

**AS DIFFICULT AS POSSIBLE: THE NATIONAL PARK  
SERVICE'S IMPLEMENTATION OF THE GOVERN-  
MENT SHUTDOWN**

---

---

**JOINT HEARING**

BEFORE THE

**COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM**

AND THE

**COMMITTEE ON NATURAL RESOURCES**

**HOUSE OF REPRESENTATIVES**

**ONE HUNDRED THIRTEENTH CONGRESS**

**FIRST SESSION**

OCTOBER 16, 2013

**Serial No. 113-116**

(Committee on Oversight and Government Reform)

**Serial No. 113-48**

(Committee on Natural Resources)



Available via the World Wide Web: <http://www.fdsys.gov>  
<http://www.house.gov/reform>  
<http://naturalresources.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

88-621PDF

WASHINGTON : 2014

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

DARRELL E. ISSA, California, *Chairman*

JOHN L. MICA, Florida	ELLJAH E. CUMMINGS, Maryland, <i>Ranking</i>
MICHAEL R. TURNER, Ohio	<i>Minority Member</i>
JOHN J. DUNCAN, JR., Tennessee	CAROLYN B. MALONEY, New York
PATRICK T. McHENRY, North Carolina	ELEANOR HOLMES NORTON, District of
JIM JORDAN, Ohio	Columbia
JASON CHAFFETZ, Utah	JOHN F. TIERNEY, Massachusetts
TIM WALBERG, Michigan	WM. LACY CLAY, Missouri
JAMES LANKFORD, Oklahoma	STEPHEN F. LYNCH, Massachusetts
JUSTIN AMASH, Michigan	JIM COOPER, Tennessee
PAUL A. GOSAR, Arizona	GERALD E. CONNOLLY, Virginia
PATRICK MEEHAN, Pennsylvania	JACKIE SPEIER, California
SCOTT DESJARLAIS, Tennessee	MATTHEW A. CARTWRIGHT, Pennsylvania
TREY GOWDY, South Carolina	TAMMY DUCKWORTH, Illinois
BLAKE FARENTHOLD, Texas	ROBIN L. KELLY, Illinois
DOC HASTINGS, Washington	DANNY K. DAVIS, Illinois
CYNTHIA M. LUMMIS, Wyoming	PETER WELCH, Vermont
ROB WOODALL, Georgia	TONY CARDENAS, California
THOMAS MASSIE, Kentucky	STEVEN A. HORSFORD, Nevada
DOUG COLLINS, Georgia	MICHELE LUJAN GRISHAM, New Mexico
MARK MEADOWS, North Carolina	<i>Vacancy</i>
KERRY L. BENTIVOLIO, Michigan	
RON DeSANTIS, Florida	

LAWRENCE J. BRADY, *Staff Director*

JOHN D. CUADERES, *Deputy Staff Director*

STEPHEN CASTOR, *General Counsel*

LINDA A. GOOD, *Chief Clerk*

DAVID RAPALLO, *Minority Staff Director*

COMMITTEE ON NATURAL RESOURCES

DOC HASTINGS, WA, *Chairman*  
PETER A. DEFAZIO, OR, *Ranking Democratic Member*

Don Young, AK	Eni F. H. Faleomavaega, AS
Louie Gohmert, TX	Frank Pallone, Jr., NJ
Rob Bishop, UT	Grace F. Napolitano, CA
Doug Lamborn, CO	Rush Holt, NJ
Robert J. Wittman, VA	Raúl M. Grijalva, AZ
Paul C. Broun, GA	Madeleine Z. Bordallo, GU
John Fleming, LA	Jim Costa, CA
Tom McClintock, CA	Gregorio Kilili Camacho Sablan, CNMI
Glenn Thompson, PA	Niki Tsongas, MA
Cynthia M. Lummis, WY	Pedro R. Pierluisi, PR
Dan Benishek, MI	Colleen W. Hanabusa, HI
Jeff Duncan, SC	Tony Cárdenas, CA
Scott R. Tipton, CO	Steven A. Horsford, NV
Paul A. Gosar, AZ	Jared Huffman, CA
Raúl R. Labrador, ID	Raul Ruiz, CA
Steve Southerland, II, FL	Carol Shea-Porter, NH
Bill Flores, TX	Alan S. Lowenthal, CA
Jon Runyan, NJ	Joe Garcia, FL
Mark E. Amodei, NV	Matt Cartwright, PA
Markwayne Mullin, OK	<i>Vacancy</i>
Chris Stewart, UT	
Steve Daines, MT	
Kevin Cramer, ND	
Doug LaMalfa, CA	
Jason T. Smith, MO	

Todd Young, *Chief of Staff*  
Lisa Pittman, *Chief Legislative Counsel*  
Penny Dodge, *Democratic Staff Director*  
David Watkins, *Democratic Chief Counsel*



# CONTENTS

	Page
Hearing held on October 16, 2013 .....	1
WITNESSES	
Mr. Greg Bryan, Mayor, Town of Tusayan, Arizona	
Oral Statement .....	12
Written Statement .....	15
Ms. Anna Eberly, Managing Director, Claude Moore Colonial Farm, McLean, Virginia	
Oral Statement .....	21
Written Statement .....	23
Mr. Jonathan B. Jarvis, Director, National Park Service	
Oral Statement .....	32
Written Statement .....	34
Ms. Lisa Simon, President, National Tourism Association, Lexington, Ken- tucky	
Oral Statement .....	37
Written Statement .....	39
Mr. Myron Ebell, Director, Center for Energy and Environment, Competitive Enterprise Institute	
Oral Statement .....	43
Written Statement .....	45
Mr. Denis P. Galvin, Board of Trustees, National Parks Conservation Associa- tion	
Oral Statement .....	50
Written Statement .....	52
APPENDIX	
Opening Statement of Rep. Gerald Connolly .....	132
Additional Statement for the record by The Hon. Pedro Pierluisi .....	134
USA Article, "GOP asks: Why Were National Parks Shut Down, Anyway?" submitted by Chairman Issa .....	137
AP News Archive "Annoyed Tourists Shut Out Of Monuments—Again," sub- mitted by Chairman Issa .....	140
U.S. Dept. of Interior National Park System Closure Determination and No- tice, submitted by Chairman Issa .....	142
A letter to Rep. Cummings from the Military Officers Assoc. of America, submitted by Rep. Cummings .....	144
Statement from the Student Veterans of America submitted by Rep. Cummings .....	146
A Statement by Blount County Mayor Ed Mitchell, submitted by Rep. Dun- can .....	148
Donation Agreement Between the NPS and the State of Arizona, submitted by Chairman Issa .....	150
A letter dated Mar. 27, 2013 to NPS and the April 19, 2013 response, submitted by Chairman Issa .....	168
Statement by Alan O'Neill, submitted by Rep. Horsford .....	172
A Feb. 28, 2013 letter from 300 businesses affected by NPS cuts, submitted by Rep. Lowenthal .....	175
Statement of Mary Hountalas .....	179
Oct 15, 2013 letter to Rep. Cummings from the Reserve Offices Assoc. ....	183
The Victoria Advocate article of Oct. 13, 2013 .....	184
Questions and responses from the NPS .....	186



# **AS DIFFICULT AS POSSIBLE: THE NATIONAL PARK SERVICE'S IMPLEMENTATION OF THE GOVERNMENT SHUTDOWN**

**Wednesday, October 16, 2013**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
JOINT WITH COMMITTEE ON NATURAL RESOURCES,  
*Washington, D.C.*

The committees met, pursuant to call, at 9:30 a.m., in Room 2167, Rayburn House Office Building, Hon. Darrell E. Issa [chairman of the Committee on Oversight and Government Reform] presiding.

Present for Committee on Oversight and Government Reform: Representatives Issa, Mica, Duncan, Jordan, Chaffetz, Walberg, Lankford, Amash, Gosar, Meehan, Gowdy, Lummis, Woodall, Massie, Meadows, Bentivolio, DeSantis, Cummings, Maloney, Norton, Tierney, Lynch, Connolly, Pocan, Kelly, Davis, Horsford and Grisham.

Present for the Committee on Natural Resources: Representatives Hastings, Young, Gohmert, Bishop, Lamborn, Wittman, Fleming, McClintock, Thompson, Benishek, Tipton, Labrador, Flores, Mullin, Stewart, Daines, LaMalfa, Smith, DeFazio, Faleomavaega, Napolitano, Holt, Grijalva, Bordallo, Costa, Tsongas, Pierluisi, Huffman, Shea-Porter, Lowenthal, Garcia, and Cartwright.

Also present: Representative Noem.

Staff present for Committee on Oversight and Government Reform: Ali Ahmad, Senior Communications Advisor; Molly Boyd, Deputy General Counsel and Parliamentarian; Lawrence J. Brady, Staff Director; Caitlin Carroll, Deputy Press Secretary; Sharon Casey, Senior Assistant Clerk; Steve Castor, General Counsel; Drew Colliatie, Professional Staff Member; Adam P. Fromm, Director of Member Services and Committee Operations; Linda Good, Chief Clerk; Tyler Grimm, Senior Professional Staff Member; Michael R. Kiko, Legislative Assistant; Mark D. Marin, Deputy Staff Director for Oversight; Katy Rother, Counsel; Laura L. Rush, Deputy Chief Clerk; Peter Warren, Legislative Policy Director; Rebecca Watkins, Communications Director; Sang H. Yi, Professional Staff Member; Krista Boyd, Minority Deputy Director of Legislation/Counsel; Aryele Bradford, Minority Press Secretary; Jennifer Hoffman, Minority Communications Director; Chris Knauer, Minority Senior Investigator; Elisa LaNier, Minority Director of Operations; Juan McCullum, Minority Clerk; Leah Perry, Minority Chief Oversight Counsel; Brian Quinn, Minority Counsel; Dave Rapallo, Mi-

minority Staff Director; Daniel Roberts, Minority Staff Assistant/Legislative Correspondent; Mark Stephenson, Minority Director of Legislation; and Cecelia Thomas, Minority Counsel.

Chairman ISSA. The committee will come to order. Today we have a joint hearing of the Committee on Oversight and Government Reform and the Committee on Natural Resources. The committee is entitled—the hearing is entitled “As Difficult As Possible: The National Park Service’s Implementation of the Government Shutdown.”

With the indulgence of the chair and ranking member of the Resources Committee, the Oversight Committee’s mission statement: We exist to secure two fundamental principles. First, Americans have a right to know the money Washington takes from them is well spent; and, second, Americans deserve an efficient, effective government that works on their behalf.

Our duty on the Government Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold government accountable to taxpayers because taxpayers have a right to know that the money government takes from them is well spent. Our responsibility is to work tirelessly in partnership with citizens and watchdog groups to deliver the facts to the American people and bring a genuine reform to the Federal bureaucracy. This is our mission statement, and during a government shutdown more than ever we take that seriously.

The National Park Service is the steward of the most treasured public spaces. Indeed, the Park Service is the caretaker of our national heritage. As such it is always—it has always been called on to act in the best interest of the American people and to never allow itself to be subjected to political influence or to work in any way other than on behalf of the American people and these treasured assets. Yet it appears today the Park Service leadership is no longer living up to that mandate.

First allow me to say I support fully the funding of the National Park Service for fiscal year 2013 levels and the appropriation bill that would reopen the parks and fully fund as was passed by—on a bipartisan basis on October 2nd. Notwithstanding the Senate has not taken up that bill, every Republican member of both of these committees and three Democratic members did vote for that legislation.

I understand that this is a confrontational time. This is a time in which issues other than the Park Service and its assets are being argued. We’re not here to argue that today. We’re here simply to discover whether or not the Park Service has met its legal obligation on one hand under the lack of an appropriations bill, and on the other hand has done everything it can to mitigate damage to the American people.

During the lapse of appropriations, it is proper for nonessential park personnel and services to be suspended; however, it is clear that the lack of money does not mean that one park in America is required to close.

As we speak to Director Jarvis today, I regret that he would not come voluntarily and had to be subpoenaed and served by the marshals. This is not the normal way that we do business with any administration official.

Why did the Park Service barricade the Lincoln Memorial? Why, when I asked the police standing duty there personally, did they tell me that every policeman was on duty, they were essential, and their job was to keep people out? I repeat, an open-air monument was guarded by the same number of people to prevent Americans from getting in as would allow them to safely go in and out on a daily basis.

Why were veterans turned away from the Vietnam Veterans Memorial? Why were Honor Flights initially told that they must cancel their planned visits? Why were members of the Americans' finest generation, in their eighties and nineties, turned away and told they could not visit what would be undoubtedly, in many cases, their last time to those monuments?

Why were private businesses and nonprofits operating near parkland shuttered? Why, in fact, did the Park Service spend money to stop commerce rather than spend no money and allow commerce to go forward?

Why is the Park Service closing roads that run through parkland, but are used for local traffic? Why, in fact, would America ever expect that a public road necessary for ingress and egress and safety of a city, a town, or private residence ever be nonessential?

We will hear from the Director today whatever he wants to say would justify stopping the public from using a public road. I doubt that I, in fact, will agree with him, but I certainly would like to hear his statement for why, in fact, these punitive measures were taken at no savings to the American people.

Why, in short, is the shutdown so different than 1995 and 1996? The lessons learned in 1995 and '96 should be the basic starting point for can we do better at a time without fundings and limited authority, rather than many facilities have successfully stayed open now being closed. One anonymous Park Service ranger told the Washington Times, "We've been told to make life as difficult for people as we can. It is disgusting." If true—and I have no reason to doubt the truthfulness of that quote—it is indeed disgusting and despicable that the Park Service would do this.

But, Director Jarvis, you're not here for the first time. During sequestration we found a pattern of if someone said they could live with existing staff that they had already had attrition to cover sequestration, that wasn't good enough. They had to send an alternate report. In fact, many of your lieutenants found that they were almost punished for thinking in advance and preparing for the possibility of that lower amount of the sequestration.

During the Occupy program, you became before one of our committees and made it very clear that you were going to reinterpret the First Amendment to include, basically, people sleeping in the parks, defecating on the lawn, creating a health hazard for the people of the District of Columbia, and, in fact, would do nothing about it. You likened it to previous events, rather than likening it to people who were simply sleeping in the park. We disagreed with you then, and we disagree with you now.

But I hope today we will have a healthy dialogue, and it gives you an opportunity to tell us why you have performed, and the Park Service under your leadership has performed, less well on be-

half of the American people during this shutdown than the one we had more than a decade ago.

Chairman ISSA. With that I recognize the ranking member.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. And I will start today by asking a very obvious question: What in the world are we doing here?

Today is the 16th day since House Speaker John Boehner shut down the United States Government. He could end the shutdown this morning, like right now, by simply allowing the House of Representatives to vote on legislation to reopen the government. This bill has already passed the Senate, and it has more than enough votes to pass the House, but Speaker Boehner refuses to bring it to the House floor without the support of a majority of his own political party. In other words, if Speaker Boehner brought this bill to the House floor today, it would pass with about two dozen Republicans and most, if not all, Democrats.

Since he does not have 51 percent of the Republican Party, Speaker Boehner refuses to allow any vote on this bill. That is why we are still in this government shutdown. That is why people say Speaker Boehner is holding our country hostage. And that is why the American people correctly blame House Republicans for shutting down the government. Their approach puts the ideology of one political party ahead of the interests of our entire Nation. Even worse, if this issue is not resolved in the next few hours, we will begin defaulting on our debts, something our Nation has never done before.

As House Republicans drive our Nation towards the fiscal cliff, credit-rating agencies are warning that the full faith and credit of our Nation is now at risk, and investors are dumping Treasury bills.

My colleagues on the other side of the aisle are truly concerned about the shutdown, allow us to end it. Stop this madness right now. Let us bring a clean Senate bill to the House floor, and let us pass it. You can still vote against it, but don't bring down our entire government just because you do not want to allow a vote.

Rather than allowing us to take this reasonable course of action, House Republicans today want to focus on restricted access to the World War II Memorial in Washington, D.C. So let me address this issue directly.

The World War II Memorial is a stunning and beautiful monument, but it is made of marble and fountains. Do you know what a more significant tribute to our veterans is? Do you know what really honors our Nation's heroes for their service and for their sacrifice? Providing them with the benefits they earned after suffering injuries in combat; paying them the pensions they need to cover their rent, their utility bills, their food; and guaranteeing the assistance they rely on to stay off the streets and in some cases to simply stay alive. That is how we make good on our promises to veterans. We take care of them like they took care of us. They gave their blood, their sweat, and their tears; in some instances, all they had.

Yesterday a nonpartisan coalition of 33 veterans groups held a rally at the World War II Memorial, and Garry Augustine, the executive director of the Disabled American Veterans, explained the

importance of these benefits of veterans across the country. This is what he said: “For many, those payments may be the primary and only source of income.”

Also yesterday John Soltz, an Army veteran who started [votevets.org](http://votevets.org) after serving two tours in Iraq, said this: “If you lost both your legs in Vietnam, and you’re on prosthetics, and you’re 100 percent connected disabled, you don’t get a disability check because the Republicans have hijacked the government over Obamacare.”

I will conclude by reading from a statement issued on October 3rd by two of the most distinguished World War II veterans ever to serve in Congress, Republican Bob Dole, Senator Bob Dole, and Democratic Representative John Dingell, who were both instrumental in creating the World War II Memorial. This is what they said: “As two proud World War II veterans, blessed also to serve this great Nation in Congress, we consider it our bipartisan work together in helping to create a National World War II Memorial to be among our greatest accomplishments and a true honor to our brothers-in-arms. If this Congress truly wishes to recognize the sacrifice and bravery of our World War II veterans and all who have come after, it will end this shutdown and reopen our government now. The current shutdown has slowed the rate at which the government can process veterans’ disability claims. And as the VA has stated, it is negatively impacting other services to our Nation’s veterans. Piecemeal or partial spending plans do not adequately ensure that our veterans, and indeed all Americans, have access to the system of self-government established to serve and protect them.”

Mr. Chairman, we’re out of time. I understand that the Senate will make one more attempt this morning to resolve this issue on a bipartisan basis. I just hope and I pray that Speaker Boehner will finally put our Nation first, that he will put this bill on the floor and allow us to vote so we can avert default and reopen our government before it is too late.

With that, I yield back.

Chairman ISSA. I thank the gentleman.

We now go to the chairman of the full Committee on Resources Mr. Hastings.

Mr. HASTINGS. Thank you, Mr. Chairman. And I want to thank you and your staff for the cooperation as we put together this joint hearing.

Now, back to the issue at hand. The issue at hand: “As Difficult As Possible: National Park Service’s Implementation of the Government Shutdown.” To anyone trying to follow or make sense of the National Park Service’s policies during this unfortunate government shutdown, I would say good luck. The policies have been arbitrary, inconsistent and ever-changing. Their actions appear to be motivated by two things: one, an attempt to make the shutdowns as painful and as visible as possible; and, two, because of one and the backlash, an attempt to squash the ensuing bad PR. That’s no way to run a government agency and no way to treat the American people across the country who visit, live, or work on our national parklands.

The actions of the Obama administration have sullied our great National Park System. In their most egregious act, the National Park Service erected barricades around open-air parks and memorials, areas that are open 24/7, 365 days a year. This is in direct contradiction to what happened during the last government shutdown 17 years ago.

The Obama administration's barricading of these sites is not something that they are required to do; it is something that they are choosing to do. Furthermore, they appear to only be barricading the highly visible sites; for example, the Lincoln Memorial and the World War II Memorial are barricaded. The people are currently free to walk around the Washington, D.C., World War I Memorial and the Japanese-Americans Memorial, both open sites.

Thus far we have heard excuses from the Obama administration ranging from trash collection and maintenance to security concerns. Yet one by one it's been confirmed that these excuses are excuses. The Mayor of Washington, D.C., declared that they will collect trash in the national parks around the city. As for security, it's been reported that there are just as many National Park Police working along the National Mall now as before the shutdown. So from my perspective, there is no reason for these barricades.

To add to that, the National Park Service's selective reversal of policies has been even more confusing. For example, the administration realized its mistake only after public pressure built. As a result, they agreed to allow World War II veterans with the Honor Flight programs to visit their memorial and exercise their First Amendment rights. Now, while this is very good news for these veterans, it is not appropriate for the National Park Service to be denying these same rights to others who want to visit these open-air parks and memorials.

This administration has also forced privately operated sites and businesses to close just because they happen to be located on public lands. These are businesses that don't receive a dime of taxpayer dollars to operate. But, once again, after intense public and legal pressure, the Park Service has suddenly allowed some of these sites to reopen, while others, with no explanation, remain closed. I hope to hear from our witnesses today why this was allowed to happen in the first place and what changed to prompt the Park Service's sudden reversal.

In addition, the Obama administration first refused to allow States to pay to keep national parks in their respective States open. But what is now becoming a recurring theme, the Park Service suddenly changed their mind after more than a week, again, of public backlash. I do want to point out that during the last government shutdown in '95, '96, States were allowed to pay to keep the national parks open and were later reimbursed by the Federal Government. There is absolutely no reason why it should be any different this time under this administration. Erroneous claims by the Interior Department that they can't pay and may not be able to reimburse States simply defy history.

At today's hearing we expect to get answers, not excuses, and to get to the bottom of when and how all these arbitrary decisions were made and by whom.

The past 2½ weeks have also raised broader questions about how the National Park Service is run. This shouldn't be the only time we take a look at how the Park Service operates and interacts with all States, counties, private businesses, and private property owners. The Committee on Natural Resources expects to continue its oversight of the Park Service's actions, as we have with other Federal land-management agencies.

And with that I'll yield back my time.

Chairman ISSA. I thank the gentleman.

We now go to the ranking member from Oregon Mr. DeFazio.

Mr. DEFazio. I thank the chairman.

You know, normally I begin these hearings by thanking my Republican colleagues for holding a hearing, inviting witnesses to testify on important issues before the Congress. But, you know, that's not appropriate today. The Republican majority closed down the Federal Government in a vain attempt to repeal or delay the Affordable Care Act; Obamacare, as they call it. Well, we're 15 days into a Republican-initiated government shutdown, and now the Republicans want to investigate why the national parks are shut down.

Our Nation is already threatened with a credit downgrade, close to the point of default, because the Republicans have linked their shutdown now to the debt limit and could trigger the first default in our Nation's history, and here we are holding a hearing on why the Republican government shutdown led to a shutdown of our national parks. Instead of trying to prevent economic hardship, potential financial catastrophe, we're having a hearing that is at best nonsensical.

I'm going to spend my time talking about how this Seinfeld shutdown, or the shutdown about nothing, has kept hunters out of refuges, crabbers out of the fishing season, loggers off our timberlands, and citizens out of our national parks.

When you decided to shut down the government over 2 weeks ago, did you forget the National Park System, which includes memorials, is part of the Federal Government? No, you knew that, but you apparently forgot the economic impact our iconic parks have in gateway communities, and you forgot that the American people value their public lands and the solemn tribute of the World War II and other war memorials.

The title of this so-called hearing is laughable: "As Difficult As Possible: The National Park Service's Implementation of the Government Shutdown." If you want to spend your time here dissecting individual decisions about what monuments are open, which are closed, let me save you some time. Our National Park System is surprisingly part of our national government, which you shut down.

And I'm going to demonstrate, if the Republican side would look at me, I will show you who is responsible. Right here. Here you are. This is who is responsible for shutting down the national parks and memorials. Guess what. The Republican-caused government shutdown is irresponsible, causing credible economic hardships to the public servants you have put out of work. And, yes, it is painful. It is painful for every single American. And that's why we don't shut the government down on a year-to-year basis.

This hearing is a sideshow, it's political theater. Are we meeting here today to amplify the efforts of Senator Cruz, Senator Lee and Sarah Palin last Sunday on the networks? Do we really need to give a platform for a group of people cheering when their leader, Larry Klayman, said: "wage a second American nonviolent revolution, to use civil disobedience, to demand that this President leave town, to get up, to put the Koran down, to get up off his knees, to figuratively come out with his hands up while others went to the White House waving Confederate flags"?

Maybe the majority wants to give a megaphone to groups like the Competitive Enterprise Institute. They are here today. They once called expanding our Federal estate "rural cleansing." Really? Rural cleansing? Our parks, our monuments, that was rural cleansing? You'd take them away, you'd give them back, you'd sell them?

Well, you can continue to engage in your irresponsible talk and try and make the Park Service and our Park Rangers the target of your own ineptitude and intransigence, but we're not going to play that game.

I would yield the balance of my time to Representative Grijalva.

Mr. GRIJALVA. Thank you, Mr. DeFazio.

Let me just concur that we seem to be here at this hearing functioning in an alternative universe. We have the Republican majority and their leadership that created the shutdown. We have the Republican majority and their leadership that can't manage the shutdown. And we have the Republican majority and their leadership that can't get us out of the shutdown. So what do we do? We have a hearing. Today the majority holds this feeble hearing to scapegoat Director Jarvis and blame him for the fact that they can't cope with reality.

The national parks, as Mr. DeFazio said, are part of our government. People love them people, people depend on them, economies depend on them. But—and the—to avoid reality of the shutdown or the responsibility for that is to neglect the job that we have as Members of Congress, and thus far this majority has neglected it consistently.

And with that I yield back.

Chairman ISSA. The gentleman from—

Mr. HASTINGS. Mr. Chairman, I want to recognize the chairman of the National Park Subcommittee on Natural Resources, the gentleman from Utah Mr. Bishop.

Chairman ISSA. The gentleman is recognized.

Mr. BISHOP. Thank you, Mr. Chairman, Mr. Jarvis and our witnesses. I don't know whether it was on purpose or whether it just happens to appear that way, but it seems to be our policy towards our public lands has been vindictive and petty and politicized. I wonder why the cooperation of the '90s does not exist.

But what is very clear is that there is a better way. What we have seen are that the States are willing to step up and help people when Washington fails; not just when Congress fails, but when the agencies fail at the same time. I'm very proud that when your Department ordered the national park—the Federal lands that are administered and run by the State of Wisconsin to close down, the Governor basically said no, that he would run those regardless. I'm proud of the Governors in Arizona and Utah and South Dakota and

Colorado, who have stepped up to pay to have those parks functioning.

What we have simply found is that when the States and local governments are involved in the management of our public lands, it is a better process. If you look in the State of Utah, the Sand Flats, which is a wonderful recreation area, this time BLM property, that the BLM could not manage, didn't have the resources to manage, nor the desire. And when a near riot broke out one time in the recreation area, they decided to work with the county to come up with a county-managed plan, which is now a wonderful recreation area that not only provides opportunities for people to recreate, but is done without a cost to the taxpayer at the same time.

The Coral Pink Sand Dunes in southern Utah is land that has been given back to the State of Utah, even though there is some Federal land there, and is managed—as one newspaper reported, 1 of the 10 wonders—10 unheralded parks in the Nation. It's a great opportunity simply because local government was given the opportunity to be involved in the management process.

In our hearings we've already shown how the forests in Idaho and Washington on State land are far more productive, have far less wildfires, and are much healthier than the Federal land that is right next door. The same thing happens on Park Service land and BLM land. And what we need to realize is that this shutdown has illustrated there is a better way, and that better way is the involvement of State and local governments in the management of our public lands so that this kind of situation does not necessarily have to happen. And what we need is to look forward in that.

What I find is so frustrating, though, in due respect, is that this situation in which we find ourselves is not necessarily unique to the shutdown. This has been happening for those of us who live in the Intermountain West for years. When the Park Service harms outfitters and guides by insisting that their insurance payments have to go up from a 1- to a \$5 million policy, prohibiting them from doing issue; when a park in Washington bans an annual church picnic and concert for veterans because the noise that would be established would be too loud for the cultural and historic aspects of the rest of the park; when Park Service personnel says a murder victim in Nevada cannot be found, and the family wants to hire somebody to go in and look, and it takes them 15 months to raise the money to pay for the special use permit, and then when they go and they find that body within 2 hours after the Park Service said it was impossible; or an Air Force staff sergeant who was drowned at that same park, and the Park Service refuses to allow a private company that is an expert in underwater recovery to go and find the body, it takes 10 months for the family to finally get a lawyer and go to court, and then when it's allowed, that body is found within a matter of days; when on a wild and scenic recreation river, the Park Service decides to ban all sorts of paddling and oars so that the only—and obviously electronic motors—so the only thing you can do for recreation, I guess, is fish watching; when the Park Service writes a statement about the Keystone pipeline being an endanger to its parkland, and the closest land is 30 miles away, what we have found is there is a pattern not just in this

shutdown, but a pattern that has recurred year after year and has been exacerbated in the last few. I find that disgusting and disheartening, to say the least.

There is a better way. The States have stood up and shown that they can be better managers of the land. And if we really want to have a long-range policy for public lands in the future, we have to incorporate cooperation with States and local government and allow them to have a greater say in the management of our public lands. Federalism is the solution to our problems, and it may even be the salvation of this country.

I thank the gentleman from Washington, and I yield back.

Chairman ISSA. I thank the gentleman.

We now go to the gentlelady from the District of Columbia, an area very much affected by this shutdown, for 5 minutes.

Ms. NORTON. Indeed the District of Columbia is a double-whammy victim of this shutdown. And blaming the National Park Service for closing the parks is like voting for capital punishment and then blaming the hangman as executions proceed. Locally the District cannot meet the payment coming up for its charter schools. We cannot pay for disabled children in group homes because our local funds are held here. This in addition to the national parks which fund our tourist economy, that has collapsed.

So the District of Columbia's local funds shouldn't even be here. And certainly, certainly our local economy, dependent on the opening of all of our monuments, should not now be collapsed because Republicans have shut down the Federal Government.

And I yield the remainder of my time to Mr. Holt of New Jersey.

Mr. HOLT. I thank the gentlelady.

Earlier this morning I spoke with my hundred-year-old mother, and she asked what we would be doing today in Congress. And I said I was going to hope to find that the Republican side found some backbone and got their act together to get the government operating. And she said, "It sounds like you're going to have a long day."

Well, over the last 2 weeks, the Republicans seemed surprised to find out that the Federal Government actually does things to help people, but they can't agree on what to do about it. So today they found something they can agree on, which is blaming someone else for what they've done.

So the Federal Government does perform very tangible functions, and when it's disrupted in a disrupting way, an abrupt way, you know, you find people affected in ways that weren't predicted.

The solution is quite simple. They could bring a vote to the House this morning, it would pass, everything would be fixed, the barricades would be down, the hard-working members would be back to work.

With that, I yield time to Mr. Connolly.

Mr. CONNOLLY. I thank the gentleman.

We are in a Kafka novel. The Federal Government is shut down. We're on the brink of the first default, the creditworthiness, sovereign debt of the United States, and we're going to have a hearing to pillory Director Jarvis because he shut down national parks after the Republican majority shut down the government. Imagine their shock that there would be consequences that their favorite

place to picnic is closed, and that the National Park Service is, in fact, enforcing it. And we saw that shameful moment where a member of the Republican Caucus actually berated a National Park Service ranger for doing her job.

This is a Kafkaesque moment, and the solution isn't to have a hearing to pillory someone for doing his job. The solution is to reopen this government without condition, to avoid default without condition, and get on with the business of governance before we destroy all confidence in this legislative body.

And with that I yield to my colleague Ms. Bordallo.

Ms. BORDALLO. Thank you very much.

I wonder how many Republicans really thought about the far-reaching effects of this shutdown. Nationwide the shutdown has furloughed more than 20,000 National Park Service employees, 21 of them work for the War in the Pacific National Historic Park on Guam, that small island in the Pacific. I wonder, how many thought about that? So only 2 employees remain on duty there to provide security and emergency services, and we have 600 visitors daily.

The shutdown has negatively impacted Guam's tourism economy for something that could have been avoided entirely by passing a clean CR. We have failed in this Congress our National Park Service employees and our Nation. And I have made this point repeatedly at House Armed Services and will continue to do so until this Republican-led shutdown is completed.

And I'll end my remarks saying let's shut down the shutdown. And I yield my time to Representative Tsongas.

Ms. TSONGAS. I want to thank you, Director Jarvis, for appearing before the committee today. As you know, my district is home to two great national parks, and I know firsthand how devastating the shutdown has been for our local economy, for hundreds of school children who haven't had access to the parks, and for our dedicated park employees who have been furloughed. Overall, millions of Americans have been impacted.

Chairman ISSA. The gentlelady's time has expired. Would you please conclude?

Ms. TSONGAS. Well, I think that if you really care about opening the national parks, about putting our government workers back to work, that we could have a vote today on a clean CR that would fund government and avoid a default for the first time in this country.

Chairman ISSA. All Members may have 7 days in which to submit opening statements for the record.

And as I recognize the panel, I would admonish all Members that House rules prohibit questioning the intent or the character of another Member of the House or the Senate. So as we go through this hearing, you may quote from statements made, but the intent of a Member or adverse intent is not admissible.

Additionally, I now ask unanimous consent that the USA Today article, last night, "GOP Asks Where the National Park Shutdown"—or "Why Were the National Parks Shut Down Anyway" be entered in the record. Without objection, so ordered.

We now recognize our panel of witnesses. Mr. Greg Bryan is Mayor of Tucson—Tusayan, not to be confused with the other simi-

lar name in Arizona. Ms. Anna Eberly is the managing director of Claude Moore Colonial Farm. Mr. Jonathan Jarvis is Director of the National Park Service. Miss Lisa Simon is the president of the National Tour Association. Mr. Myron Ebell is director of energy and global warming policy at the Competitive Enterprise Institute. And Mr. Dennis Galvin is a member of the Board of Trustees of the National Parks Conservation Association.

Pursuant to the rules of the Oversight Committee, I would ask that all members rise, raise their right hands, and be sworn.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Please be seated.

Let the record reflect that all witnesses answered in the affirmative.

We have a large panel today. And in order to—on both sides of the dais. And in order to allow time, I would ask that your limit your opening statements to 5 minutes. Your entire opening record plus any other submissions you think pertinent to your testimony will be placed in the record.

And with that, I now recognize Mayor Bryan.

#### **WITNESS STATEMENTS**

##### **STATEMENT OF GREG BRYAN**

Mr. BRYAN. Thank you, Chairman Issa, Chairman Hastings, Ranking Members Cummings and DeFazio, and Congressmen here. And also like to recognize Congressman Gosar for his assistance in many ways as well.

I come before you today wearing two hats. I'm both the mayor of our small town of 558 people, 3 years old, Arizona's newest community, and also that of a general manager of a rather nice 250-room hotel. And our little town is located on the southern boundary of Grand Canyon National Park. We exist for one reason. We exist because Grand Canyon National Park brings 4-1/2 million people a year to visit it. Without the park being there, there's no reason for our community. We're a tourism industry, we're dependent upon the tourism industry, and without that park open, we basically are shut down.

We have a good relationship with our park. We appreciate Governor—excuse me, Superintendent Uberuaga and his team that recognize that those workers, those rangers are there because they choose to serve and to share this beautiful wonderful resource. And we know that this shutdown has impacted them in many ways as well as our community. They recognize that relationship and want to protect that relationship. At the same time we feel like we have sincerely been—significantly been impacted by the decisions to close down the government and our national park.

The month of October is a very wonderful month. It's a beautiful month to be in Grand Canyon. When we started out, it was 90-plus percent occupancy at the end of September, reservations on the books, ready to come. Our river outfitters had, I believe, seven or eight trips worth \$900,000 ready to go down the Colorado River.

Today I'll tell you that at least in one hotel we're in the low 40 percent and dropping. We've lost over \$400,000 in one place alone.

The impact to our community has been in the millions of dollars within a very short time. All this because elected Members of Congress and the President can't come to grips with passing and getting a budget going. In the meantime we in the front line feel kind of like cannon fodder. We feel like we're the ball bouncing back and forth, and we're the ones that are paying the bill.

Suddenly our source of business, our source of income for our little community is closed, October 1st. We immediately began to ask questions with regard to how we can do it, how we can get our park back open. In 1995, same thing happened, and within a reasonably short period of time, there was an agreement worked out between the National Park Service, Department of Interior, and our Governor Fife Symington. That application, that policy could have been easily put into place. We don't understand why it wasn't. It could have been pulled out, dusted off, changed to apply today, and then applied.

But we went in—out and asked, and we offered to put up funds. Within a very short time, our little town of 558 people put up \$200,000 out of our coffers as a community. Within a few more days, we had well over \$200,000 committed from the business community in our area and across the State. We were willing to put up and fund the expenses at no cost to the National Park Service to keep portions of the park open.

We weren't asking for a full opening; we were asking for partial. We were asking the Highway 64, a primary conduit through the national park, comes up from I-40, it connects you between Albuquerque and Los Angeles, heavily traveled, tour buses, RVs; our connection, Highway 64, runs through the town of Tusayan, goes into the park, and turns east to connect to a Highway 89, which then goes into many other national parks and monuments.

The first couple of days it was left open. We thank Superintendent Uberuaga for that. But the plan that was used was failed—was doomed to fail from the beginning. We were allowing people to traverse through the park, everything else was closed, but the parking spaces alongside the road were barricaded. It's kind of like offering a piece of candy to somebody and saying, you can't open it. You can't open it. They're going to find a way. Their frustration was there. Therefore, the buses, tour buses, RVs and personal cars were parking either on the shoulders or in the road to take a look at this great, magnificent World Heritage site.

We understand that, and we agree with the Superintendent when he closed it because it was unsafe. We feel that—and we had offered—Coconino County Sheriffs Department said they would assist, and they have concurrent jurisdiction inside the park; offered to help patrol and keep it safe, open up the parking spaces, allow people to at least view. We offered to put up Porta Potties to help keep things reasonably clean. We were told no.

We asked why we couldn't apply the thing—the agreement in 1995. It's against National Park Service or Department of Interior or administration's policy. We never quite got it clear. We were told that either all the parks open, or none of the parks open. We have concerns about that. And we believe that when a national park is

closed, that the individuals in the community, if they come forward and are offered to help and to support, ought to be able to open that.

We really appreciate the work of Governor Jan Brewer in her efforts to reopen the park, and we're very ecstatic last Saturday morning, in a beautiful blue sky, to open up, with the Superintendent's help, Grand Canyon National Park for business again.

We look forward to having some changes after the shutdown is done and come back to you and request some options with regard to clarifying a policy that says we be able to and a community that wants to stand up, take responsibility, be accountable when the government won't and pay the bills. We think the policy ought to be clarified to allow that to take place.

I can tell from you being on the front lines, when you have a family come in from South Africa, or Australia, or Brazil or China, in many cases planning for 10 years to bring their children and experience that, and you got to tell them at 7 o'clock at night after they've driven all that way, can't go in national park. They can't see it. Well, why not? With tears streaming down the children's face, we got to tell them, because our government has shut it down.

We need to find different ways of doing this. And we would really appreciate the time afterwards to talk about a potential for the future of creating a clarity to the policy that would allow a national park to be run—not run, but assisted and expenses covered by local community. Thank you.

Chairman ISSA. Thank you, Mayor.

[Prepared statement of Mr. Bryan follows:]

Testimony given by Greg Bryan, Mayor of the Town of Tusayan, Arizona  
Before the joint hearing of the House Committees of Natural Resources  
and Oversight and Government Reform

Wednesday October 16, 2013

Good morning Chairman Issa, Hastings and committee members –

Thank you for the invitation to testify this morning and share our experiences during this federal government shut down and the closure of Grand Canyon National Park (GCNP).

Tusayan Arizona is a small town of 558 residents, located at the South Rim entrance and exists solely to serve the millions of visitors that come to experience Grand Canyon National Park each year. Tourism is our only industry. Without the National Park open we have no business and thus no employment for our residents.

October is a very high occupancy month and the last month for many of our businesses to put away funds for the winter months when some close down and others try to just meet payroll so staff can feed their families and pay their bills. At the end of September our hotels were forecasting 90+ % occupancy for the month of October based upon reservations already on the books. Then, because our elected members of Congress and the President could not agree on funding legislation, Grand Canyon National Park and 400 other Parks and Monuments were closed to the visiting public on October 1. Suddenly our source of business, the reason for our customers to visit our community, was shut off. Within a few short days massive

cancellations and early departures were taking place in our community. During the first seven days we estimate the loss of more than \$1 million in revenue to our small town and businesses. The River Outfitters estimate that they would lose \$900,000 in revenues due to the Park closing and having to cancel trips. To some businesses the loss was too much to take and they simply shut their doors, hoping to be able to reopen next year.

Tusayan is located on US Highway 64 that comes north to the Park and then turns east to connect with US Highway 89 at Cameron, AZ. It is a prime conduit for all of our visitors to connect with other Parks and destinations in Arizona and Utah. It is a key route to all of our bus tours. Without that thru road, the tours simply cross us off their routes, cancelling rooms and meals, let alone no shopping in our gift shops. GCNP Superintendent Dave Uberuaga kept the road open for the first two days and then closed it to all visitor traffic due to safety concerns. While we agree that there were safety issues, we feel they could have been addressed by simply allowing travelers to use the parking spots along the road, rather than barricading them. Consequently cars, RVs and tour busses were parking on the shoulders and even in the roadway to get a view of the Grand Canyon. We believe the road closing decision was not necessary and was the final nail in our community's industry coffin. The results we were disastrous and immediate. We were now at the end of a 51 mile dead end road and visitors and tour buses weren't willing to back track.

Immediately our community started to raise funds to offset the costs of reopening the Park like had been done in 1995/6 when the last shutdown had taken place. At that time Secretary of the Interior Bruce Babbitt and Arizona Governor Symington worked out a deal where

State and private funds were used to enable a limited reopening of the Park until a Federal Budget was finally passed and the government reopened. Our Town Council authorized the use of \$200,000 in Town funds to assist in the reopening the Park or Highway 64 through the Park. The business community also responded and pledged another \$200,000+ to the effort. We communicated this offer to the Park Superintendent and he said thank you, but there would be no reopening of GCNP unless all 401 National Park Service (NPS) locations were reopened. When we tried to say we were simply asking to repeat what had happened in 1995/6, we were told that was not an option any longer due to NPS policies barring the use of third party funds to reopen a Park. We believe that he was simply following directions from the Administration and had no authority to say anything different or negotiate.

We then began discussions with our Congressional delegation and had immediate support from Senators McCain and Flake. They sent a letter to Secretary of the Interior Sally Jewell asking why third party funds could not be used today as in 1995/6. They also asked when this policy had been created and for a legal explanation of the policy. They gave recent examples of how this policy was not being followed in other situations within the NPS. We in turn also sent a letter from the Town of Tusayan to Director of the National Park Service, Jon Jarvis, asking the same questions and under what legal basis were they denying the use of our funds. We asked our Congresswoman, Ann Kirkpatrick, to see if she could get an answer to our questions. She indicated she also tried but did not get an answer either. As cancellations continued to rise and revenues declined, we were left with few options, except to start closing businesses and laying off employees or reducing hours.

We also were facing the 2000+ NPS and concessionaire workers inside the National that were no longer working and thus no money for food or bills. St. Mary's Food Bank in Phoenix began to bring hundreds of meals to our communities to help feed families that had no income. Our community was hurting and we were not getting any answers or acceptance of our offers to help. We were not offering our \$426,000 as a loan, but rather as a payment for services rendered. We had to try and stop the bleeding.

We began conversations with Arizona Governor Jan Brewer to see if she could help us and the State by getting Arizona's number one tourism draw reopened. Her staff indicated that they too were being told that third party funds could not be used to reopen the Park. We were being told it was not about the money to open GCNP, it was the Administration's continuing position of all the Parks or none of the Parks were going to be opened. We continued to be told there is NO way and it is against NPS Policy.

Suddenly on Thursday, October 10, day 10 of the shutdown, the Administration announced that it would open negotiations with states that agree to pay the expenses to reopen National Parks. We are very grateful for Governor Brewer's staff for negotiating a deal to get GCNP reopened last Saturday. We are confused however, about why it took 10 days and the loss of millions of dollars to our economy, for them to change their minds and say third party funds are now okay.

We believe there are several important lessons to be learned from this unfortunate and disastrous experience of a shutdown. We continue to believe that if a community is willing to step up to serve and protect its citizen's livelihood, the Federal Government should support and

respect that commitment and courage. Once this shutdown has ended, we would like to work the Department of the Interior, our Congressional delegation and the Governor's Office to clarify the policy on third party donations. We feel that legislation be passed that clearly allows a community to assist in keeping their National Parks or Monuments open and protect their citizen's livelihoods.

