRIATIONS FOR NATIONAL PARK SERVICE.—

- 1 Amounts made available by this Act are intended by the
- 2 Congress to supplement, and not detract from, annual ap-
- 3 propriations for the National Park Service.

