

NATIONAL PARK CENTENNIAL FUND ACT

—————
JULY 29, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3094]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3094) to establish in the Treasury of the United States a fund which shall be known as the National Park Centennial Fund, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park Centennial Fund Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FUND.**—The term “Fund” means the National Park Centennial Fund established under section 3.

(2) **IN-KIND.**—The term “in-kind” means the fair market value of non-cash contributions provided by non-Federal partners, which may be in the form of real property, equipment, supplies and other expendable property, as well as other goods and services.

(3) **PROJECT OR PROGRAM.**—The term “Project or program” means a National Park Centennial Project or Program funded pursuant to this Act.

(4) **PROPOSAL.**—The term “Proposal” means a National Park Centennial Proposal submitted pursuant to section 4.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. NATIONAL PARK CENTENNIAL FUND.

There is established in the Treasury of the United States a fund which shall be known as the National Park Centennial Fund. In each fiscal year from fiscal year 2009 through fiscal year 2018, the Secretary of the Treasury shall deposit into the Fund, from the general treasury, \$30,000,000 each fiscal year.

SEC. 4. PROGRAM ALLOCATION.

(a) **IN GENERAL.**—Each fiscal year, the President’s annual budget submission for the Department of the Interior shall include a list of proposals which shall be known as National Park Centennial Proposals. The Secretary shall establish a standard process for developing the list that shall encourage input from both the public and a broad cross-section of employees at every level of the National Park Service. The list—

(1) shall include proposals having an aggregate cost to the Federal Government equal to the unobligated amount in the Fund;

(2) shall include only proposals consistent with National Park Service policies and adopted park planning documents;

(3) may include proposals for any area within the national park system (as that term is defined in section 2 of the Act of August 8, 1953 (16 U.S.C. 1c)), clusters of areas within such system, a region or regions of such system, or such system in its entirety;

(4) shall cumulatively represent a nationwide array of proposals that is diverse geographically, in size, scope, magnitude, theme, and variety under the initiatives described in subsection (b);

(5) shall give priority to proposals demonstrating long-term viability beyond receipts from the Fund;

(6) shall include only proposals meeting the requirements of one or more of the initiatives set forth in subsection (b);

(7) must contain proposals under each of the initiatives set forth in subsection (b); and

(8) shall give priority to proposals with committed, nonfederal support but shall also include proposals funded entirely by the Fund.

(b) **NATIONAL PARK CENTENNIAL INITIATIVES.**—The requirements referred to in subsection (a)(6) are as follows:

(1) **EDUCATION IN PARKS CENTENNIAL INITIATIVE.**—Proposals for the “Education in Parks Centennial Initiative” shall meet the following requirements:

(A) Priority shall be given to proposals designed to increase National Park-based educational opportunities for elementary, secondary and college students particularly those from populations historically under represented among visitors to the National Park System.

(B) Priority shall be given to proposals designed to bring students into the National Park System in person.

(C) Proposals should include strategies for encouraging young people to become lifelong advocates for National Parks.

(D) Proposals shall be developed in consultation with the leadership of educational and youth organizations expected to participate in the proposed initiative.

(2) **DIVERSITY IN PARKS CENTENNIAL INITIATIVE.**—

(A) **STUDY.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing a service-wide strategy for increasing diversity among National Park Service employees at all levels and visitors to the National Park System.

(B) **PROPOSALS.**—Proposals for the “Diversity in Parks Centennial Initiative” shall meet the following requirements:

(i) Each proposal shall be based on recommendations contained in the report required in subparagraph (A).

(ii) Each proposal shall be designed to make National Park Service employees, visitors to the National Park System, or both, reflect the diversity of the population of the United States.

(3) **SUPPORTING PARK PROFESSIONALS CENTENNIAL INITIATIVE.**—Proposals for the “Supporting Park Professionals Centennial Initiative” shall meet the following requirements:

(A) Taken as a whole, proposals shall provide specific opportunities for National Park Service employees, at all levels, to participate in professional career development.

(B) Proposals may include National Park Service-designed, internal professional development programs.

(C) Proposals may also be designed to facilitate participation in external professional development programs or established courses of study by National Park Service employees.