We sympathize with the Department of Interior, the vast majority of its employees on furlough, and recognize the difficulties there must be the decision-making process during a government shutdown. As a General Manager of a local hotel, I understand how important it is to be fully staffed. If my hotel was at full occupancy, and my housekeepers, maintenance, desk clerks and food & beverage team were furloughed, it would be a disaster. That's what happened at the Grand Canyon.

In Tusayan, our community was the first to step up to offer a helping hand. People put aside the political differences that divide our town and worked to raise over two thirds' of the total Arizona donation to keep the Park open. We are proud of our actions and hope they are not in vain. People in both parties, at all levels of government, came to Tusayan's aid during this crisis. We appreciate that very much and hope our efforts set an example for Congress and the President. If bipartisanship can triumph in opening our National Parks, imagine the possibilities if Congress and the President worked together to solve the country's many pressing needs.

Thank you for your giving us the opportunity to share the impacts the federal shutdown has had on our small Town. We realize there are many other stories like ours and worse, due to the shutdown. We hope

that it will be over soon and people's lives can find some balance once again.

Chairman ISSA. Ms. Eberly.

**STATEMENT OF ANNA EBERLY**

Ms. EBERLY. Thank you, Mr. Chairman, members of the committee, for your invitation. I'm really honored to be here. I'm the managing director of the Claude Moore Colonial Farm in McLean. I'm representing our staff, volunteers, and visitors here.

The farm is a living history site that shows the life of a poor family in 1771 struggling to survive while fight for freedom is growing around them. The farm is also a privately operated national park unit of the George Washington Memorial Parkway.

I've been involved with the farm since 1972, first as a volunteer, then as an employee of the Park Service, helping to establish the farm, which opened to the public in 1973. Due to cuts in national park funding in 1981, the farm's public programs were going to be eliminated. And subsequently the farm became privately operated by the nonprofit organization Friends of the Farm. At the same time, I resigned my Park Service position to manage the farm for the Friends and have been there ever since.

I came here today because I thought it might not only help the farm, but maybe even help other groups like us. Along with many other national park partners, we've been severely affected by the recent closing of our site as part of the continuing government shutdown. Fortunately, we were allowed to reopen on Wednesday of last week, but most others have not been so lucky. We still don't know why we were closed, nor do we know why we were allowed to open a week later. The farm has never been included in government shutdowns as there are no Park Service employees at the farm, nor have there been since 1981.

During the previous shutdown almost 20 years ago, it made sense that if NPS personnel couldn't be paid to staff the parks, the parks couldn't open. No one was happy about that, but people understood. This time the NPS chose to close areas to the public that don't depend on NPS personnel. Locally that included us, a ball field at the end of our road leased to Fairfax County and rented to children's sports groups, the scenic overlooks on the north end of the parkway, and, of course, the closing down of the veterans memorials on the National Mall.

I realize that in the proverbial heat of battle, someone could make decisions that have unintended consequences, but wasn't anyone watching the news? Couldn't someone have come forward and admit they have made a huge mistake? As the managing director of the farm, I've had to deal with people that are unhappy. Fortunately, not very often. And I have a choice. I can be defensive, or I can immediately reach out and say, I am so sorry that your experience at the farm wasn't perfect. How can we make this right, and how can we make sure we never do it again? Within a few emails or phone calls, that person has now become a friend of ours, not an enemy, and if I can't bring myself to do that, then I shouldn't be the director of the farm.

I don't know who was responsible for the National Park Service actions this time. Maybe it was the White House, Department of the Interior; maybe the Park Service acted entirely on their own; or maybe no one is in charge there. But the results of the National

Park Service looks foolish and inept and not worthy of managing the immense natural and cultural resources entrusted to them.

As a lifelong Virginian, my big park is Shenandoah, which is a wonderful place, one of the very few unspoiled natural areas close to lots of people. Out of the entire year, October is the month. Everybody goes there to look at the leaves. The people who work for the concessions in the park and the businesses that depend on the visitors in that area are in terrible trouble. Their season is basically over by the end of this weekend.

Virginia acquired much of that land and then gave it to the Federal Government to become part of the national park system. I'm sure there are people in Richmond now, just like in the western parks, saying, well, if you can't open it, maybe we can.

For the farm worker on your farm, being treated with disdain and contempt by the National Park Service is nothing new, and the details are in my written testimony. And if you're interested, I have all the documents to back up everything I wrote.

The volunteer staff and public who care about the farm just want to get on with running the farm and doing the very best job that we can. What we do is hard enough, and we're just asking for fairness, honesty, and a partner that doesn't stab us in the back at every opportunity.

I don't know what the future holds for the farm. As our original 1981 NPS agreement is up for renewal in 2016, I have been told the process now of developing a new agreement will take at least 3 years, and agreements now only last for 5 years. That means almost as soon as we sign a new agreement, we will have to start negotiating the next one. In addition, the loss of the NPS maintenance contribution to the farm this year will have to come from somewhere. And, of course, we will have to make up the revenue that was lost because of the recent closure of the farm. But we're hopeful that we can find a way through these latest difficulties, and that the farm will emerge stronger and more committed than ever.

We have only turned to our Congressman Wolf and Congressman Moran a few times over the years to help us in working with the national park service. The opportunity to come before so many of you was just too good a chance to pass up, and I'm happy to do anything I can to help fix it.

Chairman ISSA. Thank you. And thank you for your service, both public and private.

[Prepared statement of Ms. Eberly follows:]

Thank you for the invitation to come here, Mr. Chairmen and members of the Committees. I am the Managing Director of the Claude Moore Colonial Farm in McLean, Virginia, however today I speak as a private citizen with a more than 40 year history with Farm. The Farm operates on land within the National Park System and is a part of the George Washington Memorial Parkway in the National Capital Region. The Farm was opened to the public in 1973. It focused on showing the life of a poor family just prior to the Revolutionary War. The dual themes of agriculture and low-income or subsistence living had been highlighted as underrepresented in a mid-1960's NPS survey report about whether the National Parks fully and fairly reflected the entire cultural history of the United States.

In 1972, I was recruited by the GW Parkway to help research, find artifacts and put together an operations plan for what was to be known as Turkey Run Farm. The Farm was to be located on GSA surplus land transferred to the NPS, at their request, as a part of the Legacy of the Parks program in 1971. One of the challenges of establishing the Farm was dealing with the former use of the property as a landfill for both the Federal Highway Research Station and the public. Besides bulldozing and burning trees and brush, the NPS didn't address the problems of erosion, debris left in the soil or crumbling buildings left from before they acquired it. There was a lot of pressure just to get the Farm open in to the public in 1973 and those problems were not addressed until the Farm became privately operated.

I like the simplicity of the Farm's message which is about poor people trying to make a living on the land while being drawn into going to war with the British Government in their fight for freedom. And I've enjoyed the challenge of managing the Farm as a privately operated unit of the National Park Service.

When the Farm opened 40 years ago, it immediately proved to be popular with the visiting public and especially families with children and school groups. The scale was small since we were poor, everything was accessible, there were animals, plants, tools, and most importantly for children - an 18th century child to talk to. The first program that we created was a youth volunteer program for children 10 to 17 years of age. As a visitor to the Farm you saw adults and children working together as they would have done in the 18th century. Since the Farm's focus was and is on learning by doing, we encouraged visitors to help us with the chores such as carrying firewood, hauling buckets of water, weeding, harvesting, building fences, shelling beans and peas - anything and everything that we needed help with and could be done safely.

In 1975, it was announced the Farm would be closed due to lack of NPS funding. When the closure was announced, the public was upset and made their opinions known to our Congressman, Mr. Joe Fisher. Mr. Fisher listened, decided the Farm was worth keeping open and worked with the NPS to make that happen. Ironically, our funding almost doubled the following year to accommodate the increased patronage associated with the U.S Bicentennial Celebrations of 1976.

Less than four years later, in the fall of 1980, I found out that the NPS was planning on shutting down the Farm again even though the officials there denied it to me. Finally, during the winter, I was told the Farm, the Lightship Chesapeake and another site in the National Capital Region were going to be closed to the public but in the Farm's case, funds would be provided to maintain the property and infrastructure. One of our long time volunteers happened to work on the House

Agriculture Committee and after receiving a call from the Farm, went to the office of our newly elected Congressman, Frank Wolf, to see if he could help. Mr. Wolf contacted the NPS and asked them to delay the closure of the Farm to see if something could be worked out to keep the Farm open. The National Park Service agreed with his request but still had not made a public announcement about its intentions. The NPS had learned that making a public statement closing the Farm could have repercussions.

A short time later, a Parkway maintenance crew was sent to the Farm to remove the picnic tables and trash cans, turn off the water fountain and chain the parking lot closed. That same day, we were given notice of either termination or transfer to another park depending on whether you had career or temporary status. This came as a shock to staff and volunteers since we knew the NPS had promised Mr. Wolf that they would work with him and the public to try and keep the Farm open and would inform him before they took any action.

Once again, our faithful Farm volunteer on the Hill told Mr. Wolf what had happened and I believe Mr. Wolf had a conversation with the NPS because two days later the maintenance crew brought the picnic tables and trash cans back, unchained the parking lot and turned on the water fountain and the Farm was allowed to open for its normal winter schedule of Friday, Saturday and Sunday from 10 to 4:30.

Those of us involved with the Farm had learned a good lesson from just two years before. That was, to go to the public and the press with the story and let the NPS answer to them since they had been less than straightforward in their dealings with us. Since the NPS's treatment of the Farm was now public knowledge, they were forced into stating their absolute commitment to keeping the Farm open with the only obstacle being their lack of funding. This NPS position opened the door to the Farm becoming a completely privately operated NPS unit in the system.

And Congressman Wolf took an entirely different route to keep the Farm open, calling a public meeting at Evans Farm Inn in McLean to ask people if they were willing to work for this as the government was no longer capable of doing everything. Out of this meeting was born the Friends of the Farm which since that time has successfully operated the Farm for over 32 years.

The decision was made to start raising money to reimburse the National Park Service for operating the Farm so every two weeks a check was delivered to the Parkway Headquarters to keep the Farm open. Within a few months, two things quickly became obvious to the Friends. One, raising money from the public to hand over to the government meant that citizens were in effect, paying to operate the Farm twice. And, secondly, funds raised would go much further if spent directly on expenses needed to run the Farm. I don't know who came up with the idea first that perhaps a non-profit organization could take over the part of the Farm's operation that the NPS was unable to fund, specifically the 18th century colonial farm and public programs.

One of the Friends, a McLean attorney, took on the job of writing the Friends' charter, creating the non-profit corporation, filing with the state of Virginia and applying for 501(c)(3) status with the IRS. At the same time, he started working with the NPS to develop a Cooperative Agreement to allow us to work together to keep the Farm open to the public.

All of this occurred within a few months of the initial attempt to close the Farm with the end result being a formal transfer from the National Park Service to the Friends of Turkey Run Farm

with the complete responsibility for funding, maintenance, improvements, staffing, etc. On June 6, 1981, the agreement was signed in front of the farm house and on June 7, the Farm opened as usual. But there was nothing usual about the situation. With no history of self-funding the Farm's operation, we suddenly were without vehicles, telephones, utilities, postal privileges, insurance, employees, grass mowing, etc. While scary for me as I was responsible for making this work, it was also liberating. The public came to our rescue with offers of help with equipment, time, materials and labor. It was most encouraging and continues to this day. Soon after our becoming privately operated, Dr. Claude Moore, a Loudoun County preservationist, stepped up to offer financial assistance to create an endowment and with NPS agreement, the Farm's name was changed to reflect his timely contribution.

As an employee of the National Park Service at Turkey Run Farm, I had worked hard for the Farm's survival so I left my career position and went to work for the newly formed Friends Group as the Farm's Managing Director. For more than five years, we had little contact with the Parkway Headquarters. That is not to say that I did not receive plenty of help from members of the maintenance division who understood that I was just trying to keep the Farm open. But the support was never known to nor authorized by their superiors.

It took a change of Superintendents for the Farm to work again with the National Park Service. The previous Superintendent had been the one in charge during the two attempts to close the Farm. The new Superintendent reached out and was honest in her dealings with us. She looked for opportunities for the Farm to maximize its status as part of the NPS so we could purchase items at GSA discounts and acquire Federal surplus items which saved us hundreds of thousands of dollars over the years. In addition, if there were grant opportunities she told us about them. She attended all of our board meetings and even chaired the rewriting of our Mission/Vision/Strategies statement. It was an ideal partnership and completely enjoyable. We were truly partners and working toward the same goals.

When the economy crashed in 1990, the Superintendent came to me because she was concerned about our financial condition. I told her that I wasn't sure we could survive as donations had dropped by 70%. She immediately offered to pay our utilities for the year and she then helped to get an amount added to the Parkway budget which would give the Farm an annual grant to help with the upkeep of the NPS property. Congressman Moran was instrumental in helping the NPS and our board to get this done. The idea was that a small contribution to the Farm could continue to leverage private contributions to keep the Farm in operation. The alternative was that the Parkway might have to assume the entire operation of the Farm once again if the Friends could not survive. Since the NPS budget for the Farm in 1981 was almost \$200,000, it was clear it was in the interest of the NPS to help the Farm survive.

Unfortunately, that Superintendent moved on and her Assistant became Superintendent and our working relationship with the NPS changed again. The next years were some of the worst for the Farm.

During this period, the Farm was deliberately excluded from publicity about Parkway sites and not included in posters or brochures, etc. The new Superintendent, still invited to our Board meetings, came to a January meeting in 1999 and announced that the board had done an awful job. This came as a complete surprise to all of us as the Director of the National Park Service

had been the keynote speaker at our 25th Anniversary just months before where he was effusive in his praise for what we had accomplished. The Superintendent then went to Congressman Moran's staff and told him the Farm's annual grant should be removed from the NPS budget since we didn't need the money. Of course, Congressman Moran's staff asked us if that were true and the grant stayed in the Parkway budget.

One of the worst things this Superintendent did to us was to agree to the FHWA's request to refuse us road access to our office and maintenance areas after 9/11. This roadway, shared by FHWA and the CIA - named Colonial Farm Road - was included in the Legacy of the Parks land transfer to the NPS so they retained control of the road. The first the Farm knew of this secret deal was when one of our older volunteers was made to walk a quarter mile through the woods at 8 am to get to where we were holding a fundraising event for the Farm. I went immediately through our back gate to FHWA to get the problem resolved only to be presented with a signed letter from the Parkway Superintendent agreeing to the action. My next stop was Parkway headquarters and the Acting Superintendent sent a Park Policeman to stand at the FHWA guard booth to protect the Federal Government from the public and volunteers coming to our yard sale.

The Parkway refused to help the Farm in any way and we were left with trying to run the Farm for almost two years with this situation. Every day, we were required to submit a list of people who needed access to the office. Everyone had to show an ID each time to gain access, even if it was a staff member going in and out ten times because the FHWA gate divided our property in half. Parents trying to get in were especially upset about access being denied to them and there were many unpleasant encounters between them and the Federal Agencies involved.

Once again, I turned to our Congressman, Frank Wolf, who helped the NPS expedite their process for an access road which had been long in the planning. Unfortunately, because of the NPS's mishandling of the situation, the construction funds ended up coming out of the NPS budget rather than FHWA. That was in spite of my having the letter written and signed by FHWA in 1973 stating that they would provide access or build an access road for the Farm at their expense whenever needed. I still do not understand why the NPS didn't force FHWA to pay for the road.

While the Farm didn't have to pay for the road, we did have to relocate buildings, pasture fencing, lost \$50,000 in plant sales and had to build an entrance facility so we could continue to deal with the public that now could not access our administrative and maintenance facilities. Worse still, was the disruption to staff and volunteers and especially the children who worked on the farm site who sometimes had to sit on a picnic table alone in the visitor parking lot waiting for their parents to pick them up.

Our next interaction with the NPS came in 2004 when we approached the Parkway about changing the visitor access into the Farm so it would be both safe and handicapped accessible. And by that time the Regional Office had created a new position of Deputy Superintendent so there was someone to work with again.

In 2005, we received permission to redesign the visitor entrance so that visitors would not have to cross the circular driveway used as a turn around by our neighboring agencies. The change also gave us handicapped access (including parents with strollers) for the first time. Included in

the compliance documents for the entrance was also the justification and design for flush toilets and hand washing facilities in a restroom building. We have been concerned for the past thirty years about children touching the animals and other things on the Farm and then not having a place to wash their hands before eating lunch. The National Park Service has always agreed with us about the public safety issues presented with only one porta-jon available to the public. We were excited to finally have this badly needed public facility and immediately went about raising almost \$140,000 so that we could construct it. The Parkway architect worked with us on the design so it would comply with NPS requirements and it was even going to have the green roof which we wanted.

We were ready to go but when I contacted Falls Church City Water about connecting to the sewer line along Colonial Farm Road, I was told there wasn't one. All along, we had assumed the NPS was correct that we could tie into a line that apparently did not now exist. That brought the project to a standstill for a couple of years until another Superintendent tried to get 2008 stimulus funding for putting in a sewer line to Georgetown Pike. The Parkway didn't have funding for a formal project proposal so the Friends hired Dewberry Company to produce what the NPS needed. We were willing to spend the funds as we were told the funding was "all but guaranteed" since compliance had been done, justification had been accepted, archaeological work completed and the bathroom facility was fully funded. The Regional Office didn't even consider the project for funding and we were out almost \$20,000 with no hope of a bathroom for the public.

This project has been "in process" for almost 13 years now. The latest idea was to try and run a line to FHWA, who agreed to the idea, as their line empties into the CIA treatment facility. Congressmen Wolf and Moran sent a joint letter to CIA Director, John Brennan on August 2 of this year asking if this would be possible but we have not yet received a response. In the meantime, we have almost given up on getting any help and are looking into some of the newer, more innovative treatment processes that might be feasible for the Farm. Of course, we only have money to build the bathroom facility not a processing facility or sewer line.

At a meeting we had this summer with the new Parkway Superintendent and seven of his staff about the lack of a sewer line, he told us that he understood why a restroom was needed but said "I can see how this would benefit your foundation but I can't see any benefit to the National Park Service." After 32 years of operating the Farm for the National Park Service, that attitude left me speechless.

As another example of NPS treatment of the Farm, we have just noticed that Public Meeting signs have been posted related to a new management plan for Langley Fork Park which is part of the NPS land the Farm sits on. About 25 years ago, the NPS entered into an agreement with Fairfax County to manage the old CIA ball fields that became known as Langley Fork Park. All of this property was originally part of the Farm and in fact, I used to mow the ball fields until the CIA stopped using them. The Farm did not take issue with giving Fairfax County use of the existing fields for their youth sports activities and still considers it a good low-impact use of that part of the property.

However, last winter, the Parkway land planner called me and said he wanted to go over a possible transfer of that land to county ownership. We set up a meeting and I went over to the

Parkway to view the maps and discuss this possibility. Much to my surprise, the NPS was considering giving the county not only the existing ball fields but all of the land originally designated in 1973, as a natural buffer for the Farm. When I told the planner we would never agree with that, he thanked me for my time and I left. At the Farm's next board meeting I told the board what could be on the horizon, and the decision was made to send a letter to the NPS stating our opposition to the transfer. On July 25, 2012 the Board President and I hand delivered a letter from the Board to the Acting Superintendent of the Parkway outlining our objections. At the same time, we sent letters to Congressmen Wolf and Moran and Senators Webb and Warner. We have yet to receive a written response from the NPS but Fairfax County has scheduled a meeting for Oct. 17 for public comment on their plans for Langley Fork Park. According to articles in the local papers, the county has been in negotiation with the NPS on this transfer for over ten years.

It makes me wonder what is going on with the NPS that they would secretly try to transfer National Park land to Fairfax County, a transfer which clearly would have an adverse impact on their own park site. The county has been very clear that their desire is to clear and develop this natural area for more ball fields, paved parking, night lighting and perhaps an indoor sports complex. All of which the county plans to rent to sports groups as they do now with the existing sports fields.

In our letter to the NPS in July of this year, we offered to take responsibility for the rehabilitation of this buffer which has been allowed to be taken over by invasive plant species. We even created a project called the Woodland Husbandry Project and received a \$250,000 grant to start reclaiming one of McLean's last natural areas. After more than a year of written and verbal requests I still have not received the GWMP's catalogue of native and invasive plants (which they told me they have). I thought it would be a good idea to build on what they had already done rather than start from scratch. You would think I was asking for state secrets.

The latest insult the Farm received from the NPS was the illegal closure of the Farm to the public during the recent Government shutdown. In spite of the Farm never being included in previous shutdowns, we were forced to close and visitors were escorted from the property by armed Park Police on Oct. 1. The following Tuesday, Oct. 8, I had a visit from the Park Police telling me that I could not have the Press Conference with the Congressmen they apparently believed we were hosting or they would be forced to arrest all of us. Since I had no idea what they were referring to, I assured them that a Press Conference was not on my schedule for the day and if they wanted to arrest Congressmen, they should do whatever they felt necessary.

Since I had the Park Police in the Farm office that morning, I took the opportunity to share why we no longer relied on them as the "first line of defense" for the Farm. For the last few years, there has been a homeless man living on the property west of the 18th century farm. Many people knew he was there and occasionally someone would call the Park Police to have him removed. It wasn't a problem for us until he started breaking in to our buildings during the winter. When we called the Park Police, we were told there was really nothing they could do because our sign didn't say "permit required". After about 6 months, we finally acquired one the NPS signs but then were told "that our homeless population has every right to enjoy our National Parks" which didn't really address the issue of breaking and entering, illegal camping on NPS land, and destruction of property. At that point, we gave up on the Park Police and made friends

with Jeffrey, the homeless man. Jeffrey didn't move away and on April 2, 2010, the Park Police apparently received one phone call too many about "the homeless black man" in the woods west of the Farm. Before 7 pm that evening the Park Police responded by driving on to the 18th century farm and arresting a fair haired, blue eyed guy wearing a t-shirt that said "Claude Moore Colonial Farm Volunteer." He was maced, handcuffed and dragged face down across the ground. All of this happened in spite of the volunteer asking the officers repeatedly if they were looking for the "homeless man" since that was the only reason we ever saw the Park Police. The Park Police never answered that question but after the volunteer was allowed to sit up, one of the officers called someone on his cell phone and was heard saying, "so we should let him go?" The officers then took the cuffs off and left the property.

After about 20 minutes, as the volunteer headed back to the Farm office to wash the mace off, he was accosted by two more Park Police in two separate vehicles who threatened him with arrest again for trespassing but after a tense ten minutes they too left the Farm.

Horrified that this had happened to one of our best volunteers, I met with the Parkway Superintendent early the following week. I believe the Superintendent was sorry that this had happened because she gave me a plastic Junior Ranger badge for our Farm volunteer who had been the victim of the assault. She also called the Park Police Lieutenant in charge of the Parkway substation in to meet with us. The Lieutenant was extremely defensive and never expressed any concern that a Farm volunteer had been attacked by her officers. She said it was the responsibility of the Park Police to remove people who shouldn't be in the park "after hours". This volunteer was on the farm site trying to finish up a project before 7 pm as we were opening for the season within a few days. We told her that we believed it was wrong to treat any person in that way - homeless, after hours or not - unless the Park Police were actually being threatened with force which they were not. At the end of my sharing this story with the Park Police on Oct. 8, they expressed their concern and asked me to pull my copy of the incident report so they could follow up.

As the two Park Police officers left the Farm about 10 am that day, they closed and latched our office gate and ordered barricades erected with staff and volunteers left inside. Later that same day at about 9:30 pm, our board president received a phone call from the Parkway Superintendent informing us we could open on the following morning, Wednesday, Oct. 9. There was no explanation offered as to why last week we were closed and this week we could open when the government shutdown was still in place. Living under such arbitrary and capricious decision-making by the NPS makes it almost impossible to conduct business in a sane manner.

We once again have lost money and other resources, the volunteers and staff are rightfully angry, the public and press are on the Farm's side and the National Park Service looks incompetent, vindictive or both.

Our interactions with National Park employees individually has almost always been positive and pleasant, at least as far as we are concerned. Many of them would like to work with us on joint projects that could benefit their efforts on the Parkway. For example, we have offered many times to the Tree Crew that they could bring logs and chips to the Farm that are now being dumped at Daingerfield Island or hauled to a landfill which requires paying a disposal fee. The

employees tasked with making repairs along the Parkway were excited about the idea of milling the downed trees into lumber instead of having to purchase it with their scarce funding. I have mentioned the idea to their supervisors and two Superintendents but no one ever takes us up on the offer. There are lots of areas where we could cooperate and I would be happy to help the maintenance division, whose employees were once so good to me.

I have always been proud of being a part of the National Park System and have resisted efforts to have the Farm removed from the system. In addition to visiting our parks as a child, my first contact with NPS staff was when my brother got a summer seasonal job during college at the Civil War battlefields in Richmond, Virginia. I became friends with the Southeast Regional historian who later convinced me to come to Turkey Run to help start the Farm. I had planned to stay for four months and I'm still there. I was initially interested in the both the simplicity of the message and the challenge of creating the physical site and visitor experience. Living History can be really awful or really good but it is just another educational tool to get people thinking about their own lives and where they fit in the history of our nation. Early on, we committed ourselves to being respectful of the lives we were trying to represent. As new historical information became available we improved the infrastructure, tools and details of the family. The Farm is absolutely committed to serving the history of the common man and woman and the contributions of agriculture to the building of the new nation.

Thirty two years ago, I was a career employee of the National Park Service and I had a choice. I could stay with the NPS which would mean that by now I could be retiring with my 40 year pension and health care for life. Or I could stay with the park site that I had learned to love and was in a unique position to protect with all the risks associated with that choice. Within months of going private in 1981, the Farm laid off its entire staff for the winter and I worked 7 days a week alone and for free so that we could raise money/save money and reopen in the spring. I have never regretted my choice and still enjoy working with the Farm and the people it attracts.

The Farm hasn't merely survived and unlike every other National Park site, it doesn't have a huge backlog of unfunded maintenance projects. When we identify a need, we enlist volunteer help, raise money, ask for donated materials and equipment and do whatever we need to do to get the project completed. The expression heard most often at the Farm is "You know what we could do?"

We discovered early on that the public's involvement in the operation of the Farm was necessary and desirable. Every good idea about improvements, programs and opportunities has come from our volunteers and supporters. Paid staff comes and goes but the true soul of the Farm is with those citizens - paid or unpaid - who have committed to the ideas that the Farm represents.

The Farm is not just about telling the story of an eighteenth century poor farm family eking out an existence while the country is about to go to war with its own government in London. It's also the story of a group of people committed to an idea and willing to work and sacrifice for what they believe in. The protesters who were going to march outside the Department of the Interior last week are young adults who all started out as ten year old volunteers at the Farm. It never occurred to them to ask permission of anyone to march and I am so proud of them that they care so much that they would risk arrest for their beliefs. We give our children volunteers as much responsibility as they can handle which is an extraordinary amount, just as it was in the

18th century. Their ideas are given as much weight as adults because their vision is usually unclouded and they don't mince words. If they learned to think for themselves while working at the Farm, that is reason enough to continue what we do.

We certainly don't dislike the entire Federal Government as some have suggested, but we do want to be treated fairly and with honesty. Our relationship with our closest neighbor, the CIA, has always been very cordial and they have been very good to us over the years - especially the security they provide to us by being next door. We also trade favors occasionally with our other neighbor, the FHWA. And we have worked happily and productively over the years with the Departments of Agriculture and Energy as well as FDA and EPA.

I believe that the future of the National Park System lies in a real partnership with groups such as ours. The National Park Service does not need to be threatened by the Farm. If I were in charge of the NPS, I would use the Farm as a perfect example of how public-private partnerships for managing public lands can succeed. Every time someone came to Washington to lobby to get their little piece of natural or cultural history into the NPS, I would trot them out to the Farm on the Parkway to see how they could do the same thing. We were willing to trust the public with the Farm and it has been a fantastic ride. I suggest the National Park Service try giving up a little control and work with the public to protect and preserve the National Park System.

We don't know what the future holds for the Farm since our NPS agreement is up for renewal in 2016. I have been told the process of developing a new agreement will take at least three years and agreements now only last for five years. That means almost as soon as we sign a new agreement we will have to start negotiating the next one. In addition, the loss of the NPS maintenance contribution to the Farm this year will have to be made up somewhere. And of course we will have to make up the revenue that was lost because of the most recent closure of the Farm. But we are hopeful that we can find our way through these latest difficulties and that the Farm will emerge stronger and more committed than ever.

Thank you for this opportunity to tell the Farm's story.

Anna Eberly  
aerberly@1771.org

Chairman ISSA. Director Jarvis.

**STATEMENT OF JONATHAN B. JARVIS**

Mr. JARVIS. Thank you, Mr. Chairman.

On October the 1st, the National Park Service began to implement a shutdown of our activities due to the lapse in appropriations. Under the closure determination notice that I issued that day, we closed and secured all 401 national parks across the country and furloughed more than 20,000 of our employees, consistent with the Antideficiency Act. Approximately 3,000 employees were excepted from this furlough to respond to threats to the safety of human life and the protection of property. Absent appropriations, the National Park Service will continue to implement the approved contingency plan that was made public on September 27.

The closure has had far-reaching impacts across the country on families with planned visits, businesses, gateway communities, and employees. The National Park System welcomes more than 282 million people per year and more than 700,000 people per day in October. The parks are loved not only because they are beautiful and historic, but because they are well managed, protected, and interpreted, and maintained by a professional workforce, a workforce that is now largely on furlough.

The national parks are incredible economic drivers. Visitor spending generates an estimated 32 million per day in communities near national parks and contributes 76 million each day to the national economy.

In response to the economic impacts of the closures, Secretary Jewell announced on October 10th that Interior would consider agreements with Governors who indicate an interest and ability to fully fund the National Park Service personnel to reopen national parks in their States. This is a practical and temporary solution that will lessen the pain for some businesses and communities. Turning away visitors is not our culture, nor our DNA. We look forward to reopening all 401 national parks.

The closure did not apply to through roads in parks that provided primary access between points located outside of the parks, such as Rock Creek Parkway. It also did not affect First Amendment activities on the National Mall and memorial parks and at Independence National Historic Park in Philadelphia due to regulations and court cases specific to these areas. Because these two areas are long-standing venues for hundreds of First Amendment activities each year, we anticipated that there would be the potential for such activities during the shutdown.

The National Park Service has maintained law enforcement services provided by the U.S. Park Police and rangers for emergency and disaster assistance. We also have maintained our firefighting programs, border and coastal protection, and surveillance activities. Projects that were funded with nonlapsing appropriations have also continued.

There has been a lot of attention on the monuments, memorials on the National Mall. They are among the many places that the National Park Service cares for that honor for those that have fought and died for our Nation. We are proud of the special relationship we share with America's veterans, and we know that they

will be here—we will be here to protect these memorials now and in future generations.

On a normal day there are over 300 National Mall and Memorial Park employees on duty. The rangers provide the eyes and ears of the U.S. Park Police. They enhance the visitor experience by sharing the history of the war, keeping the grounds and the restrooms clean, maintaining the landscape and fountains, and overseeing special events. All but a dozen of these 300 employees have been furloughed.

Even though the U.S. Park Police commissioned officers have been excepted from the furlough, given the limited staff resources, prudent and practical steps were taken to secure the life and property of these national icons.

We know that the visits to our World War II veterans to the memorials are pilgrimages, and many of them will make them only once. Throughout the shutdown, we have worked diligently to try to ensure that no Honor Flight group, veteran, or their family has been turned away from visiting the veterans' memorials. Likewise, those also engaging in First Amendment activities are welcome to visit the war memorials.

Congress has charged the National Park Service with the preservation and protection of the park's natural, historic, and cultural resources for the benefit of future generations. This requirement in law exists whether the parks are open or shut down. With very few employees available, we are endeavoring to fulfill our mission the best we can. We look forward to the end of the shutdown so that we can reopen all of our national parks for the education, inspiration, and enjoyment of the American people.

Be glad to answer any questions.

[Prepared statement of Mr. Jarvis follows:]

**STATEMENT OF JONATHAN B. JARVIS, DIRECTOR, NATIONAL PARK SERVICE,  
DEPARTMENT OF THE INTERIOR, BEFORE A JOINT OVERSIGHT HEARING OF  
THE HOUSE COMMITTEES ON NATURAL RESOURCES AND OVERSIGHT AND  
GOVERNMENT REFORM**

**October 16, 2013**

---

Chairman Hastings, Chairman Issa, and Members of the Committees, I appear before you today to discuss the National Park Service's operations during the lapse in appropriations.

On October 1, 2013, the National Park Service, along with all other bureaus and offices of the Department of the Interior, began to implement a shutdown of our activities due to a lapse in appropriations. Under the closure determination and notice I issued that day, the National Park Service closed and secured national park facilities and grounds and suspended all activities.

Due to the lapse in appropriations, and consistent with the requirements of the Antideficiency Act, the National Park Service was forced to close all 401 national parks across the country and furlough more than 20,000 National Park Service employees. Approximately 3,000 employees were exempted from the furlough to respond to threats to the safety of human life and the protection of property. Absent appropriations, the National Park Service will continue to implement the contingency plan that was approved by the Department and made public on September 27, 2013, in advance of the lapse in appropriations that began on October 1, 2013.

The closure of national parks due to the lapse in appropriations has had real and far-reaching impacts across the country: on families whose long-time plans were foiled; on businesses and gateway communities who rely on national parks as economic engines; and on our employees who are furloughed or who have to deliver difficult news to visitors and perform functions that are antithetical to why any of us joined the National Park Service.

The National Park System welcomes more than 282 million people per year and more than 700,000 people per day in October. The national parks are supported and loved by the American public not only because they are beautiful and historic, but because they are well managed, protected, interpreted and maintained by a professional workforce, a workforce that is now largely on furlough.

National parks are also incredible economic drivers with visitor spending generating an estimated \$32 million per day impact in communities near national parks and contributing \$76 million each day to the national economy.

As the funding lapse has dragged on, and in response to the economic impacts that the park closures are having on many communities and local businesses, Secretary Jewell announced on October 10 that Interior would consider agreements with Governors who indicate an interest and ability to fully fund National Park Service personnel to re-open national parks in their states. This is a practical and temporary solution that will lessen the pain for some businesses and communities - a band-aid until Congress passes an appropriations bill.

Turning away visitors is not in our DNA, and we all look forward to re-opening *all* 401 national parks so they may fulfill the purposes for which they were intended – to be enjoyed and loved by the American people.

The closure determination required the notification of members of the public who were visiting parks to vacate the park immediately. Members of the public who were staying at overnight campground or lodging facilities were given 48 hours to leave. Concessioners were required to suspend their operations in overnight accommodations in this same timeframe, while suspending day-use concessions operations immediately. Holders of commercial use authorizations who were on multi-day backcountry trips that could not safely be terminated could continue the trips and then were required to vacate the park within 12 hours after the trip's end.

This closure did not apply to through roads in parks that provided primary access between points located outside of the parks, such as Rock Creek Parkway. It also did not affect First Amendment activities at the National Mall and Memorial Parks and at Independence National Historical Park in Philadelphia due to regulations and court cases specific to these areas. Because the National Mall and Independence National Historical Park are traditional and long-standing venues for hundreds of First Amendment activities each year, we anticipated that there was the potential for First Amendment activities during the shutdown and we retained enough NPS staff to permit these activities to continue there without risk to life and property.

During the closure, the National Park Service has maintained law enforcement staff including services provided by the U.S. Park Police and Rangers for emergency and disaster assistance. We also have maintained our firefighting programs along with our border and coastal protection and surveillance activities as these are essential for the protection of life and property. Projects that were funded from non-lapsing appropriations also have been continued.

There has been a great deal of attention paid to the implementation of the shutdown with respect to the monuments and memorials under the care of the NPS on the National Mall. From Valley Forge to Gettysburg to the USS Arizona to the memorials on the National Mall, the National Park Service has been entrusted with the care of places to honor those who have fought and died for our nation. We are proud of the special relationship that we share with America's veterans as we protect and preserve these memorials that commemorate their sacrifices – now and for future generations.

On a normal day, there are 300 National Mall and Memorial Park employees on duty. The rangers are on site to provide eyes and ears for the U.S. Park Police and ensure the safekeeping of our national treasures, enhance visitor experience by sharing the history of the war, keep the grounds and restrooms clean, maintain the landscape and fountains, and oversee special events that happen almost daily.

All but a dozen of the National Mall and Memorial Parks employees have been furloughed. Even though the U.S. Park Police commissioned officers have been exempted from the furlough, given the limited staff resources during the shutdown, prudent and practical steps were taken to secure life and property at these national icons where security has become increasingly complex in a post-9/11 world.

We know that visits of America's World War II veterans to the memorial are pilgrimages that many of them will only make once. Throughout the shutdown, we have worked diligently to try and ensure that no Honor Flight group, veteran, or their family has been turned away from visiting the veterans' memorials. Likewise, those also engaging in First Amendment activities are welcome to visit the war memorials.

Congress has charged the National Park Service with the preservation and protection of the park's natural, historic, and cultural resources for the benefit of future generations. This requirement in law exists whether the national parks are open or when a shutdown occurs. With few employees available to perform these duties, we are endeavoring to fulfill our mission as best we can. We look forward to the end of the federal government's shutdown in the near future so that we can reopen all of our national parks for the education, inspiration, and enjoyment of the American public.

I would be glad to respond to any questions you may have.

Chairman ISSA. Thank you.  
Ms. Simon.

#### **STATEMENT OF LISA SIMON**

Ms. SIMON. Thank you, Chairman Issa, Chairman Hastings, Ranking Members Cummings and DeFazio, and members of the committees.

I appreciate the opportunity to testify today on behalf of our members and the tourism industry. The National Tour Association membership includes 702 operators, who package tours to, from and within North America. They collectively move 10 million travelers annually and represent \$6 billion in annual sales; 74 percent work domestically, and 36 percent are bringing international visitors into the United States. They serve both groups and individuals, travelers of all ages, and various special interest groups, and the majority of our members are small businesses. The balance of our 3,000 members are suppliers of travel components like hotels, attractions, restaurants, transportation companies and destination marketers, such as national, state and local tourism organizations. Tour operators and their customers plan their trips 6 to 18 months in advance, so an abrupt shutdown of 401 park units cannot come without significant disruptions and costs.

Since October 1, tour operators and their supplier partners have been scrambling to reroute itineraries and find alternative destinations and activities on a daily basis. NTA has had a longstanding relationship with the National Park Service, and they generally recognize the planning cycle needed in the package travel industry, yet with this shutdown, neither NTA nor its tour operator members were advised about what park units would be closed during the shutdown. It has been difficult to locate information on what's closed, including roads through and around Federal lands.

In many cases, our members and their customers discovered closures upon arrival or had to send colleagues in advance to find out what the situation was. Our association and members incorrectly speculated that some of the units would remain open, particularly those that had no limited hours, no admission desks, no security checkpoints and, generally speaking, no specific point of entry. As a result, our tour operators have spent the last 2 weeks constantly dealing with a myriad of challenges and finding alternative activities and lodging.

We surveyed our members 1 week into the shutdown, and 82 percent across the board reported an impact. Specifically, 85 percent of the tour operators reported rerouting and changing itineraries; 46 percent reported cancellations; and 57 percent reported having to refund deposits and fees. Initial estimates of the financial loss totaled \$114 million just in the first week.

Some of our members are also the suppliers and destinations that are dependent on the national parks in their areas, and they reported an immediate decline in business; 91 percent reporting cancelled or postponed tours; 56 percent in the first week were already seeing fewer visitors in their areas.

In addition to the immediate losses, the shutdown will have lasting effects on both the domestic travel industry and international visitation. The U.S. Travel Association estimates that we are losing

\$152 million a day. And the closure of the national parks is a big part of the reason that we see countries like the U.K., Germany and Australia have issued travel warnings for the United States.

Another illustration is the burgeoning China market. NTA helps facilitate the MOU between the U.S. Department of Commerce and the China National Tourism Administration by certifying the U.S. tour operators who are able to handle that business from China. The beginning of October was Golden Week, which in China is a major vacation week. NTA tour operators reported not only disappointed customers, but angry visitors, who were unable to visit the national parks during their once-in-a-lifetime visit to the United States. Many of these inbound China operators were also not familiar with what was Federal parks versus State parks, and thus had an even greater challenge finding information about their planned tours.

We recognize that it is impossible to predict whether or not there will be a government shutdown and that coordinating immediate closures of hundreds of parks is an enormous task. However, we recommend that there be a better plan that would avoid this situation in the future and enable the most significant park destinations at a minimum remain open, and that there be a communications plan that pushes out information to the travel trade and to the public. With today's technology capabilities, it should provide ample opportunities to better communicate what's happening.

Tour operators depend on advanced planning, and we're seeing the consequences of the disruption caused by these closures with no specific notice.

Thank you for allowing me to testify today. I look forward to your questions.

Chairman ISSA. Thank you.

[Prepared statement of Ms. Simon follows:]



101 Prosperous Place, Suite 350 | Lexington, KY 40509 USA  
800.682.8886 | +1.859.264.6540 | Fax: +1.859.264.6570 | www.NTAonline.com

**Joint Hearing of House Committees on  
Oversight & Government Reform and Natural Resources**

*"As Difficult As Possible: The National Park Service's Implementation of the Government Shutdown"*

**Full Testimonial Statement**

Lisa Simon, President  
National Tour Association (NTA)  
Lexington, Kentucky

**October 16, 2013, 9:30 a.m.**

Thank you Chairmen Issa and Hastings, Ranking Members Cummings and DeFazio, and Committee Members for the opportunity to testify on behalf of National Tour Association members related to the shutdown of the National Park Service.

The National Tour Association is a nonprofit trade association representing the packaged travel industry, and membership includes 700 tour operators who package and sell travel and tours to, from and within North America. They move about 10 million travelers annually and represent \$6 billion in annual sales. Our members bring visitors to every jurisdiction in the United States, including every state and U.S. territory represented on these two committees.

We have about 3,000 members in total, the balance of which are suppliers of travel components (hotels, attractions, restaurants, retail, and transportation companies) and destination organizations (national, state and city tourism boards and convention and visitors bureaus).

While NTA is an international organization with members in 44 countries, the majority of our members are in the U.S. Additionally, 74 percent of our tour operators work domestically and 36 percent serve international visitors to the U.S. They serve both groups and individuals and travelers of all age groups, from students to seniors and various special interest and ethnic markets. Finally, the majority of our members are small businesses.

Tour operators and their customers plan their trips between six and 18 months in advance, so an abrupt shutdown of 401 national park units – some of the most attractive destinations to visit throughout the country – cannot come without significant

Bringing the world to North America and North America to the world.

disruptions and costs. Beginning October 1, tour operators and their supplier partners have been scrambling to reroute itineraries and find alternative destinations and activities on a daily basis. And given the uncertainty of when the shutdown will end, they continue to redesign future tours.

NTA has had a long-standing relationship with the National Park Service, given its importance to the American tour product. In fact, NPS recognizes the planning cycle and needs of the packaged travel industry and for more than two decades has committed to providing NTA and tour operators at least 18-months advance notice to fee increases.

In the case of this comprehensive shutdown, neither NTA nor its tour operator members were advised about what park units would be closed during the shutdown. Upon closure, it was difficult to locate information on what was closed, including roads through and around federal lands. In many cases, our members and their customers discovered closures upon arrival or had to send a colleague to the site in advance. Our association and members incorrectly speculated that some of the units would remain open, particularly those that had no limited hours, no admission desk, no security checkpoint, and generally speaking, no specific point of entry.

As a result, our tour operators have spent the last two weeks constantly dealing with myriad challenges. This inventory of issues includes refunds demanded by customers, cancelled departures, alternative activity selection and bookings, displacement from national park-based hotels and restaurants and postponed trips. Businesses have had to handle requests relating to all of these matters around the clock.

Many groups and individuals purchased their tours based on the National Parks. From one of our tour operator members in Utah:

*"We are experiencing mass cancellations. It's been tough as we've decided to run the tours and substitute attractions and reroute some of the itineraries. It's still a beautiful time of year to see the 'Canyonlands' area regardless of getting in the National Parks. And we really wanted to support our suppliers and their communities, who also must be hit hard with financial obligations in this shutdown. **However, our customers booked a "National Parks Tour of the West" –and they're closed.**"*

(Michele Michalewicz, Western Leisure)

NTA surveyed its members about the shutdown, and 82 percent reported an impact from the shutdown; 85 percent reported rerouting and changes to itineraries. Another 46 percent reported cancellations, and 57 percent reported refunding fees and deposits. Some of our members are the suppliers and destinations that are dependent on the national parks in their areas, and they experienced an immediate decline in business: 91

percent reported cancelled or postponed tours, and 56 percent were already seeing fewer visitors in their areas.

