

# Subcommittee on Federal Lands

Tom McClintock, Chairman

## Hearing Memorandum

March 17, 2018

To: All Subcommittee on Federal Lands Members

From: Majority Committee Staff—Terry Camp  
Subcommittee on Federal Lands (x6-7736)

Hearing: Legislative hearing on **H.R. 5210 (Rep. Michael K. Simpson)**, To establish the National Park Restoration Fund, and for other purposes.  
**March 20, 2018, 2:00 PM; 1324 Longworth House Office Building**

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### Summary of the Bill

H.R. 5210, introduced by Representative Michael K. Simpson (R-ID-02), would establish the National Park Restoration Fund (NPRF). This bipartisan bill provides mandatory funding to address the deferred maintenance backlog of the National Park Service (NPS). The new fund will receive 50 percent of all energy production on federal lands, including renewable energy, over expected amounts, not already allocated for other purposes. The program would expire in 10 years or before then if the NPRF has received deposits of \$18 billion.

### Cosponsors

Rep. Kurt Schrader [D-OR-05]

### Witnesses

*The Honorable Michael K. Simpson*  
Member of Congress, Idaho's 2<sup>nd</sup> District

*Mr. P. Daniel Smith*  
Deputy Director  
National Parks Service  
U.S. Department of the Interior  
Washington, DC

*Mr. Matt Lee-Ashley*  
Senior Fellow  
Center for American Progress  
Washington, DC

*Ms. Marcia Argust*  
Director  
Restore America's Parks  
The Pew Charitable Trusts  
Washington, DC

*Ms. Callie Hoyt*  
Manager  
Federal Affairs  
Motorcycle Industry Council  
Arlington, VA

## **Background**

### *Overview of Deferred Maintenance Backlog*

The National Park Service (NPS) deferred maintenance backlog has long been an issue of interest to lawmakers and the public. Attention to the problem and the need for a solution has grown as cost estimates for addressing the backlog have increased to nearly \$12 billion in recent years.<sup>1</sup> Among other management challenges, the deferred maintenance backlog negatively impacts visitor access, enjoyment, and safety on public lands.<sup>2</sup>

Funding to address agency maintenance backlogs comes from discretionary appropriations and other sources. However, as the federal estate expands, existing infrastructure ages, and visitation increases, federal land managers are increasingly unable to fund necessary repairs.

NPS is utilizing a holistic funding model and has implemented a variety of other actions to finance deferred maintenance projects including: philanthropic donations, working with volunteers, engaging “friend’s” groups, expanding private concessions operations, partnering with States to apply for transportation grants, and leasing properties.

Despite NPS efforts to address deferred maintenance through alternative funding sources and improved asset management, the backlog grew tremendously over the past decade. From FY2006 through FY2015, NPS spent roughly \$10.5 billion on maintenance projects, and yet the backlog increased by \$1.7 billion as of FY2016.<sup>3</sup>

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<sup>1</sup> National Park Service, Planning, Design and Construction Management, NPS Deferred Maintenance Reports <https://www.nps.gov/subjects/plandesignconstruct/defermain.htm>.

<sup>2</sup>The Department of the Interior, FY2019 Budget [https://edit.doi.gov/sites/doi.gov/files/uploads/fy2019\\_bib\\_dh005.pdf](https://edit.doi.gov/sites/doi.gov/files/uploads/fy2019_bib_dh005.pdf).

<sup>3</sup> Government Accountability Office. “National Park Service: Process Exists for Prioritizing Asset Maintenance Decisions, but Evaluation Could Improve Efforts.” GAO-17-136. Dec 13, 2016. <http://www.gao.gov/assets/690/681581.pdf>.

### *The National Park Restoration Fund:*

The NPRF created under H.R. 5210 would provide mandatory funding for the high-priority deferred maintenance needs that support critical infrastructure and visitor services at our national parks. The NPRF draws from all sources of federal energy revenue including onshore and offshore development, as well as alternative and renewable energy sources such as solar, wind, geothermal, and hydropower. This fund will enable NPS to launch a targeted effort to aggressively eliminate the deferred maintenance backlog with a dedicated funding stream.

### *Key Provisions of H.R. 5210:*

- The NPRF will receive 50 percent of receipts from federal energy leasing revenue over established budget projections, and not otherwise allocated for other purposes
- Protects payments to States, the LWCF, Reclamation Fund, and other existing uses of onshore and offshore revenues (HPF, GOMESA, BLM Permit Processing Fund, and State and local revenue sharing payments)
- Deposits to the fund are limited to 10 years of revenue (revenue from FY2018 to FY2027)
- The Secretary of the Interior may continue to expend any amounts remaining in the fund after the 10-year deposit period ends
- Total deposits are capped at \$18 billion
- Interest income earned on the Fund becomes part of the Fund
- Amounts in the Fund cannot be used for land acquisition
- Revenue benchmarks for each year are specifically established in Section 2(c); the Fund draws from revenue generated above and beyond those established benchmarks

H.R. 5210 aligns with the President's FY2019 DOI budget proposal that calls on Congress to establish a Public Lands Infrastructure Fund to help address and make long overdue repairs and improvements to public lands.<sup>4</sup>

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### **Administration Position**

While the Administration has not submitted an official statement to the Committee on H.R. 5210, Secretary of the Interior Ryan Zinke expressed his support for the legislation and the Senate companion, S. 2509, on March 7, 2018:

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<sup>4</sup> The Department of the Interior, FY2019 Interior Budget in Brief  
<https://www.doi.gov/budget/appropriations/2019/highlights>

*“Infrastructure is an investment, not merely an expense. And every dollar we put in to rebuilding our parks, will help bolster the gateway communities that rely on park visitation for economic vitality. Since the early days of my confirmation, I’ve been talking with members of the House and Senate about how we can use energy revenue to rebuild and revitalize our parks and communities. This bill is the largest investment in National Parks in our nation’s history. This is not a Republican or Democrat issue, this is an American issue, and I think that the bipartisan body of lawmakers who put this bill forward is proof.”*<sup>5</sup>

**Effect on Current Law (Ramseyer)**

None.

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<sup>5</sup> The Department of the Interior, Press Release, Secretary Zinke Partners with Congress on Bipartisan Bill to Fix Our National Parks <https://www.doi.gov/pressreleases/secretary-zinke-partners-congress-bipartisan-bill-fix-our-national-parks>