(4) **ENVIRONMENTAL LEADERSHIP CENTENNIAL INITIATIVE.**—Proposals for the “Environmental Leadership Centennial Initiative” shall meet the following requirements:

- (A) Each proposal shall be designed to do one or more of the following:
 - (i) Reduce harmful emissions.
 - (ii) Conserve energy or water resources.
 - (iii) Reduce solid waste production within the National Park System.
 - (B) Each proposal shall include strategies for educating the public regarding Environmental Leadership projects and their results.
 - (C) Priority shall be given to proposals with the potential to spread technological advances to other Federal agencies or to the private sector.
- (5) **NATURAL RESOURCE PROTECTION CENTENNIAL INITIATIVE.**—Proposals for the “Natural Resource Protection Centennial Initiative” shall meet the following requirements:
- (A) Each proposal shall be designed to restore or conserve native ecosystems within the National Park System.
 - (B) Priority shall be given to proposals designed to control invasive species.
 - (C) Each proposal shall be based on the best available scientific information.
- (6) **CULTURAL RESOURCE PROTECTION CENTENNIAL INITIATIVE.**—Proposals for the “Cultural Resource Protection Centennial Initiative” shall—
- (A) either—
 - (i) increase the National Park Service’s knowledge of cultural resources located within the National Park System through means including, but not limited to, surveys, studies, mapping, and documentation of such resources; or
 - (ii) improve the condition of documented cultural resources within the National Park System;
 - (B) incorporate the best available scientific information; and
 - (C) where appropriate, be developed in consultation with Native American tribes, State historic preservation offices, or other organizations with cultural resource preservation expertise.
- (7) **HEALTH AND FITNESS IN PARKS CENTENNIAL INITIATIVE.**—
- (A) **IN GENERAL.**—Proposals for the “Health and Fitness in Parks Centennial Initiative” shall fall into one or more of the following four categories:
 - (i) Proposals designed to repair, rehabilitate, or otherwise improve infrastructure, including trails, that facilitates healthy outdoor activity within the National Park System.
 - (ii) Proposals designed to expand opportunities for access to the National Park System for visitors with disabilities.
 - (iii) Proposals to develop and implement management plans (such as climbing plans and trail system plans) for activities designed to increase the health and fitness of visitors to the National Park System.
 - (iv) Proposals to develop outreach programs and media that provide public information regarding health and fitness opportunities within the National Park System.
 - (B) **MISCELLANEOUS REQUIREMENTS.**—All proposals for “the Health and Fitness in Parks Centennial Initiative” shall—
 - (i) be consistent with National Park Service policies and adopted park planning documents; and
 - (ii) be designed to provide for visitor enjoyment in such a way as to leave the National Park System unimpaired for future generations.
- (c) **FUNDING.**—In each of fiscal years 2009 through 2018, unobligated amounts in the Fund shall be available without further appropriation for projects authorized by this Act, but may not be obligated or expended until 120 days after the annual submission of the list of proposals required under this section to allow for Congressional review.
- (d) **LIMITATION ON DISTRIBUTION OF FUNDS.**—No more than 30 percent of amounts available from the Fund for any fiscal year may be spent on projects that are for the construction of facilities that cost in excess of \$5,000,000.

SEC. 5. PARTNERSHIPS.

(a) **DONATIONS.**—The Secretary may actively encourage and facilitate participation in proposals from non-Federal and philanthropic partners, and may accept donations, both monetary and in-kind for any Project or Program pursuant to section 1 of the Act of June 5, 1920 (16 U.S.C. 6), and other authorities to accept donations existing on the date of enactment of this Act.

(b) **TERMS AND CONDITIONS.**—To the extent that private organizations or individuals are to participate in or contribute to any Project or Program, the terms and conditions of that participation or contribution as well as all actions of employees of the National Park Service, shall be governed by National Park Service Directors

Order #21, "Donations and Fundraising", as in force on the date of the enactment of this Act.

SEC. 6. MAINTENANCE OF EFFORT.