Here are some excerpts from the survey:

*"We laid off employees and closed for the year a month early."*

*"These (international) visitors will return to China, Japan, Korea, France, Italy, Germany, and the UK with bad feelings towards U.S. tourism and towards our tour operators and bus companies for not accommodating them (at our national parks)."*

*"Our business as a tour operator revolves around national parks, sites, etc. Not having access to these items has crippled us."*

*"We are dying."*

*"This shutdown has made it very difficult for us to operate tours. We could easily lose present or future clients."*

In addition to the immediate losses, the shutdown will have lasting effects on both the U.S. travel industry and international visitation. The closure of the national parks is a big part of the reason that countries such as the United Kingdom, Germany, and Australia have issued travel warnings about travel to the United States. The U.S. Travel Association estimates that we are losing \$152 million daily.

And then there's the China market. NTA plays a role in facilitating the Memorandum of Understanding signed in 2007 between the United States and China by the U.S. Department of Commerce and the China National Tourism Administration, because we volunteered to certify inbound receptive tour operators handling group leisure visitors from China. I offer this information to help establish a frame of reference for my testimony and following comments.

The beginning of October was "Golden Week" in China, which is a major vacation week, and the U.S. is a major "dream" destination for the Chinese. NTA tour operators serving this rapidly growing inbound market have reported disappointed and angry Chinese customers who were unable to visit the national parks during their once-in-a-lifetime trip to the U.S. Many of these inbound China operators were not familiar with what parks and attractions were federal versus state and local, and thus had an even greater challenge finding information about their planned tours.

We recognize that it's impossible to predict whether or not there will be an actual government shutdown, as negotiations can go into the final moments as they did in this case. However, we recommend that there be a communications plan that pushes out

information to the travel trade and the public. NTA would be happy to serve as a conduit for such information to ensure that tour operators and visitors within and to the U.S. receive timely and accurate information.

This is a summary of the issues facing the tour operator community, the travel sector of our economy and our customers, both domestic and international, as a result of the closure of the national parks system with no specific notice, which resulted in some unanticipated decisions at open-air sites. Thank you for allowing me to testify today, and we appreciate the committees' efforts in understanding the needs of the travel and tourism industry and the millions of travelers that visit the National Parks each year. I look forward to your questions.

Chairman ISSA. Mr. Ebell.

**STATEMENT OF MYRON EBELL**

Mr. EBELL. Chairman Issa and Chairman Hastings, thank you for inviting me to testify here today at this important hearing on the way the National Park Service is implementing the Federal shutdown. My name is Myron Ebell, and I am director of the Center for Energy and Environment at the Competitive Enterprise Institute, a group that has been already recognized here today.

CEI is a nonprofit and nonpartisan free market public policy institute that specializes in regulations. A large part of our work is devoted to environmental issues, including management of the Federal lands by the four Federal land agencies. Twenty years ago, I spent 4 or 5 years as the Washington representative of the American Land Rights Association, which was started in 1978 by Chuck Cushman as the National Park Inholders Association, so I have some firsthand experience of these issues. Later, I worked for a former member of the Natural Resources Committee from Arizona, and dealt with a wide array of Federal lands issues, including all the national park problems in Arizona.

Now, clearly, a Federal shutdown is going to cause many Federal facilities to have to close, including parks. Director Jarvis explained how rational and well thought-out their program for doing that was, but that isn't the issue. The issue is all of these petty, malicious acts. How can you close down a parking lot at Mt. Vernon that you lease to the Mt. Vernon Ladies Association and have nothing to do with? You are spending extra money to come and close it down. Does that comply with the Anti-Deficiency Act to close down Glen Echo Park along the Clara Barton Parkway, which is funded and operated by Montgomery County; to close the Claude Moore Colonial Farm, as Anna Eberly has explained; to close Langley Sports Park in Fairfax County, which was—which is leased to Fairfax County and operated and maintained by them; to take cones and barricades and close off turn-offs on State highways so people can't stop to take photos and look at Mount Rushmore? Where does the personnel and the money for that come from? These are questions that I think need to be answered.

Now, I think that the publicity for some of these small-minded and almost unbelievable—unbelievably low actions by the National Park Service are—the public is starting to notice those, and I think they are figuring out an important point, and this is really what I want to concentrate on: Americans love their national parks, and the National Park Service has spent decades hiding behind that affection that Americans rightly have for those great natural wonders and historic sites. The National Park Service, for anybody who has followed its history, is a terrible steward of many of its parks, of the environmental conditions in those parks. They are also not visitor friendly in many cases. They are not people friendly. They are not good neighbors, they—they mistreat their inholders, and they act like they own everything and that everybody else can just lump it.

So I hope that this starts a process, this public awareness, this opening to understanding that the National Park Service is not the

same as our great national parks to investigate the problems in the National Park Service and to initiate much needed reforms.

I was—I was somewhat—my anger about what has been going on was somewhat relieved by—this weekend when the veterans went to the World War II Memorial and picked up the barricades and put them in front of the White House. As President Obama often says, “We’re Americans. We can do that.” Thank you.

Chairman ISSA. Thank you.

[Prepared statement of Mr. Ebell follows:]



Testimony  
of

Myron Ebell

Director, Center for Energy and Environment  
Competitive Enterprise Institute

on

The National Park Service's Implementation of the Government Shutdown

before the

Committee on Oversight and Government Reform

and the

Committee on Natural Resources

United States House of Representatives

Washington, DC

16<sup>th</sup> October 2013

Chairman Issa and Chairman Hastings, thank you for inviting me to testify today on the National Park Service's implementation of the federal government's partial shutdown. My name is Myron Ebell, and I am director of the Center for Energy and Environment at the Competitive Enterprise Institute in Washington, DC. CEI is a non-profit and non-partisan free market institute that specializes in regulatory issues. A large part of our work is devoted to environmental issues, including management of the federal lands by the four federal land agencies. Twenty years ago I was the Washington representative of the American Land Rights Association, which was originally founded in 1978 as the National Park Inholders Association.

Thus I have considerable historical experience of the ways the National Park Service frequently mistreats and threatens private property owners and permittees inside and adjacent to our National Parks. Over the past few days with the help of the head of the American Land Rights Association, Chuck Cushman, I have e-mailed and talked with several park inholders and concessionaires about their circumstances during the shutdown.

It is clear that many federal facilities, including National Parks, are going to be closed during a partial federal shutdown. That was certainly the case in the shutdowns of 1995 and '96. This means that many vacations are going to be ruined or cancelled and many businesses in and near National Parks are going to suffer. The questions are whether the National Park Service has gone far beyond what it was required to do under the Anti-Deficiency Act, what its motives are in doing so, and who is to blame for these decisions.

Let me begin to answer these questions with a few of the more widely-reported examples of Park Service misconduct in the sixteen days since the shutdown began:

- The Park Service kept the George Washington Parkway open, but closed a parking lot it leased to Mount Vernon and that was operated and maintained by the Mount Vernon Ladies' Association.
- The Park Service also kept open the Clara Barton Parkway, but closed Glen Echo Park. Montgomery County funds and operates Glen Echo, where hundreds of arts and other programs have been cancelled.
- The Park Service closed the Claude Moore Colonial Farm, even though it is privately funded and operated and relies on Fairfax County police protection.
- The Park Service closed Langley Fork Sports Park, which is leased, maintained, and operated by Fairfax County. It was reported that the Park Police chased away parents who were trying to remove the barricades so that their children's games could go on.

- The Park Service has kept the Blue Ridge Parkway open, but closed the Pisgah Inn and the Peaks of Otter Lodge, privately-operated concessions that provide food and lodging to travelers on the parkway.
- In closing Yellowstone National Park, the Park Service locked four dozen elderly foreign tourists into their hotel for two days, did everything they could to stop them from taking photos on the grounds that since the Park was closed all recreation was prohibited, and then prevented their bus from stopping for a restroom break when they were deported.
- At Mount Rushmore, the Park Service closed turn-offs along a state highway so that tourists could not pull over to enjoy the view and take photos.
- At Yosemite National Park, the Park Service closed hotels and hundreds of vacation rental properties in the village of Wawona, which is located near the park boundary and on a highway that has not been closed.
- The Park Service has kept Acadia National Park in Maine open to some types of visitors, but has handed out citations to others.
- The Park Service closed the City Tavern in Philadelphia, even though it is not enclosed behind a fence at Independence National Historical Park and indeed opens onto two major city streets. Had King George the Third's ministers in the colonies had the authority and the foresight to close it down, they might have prevented the American Revolution.

These examples are just the tip of the iceberg. One common factor in these examples is that the Park Service has gone out of its way to spend money—that it claims not to have to keep Parks open—in order to close facilities not operated by the Park Service that it normally pays little attention to and spends no money on. Questions that I think are worth pursuing are: Where did all these barricades and printed signs come from? And when were they ordered?

Another common factor is that the Park Service has relented and allowed most of these facilities to re-open. But they have done so only because their misdeeds have been exposed to the light of day. Widespread media and internet coverage has shamed the Park Service and the Obama Administration into relenting.

And the Park Service, the Secretary of the Interior, the White House, and President Barack Obama should be ashamed. Their conduct has been revealed as petty, nasty, and malicious. They have been caught abusing their authority in arbitrary and capricious ways. The founders—including Adams, Franklin, Washington, and Jefferson—who gathered each night at the City Tavern in Philadelphia during the First and Second Continental Congresses would be no more amused by the disgraceful antics of President Obama, his Secretary of the Interior, and his Park Service Director than they were by those of King George and Lord North.

Last week, my colleague, CEI Senior Attorney Hans Bader, filed three Freedom of Information Act requests with the Department of the Interior, the National Park Service, and the U. S. Forest Service that seek records on who made the decisions about which facilities and units to close down and which to keep open and their reasons for these decisions. FOIA requests are not being processed while the federal government is partially shut down, but even after normal operations are resumed, our experience with other FOIA requests during the Obama Administration suggests that they will not comply with FOIA's legal deadlines, but will delay and stonewall until we are forced to file suit in federal court to compel compliance.

While it might be interesting some years from now to discover more about who made these decisions and how they were made, these recent incidents should come as no surprise for those who have firsthand experience of the ways the National Park Service regularly treats its inholders, neighbors, and park visitors. As former Secretary of the Interior Gale Norton remarked to the press early in the shutdown, "The National Park Service has a long history of dramatizing budget issues by inconveniencing the public. They often choose the most dramatic type of action in order to get their message across."

My hope is that these widely-reported incidences of National Park Service misconduct will help the public to distinguish between the National Parks and the National Park Service. Americans love America's great National Parks, and for decades the National Park Service has taken advantage of that deep public affection. But you can love our National Parks and still recognize that the National Park Service has a terrible record of dealing with people who live in or near

National Parks and an equally dismal record of managing and protecting many of our greatest natural wonders and most important historic sites. If the public starts to understand that the National Parks are great, but that the National Park Service is not, then perhaps the Congress will be able to investigate what is wrong with the National Park Service and undertake long-needed reforms. A serious investigation of the National Park Service may conclude that private and state ownership and management of many units would be preferable to National Park Service mismanagement. The Mount Vernon Ladies' Association is only one of many good examples.

Finally, however, the National Park Service has only been acting as a tool for advancing the Obama Administration's mean-spirited and small-minded political agenda. If President Obama and his political appointees at the Department of the Interior were against locking up and deporting elderly foreign tourists at Yellowstone, they would have objected as soon as it was reported and people would have been fired. Instead, the President and his administration have continued to use unwarranted National Park closings to try to anger the public and target that anger at their political opponents. As one park ranger told the press early in the shutdown, "We've been told to make life as difficult for people as we can." To his credit, the ranger added, "It's disgusting."

Chairman ISSA. Mr. Galvin.

**STATEMENT OF DENIS P. GALVIN**

Mr. GALVIN. Mr. Chairman, my name is Dennis Galvin. Today I represent the National Parks and Conservation Association, its 800,000 members and supporters. NPCA has advocated support for our National Park System since 1919. Perhaps more pertinent to today's hearing is the nearly 40 years I spent with the National Park Service, the last 16 years in Washington. Nine of those were as deputy director. I held that post under Presidents Reagan, Clinton and Bush.

I am informed that there have been 17 shutdowns since 1976, ranging from 1 to 21 days. During my tenure, there were five, including the long shutdown, 21 days of 1995, 1996. I have been struck by the similarities between that 1995, 1996 event and today's.

Let me say a little bit about preparing shutdown plans. They are by force of circumstance hastily prepared by people who hope that they will not have to be used. For a highly decentralized agency like the National Park Service, which literally stretches across the international dateline and today comprises 401 units, it simply is not possible to cover every eventuality. Because most closures have not been more than a few days, their shortcomings don't surface, but as closures lengthen, questions arise due to circumstances unforeseen or difficult to predict.

Nevertheless, the trajectory of this closure parallels 1995, 1996 to a remarkable degree. Did we barricade monuments and memorials then? Yes. Lincoln and Jefferson were barricaded. It was at the holiday season, so we had the Festival of Lights going on on the ellipse. That was closed and a chain link fence was put around it. The much discussed World War II Memorial did not exist then, but if it had, I think we would have barricaded it.

Were State and local economies devastated? Yes. The counties around Yosemite petitioned for disaster assistance. Grand Canyon and Mount Rushmore were flash points. Governor Symington threatened to send the National Guard to Grand Canyon. It is not true that the Grand Canyon was opened without conflict in 1995, 1996. I negotiated many of the agreements that we reached in 1995, 1996.

And one thing I will say about the unintended consequences of a shutdown, there were only two lawyers to work with in the—in the Interior building to negotiate those agreements. So that—so that it's more than just that there aren't any park service employees around; there aren't any support employees around, either. And when it all concluded, it had been a very bad idea; so bad that 17 years has elapsed before it happened again.

It is worth asking why parks moved to the center of the closure discussion. They are a miniscule and declining part of the Federal budget, 1/15th of 1 percent of Federal expenditures. In 1981, by the way, they were 1/8th of 1 percent. So we spend about—about 50 percent of what we spend in terms of proportions on our national parks, but they are an easily accessible symbol.

Closure may be hard to understand in less visible agencies, but a closed campground, a child crying because she can't visit the

Statue of Liberty become convenient and graphic metaphors of a much larger failure.

As we discuss the parks today, our other public lands are inaccessible to varying degrees. Agencies such as the Veterans Administration, CDC, the Public Health Service, National Institute of Health, NASA work with skeleton staffs. They, too, deserve attention and support. It is time to reopen the government and get back to doing the Nation's business.

The parks have been in the spotlight during the closure, and we hope they remain there when they reopen. The sequester has already resulted in curtailment of services. The reductions are the equivalent of about 7,000 seasonal employees or 1,750 permanents. This comes on top of the long-range decline in park funding.

Some years ago, I made a presentation that traced the national park idea back to the founding documents of this country. In the Constitution, it is found in the Preamble, "To secure the blessings of liberty to ourselves and our posterity."

Open the government, open the parks, let park rangers go back to doing the work they love, and let the rest of us enjoy again America's best idea. Thank you, Mr. Chairman.

Chairman ISSA. Thank you.

[Prepared statement of Mr. Galvin follows:]

Testimony of Denis P Galvin  
Board of Trustees, National Parks Conservation Association,  
before the House Committee on Oversight and Government Reform &  
House Committee on Natural Resources regarding the Federal government shutdown  
October 16, 2013

My name is Denis P. Galvin, and I thank the committee for the opportunity to testify today as a trustee of the National Parks Conservation Association (NPCA). NPCA, founded in 1919, now has 800,000 members and supporters and is the nation's premier citizen organization that advocates on behalf of our national parks.

Most pertinent to today's hearing is the nearly 40 years I spent in the National Park Service—my final 16 in Washington as Deputy Director during the Reagan, Clinton, and Bush administrations.

The National Park Service (NPS) is charged with protecting our nation's parks and monuments for present and future generations. The fiscal challenges faced by our parks are well documented, including in-depth analyses by the Government Reform committee during 2005 and 2006, during which I also had the opportunity to testify. The present government shutdown affected an agency that has lost thousands of staff in recent years, most recently due to the sequester, and has been doing its best to protect our national treasures for our grandchildren while ensuring the public can enjoy them today.

It is unfair to blame NPS for the damage that is being caused by the federal shutdown. Quite to the contrary, our parks have been forced on very short notice to engage in a difficult task unlike any they have confronted for almost two decades--shut down a system that is designed to stay open and built around facilitating access and memorable experiences for millions of visitors, including 287 million in 2012. NPS employees want to do the work they are good at doing and, like so many other government employees caught up in this shutdown, would much rather be at work, serving the public.

During my tenure NPS went through five "shutdowns." Most were a few days or hours and had minimal impact. But the long shutdown in the winter of 1995-96 was eerily similar to today's events. States and local governments lamented the closure and in one instance threatened National Guard action, although that closure occurred during a period of far less visitation to most national parks. Then, like now, it took time for an agency that was forced to furlough thousands of staff—normally its everyday eyes and ears-- to learn and analyze the types of adjustments that might be needed to its shutdown plan and to determine its legal ability to make those adjustments.

The fact that so many states have stepped forward and either developed agreements with the National Park Service or are contemplating such agreements, is a testament to the enormous economic impact of the 401 unit National Park System on many communities throughout our country—a \$30 billion per year economic generator that produces 240,000 private sector jobs. Estimates of the daily cost of keeping our national parks closed range from \$30 million to \$76 million. Every day, park concessioners have been

losing \$5 million, and every week cooperating associations within the parks are losing about \$3.5 million. And, of course, countless private businesses that depend on the parks are facing the potential for significant, potentially catastrophic financial losses. No wonder so many states are trying to stop the bleeding caused by this shutdown.

Of course, the consequences of the shutdown are not only economic. Other values are diminished as well. During the last 16 days, tens of thousands of school children have lost opportunities to learn in national parks as part of their school's history, science, or other curriculum—an opportunity they might only have once during their school year. Hundreds of couples who booked wedding plans in national parks as long ago as two years have had those plans up-ended or face having them disrupted if the shutdown lasts much longer.

These are consequences that will affect future decisions of visitors and that are heartbreaking to National Park Service employees. But the truth is, many opportunities for visitors were disappearing before the shutdown ever began, as part of a slow-motion shutdown due to declining budgets for our parks. Over the last three years, the National Park Service operations budget has been cut 13% in today's dollars. The budget enacted for FY 13, which reflected the sequester, cut park operations 6% despite a pre-existing annual operating shortfall of \$600 million. It cut park construction by \$31 million from FY12, at a time when the NPS backlog already exceeds \$11 billion. The National Park Service had to furlough 86% of its employees (21,379 of 24,645) before the state agreements were signed, leaving the agency unable to greet and protect visitors and protect our most cherished and iconic resources.

In a government closure the national parks become the symbol for the entire government. They are an easy media target with powerful visual images and dozens of examples of unintended consequences. Yet the NPS budget is just 1/15th of one percent of the total federal budget, (In 1981 it was 1/8th of one percent). Other less media accessible functions are also closed. All the other public lands including wildlife refuges, NASA, NIH, CDC, PHS and a host of others cannot perform. They too are important to the nation.

There has been a fair bit of confusion about some of the history of the closure that resulted from the 1995/96 shutdown. For the record, the Lincoln Memorial was closed, as was the Statute of Liberty, the Gateway Arch in St Louis, and other monuments around the country. The World War II Memorial, which has been the subject of such consternation in recent weeks and cost \$200 million to build, did not exist, nor did the Martin Luther King Memorial.

Let me tell you of my experience with closures. Shutdown plans are done hastily, because you're always hoping the closure won't happen. When the closure occurs, you do your best to convey instructions to a highly decentralized organization that spans from Maine and the Virgin Islands to Alaska and Samoa. Park superintendents, almost none of whom were in their current park in 1995, must rapidly decide with their staff how to implement the closure in order to protect the parks and the public.

For some closures, like caves or historic buildings, there generally is a clear line. Decisions at the margins, however, may appear arbitrary, such as closing Skyline Drive while leaving the Blue Ridge, Natchez Trace, and George Washington Parkways open. As for DC monuments, 1995 was a very different time. It was pre-9/11. Security considerations were vastly different. Nobody had recently vandalized the Lincoln Memorial with green paint. Movable barricades did not exist in numbers remotely close to those today. The National Park Service had not been subjected to three straight years of operational cuts or the loss of thousands of staff before the shutdown occurred. Each of these factors goes into a decision about what to close and what to leave open.

Perhaps the worst decision of all for a park manager is who stays and who goes home. Things are not at all easy for those who stay—they work in darkened offices with no support or have to guard entrances and turn away disappointed visitors who may be there for once-in-a-lifetime adventures. Things are also bad for those who are required to go home—they can't do the job they want to do, and aren't there to help their colleagues. And, of course, many of these people live paycheck to paycheck like so many others in businesses affected by shutdown.

The national parks are often called America's "best idea." In comparison, the shutdown is one of the worst ideas. It disrupts the lives of millions of people, whether they work in a park, want to visit a park, work in a business, or are affected by other governmental services. Congress and the president need to open the government and open the parks. Give them back to America and the world. But once the parks are open, your job is only beginning. With the centennial of the National Park System fast approaching, we also ask that Congress end the slow-motion shutdown—from Acadia and Independence Hall to Manzanar and Denali—by restoring the critically needed resources parks depend on to serve the public and protect the treasures within them.

The National Park Service is not to blame for the failure of Congress to keep our government open and provide the resources needed to maintain our parks and keep them completely open. Blaming national park employees for the abysmal results of such a failure of national leadership is unconscionable. Please end the shutdown, fulfill the promise of the Constitution, and "secure the Blessings of Liberty to ourselves and our Posterity." Do your job and please let park rangers do the one they were hired to do.

Chairman ISSA. And although it would seem irresistible to ask Director Jarvis first, Whose land is it? Is it the government's, or the American people's, in your mind?

I'm going to waive my going first and recognize the gentleman from South Carolina, Mr. Gowdy, to ask the first round of questions.

Mr. GOWDY. Thank you, Mr. Chairman. Mr. Jarvis, 2 years ago—

Chairman ISSA. That is perfect. Please restart the clock. Thank you. The gentleman is recognized.

Mr. GOWDY. Some may disagree with that. I want to thank the gentleman from North Carolina for giving me his microphone.

Mr. Jarvis, in October 2011, Occupy protesters descended upon McPherson Square, and they decided to stay. Despite the clear language of the law, these protesters camped at McPherson Square, with the definition of camping being sleeping or preparing to sleep. For 100 days, they camped in violation of the law, and you did not make a single, solitary arrest for camping. So Congress decided to have a hearing and ask you why you were not enforcing the law, and you told us, Mr. Jarvis, that you had a great deal of discretion in how and when to enforce the law. You told us that you were, after 100 days of not enforcing the plain language of the statute, working with protesters to: "gain compliance," whatever the hell that means, with the law and what you called: "a measured and reasoned approach." By the way, Mr. Jarvis, those were your words, not mine.

So the law says, No camping, but the protesters camped anyway, and you didn't do anything in terms of arrest or citations for over 100 days.

So, Mr. Jarvis, I want you to fast forward 2 years. Parks are closing, access to monuments is restricted, even access for those who helped build the monument in the first place. Now, you didn't wait 100 days to enforce the law, Mr. Jarvis, with veterans who wanted to see their monument. You didn't work to gain compliance. Veterans weren't greeted with a measured and reasoned response, Mr. Jarvis. They were greeted with barricades on the very first day.

Furthermore, they could not exercise their First Amendment rights to walk to a monument that they helped build, but yet some of our colleagues were allowed to exercise their First Amendment right to protest whatever it was they were protesting on the national mall.

So I am going to read something to you, Mr. Jarvis, and I want you to ask me if you recognize who said this. Because of the lapse in funding, you are having to deliver difficult news to our visitors and partners. The functions we must perform under a shutdown are not the reasons any of us joined the National Park Service, but they are the duties we are required to perform by law and regulation.

Do you know who said that, Mr. Jarvis?

Mr. JARVIS. I believe I said that.

Mr. GOWDY. You're right. You did. So can you tell me why you would not enforce the law at McPherson Square, but yet you greeted veterans with barricades on the very first day? What regulation can you cite to me that required you by law to erect barricades?

Mr. JARVIS. The contingency plan that was approved on September 27th for the National Park System is in compliance with the Anti-Deficiency Act. I, under criminal—

Mr. GOWDY. I'm looking for a statute, Mr. Jarvis.

Mr. JARVIS. The statute—

Mr. GOWDY. I'm looking for—

Mr. JARVIS. —is the Anti-Deficiency Act.

Mr. GOWDY. I am looking for a citation to the Code of Federal regulation or the—or the U.S. Code for why you erected barricades. We've established you did not enforce the law for 100 days for protesters. Agreed? You agree with me you did not issue a single citation for camping, right?

Mr. JARVIS. I believe that is correct.

Mr. GOWDY. Either it is or it isn't. Is it? Not one single citation for camping.

Mr. JARVIS. I do not remember exactly.

Mr. GOWDY. Well, your previous testimony was that you had not issued a single citation for camping despite 100 days of non-compliance.

Mr. JARVIS. That was 2 years ago.

Mr. GOWDY. Okay. Well, I can cite you the regulation that you did not follow 2 years ago. Can you cite me the regulation that required you to erect barricades to prevent veterans from accessing a monument that they built?

Mr. JARVIS. I can cite the Anti-Deficiency Act.

Mr. GOWDY. Can you cite a regulation that required you to erect barricades? Mr. Jarvis, that is not a complex question.

Mr. JARVIS. The Anti-Deficiency Act requires that I reduce all employees down to only those that are necessary for life and property. That required the closure of all 401 national parks.

Mr. GOWDY. Mr. Jarvis, why did you fail to enforce the plain language of a statute for 100 days for protesters and yet on the very first day, you denied access to a monument that veterans helped build?

Mr. JARVIS. On the very first day of the closure, I implemented a closure order for all 401 national parks in compliance with the Anti-Deficiency Act and immediately, immediately that day, also included as a part of that order that First Amendment activities would be permitted on the National Mall—

Mr. GOWDY. Do you consider it First Amendment activity to walk to a monument that you helped build, or is it only just smoking pot at McPherson Square?

Mr. JARVIS. The First Amendment activities, we are content neutral on First Amendment in the—on the National Mall.

Mr. GOWDY. That wasn't my question. Do you consider it to be an exercise of your First Amendment right to walk to a monument that you helped build?

Mr. JARVIS. If an individual declares they are there for their—to exercise their First Amendment—

Mr. GOWDY. Who are they to declare it to? The barricades?

Chairman ISSA. The gentleman's time has expired.

Mr. GOWDY. Could I ask a final question? Who were they to declare it to? The barricades?

Mr. JARVIS. To the ranger on the site. On the National Mall, any group under 25 does not need a permit to exercise their First Amendment, and we set up the policy to allow our veterans in, including all of the honor flights under First Amendment, so they were not denied access.

Mr. GOWDY. Mr. Chairman, I want the record to reflect that no statute or code of the Federal regulation was cited to justify the erection—

Chairman ISSA. The record will indicate that.

Director Jarvis, in—pursuant to his question, Ms. Eberly looked like she wanted an answer to what statute provided for her to be closed. Would you please address your answer to her? If it's Anti-Deficiency, go ahead and say it to her.

Mr. JARVIS. It's Anti-Deficiency. We—in the case of the Claude Moore Farm, along with many similar situations, we had to actually investigate whether or not we were providing direct services that would be in violation of the Anti-Deficiency Act. Utilities, trash pick-up, any of the things that are not related to life and property.

In the case of the Claude Moore Farm, we had been providing funding to them in the tune of \$100,000 a year every year. So we were not going to give it in 2014, and Ms. Eberly knows that, and that's a concern for both of us, but because of our decline in funding. So I had to make a determination whether or not I was going to be in violation of the Anti-Deficiency Act, which I cannot violate. It is a law passed by this body that I cannot violate. There are criminal penalties to my agency to violate that law. So, as we shut down, immediately we began to work towards figuring out how to get a work-around that would allow Claude Moore, Pisgah Inn, a whole variety of these partnership facilities open, and we've opened over a dozen or more already because we've determined that there is no violation of the Anti-Deficiency Act.

Chairman ISSA. Okay. I appreciate that, and I appreciate the fact that you discovered you were wrong on day one.

I now ask unanimous consent that the—this historic news archive from the 1996 period be placed in the record in which it says in realtime in 1995, December 16th, 1995, tourists were free to wander the halls of the capital, touch the walls of the Vietnam Memorial and climb the steps of the Lincoln Memorial to read the Gettysburg address.

Without objection, so ordered.

Chairman ISSA. Additionally, I now ask that your document from the United States Department of Interior, which is your declaration, National Park Service Closure Determination and Notice, be placed in the record, in which in line 7, it says, the Closure Determination and Notice does not apply to private owners of interest in real property located within the exterior boundaries and units of the National Park Service, et cetera, and line 8, which says, the Closure Determination and Notice does not apply to roads that pass through units of the National Park Systems and provide access.

Without objection, so ordered.

The gentleman from Maryland is recognized.

Mr. CUMMINGS. Director Jarvis, let me ask you this. 20—you—how many employees does the Park Service have?

Mr. JARVIS. About 24,000.

Mr. CUMMINGS. And you had to furlough how many?

Mr. JARVIS. 21,328.

Mr. CUMMINGS. And what percentage is that of the employees?

Mr. JARVIS. About—

Mr. CUMMINGS. About 87 percent?

Mr. JARVIS. Yeah. Somewhere in that neighborhood, 87, 88, 85 percent.

Mr. CUMMINGS. And so you—those folks, they—they were—it was basically mandated that they couldn't come to work. Is that right, pretty much?

Mr. JARVIS. That's correct.

Mr. CUMMINGS. Now, what impact did that have on your decisions and what you did with regard to this—the matter that Mr. Gowdy was just asking you about?

Mr. JARVIS. The monuments and memorials on the National Mall do not take care of themselves. Every day I have employees there that clean the restrooms, clean up the messes behind the public, pick up trash, ensure that the elevators are available for those that need to access the chambers of the Jefferson or the Lincoln. They—they provide the eyes and the ears for the U.S. Park Police, who are not duty stationed to stand and watch over monuments. They are there to respond. U.S. Park Police responded to the incident at the Navy Yard, they responded to incident with the Capitol Police recently. They are a response agency. And our rangers are there to prevent vandalism and impact to the monuments and memorials. All of those rangers have been furloughed. So the consequences are that, as much as there's a lot of talk about open air monuments and memorials that are unmanned, they are not unoccupied.

My responsibility is to ensure that they are protected 24 hours a day, and not just with somebody that might come in a late response. We have staff that are there in all of those. So out of 300 that would normally be on the mall, I have 12.

Mr. CUMMINGS. So—so, therefore, there are consequences, as Mr. Connolly says, to all of this. Is that right? In other words, when you've got to furlough people, you're going to have some consequences.

Mr. JARVIS. Yes, sir.

Mr. CUMMINGS. And so you cannot cover everything you'd like to cover. Is that right?

Mr. JARVIS. I cannot protect these monuments and memorials to the standard that this country expects me to do so.

Mr. CUMMINGS. Now, I already—now, one of the things that you said, going back to the hearing that Mr. Gowdy was talking about, that impressed me quite a bit is you talked about how important it is to you personally, and you said it again today, that when people come to visit our parks, our monuments, that you took it as a personal type of thing, that you wanted them to be able to enjoy that, that it was very significant, that it was just as significant to you for your—you would want the same thing for your family that you want for them. Do you still feel that way?

Mr. JARVIS. Yes, sir. If I may, in 2016, the National Park Service will be 100 years old, and I will have worked for this agency for 40 of those years. I have been a law enforcement ranger. I have been search and rescue, firefighter, superintendent, regional director, and now director, under many Presidents, many Secretaries of the Interior. What—and I think I represent the agency of public servants that are dedicated to providing these places to the American public.

It pains us to not be able to invite the American public into their national parks. This is as painful for the employees that take great pride in providing these 401 places for the enjoyment of the American people.

Mr. CUMMINGS. Somebody on the other side said a little bit earlier folks had been treated badly at the parks. And I got to say, even before I became a Congressman and the people did not know me in these parks, I have never had a bad experience with regard to employees.

And I want to say to the employees that are watching us right now that we thank you for your service. We thank you for dedicating your lives to making life better and bringing life to light to so many people.

Now, let me ask you something else. I already talked about some of the impacts the shutdown is having on veterans.

I ask unanimous consent to insert in the hearing record a letter the Military Officers Association of America sent to me yesterday. They letter states in part: “Veterans and their families, too, are experiencing reductions in certain services. Even though VA healthcare continues uninterrupted under the advanced appropriations, other services have been suspended or severely cut back, including veteran outreach programs, counseling for wounded warriors and student vets on campus, among others.”

Mr. HASTINGS. [Presiding.] Without objection, that will be part of the record.

Mr. CUMMINGS. Thank you, Mr. Chairman.

I would also like to insert into the record a written statement from the Student Veterans of America. This statement says: “The current government shutdown has created an overwhelming sense of uncertainty for students, veterans. With the Department of Veterans Affairs resources like the GI Bill, hotline unavailable, many veterans are wondering whether or not they’ll be able to pay next month’s rent or even have GI bill benefits to remain enrolled in school.”

Mr. HASTINGS. That will be part of the record also, without objection.

Mr. HASTINGS. The time of the gentleman has expired.

Mr. CUMMINGS. Let me say this, Mr.—wait. The—in our committee, what we had just now was a total—between Mr. Gowdy and Mr. Issa, a total of 9 minutes. I’d like unanimous consent—

Mr. HASTINGS. In my committee—in my committee, we go the 5-minute route, but I’ll give the gentleman leeway.

Mr. CUMMINGS. Thank you very much. I don’t have much more, Mr. Chairman. I appreciate your courtesy.

I also would like to insert in the record a letter from the Reserve Officers Association of the United States of America. The impact on

veterans is just one example of the toll the shutdown is taking on Americans. As a result of the shutdown, seven Head Start programs were forced to close, leaving 7,000 preschool children locked out of the classroom and their parents scrambling to find childcare. A private donation has been—has helped bridge the funding gap, but Head Start programs across the country are facing closures as the shutdown continues. The National Transportation Safety Board has suspended an investigation of a train derailment in Baltimore County, Maryland, as well as a train derailment in Ellicott City, Maryland, that resulted in the release of 20,000 gallons of vinyl chloride.

I could go on and on with specific examples such as these, but let's talk about the impact of the Republicans governing tactics on the economy. The Peterson Foundation released a report this week titled: "The Cost of the Crisis-Driven Fiscal Policy." The report finds that the arbitrary and shortsighted approach that governing by crisis is hurting the economy. The report concludes that these policies have: "saddled a still struggling economy with the fiscal drag of a contraction of discretionary spending, created general uncertainty about fiscal policy that though its impact on financial markets has undermined economic growth, and finally forced the first prolonged shutdown of the Federal Government since the first term of the Clinton administration and failed to raise the Federal debt ceiling in a timely manner, conjuring the specter of a sovereign default with all its financial and economic fallout." The report finds that the result is that the—

Mr. HASTINGS. Will the—

Mr. CUMMINGS. —growth of gross domestic product—

Mr. HASTINGS. Will the gentleman wrap up.

Mr. CUMMINGS. —is slowed by as much as—I'm wrapping up right now, Mr. Chairman. Just taking my—my same thing that Mr. Issa did. Product—the report finds that the result is that the growth of the gross domestic product has slowed by as much as one percentage point since 2010.

Director Jarvis, you are responsible for running an agency that is charged with protecting our national parks, which contribute to the national economy, and we thank you for your service.

With that, I yield back.

Mr. HASTINGS. I don't have to remind the gentleman that his time had expired 2 and a half minutes ago, but I just—I just want to—I'll recognize myself, and I am—I'm going to try to adhere to the 5 minutes.

When you have government shutdowns, there's obviously going to be some displacement, that happens, but let's understand that these are decisions that the political class has difficulty sometimes reconciling. Our founders devised a system that was supposed to be hard. Government of the people is hard. If you want efficiency, then you go to a dictatorship, but if you want to have freedom and liberty, you have our form of government. And so now we're caught in this—in this situation right now, and we have to do our best to get through that.

Ms. Eberly made an observation in her—her response about, I don't know who's responsible, but we ought to find out. There's a—that struck me and reminded me of the saying that a government

that is big enough to give you something is big enough to take it away.

Now, what's frightening about what we're going through right now, we have—we have had 17 shutdowns since 1980, I believe is what the figure is, but this is the first time, this is the first time that access has been denied to open—open air malls, open air monuments. Now, that, frankly, should be a little bit frightening, it seems to me, that if a government will go to that much effort to make it difficult for the American people to see their national treasures, that ought to be—that ought to be a red flag for everybody. I think—that's what this hearing is all about.

Now, what I would like to—I'd like to ask Director Jarvis—and thank you for being here. You and I spoke briefly beforehand, and you said you've had better weeks. I suppose we've all had better weeks at some time. But I want to refer to—to the issue of the First Amendment activities, because the First Amendment is a constitutional activity. We all know that. In your directive, on number 9, you cancelled all previously issued permits, with the exception of those here in our National Mall, and you put that on the National Mall, I think the White House and Philadelphia and so forth, but what's—what got the—America's attention was when the World War I vets could not access—or World War II vets could not access, you know, their monument because of those barricades that's been well documented. So my question, were their permits—were their permits not acknowledged or what happened with the honor—with the honor flights?

Mr. JARVIS. Prior to the shutdown, the honor flights were not a permitted activity.

Mr. HASTINGS. Okay. So they weren't—they were not permitted?

Mr. JARVIS. No.

Mr. HASTINGS. Okay. But now you are changing—you changed course and said, okay, these honor flights can have First Amendment rights at the World War II—World War II mall, but I thought I heard you say in testimony that others less than a—less than a size of 25 don't have those same rights. Did I hear you correctly?

Mr. JARVIS. No. That—the regulations for the National Mall, because we host about 600 First Amendment activities here each year, if it's a group under 25, they can exercise their First Amendment activities without a permit.

Mr. HASTINGS. Okay. Well, all right. So that's very—that's the interesting part, then. You had barricades for World War II veterans. Obviously, they were over 25, but individuals, individuals, you know, somebody from, say, my home town came here, they would be denied access, and yet you said they're exempt. I see an inconsistency here and how this is applied.

Mr. JARVIS. No. If the—if your friends came and walked up to the ranger and said, I'm exercising my First Amendment activities, and I have a group under 25, then they would—they could do that.

Mr. HASTINGS. Well, see now, I—in due respect, now I'm going to have to pursue this. You have an agency within the Park Service that defines what First Amendment rights are, and people have to go up and outwardly ask to have their First Amendment rights exercised by an okay from the Park Service? Is that what I'm hearing?

Mr. JARVIS. There has been many, many cases of First Amendment—

Mr. HASTINGS. No. I didn't ask that question.

Mr. JARVIS. It's a body of law. I'm sorry. But there is a body of law associated with First Amendment activities on the mall. Let me give you a for instance. The chamber of the Lincoln Memorial is not available for First Amendment activities, so that's in statute—or in regulation, nor is the chamber of the Jefferson, but the plaza is. In the case of the World War II Memorial, the entire World War II Memorial is open to First Amendment activities. So—

Mr. HASTINGS. Except—except in this case when the barricades were put up because of—of—well, I don't know. Maybe we will really find out where that came from.

Let me—last question, and I'm—I'm over time, and I—I try not to—to do that. I really try to adhere to that in my committee.

I guess the obvious question is, is all of this decision that was made regarding restricting activity, was that your decision?

Mr. JARVIS. Yes, sir, it was.

Mr. HASTINGS. Totally your decision?

Mr. JARVIS. Yes, sir.

Mr. HASTINGS. Okay. Thank you.

I want to recognize now Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman. Mr. Chairman, I regret the committee chairman from Iowa isn't here at the moment, but this is a photograph from the 1995 shutdown, and that is the Lincoln Memorial, and the closure begins at the base of the steps. People were not allowed to go into the Lincoln Memorial.

You know, I would say that we've got a lot more loose tools running around this country doing destructive things now than we did in 1995. We had someone attack the monument recently. So to say, gee, we shouldn't need any staff there to protect the memorials is absurd in this day and age, so—

I also have a letter here I'd like to enter into the record from the National Park Ranger Lodge of the Fraternal Order of Police, and I'll quote just two things from this letter: Without any contrary court findings or changes in the law—despite what the gentleman on the other side said—we will carry on with this miserable, thankless and pay-less task denying public access to parks during the government shutdown. You know, although our—our actions make sensational news stories and fodder for the pundits, it is supported by precedent, legal guidance from government lawyers under laws we are sworn to enforce.

You know, the Park Service rangers want to be working. They want to be regularly admitting people to memorials and parks and then guarding those people and the memorials and the parks against destructive activities, but because of the Republican government shutdown, they cannot do that, plain and simple. You can't create something and then pretend you are outraged by the results, which is what I am hearing from the other side of the aisle.

Director Jarvis, I do have a question. They—they seem to love our parks today, but I haven't seen that love much recently since the Republicans took over Congress 2010: 2010, your total budget was \$2.75 billion. In 2013, \$2.4 billion, which would be less than

the 2008 spending levels. Since 2008, have you caught up on your capital backlog?

Mr. JARVIS. No, sir. Our—our maintenance backlog now exceeds \$11 billion.

Mr. DEFAZIO. \$11 billion maintenance backlog on these parks, which are now loved so much by the other side of the aisle. Well, given the reduction in spending and taking you back to 2008, have you had to cut back earlier this year before the closures?

Mr. JARVIS. Yes, sir. Particularly with the sequestration, we had to cut back significantly on the program and hours. We currently have 1,000—for this last summer, 1,000 less seasonals, and we have 900 positions that are permanently—that—permanent positions that are unfilled.

Mr. DEFAZIO. Okay, 1,000 less seasonals, 900 less permanent, and the Republicans are saying the sequestration, which they created, which has cut your budget back to below 2008 year levels, is politically motivated, the things you're doing there. Is it politically motivated when you noticed those people that, you know, they weren't going to be working this summer?

Mr. JARVIS. No, sir. There's no—no politics involved here. This is just our responsibility to take care of the national parks with—with what resources we have.

Mr. DEFAZIO. I thank the gentleman. You know, I'd note further, you know, there are some other perverse impacts on our Federal lands. Wildlife refuges are closed, and those on the other side of the aisle, who day in day out are there to defend the Second Amendment, aren't doing much to defend those who want to hunt on those lands during this hunting season and the losses that are being caused there. They aren't doing anything by keeping the government closed to help those in rural areas who want to work. I got timber industry folks who've been noticed that their contracts are going to be suspended. Now, they're going to have a right to sue the government and get money back for suspending their contracts.

Unfortunately, we won't have those logs this winter to tie the mills over to the spring in areas where you can't get into the mountains in the wintertime. And yet that's because of the government shutdown. They might say, oh, well, they should just let them go forward. Well, they can't let them go forward, because they have a fiduciary duty to monitor the timber sale. There have been instances where people have cut trees they weren't supposed to cut. They've gone beyond the boundaries of the cut. Timber theft, it's called. Those things happen. The government needs to have officials there to monitor this. They can't do it under your shutdown. We're losing money. We're losing jobs. Now you pretend you care about rural America, you care about our parks, which you've slashed the budget for.

You know, this is absolutely the height of hypocrisy, the fact that we're here today trying to figure out why the parks are closed because of a government shutdown and what bizarre things have happened—

Mr. GOHMERT. Mr. Chairman, I would like to make an inquiry for a point of personal privilege.

Mr. HASTINGS. The gentlemen will make his—I think he's probably asking for a parliamentary inquiry, so I'll recognize him for that.

Mr. GOHMERT. When the gentleman says that you pretend that you care about the parks, are you speaking about anybody on this dais, so that I will know whether to have the gentleman's words taken down or not?

Mr. HASTINGS. Any member has the right to ask a—another member's words to be taken down, but I think what this discussion is here, the gentleman was addressing it in the proper way that we address those sort of things in the third person, and so I didn't intervene. He obviously has—

Mr. GOHMERT. I heard the second person, Mr. Chairman.

Mr. HASTINGS. He obviously has strong feelings, like Members on both sides of the aisle have on that.

Mr. GOHMERT. I heard the second person instead of third person, which is not proper.

Mr. HASTINGS. I did not hear—I did not hear the second person.

