



United States Department of the Interior

NATIONAL PARK SERVICE
NATIONAL CAPITAL REGION
1100 OHIO DRIVE, S. W.
WASHINGTON, D.C. 20242

W3823(NCR-AMC)

OCT 6 1983

Memorandum

To: National Capital Region and All Offices

From: Associate Regional Director, Administration, National Capital Region

Subject: Survey of Authorizing Legislation for National Park Service Programs

Enclosed is a copy of the Service's input to the Office of Budget of the Department of the Interior's recent request that a survey be taken of all authorizing legislation for programs within each Bureau of the Department.

This useful consolidation of legislation data may be of some benefit to you.

Enclosure

National Park Service

Appropriation: Operation of the National Park System

Appropriation language

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis); for expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, administration of grants, and for the general administration of the National Park Service including not to exceed \$_____ for the Roosevelt Campobello International Park Commission [and \$500,000 for the Volunteers-in-the-Park program,] \$_____ without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451) including \$_____ to restore and improve National Park Service facilities, to be derived from the Land and Water Conservation Fund established by section 2 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11): Provided, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: Provided further, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: [Provided further, That \$85,000 shall be available for the National Park Service to assist the town of Harpers Ferry, West Virginia, for police force use: Provided further, that \$160,000 shall be available for operation, including maintenance and protection of the former home of Harry S Truman at 219 North Delaware Street, Independence, Missouri, upon assumption of administrative jurisdiction thereof by the National Park Service pursuant to specific legislation similar to Section 3077, Ninety-seventh Congress, or pursuant to the general authority of the Act of August 21, 1935 (49 Stat. 666 or otherwise.) Provided further, That section 402 of the National Parks and Recreation Act, 1978 Amendments, Public Law 96-87 (93 Stat. 664, 666), which contains a prohibition on user fees, for transportation services and facilities in Denali National Park, Alaska, is repealed: Provided further, That section 4 of the Act of July 29, 1970 (84 Stat. 472; 16 U.S.C. 18j), is amended by deleting "250,000" appearing therein and inserting "500,000": Provided further, That notwithstanding any other provision of law, the National Park Service shall hereafter establish or continue reasonable entry and special recreation use fees for all units of the National Park System administered by the Department of the Interior where practical, and that such fees may from time to time be revised: Provided further, That the provisions of Public Law 96-514 which provide that revenues from Federal agency recreation fee collections shall be paid if the Land and Water Conservation Fund are repealed.

Appropriation language citations and explanations:

1. For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service

5 U.S.C. 5901-5903
 16 U.S.C. 1,1b,1c,3,7a-e,8b,8d,17j2,18f,18g,431-433,
 461-467,594,1281c
 43 U.S.C. 620g.

5 U.S.C. 5901-5903 provides a uniform allowance for employees of the National Park Service.

16 U.S.C. 1,1b,1c,7a-e,17j2,18f,594 provides for the creation of the National Park Service and describes its functions.

16 U.S.C. 3 provides for the granting of privileges, leases, and permits for the use of the land for the accommodation of visitors in the various parks, monuments, or other reservations.

16 U.S.C. 8b,8d provides for maintenance of national park approach roads.

16 U.S.C. 18g provides for recruitment, training and acceptance of volunteers for visitor services in areas administered by the National Park Service.

16 U.S.C. 431-433 provides for the President to declare by public proclamation historic landmarks, structures, and other objects to be national monuments.

16 U.S.C. 461-467 provides for the Secretary of the Interior to acquire property, restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archeological significance.

16 U.S.C. 1281c provides for any component of the National Wild and Scenic Rivers System that is administered by the National Park Service to become part of the National Park System.

43 U.S.C. 620g provides, in connection with the development of the Colorado River storage project and participating projects, for authorization to investigate, plan, construct, operate, and maintain public recreational facilities on lands withdrawn or acquired for the development of said projects, and to conserve the scenery, the natural, historic, and archeological objects, and the wildlife on said lands, and to provide for public use and enjoyment of the same and of water areas created by these projects.

2. (including special road maintenance service to trucking permittees on a reimbursable basis);

No specific authority

This provision was inserted into the appropriation language in the 1954 fiscal year budget. It stemmed from an emergency need that developed during 1952 at Big Bend National Park, Texas. The road system at Big Bend became a transit for the heavy trucking of ore for defense purposes between Boquillas, Mexico, and the nearest railroad at Marathon, Texas. The weight, size and capacity of the trucks being used was far beyond that for which the park road system was designed. As a result, the additional cost for maintenance and repair was far in excess of our available road maintenance funds. To meet this emergency, the Defense Materials Procurement Agency made available the sum of \$100,000 to rehabilitate and strengthen the road, with the understanding that the National Park Service would subsequently maintain all sections of it, such maintenance to be financed by reimbursement from the trucking permittees at a rate of 2¢ per mile.