Amounts made available from the Fund shall supplement rather than replace annual expenditures by the National Park Service, including authorized expenditures from the Land and Water Conservation Fund and the National Park Service Line Item Construction Program. The National Park Service shall maintain adequate, permanent staffing levels and permanent staff shall not be replaced with nonpermanent employees hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

SEC. 7. REPORTS.

For each fiscal year beginning in fiscal year 2009, the Secretary shall submit to Congress a report that includes the following:

- (1) A detailed accounting of all expenditures from the Fund divided by categories of proposals under section 4(b), including a detailed accounting of any private contributions, either in funds or in kind, to any Project or Program.
- (2) A cumulative summary of the results of the National Park Centennial program including recommendations for revisions to the program.
- (3) A statement of whether the National Park Service has maintained adequate, permanent staffing levels and what nonpermanent and permanent staff have been hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

SEC. 8. REPEAL OF LAND AND WATER CONSERVATION FUND CONTRACT AUTHORITY.

(a) **IN GENERAL.**—Section 9 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–10a) is hereby repealed.

(b) **CONFORMING AMENDMENT.**—The Land and Water Conservation Fund Act of 1965 is amended by redesignating sections 10 through 13 (16 U.S.C. 460l–10b through 460l–10e) as sections 9 through 12, respectively.

PURPOSE OF THE BILL

The purpose of H.R. 3094 is to establish the National Park Centennial Fund, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Congress established Yellowstone as the world's first national park in 1872, but it was not until 1916 that a single unified federal agency—the National Park Service (NPS)—was created to manage the growing list of national parks and monuments. The National Park Service, which will celebrate its Centennial on August 25, 2016, today manages a network of 391 natural, cultural, and recreational sites encompassing 84 million acres and attracting over 270 million visitors each year. The National Park Service has an annual budget of \$2.3 billion and employs approximately 20,000 permanent, temporary and seasonal employees.

The President, the Secretary of the Interior, Members of Congress, and the public have expressed interest in a major initiative to commemorate the NPS Centennial and prepare the National Park Service for the next century. Similar enthusiasm led to "Mission 66," a major capital improvement program in the decade leading up to the 50th anniversary of the National Park Service in 1966.

The National Park Service's budget has remained effectively flat in recent years. As a result, the agency has experienced a significant erosion of purchasing power as inflation and non-discretionary, fixed costs such as pay increases, rising utility costs, and office rents have not always been fully covered by appropriations. The net result has been a loss of seasonal staff, reduced hours for

some facilities, deferred routine maintenance, and an increased reliance on fees and donations to supplement federal appropriations.

The FY 2008 NPS budget request outlined the Administration's proposed 3-part approach—called the “Centennial Initiative”—to prepare parks for the upcoming centennial. The proposed Centennial Initiative included the “Centennial Commitment” of \$100 million per year in additional appropriated funds “for activities to achieve new levels of excellence in our parks;” the “Centennial Challenge” through which the public would be asked to contribute at least \$100 million annually to support parks; and the “Centennial Match,” which proposes new mandatory funding to match up to \$100 million of private donations annually for the next ten years.

H.R. 3094 provides the necessary authorization for the new mandatory spending sought by the Administration but it also places significant conditions on the expenditure of those funds.

COMMITTEE ACTION

H.R. 3094 was introduced on July 19, 2007, by National Parks, Forests, and Public Lands Subcommittee Chairman Raul Grijalva (D-AZ) and is cosponsored by Natural Resources Committee Chairman Rahall (D-WV). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands.

On August 2, 2007, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill, during which a representative from the National Park Service testified that the Administration was in general support of the goals of H.R. 3094, especially the emphasis that it places on diversity programs, professional development, and education, which they asserted were consistent with agency goals. However, the NPS expressed some concerns about the funding mechanisms in H.R. 3094 and certain other provisions, such as a provision making funding available from the Centennial Fund for projects regardless of how much, or whether, any non-federal funding has been received, as well as funding allocations.

On May 7, 2008, the Subcommittee was discharged from further consideration of H.R. 3094 and the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Grijalva offered an amendment in the nature of a substitute to H.R. 3094. The substitute reflected the outcome of extensive negotiations amongst the sponsors, the Committee's minority Members, the Administration, and a coalition of park, environmental and business groups regarding provisions in the bill. The substitute broadened the program categories within which centennial funds can be spent, provided the Administration more flexibility in allocating Centennial funding, provided a new offset and made other technical changes. The substitute lowered the funding authorized by the bill from \$100,000,000 to \$30,000,000 annually.