The time of the gentleman has expired. The chair recognizes the gentleman from Florida, Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

And I think it's important that we conduct this oversight hearing in a joint fashion. I think it—of all the things that's happened—and nobody favors a shutdown, Republicans or Democrats. Our side believes that we're—we're on the verge of a permanent shutdown of our government, which would be much worse, when you spend so much money and incur so much indebtedness that we lose our financial credibility, our national security as a result of that. So this is a legitimate debate. There have been more than a dozen shutdowns. There have been—I just heard today, I never realized that under Carter, we actually went beyond the debt limit, not that we want to follow that model.

The problem here is that it—it appears that what took place by the Park Service was offensive to the American people, to the Congress and to just the concept of common sense, Director Jarvis. That's what this is about. I mean, I think nothing has resonated more with the public than to see an open air monument, such as the World War II Memorial and close by, the Martin Luther King Memorial. It just seems that common sense did not prevail.

Did you—now, you said you take full responsibility for that action. Is that correct?

Mr. JARVIS. That's correct.

Mr. MICA. And did you discuss this with the Secretary of Interior Jewell at any time?

Mr. JARVIS. Yes, I did.

Mr. MICA. And did she—did you—and you didn't discuss it with anyone in the White House, did you?

Mr. JARVIS. In—in—several times on the phone with the White House, I presented, with the Secretary, my decision, but it was never the reverse. There was never any—

Mr. MICA. So you discussed with officials in the White House your action.

Mr. JARVIS. I did.

Mr. MICA. And you also discussed it with her. Now, the common belief among even Park Service employees, and I quote one of them, who's—this is a press account October 3rd. It's a cheap way to deal with the situation, an angry park service ranger in Washington says of the harassment. We've been told to make life as difficult as we can. It's disgusting.

This is the common belief of people who work for you, and he believes he was told to make this as difficult and as painful as possible. How would you respond to that?

Mr. JARVIS. I have no idea where that—that information came from.

Mr. MICA. It's a park ranger quoted from a news—

Mr. JARVIS. That's hearsay. What I'm telling you is that—

Mr. MICA. It may be hearsay, sir—

Mr. JARVIS. I'm in communication with my employees, the ones that are still on work, and they do not believe that. So to say that this is the belief of the National Park Service employees, that's incorrect.

Mr. MICA. Okay. Well, here's one. And I can tell you that I am in contact with my constituents as an elected representative, and nothing has appalled the American people more that I've seen in my two decades of service than what you've done. To close an open air monument like the World War II or across the street, across the way, where people could walk. Now, granted, that was not in existence in 1995, maybe you didn't have a precedent, but it was offensive to close a place where you could walk.

You said your job is to protect the monuments. How—how would the monuments not be protected if people walked there?

Mr. JARVIS. They are protected—if we don't—

Mr. MICA. The monuments, now. The people are protected by the Park Police and the District Police, and I'm told that—and we have evidence that there were—there were almost as many to protect the people and—

Mr. JARVIS. That is incorrect. If I may correct the record here. The U.S. Park Police has been excepted from furlough. The U.S. Park Police are in New York, San Francisco and Washington, D.C. They have responsibilities for the George Washington Memorial Parkway, for traffic, for the regular commuting in here every day.

Mr. MICA. But I am told in the District of Columbia, extraordinary measures were available to make certain that, again, that—that our monuments, the streets, we have had a horrible incident that took place.

Mr. JARVIS. That is correct.

Mr. MICA. They were on the job protecting the people.

Mr. JARVIS. Correct.

Mr. MICA. But your job is to protect the monuments. Now, somebody—you talked to folks in the White House. Who did you talk to in the White House?

Mr. JARVIS. I actually do not know who was on the phone. I do not. It was only informing—

Mr. MICA. And did they relate to you that you should continue to inflict pain?

Mr. JARVIS. They did not.

Mr. MICA. All right. And can you provide to the committee that information of who you spoke to and when on this matter?

Mr. JARVIS. We are retaining all of our records as requested by the committee chairman, and once we get out of the shutdown, we will be providing those.

Mr. MICA. Well, we will subpoena them or get them one way or the other.

Mr. HASTINGS. The time of the gentleman—

Mr. MICA. Thank you. I yield back.

Mr. HASTINGS. The time of the gentleman has expired. And I appreciate the director saying he's going to comply with our request that we sent on October 2nd.

The gentleman from American Samoa, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I certainly want to welcome all witnesses and for the testimony that they've provided before the joint hearing this morning.

Mr. Jarvis, I want to commend you for the distinction and the outstanding job that you have done, or is doing as the director the National Park Service with a track record of some 40 years of service to our Nation and to the American people, I think should be recognized.

Mr. Jarvis, you mentioned that the Park Service takes in about 232 million visitors a day—I mean, a year, with some 700,000 people each day in the 401 national parks, and you have to operate on a budget that is 1/15th of 1 percent of our national budget? Is this—am I correct in putting these before you?

Mr. JARVIS. Yes, sir, that is correct.

Mr. FALEOMAVAEGA. Mr. Jarvis, I—it's sad that I seem to see that you have become a political punching bag for this hearing, and it's really unfortunate. And I think what we're trying to do here is to give a real sense of the challenges and the problems that you're faced with as the director.

When you were given notice that you need to shut down, you mentioned that the shutdown occurred on the 1st of October?

Mr. JARVIS. That is correct.

Mr. FALEOMAVAEGA. And how do you go about shutting down an agency? I believe 70,000 Federal workers work for the Department of the Interior, and out of that, some 68,000 have been furloughed.

Mr. JARVIS. That—somewhere in that neighborhood, yes.

Mr. FALEOMAVAEGA. And the Park Service is part of that.

Mr. JARVIS. That's correct.

Mr. FALEOMAVAEGA. And all of the responsibilities that you bear, and I think it's been a common interest explained here this morning, the fact that a tremendous economic disaster has been created because of the shutdown. Am I correct on that?

Mr. JARVIS. We calculate that for every dollar invested in the National Park System, you get \$10 back to the economy.

Mr. FALEOMAVAEGA. And, Mr. Galvin, I am very interested in your statement. You said you represent the National Parks Conservation Association, with a membership of some 800,000 of our fellow Americans?

Mr. GALVIN. That's correct, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. And what are some of the most classic things that the association has been able to achieve and you as a trustee of this association?

Mr. GALVIN. Well, as I said in my opening statement, the National Parks Conservation Association is uniquely focused on supporting the national parks since 1919, and in—we do—we do that by providing information to the public, by providing information to our visitors, by involving ourselves in issues at the park level, by—by—

Mr. FALEOMAVAEGA. Mr. Galvin, my time is short. Let me—let me go on. I got one to send you. You—I'd like to quote your statement that you made here as an observation at the hearing this morning, and I quote, the National Park Service is not to blame for the failure of Congress to keep our government open and provide the resources needed to maintain our parks and keep them completely open. Blaming National Park's employees for the abysmal results of such a failure of national leadership is unconscionable.

Can you share that with us more?

Mr. GALVIN. Well, you know, I think this hearing is about how the shutdown has worked out. Okay? And as I said in my statement, doing shutdown plans isn't easy for a 401-unit system that extends beyond the international dateline, but there isn't any question about why there was a shutdown. There is no appropriation. There is no continuing resolution. There is no money to pay employees. Even the few employees that John has at his disposal today are not being paid, so that—so we can—we can debate about the World War II Memorial or Grand Canyon. The fact is 401 units of the National Park Service are mostly closed, over 380—

Mr. FALEOMAVAEGA. Mr. Galvin, I'm sorry. My time is getting—thank you, Mr. Galvin.

Mr. Jarvis, how much—how much of an economic benefit—well, what has it done to the economy of this country the fact that what the national parks has done in terms of just like Mayor Bryan, Ms. Eberly and Ms. Simon in terms of their responsibilities, how much this—of an economic impact because of the closure?

Mr. JARVIS. Well, at this moment, October, which is a peak period for many of our gateway communities, the impact is enormous. And, you know, they're not going to recover that. I mean, even if the Federal employees are paid at the end of this, our concessioners, our gateway communities, those hotels, restaurants will not recover this loss. And so we have already begun to figure out how we can get some of these back open. And as—as the mayor of Tusayan indicated, we've reopened the Grand Canyon, we've reopened Rocky Mountain, eight parks in Utah, all of these, because, you know, frankly, we shut these down on October 1, and immediately began to figure out how we can work to get those back open without violating the Anti-Deficiency Act. And I think the evidence shows, from Claude Moore to the Peaks of Otter, to the Grand Canyon that I have been working very hard with a very small staff, there are only nine of us left in the park service in the Washington office, to get these parks back open so that we can get the \$76 million per day that the National Park Service is contributing to the national economy.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. HASTINGS. The time of the gentleman has expired.  
The gentleman from Utah, Mr. Bishop.

Mr. BISHOP. Mr. Jarvis, you said you had about 3,000 exempt employees. I'm assuming those are all security personnel?

Mr. JARVIS. There are—

Mr. BISHOP. The numbers—

Mr. JARVIS. I've got the numbers.

Mr. BISHOP. The numbers aren't important. Are those security personnel?

Mr. JARVIS. Not all of them.

Mr. BISHOP. Most of them?

Mr. JARVIS. Most of them.

Mr. BISHOP. Do you have roughly the same number of security personnel on the mall as you had before the shutdown?

Mr. JARVIS. Yes.

Mr. BISHOP. Okay. Is there a specific threat to the property or life of anything that is taking place on the mall that is different now than before the shutdown?

Mr. JARVIS. Our intelligence indicate that there has been an uptick in activity and interest during the shutdown in potential threats.

Mr. BISHOP. Can you give me a specific one?

Mr. JARVIS. I cannot give you the specifics.

Mr. BISHOP. Is putting barricades up a normal practice after the interpreters and the maintenance service have left those particular areas?

Mr. JARVIS. No.

Mr. BISHOP. If there is no greater threat—if there is no specific threat and you actually put up barricades on those monuments, you have violated the Anti-Deficiency Act. You have created a new obligation with no new threat. If there is not a specific threat, you have violated the Anti-Deficiency Act.

Now, Mr. Speaker, with your permission, I'd like to yield the remainder of my time to Mr. Stewart.

Mr. STEWART. Thank you. Thank you, Mr. Bishop.

And I represent some of the Nation's greatest national parks. I represent the Second District of Utah. We have Zion's. We have Bryce Canyon, many others. To the American people and particularly to some of my colleagues on the other side of the aisle, I would like to make what I think is a very obvious point. It's entirely the point of this hearing. Yeah, the government's in a partial shutdown, and there are implications that come from that. The question to consider is this: In the midst of a crisis, should the Federal Government choose to make things better or should they choose to make things worse? Should the administration seek to alleviate some of this inconvenience and some of this pain or should they seek to exaggerate those? Should the Federal Government be viewed as a friend to the people or as an enemy.

And, Mr. Jarvis, surely you must realize that because of some of your actions, many Americans view you not as an advocate, but as an adversary. And I think—you know, we're in a political conflict right now, and we'll move on. We always do. We find a way to move through this, and 6 months from now the American people will move on with their lives. A year from now or 5 years from now,

some of this will be forgotten, but I think that the lasting impression that most Americans will have will be of those veterans standing at the World War II Memorial and being denied access to that.

And so, Mr. Jarvis, let me ask you, if I could, you are not here voluntarily. Is that right?

Mr. JARVIS. I volunteered to come after the shutdown when I would have staff to prepare.

Mr. STEWART. Are you here because of the force of a subpoena?

Mr. JARVIS. I am.

Mr. STEWART. Okay. That would seem to be not voluntarily, then. If you view your actions as defensible, then why didn't you volunteer to come and sit before this committee and answer questions?

Mr. JARVIS. I did volunteer to come, but not on this date. I don't have any staff to prepare. Normally I would have a staff that would work on developing testimony—

Mr. STEWART. You said before—

Mr. JARVIS. They're all furloughed.

Mr. STEWART. You said before these are your decisions. I wouldn't imagine you would need staff to explain to you why you made the decisions that you claimed you have made.

Mr. JARVIS. I don't need staff to explain to me, but I do need staff to prepare testimony, because this committee requires testimony be submitted in advance, and those staff are furloughed.

Chairman ISSA. Would the gentleman suspend?

Mr. STEWART. Yes.

Chairman ISSA. Mr. Chairman, a point of—not inquiry, but parliamentary clarification.

Mr. HASTINGS. Parliamentary clarification, or actually it's inquiry would be a better one, but the gentleman is recognized for that.

Chairman ISSA. When we subpoenaed the director, our staff had already made it clear, and I believe the director is aware, that essential personnel under the act would include such personnel as are necessary to respond to Congress. And that was the basis under which we subpoenaed him, because waiting till afterwards simply meant that he was unwilling to return such personnel as were necessary to prepare for today's hearing. And I just wanted to make that point—that there was a dialogue in preparation to make the determination that he could bring back on a daily basis such personnel as were necessary if he wanted to be better prepared for today's hearing.

Mr. HASTINGS. That's my—my understanding also.

The gentleman from Utah, Mr. Stewart, is recognized for the balance of the time.

Mr. STEWART. Well, thank you both to the chairman. And I think it emphasizes my point that if we considered these—these decisions and actions as being defensible, you would not be reluctant. I would think you would be anxious to come before the committees and to defend those—those decisions.

In the few seconds I have left, let me make this point, if I could. My State has worked an agreement with Secretary Jewell to reopen the national parks within Utah, and I'm wondering, Director, do you support that decision to work in concert with state governors and others to open these parks?

Mr. JARVIS. Absolutely.

Mr. STEWART. Would you support—you know, expecting that we may find ourselves in this situation again, maybe in a year, maybe in 20 years, but at some point we may find ourselves in a government shutdown again, would you support my efforts to have agreements in place that would immediately open up these parks with the support of the States so that we don't find ourselves in this situation again?

Mr. JARVIS. You know, we have talked about this, in that we really have set a new bar here by entering into these agreements—very simple agreements, frankly—with Colorado, New York, South Dakota, Utah. And so we have sort of started the new point that if we go into a shutdown we now have the template fairly easy to do this.

Now, I want to mention two things, though. We did set a standard, and we worked it out with your Governor and the other Governors. One is that the National Park Service would run these parks and that the States would pay for the National Park Service to operate them. This is the professional staff that have been doing this, and we could open them instantly using our employees.

So it was not—I would not support the States themselves taking over the national parks. But entering into an agreement like this, and then it pays for the entire park operation, not just cherry-picking components of parks? Absolutely, I would support putting this into policy so that we can execute on it very quickly.

Mr. STEWART. Okay. Thank you. My time has expired. Thank you.

Mr. HASTINGS. The time of the gentleman has expired.

I would just note that there probably was a template after the 1995–1996, too, that probably should have been followed.

The chair recognizes the gentlelady from the District of Columbia, Ms. Norton.

Ms. NORTON. Thank you very much, Mr. Chairman.

I could not identify more with our witnesses on the effect of the shutdown on your local economies. And I think every red-blooded American would similarly identify with the outrage of the residents of your host city, the Nation's capital, who, in addition, have seen the shutdown not only of our tourist economy, as you have, but Congress is holding \$6 billion—that is more than four States—collect of local funds, not one penny of it Federal funds.

I thank you, Mr. Chairman, and the Republicans and Democrats who voted with us to free the District's local funds. We are finally making some headway with the Senate and the administration.

Mr. Jarvis, sitting here in the District of Columbia as a third-generation Washingtonian, I cannot bear to hear the employees of the Park Service maligned. Yeah, we have trouble with our civil servants, but I want to say for the record how unfair I think it is for the Republicans to shut down the government and then blame the National Park Service. I thank you for the way in which you protect our monuments and the people who visit our monuments.

Some of us are still recalling when green paint was splattered on the Lincoln Memorial, even though there was no shutdown, because of the difficulty of guarding the memorials. In 2007, I re-

member there was a horrific, a horrific incident, vandalism as well, on the Vietnam Memorial.

Is it true that there are about 2,000 cases of vandalism every day on the memorials of our country throughout the United States?

Mr. JARVIS. That is correct.

Ms. NORTON. I also can't bear the way in which our veterans have been made poster children by my Republican friends, making them look as though they are victims.

My own paper, The Washington Post, carries an article this morning about a coalition of 33 veterans organizations—the American Legion, all of them. Of course they came to complain about the cutoff of their own benefits. But let me read you what they said. The executive director of the Iraq and Afghanistan Veterans of America: “Put the country first and end this shutdown.” That is veterans. That is how they talk. Not, “Let us out, and maybe the rest of you will get out too.” They go back for everybody who is victimized.

Here is another of the speakers. “Several speakers said they oppose measures that would restore funding to VA but not to some other parts of the government. Fixing a little by little is not going to resolve this problem for veterans.” And that was the director of the Veterans of Foreign Wars.

“In contrast to some demonstrations over the 2-week shutdown, including a protest Sunday during which demonstrators pulled down barriers, Tuesday's rally was peaceful and civil in tone. No Members of Congress delivered speeches.” Probably because they weren't invited. “One veteran who held a sign blaming Tea Party activists for the shutdown was asked by organizers to stand outside of the memorial grounds.”

That is how veterans respond when everybody is at risk. They go back, as the Army veteran who received the Medal of Honor yesterday from the President went back to even get his dead comrades.

I want to ask perhaps Mr. Jarvis, perhaps the representative from the tourism industry to explain something that really alarmed me. Apparently, it is Mr. Simon who said that the shutdown will have lasting effects on international visitation. Now, of course, our international visits start here, but then they hear about all those wonderful sites, especially in the far West, and they don't want to go home without seeing them.

Now, my Republican friends say, “Oh, you know, this will blow over, just like a default will blow over.” Could you tell me what you mean by lasting effects—

Mr. HASTINGS. Will the gentlelady ask the question, so we can get a response very, very quickly? The time has expired.

Ms. NORTON. So will you tell me about lasting effects and perhaps what we might do to keep these effects from becoming more lasting? Ms. Simon?

Mr. HASTINGS. Ms. Simon, very quickly.

Ms. SIMON. Yes.

We anticipate the—well, let me start by saying the national parks is a huge part of what is promoted to international visitations through Brand USA, which is our Federal marketing arm for tourism. And so we know that the international visitors are coming

here to see the parks. They come into the gateways; they also see the parks generally on their first visit.

So we anticipate there will be lasting effects in terms of international visitation, particularly in the fall as they look toward next year's trips coming in October and November.

Mr. HASTINGS. The time of the gentlelady has expired.

The chair recognizes the gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN OF TENNESSEE. Thank you very much, Mr. Chairman.

A big part of the Great Smoky Mountains National Park is in my district. And, without objection, I would like to place a statement by Blount County Mayor Ed Mitchell in the record.

Mayor Mitchell has been a great leader in trying to find ways to open the park back up. And he has asked the Park Service to let the county operate the park and has said that they could do so just as capably if allowed to do so. Of course, they weren't allowed to do so, but now fortunately our State has come up with really more money than is necessary to open the park back up until Sunday.

There is a private community in the Smokies called Top of the World. Two dozen school children are picked up each day to go to school on the school bus. They were picked up the morning the government shut down, and then the Park Service closed the roads so that the school children could not get back home on their school bus after school, which I thought was a very sad and needless thing to have done.

I have said many times that you can never satisfy government's appetite for money or land; they always want more. Along with more money, they always want more staff. And one thing this government slowdown has shown is that the Park Service is greatly overstaffed across this Nation.

Many thousands have visited the World War II Memorial and other monuments in spite of the barricades. Hundreds of thousands could safely and comfortably visit the Smokies and other national parks if the roads were not closed. These barricades and closures were obviously done to try to make the shutdown as unpopular as possible, as inconvenient as possible, and not because it was actually necessary. This is using the Park Service for political purposes. This has all shown, as I have said, that the Park Service is greatly overstaffed.

Mr. Ebell has in his statement a quote from a former Secretary of the Interior who said, "The National Park Service has a long history of dramatizing budget issues by inconveniencing the public. They often choose the most dramatic type of action in order to get their message across." It is unfortunate that the Park Service has allowed itself or cooperates—to cooperate in political purposes such as this.

And there has been some mention here earlier by several Members that the Republicans shut down the government. The Republicans in the House voted four different times to keep the entire government open before anything was shut down, but Senator Reid would not allow that to be taken up in the Senate.

At this time, I yield the remainder of my time to Mr. Gohmert.

Mr. GOHMERT. I thank my friend very much.

Let me mention, Director, because you called somebody earlier on hearsay, I am going to give you something that is not hearsay.

I was out there at the World War II Memorial on Tuesday morning because Representative Steve Palazzo of Mississippi emailed that he had a bunch of World War II veterans that were coming by bus and there were barricades that had been put up. I get out there. Sure enough, there are barricades on the north entrance, the south entrance. And the entrance facing the road had barricades across, and it had yellow tape woven in and out. They did not intend for anyone to cross that line, First Amendment or not.

So whoever was supposed to get the message out about First Amendment protests did not. We went up and down the barricades. We talked to the Park Police. And, by the way, on Wednesday, when I was out there, I asked a park ranger, how many people normally are out here when we are not in shutdown? She said four. Now, you could object to hearsay, except it is not hearsay. It is not for the evidence of the statement of the facts asserted in the statement, but simply that the statement was made. So you could say maybe it wasn't four, but whoever that park ranger that said they were out there every day seemed to think it was four.

And on Thursday and Friday—I can't remember if it was Thursday or Friday—I counted nine Park Service people out there to protect the World War II Memorial from our World War II veterans. And I can tell you, if Steve Palazzo and I had not picked up the barricades, separated them, after establishing with the Park Service who we were, those barricades were not going to be opened and those World War II veterans were not being allowed in, First Amendment or otherwise.

And that is not hearsay. I was there, and I watched with my own eyes, I heard with my own ears.

I yield back.

Mr. HASTINGS. Time of the gentleman has expired.

The gentleman from Illinois, Mr. Davis, is recognized.

Mr. DAVIS. Thank you, Mr. Chairman.

Mr. HASTINGS. Turn your microphone—

Mr. DAVIS. I thought I did.

House Republicans have forced the government shutdown on the American people. And the testimony provided by some of the witnesses today highlights the local economic impact that this shutdown has on small towns and businesses that serve employees and visitors of our national parks.

The National Park Service has estimated that the government shutdown will result in total economic losses of \$76 million per day to local communities surrounding national parks.

Director Jarvis, is that correct?

Mr. JARVIS. That is correct.

Mr. DAVIS. Thank you.

Mayor Bryan, in your testimony, you stated that your town and the small businesses there estimate a loss of more than \$1 million in revenue just during the first 7 days of the shutdown. Is that correct?

Mr. BRYAN. Yes, sir, it is.

Mr. DAVIS. In fact, one estimate found that Arizona will have the third-largest economic impact of national park closures, amounting to almost \$5 million a day.

Marie Lopez Rogers, the current president of the National League of Cities, penned an op-ed titled: "Federal Shutdown Has Dire Impact on Local Governments," which describes some of the practical impacts of the shutdown on residents and communities around the country.

Ms. Lopez Rogers wrote: "The antics in Washington are threatening to unravel the progress our cities have made over the last few months and cause harm to the entire Nation. It is a reckless approach to governing." She went on to say, again, that: "every day the government is shut down is another day of economic uncertainty. We need to focus on what matters to our communities, our neighborhoods, and our residents."

Director Jarvis, I have heard people indicate that somehow or another you did not provide the sensitivity that was necessary as you made some decisions. Do you contend and are you concerned about the impact of shutdown on businesses and communities surrounding national parks?

Mr. JARVIS. Yes, sir, I am very concerned about that.

Immediately upon the closure, we opened lines of communication with our concessioners in particular. These are the private-sector businesses that operate food, beverage, and lodging within the parks—the National Hospitality Association. I even conducted a conference call with the CEOs and leaders of those organizations that first week to really begin to convey our concerns and talk about what we can do for them after the shutdown is over and what we can do in between.

And as a result of those conversations, we really began to—I mean, on Wednesday of the first week, I contacted the people that were involved in 1995 in the agreement with the Grand Canyon to understand how that was negotiated. We even tracked down the former attorneys that negotiated that, as well, so that we would have the information to build a—you know, 20 years later, new rules and regulations and all of that, the very small staff—how we could get these things back open so that we could reduce the impact to the tourism industry, which we rely upon.

Mr. DAVIS. Thank you very much. I commend you for your 40 years of service to the Park Service.

And I have no further questions, and I yield back.

Mr. HASTINGS. The gentleman yields back his time.

The gentleman from Texas, Mr. Gohmert, is recognized.

Mr. GOHMERT. Thank you, Mr. Chairman.

Director Jarvis, I am just curious, the philosophy that you have as Director of the Park Service. Do you believe our rights come from our creator or from our government and Constitution?

Mr. JARVIS. I believe they come from all of the above.

Mr. GOHMERT. Well, check your Constitution. It is a Constitution that prohibits activities by the government, not gives them—give them rights. The Declaration of Independence established what our Founders believed where our rights came from.

But, Ms. Eberly, what has happened to you is pretty outrageous. You have heard all of the insults thrown out today about the shut-

down. And I am curious, were you notified before October 1st, that Tuesday, that you might be closed, even though you had been operating totally independent and you had saved the farm because of your efforts in your 32 years as director? When were you notified you were being shut down?

Ms. EBERLY. I had a phone call on my cell phone from the superintendent Monday late morning, and I returned it early afternoon. I was out of town.

Mr. GOHMERT. Okay. And what were told in that conversation?

Ms. EBERLY. We were told, or I was told that the farm was going to be part of the shutdown. And I said, but we have never been part of other shutdowns. And he said, well, it will be illegal for you to open the farm, and if you do, then you risk arrest. And only one employee, only one private employee, will be allowed in to feed the animals.

Mr. GOHMERT. How many National Park Service employees are at your farm each day?

Ms. EBERLY. None. Not since 1981 when we were—

Mr. GOHMERT. No, now, wait a minute. We have heard about the law being that, in a shutdown, you have to revert to minimum manpower unless there is a specific threat. Are you aware of any threats that were emanating from the Claude Moore Farm on September 30th or October 1st?

Ms. EBERLY. No. We are pretty low-key. Not only that, but our next-door neighbor is the CIA, so they pretty much take care of any threats that might come along.

Mr. GOHMERT. So you are not worried the CIA is a threat to the Claude Moore Farm, apparently.

Ms. EBERLY. Nope. They are our best friends.

Mr. GOHMERT. How about—I read that the McLean Chamber of Commerce had paid a bunch of money to use the farm on October 1st in the evening for a gathering. Were there any indications that the McLean Chamber of Commerce was a threat to your farm?

Ms. EBERLY. No.

Mr. GOHMERT. Have they ever been a threat to your farm? I mean, chambers can be pretty rowdy.

Ms. EBERLY. Yeah, they can.

Mr. GOHMERT. But—

Ms. EBERLY. This one is pretty okay. And we belong, so.

Mr. GOHMERT. All right. So what happened on Tuesday?

Ms. EBERLY. Tuesday, the employees came in as normal because we decided we weren't going to leave the farm unprotected. And I had asked for this decision in writing, because we had received nothing in writing, and so the superintendent emailed me a statement about 3:30 on Monday. And we appealed that, thinking that we could get it changed, thinking that this was just sort of a booboo.

And then about 2 o'clock on Tuesday we got a phone call saying, no, absolutely no. And then Park Police showed up and made the Chamber members and all the people setting up for the event leave.

Mr. GOHMERT. On Monday, when you returned the call of the superintendent from the Park Service, did they say your park might be closed, to be on alert, or what did they say?

Ms. EBERLY. They said, if the government shuts down, then we would be a part of the shutdown, and that they had been—they had had this plan in place since Thursday. But that was the first notice we had received.

Mr. GOHMERT. All right. And so, did you happen to notice how many Park Service Police came out to run off the McLean Chamber of Commerce and put up barricades?

Ms. EBERLY. You know, I wasn't there.

Mr. GOHMERT. Okay. Do you know where the barricades came from?

Ms. EBERLY. They brought them. Not the Park Police. The park maintenance crews brought them.

Mr. GOHMERT. The park maintenance crew brought them. Have you ever had park maintenance crews out there since you became an independent-operated park or farm?

Ms. EBERLY. Oh, yeah. I mean, early on, the parkway maintenance crews were very helpful to me—

Mr. GOHMERT. "Early on" being when?

Ms. EBERLY. In 1981.

Mr. GOHMERT. Okay, but in the last 13 years, have there ever been any park maintenance service people come out to your farm?

Ms. EBERLY. To perform maintenance?

Mr. GOHMERT. To do anything.

Ms. EBERLY. I think a broken waterline, but that was probably about 9 years ago, maybe.

Mr. GOHMERT. All right. Mr.—thank you. My time has expired, but—

Mr. HASTINGS. The time of the gentleman has expired.

Mr. GOHMERT. —I would note for the chairman that the law was violated by the Park Service in sending police and maintenance personnel out to the park.

Mr. HASTINGS. To the extent this is being recorded, that is part of the record.

The gentlelady from Guam, Ms. Bordallo, is recognized.

Ms. BORDALLO. Thank you, Mr. Chairman.

And I, too, would like to commend Mr. Jarvis for his long many, many years of service to the National Park Service, and also to all of the witnesses here.

Mr. Jarvis, the shutdown was the final hit to the national parks after years of cuts in your budget—and I think you mentioned this earlier in your testimony—and to your operations and construction accounts. Can you speak about how the cuts in funding over the last several years have impacted your organization?

Mr. JARVIS. In a number of ways they have impacted us.

In terms of our facilities, we are in steady decline. Most of the facilities in many of our classic national parks were built 50, 75 years ago—water systems, wastewater systems, roads, and the like. So we now have an \$11 billion maintenance backlog that is declining. We receive less than half of what we would need in order to just maintain that.

On the other side is our ranger staff, those that provide interpretation, visitor protection; has also been in decline. And so we are not capable of providing the level of visitor service that really the public expects and deserves.

Ms. BORDALLO. Thank you.

As the National Park Service gears up for its 100 years in 2016, what do the continued cuts mean to the future of the National Park Service? What are you—I am sure it must be very impactful.

Mr. JARVIS. Well, a couple things that we are working on.

One is to develop as many partnerships with States, with non-profit organizations, with the tourism associations, to assist us in providing these places. We cannot do it alone. Increasing our volunteer workforce, increasing philanthropy, leveraging what dollars that we have, both appropriated and non-appropriated, such as our fee dollars, all of those—we are looking at as many opportunities as possible. There has been a hearing in the Senate on a variety of ways we can find additional funding for the National Park Service leading up to the centennial.

We are also working with the National Tour Association, the Hospitality Association, and Brand USA on a major marketing campaign for 2016. We feel that the national parks are an integral part of this American economy as well as standing for really the best of this country. And we believe the centennial is a huge opportunity to remind all Americans of their national parks as well as draw tourism from around the world.

Ms. BORDALLO. Thank you, Director Jarvis. It is commendable that you are thinking ahead and you are looking into all these possibilities to continue on.

Now, what is the impact with your employees, I mean, the overall morale and so forth of those still on duty and those that you had to furlough?

Mr. JARVIS. This is extremely—

Ms. BORDALLO. I know a couple of my colleagues—

Mr. JARVIS. This is extremely—and thank you for this question, because it is extremely painful to the employees that are on furlough. They want to work. They want to be back in the parks. They want to be greeting the American public. And—along with the rest of the Federal Government.

For the employees that are on duty, this is extremely difficult. You know, our rangers, our U.S. Park Police are accustomed to welcoming the public. We are, I think, the only Federal agency that has enjoyment in its mandate. It is a part of our mission to provide these places so that the public can enjoy them unimpaired for future generations. And right now we are having to turn people away because of the shutdown and the lapse of appropriations, and that is very, very difficult.

Now, I have instructed, in spite of what you are hearing here today, I have instructed my law enforcement folks to take a very low-key approach to enforcement at the park level, to not confront, to stand back and just inform the American public that these places are closed.

Ms. BORDALLO. Uh-huh.

Mr. JARVIS. And, as a consequence, there have been very, very few citations across the country. It has mostly been a respectful reminder to the American public when they come, obviously with their disappointment. It is, again, extraordinarily difficult and painful for us to have to deliver of message. And we hope that this will end very soon and we can open all—

Ms. BORDALLO. And with the few seconds I have left, Mr. Jarvis, I do suppose the ones that are not furloughed feel sort of guilty with other colleagues that had to be furloughed that they are still on and the others have been, you know, furloughed. So I can imagine it must be a morale problem, as well, in the agency.

And I thank you very much again for your service.

And I yield back my time.

Chairman ISSA. [presiding.] The gentlelady yields back.

We now go the gentleman from Colorado. But prior to that, I am going to ask unanimous consent so that it be in the record for later discussion—and we will have a copy of it given to the Director. This is the donation agreement for the National Park Service from the State of Oregon—I am sorry, from the State of Arizona back in the 1990s. And it details what the chairman said was a template.

I might note that, instead of \$96,000 a day, it was \$17,000 a day. So after you get a copy of it, I hope you can explain the inflation rate over this period of time.

The gentleman from Colorado.

Mr. LAMBORN. Thank you, Mr. Chairman.

Mr. Jarvis, this is painful for me because I do love and support and appreciate the national park system. And to see what you have done really pains me, and to have to have this conversation. I have been to over 200 units of the National Park Service—like I said, I love the parks—many of those visits with my wife and children.

And yet, when I was at the World War II Memorial the second day of the slowdown and I helped moved the barricades because those World War II veterans should not have been denied their access, it was so reprehensible.

I talked to one gentleman there who was in a wheelchair. I asked him how old he was; he was 97 years old. And he had fought in the Pacific theater in World War II in Guadalcanal, among other places. And yet he wasn't being allowed, had those barricades stood, he wasn't being allowed to touch or see the plaques where the fallen are memorialized, his buddies. My own father couldn't ever make it out there. He turned 93 years old before he died, but he was never in good enough health to go out there.

And so it was wrong, what you did. This decision of yours was not good. It was not good for the American people, and it is not good for the park system either. Like I say, I appreciate the park system, and yet I think you have besmirched its reputation and you have soured its relationship with Congress. And, in my opinion, sir, you have failed and you are a liability to the National Park Service.

I do have a couple of questions I would like to ask you about.

Whose decision was it to try to shut down Mount Vernon? Mount Vernon is privately owned and operated. I know there is some parking off to the side that you have responsibility for. Was that your decision also, to try to shut down Mount Vernon?

Mr. JARVIS. I think you are incorrect in that regard. We did not try to shut down Mount Vernon. We barricaded one parking lot that belongs to the National Park Service. And that was done in execution of the closure order for all 401 national parks. That park-

ing lot is part of the George Washington Memorial Parkway. It did not block the use of Mount Vernon.

Mr. LAMBORN. Well, if people can't park there, I don't know how they can access—

Mr. JARVIS. There are many parking lots at Mount Vernon. This is just one.

Mr. LAMBORN. Was that your decision, though?

Mr. JARVIS. I was not involved in that decision directly, no, sir.

Mr. LAMBORN. I would like to ask about reimbursement to the States. My own State of Colorado is one of the four or so States that have talked with the National Park Service about paying for continuing the Park Service until this government slowdown is over.

Will States like Colorado be fully reimbursed for their expenses that they are incurring right now?

Mr. JARVIS. Not unless Congress authorizes it.

Mr. LAMBORN. The document that Chairman Issa just had introduced into the record shows—this is from 1995–1996—that the pattern was, in the past, that States would be reimbursed.

If they are paying for things like salaries of park rangers, maintenance, law enforcement, and so on, then those people don't have to be reimbursed later by you because that would be—I am assuming they wouldn't get twice their salary. I assume they only get paid once. So when you get reimbursed, that is a windfall to you if you don't reimburse the States.

Mr. JARVIS. Well, here is the way it actually works. So the States are depositing a set amount that we negotiate with the Governors into the Treasury, and as soon as we open the parks, we are charging against that account. So that account is drawn down.

Now, if the shutdown ends before we expend all of that money, then whatever is remaining absolutely will be immediately returned to the States. But for the money that is charged against, I have no authority than to take Federal dollars that, once reimbursed when the shutdown ends, and give that to the States unless directly authorized by Congress. Which I would support, by the way, but I don't have that authority just outright.

Mr. LAMBORN. So, at this point in time, you are not pledging to reimburse the States.

Mr. JARVIS. No. We made it very clear in each of these agreements and very clear in the agreement that was negotiated that there is no guarantee that they are going to get this money back. It would only be if Congress were to authorize it.

Mr. LAMBORN. Well, I think you should have to be responsible for that.

Thank you, Mr. Chairman. I yield back.

Chairman ISSA. I thank the gentleman.

I might note for the record that in every case of shutdowns all Federal employees have been paid and these types of debts have been paid. So there is a high expectation, even without a contract.

We now to the gentleman from Virginia for his round of questions. Mr. Connolly?

Mr. CONNOLLY. Thank you, Mr. Chairman.

And welcome to the panel.

Ms. Eberly, I have been to the Claude Moore Farm many times, and thank you for running such a beautiful spot in our community.

By the way, the land on which the Claude Moore Colonial Farm is located, is that federally owned or is that privately owned?

Ms. EBERLY. Federally owned.

Mr. CONNOLLY. Federally owned.

Ms. EBERLY. Uh-huh. It is a former landfill.

Mr. CONNOLLY. Okay. So could it be that Director Jarvis, looking at the Antideficiency Act and trying to figure out what is covered and what isn't, looks at a place like Claude Moore, federally-owned land—you manage it, but it is federally owned—and it gets a subsidy of \$100,000 a year, apparently down to \$92,000 this year because of sequestration and down to zero next year because of budget cuts, that he might have just included that in, sort of, the larger penumbra of the Antideficiency Act and things he might have to decide? Could that be an explanation?

Ms. EBERLY. I was told by the superintendent that it was entirely his decision, that he had—

Mr. CONNOLLY. Which superintendent?

Ms. EBERLY. The parkway superintendent.

Mr. CONNOLLY. The parkway superintendent.

Ms. EBERLY. Uh-huh. And he had decided to leave open the Memorial Bridge and the George Washington Memorial Parkway.

Mr. CONNOLLY. And from your point of view—well, you obviously didn't like the decision; none of us did. But it was also a matter of communication. Explaining the rationale was not very consistent, from your point of view.

Ms. EBERLY. We have never gotten an explanation.

Mr. CONNOLLY. Okay.

Director Jarvis—

Ms. EBERLY. Because now we are open.

Mr. CONNOLLY. Director Jarvis, I would like you to address that in a second. But you have, you said, 401 national parks; is that correct?

Mr. JARVIS. That is correct.

Mr. CONNOLLY. Would Claude Moore and, say, the Mount Vernon parking lot be included in that number? Or are they, because they are sort of hybrids, are they over and above the 401?

Mr. JARVIS. No, they are components of those 401. There are literally hundreds and hundreds of similar situations as to the Claude Moore Farm within those 401.

Mr. CONNOLLY. Okay. And you were advised presumably by your ethics office or by your attorneys when you go about to organize for the shutdown in anticipation of the shutdown that you are going to have to make thousands of discrete decisions in a very collapsed timeframe. And you are concerned about complying both with the law, that is to say the shutdown, and with the Antideficiency Act. Is that correct?

Mr. JARVIS. That is correct.

Mr. CONNOLLY. Would you remind us what the Antideficiency Act is and does?

Mr. JARVIS. Essentially, it is a statute that prohibits doing work for which there is no Federal appropriation, except for the limitations on protection of life and property.

And so, in the case of Claude Moore, if I may, the Claude Moore Farm has since 2001 received \$1.3 million of Federal appropriations from the National Park Service. We recently spent several hundred thousand dollars repairing their sewer system. We do ongoing food and safety inspections, trash removal, and road maintenance.

So we had to evaluate, in the case of Claude Moore, in the case of dozens of these, of whether or not we would be in violation of the Antideficiency Act by allowing these to continue to operate. And so, if you may, let me just say, we took the closure date on October 1, and then we began to evaluate each of these operations individually to ensure that we were not violating. And those that we felt we could honestly and clearly and legally reopen, we have done that.

Mr. CONNOLLY. By the way, I have a limited amount of time left, but I want to say, at least speaking for this Member, I just heard my colleague from Colorado make some rather strong statements about you and your service. I completely disavow those comments. I think you have been an exemplary public servant. I think you have done the best you could under very trying circumstances.

I think you have put up with some criticism because some—one here, of course—want to deflect public attention from their own actions, namely, the consequences of a shutdown. But to trash somebody's good reputation, who has served his country well as a labor of love as well as your professional commitment to the national parks and making them the best they can be, I just want you to know there are many of us here and many throughout the country who very much value your service and deeply regret any suggestions that somehow you are responsible for the shutdown and the consequences.

Mr. HASTINGS. Will the gentleman yield?

Mr. CONNOLLY. I have 7 seconds, Mr. Chairman, but I would be glad to yield.

Mr. HASTINGS. Well, I just want to point out—and I thank the gentleman for yielding. Real quickly, I just understand that the Antideficiency Act goes back to the 1860s, and yet it was not employed in 1995 for whatever reason. And I just thought for the record that ought to be—

Mr. CONNOLLY. Mr. Chairman, could I at least ask—

Chairman ISSA. You can have your 6 seconds.

Mr. CONNOLLY. Thank you.

Mr. Galvin, is that true or not?

Mr. GALVIN. It is not true. The Antideficiency Act ruled the shutdown in 1995–1996, the same way it does now.

Chairman ISSA. I thank the gentleman.

I will now recognize myself.

Director Jarvis, do you remember April of this year coming before one of these committees, the Oversight Committee?

Mr. JARVIS. Yes, sir.

Chairman ISSA. And between April 16th and October 1st, you were not shut down, you had the ability to operate fully; is that correct?

Mr. JARVIS. That is correct.

Chairman ISSA. So for those many months after you promised to deliver us the discovery, including 400 pages previously identified before that hearing, and didn't do so, you did so out of contempt for your promise to this committee?

Mr. JARVIS. I—

Chairman ISSA. Or was it just an oversight? Do you just not know that you promised to deliver documents related to discovery and you don't do it?

Mr. JARVIS. No, sir. Those decisions are made by the Department of the Interior. I—

Chairman ISSA. Well, I am going to take that decision away from you. I will be issuing a subpoena to you before the close of this hearing, and I will expect, as soon as the government reopens, for you to comply with it.

Additionally, I am going to ask our clerks to go through the record and find each and every document and request made during this hearing and again issue a subpoena. Since it is very clear that the promises you make have no value because someone in the Department of Interior simply doesn't bother to deliver documents already known. And those documents are related to our accusation of prior abuse under sequestration.

So Mr. Connolly may want to say you are exemplary. I find it questionable.

Let me ask you a very simple question I started this hearing with: Whose land is it? Is it your land? Is it the government land? Or do you oversee the people's land? And, please, think before you answer.

Mr. JARVIS. It is the people's land.

Chairman ISSA. If it is the people's land, then don't you have an obligation to absolutely, positively mitigate to the greatest extent possible the adverse effects on people?

Mr. JARVIS. I operate under the—

Chairman ISSA. No, no.

Mr. JARVIS. —law passed—

Chairman ISSA. I know. Don't tell me about the law. Do you have an obligation—you are restrained by laws, but do you have an obligation to deliver to the best of your ability with the limited funds you may or may not have?

Mr. JARVIS. I absolutely do.

Chairman ISSA. Then, in the case of Ms. Eberly, isn't it true that, in fact, every day her organization saves the American people money they would otherwise spend to operate that park or the park would be gone? Isn't that true?

You kept talking about the million dollars you delivered. She delivered twice, three times, four times that in value, through volunteers, through fundraising. Isn't that true?

Mr. JARVIS. Absolutely. We love our partners.

Chairman ISSA. Okay. So here is your public-private partner, and you shut her down and cost her far more than any potential savings. You spent money to barricade so that she, in fact, couldn't operate, and you did so without prior notice.

And let me ask you an important question. What was the first day in your job—you talked about 2016 and what you are anticipating and who you are working with. What was the first day you

began asking the question over the last year—we will just use 2013—what do I do in the case of a shutdown related to a lack of appropriations? What was the first day?

Mr. JARVIS. Well, we were facing a potential shutdown in 2011 when the—

Chairman ISSA. Okay. So, since 2011, your testimony is that, in fact, you have known there was a potential for a shutdown.

Mr. JARVIS. That is correct.

Chairman ISSA. You were with the Park Service and you were aware of the agreement made with Arizona in 1996. You were aware, could have been aware, of course, Ms. Eberly was not shut down back then.