3. for expenses necessary to carry out recreation programs,

16 U.S.C. 4601, 4601-1, 4601-2, 4601-3, 4601-6a
40 U.S.C. 484(k) (2) and (3)

16 U.S.C. 4601 provides for adequate outdoor recreation resources for American people of present and future generations, and for all levels of government to conserve, develop, and utilize such resources for the benefit and enjoyment of the American public.

16 U.S.C. 4601-1 provides the authority for an inventory and evaluation of needs and resources, a classification of resources, formulation and maintenance of a comprehensive nationwide outdoor recreation plan, technical assistance, advice, and cooperation to be given to States and private interests, encouragement of regional and interstate cooperation, involvement in research and education in the outdoor recreation field, and cooperation and coordination between Federal agencies.

16 U.S.C. 4601-2 provides for consultations between the Secretary of the Interior and administrative officers in regard to performance of this legislation.

16 U.S.C. 4601-3 provides for inclusion of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa under this legislation.

16 U.S.C. 4601-6a requires reports to Congress on Federal admission and recreation use fees and authorizes fee program administration.

40 U.S.C. 484 (k) (2) and (3) authorizes disposal of Federal surplus real property for use as public park or recreation areas, and requires determination and enforcement of compliance with terms of disposal.

4. natural programs,

16 U.S.C. 1a-5
 16 U.S.C. 1244 (b)-(c)
 16 U.S.C. 1275 -1276

16 U.S.C. 1a-5 directs the Secretary of the Interior to provide certain information to Congress regarding Registry of Natural Landmarks.

16 U.S.C. 1244 (b)-(c) requires National Trails studies.

16 U.S.C. 1275 - 1276 requires Wild and Scenic Rivers studies.

5. cultural programs,

16 U.S.C. 461-467
 16 U.S.C. 469-469c

16 U.S.C. 461-467 authorizes the Secretary of the Interior to carry out certain activities to preserve historic sites, buildings, and objects of national significance for public use, and expressly authorizes appropriation of funds for this purpose.

16 U.S.C. 469-469c establishes a program for preservation of historical and archeological data which might otherwise be lost or destroyed as the result of a Federal or federally assisted or licensed project, activity, or program, and authorizes appropriation of specific amounts for this purpose.

6. environmental compliance and review,

42 U.S.C. 4332
 49 U.S.C. 1653 (f)

42 U.S.C. 4332 requires writing and reviewing outdoor recreation aspects of environmental impact statements.

49 U.S.C. 1653(f) requires review of proposed Department of Transportation projects which could have an adverse impact upon public park and recreation facilities.

7. administration of grants, and for the general administration of the National Park Service

16 U.S.C. 1,1b,1c,3

16 U.S.C. 1,1b,1c,3 specifies administration functions of the National Park Service in regard to the operation of the National Park System.

8. including not to exceed \$ _____ for the Roosevelt Campobello International Park Commission

P.L. 88-363 (78 Stat. 299)

P.L. 88-363 (78 Stat. 299) provides the establishment of the Roosevelt Campobello International Park Commission and defines the Commission's powers and the commitments of the United States to the agreement. It authorizes appropriation to the Department of the Interior without fiscal year limitation such sums as may be necessary for the purpose of this Act and the agreement with the Government of Canada signed January 22, 1964, article 11 which provides that the Governments of the United States and Canada shall share equally the costs of developing and the annual cost of operating and maintaining the Roosevelt Campobello International Park.

9. including \$ _____ to restore and improve National Park Service facilities, to be derived from the Land and Water Conservation Fund established by section 2 of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 4601-4-11):

Authorization is being requested to use Land and Water Conservation Fund revenues to fund the Park Restoration and Improvement Program as a means of upgrading the aging physical plant of existing parks.

10. Provided, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation:

No specific authority

This provision was inserted into the appropriation language in the 1981 fiscal year budget by the Congress as a result of its interest and concern in concessionaire contracting.

11. Provided further, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States:

No specific authority

This provision was inserted into the appropriation language in the 1981 fiscal year budget by the Congress. Funds for maintaining non-National Park Service-owned roads within the boundary of the park were originally provided by Congress in fiscal 1980 appropriations.

12. Provided further, That section 402 of the National Parks and Recreation Act, 1978 Amendments, Public Law 96-87 (93 Stat. 664, 666), which contains a prohibition on user fees, for transportation services and facilities at Denali National Park, Alaska, is repealed:

Authorization is being requested to remove the prohibition on charging user fees in order to recover the cost of providing the service and shifting the cost from the taxpayer to those who benefit from the service.

13. Provided further, That section 4 of the Act of July 29, 1970 (84 Stat. 472; 16 U.S.C. 18j), is amended by deleting "250,000" appearing therein and inserting "500,000":

Authorization is being requested to increase the ceiling of the Volunteers-in-Parks Program to correspond with the funds that were appropriated.

