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DISTRICT OF COLUMBIA COOPERATIVE MANAGEMENT AGREEMENTS

AUGUST 1, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2897]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 2897) to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and an amendment to the title and recommends that the bill, as amended, do pass.

AMENDMENTS

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZING COOPERATIVE MANAGEMENT AGREEMENTS BETWEEN THE DISTRICT OF COLUMBIA AND THE SECRETARY OF THE INTERIOR.

The Secretary of the Interior may enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code.

Amend the title so as to read: "An Act to authorize the Mayor of the District of Columbia and the Secretary of the Interior to enter into cooperative management agreements."

PURPOSE

The purpose of H.R. 2897, as ordered reported, is to authorize the Mayor of the District of Columbia and the Secretary of the Interior to enter into cooperative management agreements.

BACKGROUND AND NEED

The National Park Service (NPS) manages over 20 units of the National Park System within the District of Columbia. In addition to the well-known memorials around the National Mall, the NPS also manages numerous local parks located throughout the District of Columbia. More than 42.5 million visitors experience the national park units in the District of Columbia each year, which provide a variety of attractions for tourists and residents alike.

Park units located within the District of Columbia often face notable challenges of existing in a federal district and urban environment while needing to meet the needs of local residents as well as visitors. Sites within the District of Columbia must compete for resources with the approximately 85 million acres managed by the NPS throughout the United States and its territories.

The District of Columbia has expressed an interest in funding some of the costs associated with rehabilitating and modernizing parks owned by the NPS within its boundaries. For example, the Mayor's office has set aside $13.9 million in local funds to build new facilities at Franklin Park. According to the NPS, "Franklin Park, at five acres, is one of the largest NPS squares in Center City D.C. and therefore provides a signal opportunity to serve the community and enhance urban living."

In an effort to address the deferred maintenance backlog and improve visitor services, some state and local governments have signed cooperative management agreements with the NPS to help manage specific services. Under current federal law, 54 U.S.C. 101703, the NPS may enter into such an agreement with a State or local government agency for the cooperative management of parks. However, there is ambiguity concerning whether the District of Columbia, as a federal district, may participate in this authority.

As ordered reported, H.R. 2897 clarifies that this existing authority also applies to the District of Columbia.

LEGISLATIVE HISTORY

H.R. 2897 was introduced in the House of Representatives by Rep. Norton on June 13, 2017, and referred to the House Committee on Natural Resources and the House Committee on Oversight and Government Reform. On December 4, 2017, H.R. 2897 was reported by the Committee on Oversight and Government Reform (H. Rept. 115–436, Part I). On December 5, 2017, H.R. 2897 was reported by the Committee on Natural Resources (H. Rept. 115–436, Part II). H.R. 2897 passed the House of Representatives by voice vote on January 16, 2018.

Similar legislation, S. 1956, was introduced by Senator Murkowski on October 5, 2017.

The Senate Subcommittee on National Parks conducted a hearing on S. 1956 and H.R. 2897 on February 14, 2018.

The Committee on Energy and Natural Resources met in open business session on May 17, 2018, and ordered H.R. 2897 favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 2018, by a majority voice vote of a quorum present recommends that the Senate pass H.R. 2897, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of H.R. 2897, the Committee adopted an amendment in the nature of a substitute which authorizes the Secretary of the Interior to enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code.

The Committee also adopted an amendment to the title.

SECTION-BY-SECTION ANALYSIS

Section 1. Authorizing cooperative management agreements between the District of Columbia and the Secretary of the Interior

This section authorizes the Secretary of the Interior to enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code.

Under this section, states and local units of government have the authority to enter into cooperative management agreements with the National Park Service. This legislation clarifies that the District of Columbia may also enter into such agreements.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 2897 would authorize the District of Columbia to enter into cooperative management agreements (CMAs) with the National Park Service (NPS) to operate and maintain NPS parks located within its borders. The NPS uses CMAs to establish cooperative practices, to address the use of shared resources that touch both NPS and state or local lands, and to transfer funds to perform work on such resources. Under current law, state and local governments can enter into CMAs with the NPS. The bill would clarify that the District of Columbia may also enter into such agreements.

CBO estimates that implementing H.R. 2897 would result in no significant cost to the federal government. According to the NPS, any maintenance or repair project affected by a CMA would generally be completed by the NPS whether or not such an agreement is in place. Enacting H.R. 2897 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 2897 would not increase net direct spending or on budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 2897 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On August 16, 2017, CBO transmitted a cost estimate for H.R. 2897, as ordered reported by the House Committee on Oversight and Government Reform on July 19, 2017. On October 17, 2017, CBO transmitted a cost estimate for H.R. 2897, as ordered reported by the House Committee on Natural Resources on October 4, 2017. All of the versions of the legislation are similar, and CBO's estimates of the budgetary effects are the same.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2897. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 2897, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 2897, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the February 14, 2018, hearing on H.R. 2897 follows:

> STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR OF THE NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR
>
> Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 2897 and S. 1956, bills to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes.
>
> The Department supports the goal of both H.R. 2897 and S. 1956, which are substantially identical. However, we would like to work with the bill sponsors and the committee to ensure that these bills achieve this goal and would not affect other existing authorities. These bills would clarify that the National Park Service (NPS) and the Mayor of the District of Columbia (District) may enter into cooperative management agreements (CMA) to more efficiently and effectively manage NPS land in the District.

Cooperative management agreement authority, codified at 54 U.S.C. 101703, authorizes the NPS to enter into CMAs to jointly manage land where a unit of the NPS is located adjacent to or near a State or local park area, and cooperative management between the NPS and a State or local government agency will allow for better management of the parks. For example, CMAs may allow for sharing goods and services or authorize employees to work on lands owned by agencies participating in such agreements.

The CMA authority in the statute does not expressly state that the authority applies to the District. For purposes of Title 54 of the U.S. Code, the NPS generally interprets the term "State or local government" to include the District of Columbia, and in our view, the term "State or local government" in Section 101703 does include the District of Columbia. However, we understand that the District has questioned its own authority to enter into binding CMAs with the National Park Service.

In 2012, the NPS, the District, and the DowntownDC Business Improvement District (BID) began a potential partnership through a CMA with the aim of rehabilitating Franklin Park, a federally-owned, NPS-administered square in downtown D.C. Under this partnership, the District would rehabilitate and operate the park, with the NPS retaining all other jurisdiction. The NPS and the District would partner with a new park management entity to provide maintenance and sustained programming. The District has budgeted $13.8 million to complete design work and construction associated with the rehabilitation. The BID will dedicate funding to pay for the management entity.

The Commission of Fine Arts and the National Capital Planning Commission have both approved the concept plan for the CMA, and the NPS has completed necessary environmental and historic preservation compliance. Also, the NPS and the District have negotiated the terms of the CMA and a related construction agreement for the rehabilitation and long-term operation of the park. However, the agreement has not been finalized because of the District's uncertainty about whether the District has the authority to enter into a CMA with the NPS.

H.R. 2897 and S. 1956 seek to assure that the District does have that authority, in order to help expedite the rehabilitation of Franklin Park. We recommend that both bills be revised to state that they are clarifying the District's authority, rather than that they are granting the District new authority, and to otherwise meet the goals of the legislation. We would be happy to provide suggested language for that purpose.

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

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.

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