

**STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON FEDERAL LANDS, CONCERNING H.R. 2584, THE NATIONAL PARK SERVICE LEGACY ACT OF 2017, AND H.R. 5210, THE NATIONAL PARK RESTORATION ACT.**

**MARCH 20, 2018**

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Chairman McClintock, Ranking Member Hanabusa, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 2584, the National Park Service Legacy Act of 2017, and H.R. 5210, the National Park Restoration Act.. My name is P. Daniel Smith and I serve as the Deputy Director of the National Park Service

The Department supports H.R. 5210, but recommends amending the bill to include the U.S. Fish and Wildlife Service and the Bureau of Indian Education for funding that would be available through the bill's proposed National Park Restoration Fund. Adding those two bureaus would make the bill consistent the President's FY 2019 budget proposal. In addition, we would like to work with the Committee on technical amendments to H.R. 5210. While we appreciate that H.R. 2584 seeks to accomplish the same goal of providing dedicated funding for the deferred maintenance backlog, we believe that H.R. 5210 would be a better approach to addressing the problem.

H.R. 5210 would establish a separate account within the United States Treasury called the National Park Restoration Fund (Restoration Fund). The additional funding deposited in the Restoration Fund would help reduce the National Park Service's (NPS) \$11.6 billion deferred maintenance backlog. Energy development revenues from renewable sources, as well as from conventional sources (oil, gas, and coal), would be deposited into the Restoration Fund. Once the Fund accumulates \$18 billion or 10 years have passed, whichever happens first, deposits to the fund would cease.

The National Park Restoration Act would not change or modify established revenue sharing payments to the States under the Mineral Leasing Act (MLA), the Gulf of Mexico Energy Security Act (GOMESA) or other statutes, nor would it affect deposits to other established funds, such as the Reclamation Fund, the Land and Water Conservation Fund (LWCF), or other dedicated uses of onshore and offshore revenues. These existing uses would receive all of their dedicated funding before the Restoration Fund receives anything. The bill identifies total energy revenue collection thresholds for each of the next ten years; if collections exceed those amounts and after all existing obligations are met, half of the revenue above that baseline that would otherwise be deposited as miscellaneous receipts would be deposited in the Restoration Fund to address the NPS maintenance backlog, and the other half would go to the Treasury for deficit reduction.

The Restoration Fund would be available for use, without further appropriation or fiscal year limitations, for the high-priority deferred maintenance needs that support critical infrastructure and visitor services, as determined by the Secretary of the Interior and the Director of the National Park Service. Funding could not be used for the acquisition of land. The bill also requires annual updates and reporting to Congress on the projects funded each year.

H.R. 2584 would establish the National Park Legacy Fund (Legacy Fund), a dedicated fund from federal mineral revenues that would otherwise not be credited to other accounts, and would be available to the NPS to use for high priority deferred maintenance needs. The bill requires 80% of funds to be used for building, utilities, and visitor facilities and 20% to be used for transportation assets. The bill would provide deposits to the Legacy Fund from 2018 to 2047, ranging from \$50 million in each of fiscal years 2018, 2019, and 2020, to \$500 million in each of fiscal years 2027 through 2047.

The Department appreciates the effort of all members who cosponsored H.R. 2584, and the Secretary believes it is important to work with anyone who is willing to tackle this important cause. However, the Department supports H.R. 5210, the National Park Restoration Act, because it is more closely aligned with the legislative proposal in the President's FY 2019 Budget.

If H.R. 5210 is enacted, the Restoration Fund would receive revenue from all energy development occurring on public lands and waters, including alternative and renewable sources such as solar, wind, and geothermal, unlike the LWCF and the Legacy Fund, which rely solely on mineral revenues. The Administration's "all-of-the-above" energy development strategy aligns with H.R. 5210's funding mechanism for the Restoration Fund.

We believe H.R. 5210 also holds greater potential for providing significant near-term funding than H.R. 2584 does. H.R. 5210 would generate up to \$18 billion over the next 10 years, versus less than \$2 billion in the next 10 years generated under H.R. 2584. The Department's maintenance needs are immediate and we support the proposal that we believe would result in more funding and in a more immediate fashion. Of note, the President's FY 2019 Budget assumed that its legislative fund proposal, which the sponsors used as a reference in drafting H.R. 5210, would also allow up to \$18 billion over the next 10 years and would result in an estimated \$6.8 billion in expenditures for repairs and improvements over the 10 year period.

Appropriated funds are currently the primary source of funding for deferred maintenance. However, as Secretary Zinke indicated before the Senate Energy and Natural Resources Committee, we cannot rely on solely on appropriated dollars to address this problem. Without a dedicated funding source, the deferred maintenance backlog will continue to grow. The backlog of projects at our National Parks limit access, impair visitor experiences and impact recreational opportunities. The network of roads, trails, restrooms, water treatment systems, drinking water, and visitor centers are aging and are exceeding a capacity they were often never designed to hold and support.

The Administration appreciates Congress' effort to author legislation that follows the blueprint laid out in the FY19 Budget. Although not identical, of the two funds, the National Park

Restoration Fund is the Administration's preferred proposal to addressing the \$11.6 billion maintenance backlog that the National Park Service faces.

As Secretary Zinke said when announcing the FY 2019 budget, "President Trump is absolutely right to call for a robust infrastructure plan that rebuilds our national parks, refuges, and Indian schools, and I look forward to helping him deliver on that historic mission....This is not a Republican or Democrat issue, this is an American issue, and the President and I are ready to work with absolutely anyone in Congress who is willing to get the work done."

We greatly appreciate the effort of this Committee, Chairmen Bishop and Simpson, Congresswoman Hanabusa, Senator Alexander, Senator Portman and all your colleagues in Congress who have sought to craft real solutions to our maintenance backlog. The bills we are discussing today reflect a bipartisan, bicameral approach that the administration believes is necessary to achieve our end goals. We look forward to continuing to work with each of you on this issue in a collaborative manner that preserves and maintains our national treasures for generations to come.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Committee may have.