You were aware that, contrary to what was shown in an earlier picture, that, in fact, the Lincoln Memorial was not closed, as that picture falsely shows, at some earlier barricade. This is a repair period of time. It may, in fact, be an actual picture. But the pictures we have seen show that people walked up. This barricade was not, in fact, keeping people from going. People went all the way up.

You will notice the—Mr. DeFazio, you will notice the construction.

This picture is also from that period and shows people actually being seen, with the sign up there, going there.

The fact is you had a history and a tradition. Why did you not make the effort and the contacts to find out how to mitigate? Why did you not talk to the mayor's people or representatives? Why was there not an attempt to see what they could do to mitigate it? Why were those contracts not dusted off in preparation? Why didn't you do anything to mitigate this whenever possible?

And why did you cause Ms. Eberly to sit there and lose money and perhaps her organization go into an inability to maintain it when, in fact, you know and I know that that road maintenance is being deferred whether she is open or closed? Isn't that true?

Mr. JARVIS. I immediately upon the closure began to look at the documents from the Grand Canyon—

Chairman ISSA. Okay, yes, that is a great answer. And my time is expiring.

You waited till after October 1st and then began—after you asserted pain on people through a lack of planning, you began planning, so that a week, 2 weeks, 3 weeks after you had made your point, you had made your point that you could punish the American people by shutting down and taking away assets they cared about, then you began, because of public opinion, opening back up.

For the record, isn't it true that everything you have done to reopen could have been anticipated and done in advance? In other words, if you can reopen her parking lot, then, in fact, you had the authority never to close it. Isn't that true?

Mr. JARVIS. We did not have—

Chairman ISSA. The 1860s law didn't change—

Mr. JARVIS. In all due respect—

Chairman ISSA. —so isn't it true—

Mr. JARVIS. In all due respect, the National Park Service is a very big, complex organization. I did not know about Claude Moore any more than the dozens of others out there. I rely on my field representatives, my superintendents to tell me.

And so what we had to do is we shut it down in compliance with the lapse of appropriation and then immediately began assessing which ones we could reopen. And we did that with that Claude Moore. I have over a dozen here more that we have reopened, as well as—

Chairman ISSA. Yeah, the Grand Canyon is, you know, kind of hard, it gets overlooked, you didn't see it, you know. And we all know that terrorists are going to go in and blow up the Grand Canyon, too. So, you know, the fact that you overlooked the Grand Canyon is not credible.

We go to the gentlelady from Massachusetts now for her questions, Ms. Tsongas.

Ms. TSONGAS. Thank you.

And thank you, Mr. Jarvis, for being here.

You know, as I said in my early comments, I do have two national parks. They really do commemorate—one commemorates the American Revolution; the other commemorates the Industrial Revolution. The communities that host these national parks take such pride in all the great work you do and the tremendous leadership you have brought, the high standards you create. And we as an American people, I think, are proud of those standards and hate to see anything happen that undermines them, as the sequester is certainly doing and as shutting down the government is doing.

But I want to address first the whole issue of our veterans' access to the World War II Memorial. My father was a survivor of Pearl Harbor. He went on to serve across the South Pacific. He is no longer living, but I can't imagine that he would not be so dismayed by the circus that has been created around the access issue to the memorial.

And I happened to be in the airport when an Honor Flight group was coming from Arkansas. It was a very celebratory moment. These were older, older men who were so proud of their service to this country, and it was a touching thing to be near them.

I just want to reference that Politico today reports that, despite my Republican colleague attempts to turn the World War II Memorial into the government shutdown's poster child: "Veterans streaming into Washington to see the monument don't really face any obstacles in their visits. And many complain that they are being used for political gain."

Jim McLaughlin, a lead organizer for the Honor Flight Network told Politico: "We have had no problems at all." He said the Park Service has been: "very cooperative and very polite," in allowing veterans groups to visit under the auspices that they are conducting: "First Amendment activities."

Director Jarvis, veterans have been able to visit the World War II Memorial, haven't they?

Mr. JARVIS. Yes, ma'am, they have.

Ms. TSONGAS. Thank you.

I would also like to go back to the issue—and I thank you, Ms. Simon, for your testimony. Are we really surprised that the government shutdown would have an impact on our gateway communities, on our tourism industry? Isn't it just something one could have foreseen?

Ms. SIMON. I don't think the fact that there was an impact was a surprise. No, I think everyone anticipated it. It was really not knowing what to expect come the first day of the shutdown.

Ms. TSONGAS. And that is why it is such a dismaying activity, given that it could have been avoided. A bill could have been brought to the floor that would have Democratic support, the Senate bill that was passed by the Senate on a bipartisan basis, brought to the floor of the House of Representatives, supported by Democrats, supported by Republicans, and it would have avoided this altogether.

The national parks are where a lot of the discussion has gone because they are very visible to the American people, and it is happening at a moment in time when visitation has historically been very high. But I don't think we can overlook all the other people and all the other institutions that have been so impacted.

Last week, I had a heart-wrenching conversation with a nurse at a military installation in my district who is furloughed because of the Republican shutdown. As a Federal contract employee, she is terrified that she won't be able to recover her lost pay, putting her family at financial risk. "We are the ones suffering," she told me. "We are hardworking Americans working paycheck to paycheck. Something like this can destroy us."

We have to remember the servicemembers who have returned from combat duty who may lose their college tuition assistance that they have been promised. Clinical trials for cancer patients have been delayed, and veterans are being told that they will have to wait even longer to have their benefit claims reviewed.

And, yes, it is so unfortunate that our national parks, some of our Nation's most treasured sites, are closed to the public. But that is what happens when the Federal Government shuts down. We need to end this and end it today.

Thank you, and I yield back the balance of my time.

Chairman ISSA. The gentlelady yields back.

We now go to the gentleman from Michigan, Mr. Walberg.

Mr. WALBERG. Thank you, Mr. Chairman.

And thanks to the panel for being here.

I certainly agree with one of my colleagues who mentioned earlier, on the other side of the aisle, that we live in a parallel universe—a parallel universe of fact and of fiction.

Five years of government by crisis has been taking place, beginning with the first 2 years of this administration when the Democrats controlled the White House, the Senate, and the House. A budget wasn't passed either of those 2 years. Continuing resolutions. Continuing resolutions certainly work toward crisis, don't they?

And now we have come to a big crisis where the Democrats' shutdown of this government has taken place. Now, they would call it something else, and they have been effective with the use of pawns in the media and pawns, sadly, in the bureaucracy, Mr. Jarvis, of making pain on the American public.

But I am concerned more about the pain that has been put on the private-sector economy—Mayor Bryan, Ms. Eberly, tourist associations. This was knowingly done. I am concerned about the pain that will be coming even worse for Mayor Bryan and Ms. Eberly

and other private concessioners when Obamacare has its full results and we have a part-time economy, not a full-time economy.

Because then it won't be a shutdown that stops people from visiting these wonderful sites that, Director Jarvis, I visited when I was just a kid that led me in 1969 to go to Western Illinois University and major in forestry and land management. Over 40 years ago, my intentions were to be in the service that you are in. And since that time, I have visited parks all over this country in 50 States, and I still do with my grandkids.

But in the future, they won't have that opportunity because of a economy that has gone to a part-time economy. And our people, maybe not foreigners, which we hope continue to come, but our people won't be able to afford to go to see that magnificent Grand Canyon that I saw as a boy and as a teenager and as a college student and as a father.

I am sick of hearing of this shutdown called anything other than a Democrat shutdown. We have offered four bills to fund the entire government, rejected by the Senate-controlled Senate. We have offered now 15 bills to open up necessary components of government—oh, and by the way, one of those was the Park Service and the monuments, one of those was the Veterans Administration, WIC, and I could go on down the line—rejected in the Senate, supported in a bipartisan fashion in the House. Where is the problem?

Let me ask a question. Ms. Eberly, I heard you interviewed on TV, I think, after the first week. I appreciated your spunk. What has this cost you, or cost the Claude—the Colonial Farm?

Ms. EBERLY. So far, probably about \$30,000, I guess. That probably doesn't seem like very much money down here, but to us it is.

Mr. WALBERG. To you it does. Twenty thousand when I first heard you, so it has gone up \$10,000 more.

My brother, without me, took a motorcycle trip along the Blue Ridge Parkway just a few weeks—well, the week before the shutdown, had dinner at the Pisgah Inn. I have been there myself. Beautiful part of the world. A week later, it shut down, a private concessionary making money for the U.S. Park Service.

Let me ask a question, Director Jarvis. What does the Park Service think will happen if they don't close private businesses?

Mr. JARVIS. Private businesses that are both within and outside the national parks are essential to public service. I mean, that is—so we have Pisgah Inn, Peaks of Otter, Northwest Trading Post, Folk Art Center, and the Mabry Mill are all open as a result of the policy change I made to get them open along the Blue Ridge—

Mr. WALBERG. How many others are closed still?

Mr. JARVIS. I don't really know. But I have opened over a dozen—Cliff House, the Avon Pier at Cape Hatteras, a number of these—that really do not require our support and do not violate the Antideficiency Act.

Mr. WALBERG. And hundreds are still closed.

Mr. JARVIS. I have opened the window for anybody to request, and we are evaluating each one of those requests.

Mr. WALBERG. Well, let me just—because my time is 9 seconds here. And I would refer to you as well as Mr. Galvin.

1995, we had a shutdown. 1995 to the present, Mr. Galvin, we had the opportunity to put in place for—that large government entity called the Park Service to put in plans so this type of thing wouldn't happen. You say it is large and it takes a lot of effort. Well, it sure does. But why wasn't it taken care of between 1995 and now? I contend it was because we wanted to inflict pain upon the taxpayer, the citizen, to make them go along with policies that will ultimately make it more problem for Mayor Bryan, Ms. Eberly, and others.

And I yield back.

Chairman ISSA. I thank the gentleman.

I now ask unanimous consent to place in the record a letter dated March 27th, 2013, to Mr. Jarvis concerning the oversight discovery responsibilities and request, and then the response dated April 19th, 2013, from your bosses at the United States Department of the Interior in which they promised that they were diligently working on the discovery that we have never received.

We now go to the gentleman from Nevada for 5 minutes.

Mr. HORSFORD. Thank you.

Our national parks belong to the American people and they should be open, along with every other essential part of the government. I have twice met with Honor Flights this month that brought our veterans to see the World War II Memorial. For some, this was a once-in-a-lifetime opportunity, and it was an honor to shake the hands of these service members. Their service should not be politicized, and they should not be used as pawns.

Our Nevada veterans were not stopped by barricades. In fact, they were warmly greeted and welcomed by park rangers, allowing access to the memorial for First Amendment activities. And I'd like to thank the Park Service rangers for their courtesies.

You know, half the truth is often a whole lie, and I'm sorry that the Representative from Texas is not here, because one of the days that I was there, he was there, and for him to say that those veterans were turned away or that the park rangers treated them with disrespect is not the case.

Now, I represent Nevada's Fourth Congressional District, and we are home to several national parks, including the national—the Lake Mead National Recreation Area, which is the fourth most visited unit in the National Park System of over 400. National parks are a vital part of our tourism industry and our economic base.

In between votes on last Saturday and Monday, I was able to go back home to my district to meet with my constituents, and during one of our town halls, the former Superintendent of the Lake Mead National Recreation Area came, and this is what he told me. First, the blame should not be placed on the National Park Service or the individual park, but clearly on the shoulders of Congress that caused the shutdown in the first place. The last thing the National Park Service wants to see is our precious parks closed to the American public.

He went on to share that since the closure, the park has already had to cancel 7 events, with an expected participation of 1,925 participants, and there are several additional events in the next 2 weeks with over 10,000 expected participants, having an effect on our local economy, on jobs and on tourism.

So, Mr. Chairman, I ask for unanimous consent at this time to enter Mr. O'Neill's entire statement into the record.

Chairman ISSA. Without objection, so ordered.

Mr. HORSFORD. Thank you.

Director Jarvis, thank you for your service. Do you agree with Mr. O'Neill's statement that the Park Service professionals would like to do their job and open the parks to the public?

Mr. JARVIS. There's nothing on this planet that we would prefer to do than to get back to work and reopen all 401 national parks.

Mr. HORSFORD. Ms. Simon, I talked about some of the impacts to local communities surrounding national parks like Lake Mead. Can you share other impacts that you've experienced and how it's affecting the private sector?

Ms. SIMON. Yes. Just in the first week, we surveyed all of our members, and our tour operators reported collective losses estimated at \$114 million just in that first week. So, you know, projecting that out in terms of what they have experienced so far as well as what they're continuing to experience, because they're having to reroute tours without an end date in sight, they're having to reroute tours on into the future and will be experiencing, you know, financial implications to having to find alternatives to those tours.

Mr. HORSFORD. Thank you.

Mr. Chairman, let me just close by saying one of my colleagues on the other side said something about Director Jarvis' failure to do his job. Well, if Director Jarvis or any of the other public service professionals have failed for having to carry out the shutdown, then what does that say about the Republican Members who caused the shutdown in the first place?

Mr. HASTINGS. [Presiding.] The gentleman yields back his time.

The gentleman from Virginia Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman.

I have the honor to represent America's First District in Virginia, which includes Jamestown, Yorktown, Williamsburg, and also the historic battlefields there in Fredericksburg, Virginia.

Director Jarvis, I want to ask you, if you go back historically and look at the shutdown in '95-'96, and you look at how the Park Service handled specifically Jamestown Settlement, which, as you know, is run by Preservation Virginia, it's a private entity, they've been running that—that area since 1835, it's a nonprofit organization, the access is through the Colonial Parkway. In '95, operations there at Jamestown Settlement continued without interruption.

This time around, unfortunately, Historic Jamestowne, that Jamestown Settlement, was told to close by the Park Service. There is actually a Park Service employee there at the gate turning people away. They came from all over the country. You know, Preservation Virginia relies on the revenue generated there at Jamestown Settlement for their operations. That costs them about \$6- or \$7,000 a day. It took 10 days to work out an agreement so that access to that facility, owned and operated by Preservation Virginia, could reopen.

Can you give me some indication about why this time around things were different than they were back in '95, and why we couldn't have used the mechanism in '95 to assure that—that

Jamestown Settlement could stay open through—through this—this shutdown?

Mr. JARVIS. Well, I will defer to Mr. Galvin to talk specifically about what occurred in '95, because I wasn't here then. But I would say that we didn't anticipate this closure to last as long as it has, and what has happened as a result of its extension is that we've had to—to figure out whether or not in each individual case, whether or not we would be violating the Antideficiency Act because of the revenue, the amount of money, the facilities, whatever partnership aspect that we have with places like Historic Jamestowne. And we had to take that to our attorneys and say, this is what we're investing, and then we had to say, can somebody else cover that, and then reach an agreement. And I—I was not involved directly in the one at Colonial and Jamestown, but I think we did work it out.

I apologize that it took so long. That's certainly not our intent to drag these things out, but the 1995 agreement was not ready to be just—change the date and the names on the bottom. All different attorneys, all different people in play now. And we've got the template now, so we're moving through these rather quickly, including the State of Virginia. The Commonwealth has requested an interest, and we're quite willing to work with them.

Mr. WITTMAN. It just seems like to me with that framework, that even though the names and the times were different, it seems like to me that the framework is in place to quickly get that done. And in anticipation, it seems like to me, of potentially where things were going, there should have been some effort to say, well, wait a minute. While we had staff in place, while we had the opportunity to do this, why wouldn't you look at those agreements to say if this does come, we have a contingency plan that we will be ready for this if it does happen; and if it doesn't happen, then it's not time that's wasted or resources that are wasted. So it seems like, to me, that, you know, anybody looking at this said maybe—maybe we ought to have a contingency plan.

Was there any contingency thought given to these agreements to say, listen, if this does happen, we're going to be ready to go, there will not be a cessation of operations in places like Historic Jamestowne?

Mr. JARVIS. We did set policy initially that is consistent with '95 that, you know, through roads, you know, obviously the George Washington Memorial Parkway in Rock Creek and the Natchez Straights Parkway in the Blue Ridge Park would remain open, and we—we set that standard, and that was obviously similar to 1995.

But I think you make a good point. We haven't done this in 20 years. Shutting down is hard and complicated. And I think there are some lessons learned here. We now have a very good template agreement to work with States. We now better understand the Federal investment in each of these facilities. We don't have, like, a standing database on every one of our partnerships in Washington; we had to receive that information coming in from the individual parks in order to assess it and to assure that we were not violating any—any current statute. I think—

Mr. WITTMAN. And—

Mr. JARVIS. I think we have learned. And probably if—hopefully there's not another one of these, but if there is, I think we will be better prepared.

Mr. WITTMAN. And I want to point out, too, we have some other concessionaires like in the town of Yorktown right next to where my office is, a great restaurant, the Carrot Tree Restaurant, that said, listen, we—we just want to continue to operate. The problem is that under their rent agreement, they have to continue to pay rent while you have told them to shut down. You know, the—the economics of that just doesn't work out. I'm paying rent, yet I cannot have customers come to the restaurant.

It's an open thoroughfare. There's no requirement for any expenditure of park resources during any period of time, yet they were told to shut down. And you can imagine how frustrated they are, how frustrated the community is with that, because logically it makes no sense. Separate from the political aspects of the shut-down, people look at that and go, what in the world is going on?

So I would urge that when these instances, if they do occur in the future, that these instances be planned for, and that businesses, by no fault of their own that are being asked to—to shut down, that we give consideration for them.

With that, Mr. Chairman, I yield back.

Mr. HASTINGS. Time of the gentleman has expired.

The chair recognizes the gentleman from California Mr. Huffman.

Mr. HUFFMAN. Thank you, Mr. Chair.

You know, I—I've almost run out of adjectives to describe this unfortunate hearing that we're having today. The one that I'm left with is "sad." I'm a freshman Member of Congress. I'm very proud to represent my district, to serve in this institution, but I am embarrassed by the committee process in this hearing, this sham of a hearing that we're having today.

I came to Congress to solve problems. I came to Congress to try to work across the aisle and raise the political discourse in this country and try to—to set a better tone, and instead I am taking part in a hearing that makes the McCarthy era look like the Enlightenment. The fact that it's taking place during a government shutdown manufactured for political purposes by my Republican colleagues just makes it even worse. This is worse than fiddling while Rome burns. This is fanning the flames while Rome burns. This is looting and dancing while Rome burns.

We have heard all manner of over-the-top accusations from members of this committee, and we've heard made-for-right-wing-media sound bites, charges of malice, of deliberate infliction of pain, of a secret plan to maximize public inconvenience and impact. We've heard unnamed, anonymous witnesses from a media report talk about these nefarious intentions, and then we've heard a member of this committee extrapolate from that and say it was the common belief among National Park Service employees. All of this, of course, is going to be played on YouTube tonight, it'll be played on Fox News, all of these made-for-right-wing-media accusations and claims, but there is zero evidence to support any of it. We've heard from folks who actually are on the ground, who know, who can give us the facts, and there is zero evidence.

If this was a court, you know what would happen? The judge would bring the prosecutor or the plaintiff's attorney up to the sidebar and say, you know, I'm not only dismissing your case; if you ever bring a case like this and make over-the-top accusations like that that you can't support with evidence, I'm going to sanction you, and I might even report you to the bar for ethical violations. But there are consequences. There's accountability in an actual court, and this is a kangaroo court. And so we will continue bouncing further into the rabbit hole, I am sure.

Director Jarvis, I can only imagine how difficult it is for you, as somebody who has dedicated your life and your career to the mission and the work of our National Park Service, to be going through the shutdown of those very parks that you've dedicated your life to operating and serving. You're in the business of opening parks and—and managing them and running them. This is such a wonderful success story for our country, the National Park Service. To be asked to shut them down, especially under these circumstances, just must be awful.

And I remember—I just served 6 years in the California State Legislature. I chaired the parks committee. We went through our own parks crisis, and it was your agency that was helping us save parks from closure. In fact, you saved three parks in my district because you stepped up, you believe in our public lands and our parks and people and communities they serve, and I want to thank you for your service.

I can only imagine the indignity of having to sit there and listen to all of these baseless accusations; to have to listen to a witness who fronts for the oil and gas and coal industries and sues environmental agencies to try to prevent them from implementing environmental laws tell you that you are a terrible environmental steward, accuse you of hiding behind the veneer of the popularity of our parks to actually do harm to our parks and our environment. It is a disgrace that you have had to listen to this indignity, that you've had to sit there.

We've had to listen to people romanticize about 1995 as if this were some shining model of how you can close down the National Park System and not have anyone feel the pain. But we've also, fortunately, had a witness who actually presided over that disgraceful chapter and could tell us that, yes, the Antideficiency Act actually applied in that case, too; who can tell us that, no, it wasn't some shining model of success. Monuments were closed, people were impacted, communities were impacted, pain was felt, some of it very high-profile pain.

So, again, I am struck by the fact that despite the over-the-top, made-for-media accusations and sound bites in this kangaroo court, we have no facts at all to suggest you've done anything wrong.

Closing all of these parks, shutting down a huge Federal agency is a hard thing to do. There's no easy way to do it. There's no perfect way to do it. My only hope is that you are able to hang in there while we work through the terrible politics that have brought us to this government shutdown, and that we can get back to the business of running our Park Service and serving the people and the communities that depend on it as soon as possible.

Thank you for your service.

Mr. HASTINGS. Time of the gentleman has expired.

The chair recognizes the gentleman from Arizona Mr. Gosar.

Mr. GOSAR. Thanks, Chairman Hastings.

First I'd like to thank Mayor Bryan for showing up and having breakfast with me in the Governor's office as well. I mean, maybe we ought to make politicians have breakfast every morning, because that's, I think, a good start to the day.

But thank you, Mayor Bryan, for your leadership in regards to Tusayan. Tusayan is—is so interwoven with the park system, particularly with the Grand Canyon. But the situation we're examining today is simply unacceptable. Without a doubt, the Obama administration has tried to make the government shutdown as painful as possible for communities like Tusayan to achieve political gain. In a district like mine, dominated by the presence of Federal resources, two large military facilities, and over 70 percent of federally administered land, the fact has been painfully evident. And, of course, it is Arizona, and we know the relationship between this administration and Arizona.

As soon as the National Park Service announced it would shut down facilities like the Grand Canyon, I worked with our Governor Jan Brewer and local leaders like Mayor Bryan to ensure it was reopened. While I am pleased that all parties were able to come to an agreement late last week, we have to make sure some of this type of nonsense never happens again, and to make sure that there is a seamless transaction.

While I would like to avoid future shutdowns, the reality is that they will inevitably happen. This certainly isn't the first and, unfortunately, probably not the last. And if we need any excuse, \$17 trillion and growing of debt is going to the acknowledgement that we will bounce around this—the idea for some time.

But our national parks are the people's parks, and they should not be manipulated by political purposes. For 10 days the Park Service refused, refused to work with our local governments and businesses to keep these important economic drivers operating. Our State wildlife agency and State parks agency offered to shoulder the burden of management, and our local governments offered to chip in their scant dollars, but instead of working with us, the administration actually committed resources to further inconvenience our constituents rather than alleviate some of the burdens.

What changed in those 10 days? Nothing. The political pressure from Congress and the local communities simply forced the agency to come to the table, like they have in previous shutdowns, and come to a solution. And I am committed to introducing legislation or doing anything else I can within my capacity as a Member of Congress to ensure that there is a clear legal path, a seamless pathway towards keeping our parks open regardless of what happens in Washington, D.C.

Director Jarvis, can you identify one of the seven wonders of the world located in Arizona?

Mr. JARVIS. Are you speaking of the Grand Canyon?

Mr. GOSAR. Oh, absolutely. So it's one of the seven locations in the world.

Mayor Bryan, I—I watched your eyes, you know, in regards to Mr. Jarvis talking about immediately reaching out to communities. Was that the truth?

Mr. BRYAN. Well, Congressman, I know that Congresswoman Kirkpatrick, our Senators Flake and McCain, as well as myself tried to contact and get information as to why we couldn't apply the 1995 to what we needed to do now, and from their office, nothing other than the local superintendent saying no.

Mr. GOSAR. Absolutely no. I mean, I—I was involved also in those mitigations with the Governor and that.

Mr. Jarvis, would you be prepared to turn over all documentation in regards to the attempts trying to reach your offices in regards to opening the Grand Canyon?

Mr. JARVIS. Yes, sir.

Mr. GOSAR. That would be emails and phone logs.

So you didn't reach out to the Grand Canyon, the folks in the Grand Canyon, and the Governor of Arizona when you were looking at the shutdown?

Mr. JARVIS. Me personally? No, because I can't talk to every Governor and every community, but our local superintendent—I guarantee you that Dave Uberuaga, the Superintendent of the Grand Canyon, was talking to the community.

The reopening of the Grand Canyon, along with the reopening of all the national parks, was front and center in our discussions in Washington. I—just as a little bit of history, and this would be in my records, is that immediately upon the shutdown, I called the former Superintendent of the Grand Canyon in 1995, Rob Arnberger, and I asked him specifically what happened on that day with respect to the closure so I could understand that.

Mr. GOSAR. That's all in the record, you know.

Mr. JARVIS. Okay.

Mr. GOSAR. Let me ask you your connotation of what we did in 2011. You knew there was contentions, right, in government about debt? So there's contingency plans. I was a dentist, and so every patient that walks in my office, I have to be prepared for an emergency, so I go through it and I rehearse it day in, day out, day in, day out. And I find it fraudulent that we weren't prepared to have a seamless transaction with our State, particularly one of the greatest marvels of the world, a natural resource, one of the marvels of the world, one of the seven natural wonders of the world, that you were unprepared for that dictation. That's part of leadership, and I find it offensive that there was 10 days of absolutely no, no, no and no, when we had a State and local municipalities trying to work on behalf of keeping these open. So I'll be looking forward to those answers.

Thank you.

Mr. HASTINGS. The time of the gentleman has expired.

The chair recognizes the gentlelady from New Hampshire Ms. Shea-Porter.

Ms. SHEA-PORTER. Thank you.

I sit on the Natural Resources Committee, and I hope and I wish that the concern for the national parks and the people continues after this. We actually had a hearing. The Republicans invited a witness whose suggestion was to basically allow all the national

parks to charge market value, and if they charge market value, that would leave out the very people that we're talking about: average Americans who want access to their parks.

So we shouldn't be sitting here acting shocked that closing the parks was part of closing the government; of course it was. But what I am shocked about is the tone in this place, and I'm embarrassed to be sitting here, and I would like to apologize. We can all have differences of opinion, and we clearly do, and I hope the differences of opinion will be solved today. I urge my colleagues across the aisle to accept that vote tonight, if we have it, that the Senate—the bipartisan Senate agreement will be coming to us. So we do have disagreements, but we shouldn't be talking like this.

And the attack on you, Director, I—I apologize. It's as ugly as I have seen, and I have seen some pretty ugly things here. This is my—my fifth year here. So I am very, very upset about this. I thought about walking out, and I thought, no, I need to tell all of you that we recognize how difficult this is. You didn't shut down the government. You didn't. They did, and they need to acknowledge that.

I can't imagine that there's anybody who works in a national park or dedicates his or her life to serving the public, that anyone would say, oh, let's close it during their busiest season. Let's keep Americans out of the parks. These parks belong to Americans, and our American workers have protected the parks and loved the parks and served the American people every single day until they shut the government down.

Now, the reason the government was shut down was not because they had a problem with the parks. It wasn't anything else that they were worried about. Their problem was that the Affordable Care Act was still there, and so they shut the government down in their pursuit to try to either alter or end the Affordable Care Act, which happens to be law, also was upheld by the Supreme Court. And so their last stand here is to insult the people, insult the Federal workers, insult all those, and also to try to deny culpability for the impact, the economic impact, that this has had on our Nation.

In my great State of New Hampshire, we have people who travel from all over the world to see the leaves. It's an annual event, and it's a pretty special show that God has provided for all of us. And yet we've been seriously impacted. Small businesses in New Hampshire and our New Hampshire economy was impacted not because of the Federal workers, but because of the Congress.

And so to turn around and try to shift the blame and the responsibility is stunning. And that alone would be awful, but to hear the tone, and the meanness, and the accusations and the insults, my stomach has been twisting the whole time.

I had a note that I had written. I was hoping to—to hand it off to the chairman, but he left. I said, please, can you and everyone else leave out these personal attacks and nasty tones? Americans expect us to ask tough questions, make tough statements, but be civil.

Civility. We can disagree. We do disagree. But, again, I apologize for the tone here, I apologize for the insults. I thank you, Director Jarvis, for the work that you have done for this country. And they

have a right and an obligation to ask questions, but we don't have a right to bring in Federal employees and treat them as if we're just batting them around like a cat with a mouse, and for that I apologize.

And I yield back.

Mr. HASTINGS. The gentlelady yields back her time.

The chair recognizes the gentleman from California Mr. McClintock.

Mr. MCCLINTOCK. I thank the gentleman. And I would remind my friend from New Hampshire that three times the House voted to fund the government. Three times the Democratic Senate rejected those measures and refused to resolve our differences through the negotiation—

Ms. SHEA-PORTER. Will the gentleman yield?

Mr. MCCLINTOCK. No, I will not—that served our country for 225 years. I would also remind her that on October the 2nd, the Republican House voted to reopen the parks. We were joined by 23 House Democrats, who courageously defied their party leaders. The Democratic Senate killed that bill, once again refusing to resolve our differences. I would remind my colleagues that incessantly repeating a falsehood does not make it a truth.

Mayor Bryan, why is Grand Canyon National Park open and yet Yosemite National Park is closed?

Mr. BRYAN. I can't speak to Yosemite, Congressman, but Grand Canyon National Park is open because after 10 days we were able to, through the Governor's office, negotiate a deal to reopen it at \$93,000 a day, 426,500—

Mr. MCCLINTOCK. If—if the Governor of California had taken the same action, would Yosemite be open today?

Mr. BRYAN. I would assume so.

Mr. MCCLINTOCK. Thank you.

Mr. Jarvis, do I understand you correctly that you ordered the barricading—

Ms. SHEA-PORTER. Mr. Chairman? Mr. Chairman, I seek to be recognized.

Mr. MCCLINTOCK. Mr. Chairman, I—

Mr. HASTINGS. The gentleman—

Ms. SHEA-PORTER. A point—a point of order.

Mr. HASTINGS. The gentleman from California has the time. If you ask the gentleman to yield and he yields—

Ms. SHEA-PORTER. A point of order.

Mr. HASTINGS. The gentlelady will state a point of order.

Ms. SHEA-PORTER. The suggestion that I was repeating a falsehood, I would like to know, was that suggesting that I was lying, and if so, I would like to—to have you deal with that.

Mr. MCCLINTOCK. Mr. Chairman?

Mr. HASTINGS. The chair is going to rule that the timeliness of that has to be immediately, and the timeliness of your remark was not—was not timely in this case, and so the chair recognizes the gentleman from California.

Ms. SHEA-PORTER. But I have to say, Mr. Chairman, that after the dialogue that we had earlier, I thought—I thought the chairman would address that if that happened. I remember an earlier conversation here, and I thought that what I heard you say at that

time suggested that you would indeed step in if there were any—any—

Mr. HASTINGS. Well, what's the—if the chair is asking—if the gentlelady is asking the chairman whether there is consistency with a—with a conversation with another Member on this side of the aisle earlier, I think I am absolutely consistent on that, because the gentleman from California was talking in the third term.

Mr. MCCLINTOCK. And Mr. Chairman—

Mr. HASTINGS. The gentleman from California is recognized.

Mr. MCCLINTOCK. And if I may clarify, I was merely saying that the statement that this shutdown is the fault of Republicans, when Republicans have repeatedly voted to keep the government open, is simply false. And that is a fact.

Mr. Jarvis, did I understand you correctly that you ordered the barricading of public property to which the public would normally have unrestricted access?

Mr. JARVIS. I ordered the closure of all 401 national parks.

Mr. MCCLINTOCK. Did anybody instruct you to barricade these—these public venues?

Mr. JARVIS. No, sir.

Mr. MCCLINTOCK. So that came from you?

Mr. JARVIS. That's correct.

Mr. MCCLINTOCK. Let me read you an email that's typical of what—complaints flooding into my office. This one involves Kings Canyon National Park. The gentleman writes, to get to my place of residence and work, I have to travel through the Big Stump entrance station on Highway 180. Currently the entire roadway is barricaded, and it appears as though the Park Service is attempting to prevent anyone from traveling to or through the national park.

My concern is twofold. First, I personally live here on private property, and there's the appearance that the government is trying to prevent us from accessing our private lands.

Second, I was in the area 17 years ago as a young adult during the last government shutdown, and this type of thing didn't happen. Sure, the facilities at the visitor centers were closed, but the land was still accessible.

I fear that our Federal Government is overstepping in this area, and I don't know where to turn in order to get this corrected.

Mr. Jarvis, by what authority did your agency barricade public highways and impede the public from accessing their own private homes and businesses?

Mr. JARVIS. My closure order that I issued on October 1 did allow for people to access their private property, and even if it was on a closed road, but only for the purposes of accessing their private property, not for recreating in the park.

All through roads through the National Park System have been remained open, such as the Tioga Pass in Yosemite and the through road through the Great Smokies, but the spur roads or roads that only lead directly into the park and not through to access the other side are all closed as a part of the lapse in appropriations.

Mr. McCLINTOCK. And yet this gentleman says 17 years ago they were open, and that your action has impeded him from reaching his private property.

Mr. JARVIS. I would defer to Mr. Galvin, but I would say in 1995, Kings Canyon was closed.

Mr. McCLINTOCK. Mr. Jarvis, at Yosemite, the Park Service have posted guards at pull-outs and parking lots where none are normally posted. You've said that this is in response to the Antideficiency Act that only allows acts to protect life and property. I would wonder if you could explain, how is life and property threatened by parking in an open parking lot and simply taking pictures of Bridal Falls?

Mr. JARVIS. If you're taking a picture of Bridal Falls, you're not on a through road.

Mr. McCLINTOCK. No. You're on a turnout or a public parking area.

Mr. JARVIS. On a through—

Mr. McCLINTOCK. How is parking in a public parking area a threat to life and property?

Mr. JARVIS. These pull-outs are maintained by Federal appropriations. We pick up the trash. We protect the resources from fire, from damage and vandalism. And I—

Mr. McCLINTOCK. Do you think taking a picture is vandalism?

Mr. JARVIS. No. Taking a picture is not vandalism, but use of these facilities that are closed because we do not have an appropriation—

Mr. JARVIS. Mr. Ebell, my time's very limited. I'm working on legislation that would forbid barricading or restricting public access to any open-air public space to which the public normally has unrestricted access, or to interfere with normally permitted public recreation on public land. Would that alleviate a lot of the problems that are being reported to us?

Mr. EBELL. Yes, indeed it would alleviate some of them.

Mr. McCLINTOCK. Thank you.

Mr. EBELL. But I think, as you see, the Antideficiency—the Director of the Park Service hides behind the Antideficiency Act when it's useful, and he ignores it when it's not. And this is, I think, going to continue as long as these kinds of people are allowed to run the National Park Service and the Department of the Interior.

Mr. HASTINGS. The time of the gentleman has expired.

The chair recognizes the gentleman from Arizona Mr. Grijalva.

Mr. GRIJALVA. Thank you very much, Mr. Chairman.

And I—I have been trying to get something out of this meeting, and thus far it's been very difficult. But a couple of questions, and—and it was not dual, parallel universes with alternative universe. An alternative means that you're not dealing with reality quite well. I just want to make the distinctions of what I said.

Mr. Jarvis, thank you for being here. I know that—that—I wish this was an honest effort to discuss your—why you were forced to respond to congressional efforts to shut down our government, why the sequestration continues to mount increased burdens on—the agency, but this is a media event and has to be treated like such. There's not a—there's not a look for solutions.

What I did find interesting, though, Mr. Jarvis, is one of the things that I learned is that there—the idea that we have to have a shutdown preparedness program within every agency; that because what has been admittedly by—admitted by my colleagues, this phenomena will continue, and there will be other shutdowns. So there's a—there's a preparedness plan that you must now put together, so you minimize that publicity for Members, so that special parks in their areas are left open, so there's not any public criticism, so that the most visible, like the Grand Canyon, are left open so that we minimize that public opinion and public response to the fact that one of their treasures and all of their public lands are being closed as a consequence of a shutdown.

It's an interesting preparedness issue. I don't know how you will do it, but that—that will require you to be able to still furlough 20,000 people, keep the parks open, all access open, do it with 4- or 500 people, and, in that preparedness plan, make sure that the public lands are left alone, yet do not have the money to operate.

It's an interesting request. I don't know if it's a foregone conclusion that you can come up with a plan. I would suggest that it's probably an effort that it doesn't require any time. It just requires that—that all the parks be left open, that there be no oversight, that there be no security, that there be no maintenance, and they're just open. It—it is a silly request and a silly idea to deal with the adverse publicity that's been generated by the closure of our government, and in particular in this area, the government—the public lands.

The other thing I learned is that we should start, as part of preparedness, have preexisting templates with each State so they can assume the payment of—of keeping the parks in their States open, like the Grand Canyon in Arizona being one of many.

I would also hope that we extend that same idea to HUD, Department of Education, Health and Human Services, all the other agencies that are being affected by the shutdown, so that we have with the State of Arizona a preexisting memorandum of understanding that they will take over and fund Head Start; that they will take over and fund LIHEAP; that they will take over and fund education; that they will take over and fund veterans—veterans services, Native American services, and programs in the State of Arizona. I think that—that would be a gesture that would be felt across the State of Arizona. And I would certainly urge our Governor Ms. Brewer that just as she worked on the Grand Canyon opening, that those are legitimate concerns that the people of Arizona are facing as well.

And I would suggest, Mr. Mayor, that you would join with me in making sure that uranium mining is kept away from the Grand Canyon, because that is a—that is a threat, an imminent threat, and the shutdown doesn't mitigate that at all. That's still—that's there for 20 years, and I'm very appreciative of the Secretary's moratorium, but that is an imminent threat to the Grand Canyon as well.

Let me ask you, Mr. Mayor, do you agree that the entire shutdown was not needed, should never have happened, or do you support the government shutdown efforts? You do support some gov-

ernment shutdown efforts as long as the parks in your region remain open?

Mr. BRYAN. Is the Congressman asking if I support a shutdown of the United States Government?

Mr. GRIJALVA. Yeah.

Mr. BRYAN. No, I do not.

Mr. GRIJALVA. And I ask you that because—and I'm glad that you worked with Governor Brewer, because her October 1st media release right after this whole shutdown thing started, she said she would not—she said—saying the Grand Canyon opening is not a top concern. She said on Monday she won't be trying to use State resources to keep the Grand Canyon open during a Federal Government shutdown. I don't know if the Grand Canyon's a priority for the State of Arizona, the Governor said, following a closed-door meeting with her cabinet. We have a lot of other priorities out there, like our national guardsmen, children and people that will be hurting desperately with this shutdown.

I—I established that in the record, and I yield back.

Mr. HASTINGS. The time of the gentleman has expired, and he can't yield back time you've used over, so—

Mr. GRIJALVA. You're not on the 8-minute rule?

Mr. HASTINGS. The chair recognizes the gentleman from Pennsylvania Mr. Meehan.

Mr. MEEHAN. Director Jarvis, thank you for being here today, albeit under duress, but I'm appreciative and appreciative of your service for—for numbers of years on behalf of the national parks.

But I have a—look, apart from all this other stuff, I have a commonsense thing I need to resolve with you. I've got 5 minutes, and I want to walk through something if we can.

You know, you've—you've identified a couple of different times the Antideficiency Act, and that has motivated some of your actions. Now, you're aware in the 120 years of the Antideficiency Act, there has never been an indictment or a conviction under that act? You're aware of that?

Mr. JARVIS. I was not aware of that.

Mr. MEEHAN. Well, there hasn't been. Okay. So I guess what that suggests is there's moments in which even despite we use discretion—I know you've identified yourself as having worked as a park enforcement officer at a previous time. Have you been to Valley Forge Park at any point in time during your service?

Mr. JARVIS. I've never worked there, but I've been there.

Mr. MEEHAN. You've been there. It's a marvelous place. I'm privileged to be able to represent that area. But my problem is I have 20 people who are my constituents that happen to be joggers, and I'm holding in my hand United States District Violation 3928431 from John Bell. He gave me permission to raise this issue with you. He was fined \$100 for jogging in the park.

Now, I'm asking you—you have identified yourself as having significant prosecutorial discretion, and I'm asking you right now—this has nothing to do—these are the people being called in. Mr. Bell and others are going to have to take time off of work, they're going to have to hire attorneys, they're going to have to—you are going to have your people go to court and spend hours sitting in

the Federal district court in Philadelphia miles away simply to enforce a \$100 citation.

You have discretion. I'm asking whether you will remove these citations, the \$100 fines, from the 20 joggers who used Valley Forge Park.

Mr. JARVIS. I'm not in the position or have the authority to change a ticket that has been issued. That is up to the court system.

Now, what I will say—

Mr. MEEHAN. Well, let's go through the record, then. Okay? Now, because I want to establish on the record that you have allowed this enforcement to take place. So it's your position that they are obligated to pay this fine?

Mr. JARVIS. If they were issued a citation for violating whatever they—

Mr. MEEHAN. What violation is it that they did by jogging in the park?

Mr. JARVIS. It would be on the citation. I don't know.

Mr. MEEHAN. It says—it says, park closed. That's what it says.

Mr. JARVIS. Then they're violating a closure.

Mr. MEEHAN. By being in the park?

Mr. JARVIS. I believe that was a parking ticket, actually.

Mr. MEEHAN. No, no, it's not a parking ticket. Look at—the parking ticket goes to the vehicle. This was—they parked in that lot. You have an obligation—in order to identify the areas where the enclosures are, you had barricades, not much signage. Again, under the law—this is the public notice requirements that you have under the law. The barricades were placed in a place where it was entirely foreseeable on a Sunday morning when this jog took place that they were still there from Saturday night. The signage was no bigger than this, and, in fact, he went to a parking lot in which there was no signage. And you have an obligation under the law to make sure that it's all along the boundary of the affected park locale. So as a matter of law, I question whether or not you gave appropriate notice.

Did you in addition publish in the newspaper that the parks were closed?

Mr. JARVIS. We published on our Internet Web site.

Mr. MEEHAN. And the local newspaper. As it says, along—you have obligations to publish in newspapers of general circulation in the affected area. So did you do that?

Mr. JARVIS. I do not know.

Mr. MEEHAN. So you didn't fulfill any of the requirements.

Now, here's the third, and I want to ask you again. You said that people were entitled to sit in the parks here, Occupy, because they were protesting, and any group of less than 20 is entitled to be in the park in protest. How do you know by jogging in the park they weren't protesting either for or against the healthcare law by exercising their right to be out in the open and showing what good, healthful lifestyles can do?

Mr. JARVIS. In the closure order that I issued on October 1st, we did—

Mr. MEEHAN. Is that or not—is that—could that possibly be an expression of their First Amendment rights?

Mr. JARVIS. I would say that would be a very difficult case—

Mr. MEEHAN. You said it was content neutral. May not exercising in a space be concerned to be an exercise of their constitutional rights, their First Amendment constitutional rights?

Mr. JARVIS. Sir, if you'd let me finish my—my sentence, the—all of the national parks across the system, except for the National Mall and Independence, are closed to First Amendment activities. That's in my closure order. So—

Mr. MEEHAN. Why—why are they closed? What's the selective enforcement? Why can't somebody in Valley Forge Park have the same ability to use their First Amendment rights as somebody at Independence Hall 20 miles away?

Mr. JARVIS. Because Independence and the National Mall are treated nationally as sites for First Amendment. The parks are closed because we don't have an appropriation. In the case of Acadia—

Mr. MEEHAN. What's the appropriation needed? Are you aware that this—that the jogging paths are entirely contiguous to the public throughway that goes through, and the alternative is for those joggers not to jog on the paved path next to the open highway, which you have already identified the throughway; that they run in the street where they have the opportunity to be hit by cars?

Chairman ISSA. Real quickly, a response.

Mr. JARVIS. I'm not aware of that detail.

Mr. MEEHAN. So the last thing, you're going to make these people go to court over \$100; is that accurate?

Mr. HASTINGS. The time of the gentleman has expired. The time of the gentleman has expired.

Mr. MEEHAN. May he answer the question? Is it your position that this was not a First Amendment right, and that they must go to court to protect their First—

Mr. HASTINGS. The time of the gentleman has expired. And what we—what you can do, as the gentleman from Pennsylvania knows, there is always an opportunity for follow-up questions, and I suspect that one needs to be answered in some way, and the gentleman can follow up with that.