14. Provided further, That notwithstanding any other provision of law, the National Park Service shall hereafter establish or continue reasonable entry and special recreation use fees for all units of the National Park System administered by the Department of the Interior, where practical, and that such fee may from time-to-time be revised:

Authorization is being requested to repeal the current freeze on entrance fees imposed under section 4 of Public Law 96-87 (93 Stat. 664, 666) and permit the Service to establish reasonable entrance fees for any unit of the National Park System where the collection of such a fee is both cost-effective and beneficial to the general public.

15. Provided further, That the provisions of Public Law 96-514 which provide that revenues from Federal agency recreation fee collections shall be paid into the Land and Water Conservation Fund are repealed.

Authorization is being requested to have the recreation fee revenues deposited in a special Treasury account. The National Park Service would thereby request appropriation from this special account to cover the cost of fee collection, maintenance of certain facilities, and operating requirements.

Basic authorizing legislation

The basic authorization to establish the National Park Service was approved by an Act of August 25, 1916 (39 Stat. 535):

"... there is hereby created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director, who shall be appointed by the Secretary The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations which purpose is to conserve

the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (U.S.C., title 16, sec. 1.)"

Activity structure

1. Park management
2. National recreation and preservation program
3. Forest fire suppression and rehabilitation of burned areas
4. Park, recreation and wilderness planning
5. Statutory and contractual aid
6. General administration

Authorization by activity

1. Park management

Description: The National Park Service administers 334 park areas comprising about 73.7 million acres of federally owned land located in 49 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam and the Northern Marianas. The program includes: (1) overall management of park areas necessary to accommodate an estimated 261 million recreational visitors in 1984; (2) maintenance of buildings and other facilities required to accommodate visitor use, as well as to protect the Government's investment; (3) interpretive programs to enhance the visitors' park experience; (4) law enforcement to protect the visitors' well-being and reduce vandalism and other destruction to park resources; and (5) resource management necessary for the protection and preservation of the unique natural, cultural, and historical features in the National Park System.

Authority:

16 U.S.C. 1 "The Secretary of the Interior shall appoint the director and there shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations...."

16 U.S.C. 18g "The Secretary of the Interior is authorized to recruit, P.L. 91-357 train, and accept without regard to the civil service classification laws, rules or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the Secretary through the National Park Service."

16 U.S.C. 1a-6 "In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate ... certain officers or employees of the Department of the

Interior who shall maintain law and order and protect persons and property within areas of the National Park System."

P.L. 89-249 "... the Secretary of the Interior shall take such action as may be appropriate to encourage and enable private persons and corporations to provide and operate facilities and services which he deems desirable for the accommodation of visitors in areas administered by the National Park Service."

16 U.S.C. 1537 "As a demonstration of the commitment of the United States to the worldwide protection of endangered species and threatened species, the President may... use foreign currencies... to provide to any foreign country assistance in the development and management of programs in that country which the Secretary determines to be necessary or useful for the conservation of any endangered species or threatened species listed by the Secretary...."

2. National recreation and preservation programs

Description: These programs include maintenance of the National Register of Historic Places, certifications for investment tax credits, management planning of federally owned historic properties, nationwide outdoor recreation planning and assistance, transfer of surplus Federal real property, identification and designation of natural landmarks, environmental reviews, and grant administration.

Authority:

P.L. 88-29 "... the Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable for all levels of government... to take prompt and coordinated action... to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people. Sec. 2. In order to carry out the purposes of this Act, the Secretary of the Interior is authorized to perform the following functions and activities:"

P.L. 90-542 "...The Secretary of the Interior... shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system."

P.L. 90-543 "...The Secretary of the Interior... shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic trails."

P.L. 74-292 "...The Secretary of the Interior, through the National Park Service,... shall... secure... preserve... acquire... maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archeological significance"

P.L. 89-665 "The Secretary of the Interior is authorized to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, hereinafter referred to as the National Register"

P.L. 94-455 The Secretary of Interior shall make certifications of historic district statutes and of State and local districts as to whether a structure contributes to the significance of a registered historic district and certificates of rehabilitation to qualify for tax incentives.

P.L. 91-190 "The Congress authorizes and directs... all agencies of the Federal Government shall... include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement"

P.L. 95-625
P.L. 89-665 Expenses for administration of grants are authorized in the appropriation language and pertain to the Urban Park and Recreation Recovery program under P.L. 95-625 and the Historic Preservation Fund program under P.L. 89-665.

3. Forest fire suppression and rehabilitation of burned areas.

Description: This activity provides for the suppression and emergency presuppression of fires on or endangering lands administered by the Service, and for the rehabilitation of burned areas to conserve resources, and for the protection of park visitors.

Authority:

16 U.S.C. 1 "...The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations... which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the said in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

16 U.S.C. 17j-2 "...Travel expenses of employees attending Government camps for training in forest-fire prevention and suppression"

4. Park, recreation, and wilderness planning:

Description: This activity provides for studies, investigation, and planning programs to support and direct the overall development and management of park areas and to protect and manage park water resources.

Authority:

16 U.S.C. 1a-2(e) "...the Secretary of the Interior is authorized to enter into contracts which provide for the sale or lease ... of ... water available within an area of the national park system...."