Natural Resources Committee Ranking Member Don Young (R-AK) offered an amendment to the amendment in the nature of a substitute that would open the Arctic National Wildlife Refuge to energy production to pay for the Centennial Fund. The amendment was not agreed to by a roll call vote of 12 yeas and 18 nays, as follows:

National Parks, Forests and Public Lands Subcommittee Ranking Member Rob Bishop (R-UT) offered an amendment to the amendment in the nature of a substitute (Bishop #3) to strike “must” and insert “should” in the section of that bill which provides that the list of Centennial projects “must” contain proposals under each of the Centennial categories. The amendment was withdrawn.

The Grijalva amendment in the nature of a substitute was then agreed to by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the “National Park Centennial Fund Act,”

Section 2. Definitions

Section 2 defines the terms in this Act.

Section 3. National Park Centennial Fund

Section 3 establishes in the U.S. Treasury a fund which shall be known as the “National Park Centennial Fund.” It provides that in each fiscal year from fiscal year 2009 through fiscal year 2018, the Secretary of the Treasury shall deposit into this Fund, from the general treasury, \$30,000,000.

Section 4. Program allocation

Section 4(a) provides generally that, in each fiscal year, the President’s annual budget submission for the Department of the Interior shall include a list of proposals which shall be known as the “National Park Centennial Proposals.” It further provides that the Secretary shall establish a standard process for developing the list that shall encourage input from both the public and a broad cross-section of employees at every level of the National Park Service.

Subsection (a) further directs that the list: (1) shall include proposals having an aggregate cost to the federal government equal to the unobligated amount in the Fund; (2) shall include only proposals consistent with National Park Service policies and adopted park planning documents; (3) may include proposals for any area within the national park system (as that term is defined in section 2 of the Act of August 8, 1953 (16 U.S.C. 1(c)), clusters of areas within such system, a region or regions of such system, or such system in its entirety; (4) shall cumulatively represent a nationwide array of proposals that is diverse geographically, in size, scope, magnitude, theme, and variety under the initiatives described in subsection (b); (5) shall give priority to proposals demonstrating long-term viability beyond receipts from the Fund; (6) shall include only proposals meeting the requirements of one or more of the initiatives set forth in subsection (b); (7) must contain proposals under each of the initiatives set forth in subsection (b); and (8) shall give priority to proposals with committed, non-federal support but shall also include proposals funded entirely by the Fund.

Section 4(b) details the National Park Centennial Initiatives and provides the requirements for each of the Initiatives. Subsection 4(a)(6) refers to these requirements and directs that Centennial

proposals must meet the requirements of one or more of the following initiatives:

Subsection (b)(1) provides that proposals for the “Education in Parks Centennial Initiative” shall meet the following requirements: (A) priority shall be given to proposals designed to increase National Park-based educational opportunities for elementary, secondary and college students, particularly those from populations historically under-represented among visitors to the National Park System; (B) Priority shall be given to proposals designed to bring students into the National Park System in person; (C) Proposals should include strategies for encouraging young people to become lifelong advocates for National Parks; (D) Proposals shall be developed in consultation with the leadership of educational and youth organizations expected to participate in the proposed initiative.

Subsection (b)(2) details the “Diversity in Parks Centennial Initiative.” Subparagraph (A) provides that not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing a service-wide strategy for increasing diversity among National Park Service employees at all levels and visitors to the National Park System. Subparagraph (B) provides that proposals for the “Diversity in Parks Centennial Initiative” shall meet the following requirements: (i) Each proposal shall be based on recommendations contained in the report above; and (ii) each proposal shall be designed to make the National Park Service, visitors to the National Park System, or both, reflect the diversity of the population of the United States.