The chair recognizes the gentleman from Pennsylvania Mr. Cartwright.

Mr. CARTWRIGHT. And I'd like to thank Chairman Hastings, Ranking Member DeFazio, Chairman Issa, Ranking Member Cummings for bringing us together, and also to the witnesses for showing up today and giving us your input and your and your testimony.

This hearing looks at a very narrow impact of the shutdown, but one that has directly impacted my district. I represent the 17th Congressional District of Pennsylvania, which has two shuttered national parks right now, the Steamtown National Historic Site and the Delaware Water Gap National Recreation Area. During the month of October, these two parks combined to attract an average of nearly 14,000 people a day, adding over \$400,000 to the local economy every single day.

These parks are also important sites to visit for my constituents. Just the other day a young girl from my district wrote me a letter

begging me to open these parks to avoid ruining her birthday celebration.

Everybody in this room knows that there is a simple solution to the problem here. The solution doesn't lie with the Park Service, which is following the law and doing its best with a terrible situation Congress has created. The solution has been and still is simply to pass the continuing resolution crafted in the Senate, refund the government with no strings attached, continue to work out our policy differences while we have an open and functioning Federal Government.

I can honestly reply to this young girl who wrote to me that I and my party are doing everything in our power to reopen the national parks and our entire national government. I have voted 16 times to bring up the Senate clean continuing resolution opening the government with no strings attached. I've gone on the floor and I've asked unanimous consent to bring up this clean CR, we call it. I've cosigned letters and discharge petitions to that effect.

All of this has fallen on deaf ears, with the majority refusing even to allow a vote on a clean CR opening our government with no strings attached.

As of tomorrow the government shutdown will be the second longest in our Nation's history. And the impact of the shutdown goes well beyond the topic of today's hearing. Soon Federal funding for the WIC assistance program may not be sufficient to cover all benefits. Thousands of poor children are going to lose access to preschool programs. Low-wage Federal employees, many of whom live paycheck to paycheck, continue to suffer without salaries, and some 71,000 Federal employees in Pennsylvania alone have either been furloughed or have suffered a pay cut.

The lapse in Federal funding may also halt employment and training programs for people who rely on SNAP benefits to eat. The Housing Choice voucher program is running out of funds, meaning thousands of my constituents are facing possible eviction. Last year SBA approved over 1,000 loan applications for small businesses in Pennsylvania every day. Now these loans have completely stopped. For companies in my district, like Trivec Contracting Company, which connects disabled veteran-owned businesses, the shutdown has disallowed the purchase of SBA bonds, making it difficult to hire new employees, and jeopardizes the businesses' contracts themselves.

Now, of course, we've all heard about the threats to Social Security, veterans benefits, Head Start, military pay, and a myriad of other Federal programs that people rely on.

We have to reverse our course. We have to pass a clean CR, reopen the government with no strings attached. We have to reach a broader deal to undo the sequester and restore funding to many programs, including the Park Service. These goals are not out of reach. I urge the majority to act by passing a clean CR and a clean debt ceiling bill.

The outrage displayed by the majority at this hearing is unreasonable, given that they caused this mess. I urge my colleagues on both sides of the aisle to act together for the good of the country.

And with that, I yield back, Mr. Chairman.

Mr. HASTINGS. I thank the gentleman for yielding back.

The chair recognizes the gentleman from Michigan Mr. Benishek. Mr. BENISHEK. Thank you, Mr. Chairman.

Mayor Bryan, when we—earlier we heard Director Jarvis talk about the through roads in the parks. I noticed you were, like, shaking your head there as if the through roads were open. He said that the through roads were going to be open. What was your—what was your thoughts as that testimony was taking place?

Mr. BRYAN. Congressman, to the best of my knowledge that during the closure, Highway 64, which is a through road from I-40 through Tusayan, through the national park and to Cameron, Highway 89, was closed all except for the first 2 days. And it was reopened last Saturday when the park was—was fully reopened, but during the rest of the time, it was closed.

Mr. BENISHEK. So what—do you know why that was done? Apparently his—his letter is dated October 1st directing that closure. The parks allow—directed that through roads remain open.

Mr. BRYAN. Congressman, my understanding was that the first 2 days, Superintendent Uberuaga did keep it open, but closed all the parking spaces. So people parked in the roadways and created, I agree, a safety hazard, because those parking areas were closed. And then after looking at that, they did close the road in its entirety.

We had offered Coconino County assistance. We offered to assist in any way we can, and also identified that Highway 64 was crucial, was crucial to keep open to the—to the tourism industry.

Mr. BENISHEK. Director Jarvis, do you have any response to Mr. Bryan's comment there?

Mr. JARVIS. Well, we looked at every—the through road policy that I issued as a part of the closure order was specifically to routes that are specifically designed to go through the park from, like, one town to the next. And the road that the mayor is mentioning here is really a park road. It travels along literally the rim of the Grand Canyon.

Mr. BENISHEK. But it's a through road. It's a through road, though, along the—

Mr. JARVIS. Well, you come out on the other end, yes. There—you absolutely can come out on the other end, but it is not designed as a—what we consider a through road, which is through—

Mr. BENISHEK. So it is a through road, but it's not a through road in the sense that your—your statement to not close through roads doesn't apply to it?

Mr. JARVIS. That's correct.

Mr. BENISHEK. That doesn't make any sense to me.

Let me just go on another little direction here. You know, my district is in Michigan. We've got several national parks and national park units that have been impacted by the shutdown, and although they haven't—they're not as high profile as the World War II Memorial or—or, frankly, the Grand Canyon, you know, it's important to the people in our district, you know, to keep those parks open. There's—there's businesses that rely on those parks.

And I want to submit some photos for the record, Mr. Chairman, that show that the park is actually accessible through county roads that remain open. Although there's—you know, there's—there's signs at the main entrance of the park that says closed, that, you

know, our county roads remain open, and you can still access the beach and many of the recreation areas of the park, because we have a system in the Sleeping Bear Dunes Park that county roads shall remain open.

And this is something that Mr. Bishop brought up earlier, and that is, whenever we cede authority to the Federal Government of our lands without having local input or local people being involved, we risk these arbitrary rules coming forward that affect the people locally. So I know in the Natural Resources Committee, we're working hard to try to be sure that rules are developed with local input and—and State and local government intervention. And unfortunately, I think Ms. Eberly is gone here, apparently—

VOICE. Ms. Eberly had to step out. She'll be right back.

Mr. BENISHEK. I just wanted to—so let me ask you, Mr. Bryan, do you have a relationship with the park Superintendent that is different than it is with the national park—you know, the higher-level authorities? Do you have a good working relationship with your—your guys there at the park?

Mr. BRYAN. Congressman, I thoroughly enjoy our relationship with the Park Superintendent, Dave Uberuaga. We firmly believe that he was acting in a difficult situation and responding to the directions that came from—from the administration, whether it be Director Jarvis or Secretary Jewell or the President, but we believe he was trying to do the best he could and had no choice.

Mr. BENISHEK. It's my contention that that's the case in many a situation. There was a local park superintendent, you know, who was willing to work with the local governments to make things work, but sometimes the guys in Washington, you know, they have these directives that go down to make these arbitrary, difficult rules. And I think that it's very, very important that we consider national park rules that have local input and not allow folks in Washington to determine how we use our land in the States. And I think I'm out of time.

Mr. HASTINGS. The time of the gentleman has expired.

I ask unanimous consent that the gentlelady from South Dakota Ms. Noem—Ms. Noem be allowed to participate in today's hearing. And without objection, so ordered.

The chair recognizes the gentlelady from New Mexico Ms. Lujan Grisham.

Mrs. NOEM. Thank you for that, Mr. Chairman. I certainly appreciate the opportunity. I have some specific questions for Director Jarvis in relation to our—

Mr. HASTINGS. Oh, yeah. We're going back and forth. The gentlelady from New Mexico is recognized. I just—my unanimous consent—

Mrs. NOEM. I see.

Mr. HASTINGS. —was simply to allow you to sit. And since you're not a member of either committee, unfortunately, you are the last one, but that is—that's how that works.

The gentlelady from New Mexico is recognized.

Ms. LUJAN GRISHAM. Thank you very much, Mr. Chairman. And thanks to the ranking members for—for putting this committee hearing together. And, again, I share with my colleagues in thank-

ing the panelists. Difficult issues, very difficult situation that we find ourselves in.

Mr. Jarvis, has the National Park Service received any funding since September 30th?

Mr. JARVIS. No, they have not.

Ms. LUJAN GRISHAM. So I'm going to see if I understand this now. You manage over 400 national parks, 84 million acres of land, and you currently have no money, resources to spend on your responsibilities to preserve and maintain our national treasures, responsibilities that Congress gave you through law. How do you not have any money? Did you lose it or mismanage it?

Mr. JARVIS. There was a lapse in appropriations. The employees that are currently working are working without pay.

Ms. LUJAN GRISHAM. So you're here before the committee today because Congress allowed there to be a government shutdown, which causes you and your employees to be furloughed and not be in a position to manage 84 million acres of land and 400 national parks; is that accurate?

Mr. JARVIS. We have no appropriations, that is correct, to pay or operate the parks.

Ms. LUJAN GRISHAM. So, Mr. Jarvis, these are mostly rhetorical questions. I thank you for trying to make the best out of a very bad situation that Congress has created. The Federal Government employees responsible for closing our national parks and shutting down the government are sitting here behind the dais today. And I want to point out to you that, in fact, there have been administrative penalties against Federal employees who have not followed the letter of the law of the Antideficiency Act, and I assure you that if you had tried to do that and used discretion—and we understand these are difficult issues. And I'm in my district suffering from the same issue. New Mexico's known for tourism and visiting national parks and State parks, and it's a— it's a disaster for all of us and all of the businesses that we rely on to help build our economy. It's a partnership. But I would tell you before you would be before at least the Government Oversight Committee if you decided to implement and have discretion that you're not entitled to do under the law.

I think we should change the hearing title to "I Know It's Not Your Fault, But I'm Still Going to Blame You," should be the title of the hearing today, and I—I think it's really—I think it's shameful.

And New Mexico's got a 27 percent reliance on Federal funds. Our private-sector partnerships are critical. We had a very fragile economy. For a long period of time in my district, we were the only district in the country with a negative job growth. So just as we were seeing those incremental changes—and, Mr. Mayor, your testimony was very compelling about it's fragile, and to allow it to get to this point so that I'm not in a position to both support my town and to run my business, and neither is anybody else, because it's a partnership, there's symbiotic relationships that make a difference to everyone, I think it's shameful that we are asking you to explain your decisions when we have the power to stop all of this nonsense, and we should do it immediately.

I want folks to know that we're about to furlough 9,000 employees in my district at Sandia National Labs; that I had a meeting with Federal employees who are living paycheck to paycheck. These couples are hired by the Federal Government. They're not going to make their mortgages, they can't afford their child care, they can't pay their credit card bills or their car loans. I heard from a civilian air traffic controller at Kirtland Air Force Base who's worried about the safety of the airmen because he's not allowed to work. So the very men and women who protect our country don't get the same protections that I get as a private citizen by flying commercially.

The faster Congress realizes that we are hurting millions of people across the country, that every single day, by failing to accomplish one of our fundamental responsibilities, the faster this senseless shutdown ends, and we stop having hearings about what discretionary decisions you can or cannot make, but what kind of partnerships we have and what our priorities are for the resources in this country.

And with that, Mr. Chairman—

Chairman ISSA. Would the gentlelady yield?

Ms. LUJAN GRISHAM. I will.

Chairman ISSA. I guess the question—and perhaps you weren't here earlier. The questions that we had, the reason for the title, and I take responsibility for the name of the title, were people like Ms. Eberly, who, in fact, was—cost the—cost the Park Service nothing, and ultimately Director Jarvis has already said under testimony that he began after they closed everything on October 1st—he began going through and discovering organizations like hers that he could reopen.

So I hope the gentlelady appreciates that, yes, we are looking at the part of failure, not the part of success, and we're not looking at the shutdown, because this is—neither of these committees are appropriation committees, we can't affect it per se, but we are looking at whether or not there was a plan to keep as much open as possible, or there was a failure to plan, which I think is what, if you stayed for the whole hearing, you will see a pattern of.

Ms. LUJAN GRISHAM. May I respond, Mr. Chairman?

Mr. HASTINGS. Very briefly.

Ms. LUJAN GRISHAM. Thank you so much.

I appreciate that, and recognize that we have an obligation, particularly in a government oversight hearing, to get at best practices. But to get at best practices in a crisis management, in a situation that we created as voting Members of this body, I disagree that this is the most useful time here and believe that we could do a much better job by supporting them to enhance these partnerships by having the resources to do so. So with all due respect, I disagree.

And thank you, Mr. Chairman, for allowing me to respond.

Mr. HASTINGS. The time of the gentlelady has expired.

The chair recognizes the gentleman from California, Mr. LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman. I appreciate it.

First of all, I would preface the remarks here. I appreciate my colleague from New Hampshire a little while ago talking about the

tone of what goes on around here. I am one of the newer ones here in the Congress. And so her remorse at that is something, I guess, that we should all share.

Because it seems every speech or nearly every speech on the floor or in committee from the other side of the aisle is talking about the Republican this or Republican that and the Republican shutdown when at least an equal amount of the blame could lie with the director of the Senate, the pro tem of the Senate on the other side, or with the White House that has been unwilling to talk to us until very recently.

So we are all duly elected. We have a majority in this House, as sent here by our districts, to work through things that we might disagree on. And so the partisan rhetoric just doesn't help a whole lot with that. Indeed, we have issues of budget deficits, we have huge national debt issues. And, yes, there is disagreement on the Affordable Care Act, as it is called, and its implementation as we see failing Web sites, higher prices, people complaining all over the country, and then being subject to fines if they choose not to sign up.

So, yes, we are going to have some differences of opinion on some very giant issues, and we should be allowed to express those differences and hash them out here in a process we have in this Republic. Instead, it seems the other side wants to go to a one-party system of input by shutting us out when things get out of this House, like the measures we have sent in recent weeks to fund the government in many different aspects, many of those with approximately 30 Democrats supporting. Because they have looked at the politics and they don't want to be against opening the parks, so they have supported our measures. They don't want to be against our veterans, they have supported our measures.

And here, all the time, it is always the Republican shutdown. There is plenty of blame to go around on this, but there are certainly some big issues that we stand for that have to be stood up for.

So going into what we are really here for today, Mr. Jarvis, you know, we talk about, yes, the Park Service is a very big and complex organization, like a lot of what our government is and what some of us believe needs to be tamed.

I have in my district in northern California, near the Whiskeytown Reservoir, which is a Federal project, along Highway 299, there is a lake with a two-lane road. Now, you were talking about a low-key approach during this slowdown. The highway has numerous turnouts and lookout vistas to park for both safety and scenery. During the shutdown, my office has received numerous reports of Federal officers preventing people from stopping at these turnouts, again, along a two-lane highway. A truck with flashing lights would pull up behind them and threaten them with a ticket if they do not keep moving.

So how can you justify people from stopping at a rest stop or a turnout on a State highway? These things are there as much for the safety or a place just to pull over as it is for the scenery. How was hurting driver safety in the Federal interest, and how is it a critical function, especially if you are trying to assert a low-key ap-

proach? To me, a truck pulling somebody over with flashing lights isn't very low-key; it can be quite startling.

Mr. JARVIS. I have instructed our law enforcement rangers throughout the system to take a low-key approach to this. And I know in a number of cases they actually have, due to safety, removed any barriers or cones from these pull-outs and parking lots, but for safety purposes.

They are closed because the National Park Service has a lapse in appropriations, and we can't do any maintenance, we can't pick up trash, we can't protect the resources. So—

Mr. LAMALFA. You are not protecting anybody when you have a pull-out area that would actually be a safety factor for somebody maybe having a little car problem, maybe they just want to pull over and use their phone or do something. Because, you know, if you have been down 299, there are long stretches where you can't pull over on a narrow, two-lane highway going from the valley to the coast.

And so, yeah, if they happen to take a picture of something, yet they run into cones and you got people pulling up behind them with trucks threatening them, that really seems to be over the top. I would think there should be maybe just a little bit of embarrassment after a point with some of the heavy-handed measures that have been coming out of this department.

Anything?

Mr. JARVIS. Again, I tell you that I have told my officers to take a low-key, soft approach to enforcement, recognizing that the American public are—this is a painful impact—

Mr. LAMALFA. Okay.

Mr. JARVIS. —on them—

Mr. LAMALFA. All right.

Mr. JARVIS. —as well as it is to us.

Mr. LAMALFA. All right. Now, just the other day—

Mr. JARVIS. But I cannot direct—

Mr. LAMALFA. —there was a demonstration held by our veterans out at the memorials here in town. And so, the day after, immediately after, bright and early, the Monday morning, which was a national holiday, there was staff out there re-erecting those barriers, with wire, with tape, the whole works.

Were these furloughed folks? Were they getting overtime since it was a national holiday?

Mr. JARVIS. Everybody that is working at this time is not being paid. So there is no overtime—

Mr. LAMALFA. Were they being paid overtime because it was a national holiday?

Mr. JARVIS. They are not getting paid overtime. They are not getting paid at all.

Mr. LAMALFA. Will they be accruing overtime when this is all settled?

Mr. JARVIS. They will not be accruing overtime.

Mr. LAMALFA. Pardon?

Mr. JARVIS. They will not be accruing overtime.

Mr. LAMALFA. On a national holiday.

Mr. HASTINGS. The time of the gentleman has expired.

Mr. LAMALFA. Thank you, Mr. Chairman.

Chairman ISSA. Mr. Chairman, I ask unanimous consent to be allowed to make a procedural matter.

Mr. HASTINGS. The gentleman is recognized.

Chairman ISSA. Director Jarvis, before you you have a subpoena related to your noncompliance with the earlier promise, in which you blamed the Department of Interior for your noncompliance with what you said you would do and they said they would do in a letter.

I would ask that you look at the board, recognize that that is the ranking member's statement, refresh your memory, and then please acknowledge receipt of the subpoena.

Mr. JARVIS. I acknowledge the receipt.

Chairman ISSA. Thank you very much.

Thank you, Mr. Chairman.

Mr. HASTINGS. The chair recognizes the gentleman from California, Mr. Lowenthal.

Mr. LOWENTHAL. Thank you, Mr. Chairman.

You know, all of us are here today because we truly care about our national parks and our public lands. And I hope that all of us here really are here also because we want to ensure that these treasures are fully supported and receive the budgets and the attention that they deserve.

You know, national parks have provided the country with an abundance of benefits, from spiritual retreat to becoming vital economic engines of rural America. For example, I am going to give two small quotes that exemplifies this. One that says that, "Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and give strength to body and soul alike." That was John Muir in 1912. And then more recently from the Governor of Utah, Governor Gary Herbert: "Utah's national parks are a backbone of many rural economies, and hardworking Utahans are paying a heavy price for this shutdown."

In order to put these numbers—or, to put numbers on these sustainable economic benefits, let's talk about one park that is in my district—not in any district, in my State, and that is in Yosemite.

In 2011, there were over 3 million, actually almost 4 million recreational visits to Yosemite. And those visitors spent a cumulative \$379 million—money that was injected into the local economy and supported local jobs. We know that overall in 2011 over \$30 billion was economic activity.

And so I am really glad to hear that national parks are being recognized and applauded by many Members of Congress for the truly renewable and sustainable benefits that they provide Americans.

So when I saw the heading today about, "As Difficult As Possible," I imagined we would be talking about how do we look to better support the national parks by stopping their budget slide and working on essential maintenance backlogs. For me and many of my constituents, "As Difficult As Possible" really describes Congress' treatment of national parks and public lands over the past 3 years.

Since the 112th Congress, National Park Service has been—their budget has been cut by 13 percent. At the same time, the NPS has not been able to handle almost \$11.5 billion in park maintenance

backlog. And because of decreasing budgets, they have been forced to cut seasonal employees, we have heard about furloughing today, educational programs have been canceled, they have limited environmental monitoring.

You know, I am just going to read, and then ask a question, from a letter from over 300 businesses affected by these irresponsible cuts over the last few years to the National Park Service.

“Dear Mr. President and Members of Congress, we own, operate, and support the restaurants, shops, equipment rentals, motels, gas stations, and other small businesses that provide services to national parks visitors. Our business and livelihood and that of our employer and their families depends on them keeping on the national parks open and in good condition. Watching the political jockeying in Washington from afar, frankly, we are worried about the impact to our business. Simply put, even more cuts to national park budgets would be pennywise and pound-foolish. Our families and our communities and our national economy will suffer without much real fiscal benefit to the Federal budget.”

Mr. Chairman, I ask for unanimous consent to place this letter into the record.

Mr. HASTINGS. Without objection, it will be part of the record.

Mr. LOWENTHAL. Okay.

So if we want to find out how we can productively spend our time in investigating, the question that I have to you, first, to Director Jarvis: Do you think I am right, Director Jarvis, that in order to ensure public safety at our national parks and manage the sites during the shutdown of the Federal Government, that you have had to close sites—I think you have already touched on this—you have had to close sites due to limited staff? Is it not true that these closures are not site-specific or aimed at any individual group?

Mr. JARVIS. They were not aimed at any individual or group. They are not political. They are a part of our responsibility to protect these places for future generations. They are a consequence of the lapse of appropriations.

Mr. LOWENTHAL. Thank you.

And the next question is, we know the park services opposes the piecemeal approach to opening national parks. Do you think this piecemeal approach is appropriate for any other of our agencies? Should the Department of Defense only open Army bases but not Navy bases, for instance? Should FDA only inspect dairy products but not meat products?

Mr. JARVIS. I believe that the entire Federal Government should be funded. I believe that this piecemeal approach that we have taken within the National Park System to open the parks where the States have been able to enter into agreements leaves a lot of parks closed.

Mr. LOWENTHAL. And, finally, have the cuts made under sequestration limited budget flexibility within the Park Service?

Mr. JARVIS. Absolutely. They were across the board and at every budgetary item, so they impacted every park in the system.

Mr. LOWENTHAL. Thank you.

And I yield back.

Mr. HASTINGS. The time of the gentleman has expired.

The chair recognizes the gentleman from Florida, Mr. DeSantis.

Mr. DESANTIS. Thank you, Mr. Chairman.

Director Jarvis, Abraham Lincoln's home in Springfield, that is under your jurisdiction, National Park Service?

That is a "yes"? Verbalize.

Mr. JARVIS. I believe so, yes.

Mr. DESANTIS. And do you know, is it just the home or—my understanding is that the area around it would also be under the jurisdiction. Do you know if that is the case?

Mr. JARVIS. I honestly do not know specifically in that regard.

Mr. DESANTIS. Okay. Because I saw some news reports where there was a political congressional candidate that was holding a news conference basically right in front of the home. And if, in fact, that was an area that was under your jurisdiction that was closed, would that have been an appropriate thing to have done, to kind of stage a media event there for partisan, political purposes?

Mr. JARVIS. I don't know anything about that incident or case, and I would really—I would have to look into it.

Mr. DESANTIS. Well, just as a general matter, if a park was closed, would it be—and so an American citizen may not get in, would there be some type of an exception where a political candidate would be able to stage a media event if it was closed to rest of the public?

Mr. JARVIS. The park is closed for all events.

Mr. DESANTIS. Okay.

You had mentioned earlier, and I have been running around, so I don't know if you elaborated, but the Antideficiency Act. Can you just articulate for me why you think that act forced you to erect the barricades at the World War II Memorial?

Mr. JARVIS. The Antideficiency Act, as applied to the National Park Service, required us to reduce expenditures—of course, we don't have any funding—limited only to life and property, life and property.

Mr. DESANTIS. For people who can do essentially voluntary service. In other words, they are showing up to serve; they are not getting paid right now because there is no appropriation. So those are the only people you can put to work, who have that nexus, correct?

Mr. JARVIS. That is right. And so we literally went through employee by employee and determined whether or not they were excepted from the furlough. Anybody that was excepted had to meet this standard of life and property. And so that is about 3,000 out of the entire 24,000.

Mr. DESANTIS. And so that certainly is one part of the Antideficiency Act. It is also the case that you are not able to obligate the government for expenses that have not been appropriated. Is that correct?

Mr. JARVIS. That is correct.

Mr. DESANTIS. So my question is, you know, I saw the photos of people operating this big crane to bring all these barricades out to the World War II Memorial. And a lot of my constituents were like, well, that is going to cost more time and effort to do that than if they had just left it as an open-air memorial.

So how were you able to obligate the Park Service to incur the expense of having a crane and having other people out there erect-

ing it if, in fact, you were operating according to the Antideficiency Act?

Mr. JARVIS. The memorials are property. Now, they stand for big ideas, but they are physical properties that I have the responsibility to maintain and protect. We get hundreds of thousands of visitors on the National Mall every day, every week, and they have an impact.

There is this overlying assumption that I continually hear in this committee that these places take care of themselves. As a 40-year veteran of the National Park Service, these places require maintenance and operation—

Mr. DESANTIS. But the question is, where did you get the authority—you are saying it prohibits you from doing things. But it seemed to me that you had to dedicate more resources by getting—so, for example, when you had the forklift bringing out, did you have to rent that? Or how were you able to obtain that?

Mr. DESANTIS. We have equipment. I have no idea whether that forklift was rented or one of our own. But in order to execute the closure, we had to do work.

Mr. DESANTIS. But wouldn't that matter, though? In other words, you are saying that the Antideficiency Act means you can't spend money that hasn't been obligated. So if you had to go out and rent equipment, would that be consistent with that or not? I am just trying to figure out how you are interpreting this.

Mr. JARVIS. At a generic level, if I needed a piece of equipment in order to ensure something is protected, a piece of property or life, I would have the authority to do that.

Mr. DESANTIS. So you are saying it gives you flexibility to be able to—

Mr. JARVIS. For life and property.

Mr. DESANTIS. —do essential functions. Okay. Very good. Well, thank you for that.

I have no more questions. I yield back the balance of my time.

Mr. HASTINGS. Would the gentleman yield to me?

Mr. DESANTIS. I will.

Mr. HASTINGS. I just want to make an observation, having listened to the give-and-take, frankly, on both sides of the aisle. But I particularly want to bring up something that Mr. Wittman had an exchange with you, Director Jarvis. And his line of questioning was along the line, were you planning, and why was this different, something to that effect. And your observation was—and I wrote it down right after you said that—is you didn't think the shutdown would last this long.

Now, it just struck me. If that was your response, then does not logic would suggest that if you are going to err, you are not going to err on the most extreme position? Because the most extreme position was to shut things down. If you didn't think it was going to last this long, it would seem to me, okay, let's phase in to the point where you have to follow the law.

But it seemed to me—and this is certainly from my perspective—it seems to me that you were—you, your actions, were causing the most pain. If, in fact, you didn't think it was going to last that long, it would just seem to me that it should have gone the other way.

So I just wanted to make that point in connection with what you and Mr. Wittman had in that exchange.

The chair recognizes the gentleman from Massachusetts, Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman.

Well, first of all, I want to thank all the witnesses for being here this morning and staying as long as you have and being so patient.

And, Director Jarvis, I think your patience probably takes the prize here today on that. I thank you for your service, and Mr. Galvin before you. The agency has always done wonderful things with the Park Service up in my area of Massachusetts on that.

It must be fairly obvious now, I would think, to most people watching that this hearing is a distraction. And, unfortunately, Director Jarvis, you are the target of it, to distract from the fact that there are people here that have responsibility. They might like to share it and say that all of Congress as a monolithic and everybody is to blame. But there aren't two wrongs and there aren't two rights; there is one wrong and one right here. And I think they are hoping that people haven't taken their Civics 101 class, that they are not going to be able to make that distinction.

Earlier, you were questioned, Director Jarvis, pretty predominantly by somebody who said it is the people's land—tell me whether you think it is the people's land or your land, and you obviously rightly said it was the people's land and you are entrusted with its care.

Well, this is the people's government, and the United States Congress is entrusted with having it operate for the benefit of the people. And with our system in the House of Representatives, when there is a majority, the majority is entrusted with making governance work and with making sure that it goes forward. And that has been dramatically not the case here.

But there has been plenty of drama—drama down at the barricades to distract from the fact that the majority hasn't let this government work, the barricades, claiming that World War II veterans couldn't get in to see the memorials, when that, in fact, is not the case and they are going in and seeing it.

The real challenge here for the majority is to make this system work. And they can do something of significance right now if they want to. If they want to open up the government, not just the Park Service but all of the services that government provides, they can just have a simple vote to have a continuing resolution to allow spending at the low level the majority wanted for a period of time until all the budget issues between the House and the Senate are resolved. That will bring this matter to a close.

In fact, there is a procedural aspect to it. There is what we call a discharge petition on the floor right now that all the Democrats have signed, so we only need, what, 17 to 24 Republicans to go down and sign it. That would be a significant act they could take, instead of going down and having all the drama down at one of the sites or having this hearing on that basis.

If they did that, then certainly veterans that are homeless, veterans that are students, veterans that are seeking jobs, veterans that have disability claims, all of them would get the services that they need and be assured that that was going to happen. But we

don't see we see that. We see a lot of hyperventilation about whether or not the park services were handled in a shutdown exactly the way that others might have wanted to be done.

I don't know, Director Jarvis, maybe, you know, you took some actions that were correct, some not. But I don't question your motives or the fact you tried to do the right thing by the law. And in hindsight maybe you would and maybe you wouldn't do something differently on that.

But the history lesson here is to tell people that there is a right or wrong. This is a situation where Congress needs a blueprint of how it is going to spend its money; they need a budget. The Senate passed a budget, the House passed a budget, there were differences. People that took Civics 101 know that generally there is a conference committee that irons out those differences before the next spending year begins. Despite repeated requests for the majority in the House to go to those conferences and work out matters, they wouldn't do it. So when the fiscal year ended before we started the next one, they didn't have a budget.

Now, the normal course of business is for people to take and agree to some amount of money or some level of spending for a period of time until the Senate and the House can work out those differences. That is the dispute here, what level of money will be spent over what period of time while those differences are worked out.

All of the Democrats said they would take the low number that the majority in the House, the Republicans, put forward. The Senate said it would take that number. And the answer they got back was, no, they wouldn't let it happen now unless certain laws that they didn't like were nullified, laws that have been passed, laws which elections had been run where it was the focus of it, laws that the constitutionality have been found by the Supreme Court.

And that is the failure here, the failure of the majority to govern, to keep this government open and to make sure it works for the people.

And it is not Congress. There are a lot of people here in Congress working real hard who understand that we have some differences on what the costs are and how much to spend, but they understand the importance of the functions that government provides. So hopefully we are going to get back to that.

Hopefully today there will be a vote and we will reopen it, we will get back to negotiations, and we can talk about whether or not Salem Visitor Center will be open, where there are 250,000 people coming this month alone to visit it and \$25 million in revenues. And the mayor there, Mayor Bryan, would have me make sure that I said that is important.

Or whether a young woman from my district whose daughter had a brain cancer situation where it was 4 hours once a week—once a month, rather, she has treatments on that, whether or not there will be money in the budget to make sure those treatments continue.

Whether or not the universities and industries will have the financing they need to conduct the cutting-edge research to make sure that we have the energy technologies, the advanced manufac-

turing, the biotechnology, all of those things that are needed to keep us on the edge as world leaders and create jobs.

Whether or not the trillions of dollars' worth of transportation infrastructure, bridges and roads, that need to be addressed will be done.

You know, all of these things are what we ought to be doing. That is what leadership is. That is what being in the majority means. And from 2007 to 2010, when there was a Democratic majority, it was the most productive Congress since 1964. Being in the majority matters. We ought to see some—

Chairman ISSA. Yeah, that is where you ran the table on the one-sided basis and passed Obamacare.

Mr. HASTINGS. The time of the gentleman has expired.

The chair recognizes the gentleman from Missouri, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

My question is for the director. I come from southeast Missouri. We have the Ozark National Scenic Riverways—very important, in the heart of my district, very important to myself. Unfortunately, on October 1st the rivers were closed, and people were able to float as long as they never touched the gravel bars. It was illegal to touch the gravel bars because that was Federal land, and that was, I guess, the decision that you made.

I am glad that the administration has decided to open up some of the national parks by local State governments funding it. Unfortunately, they are funding it. But where I have a problem with is, how did you pick and choose which ones were acceptable?

I have a letter right here from the Missouri Department of Conservation where we asked 9 days ago to allow them to open the Ozark National Scenic Riverways, the Current, the Jacks Fork River. Yet we have not received a response from your department, and I want to know why we have not received a response.

Mr. JARVIS. Well, there are a couple reasons.

One is, when I normally have a large staff, there are nine employees in my office. And there is a stack of unresponded correspondence.

Now, we are working with the Governor of Missouri. And I understand there is interest in using one of our agreements to open Ozark as well as the Arch, and we are wide open to doing that.

What that letter, if I remember—which I believe I have seen, but I am not positive, but I think I have seen—did not suggest paying the National Park Service to open the Ozark. What it suggested is that the Department would open it for us.

And the standard we have set throughout the National Park System is that these are national assets to be managed by the National Park Service. And so we have rejected offers from a variety of institutions and organizations to open portions of parks with their own people. And we do not feel that is appropriate. These are—Congress has charged the National Park Service with managing these assets, these places. And we believe that we have set up an agreement that can work with the State of Missouri.

Mr. SMITH. You know, Director, that concerns me, those statements, because in 1964 these were State parks, and it became the first Ozark National Scenic Riverway, the first national scenic riverway. The reason why it was sold in 1964 to make this a na-

tional park is so that this land would be protected and preserved and open to the public.

And that is exactly the opposite of what you all have done in the last 16 days. You have basically barricaded the parks. You have barricaded the businesses, the concessionaires that rely on canoeing and floating along that river. Because of your actions, they have closed down.

And, you know, speaking of something else, back in August we had an issue on this same river where the National Park Service had a regulation, a proposal that came out of there, that there had to be a special-use permit for our local churches to be baptized in the Current and Jacks Fork River. They did not have to have special-use permits to get drunk on the river or do any other activity, but to get baptized they had to have a special-use permit.

I mean, those kind of regulations that you all are forcing on the people in my district are unacceptable. We do not appreciate it. And I am glad that the local park superintendent did rescind that rule, but the fact that rule was ever in place is unacceptable.

And I urge every one of my colleagues to monitor and watch these crazy regulations that come from every department, whether it is the National Park Service or whether it is the IRS. They are all unacceptable.

Thank you, Mr. Chairman.

Chairman ISSA. Could I—would the gentleman yield?

Mr. SMITH. I do.

Chairman ISSA. [Presiding.] I just want to understand something, Director. In preparation for this shutdown, you had a full staff; is that correct?

Mr. JARVIS. That is correct.

Chairman ISSA. And in preparation for this shutdown, you could have, in fact, worked with all of these stakeholders, including sent them the guidelines so that, if the gentleman from Missouri is correct and you are correct, they would have known what the rules are.

If you didn't do that beforehand, have you done it since the shutdown? Have you told various States what they would have to do in order to pass your-self determined litmus test? Because there is no statute that says we have to rehire your people. There is simply a decision you have made.

Have you communicated that to all the States so that they would know when they ask, as Mr. Smith did?

Mr. JARVIS. Yes. We have not called every Governor, but we have sent out a press release to allow the public to know and the Governors to know. I know the Secretary—

Chairman ISSA. Okay. So you have communicated with the States in which this—sovereign States in which the national parks have located through a press release after the fact. I am deeply disappointed.

The gentlelady from New York is recognized.

Mrs. MALONEY. I would venture to say that our parks departments should be open, serving the public, not preparing memos about a shutdown. A shutdown is a self-imposed injury, a self-manufactured crisis that we should not have to suffer through. We should put a clean budget on the floor and open up the government

instead of hearing, as we have all day, stories about the suffering of individuals and communities and businesses during the 16-day shutdown of the Federal Government.

Again, this is a self-imposed injury. We can correct it immediately by going down to the floor in 10 minutes, putting a clean CR on the floor, and voting for it.

Yet I am really shocked to hear so many of my colleagues testify today how disturbed and shocked they are at the consequences of a government shutdown, of the problems that closing our national parks are causing across this country. They need only to look at the 1995 closing of the government to see the reports on what happened. And, again, that was a Republican-led closing of the government.

Back then, the Interior Department estimated that for each day that our parks were closed, localities lost roughly \$14 million in tourism business. I know from my own district in New York City that the closing of one of our most important monuments, the symbol of democracy and freedom, Liberty Park, the Statue of Liberty, not only is a huge blow to our economy of the city but to the morale of our city, so much of a blow that our Governor, Governor Cuomo, has taken the unprecedented step of using State dollars to open up our national monument so that business can continue as usual.

Now, the economic numbers coming from the National Park Service for 2011 shows that this is a very wise decision, because roughly 4 million people a year visit Liberty Park and our Statue of Liberty, generating well over \$170 million in economic activity. So not only is it disruptive to our veterans and to our citizens, it is clear that our parks are an important economic resource for local communities. And we are now still in a very fragile economy.

So I would venture to say that the direction of this conversation today should have been on getting a clean vote on a clean budget so that we can open up our parks, open up our agencies, and so that businesses and individuals will not continue to suffer.

Now, I am really concerned, Mr. Chairman, if this Congress does not act later today to raise the debt ceiling, the consequences and long-term damage to the economy and prestige of our country would be dire. Recently, the Joint Economic Committee released a report entitled "Economic Cost of Debt Ceiling Brinkmanship." And in it they compared what happened in 2011, the consequences of this brinkmanship. The stock market fell, all the markets fell, consumer confidence dropped, the United States credit rating was downgraded.

And we know from press reports today that Fitch is considering downgrading our credit rating today on the basis that we cannot govern, that we cannot even open up our government.

And at our hearings in this Joint Economic Committee, Chairman Bernanke and other economists testified that the failure to raise the debt limit would have very serious consequences for the financial markets and for the overall economy for a long time to come. Moody's testified that for every 3 weeks, the gross domestic product of our economy, our overall economy, would be reduced by 1.4 percentage points.

And we are—pick up the papers, and major allies of ours are calling that the dollar shall no longer be used as reserve currency.

That would be a major blow to the strength and economic prosperity of our country.

So the government shutdown and the threat to the U.S. economy has happened because some have decided that that is what they want to do, and they are holding the entire economy and the entire government hostage.

So, back to the topic—

Chairman ISSA. The gentlelady's time has expired. I am always willing to give you a pending question, but there wasn't a pending question.

We now go to the gentlelady—

Mrs. MALONEY. I have one.

Chairman ISSA. —from California, Ms. Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chairman.

And, Director Jarvis, please, to yourself, thank you for the work you do on behalf of the American citizens. And I do associate myself with the remarks of Members of Congress on this side of the aisle, Mr. Huffman and especially Mr. Cartwright.

The National Park Service is responsible for the protection of water supply. That is one of my areas because I am on for 15 years the Subcommittee on Water and Power of Natural Resources. And that is really critical, key for me, the feeding of the Federal dams on the Colorado River and other areas, other aspects of it, especially Glen Canyon and Hoover. And you have previously found and have been addressing the expansion of invasive species that directly impact the hydropower resource and the water diversions.

With the shutdown, we are losing the ability to monitor and protect our Federal energy and water resources, which is, of course, costing us nationwide millions of dollars to clean up the intake valves and some of the pumping areas. Is this covered under the property emergency response area?

Mr. JARVIS. Thank you for bringing this up.

One of our concerns and reasons that we gated and closed Glen Canyon and Lake Mead National Recreation Areas is because we have an obligation for boat inspections, recreational boats that, particularly in Lake Mead, can be contaminated with quagga mussel. And we have wash stations and inspection stations both for the private boater as well as the concessioner. All of those employees are furloughed, and all of that is shut down.

Mrs. NAPOLITANO. Well, would you also include that several other water entities have been found to be infected by the quagga mussel?

Mr. JARVIS. Yes, ma'am. There are concerns about the quagga spreading to other water bodies throughout the West.

Mrs. NAPOLITANO. And they are very hard to control?

Mr. JARVIS. Once they get in, it is almost impossible to get them out.

Mrs. NAPOLITANO. Thank you. But that does in any way or form—can it be treated as property that has to be protected?

Mr. JARVIS. Well, the way we are treating it under the closure act is to prevent boats from leaving or entering Lake Mead or Glen Canyon during the shutdown.

Mrs. NAPOLITANO. Thank you, sir.

One of the other areas that hasn't been covered, as far as I can tell, since I have been in the hearing today is, you already have an \$11 billion backlog in maintenance and repair. What will be the cost of trying to catch up, based on the sequester?

Mr. JARVIS. We need about \$750 million a year in our maintenance and operation budget in order to even break even, to maintain what we have. We would need more than that in order to catch up.

Mrs. NAPOLITANO. Does that include vandalism or normal clean-up or both?

Mr. JARVIS. It is all of the above. It is impact from just deterioration of old facilities and roads as well as some vandalism.

Mrs. NAPOLITANO. Thank you.

And I heard you mention, or some of the testimony, that you are not able to receive private funding to be able to keep—you have to have special MOAs, right?

Mr. JARVIS. We can receive private funding, but through agreements.

Mrs. NAPOLITANO. But they have to be pre-established?

Mr. JARVIS. No. There is private funding flowing through some of the States to the National Park Service to reopen some of the—

Mrs. NAPOLITANO. But not all of them are party to this, are they?

Mr. JARVIS. All of?

Mrs. NAPOLITANO. The States.

Mr. JARVIS. So far, we have only got about six States that have signed agreements.

Mrs. NAPOLITANO. Correct. So that means, are you preparing, then, to be able to bring the other States on line should something—and, as you have heard, there may be other sequesters in the future—to be able to be prepared to protect those lands?

Mr. JARVIS. We have now a template that works quite efficiently. And we are in negotiations with—we signed Tennessee today. We have Missouri, Virginia, Maryland. A number of the other States that are all in discussions with us about entering into these agreements.

Mrs. NAPOLITANO. Thank you.

Mr. Chair, I yield to Mr. DeFazio.

Mr. DEFAZIO. I thank the gentlelady for yielding.

Just on a point that was made earlier about the Governor of California hasn't chosen to use scant State funds to reopen Yosemite made by some California Members. Remember, there is no guarantee that any of this money will be paid back. None. Zero.

In fact, I would say, under the Republican rules, paying back an individual State would constitute an earmark, which means that you would have to waive the rules of the House to do it. Or you would try and pass a bill to extract it out of the Park Service budget, which is already inadequate, as we have heard earlier.

So, you know, I can understand why Governors are being cautious.

I thank the gentlelady for yielding.

Chairman ISSA. I thank the gentleman.

I might note that tradition would say that you are wrong. They will, in fact, all be repaid.

With that, we go to the gentleman from Florida.

Mr. DEFAZIO. Could the—just for—would you yield for a second?  
Chairman ISSA. Of course.

Mr. DEFAZIO. But that was before you adopted this extraordinary earmark rule, which is very, very problematic.

Thank you, Mr. Chairman.

Mr. GARCIA. Thank you, Mr. Chairman.

Mr. Jarvis, thank you for your service. And I know how hard it is.

I want to bring up a very specific point that I know your folks are working on in particular. I want to commend Dan Kimball, who is the director of Everglades National Park. He has been working with our local folks to try to reopen the park. We have about 250 guides. They require very little from the park itself. They pay a license every year to work out in the park. And it not only has an impact on them and their families but has an impact on the hotels and the restaurants in the area.

And so I would ask, with your very limited staff—and I know that this is not your fault, but the inability of the other side to provide any real leadership here. But what I—I commend you for your leadership, and I commend Dan Kimball and his service. But I would ask you, as you look at opening up, this is one of those areas where I think it will not cost you as much as opening it up and getting it done. These folks require very little of you. And they do a great service to Monroe County and the Florida Keys.

I want to ask you, Mr. Jarvis, what do you think the cost has been thus far to the Park Service? And I know you have answered this question in a few different ways, but if you will indulge me and just tell us what you think the cost has been thus far.

Mr. JARVIS. I really don't have a figure. You mean cost in terms of how much we theoretically have expended during the closure period?

Mr. GARCIA. How much you have expended, how much you failed to collect.

Mr. JARVIS. Oh, okay. Yeah, we—in terms of failure to collect, we are losing about \$450,000 per day of income. That would be non-appropriated dollars—fees from camping, from entrance fees, and the like, franchise fees, all of that. So we are losing about \$450,000 per day.