16 U.S.C. 17j-2(g) "Appropriations for the National Park Service are authorized for investigation and establishment of water rights in accordance with local custom, laws, and decisions of courts, including the acquisition of water rights or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in the administration and public use of the national parks and monuments."

16 U.S.C. 1a-7(b) "General management plans for the development of each unit of the National Park System, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs...."

42 U.S.C. 4321 "...To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality."

5. Statutory and contractual aid:

Description: The Service provides financial or other assistance in the planning, development, or operation of certain natural, historical, or recreation areas not operated by the National Park Service.

Authority:P.L. 88-363

"...There are hereby authorized to be appropriated to the Department of Interior without fiscal year limitation such sums as may be necessary for the purposes of this Act and the agreement with the Government of Canada... which provides that the Governments of the United States and Canada shall share equally the costs of developing and the annual cost of operating and maintaining the Roosevelt Campobello International Park."

P.L. 91-483

"...The Secretary (of the Interior), pursuant to an agreement with the State of Wisconsin, may pay up to 50 per centum of the annual costs of management, protection, maintenance, and rehabilitation of the (Ice Age National Scientific) reserve."

P.L. 95-290

"...There is further established in an area adjacent to the park the Lowell Historic Preservation District, which will be administered by the Secretary and by the (Lowell Historic Preservation) Commission in accordance with this Act."

P.L. 96-344

"...The Secretary of The Interior may provide financial assistance for the maintenance and protection of the Folger Library and the Corcoran Gallery of Art."

6. General administration:

Description: This activity covers administrative support functions in the Washington and regional offices, General Services Administration space rental, executive direction, automatic data processing services, payments to the employees' compensation fund, and unemployment payments for former personnel.

Authority:16 U.S.C. 1a-1

"Congress declares that the national park system, ...has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their interrelated purposes and resources into one national park system it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system."

16 U.S.C. 1b(5)

"In order to facilitate the administration of the National Park System, the Secretary of the Interior is authorized to ...furnish ...services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the National Park System...."

16 U.S.C. 1c(b) "...Each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area...."

Appropriation: Construction

Appropriation language

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), \$ _____, to remain available until expended, including [\$15,000,000 for reconstruction of the Filene Center at Wolf Trap Farm Park for the Performing Arts to be available for obligation only as authorized by Public Law 97-310, not less than \$6,000,000 for nourishment of the Sandy Hook, New Jersey, portion of Gateway NRA notwithstanding any other provisions of law, and not less than \$2,444,000 for Perry's Victory and International Peace Memorial, \$1,400,000 for the Federal share of the construction and development costs for the Alaska Interagency Visitor Centers in Anchorage, Fairbanks, and Tok, Alaska, pursuant to section 1305 of the Alaska National Interest Lands Conservation Act (Public Law 96 - 487).] \$ _____ to restore and improve National Park Service Facilities, to be derived from the Land and Water Conservation Fund established by section 2 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11).

[Sec. 167. Notwithstanding any other provision of this joint resolution, there is appropriated to the Department of the Interior \$3,000,000 for National Park Service Construction.]

Appropriation language citations and explanations:

1. For construction, improvements, repair or replacement of physical facilities,

16 U.S.C. 1, 1c, 7a-7e, 461-467
43 U.S.C. 620g.

16 U.S.C. 1, 1c, 7a-7e provides for the creation of the National Park Service and describes its functions.

16 U.S.C. 461 - 467 provides for the Secretary of the Interior to acquire property, restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects and properties of national, historical, or archeological significance.

43 U.S.C. 620g provides, in connection with the development of the Colorado River storage project and participating projects, for authorization to investigate, plan, construct, operate, and maintain public recreational facilities on lands withdrawn or acquired for the development of said projects and to conserve the scenery, the natural, historic, and

archeological objects, and the wildlife on said lands, and to provide for public use and enjoyment of the same and of water areas created by these projects.

2. without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451),

16 U.S.C. 451

16 U.S.C. 451 provides for no expenditure for construction of administration or other buildings cost in case of any building exceeding \$3,000 shall be made in any national park except under express authority of Congress.

3. to remain available until expended,

No specific authority

This appropriation involves development programs which require more than a one-year cycle from their beginning stages through the actual construction of facilities. This applies to both Pre-Authorization Planning for areas that have been proposed as additions to the National Park System, and Post-Authorization Planning for existing areas and those newly added to the National Park System. Both of these are preceded by reconnaissance studies that vary in style and duration and can be relatively simple or extremely complex. It is in the latter situation where more than a year may be required for completion of a program.

4. including \$ _____ to restore and improve National Park Service Facilities, to be derived from the Land and Water Conservation Fund established by section 2 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11).

No specific authority

Legislation authorizing this section is being proposed as part of the Administration's efforts to refocus Federal recreation programs. Funding for land acquisition from the Land and Water Conservation Fund has been reduced. It is being proposed instead to use the revenues from this fund for a Park Restoration Improvement program to upgrade the aging physical plant of existing parks.

