

TO DIRECT THE SECRETARY OF THE INTERIOR TO ESTABLISH A DEMONSTRATION PROGRAM TO FACILITATE LANDSCAPE RESTORATION PROGRAMS WITHIN CERTAIN UNITS OF THE NATIONAL PARK SYSTEM ESTABLISHED BY LAW TO PRESERVE AND INTERPRET RESOURCES ASSOCIATED WITH AMERICAN HISTORY, AND FOR OTHER PURPOSES

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APRIL 17, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

## R E P O R T

together with

## ADDITIONAL VIEWS

[To accompany H.R. 309]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 309) to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, 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. PURPOSE.

The purpose of this Act is to establish a demonstration program to facilitate landscape restoration programs within those units of the National Park System established by statute to preserve and interpret resources associated with American military history.

### SEC. 2. DEMONSTRATION PROGRAM AUTHORIZED.

(a) AUTHORIZATION.—The Secretary of the Interior (hereafter in this Act referred to as the “Secretary”), acting through the Director of the National Park Service, shall carry out a demonstration program that provides that receipts from timber sales shall be retained for expenditure within units of the National Park System

from which the timber is removed as part of an approved plan for the restoration or protection of park resources or values.

(b) **PARTICIPATION.**—The Secretary shall permit each of the 24 National Battlefields, National Battlefield Parks, National Military Parks, and National Battlefield Sites in existence on the date of the enactment of this Act to participate in the demonstration program authorized by subsection (a) if the unit has in place, before the date of the enactment of this Act, a general management plan, cultural landscape plan, or other resources management plan approved pursuant to the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.), that identifies specific timber for removal for purposes of cultural or historic landscape restoration or fuel load reduction.

(c) **USE OF RECEIPTS.**—Each unit selected to participate in the demonstration program authorized under subsection (a) shall retain receipts from the sale or disposal of timber removed from that unit. Such receipts shall be available for expenditure without further appropriation or fiscal year limitation for the following purposes only:

- (1) Landscape restoration within the unit.
- (2) Interpretive services within the unit.
- (3) Eradication of disease, insects, or invasive species within the unit.
- (4) Fuel load reduction within the unit.

#### **SEC. 3. REPORT.**

Two years after the date of enactment of this Act, the Secretary shall submit a report to the House Natural Resources Committee and the Senate Committee on Energy and Natural Resources that contains the results of the demonstration program authorized under this Act, including—

- (1) a detailed accounting of the receipts generated in each unit by the demonstration program;
- (2) the expenditure by each unit of those receipts; and
- (3) any resource or other impacts, positive or negative, on each participating unit.

#### **SEC. 4. SUNSET.**

The authority granted to the Secretary in section 2 shall expire 4 years after the date of the enactment of this Act.

### **PURPOSE OF THE BILL**

The purpose of H.R. 309 is to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System.

### **BACKGROUND AND NEED FOR LEGISLATION**

Many units of the National Park System established to conserve U.S. military history have restoration of their historic landscapes as a management goal. This entails removal of landscape features, including trees, not present at the time the relevant historic events occurred. Removal of resources from a unit of the National Park System must be undertaken carefully, however, and many Park units report a lack of funding for such work.

H.R. 309 would create a revenue source for such projects by allowing individual units to retain proceeds from the sale of timber removed from that unit. Importantly, the legislation is narrowly written to apply within a defined list of 24 military parks and to prevent any change to existing environmental requirements governing the removal of timber on NPS land.

### **COMMITTEE ACTION**

H.R. 309 was introduced on January 5, 2007, by Representative Stevan Pearce (R-NM). 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 March 7, 2007,

the Subcommittee was discharged by unanimous consent and the full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an amendment in the nature of a substitute to alter the reporting requirements under the bill. The amendment was adopted 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. Purpose*

Section 1 establishes the purpose of H.R. 309.

##### *Section 2. Demonstration program authorized*

Section 2(a) authorizes the Secretary of the Interior, acting through the Director of the National Park Service to establish a demonstration program whereby receipts from timber sales shall be retained for expenditure within the unit from which the timber was removed. The section specifies that such removal must be conducted pursuant to an approved plan for the restoration or protection of park resources or values.

Section 2(b) limits participation in the program authorized in Section 2(a) to the 24 national battlefields, national battlefield parks, national military parks, and national battlefield sites in existence on the date of enactment of H.R. 309. Further, each participating unit must have in place, before the date of enactment of this act, a general management plan, cultural landscape plan, or other resource management plan approved pursuant to the National Environmental Policy Act of 1969 identifying specific timber for removal for purposes of cultural or historic landscape restoration or fuel load reduction.

Section 2(c) requires units participating in the program authorized in Section 2(a) to retain receipts from the sale or disposal of timber from that unit for expenditure on landscape restoration, interpretive services, eradication of disease, insects or invasive species or fuel load reduction.

##### *Section 3. Report*

Section 3 requires the Secretary of the Interior to submit a report to the committees of jurisdiction in the House and Senate two years after the date of enactment of H.R. 309. The report is to contain a detailed accounting of receipts and expenditures under the program authorized in the bill as well as any resource or other impacts, positive or negative, in each participating unit.

##### *Section 4. Sunset*

Section 4 states that the authority granted in Section 2 expires four years after the date of enactment of H.R. 309.

#### 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 of the Constitution of the United States grants 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.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

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. 309—A bill to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history*

H.R. 309 would direct the National Park Service (NPS) to implement a demonstration program for landscape restoration and other projects at national battlefields. CBO estimates that enacting H.R. 309 would increase direct spending by negligible amounts over the 2008–2012 period.

The legislation contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

Under H.R. 309, the NPS would carry out projects such as landscape restoration at 24 national battlefields or similar sites using receipts earned from sales of timber at those park units. Such receipts would be available without further appropriation. Authority to retain and spend timber receipts at battlefield units would expire after four years.

Based on recent timber receipts at the affected park units, CBO estimates that the NPS would spend, without further appropriation, less than \$20,000 annually over the 2008–2012 period for the projects authorized by the bill. Such amounts—generally between \$3,000 and \$25,000 a year—are currently deposited in the U.S. Treasury and cannot be used without further appropriation.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 309 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

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

#### ADDITIONAL VIEWS

As the author of this legislation, I am pleased that the Committee has chosen to move this bill promptly to the House floor. This legislation is the result of numerous hearings and a shift in the thought process of the National Park Service.

During a visit to Pea Ridge National Military Park Superintendent Scott, discussed efforts to restore the wonderful landscape to what it looked like during that major battle in March 1862, which allowed the Union forces to maintain control of Missouri. Our discussion covered everything from process to costs. It was during that conversation that I discovered that the service had excessive costs for tree removal or tree thinning. The NPS Superintendent was spending about \$6,000.00 per acre, an extraordinary high cost per acre. For 1,000 acres, the total cost would be \$6 million. Think how much further along in reducing their backlog NPS could get if instead of paying \$6,000 an acre, receive \$500 an acre, not an unreasonable assumption for timber sales.

That is the point of this bill. Instilling in the Park Service a business sense, and helping NPS manage and control costs on their park units.

During the Committee mark up of this bill the Chairman removed a 6-month reporting requirement in the original legislation. While I do not oppose the removal of this report, I do hope that the Park Service will keep us closely informed of the progress and results of this legislation prior to the 2-year report required in this bill.

I believe this Landscape Restoration pilot project will provide tremendous benefits for our National Parks, in that it will expedite historic landscape restoration, reduce the maintenance backlog, and establish good business practices in our Park leadership.

STEVAN PEARCE.

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