Subsection (b)(3) provides that proposals for the “Supporting Park Professionals Centennial Initiative” shall meet the following requirements: (A) Taken as a whole, proposals shall provide specific opportunities for National Park Service employees, at all levels, to participate in professional career development; (B) Proposals may include National Park Service-designed, internal professional development programs; (C) Proposals may also be designed to facilitate participation in external professional development programs or established courses of study by National Park Service employees.

Subsection (b)(4) provides that proposals for the “Environmental Leadership Centennial Initiative” shall meet the following requirements: (A) Each proposal shall be designed to do one of more of the following: (i) reduce harmful emissions; (ii) conserve energy or water resources; (iii) reduce solid waste production within the National Park System. (B) Each proposal shall include strategies for educating the public regarding Environmental Leadership projects and their results. (C) Priority shall be given to proposals with the potential to spread technological advances to other federal agencies or to the private sector.

Subsection (b)(5) provides that proposals for the “Natural Resource Protection Centennial Initiative” shall meet the following requirements: (A) Each proposal shall be designed to restore or conserve native ecosystems within the National Park System; (B) Priority shall be given to proposals designed to control invasive species; (C) Each proposal shall be based on the best available scientific information.

Subsection (b)(6) provides the requirements for the “Cultural Resource Protection Centennial Initiative.” Proposals must: (A) either, (i) increase the National Park Service’s knowledge of cultural resources located within the National Park System through means including, but not limited to, surveys, studies, mapping, and documentation of such resources, or; (ii) improve the condition of documented cultural resources within the National Park System. In carrying out the above, proposals must: (B) incorporate the best available scientific information; and (C) where appropriate, be developed in consultation with Native American tribes, State historic preservation offices, or other organizations with cultural resource preservation expertise.

Subsection (b)(7) provides the requirements for the “Health and Fitness in the Parks Centennial Initiative.” Proposals for this Initiative, (A) shall fall into one of more of the following four categories: (i) Proposals designed to repair, rehabilitate, or otherwise improve infrastructure, including trails, that facilitates healthy outdoor activity within the National Park System; (ii) Proposals designed to expand opportunities for access to the National Park System for visitors with disabilities; (iii) Proposals to develop and implement management plans (such as climbing plans and trail system plans) for activities designed to increase the health and fitness of visitors to the National Park System. Further, under subparagraph (B) all proposals for this Initiative shall: (i) be consistent with National Park Service policies and adopted park planning documents; and (ii) be designed to provide for visitor enjoyment in such a way as to leave the National Park System unimpaired for future generations.

Subsection (c) provides that in each fiscal years 2009 through 2018, unobligated amounts in the Fund shall be available without further appropriation for projects authorized by this Act, but may not be obligated or expended until 120 days after the annual submission of the list of proposals required under this section to allow for Congressional review.

Subsection (d) places a limitation on the distribution of funds. No more than 30 percent of amounts available from the Fund for any fiscal year may be spent on projects that are for the construction of facilities that cost in excess of \$5,000,000.

Section 5. Partnerships

Subsection (a) provides for donations. It allows the Secretary to actively encourage and facilitate participation in proposals by non-federal and philanthropic partners, and to accept donations, both monetary and in-kind, for any Project or Program pursuant to authorities to accept donations existing on the date of enactment of this Act.

Subsection (b) provides the terms and conditions for partnerships. It directs that to the extent private organizations or individuals are to participate in, or contribute to, any Project or Program, the terms and conditions of that participation or contribution, as well as all actions of employees of the National Park Service, shall be governed by National Park Service Director’s Order #21, “Donations and Fundraising,” as in force on the date of enactment of this Act.

Section 6. Maintenance of effort

This section provides that amounts made available from the Fund shall supplement rather than replace annual expenditures by the National Park Service, including authorized expenditures from the Land and Water Conservation Fund and the National Park Service Line Item Construction Program. The National Park Service shall maintain adequate, permanent staffing levels and permanent staff shall not be replaced with nonpermanent employees hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

Section 7. Reports

This section provides that for each fiscal year beginning in FY 2009, the Secretary shall submit to Congress a report that includes the following: (1) a detailed accounting of all expenditures from the Fund divided by categories of proposals under section 4(b), including a detailed accounting of any private contributions, either in cash or in-kind, to any Project or Program; (2) a cumulative summary of the results of the National Park Centennial program including recommendations for revision to the program; and (3) a statement of whether the National Park Service has maintained adequate, permanent staffing levels and what nonpermanent and permanent staff have been hired to carry out this Act or Projects or Programs carried out with funds provided under this Act.