Mr. GARCIA. Very good.

Ms. Simon, I sort of—I know you have given some estimates here. I would love to hear you sort of recap it for me. As a freshman, it takes a long time for the gavel to get to me. So I would like to ask you what this has cost our country and, in particular, your industry.

Ms. SIMON. Certainly. Thank you for the question.

In the first week of the shutdown, our tour operators reported \$114 million in losses just for the first week. We know that, obviously, in the last 16 days, that has drastically increased, and we project long-term impacts based on future business that has already canceled or postponed. We know that that does not include the estimated financial losses from the cities and destinations and suppliers that belong to our association, as well.

And then we also believe that the long-term impact will have an effect on international visitation to the United States. The national parks are a huge draw for international markets, and we believe that it is going to be difficult for international visitors to kind of regain the confidence of coming back to the United States. They don't understand it. That is what we are hearing from our tour operators, is they are having to try to explain to their international visitors why the parks are closed and why they can't see—

Mr. GARCIA. Ms. Simon, if I could just—if you could indulge me, could you tell me what exactly you tell your international visitors or what you would counsel your association members to tell those international visitors that don't understand?

Ms. SIMON. That is a very good question. We have not been in a position of counseling them to tell them anything. But what they have done is to try to find alternative activities, which includes some of the very nice State parks that we have throughout the country as well.

Mr. GARCIA. Very good.

Again, thank you all for being here. And to a limited degree, some of you have been sort of blamed somehow in your vast government conspiracy to shut down parks. I want thank you for your service, your service to our country, your service in trying to preserve America's great treasures. And, of course, with a little bit of luck, by this afternoon we will have figured our way through this. But thank you very much.

I yield back the balance of my time.

Chairman ISSA. The gentleman yields back.

And I thank the gentlelady from South Dakota for her patience and yield 5 minutes.

Mrs. NOEM. No. Thank you, Mr. Chairman. I appreciate the opportunity to be here and my colleagues' allowing me to ask a few questions here today.

Director Jarvis, I wanted to ask a clarification on an answer you gave to a previous question. When they were discussing the monuments on the mall, you talked about barricading them off because of protection of property, that that was the purpose for barricading them. Is that correct?

Mr. JARVIS. That is correct.

Mrs. NOEM. I had assumed it was for protection of individuals that may go onto that property or for liability reasons. But your number-one objective was really to protect the property that was there.

Mr. JARVIS. It is my responsibility to protect the monuments and memorials.

Mrs. NOEM. Okay. Well, thank you for that.

As you know, I am from South Dakota. We have Mount Rushmore in our State. Obviously, it is a mountain that has been carved. It is viewable by a State highway that goes up the mountain and around the mountain. You can also go into the national park and view it from there, up close and personal, and enjoy that opportunity to do so, which millions of people do.

Mr. Jarvis, have you visited Mount Rushmore before?

Mr. JARVIS. Yes, I have.

Mrs. NOEM. It is beautiful, isn't it?

Mr. JARVIS. It is.

Mrs. NOEM. It is.

Mr. JARVIS. Extraordinary.

Mrs. NOEM. We had one family that drove all the way to South Dakota, drove a thousand miles, got to South Dakota, and found that they could not access Mount Rushmore or even drive on the State highway and view it because it had been blocked off by park officials. Were you aware of that?

Mr. JARVIS. I was aware the park was closed. I was unaware of the specifics at the local site.

Mrs. NOEM. Do you know who made the decision to block that State highway and access to areas where they could view the monument, not even necessarily get into the viewing area, the actual park, but didn't even allow them to get to a part of the mountain where they could view it from afar? Do you know who made that decision?

Mr. JARVIS. Those kind of decisions were made at the local level about where to close, which roads to close.

Mrs. NOEM. That family that drove that far found themselves not being able to view Mount Rushmore, and then we got hit with a blizzard, a blizzard that hit South Dakota. Four to 5 feet of snow landed in the Black Hills. They spent the next 3 days in a ditch somewhere in their camper, which was a very unfortunate trip, not the way that we like to have people visit South Dakota. It was a tragic situation that happened.

And not only that, those cones that were along the road, I am not necessarily sure what happened to them during that blizzard situation, but the day after, when everybody was digging out—we had many, many buildings that had caved in. Tens of thousands of livestock had been killed by this. It is the worst disaster we have seen in western South Dakota in anybody's lifetime. The economic impact from that is going to be huge. Trees were down, streams were plugged, towns were flooding. And the very next day, the park officials were out there putting those cones back along that highway in 4 to 5 feet of snow.

And I would like to know if you really think that should have been their priority that morning.

Mr. JARVIS. I was not involved at the local level. I could not and I don't set local priorities like that.

Mrs. NOEM. Well, it got the people around that area pretty steamed up. Because they were extremely upset that here they had lost their businesses, they had lost their livestock, they couldn't access their homes, they were trying to dig out and protect people, and that the Park Service was mainly concerned with going out and placing cones that didn't allow them to even view what they see as partly their monument, as well, from afar. It was very disturbing to them.

From that point, do you believe it was appropriate to take that type of action at that point in time?

Mr. JARVIS. I can't comment on local issues like that. I have no knowledge of which pull-outs, which roads, or any of that. I just don't have that kind of local information.

Mrs. NOEM. I know that very soon after October 1st the State made the request to the Park Service to run the monument them-

selves and to incur that cost themselves, and they were told that that was not going to be allowed at that point in time. Since then, the State of South Dakota has again requested, and that agreement has been made. So it is open and operating today.

What is interesting is the way that South Dakota approached it, is that our Governor called up businesses and asked them if they would sponsor a day at Mount Rushmore. It made me so proud. Businesses lined up to fund Mount Rushmore for a day because they recognized it was such a treasure and so special to our State that they would do that.

So it is not taking taxpayer dollars, it is separate organizations that are funding it for the day, which was a wonderful way to get through this type of a situation that has been so hard for many.

I wish we could have done it from the very beginning, because many families were turned away at the gate. When they pulled over to take pictures, or tried to, it created more of a liability issue because they were parked in the middle of the highway because they couldn't get in the pull-offs.

Now, I understand that the pull-offs are gravel, dirt, stones. I don't know what property we are trying to protect by putting cones blocking people from pulling over. Do you know what kind of property we are trying to protect?

Mr. JARVIS. Again I can't speak to local pull-off information. I am sorry. I just don't have that sort of knowledge.

Mrs. NOEM. Well, they have since been removed because someone decided that it was going to be very important that someone not get killed on that mountain and be able to pull their vehicle over if they were going to and get off onto those pull-offs. So those cones are gone now because of the safety of the individuals that are there.

But I will tell you, I don't believe that people's safety has been a priority in this situation. I don't believe it was really property that was trying to be protected, because, frankly, there was no property that was going to be damaged by those pull-offs. I believe it was punitive. I am upset about it. I am thankful for the way that South Dakotans approach things. They do it the right way.

And this whole situation has shown me that our park officials need to be very, very clear on what their role is and what their priorities are. And that should be making sure that Americans get the opportunity to view their treasures that are in their national parks, not punish individuals because of situations that are beyond their control.

I thank you for your time.

Chairman ISSA. I thank the gentlelady.

Director Jarvis, you answered that you didn't know, but you did negotiate the Utah deal, didn't you? And doesn't it have similar provisions for roads and off-ramps, areas similar to what the gentlelady is describing?

Mr. JARVIS. We did negotiate a South Dakota one, as well, and so Mount Rushmore is back open. All pull-outs, all roads, everything is completely open.

The original letter that we got from the Governor only wanted to open the entrance road and the parking area, not the entire park. And so we did—then the very, very tragic snowstorm. And

then we entered into the agreement with South Dakota, and so Mount Rushmore is open, fully operational.

Chairman ISSA. Okay.

Does the gentlelady from New Mexico have any further—I know. Do you have any—we have finished the first round. You are done?

Does the gentleman have any further questions, the gentleman from Washington?

Mr. HASTINGS. I just wanted to say that I am very glad we had this hearing. It was probably predictable that both sides would say what they said. I mean, after all, we are in a government shutdown, and that is the price of self-government. Sometimes you have to make difficult decisions.

But what we were trying to ascertain here—and, obviously, there is going to be some follow-up—is why it appears, why did it appear that the actions were punitive. Now, that is the optics, whether we like it or not, how—any way you can avoid it, that is the optics. And so that has to be avoided.

Now, I recognize, Director Jarvis, that you don't have a say in every one of the 401 national parks. I recognize that. And I recognize that the decisions that were made, like the exchange that—I forget—you had with one of the Members here on our side regarding Mount Vernon, that you weren't involved in that decision. I appreciate that.

But, nevertheless, there is a train and a thread that needs to be looked at. Harry Truman probably said it best: "The buck stops here." Well, policies come from the top.

And, again, going back to the exchange that you and Mr. Wittman had, if you didn't think this was going to be a long shutdown, why were such extreme measures taken the first day? If you thought it was going to be a longer shutdown, then the deficiency act all the things that you cited would take place later on, not from the first day.

And that is where the optics comes in. That is where the optics comes in. And that is why, from me, because I have been very public on this, that I have said it seems to me that there is a conscious effort, whether it came from you—you said you make the decisions. That is fine. If it was higher up and implications from higher up, nevertheless the optics are that this government now is exercising something it hasn't done before to make a political point. I think that is dangerous in the long run with our country. I really do.

And so, with that, I appreciate working with the gentleman from California, the chairman of the Oversight Committee, and I will yield back to him.

Chairman ISSA. I thank my friend, member of my committee, and fellow chairman. So it is the best of all combinations here today.

I am going to be as brief as I can, Director Jarvis. You know, the mayor, Ms. Eberly, and a host of other people who operate concessions, small towns, and so on, have asked specific questions that you haven't answered, and they weren't answered here today. So I hope that you will address as quickly as possible their answers and their concerns. But let me go through a couple of quick questions I need to get for the record.

First of all, to the best of your knowledge, when did you begin the process of procuring the barricades that were used on day one?

More than a day? Of course. More than a week? Of course. Was it more than a month?

Mr. JARVIS. The National Capital Region National Mall Memorials retains an inventory of what we call "bike rack." We use them all the time—

Chairman ISSA. Okay, so it is your testimony that there were no rentals or purchases of cones, barricades, or other items in preparation for the closing of the facility.

Mr. JARVIS. Not to my knowledge.

Chairman ISSA. Okay.

Mr. JARVIS. But I will check on that and get back to you.

Chairman ISSA. I appreciate that.

The second one is probably most pertinent to my particular committee. Mayor Gray and the District of Columbia have been seriously impacted by the closing without any public statements. Your signs never said, "This is closed except for First Amendment." Your police never said, "This is closed except for First Amendment."

As a matter of fact, from a public safety standpoint, even the Vietnam Memorial got opened on one side, either by individuals or your employees, and the other side was never opened, so people had to walk around it on the grass and so on. Your police drove on sidewalks with pedestrians walking on them because you barricaded the roads. Your mounted police horses do what horses do, and you are not cleaning it up. So you are creating, your employees, by choosing to have horses on the mall, are, in fact, creating a sanitation issue. Your park was very aware that garbage cans were continuing to fill because people were there, and they did not empty them. The mayor asked and has been trying to get specific authority to empty those on behalf.

Why is it that you never considered—and, please, please don't tell me you are not familiar with the malls and the monuments here in Washington—why is it you never considered a deal with the District of Columbia similar to the ones you are now doing with the States? Why is it the District of Columbia was never given a direct opportunity before or during this shutdown to do something similar to Mount Rushmore and the other areas?

Mr. JARVIS. Actually, the District of Columbia has. I spent over an hour on the phone with Vincent Gray, the mayor of the District—

Chairman ISSA. When?

Mr. JARVIS. —offering him the opportunity—

Chairman ISSA. When?

Mr. JARVIS. Yesterday.

Chairman ISSA. Oh, yesterday. Okay. I just want to make sure that we are talking 2 weeks into the shutdown.

Okay. Please.

Mr. JARVIS. Mayor Gray—the way we have stood this up is Governors are contacting us. Just like if Mayor Gray had wanted to do this, we would have entered into an agreement with him, as well. We just did it for Ford's Theatre yesterday.

Chairman ISSA. Okay. So let me make sure I get your testimony straight here. Your obligation, according to what you told Congresswoman Noem, your obligation was to protect property, correct?

Mr. JARVIS. And life.

Chairman ISSA. And life. So cars driving on sidewalks with pedestrians, well, we will leave that one aside.

You are supposed to maintain property. You are allowed to maintain as many individual employees as are necessary to accomplish that. That is the definition of essential personnel, isn't it?

Mr. JARVIS. That is correct.

Chairman ISSA. So you could have maintained 3, 5, 10, 20 people for the purpose of, if you will, offloading responsibility and better maintaining the safety and security of these monuments and parks around the country at expense other than the Federal Government. In other words, you could have had 10 people there who were, in fact, lowering your cost and increasing the maintenance and protection in addition to, by the way, the commerce that these individuals are interested in, you could have done that. And it was your decision to essentially furlough people and then say, "I can't negotiate," furlough people who didn't negotiate in advance, furlough people who didn't plan, and then talk to the mayor and tell him about an opportunity 14 days into the shutdown.

That is a long question. But aren't those discretions that you made?

Mr. JARVIS. The decisions I made in terms of the closure are guided by our attorneys. Our attorneys interpret the law. And—

Chairman ISSA. Good. And then I hereby ask that you deliver to us the legal opinions you had prior to October 1st as to each and every one of the decisions made before, and then I would like the legal opinions that allowed you to make the changes between October 1st and, obviously, the end of the shutdown.

Do I need a subpoena, or will you be able to turn those over in a timely fashion?

Mr. JARVIS. I will have to talk to the attorneys on that.

Mr. JARVIS. I will have to talk to the attorneys on that. They have—they have control over what is released. I think as you, as committee chairman, can request it, and I will take it to the attorneys, but I tell you that I sought their advice in each of these cases.

Chairman ISSA. Did you get it in writing?

Mr. JARVIS. In some cases, yes; some cases, no.

Chairman ISSA. Okay, then what did you receive orally? Because the writing we will get in discovery. What were the oral opinions, for example, affecting Ms. Eberly's organization? Did you receive an oral opinion relating to her before, during, or after October 1st.

Mr. JARVIS. We discussed the Claude Moore Farm in detail with our attorneys. The facts are that we do spend money there, and we have spent money there, \$1.3 million since 2001 of Federal appropriated dollars. We provide trash, and sewer, and road maintenance, so our attorneys looked at this information, and determined that within the window of what we expected the shutdown to be, there would be no violation of the Anti-Deficiency Act. Therefore, we could allow it to open. That's the way we have been—

Chairman ISSA. Okay, so you got an opinion after you shut her down without an opinion?

Mr. JARVIS. All due respect, sir,—

Chairman ISSA. I'm just trying to paraphrase what you told me.

Mr. JARVIS. I want to respond to something. You keep saying that it is my responsibility to have planned in extraordinary detail for a closure. What I do when we are not closed is I open parks and operate parks. That's what my staff is doing; not planning for a closure.

Chairman ISSA. I appreciate that, Director, but you know, you and I lived through sequestration, and I watched and found evidence of a punitive direction toward a small shutdown and finding ways to make it hurt the public.

Ms. Eberly, you had a pressing answer to my question.

Ms. EBERLY. Thank you.

Mr. Jarvis mentioned several things that the Park Service does for us, which are actually incorrect. We don't have a sewer line, so you can't possibly maintain it. We have one Porta Potty for 40 years for children who visit the farm and touch the animals, and then have no place to wash their hands before they eat lunch. We volunteered some time ago to take over the trash collection at the farm because the Park Service doesn't recycle. And what was the other thing you did for us?

Chairman ISSA. They gave you over \$1 million in a decade or two prior.

Ms. EBERLY. Yes, and we appreciated every penny of it. Absolutely. But that actually came because of Congressman Moran, not at the real initiative of the National Park Service. Oh, and for the last 3 years, we have been plowing the snow off the road that we use, and the CIA, and the Federal Highway Department because the Park Service doesn't usually get to us until about 5 days later. So, but we appreciate everything you do.

Chairman ISSA. Thank you.

Director Jarvis, I know that you can't look at 400 plus major facilities and minor facilities yourself, so in order to make the record complete both for my fellow chairmen, we are going to give you a list of items that we are going to want to go through in discovery, and documentation, and after the reopening, you need not do this during the remaining hours, I hope, and only hours. We are going to want to go through this process. But I will, for one, as I turn this over to Mr. Mica, I, for one, believe you did have a responsibility just as you did in sequestration, and in April of this year, when we found you woefully poor in the planning, in your procedures and your papers, it should have been a wake-up call that, yes, you should have a plan to mitigate at any time any loss, period. And to maximize, if you will, the leveraging of your public partners in every way possible. And I would hope that if you see what you call diminishing funds, that you would look and say, how can I, in fact, use Ms. Simon to better market products? How can I find more Ms. Eberlys to take over properties that in fact don't pencil out, and people like the mayor who have a vested interest in helping you.

I have one very short last question. You said on the record that there was an uptick in threats to the mall. Where did you receive that uptick intelligence from?

Mr. JARVIS. Through our law enforcement.

Chairman ISSA. Through your own in-house law enforcement?

Mr. JARVIS. Well, we work collaboratively in this district with all of the law enforcement forces.

Chairman ISSA. But where did you receive it? You made a statement that you received an uptick from an intelligence standpoint as to threats to the mall. I need to know what agencies were included in that, to the best of your knowledge. You know you received it, so you know who briefed you.

Mr. JARVIS. I was briefed by the Department of the Interior, our own law enforcement services.

Chairman ISSA. Okay. Do you know what level of classification, if any, there was? Was it—was it in your office?

Mr. JARVIS. Yes.

Chairman ISSA. So it was an unclassified briefing?

Mr. JARVIS. That's correct.

Chairman ISSA. In that case, we will be sending a request specifically to have the same unclassified briefing made available to both of our committees.

With that, I recognize Mr. Mica.

Mr. MICA. Just real quickly. You certainly have seen a wide diversity of opinion here today, but I think the whole committee and all of the Members of Congress are united in one thing, that we believe you had some discretion and we believe that you can take down the barriers at the World War II, Martin Luther King, and other open-area monuments. Are you prepared to do that?

Mr. JARVIS. No, sir, I'm not. I'm prepared to respect their First Amendment rights to access all of these memorials.

Mr. MICA. But are you taking them down in that regard, or are you just—

Mr. JARVIS. The memorial, the current barricades are standing not blocking access that are still up.

Mr. MICA. And you are not prepared to go back. See, I think that's wrong. I think you had the discretion not to put those up. You had the discretion to protect the monument, and that can be done through law enforcement working with the District, and others, or in any jurisdiction.

I don't know what it takes. It may take a law. We are going to be back in this situation probably in 2 or 3 months again. I don't like that, but that's the way this democratic republic works that we have to debate these things. You do and you clearly have stated that you have the discretion to take those barriers down, and I'm asking you, Mr. Jarvis, to take those barriers down. Veterans have hauled them away. Members of Congress have pushed them aside, and citizens have come and hauled them away and will continue to do that. So would you reconsider and today take those barriers down?

Mr. JARVIS. We still feel that—

Mr. MICA. You won't do it?

Mr. JARVIS. —with a lack of appropriations, the barriers are appropriate.

Mr. MICA. Well, I don't know who your bosses are. If they aren't at this dais and have not expressed themselves, it's unanimous in a bipartisan manner—do I have to send you a letter with instructions from 100 Members of Congress, 200 Members of Congress, 300 Members of Congress to do that, would you do it?

Mr. JARVIS. I will do it when you pass an appropriations bill.

Mr. MICA. Mr. Chairman, I yield back.

Mr. HASTINGS. [Presiding.] The gentleman yields back.

I want to thank on behalf of both committees all six of you for being here and testifying, and Mayor Bryan, especially for you coming all the way from Arizona. And you have shown remarkably good patience for the 5 hours that you have been here. I don't think I have to go any farther with that. But I do appreciate, and as many times happens when committees have meetings, there may be follow-up questions, or answers sometimes spark other questions, but this was designed, this committee meeting was designed to, I guess, find out why the optics of this close down was such as it is. I think that in itself, is very, very serious. So if there's no further business to come before both committees, the committee stands adjourned.

[Whereupon, at 2:40 p.m., the committees were adjourned.]



## **APPENDIX**

---

MATERIAL SUBMITTED FOR THE HEARING RECORD

**Statement of Congressman Gerald E. Connolly (VA-11)**  
**Committee on Oversight and Government Reform & Committee on Natural Resources**  
*As Difficult As Possible:*  
***The National Park Service's Implementation of the Government Shutdown***  
**October 16, 2013**

Today's joint hearing is an audacious attempt by the majority to deflect responsibility and blame for the real world consequences of a government shutdown onto the dedicated men and women of the National Park Service (NPS); 88 percent of whom have been forced to leave the jobs they love, with no guarantee of ever being paid. Republican attempts to blame NPS for a shutdown that Congress caused, and only Congress can fix, are as futile as they are absurd.

Cynical does not even begin to describe the theater of the absurd that we have witnessed over the past two weeks, as the very Members of Congress who profess hatred for our government, and in fact are responsible for breaking our government, climbed over each other to get in front of television cameras to express shock and horror over being deprived of *his or her favorite* government program. Not surprisingly, the favorite government programs of conservatives – Tea Party guilty pleasures if you will – often revolve around preserving a Member's personal access to his or her favorite National Park.

The hypocrisy of shutting down the government one day, only to turn around and protest the results of that very shutdown is difficult to comprehend. However, on October 2, this petulant behavior evolved into something much uglier and way beyond the pale. Seemingly oblivious to the fact that he was instrumental in forcing the very government shutdown that resulted in NPS being forced to protect the National Mall with a skeleton staff of seven, versus the typical staffing level of 300, a Member of Congress had the chutzpah to desecrate the World War II Memorial by using it as a political prop, a mere stage for his ridiculous tantrum that was intended to intimidate and humiliate a Park Ranger for simply doing her job. This outrageous display was disgusting, abusive, and far beneath the dignity of any Member serving in this chamber.

Congress owes the NPS and the entire Federal workforce an apology. I had the privilege to visit Fort Hunt Park in Fairfax County during the weekend prior to the shutdown where I witnessed firsthand the deep level of dedication and passion the men and women of NPS bring to their job, and the tireless efforts of Director Jarvis to lead NPS through one of the agency's most challenging periods it has ever faced. I hope the NPS workforce is aware that these baseless, illogical attacks on the Park Service do not represent the sentiments of all Members. In fact, I am willing to bet that the majority of Members share the view of Jeff Miller, co-founder of the Honor Flight Network, who completely destroyed the entire narrative of this hearing when he noted that "The Park Service they have been so compassionate, they have done everything they could," and "bent over backwards" to ensure veterans are not inconvenienced or disappointed.

Congress would be wise to heed the words of two World War II veterans who were instrumental in creating the World War II Memorial, former Senator Bob Dole and Congressman John Dingell, who recently reminded us that, "If this Congress truly wishes to recognize the sacrifice and bravery of our World War II veterans and all who've come after, it will end this shutdown

(OVER)

and re-open our government now.” And yet, the House Republican leadership continues to ignore this plea. In refusing to end the painful government shutdown, the Speaker and the Majority Leader are intent on making life “as difficult as possible” for every American, particularly residents of the Commonwealth of Virginia, which at an estimated economic cost of \$200 million a day and \$1 billion a week, has experienced more economic harm from this shutdown than any other State.

It is outrageous and shameful that an extreme group of House Republicans has been empowered by their Leadership to hold Virginia hostage. In my own District, thousands of dedicated Federal law enforcement officers have been forced to work for IOUs, such as the local Customs and Border Protection Officers who work tirelessly around the clock to target illicit cargo and dangerous people seeking to enter our country. While the unfair and unjust Federal employee furloughs have received the most press, forcing civil servants to work without pay is only slightly less disgraceful and disheartening to our dedicated civil service.

I have heard countless stories of Virginians who are victims of this shutdown, from a 12 year old constituent who was worried because his mom was furloughed to a stressed constituent who had two family members furloughed, and was struggling to figure out how they would make it through the month. I have also heard from Federal contractors who have been forced to use leave time as a result of suspended contracts and will likely never be made whole for this shutdown. Despite the grave, real world consequences of this government shutdown, the leadership of these two Committees would have us dither while Rome burns, holding a show hearing that is designed to score political points. My constituents are fed up with this political theater, and so am I.

Virginians are good government pragmatists at heart. It was a famous Virginian, then-Congressman James Madison, who crafted the historic compromise of 1790 that ensured the Federal Government would not default on its war debt, and assume existing State debts to strengthen the bonds of our union. This spirit of pragmatism has continued to this day, and all Virginians, regardless of political party, understand the shutdown must end. Our Republican Governor Bob McDonnell has called for an end to this shutdown. A bipartisan majority of Virginia’s congressional delegation would support passing a clean continuing resolution to reopen the government this very minute.

In refusing to set aside partisan politics to put our Nation first, we are witnessing the absolute dereliction of duty by the House Republican leadership. Now is the time for Majority Leader Eric Cantor to re-discover his Virginia roots and to allow a pragmatic, bipartisan majority in this chamber of Congress to work its will in passing a continuing resolution that ends the shutdown, and preserves the full faith and credit of the United States.

**-END-**



**Hon. Pedro R. Pierluisi**  
**Statement for the Record**

**Joint Oversight Hearing of the House Committee on Oversight and Government Reform  
and the House Committee on Natural Resources**  
**“As Difficult As Possible: The National Park Service’s  
Implementation of the Government Shutdown”**  
*October 16, 2013*

This hearing allows us to put things into their proper perspective, and to underscore the real impact of the shutdown, not only in the 50 states and in the District of Columbia, but in Puerto Rico and the four other U.S. territories as well. The majority of the 10,000 federal workers in Puerto Rico have been furloughed. As a result, many federal operations, including homeland security in the Caribbean, the provision of service to our veterans, and critical assistance to our most vulnerable constituents have been—or will soon be—compromised.

The impact to our national parks is important, to be sure, but it is only one of many casualties of this politically-manufactured crisis. The employees of the National Park Service, including nearly 90 of whom reside in Puerto Rico, are well represented by Mr. Jarvis—who is simply doing his job as Director of the National Park Service and, in my view, doing it well.

I believe the vast majority of the American people understand how and why we have arrived at this unfortunate juncture, namely because some members of this body have sought to use the appropriations process and the debt ceiling extension to make changes in policy that they cannot effectuate through the normal legislative process. This effort cannot—and will not—work.

National parks are not the only public lands impacted by the shutdown. In Puerto Rico, we are especially proud of our historic landmarks and our natural wonders. Puerto Rico is home to crown jewels in the National Park System, the National Forest System, and the National Wildlife

Refuge System that attract visitors from every congressional district and from all over the world. The public has been unable to visit these sites since October 1<sup>st</sup>.

Specifically, the National Park Service has been our partner in preserving the nearly 500-year-old city of Old San Juan, including the Spanish-era forts of San Cristóbal and San Felipe del Morro. These forts are part of the San Juan National Historic Site managed by the National Park Service.

According to the National Parks Conservation Association, the San Juan National Historic Site receives more visitors in a typical October than three-quarters of all other National Park units in the United States. These visitors inject an estimated \$100,000 per day into the Puerto Rico economy. Because of the shutdown, this economic activity has grinded to a halt.

Likewise, El Yunque, the only tropical rainforest in the National Forest System, offering an abundance of recreational, educational and research opportunities to more than 1.4 million visitors each year, is also closed to the public. There is no public access to El Portal Visitor Center, the Yokahu Observation Tower, the picnic shelters, and the 25 miles of trails leading to the iconic waterfalls within the Forest because of the lapse in appropriations.

Furthermore, the territory's four National Wildlife Refuges—Cabo Rojo, Laguna Cartagena, Culebra and Vieques—are all closed to the public as well. These refuges, particularly the beaches contained within the Vieques refuge, are important drivers for the tourism-based economies of the surrounding areas.

Naturally, the shutdown has caused a substantial economic hardship to the local Puerto Rican small businesses that provide interpretative guides and are concessionaires in the National Park, the National Forest and the National Wildlife Refuges.

Mr. Jarvis: I know that you and your colleagues at the Department of the Interior are doing all that you can to manage operations in a situation that is not of your own making. I hope that reason will prevail—and prevail soon. I thank you for the service that you, the men and women

you lead, and indeed all federal employees provide to this nation, including Puerto Rico. I hope all federal employees can return to their respective missions on behalf of the public. And I hope the National Park Service, the U.S. Forest Service, and the U.S. Fish and Wildlife Service receive the resources they need to protect our public lands for future generations.

**GOP asks: Why were national parks shut down, anyway?**

Aamer Madhani, USA TODAY 9:49 a.m. EDT October 16, 2013

**National Park Service director called to testify at joint hearing Wednesday.**



On Oct. 12, Arizona Gov. Jan Brewer announces the reopening of the Grand Canyon in Arizona.(Photo: AP)

**Story Highlights**

- House GOP will hold a hearing on Wednesday on National Park Service actions during shutdown
- The Interior Department agreed last week to allow states to reopen parks if they pay for it
- Republicans say National Park Service has acted arbitrarily in carrying out closures

WASHINGTON — House Republicans plan to take aim at the Obama administration on Wednesday for temporarily shuttering properties managed by the National Park Service during the federal government shutdown, spotlighting what has become an emotional battleground in the grinding impasse.

Interior Department Secretary Sally Jewell agreed last week to allow states to cover the costs of operating the country's 401 Park Service properties. But Republican lawmakers and local community officials in some communities affected by the shutdown are raising questions about why it took 10 days for the Interior Department to agree to such a plan, when a precedent for such arrangements was set during the 1995 and 1996 government shutdown.

The issue will be subject of a joint hearing called by Rep. Darrell Issa, R-Calif., chairman of the House Oversight and Government Reform Committee, and Rep. Doc Hastings, R-Wash., chairman of the House Natural Resources Committee. They plan to quiz National Park Service Director Jonathan Jarvis, who was subpoenaed to testify at the hearing.

The National Park Service made clear ahead of the latest shutdown, which began Oct. 1, that more than 400 national parks and properties would be shuttered as nearly all of the National Park Service employees would face furloughs.

But the NPS quickly found itself facing criticism from Republicans, including Issa and Hastings, who have pointed to the agency setting up barricades at open-air monuments such as the World War II Memorial and placing traffic cones along highway viewing areas outside Mount Rushmore as unnecessary and provocative steps meant to underscore the pain and visibility of the government shutdown.

The Obama administration critics also note that during the second government shutdown of 1995-96, the Interior Department allowed some national parks — including the South Rim of the Grand Canyon — to reopen at the expense of state governments, which were eventually reimbursed when the federal government reopened.

"If they set precedent in 1995-96, why couldn't that precedent be followed today?" said Gregory Bryan, mayor of the town of Tusayan, Ariz., near the Grand Canyon. "I have a hard time believing it took them 10 days to figure out a new policy."

Blake Androff, an Interior Department spokesman, said Tuesday that officials worked quickly to find ways to minimize the pain caused to communities that were feeling the pinch of the park closure caused by the government shutdown.

"After securing the 401 closed national parks and furloughing 20,000 National Park Service employees, the NPS worked expeditiously where possible with extremely limited resources to find temporary and practical solutions to lessen the pain of this shutdown," Androff said.

Bryan, who will testify at Wednesday's hearing, said he and other officials in his community began raising questions on Oct. 1 with the National Park Service superintendent for the Grand Canyon about Tusayan and the state of Arizona covering costs during the shutdown but were told it was against National Park Service policy to reopen national parks with third-party funding. Meanwhile, Tusayan and surrounding communities estimated they were losing hundreds of thousands of dollars each day because of lost tourism.

The town enlisted the help of Rep. Ann Kirkpatrick, D-Ariz., and Republican Sens. John McCain and Jeff Flake, but none were able to get a legal explanation of why NPS was prohibited from using their money to reopen the park. Arizona Republican Gov. Jan Brewer's office said they were also being told that third-party funding could not be used.

But on Oct. 10, the Interior Department announced it would open negotiations with states willing to cover costs of reopening NPS-operated sites. The next day, Arizona, Colorado, New York, South Dakota and Utah all announced they had come to agreements with the Interior Department to reopen NPS-operated properties in their states.

"The administration just wanted the American people to feel the pain of the shutdown in a very visible way," Bryan said.

Anna Eberly, managing director of Claude Moore Colonial Farm in McLean, Va., which is on National Park property but operates independently of the Park Service, said she struggled to get a satisfactory answer for why the service closed the farm for most of the first nine days of the shutdown. The farm was not closed in the 1995-96 shutdowns, she said.

"I don't know if Obama said go and [annoy] the American people," said Eberly, who is also scheduled to testify at Wednesday's hearing. "But there was a shutdown less than 20 years ago. People remember that and what happened then. This situation is just bone-headed."

In a letter to Jarvis on Tuesday, Issa and Sen. Chuck Grassley, R-Iowa, wrote that the "NPS response to the partial government shutdown appears to be ad-hoc, inconsistent, and without sensible guidance to states, local communities and the public at large."

Rep. Peter DeFazio, the top Democrat on the House Natural Resources Committee, accused Republicans of causing "a sideshow" by calling the hearing in the midst of the fiscal crisis and demanding the appearance of Jarvis, who had asked for such a hearing to be delayed until after the shutdown was resolved.

"We are more than two weeks into an unnecessary and irresponsible government shutdown and the same Republican obstructionists that caused the shutdown are threatening the full faith and credit of the United States," he said. "And yet on the eve of this calamity, House Republicans insist on a hearing on park closures."

AP News Archive

## **Annoyed Tourists Shut Out of Monuments \_ Again**

CASSANDRA BURRELL, Associated Press  
Dec. 16, 1995 6:15 PM ET

WASHINGTON (AP) \_ Annoyed tourists were turned away from the White House and locked out of the Washington Monument's parking lot Saturday after parts of the government shut down for the second time in five weeks.

President Clinton was on the minds of some visitors as they rushed around Smithsonian Institution exhibits shortly before museums closed prematurely about noon.

"You can tell Bill it's a big mess. We're very upset," said Hazel Roberts of Chester, England, just before she and a friend dashed into the National Air and Space Museum.

"We're only here for the weekend," moaned her friend, Teresa White, also of Chester. "Today we were going to see the museums and the buildings, but we suddenly found out about ten o'clock that they all shut at noon."

The two had arrived in Washington the night before from New York, and they planned to leave for Orlando, Fla., Sunday.

"They shouldn't shut this down. This is America's history. I mean, people need to know this," said Shannon Del Grosso of Pierre, S.D., as she stared in awe at the huge statue of Abraham Lincoln at the Lincoln Memorial.

Candy Sheehan of Coppell, Texas, her husband and her two young children stopped at the Air and Space Museum for a quick look at the Mercury Friendship 7 spacecraft, the one astronaut John Glenn, now a Democratic senator from Ohio, rode when he became the first American to orbit the earth in February 1962.

The shutdown "spoiled our whole vacation," she said. "We flew in yesterday from Texas, so we didn't get to see any sites on Friday because our flight came in late. So we planned on Saturday to see the sites. ... We're leaving here tomorrow."

Tourists were free to wander the halls of the Capitol, touch the walls of the Vietnam Memorial and climb the steps of the Lincoln Memorial to read the Gettysburg Address \_ those and other similar sites don't require supervision by federal employees.

But the White House was closed, unfortunately, for Jeffrey Pellegrini of Graham, Wash., who braved a chilly, early morning rain to visit the Lincoln Memorial instead.

"We drove by it," he said. "We planned a nice day down here and it really got messed up very badly. ... We flew three thousand miles to see less than what we planned."

Around the country, the park service's historic homes, monuments and national parks closed. Some large parks remained accessible, but without the usual visitor's services.

The Grand Canyon National Park in Arizona remained open, thanks to \$211,500 authorized by the state parks board.

In Baltimore, the historic fort that inspired Francis Scott Key to write "The Star Spangled Banner" closed early Saturday afternoon, interrupting the tours of more than a dozen visitors.

The Fort McHenry National Monument opened two hours late Saturday morning while park rangers awaited word on whether they would be able to operate for the weekend, said Hugh Manar, a park ranger.

That word came shortly before 2 p.m. All but two of the park's six workers were sent home, Manar said.

"I personally enjoy my job and enjoy working with the public and helping them enjoy their visits," Manar said. "I'm not doing the part of the job that I enjoy doing."

In Kill Devil Hills, N.C., officials said an annual celebration of the first powered flight will go on as scheduled Sunday at the Wright Brothers National Memorial despite the shutdown.

Park managers decided the commemoration of the 92nd anniversary of the brothers' flight was too important, said Mary Doll, a park ranger at the memorial.

The majority of National Service Park employees are working the last few hours of their regular shifts on Sunday before beginning their furloughs, said Russell Berry, the park superintendent. Any other costs will be picked up by several organizations that support the memorial, Berry said.



Office of the Director

## United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240

### National Park System Closure Determination and Notice

Pursuant to 36 C.F.R. § 1.5, effective at 12:01 a.m. on October 1, 2013, all units of the National Park System nationwide are closed to public visitation and use, subject to the conditions and exceptions described below. This national closure determination and notice is necessitated by a lapse in funds appropriated by the United States Congress for the operation of the National Park System and will remain in effect until funding is restored. The period of time during which appropriated funds are not available may be referred to in this determination and notice as the “shutdown period.”

Under 36 C.F.R. § 1.5(a) this national closure determination and notice is necessary to maintain public health and safety in units of the National Park System and to protect park resources and values during the shutdown period. Consistent with the Department of the Interior Contingency Plan, available at [www.doi.gov/shutdown](http://www.doi.gov/shutdown), only a relatively small number of “excepted personnel” will be on duty during the shutdown period. Those personnel are not sufficient to provide a full range of visitor services. Therefore, in light of the shutdown and Contingency Plan, measures less restrictive than a national closure will not suffice to maintain public health and safety and to protect park resources and values. The lapse in appropriated funds qualifies as an “emergency” under 36 C.F.R. § 1.5(b); therefore, this determination and notice does not require special rulemaking.

#### Condition and Exceptions:

1. National Park Service personnel who have been identified as excepted will continue to report for duty in accordance with the National Park Service Contingency Plan and as directed by their supervisors.
2. Members of the public who are currently visiting a unit of the National Park System and not staying overnight in the park must vacate the park immediately. All day-use concession-operated visitor services and facilities are to be closed immediately. Exceptions may be granted by superintendents only if a facility is deemed essential for health or safety purposes.
3. Subject to paragraph 6 below, members of the public who are currently visiting a unit of the national park system and staying overnight either in a National Park Service-operated campground or a concessioner-operated facility in the park must vacate the park by 6:00 p.m. EDT on October 3, 2013.
4. Subject to paragraph 6 below, National Park Service concessioners must suspend their operations in overnight accommodations by 6:00 p.m. EDT on October 3, 2013.
5. Subject to paragraph 6 below, holders of National Park Service commercial use authorizations must immediately cease their in-park operations.

6. The deadlines announced above do not apply to members of the public, concessioners, and holders of commercial use authorizations who are on multi-day backcountry trips that cannot be safely terminated before the end of the trip. Those individuals may continue and complete their multi-day backcountry trips in accordance with their approved permit or plan. Those individuals then must vacate the park within 12 hours after the completion of their trip.

7. This closure determination and notice does not apply to private owners of interests in real property located within the exterior boundaries of units of the National Park System. Park superintendents will continue to allow such owners reasonable access to their private property.

8. This closure determination and notice does not apply to roads that pass through units of the National Park System and provide primary access between points located outside of the parks. Members of the public may continue to use those roads during the shutdown period. However, superintendents may not expend any appropriated funds to maintain or repair those roads. Moreover, superintendents may close those roads, or portions of those roads, in accordance with 36 C.F.R. § 1.5, if such closure is warranted by weather, poor road conditions, or other circumstances.

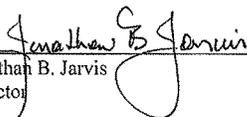
9. All previously issued permits for special events scheduled to occur in units of the National Park System during the shutdown period are hereby cancelled. At the end of the shutdown period holders of cancelled permits may apply for a new permit. Except as provided in paragraph 10 below, all closed areas of the National Park System are also closed to First Amendment activities during the shutdown period, and any previously issued permits for First Amendment activities are hereby cancelled.

10. This closure determination and notice does not apply to First Amendment activities in the National Mall and Memorial Parks and areas administered by the NPS Liaison to the White House in Washington, D.C., and Independence National Historical Park in Philadelphia, Pennsylvania. Persons may continue to conduct First Amendment activities in these units in accordance with existing regulations.

11. Each park superintendent must take reasonable measures to comply with 36 C.F.R. § 1.7 and to provide adequate public notice of this national closure determination and notice.

12. This national closure determination and notice will expire automatically at the end of the shutdown period.

13. Violation of this national closure determination and notice is prohibited.

  
\_\_\_\_\_  
Jonathan B. Jarvis  
Director

October 1, 2013  
Date



*Cummings for  
the record  
10/16/13  
1 of 3*

**VADM Norbert R. Ryan, Jr. USN (Ret)**  
*President*

October 15, 2013

The Honorable Elijah E. Cummings  
Ranking Member  
House Committee on Oversight and Government Reform  
2471 Rayburn House Office Building  
Washington, DC 20515

Dear Ranking Member Cummings:

Since its founding in 1929 the Military Officers Association of America has steadfastly supported a strong national defense. We do that primarily by supporting our men and women in uniform, their families, veterans and survivors.

I write to you today on behalf of our more than 380,000 members to express MOAA's grave concern over the government shutdown.

The shutdown is already having an adverse impact on the morale and welfare of the armed forces and their families, and a grave sense of uncertainty in the chain of command is beginning to eat at the fabric of our fighting forces. We are a nation at war and our servicemembers and their families deserve better.

Veterans and their families, too, are experiencing reductions in certain services. Even though VA health care continues uninterrupted under advance appropriations, other services have been suspended or severely cut back including veteran outreach programs, counseling for wounded warriors and student-vets on campus among others.

Should the Shutdown extend into late October, funding will run out for the VA to pay earned benefits for our disabled warriors and their survivors, and new GI Bill benefits will be suspended for our returning troops. I am sure you agree that that is unacceptable. MOAA proudly maintains its non-partisan status as a 501(c)(19) veterans organization. We offer no specific recommendations on how to resolve the impasse over funding our government.

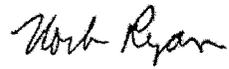
But we feel very strongly that you must take action now to restore government funding. The risk to the readiness of our armed forces – especially to the morale and well-being of the 1% of our citizenry who are defending the other 99% -- is too great to delay an agreement only because of political differences.

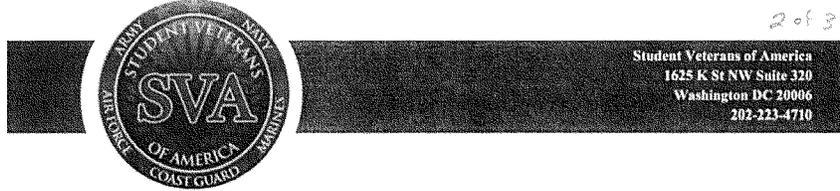
201 N. Washington Street  
Alexandria, VA 22314-2539  
800.234.6622 phone  
www.moaa.org

Our military's ongoing operations in Afghanistan and enormous instability throughout the Middle East and other parts of the world point to the reality that our forces must be ready today and tomorrow to do the nation's bidding. That readiness is at risk if our Congressional leaders fail to step up and do what they were elected to do.

MOAA strongly recommends that you rise above partisan differences and resolve to do what is right for the country – the troops are watching and are expecting you to lead.

Sincerely,

A handwritten signature in black ink that reads "Mark Ryan". The signature is written in a cursive, slightly slanted style.



STATEMENT OF  
D. WAYNE ROBINSON  
EXECUTIVE DIRECTOR  
STUDENT VETERANS OF AMERICA

BEFORE THE  
  
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES

“AS DIFFICULT AS POSSIBLE:  
THE NATIONAL PARK SERVICE’S IMPLEMENTATION  
OF THE GOVERNMENT SHUTDOWN”

OCTOBER 16, 2013



Chairman Issa, Ranking Member Cummings, and distinguished members of the Committee,

Thank you for inviting Student Veterans of America (SVA) to submit written testimony regarding the government shutdown and its effect on our constituents across the country.

SVA is the largest and only national association of military veterans in higher education. Our mission is to provide military veterans with the resources, support, and advocacy needed to succeed in higher education and after graduation. We currently have over 900 chapters, or student veteran organizations, at colleges and universities in all 50 states that assist veterans in their transition to and through higher education.

The current government shutdown has created an overwhelming sense of uncertainty for student veterans. With the Department of Veterans Affairs' resources like the GI Bill Hotline unavailable, many veterans are wondering whether or not they'll be able to pay next month's rent or even have GI Bill benefits to remain enrolled in school. This is not a climate conducive to success in the classroom.

It is clear that educating our servicemembers, veterans, and military families has once again taken a back seat to politics. Because of the government shutdown, the DOD again cut the Tuition Assistance Program, which SVA, the American Legion, and VFW adamantly fought to have reinstated during sequestration.

Based on Secretary Shinseki's testimony to the House Veterans Affairs Committee on October 09, one thing is clear: "If the shutdown continues, education benefits and living stipends under our GI Bill program will stop for over 500,000 veterans and servicemembers." This catastrophic result would likely begin in November.

Nune Perez, a chapter leader at West Texas A&M Veterans Network says, "Come November 1<sup>st</sup>, about 50% of veterans on our campus will be unable to provide food for their families and put gas in their cars; they'll have to drop out." A call-to-action to his congressman, a meeting with university leadership, and a voice on his campus' Veteran's Consortium are all part of the work Perez is doing to keep his vets on their feet. "I will do everything in my power to take care of my guys. We're brothers, I can't abandon them."

As the government shutdown wears on, the effects are being felt by student veterans all over the country. It is the responsibility of Congress to put aside partisan politics and come to an agreement so that the government can provide those who have served, their families, and their survivors the benefits they have earned to enable their continued success after service.

Thank you Chairman Issa, Ranking Member Cummings, and distinguished members of the Committee for allowing Student Veterans of America to present our views on the current state of the government and its effects on our constituents.



**Ed Mitchell**  
**Blount County Mayor**  
 341 Court Street  
 Maryville, TN 37804-5906  
 Telephone 865-273-5700  
 Fax 865-273-5705



### Mayor Ed Mitchell Statement - October 14, 2013

Our Blount County elected officials and community leaders have joined together in hopes that our federal government can work with us to open the most visited National Park in the United States.

We, in Blount County, Tennessee, along with our neighbors in Sevier County, are willing to step up and maintain access to this National treasure.

Most of you may not realize that 28% of Blount County is in the National Park. It is a part of us and we are a part of it. Many Blount County businesses and citizens rely on the Park visitors for their livelihood. By closing the Great Smoky Mountains National Park, we are depriving our citizens and crippling Blount County businesses. We are 8<sup>th</sup> in the state for economic impact on tourism with \$76 Million annually in payroll tax and \$10.5 million in local sales tax. The ripple effect of this Government shutdown is immeasurable.

Additionally, the Foothills Parkway located in National Park is used by public school transportation systems to access private homes located in a remote area of the County between the Parkway and the Park. Closing this Parkway for local public vehicles and school buses denies safe travel and emergency services to these property owners.

75 years ago Blount Countians sacrificed their homesteads, packed up and moved out for the people of this country to enjoy America's most-visited National Park. And now residents and visitors are met with barriers denying them access. We trust that our Federal Government is concerned with the reality this Government shut-down is creating for our citizens, their business, and their livelihoods.

I have asked the Department of Interior Secretary Sally Jewell to allow Blount County to enter into an agreement that would allow the Park to stay open for traffic at no cost to the Federal Government.

We have nothing but the greatest respect for the National Park Service and particularly the men and women of the Park Service we work with every day, many of whom live in Blount County.

I appreciate the work of our Representative John J. Duncan, Jr. and our Senators Lamar Alexander and Bob Corker. Resolving this matter requires every Representative and Senator to put party politics aside and make decisions that are best for the citizens of all of these United States.

God Bless America.



## BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org

October 3, 2013



Secretary Sally Jewell  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Jewell:

I do not have to describe in detail the magnitude of what the local economy in Blount County stands to lose with the Great Smoky National Park being closed during this Government shutdown.

What would we have to do in Blount County to contract with our National Park Service employees responsible for Cades Cove and the Foothills Parkway? These are two very important areas to the citizens of Blount County.

Is there a possibility that we could pay those employees with local resources and allow Cades Cove and Foothills Parkway to remain open?

If this is not an option, would the Department of Interior and the National Park Service allow us to provide with local resources the security, the emergency services and the overall oversight and supervision required to allow those areas of the National Park in Blount County to be open for tourism.

As this matter is of utmost urgency in Blount County, I look forward to hearing back from you immediately.

With kindest regards,

Ed Mitchell  
Blount County Mayor

/amc

cc: Senator Bob Corker  
Senator Lamar Alexander  
Congressman John Duncan, Jr.  
Mayor Michael Talley, City of Townsend  
Mayor Greg McClain, City of Maryville  
Mayor Mark Johnson, City of Alcoa  
Jerome Moon, Chairman, Blount County Board of Commissioners

**DONATION AGREEMENT**  
Between  
The  
**NATIONAL PARK SERVICE**  
and the  
**STATE OF ARIZONA**

This Donation Agreement (herein "Agreement") is made and entered into between the State of Arizona, acting through its authorized departments and agencies (herein "State"), and the United States of America, acting through the National Park Service of the U.S. Department of the Interior (herein "Service").

WHEREAS, the Grand Canyon National Park (herein "Park") is an international treasure that attracts visitors to Arizona from all over the world and whose spending plays a major role in the economic vitality of the region; and

WHEREAS, the Park is managed and administered by the National Park Service as a unit of the National Park System and is a World Heritage Site; and

WHEREAS, the Service closed the Park in November of 1995 due to the failure of Congress to enact a bill appropriating funds for National Park Service purposes (hereafter, "budgetary shutdown"); and

WHEREAS, the State benefits from keeping the park open, rather than having the park closed again during another period of a budgetary shutdown; and

WHEREAS, the State and the Service wish to enter into a short-term agreement, to address this unique budgetary situation, under which the Service would operate the park, not with appropriated funds, but with funds donated by the State; and

WHEREAS, the State Parks Board is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered in a manner which benefits the State pursuant to such an agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural

features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS, in the event of a full and complete budgetary shutdown, this Agreement is intended to provide the means of continuing public visitation to a designated portion of the Park during the budgetary shutdown period through the donation of funds by the State to the Service; and

WHEREAS, without appropriated funds to operate the Park, the Service is precluded by the Anti-Deficiency Act, 31 U.S.C. § 1341, from undertaking any activities or entering into any arrangements that would have the effect of obligating directly or indirectly federal funds, regardless of amount, that have not yet been made available to the Service through the Interior Department Appropriations Act, except for emergency activities; and

WHEREAS, any operation of the Park, with either appropriated or donated funds, must satisfy the statutory responsibility for insuring visitor safety as well as preserving and protecting Park resources for future generations, consistent with federal law and regulations, 16 U.S.C. §1 et seq., and this responsibility for preserving and protecting park resources is best undertaken by the Service's professional employees, trained in the preservation of

park resources and visitor protection; and

WHEREAS, the Park is a destination park, where many visitors have made long term advance reservations or special arrangements for visiting, and may never again have the opportunity to view this scenic wonder; and

WHEREAS, the Park is uniquely configured, unlike other areas of the National Park System, to facilitate at least a partial use of the South Rim of the Park, even though the visitor experience will be compromised and the resources of the park not fully interpreted; and

WHEREAS, it is the intention of the State and the Service that under the terms of this Agreement the State will make a donation of the funds deemed necessary by the Service to open a designated portion of the Park to visitor use, and the Service will accept and expend the donation in accordance with the terms of this Agreement; and

WHEREAS, there is a public benefit inuring to the State in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable;

NOW THEREFORE, in consideration of the mutual promises of the State and the Service as set forth in this Agreement, the parties do hereby agree as follows:

**Article I. Authority**

A. The Service is statutorily authorized to accept donations that further the purposes and goals of the National Park System, 16 U.S.C. §6, including the acceptance of a donation of funds from the State for the Service to continue operation of the Park during a budgetary shutdown due to lack of appropriated funds.

B. The State has by opinion of the Attorney General of Arizona represented to the Service that it has the legal authority to donate public funds to the Service for the continued operation of the Park, and to indemnify the Service during the budgetary shutdown period.

C. The State acting through:

1. The Arizona State Parks Board, A.R.S. §§ 41-511.03, 41-511.04 and 41-511.05, has adopted appropriate resolutions, which are appended hereto as Exhibit A, and has taken necessary actions to implement these legal authorities in order to provide funding to the Service, and

2. The Department of Administration, A.R.S. § 14-621(A)(3), has made appropriate determinations, which are appended hereto as Exhibit B, to implement these authorities to assure that the United States will be indemnified against any and all claims, judgments, awards and costs, as set forth in this Agreement.

Article II. Statement of Obligations

A. THE NATIONAL PARK SERVICE AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:

1. To accept donations from the State, by electronic transfer, and to deposit the donations in the appropriate donation account in the United States Treasury for use pursuant to this Agreement. The Service will provide necessary account numbers and instructions to effect the electronic transfer.

2. To keep open to public use only the designated portion of the Park identified in this Agreement, and to manage the identified portion in accordance with the Service's legal authorities, policies and guidelines. The Park area to remain open is the Canyon Village Area and access thereto, as designated on a map appended hereto as Exhibit C to this

Agreement (hereinafter "Canyon Village Area").

3. To keep open to the public during the budgetary shutdown period all restaurants and overnight accommodations located in the Canyon Village Area of the Park; provided however, all other concession facilities and operations will be closed.

4. To keep entrance stations open for public information purposes, but to refrain from collecting entrance fees during the shutdown period.

5. To retain full responsibility for the administration of the Park as well as the funds provided by the State pursuant to this Agreement.

**B. THE STATE OF ARIZONA AGREES IN THE EVENT OF A FULL AND COMPLETE BUDGETARY SHUTDOWN:**

1. To provide donations to the Service in the amounts set forth in this Agreement, which the parties agree must provide full funding, other than for emergency personnel, to support all direct and indirect costs incurred or which may be incurred by the Service as a result of keeping open to visitor use those designated portions of Park during a budgetary

shutdown period. The parties agree that the donation amount set forth in this Agreement shall be Seventeen Thousand Six Hundred Twenty Five Dollars (\$17,625.00) per day or any portion thereof.

2. To provide the Service at least twenty-four (24) hours in advance the funds necessary to cover the costs agreed to by the parties to keep open the designated portion of the Park.

3. To indemnify, save and hold harmless, and to provide complete cooperation with, as well as provide such assistance as may be required by the United States, with respect to any and all claims, lawsuits, damages, losses, judgments, workmen's compensation claims, and expenses, including attorney fees and litigation costs, arising out of, or from, or associated in any manner with any omission or activity as a result of the Service keeping open the Park under this Agreement. Provided, however, the State is not liable for any purchases or contracts entered into by the Service prior to the implementation of this Agreement.

Article III. GENERAL TERMS OF AGREEMENT.

A. All areas of the Park other than the Canyon Village Area shall be closed, and the Service will use its best efforts to keep the

visiting public from using all closed areas of the Park, including using the trails within the Park and floating the Colorado River within the Park.

B. Donations to the Service are conditioned upon receipt by the State of confirmation of the existence of a budgetary shutdown, which confirmation will be provided by the Service in writing. Notwithstanding any other provisions of this Agreement to the contrary, none of the obligations of the parties under this Agreement will be effective until the Service provides this notice of budgetary shutdown.

C. The Service will refund to the State only those advanced funds electronically transferred to the Service for a particular day(s) for which appropriated funds have subsequently been made available for that subsequent day(s) by either an annual appropriations for the Service or a bill or joint resolution that continues operations for a temporary period pending the enactment of an annual appropriations act for the Service (i.e., the budgetary shutdown has ended). No refund will be made for donations obligated in whole or in part by the Service.

Article V. KEY OFFICIALS

A. THE KEY CONTACT FOR THE NATIONAL PARK SERVICE IS:

1. Superintendent Robert Arnberger.
2. Deputy Park Superintendent Gary Cummins
3. Chief Ranger or other key official designated by the Service as a closure incident commander.

B. THE KEY CONTACT FOR THE STATE OF ARIZONA IS:

1. Director of the Arizona State Parks Board or his designee.
2. Director of the Arizona Department of Administration or his designee.

Article VII. TERM AND TERMINATION

A. This Agreement is in effect only during the period of budgetary shutdown of the Service and then only on the date notice is filed with the Arizona Secretary of State by the Service under paragraph III.C. of this Agreement, and shall terminate no later than upon enactment into law of either an annual appropriations bill for the Service or a bill or joint resolution that continues the

availability of appropriated funds for the Service for a temporary period pending the enactment of an annual appropriation act for the Service.

B. Notwithstanding the provisions of paragraph A of this Article, this Agreement shall have a term of not more than 30 days from the date of last signature executing this Agreement, and may not be extended except by the written agreement of both parties.

C. If either party fails to observe any of the terms and conditions of this Agreement, the other party may terminate this Agreement for default without any legal process whatsoever by giving one (1) day written notice of termination, effective at the end of the day thereafter. Provided however, except for the first donation, which will be provided by the State to the Service at a time mutually agreed to by the parties, the Agreement will be automatically and immediately terminated if the State fails to make the donation provided for in Article II at least twenty-four (24) hours in advance.

D. The obligations of the State under this Agreement are conditioned upon the availability of funds appropriated and allocated for donation to the Service. If funds are not allocated and available for the continuance of this Agreement, the Agreement shall automatically terminate at the end of the period for which

funds are available. No continuing liability shall accrue to the State in the event of such a termination except for the liability specified in Article II.B.3. for the period that this Agreement was effective. The State shall not be obligated to make any future donations or be liable for any future payments or for any damages as result of termination under this paragraph except for liability specified in Article II.B.3.

E. The Service shall retain all data, books and other records (herein "records") relating to this Agreement for a period of 5 years after termination of the Agreement. All records shall be subject at all reasonable times to inspection and audit by the State for this 5 year period. Upon request the Service shall provide, subject to the privacy requirements of the Administrative Procedures Act, 5 U.S.C. § 551 et seq., the original of any or all such records.

F. The State may, upon written notification to the Service, immediately cancel this Agreement without further obligation or penalty, pursuant to A.R.S. §38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement on behalf of the State or its departments or agencies is an employee or agent of an employee or agent of any other party in any capacity or consultant to any other party to this Agreement. Such cancellation shall be effective when written

notice from the Governor of the State is received by the Service, unless the notice specifies a later time.

G. In case any one or more of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, this Agreement is deemed terminated by the State and the Service.

H. Notwithstanding any other provision of this Agreement to the contrary, the indemnification provisions of paragraph II.B.3. shall survive the term of this Agreement, and shall survive any termination of the Agreement, regardless of the method of termination.

**Article VIII. GENERAL PROVISIONS**

A. This Agreement may be executed in separate counterparts, each of which when so executed shall be deemed an original, and such counterparts together shall constitute one instrument.

B. The parties mutually covenant and agree not to sue each other challenging the legal authority of either the State or the Service to enter into this Agreement, provided nothing herein shall be construed to prevent either party from suing to enforce this Agreement or seeking any other available remedy for breach of this

Agreement.

C. No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

D. For purposes of this Agreement, a day begins at 12:01 a.m. Mountain Standard Time.

E. All terms and conditions with respect to this Agreement are expressly contained herein, and the parties agree that no representative or agent of any party has made any representation or promise with respect to this Agreement not expressly contained herein.

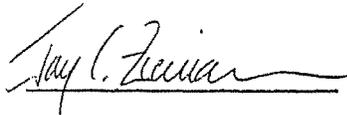
F. The parties agree that clerical and typographical errors contained herein may be corrected upon notice to the other party.

G. This Agreement shall not, nor be deemed nor construed to, confer upon any person or entity, other than the parties hereto, any right or interest, including without limiting the generality of the foregoing, any third party beneficiary status or any right to enforce any provision of this Agreement.

H. This Agreement together with the exhibits hereto, all of which are incorporated into the Agreement by reference, may not be amended or modified in any respect whatsoever, except by an instrument in writing signed by both parties.

Agreed between the parties this

19<sup>th</sup> day of December 1995



Arizona State Parks Board  
State of Arizona



National Park Service  
Department of the Interior

12/15/95 13:41 T TEL:

EXHIBIT A

RESOLUTION BY THE  
ARIZONA STATE PARKS BOARD

WHEREAS, the State Parks Board (hereinafter referred to as "STATE") is authorized to enter into agreements with the federal government for the joint or cooperative protection of areas of natural features, scenic beauty, historical and scientific interest which are located on federal lands within the State if such areas are being administered for the STATE pursuant to an Intergovernmental Agreement; and

WHEREAS, the Grand Canyon National Park is an area of natural features, scenic beauty, historical and scientific interest and a national treasure that attracts visitors to Arizona from all over the world; and

WHEREAS visitors to the Grand Canyon National Park spend approximately \$250 million in Arizona each year, thereby sustaining communities in Northern Arizona and generating approximately \$12.5 million annually in sales tax revenue for the state such that there is a public benefit inuring to the STATE in the operation of the Park and that providing funds to the federal government for the Park's operations is for a public purpose and for valuable consideration that is equitable and reasonable; and

WHEREAS, the Grand Canyon National Park is operated by the National Park Service within United States Department of the Interior (hereinafter referred to as "INTERIOR"); and

WHEREAS, the National Park Service is unable to maintain operation of the Grand Canyon National Park during periods of budgetary shutdown of the federal government due to the lack of either an annual appropriations bill for the period for the INTERIOR and the lack of a bill or joint resolution continuing the availability of appropriations for INTERIOR for a temporary period pending the enactment of such an annual appropriations bill; and

WHEREAS, INTERIOR, through the National Park Service, is authorized to accept monies that further the goals of the National Park System.

NOW, THEREFORE, be it resolved that the Arizona State Parks Board authorizes the Executive Director of Arizona State Parks or his designee to enter into a donation agreement between the National Park Service and the State of Arizona by and through the Arizona State Parks Board.

Be it further resolved by the Arizona State Parks Board that M. Jean Hassell is authorized to sign this resolution on behalf of the Arizona State Parks Board.

DATE 12/15/95

SIGNATURE M. Jean Hassell

12/18/95 MON 18:19 FAX 2022085584  
12/18/88 10:20

019

EXHIBIT B



FIFF SYMINGTON  
Governor

RUDY SERINO  
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

OFFICE OF THE DIRECTOR  
1700 WEST WASHINGTON • ROOM 601  
PHOENIX, ARIZONA 85007

(602) 542-1600

December 15, 1995

Mr. Edward B. Cohen  
Deputy Solicitor  
U. S. Department of the Interior  
1849 C Street, N.W.  
Room 6354  
Washington, D.C. 20240

Dear Mr. Cohen:

I have been made aware of your December 14, 1995, letter to Lisa Hauser of the Governor's Office in which you request a communication from the Department of Administration (DOA) with respect to indemnification. This is to advise you that this office has conferred with the Governor's Office, consulted with the State's insurance broker and reviewed the Attorney General's December 13, 1995 opinion on this issue together with the facts of this situation.

It is our conclusion that the circumstances involved in funding the operation of the Grand Canyon National Park during a period of federal budgetary shutdown are sufficiently compelling to warrant the State's agreement to indemnify the federal government for personal injury and property claims. I believe this commitment has been expressed to you by Ms. Hauser. In addition, this indemnification is covered pursuant to A.R.S. 41-621. Because the federal government's operation of the Grand Canyon National Park benefits the State but the federal government is in a more advantageous position than the State to perform this function under these circumstances, DOA has determined that the federal government may be insured pursuant to A.R.S. 41-621(A)(3). As stated in the Attorney General's December 13th letter to the Governor, this is a determination that DOA is authorized to make and, pursuant to A.R.S. 41-701(B), DOA acts through its Director.

Sincerely,

Rudy Serino  
Director



DARRELL E. ISSA, CALIFORNIA  
CHAIRMAN

JOHN L. MICA, FLORIDA  
MICHAEL R. TURNER, OHIO  
JOHN J. DUNCAN, JR., TENNESSEE  
PATRICK T. McHENRY, NORTH CAROLINA  
JIM JORDAN, OHIO  
JASON CHAFFETZ, UTAH  
TIM WALBERG, MICHIGAN  
JAMES LANKFORD, OKLAHOMA  
JUSTIN AMASH, MICHIGAN  
PAUL A. COSAR, ARIZONA  
PATRICK MEEHAN, PENNSYLVANIA  
SCOTT D. JARVIS, TENNESSEE  
TREY GONDY, SOUTH CAROLINA  
BLAKE FARENTHOLD, TEXAS  
DOC HASTINGS, WASHINGTON  
CYNTHIA M. LUMMIS, WYOMING  
ROB WOODALL, GEORGIA  
THOMAS MASSIE, KENTUCKY  
DOUG COLLINS, GEORGIA  
MARK MEADOWS, NORTH CAROLINA  
KERRY L. BENTIVOLIO, MICHIGAN  
RON DESANTIS, FLORIDA

LAWRENCE J. BRADY  
STAFF DIRECTOR

ONE HUNDRED THIRTEENTH CONGRESS

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

McKENRY (202) 225-5974  
FICHERLE (202) 225-3074  
McKENRY (202) 225-5061  
<http://oversight.house.gov>

ELIJAH E. CUMMINGS, MARYLAND  
RANKING MINORITY MEMBER

CAROLYN B. MALONEY, NEW YORK  
ELEANOR HOLMES NORTON,  
DISTRICT OF COLUMBIA  
JOHN F. TIERNEY, MASSACHUSETTS  
WMA LACY CLAY, MISSOURI  
STEPHEN F. LYNCH, MASSACHUSETTS  
JIM COOPER, TENNESSEE  
GERALD E. CONNOLLY, VIRGINIA  
JACKIE SPECTER, CALIFORNIA  
MATTHEW A. CARTER, PENNSYLVANIA  
MARK POCAN, WISCONSIN  
L. TAMMY DUCKWORTH, ILLINOIS  
DANNY K. DAVIS, ILLINOIS  
PETER WELCH, VERMONT  
TONY CARDENAS, CALIFORNIA  
STEVEN A. NORFORD, NEVADA  
MICHELLE LUJAN GRISHAM, NEW MEXICO

March 27, 2013

The Honorable Jonathan B. Jarvis  
Director  
National Park Service  
1849 C Street, NW  
Washington, DC 20240

Dear Mr. Jarvis:

The Committee on Oversight and Government Reform is conducting oversight of the budget adjustments of federal departments and agencies under sequestration, pursuant to the Budget Control Act of 2011 (P.L. 112-25), as modified by the American Taxpayer Relief Act of 2012 (P.L. 112-240). Allegations that spending reductions at the National Park Service are being driven by politics instead of fiscal prudence have been brought to the Committee's attention. Information has come to light suggesting budget adjustments are being made with the intention of making cuts that will be most visible, and cause the most disruption, to the general public. Any decisions made in this manner would be highly inappropriate and would constitute a violation of the public's trust.

The information shared with the Committee alleges that proposed budget adjustments submitted by an NPS official in the field were rejected by his/her superiors in favor of cuts that would result in obvious hardship or displeasure for the public. If true, this runs contrary to public statements you made recently. Specifically, you stated, "This is a cutback on services across the system, and each of our park superintendents has had to make individual choices of that, and we're seeing those kinds of effects across the entire system."<sup>1</sup> The information brought to the Committee's attention raises the prospect that politicized sequestration adjustments will cause unnecessary inconvenience for NPS visitors.

The American people have a right to know how NPS is prioritizing and spending taxpayer dollars. To help the Committee better understand the facts about NPS's budget modifications, please provide the following information as soon as possible, but no later than noon on April 10, 2013.

1. A list of the names and titles of the individuals at NPS, who submitted, solicited, collected, or evaluated proposals related to the NPS's budget modifications resulting from sequestration.

<sup>1</sup> Geneva Sands, "Q&A with Director of the National Park Service Jonathan B. Jarvis," *The Hill*, March 21, 2013.

The Honorable Jonathan B. Jarvis  
March 27, 2013  
Page 2

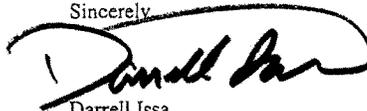
2. All documents that refer to or instruct the NPS on the process by which proposals for budget modifications are to be handled at NPS due to sequestration. All copies of each budget modification and how they were solicited and evaluated.
3. All documents and communications, including handwritten notes, referring or relating to NPS's plans for budget adjustments under sequestration.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. In preparing your answers to these inquiries, please answer each question individually and include the text of each question along with your response.

Should you have any questions, please contact Tyler Grimm of the Committee staff at (202)-225-5074. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Issa", written over a horizontal line.

Darrell Issa  
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

APR 26 2013



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

APR 19 2013

The Honorable Darrell Issa  
Chairman, Committee on Oversight and Government Reform  
House of Representatives  
Washington, DC 20515

Dear Chairman Issa:

Thank you for your letters dated March 27, 2013, to former Secretary Salazar and National Park Service Director Jon Jarvis seeking information and documents related to budget modifications associated with sequestration. I am providing an initial response to your letters and your additional questions from April 10, 2013.

Both former Secretary Salazar and National Park Service (NPS) Director Jon Jarvis received your letters on March 27th. After processing the Committee's letters into the Department of the Interior's (Department) correspondence system, Department and NPS personnel began the process of searching for and collecting information that is potentially responsive to your request. It is my understanding that the collection of information began less than two days after receipt of the letters.

In an effort to accommodate the Committee's oversight interests in the most thorough and expedient manner, a total of over 70 staff from the Office of the Secretary, the National Park Service, and the Office of Assistant Secretary-Policy, Management, and Budget began diligently working to search for and collect potentially responsive information. Each staff member involved in the search was provided with the specific language from your letter for each enumerated request, as well as a copy of your March 27, 2013 letter to assist them in their search for potentially responsive information. Documents found to be responsive to your request are provided to the Office of the Executive Secretariat where they are processed and made available to the Office of the Solicitor for review.

Attached to this letter you will find information provided to me by both the Department and NPS identifying people who were involved in this matter. The Department is continuing to process information responsive to your request. Please do not hesitate to contact me if you have any questions or need additional assistance.

Sincerely,

Jason L. Buckner  
Acting Director, Office of Congressional  
and Legislative Affairs

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

Enclosures

**List of DOI and NPS Employees Who Submitted, Solicited, Collected, or Evaluated  
proposals related to Budget Modifications Related to the Sequester**

Department

Mr. David J. Hayes, Deputy Secretary  
Ms. Rhea Suh, Assistant Secretary – Policy, Management and Budget  
Ms. Pamela Haze, Deputy Assistant Secretary – Budget, Finance, Performance and Acquisition  
Ms. Denise Flanagan, Director, Office of Budget

National Park Service

MR. Jon Jarvis, Director  
Mr. Bruce Sheaffer, Comptroller  
Ms. Christine Lehnertz, Regional Director, Pacific West Region  
Mr. John Wessels, Regional Director, Intermountain Region  
Mr. Michael Reynolds, Regional Director, Midwest Region  
Mr. Dennis Reidenbach, Regional Director, Northeast Region  
Mr. Gordon Wissinger, Acting Regional Director, Southeast Region  
Mr. Steve Whitesell, Regional Director, National Capital Region  
Ms. Sue Masica, Regional Director, Alaska Region

Handwritten  
for the  
record  
10/16/13

**Comments by Alan O'Neill for the October 16<sup>th</sup> Joint House Hearings  
"As Difficult as Possible: The National Park Service Implementation of the Government  
Shutdown"**

I am speaking as a former Superintendent of the Lake Mead National Recreation Area managed by the National Park Service. I was the Superintendent during the last Government shutdown in 1995. I see that the House Oversight and Government Reform Committee and the House Natural Resources Committee are holding a joint hearing on October 16<sup>th</sup>. The Hearing title is: "As Difficult as Possible: The National Park Service Implementation of the Government Shutdown." I think the title tells the story that there is the blame game going on and a witch hunt to make the National Park Service one of the scapegoats in the process. Part of this was precipitated by an anonymous ranger who implied that the National Park Service was asked to make the shutdown "as difficult as possible."

This is farthest from the truth. The National Park Service has never been asked to make things "as difficult as possible." On the contrary, they have been advised to proceed with a light-handed approach, which is why they are issuing verbal and written warnings before issuing citations at Lake Mead. Only several citations have been issued during the present shutdown and for clearly justifiable reasons. The National Park Service understands the hardship and inconvenience this shutdown is causing their employees, concessioners, visitors and community business operators. The closure plan and strategy in this shutdown is no different than the strategy in the last shutdown.

I can't tell you how distasteful it was as a Park Superintendent to have to close the park back in 1995 and I know this is the case today with the Park's present management and staff. Shutting the park down is the worst thing I ever had to do in my National Park Service career. Park personnel and their partners take great pride in providing the visiting public a quality park experience. We got into this business because we loved parks and wanted to part of a great America tradition. We resent being used as political pawns.

Although the shutdown strategy at Lake Mead is similar to what it was in 1995, the conditions surrounding the park are much different which exacerbates the impacts of the closure on the surrounding communities. To use an old proverb, in today's world it takes a "village to raise a child, or in this case a park." Although the National Park Service facilitates the overall management process at the Lake Mead National Recreation Area and has the ultimate responsibility, parks today are in reality co-managed by a plethora of partners and cooperators. Part of this phenomenon was brought on by the fiscal reality in today's world. There are simply not enough budgetary dollars to operate the parks to meet preferred standards. In fact, several independent studies have shown that Lake Mead's appropriated dollars provide less than 50% needed to meet even minimal acceptable standards, not preferred standards. As a result, Lake Mead, as well as other parks, has had to reach out to develop partners and collaborators to help

them do this job. Parks nationwide are now operating in a more interdependent environment with local and regional economies for the betterment of all.

As most of you know, it takes a lot of determination, patience and trust building to develop effective partnerships. Partnerships take time to nurture in order to have successful outcomes. Partnerships are not a one-way proposition - - both sides of a partnership have to see this relationship as a win. What happens during a shutdown is a terrible violation of trust. We all can relate to what happens when we violate trust in our personal relationships. It is difficult to reestablish that trust again and in some cases, impossible. Once the shutdown is over, Congress can go on to the next issue while at the local park level the National Park Service has to deal with the outcomes for a long time, sometimes years. Some of these partnerships end up falling by the wayside with the burden of having to find someone else to fill that void. Finding replacement partnerships is not an easy task.

The 1.5 million acre Lake Mead National Recreation Area is one of the largest units in the National Park System. It is the 5th most visited National Park Service unit at around 7 million visitors per year. Lake Mead contributes more than \$435 million dollars annually to the local and regional economy and provides for some 3,800 jobs. In October, Lake Mead National Recreation Area receives 7% of its annual visitation, or 490,000 people. This averages out to about 15,800 visitors per day. Each day the shutdown is in place, local communities are losing a potential 1 million in tourism spending.

One of the impacts that people don't realize is that relating to special events. Lake Mead hosts several hundred special events each year, some small and some as large as 7,500 people. Since the closure, the park has already had to cancel 7 events with an expected participation of 1,925 participants. There are seven additional events in the next two weeks with 10,263 expected participants. Two of the events, the Ragnar Relay Race and the Pumpkinman Triathlon attract international visitors. Most of these events have been scheduled for months and involved significant time to work out the event parameters. You can imagine the difficulties experienced by the event sponsors and the perception among participants of the National Park Service and the U.S. Government. This is especially baffling to international participants and may sour their willingness to participate and travel to the U.S. in the future.

I talked with one of the Lake Mead concessioners on Friday and they have already had to lay off over 100 employees. Many of these employees live pay check to pay check and now find themselves out of work and unable to pay their bills. The concessioners still have to keep a number of employees on pay role simply to protect their assets. The reports are that they are experiencing some theft and vandalism from their properties. There are also a number of small commercial operators such as those that do canoe and kayak trips down Black Canyon, that are truly struggling to stay afloat and in business.

The park's concessioners and private commercial permittees make financial arrangements with literally dozens of travel operators to help book patrons to their facilities or tours. Many of these patrons may be foreign visitors. When a shutdown occurs and the travel operator is forced to

cancel their client's booking, that travel operator becomes leery about doing business at Lake Mead with that concessioner or permittee in the future.

The shutdown has simply added to an already difficult situation for concessioners and outfitters at Lake Mead with the 11-year drought and lake levels at Lake Mead down over 100 feet. If I remember correctly, for every 1 foot drop vertically, there is on average a 30 feet drop horizontally. That means that some facilities have had to be moved over 3,000 feet, costing millions of dollars. Dramatic fluctuations result in very complicated and expensive challenges to maintain lake access and facilities, many of these costs being borne by the concessioners. I worry about the long-term viability of some of these operations given the cumulative impacts.

My recollection from the 1995 shutdown is that the park experienced some serious vandalism once the park was reopened. I remember the bathroom fixtures in the restrooms at Boulder Beach being trashed with sledge hammers and graffiti in many locations. I think this was a statement of frustration and retribution for the closure. Unfortunately, the blame should not be placed on the National Park Service or the individual park but clearly on the shoulders of Congress that caused the shutdown in the first place. The last thing the National Park Service wants to see is our precious parks closed to the American public.

Alan O'Neill  
Former Superintendent, Lake Mead National Recreation Area  
& Founder of the Outside Las Vegas Foundation

February 28th, 2013

Dear Mr. President and Members of Congress:

We own, operate, and support the restaurants, shops, equipment rentals, motels, gas stations, and other small businesses that provide services to national park visitors. Our businesses and livelihood, and that of our employees and their families, depend on keeping the national parks open and in good condition. Watching the political jockeying in Washington from afar, frankly we are worried about the impact to our businesses. Simply put, even more cuts to national park budgets would be penny wise and pound foolish. Our families and our communities and the nation's economy will suffer without much real fiscal benefit to the federal budget. The fact is national parks produce \$31 billion in economic activity every year. They are fundamental to America's \$646 billion outdoor recreation economy.

Parks help diversify our economies by fueling broader economic development; our communities recruit high-quality entrepreneurs, employers and employees because parks make our region an especially attractive place to put down roots. The economic foundation the national parks provide for our businesses and communities is jeopardized by political maneuvering that leads to more national park budget cuts rather than the investments these important national assets need and deserve. The annual budget of the National Park Service amounts to only 1/14<sup>th</sup> of 1% of the federal budget. Reduced opportunities or public interest in visiting diminished parks mean less business activity, lost jobs, and lower revenue for our communities – hardly what is needed to promote economic recovery.

We are part of the 92 percent of American who, according to a recent bipartisan poll by Hart Research Associates and North Star Opinion Research, believe budgets for the country's most precious scenic, scientifically important, historic and frequently visited places have been cut enough already. As you consider how to make the federal budget adjustments and investments our nation needs, we ask you to help preserve the economic stability of our communities by protecting national park budgets from further cuts. The stark reality is this: reducing park budgets kills jobs.

Sincerely,

45th Parallel Cafe  
 A different perspective, photography  
 A Quiet Place Yoga and Shiatsu  
 A Walk in the Woods  
 Abbe Museum  
 Acadia Air Tours  
 Acadia Bike/Coastal Kayaking Tours  
 Acadia Cottages  
 The Acadia Corporation  
 Acadia National Park Tours  
 Adventure Links at Hemlock Overlook  
 Adventure Out  
 Adventure Spirit Rock+Ice+Alpine Experiences  
 Aerie House & Beach Club  
 Alaska Alpine Adventures

Alaska Wildland Adventures  
 Alexander's Country Inn  
 Alger County Chamber of Commerce  
 AllTrips  
 American Alpine Institute  
 Antelope Point Marina Boat Rentals  
 Arizona Raft Adventures  
 At Home In The Woods Bed & Breakfast  
 Aurora Borealis Designs  
 Aviator Sports and Events Center  
 Bahles of Suttons Bay  
 Ballan Furniture  
 Bar Harbor Book Shop, Inc.  
 Bar Harbor Whale Watch Company  
 Bar W Guest Ranch

Bartletts Gourmet Grill  
 Bass Cottage Inn  
 Becker Photographic  
 Becky Thatcher Designs  
 Belle Hearth Bed and Breakfast  
 Big Balls inc  
 Biggs Construction Service  
 The Birches Acadia Bed & Breakfast and Cottages  
 Black Star Farms  
 Blue Flag USVI  
 The Bonsai Garden  
 Boston's Best Cruises, Inc  
 Brain Storm!  
 The Bridge Gallery  
 Bronco Bobbi's  
 Buhr Electric  
 Bunk House at ZION Bed & Breakfast  
 Calhoun Country Inn  
 Calhoun House Inn & Suites  
 Camp Idlewood  
 Camp Lincoln and Camp Lake Hubert  
 Capri Restaurant  
 Captain Jacks Stronghold Restaurant  
 Castle Gruen Winery  
 Castle Valley Inn  
 Cathy B Designs  
 Cathy Hart Photography  
 Cedar Ridge Farms  
 Certified Guides Cooperative  
 The Chart Room Restaurant  
 CIEE  
 City of Baker, Ca.  
 City of Enumclaw  
 College of the Atlantic  
 Community Chiropractic Health Center  
 CoolWorks.com  
 Coplon Associates  
 The Cornerstone Cabin  
 The Cottage Craftsman  
 Courageous Thinking Inc.  
 Craig Romano Guidebook Author  
 Crossroads Cafe  
 Crown of the Continent Geotourism Council  
 Crystal Creek Construction  
 CTRA-Cooperative Teamwork & Recycling Assistance  
 Cygnus Real Estate  
 Deep Creek Arts  
 Denali National Park Wilderness Centers, Ltd.  
 Denali Park Hotel  
 Desert Trails Bed and Breakfast  
 Dickinson & Wait Craft Gallery  
 Discover Hawaii Tours  
 DNC Yosemite  
 Doe Bay Resort and Retreat  
 Down East Nature Tours  
 Down East Nature Tours  
 Dunleavy and Associates  
 EA Group, LLC  
 The Eagles Lodge Motel  
 Elias Butler Photography  
 Elite Land Tours  
 Ellsworth Self Storage  
 Enerdyne Inc.  
 Enumclaw Area Chamber of Commerce  
 Environmental Artists  
 Evelyn Hill Inc.  
 Everglades Alligator Farm  
 EverGreen Escapes  
 Evergreen Lodge  
 Far Out Expeditions  
 Fields Construction Services, Inc.  
 Fire Island Association  
 The Fish Hook  
 The Fish Hooked  
 Fishtown Charter Service  
 Flagship  
 Fly Fishing the Smokies  
 Friends of Carl Sandburg  
 Friends of Casa Grande Ruins  
 Friends of Virgin Islands National Park  
 Gage County Tourism  
 Garden Wall Inn  
 Gettysburg Tours, Inc  
 Glacier Guides, Inc. & Montana Raft Co.  
 Good Old Books  
 Grand Canyon OARS and Dories  
 Grand Canyon River Guides, Inc.  
 Grand Canyon Whitewater  
 Grandma's Cottage

Graycote Inn  
 GrayLine Polynesian Adventure Tours  
 Great Rivers Greenway District  
 Green Concepts llc.  
 Green Goodness of Leland  
 Green Tortoise  
 Grove Scuba  
 Haleakala Bike Co.  
 Harry S Truman Little White House Museum  
 The Hideout Lodge & Guest Ranch  
 High Adventure Air Charter Guides & Outfitters  
 Historic Half Way House Restaurant  
 Holiday River Expeditions  
 Homestead Bed and Breakfast, Copper Center  
 Hunewill Ranch  
 Hutchins Cottages at Acadia  
 ImprovAcadia  
 Indiana Dunes Tourism  
 International Falls Economic Development  
   Authority  
 International Falls Police  
 International Park Advisors  
 Intrax  
 Isleviwe Motel and Cottages  
 Ivy Manor Inn  
 Jean Lafitte Swamp Tour  
 Jefferson County Convention and Visitors  
   Bureau  
 Jersey Boys Pizzeria  
 John Hall's Alaska  
 Jonathan L Foote & Associates, Architects and  
   Planners  
 Jo's Motel & Organic Deli  
 Joshua Tree Health Foods  
 Joshua Tree Realty  
 Joshua Tree Realty  
 Judy Levin, Realtor  
 KAF Adventures  
 Kalaupapa Rare Adventure  
 Kamp Kohut  
 Kansas Lavender  
 Kerry Satterwhite Yoga  
 Key Largo Marine Tours  
 Kingsleigh Inn B&B  
 Kleiss Gears Inc.  
 Lake Leelanau Narrows Resort  
 Lazedazegetaway  
 Leelanau Cheese Co  
 Leelanau Community Cultural Center  
 Leelanau MedicalBev, LLC  
 Leland Chamber of Commerce  
 Leland Lodge  
 Leland Township, Leelanau County Michigan  
 LHG Marine Inc.  
 LJ Communications, Inc.  
 Lost Creek Ranch  
 Madison Hotel & Gift  
 Maho Bay Camps, Inc  
 Manitou Island Transit  
 Manitou Outfitters  
 Marsha Buhr Design  
 Martha's Leelanau Table  
 McConnell & Associates  
 McKinley Creekside Cabins  
 Michael E. Gordon Photography  
 Michigan Artists Gallery  
 Mineral Lake Lodge  
 Moab Springs Ranch  
 Mom's Stuff Salve  
 Montana Coffee Traders  
 Moorings Inn  
 Moosehorn Resort  
 Mountain Meadows Inn Bed & Breakfast at Mt.  
   Rainier  
 Mountain Trip International, LLC  
 Mts Photography  
 Murdick's Fudge Shoppe  
 National Association of RV Parks and  
   Campgrounds (arvc)  
 National Parks Revealed  
 NeedMoreOutdoors  
 New Wave Rafting Co  
 North Mountain Vineyards  
 O.A.R.S.  
 Oakland Green Farm B & B  
 Olis Trolley Inc  
 OPAS  
 The Outdoor School  
 Paradise Adventure Company  
 Patagonia Area Resource Alliance  
 Perceptions Photography  
 Petersburg Area Regional Tourism

Pictured Rocks Weddings  
 Pikes Peak Alpine School  
 Positively Cleveland  
 Pro Guiding Service  
 The Pumphouse Restaurant  
 R. F. Orchids, Inc.  
 Rainy Lake Houseboats  
 Randj Detailing  
 Red Cliffs Lodge  
 Red Rock Ranch  
 Ricochet Gourmet  
 Ricochet Vintage Wears  
 Ring Lake Ranch  
 The Riverside Inn  
 Robert Is Here, Inc.  
 Rockbridge Vineyard  
 Rocky Mountain Outfitter  
 Rooster Hill Bed & Breakfast  
 Saving Birds Thru Habitat  
 Schnebly Winery  
 Shady Lane Market  
 Shady Oaks Farm Bed and Breakfast  
 Shawnee Canning Company  
 Shepherdstown Pedal & Paddle  
 Shooting Star  
 Sisson's Main Street Specialties  
 Sleeping Bear Surf & Kayak  
 Snakefoot Farm  
 Soda Butte Lodge  
 Sorrel River Ranch Resort & Spa  
 Sorrel River Ranch Resort and Spa  
 Soulfish Outfitters  
 Southwest Harbor Public Library  
 St Croix River Association  
 St. Augustine Eco Tours  
 Statue Cruises  
 Stepping Stone Cabins  
 Steven M. Shermoen Law Office  
 Stonewall Jackson Inn  
 Stray Kat Studios  
 Studio 22  
 Summit Lake Lodge  
 Sunny Cove Sea Kayaking  
 Sweet Cravings Bakery  
 SWI  
 Tacoma Regional CVB  
 Tarpoon Lagoon Dive Center  
 Terrace Motel of Munising, Michigan  
 Theodore Roosevelt Medora Foundation  
 Thera-Wear  
 The Thirsty Whale Tavern  
 Thunderbird Lodge  
 Tiki Hut  
 Town of Cranberry Isles, Maine  
 TRF Concession Specialists of Florida, Inc  
 Trip Hart Law Office  
 Tropical Everglades Visitor Association  
 Trust for the National Mall  
 Tule Lake Chamber of Commerce  
 Two Fish Gallery  
 Uncle Ducky Outdoors  
 USA Raft  
 Valley Forge Convention and Visitors Bureau  
 The Valley Forge Encampment Store  
 Valley View Farm  
 Venture Properties  
 The Village at North Fork  
 Village Cheese Shanty  
 Vilnis & Co. