

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

September 29, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff – Will Layden
Subcommittee on Federal Lands (x6-7736)

Markup: **H.R. 2897 (Rep. Eleanor Holmes Norton)**, 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.
October 3 & 4; 1334 Longworth HOB

Summary of the Bill

H.R. 2897, introduced by Congresswoman Eleanor Holmes Norton (D-D.C.), authorizes the District of Columbia to establish cooperative management agreements with the National Park Service to operate, manage, and maintain National Park Service (NPS) properties within city limits. It defines the District as a state for the purposes of NPS cooperative management agreements, and provides that certain provisions of the Anti-Deficiency Act and the District of Columbia Home Rule Act will not prohibit the District and NPS from entering into cooperative management agreements.

Background

Per Article 1, section 8, clause 17 of the U.S. Constitution, the Congress has plenary authority over all matters related to the District of Columbia. While the 1974 *District of Columbia Home Rule Act* (P.L. 93-198) and other statutes have devolved certain federal powers to the District, there is no federal law that specifically governs cooperative management agreements between the National Park Service (NPS) and the District. As such, H.R. 2897 provides the city with the authority to enter into cooperative management agreements with NPS, allowing the city to manage and maintain Park Units around the city.

As of 2015, 21.7 percent of the District's total surface area, over 8,000 acres in total, was owned and managed by NPS.¹ This area includes 24 distinct units of the National Park System, and many of the small urban green spaces spread throughout the city. A significant portion of this land is in disrepair – the District ranks second highest among all states in NPS deferred maintenance, with an estimated total deferred maintenance of approximately \$1.2 billion.²

¹ Vincent, Hanson, Argueta, "Federal Land Ownership: Overview and Data," Congressional Research Service, March 3, 2017. <https://fas.org/sgp/crs/misc/R42346.pdf>

² National Park Service, "Deferred Maintenance by State and park," Department of the Interior, September 30, 2016. <https://www.nps.gov/subjects/plandesignconstruct/loader.cfm?csModule=security/getfile&PageID=5547454>

In March 2017, Mayor Muriel Bowser sent a letter to President Trump requesting the transfer of three NPS sites to the city: Robert F. Kennedy (RFK) Stadium, Franklin Park, and three public golf courses managed by NPS collectively known as the Langston Initiative. While to date, no steps have been taken to transfer any of the units, the Mayor's office has begun conversations with NPS to structure a cooperative management agreement for Franklin Park.

The park is currently the focus of a major restoration initiative headed by the mayor's office and a local nonprofit, the DowntownDC Business Improvement District. The mayor's office has set aside \$13.9 million in local funds to construct new facilities and repair Franklin Park, and the DowntownDC Business Improvement District has reserved \$750,000 annually for operation and maintenance of the park.³ However, for any investment or improvement to occur, the District needs to be granted the authority to enter into a cooperative management agreement with NPS.

Administration Position

The Administration has not provided an official position of H.R. 2897, however, it is unlikely that it differs from the previous administration's support. In March 2015, NPS unveiled its Urban Parks agenda as part of the NPS Centennial, which highlighted NPS efforts in urban development and focused agency efforts on collaboration with local governments and nonprofits. The plan identified the District as one of ten 'model cities,' and the Franklin Park restoration program has been cited by the NPS as a potential showcase of the Urban Park agenda's collaboration pillar.⁴ Recently, Mayor Bowser's staff stated there is "total agreement between Bowser's administration, the Trump administration and the career people in the Park Service that this is the way to move forward."⁵

Cost

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

Effect on Current Law (Ramseyer)

Section 101703 of title 54, United States Code

§101703. Cooperative management agreements

(a) In General.-To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and

³ Rachel Chason, "D.C. asks Congress for approval to invest in Franklin Park," The Washington Post, June 16, 2017. https://www.washingtonpost.com/local/dc-politics/dc-asks-congress-for-approval-to-invest-in-franklin-square/2017/06/16/d1f7cc78-51d4-11e7-91eb-9611861a988f_story.html?utm_term=.541f3fc98663

⁴ National Park Service, "Urban Parks Agenda," Department of the Interior, March 2015. https://www.nps.gov/orgs/1412/upload/UrbanAgenda_web.pdf

⁵ Chason, page 2, "D.C. asks Congress for approval to invest in Franklin Park," The Washington Post, June 16, 2017. https://www.washingtonpost.com/local/dc-politics/dc-asks-congress-for-approval-to-invest-in-franklin-square/2017/06/16/d1f7cc78-51d4-11e7-91eb-9611861a988f_story.html?utm_term=.541f3fc98663

cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) Provision of Goods and Services.-Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) Assignment of Employee.-An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

(d) Definition of State- For the purposes of this section, the term “State” means each of the several States and the District of Columbia.