Section 8. Repeal of Land and Water Conservation Fund contract authority

Subsection (a) provides a \$30,000,000 offset for the Centennial Fund by repealing Section 9 of the Land and Water Conservation Fund Act of 1965 (U.S.C. 4601–10a).

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3, of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not

contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the National Park Centennial Fund.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII 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 this bill from the Director of the Congressional Budget Office:

H.R. 3094—National Park Centennial Fund Act

Summary: H.R. 3094 would establish the National Park Centennial Fund and authorize the Secretary of the Interior to spend amounts in the new fund for park initiatives on education, diversity, environmental leadership, and other themes. The bill would provide \$30 million, which would be available without further appropriation, for this purpose for each of fiscal years 2009 through 2018. Finally, the bill would repeal the authority of the Secretary to enter into contracts to acquire land using amounts in the Land and Water Conservation Fund (LWCF).

CBO estimates that enacting H.R. 3094 would increase direct spending by \$260 million over the 2009–2018 period and by \$40 million after 2018. The bill also would reduce contract authority, a form of budget authority, by \$30 million a year beginning in fiscal year 2009; that change would have no effect on outlays.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3094 is shown in the following table. The effects of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—												
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009–2013	2009–2018	
CHANGES IN DIRECT SPENDING													
Spending from the National Park Centennial Fund:													
Budget Authority	30	30	30	30	30	30	30	30	30	30	150	300	
Estimated Outlays	8	16	26	30	30	30	30	30	30	30	110	260	
Repeal of LWCF Contract Authority:													
Budget Authority	–30	–30	–30	–30	–30	–30	–30	–30	–30	–30	–150	–300	
Estimated Outlays	0	0	0	0	0	0	0	0	0	0	0	0	
Net Change in Direct Spending:													
Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0	
Estimated Outlays	8	16	26	30	30	30	30	30	30	30	110	260	

Basis of estimate: H.R. 3094 would direct the Secretary of the Treasury to deposit \$30 million a year over the 2009–2018 period into a new National Park Centennial Fund. Amounts in the fund would be available, without further appropriation, to carry out projects at units of the National Park System. The projects would focus on themes specified by the bill and could involve developing

new interpretive programs, constructing new facilities, or improving park practices and operations.

Based on spending patterns for similar park projects, CBO estimates that the National Park Service (NPS) would spend \$8 million in 2009 and \$260 million over the 2009–2018 period. (An additional \$40 million would be spent after 2018.)

Section 8 would repeal the \$30 million of contract authority provided each year for land acquisition by the Land and Water Conservation Fund Act. We estimate that this provision would have no effect on direct spending because that contract authority is not presently used by the NPS, and CBO does not expect that it will be over the 2009–2018 period.

Intergovernmental and private-sector impact: H.R. 3094 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Deborah Reis; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: MarDestinee Perez.

Estimated approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3094 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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):

LAND AND WATER CONSERVATION FUND ACT OF 1965

* * * * *

[SEC. 9. Not to exceed \$30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 7(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant

to this section unless such acquisition is otherwise authorized by Federal law.】

SEC. 【10】 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed \$500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options.

SEC. 【11】 10. There is hereby repealed the third paragraph from the end of the division entitled “National Park Service” of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled “National Park Service” of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting “, without charge,” in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charge authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

SEC. 【12】 11. Within one year of the date of enactment of this section, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. The report shall include site specific analyses and alternatives, in a selection of geographic environments representative of the Nation as a whole, including, but not limited to, information on needs, local capabilities for action, major site opportunities, trends, and a full range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations, together with an analysis of the capability of the Federal Government to provide urban-oriented environmental education programs (including, but not limited to, cultural programs in the arts and crafts) within such options. The Secretary shall consult with, and request the views of, the affected cities, counties, and States on the alternatives and courses of action identified.

SEC. 【13】 12. (a) * * *

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