Basic authorizing legislation

U.S.C., Title 16, sec. 1 (see Operation of the National Park System).

Activity structure

1. Construction
2. Emergency and unscheduled projects
3. Planning

Authorization by activity1. Construction

Description: This activity provides for: (1) rehabilitation and restoration of historic and cultural resources; (2) rehabilitation of operational structures such as visitor use and maintenance facilities, trails, and utility systems; (3) construction of new visitor use and operational facilities where the need exists; and (4) rehabilitation and construction of park roads and bridges, funded from the Federal Lands Highway Program in the Department of Transportation.

Authority:

16 U.S.C. 1 "...The service thus established shall ...by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects... and to provide... by such means as will leave them unimpaired for the enjoyment of future generations."

16 U.S.C. 461 "...it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States."

43 U.S.C. 620g "In connection with the development of the Colorado River storage project and of the participating projects, the Secretary is authorized and directed to investigate, plan, construct... public recreational facilities on lands withdrawn or acquired for the development of said project...."

2. Emergency and unscheduled projects:

Description: To continue visitor services and preserve resources, minor emergency reconstruction and repair projects are performed.

Authority:

16 U.S.C. 1 (See Construction Activity)

3. Planning: Under this activity, the National Park Service conducts environmental, architectural and engineering studies, as well as planning and design activities.

Authority:

16 U.S.C. 1 (See Construction Activity)

16 U.S.C. 461

43 U.S.C. 620g

Appropriation: John F. Kennedy Center For the Performing Arts

Appropriation language

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for Performing Arts, \$_____.

Appropriation language citations and explanations:

1. For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

P.L. 92-313

P.L. 92-313

(86 Stat. 216) amends section 10, section 6 of the John F. Kennedy Center Act, as amended (72 Stat. 1968) by adding at the end thereof the following new subsection: (e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

P.L. 97-202

intended the appropriation authorization through the fiscal year ending September 30, 1983.

Basic authorizing legislation

The basic authorization to establish the John F. Kennedy Center for the Performing Arts emanated from Public Law 85-874, dated September 2, 1958, to provide for a National Cultural Center to be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia. The Director of the National Park Service was chosen as one of the members of the Board of Trustees of the National Cultural Center. Public Law 88-260, dated January 23, 1964, changed the name of the National Cultural Center to the John F. Kennedy Center for the Performing Arts. Public Law 92-313, dated June 16, 1972, specified the role of the National Park Service in regard to the Center.

Activity structure:

1. John F. Kennedy Center for the Performing Arts

Authorization by activity1. John F. Kennedy Center for the Performing Arts

Description: The Service is responsible for the operations of the Kennedy Center, apart from those functions that directly support the performing arts. In effect, the Service conducts those aspects of the operation resulting from the Center's designation as a monument to President John Kennedy, including maintenance, security, information, interpretation, and other similar services.

Authority:

P.L. 92-313 (86 Stat. 216)

Appropriation: Urban Park and Recreation Fund

Appropriation language

[For expenses necessary for rehabilitation grants and repairs, under the provisions of the Urban Park and Recreation Recovery Act of 1978, (Title 10 of Public Law 95-625), \$40,000,000: Provided, That such funds shall be available only for grants for which: (1) obligations are entered into before October 1, 1983, (2) work will be in progress before January 1, 1984, and (3) all Federal funds will be outlayed before September 30, 1984.]

Basic authorizing legislation

The basic authorization to establish the Urban Park and Recreation Program is Title X of Public Law 95-625, dated November 10, 1978, and titled the "Urban Park and Recreation Recovery Act of 1978." In its study, Congress found that the quality of life in urban areas is closely related to the availability of fully functional park and recreation systems. Residents of cities need close-to-home recreational opportunities that are adequate to specialized urban demands, with parks and facilities properly located, developed, and well maintained. Inadequate financing of urban recreation programs due to fiscal difficulties in many large cities has led to the deterioration of facilities, nonavailability of recreation services, and an inability to adapt recreational programs to changing circumstances. There was no existing Federal assistance program to address the need for physical rehabilitation and revitalization of these park and recreation systems.

Activity structure

1. Grants-in-aid

Authorization by activity1. Grants-in-aid

Description: This activity represents grants that are funded to local governments to develop and demonstrate innovative ways to enhance park and recreation opportunities at the neighborhood level.

Authority:P.L. 95-625

"Sec. 1003. The purpose of this title is to authorize the Secretary to establish an urban park and recreation recovery program which would provide Federal grants to economically hardpressed communities specifically for the rehabilitation of critically needed recreation areas, facilities, and development of improved recreation programs for a period of 5 years. This short-term program is intended to complement existing Federal programs such as the Land and Water Conservation Fund and Community Development Grant Programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. Such assistance shall be subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this title.

Appropriation: Land Acquisition

Appropriation language

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$ _____ to be derived from the Land and Water Conservation Fund, to remain available until expended [, of which \$75,000,000 is for the State Assistance program including \$4,381,000 to administer the program; \$5,000,000 is for Pinelands National Preserve: Provided, That unexpended balances of funds appropriated to the National Park Service in the Heritage Conservation and Recreation Service " Land and Water Conservation Fund" shall be merged with this appropriation: Provided further, That State administrative expenses associated with the State grant portion of the State Assistance program shall not exceed 15 percent: Provided further, That none of the State Assistance funds may be used as a contingency fund]: Provided, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, \$ _____ shall be available in 1984 for administrative expenses of the State grant program: Provided further, That section 9 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), which provides contract authority, is hereby repealed and subsequent sections are renumbered accordingly.

Appropriation language citations and explanations:

1. For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11),

16 U.S.C. 4601-5 (c), 4601-6

16 U.S.C., 4601-5(c) "During the period ending September 30,1989, there shall be covered into the land and water conservation fund in the Treasury of the United States, the following revenues and collections...."

16 U.S.C. 4601-6 "Money covered into the fund shall be available for expenditure for the purposes of this part only when appropriated therefor."

2. including administrative expenses

16 U.S.C. 4601-4-11

16 U.S.C. 4601-4-11 Authority to appropriate Fund moneys for administrative expenses is considered to be implied in the law and recognized by Congress in appropriation language and appropriation committee reports designating specific amounts for administrative expenses.

3. and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service \$ _____ ,

16 U.S.C. 4601-9(a)

16 U.S.C. 4601-9 (a) "Moneys appropriated from the fund for Federal purposes, shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes: (1) For the acquisition of land, waters, or interests in land or waters as follows: National Park System...."

4. to be derived from the Land and Water Conservation Fund,

16 U.S.C. 4601-5(c), 4601-6

16 U.S.C. 4601-5 (c) "During the period ending September 30, 1989, there shall be covered into the land and water conservation fund in the Treasury of the United States,...."

16 U.S.C. 4601-6

"Moneys covered into the fund shall be available for expenditure...."

5. to remain available until expended:

16 U.S.C. 4601-6

16 U.S.C. 4601-6

"...Such appropriation may be made without fiscal year limitation."

6. Provided, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, \$_____ shall be available in 1984 for administrative expenses of the State grant program:

16 U.S.C. 4601-4-11

16 U.S.C. 4601-4-11

Authority to make previous appropriations available for administrative expenses is considered to be implied in the law as is the authority to appropriate new funds for the same purpose.

7. Provided further, That section 9 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), which provides contract authority, is hereby repealed and subsequent sections are renumbered accordingly.

No specific authority

Funding for land acquisition is now requested in the yearly budget process. Since contract authority is no longer required, the Service has requested rescission of this authority in the fiscal 1984 budget.

Basic authorizin legislation

The basic authorization to establish the "Land Acquisition" appropriation is provided in the Land and Water Conservation Fund Act of 1965, dated September 3, 1964, to assist in preserving, developing and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

Activity structure

1. Land acquisition
2. Land acquisition administration
3. State grants
4. State grants administration

Authorization by activity1. Land acquisition

Description: This activity provides funds to acquire certain lands for inclusion in the National Park System in order to preserve nationally important natural and historic resources.

Authority

16 U.S.C. 4601-6 "Moneys covered into the fund shall be available for expenditure for the purposes of this part only when appropriated therefor...."

2. Land acquisition administration

Description: Funds are provided to coordinate and administer the land acquisition program.

Authority

16 U.S.C. 4601-4-11 (See explanation under "Appropriation language citations and explanations")

3. State grants

Description: This activity provides financial assistance to States, and through the States to local governments for the acquisition of outdoor recreation lands and the development of a variety of basic outdoor recreation facilities to meet State, regional, and local needs in accord with priorities established in Statewide Outdoor Recreation Plans.

Authority:

16 U.S.C. 4601-8 "The Secretary of the Interior is authorized to provide financial assistance to the States from moneys available for State purposes...."

4. State grants administration

Description: Funds are provided to administer new and already awarded grants to States and local governments.

Authority:16 U.S.C. 4601-4-11

(See explanation under "Appropriation language citations and explanations")

Appropriation: Historic Preservation Fund

Appropriation language:

[For assistance to States, \$25,000,000 to be derived from the Historic Preservation Fund, established by section 108 of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470); Provided further, That such funds shall be available only for development grants, and for related State administrative expenses not to exceed 5 per centum of the amount available to each State; Provided further, That such funds shall be available only for grants for which: (1) obligations are entered into before October 1, 1983, (2) work will be in progress before January 1, 1984, and (3) all Federal funds will be outlayed before September 30, 1984.

Basic authorizing legislation

The basic authorization to establish the Historic Preservation Fund is Public Law 89-665, dated October 15, 1966, 80 Stat. 915, popularly known as the "National Historic Preservation Act of 1966." Section 1, entitled Policy, states that the Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the Government shall: (1) administer cultural properties under their control in a spirit of stewardship and trusteeship for future generations; (2) initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures and objects of historical, architectural, or archeological significance are preserved, restored, and maintained for the inspiration and benefit of the people; and (3) in consultation with the Advisory Council on Historic Preservation, institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of nonfederally owned sites, structures, and objects of historical, architectural or archeological significance.

Activity structure:

1. Grants-in-aid
2. National Trust for Historic Preservation

Authorization by activity:

1. Grants-in-aid

Description: This activity provides matching grants for historic preservation activities to States and through States to local institutions, organizations, and individuals.

Authority:

16 U.S.C. 470c "The amounts appropriated and made available for grants to the States for comprehensive Statewide historic surveys and plans under sections 470 to 470t of this title shall be apportioned among the States by the Secretary on the basis of needs as determined by him...."

2. National Trust for Historic Preservation

Description: This activity funds the National Trust for Historic Preservation, a private non-profit corporation chartered by Congress to facilitate public participation in the preservation of historic sites, buildings, and objects.

Authority:

16 U.S.C. 470a "The Secretary of the Interior is authorized to establish a program of matching grants-in-aid to the National Trust for Historic Preservation in the United States, chartered by sections 468 to 468e of this title for the purpose of carrying out the responsibilities of the National Trust....."

Appropriation: Miscellaneous Permanent Appropriations

Activity structure

1. Educational expenses, children of employees, Yellowstone National Park
2. Payment for tax losses on land acquired for Grand Teton National Park
3. Operation, management, maintenance, and demolition of Federally acquired properties, Independence National Historical Park

Authorization by activity

1. Educational expenses, children of employees, Yellowstone National Park

Description: Revenues received from the collection of short-term recreation fees to the park are used to provide educational facilities to pupils who are dependents of persons engaged in the administration, operation, and maintenance of Yellowstone National Park.

Authority:

16 U.S.C. 40a "Under such regulations as may be prescribed by the Secretary of the Interior, payments may be made... in advance or otherwise, from any revenues received by the United States from visitors to Yellowstone National Park, to the appropriate school district or districts

serving that park, as reimbursement for educational facilities (including, where appropriate, transportation to and from school) furnished by the said district or districts to pupils who are dependents of persons engaged in the administration, operation, and maintenance of the park, and living at or near the park upon real property of the United States not subject to taxation by the State or local agencies and upon which payments in lieu of taxes are not made by the United States: Provided, That the payments for any school year for the aforesaid purpose should not exceed that part of the cost of operating and maintaining such facilities which the number of pupils, in average daily attendance during that year bears to the whole number of pupils in average daily attendance at those schools for that year.

2. Payment for tax losses on land acquired for Grand Teton National Park

Description: Revenues received from fees collected from visitors are used to compensate the State of Wyoming for tax losses on Grand Teton National Park lands.

Authority:

16 U.S.C. 406d-3 "In order to provide compensation for tax losses sustained as a result of any acquisition by the United States, subsequent to March 15, 1943, of privately owned lands, together with any improvements thereon, local within the exterior boundary of the Grand Teton National Park..., payments shall be made to the State of Wyoming for distribution to the county in which such lands are located...."

3. Operation, management, maintenance, and demolition of federally acquired properties, Independence National Historical Park

Description: Moneys collected from rental operations of the Irwin Building were used for the operation, management, and maintenance of this building and its subsequent demolition.

Authority:

P.L. 82-212 (65 Stat. 664)

"Sec. 7. Following the acquisition by the Federal Government of properties pursuant to this Act and until such time as the buildings thereon are demolished or the properties and buildings thereon are devoted to purposes of the Independence National Historical Park as provided herein, the Secretary is authorized, with respect to the said properties, to administer, operate, manage, lease, and maintain such properties, and lease, demolish, or

remove buildings, or space in buildings thereon, in such manner as he shall consider to be in the public interest. Any funds received from leasing the said properties, buildings thereon, or space in buildings thereon, shall be deposited to the credit of a special receipt account and expended for purposes of operating, maintaining, and managing the said properties and demolishing or removing the buildings thereon. The Secretary, in by discretion and notwithstanding other requirements of law, may exercise and carry out the functions authorized herein by entering into agreements or contracts with public or private agencies, corporations, or persons, upon such terms and conditions as he deems to be appropriate in carrying out the purposes of this Act."

Appropriation: Miscellaneous Trust Funds

Activity structure

1. National Park Service, donations
2. Preservation, Birthplace of Abraham Lincoln, National Park Service
3. Jefferson National Expansion Memorial, contributions

Authorization by activity

1. National Park Service, donations

Description: The Secretary of the Interior accepts and uses donated moneys for purposes of the National Park System.

Authority:

16 U.S.C. 6

"The Secretary of the Interior in his administration of the National Park Service is authorized, in his discretion, to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments, and moneys which may be donated for the purposes of the national park and monument system."

2. Preservation, Birthplace of Abraham Lincoln, National Park Service

Description: This fund consists of an endowment given by the Lincoln Farm Association, and the interest therefrom is available for preservation of the Abraham Lincoln Birthplace National Historic Site, Kentucky.

Authority:16 U.S.C. 211

"The United States of America accepts title to the lands mentioned in the deed of gift or conveyance in possession of the Secretary of War on July 17, 1916, together with all the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, which deed of conveyance was executed on the 11th day of April, 1916, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance ...That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances,"

16 U.S.C. 212

"The United States of America also accepts title to the endowment fund of \$50,000 mentioned in the assignment and transfer, in the possession of the Secretary of War on July 17, 1916, which assignment and transfer was executed on the 11th day of April, 1916, by the Lincoln Farm Association... transferring and turning over all its right, title and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer...."

3. Jefferson National Expansion Memorial, contributions

Description: Contributions are accepted from the City of St. Louis and other non-Federal sources in the ratio of \$1 to each \$3 of Federal appropriations for the development of the Jefferson National Expansion Memorial in St. Louis.

Authority:

P.L. 83-361, Sec. 4 "...Funds authorized to be appropriated by this Act shall be expended by the United States for construction of the memorial in the ratio of \$3 of Federal funds for each \$1 of money contributed hereafter by the city of Saint Louis or other non-Federal source for purposes of the memorial, and for such purposes the Secretary is authorized to accept from the said city or other non-Federal sources, and

to utilize for purposes of this Act, any money so contributed...."

Administrative Provisions

Language

Appropriations for the National Park Service shall be available for the purchase of not to exceed _____ aircraft for replacement only, passenger motor vehicles of which _____ shall be for replacement only, including not to exceed _____ for police-type use and _____ buses; and to provide, notwithstanding any other provision of law, at a cost not exceeding \$ _____, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; and options for the purchase of land at not to exceed \$1 for each option: Provided, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System; [and to provide insurance on official motor vehicles and aircraft operated by the National Park Service in Mexico and Canada:] Provided further, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: [Provided further, That notwithstanding any other provision of law, the Secretary of the Interior is authorized to enter into a cooperative agreement with the Smith River Fire Protection District, California, for a special use permit on lands within the boundary of Redwood National Park to permit construction of a fire station.] Provided further, That the National Park Service may use helicopters and motorized equipment at Death Valley for removal of feral burros and horses.

Language Citations and Explanations

1. Appropriations for the National Park Service shall be available for the purchase of not to exceed _____ aircraft for replacement only, passenger motor vehicles of which _____ shall be for replacement only, including not to exceed _____ for police-type use and _____ buses;

31 U.S.C. 638 (a-b)

31 U.S.C. 638(a) provides that "Unless specifically authorized by the appropriation concerned or other law, no appropriation shall be expended to purchase or hire passenger motor vehicles for any branch of the Government...."

31 U.S.C. 638(b) provides that "Excepting appropriations for the military and naval establishments, no appropriation shall be available for the purchase, maintenance, or operation of any aircraft unless specific authority for the purchase, maintenance, or operation thereof has been or is provided in such appropriation."

2. and to provide, notwithstanding any other provision of law, at a cost not exceeding \$_____, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service;

No specific authority

This provision was adopted as a result of discussions at the fiscal 1970 House hearings. National Park Service Director Hartzog pointed out that Wolf Trap and other suburban parks like Prince William Forest Park were ideal areas for children of the city of Washington to enjoy, but that there were no means to transport the children to these nearby parks. This situation is still prevalent, therefore the provision has been retained.

3. and options for the purchase of land at not to exceed \$1 for each option:

No specific authority

This provision was inserted into the administrative provisions in the fiscal 1981 budget by Congress. Congress felt that the National Park Service practice of obligating earnest money for limited purchase options on lands for which acquisition funding has not been appropriated was prejudging congressional appropriation decisions and having the effect of influencing these decisions.

4. Provided, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations

No specific authority

This provision resulted from the year 1971 being the worst year in the history of the National Park Service with regard to disorders and other law enforcement encounters. This provision is essential to ensure the continuance of law and order in park areas, considering the unpredictability of the extent of funding needs from year-to-year.

5. and conduct emergency search and rescue operations in the National Park System;

No specific authority

This provision was requested in the fiscal 1982 budget because of the increased costs associated with search and rescue operations. The potential for increased costs further increases with the addition of new parks in Alaska. While it is possible for parks to absorb minor costs, a major effort could drastically impact ongoing programs.

6. Provided further, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913:

18 U.S.C. 1913

18 U.S.C. 1913 "No part of the money appropriated by any enactment of Congress shall... be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation...."

7. Provided further, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner:

No specific authority

This provision was added by Congress in the fiscal 1979 Appropriation Act and prohibits the National Park Service from adding industrial facilities to National Historic Landmarks status without the owner's consent.

8. Provided further, That the National Park Service may use helicopters and motorized equipment at Death Valley for removal of feral burros and horses.

No specific authority

This provision would allow the National Park Service to conduct removal activities that are otherwise prohibited by 16 U.S.C. 1331-1340 and 18 U.S.C. 47.