

PROTECTING STATES, OPENING NATIONAL PARKS ACT

DECEMBER 22, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3286]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3286) to direct the Secretary of the Treasury to reimburse States that use State funds to operate National Parks during the Federal Government shutdown, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3286 is to direct the Secretary of the Treasury to reimburse States that use State funds to operate National Parks during the Federal Government shutdown.

BACKGROUND AND NEED FOR LEGISLATION

Upon the lapse of federal appropriations in October 2013, the National Park Service quickly and enthusiastically closed the doors and gates to the 401 park units. Several states immediately put forward offers to fund continued operations at key National Parks. Those offers were rejected for unspecified reasons, and the Park Service chose to keep visitors out.

After continued pressure, the National Park Service agreed to receive “donations” that would open parks back up to the public. Arizona, Colorado, New York, South Dakota, Tennessee and Utah en-

tered into agreements that funded select parks in their states at pre-closure levels, but provided no guarantee of reimbursement.

This appears to be contrary to agreements reached during the 1995–96 lapse in appropriations. Specifically, the State of Arizona funded the Grand Canyon National Park at a modest level, just enough to keep the gates open and services in operation. The demand made for full funding by the Park Service in 2014 made it more difficult for states to contribute and open up the National Parks.

Because of the short duration between the funding agreements with the states and the resolution of the appropriations process, the federal government only spent approximately 2 million third party dollars. However, it is unclear what National Park Service has done, or intends to do with the windfall of cash it received from Congress, having cashed the checks from the states and accepted backfilled appropriations.

H.R. 3286 directs the Secretary of the Treasury to reimburse states for costs associated with maintaining National Parks in operational status during the lapse of appropriations during fiscal year 2014.

COMMITTEE ACTION

H.R. 3286 was introduced on October 11, 2013, by Congressman Steve Daines (R-MT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. On November 21, 2013, the Subcommittee held a hearing on the bill. On December 4, 2013, the Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. No amendments were offered and the bill was adopted and ordered favorably reported to the House of Representatives by voice vote.

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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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:

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H.R. 3286 would direct the Secretary of the Treasury to reimburse states for funds they donated to the Federal Government to operate certain national park units during the period of lapsed appropriations that occurred from October 1, 2013, to October 14, 2013. Governors of six states (Arizona, Colorado, New York, South Dakota, Tennessee, and Utah) signed agreements with the Department of the Interior (DOI) to donate about \$3.6 million to operate 13 national park units. When the appropriations for the National Park Service were enacted on October 17, 2013, about \$1.6 million of the unspent donations were returned to the states. CBO estimates that enacting H.R. 3286 would result in spending of about \$2 million—an amount equivalent to the states’ donations that were spent to operate national park units during that period.

Enacting H.R. 3286 would increase direct spending by \$2 million in 2014; therefore, pay-as-you-go procedures apply. Enacting H.R. 3286 would not impact revenues.

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3286 AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON DECEMBER 4, 2013

	By fiscal year, in millions of dollars—														
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2014–2018	2014–2023			
NET INCREASE IN THE DEFICIT															
Statutory Pay-As-You-Go Impact	2	0	0	0	0	0	0	0	0	0	2	2			

H.R. 3286 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Six states would benefit from reimbursement of operating expenses for some national parks if this bill is enacted.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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, credit authority, or an increase or decrease in revenues or tax expenditures. Enacting H.R. 3286 would increase direct spending by \$2 million in 2014.

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 direct the Secretary of the Treasury to reimburse States that use State funds to operate National Parks during the Federal Government shutdown.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e),

9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the Federal Government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

H.R. 3286: PROTECTING STATES, OPENING NATIONAL PARKS ACT

As part of their endless, futile attacks on the Affordable Care Act, House Republicans instigated a 16-day federal government shut-down in October of last year. As a result of this intentional lapse in federal funding, the National Park Service (NPS) was required to close all 401 units of the National Park System and furlough more than 20,000 employees.

Shuttering national parks comes at a price. According to a 2011 peer-reviewed report, visitors to parks generated \$30.1 billion in economic activity and supported 252,000 jobs nationwide. This is comparable to some of the most profitable Fortune 500 corporations.

At many of the nation's most popular parks, like Grand Canyon in Arizona and Acadia in Maine, October in particular is a profitable time for area communities. More than 715,000 people visit national parks per day in October, spending about \$76 million in nearby communities.

The National Park Service is authorized to accept donations and several Governors petitioned the Secretary of the Interior for permission to donate state funds to reopen national parks in their states. Ultimately, five states signed such agreements:

- New York—\$369,300 to reopen the Statue of Liberty from October 13 to 17.
- Arizona—\$651,000 to reopen Grand Canyon National Park for a week beginning October 13.
- South Dakota—\$152,000 to reopen Mount Rushmore National Memorial starting October 14.
- Utah—\$1,665,720.80 to reopen eight sites starting October 11.
- Colorado—\$362,700 to reopen Rocky Mountain National Park starting October 11.

The agreements specified that these funds were donations. Once the shutdown ended, NPS returned all unexpended state funds, but the agency is prohibited by law from using appropriated dollars to repay the states for their donations.

H.R. 3286 would require the federal government to pay states for any “activity conducted in fiscal year 2014 during a time when the Federal Government was not conducting that activity due to the partial shutdown of the Federal Government” if “the activity was necessary to operate and open to the public a National Park located, in whole or in part, within the State.”

According to the Congressional Budget Office, this legislation would result in approximately \$2 million in direct spending and the bill includes no offset for this expenditure.

Increasing the deficit by \$2 million cannot be justified in this case. These five states donated this funding because their local

economies stood to profit more from reopening national parks than the cost of the donation; they are not “owed” reimbursement.

The Majority’s sudden realization that national parks are good investments is welcome and contrasts with Republican budgets which have slashed NPS funding by 13% over the last three years. In the future, if House Republicans want to avoid states having to pony up to keep national parks open, the solution is simple: don’t shut down the government.

PETER DEFAZIO,
*Ranking Member, Committee
on Natural Resources.*

RAÚL GRIJALVA,
*Ranking Member, Sub-
committee on Public Lands
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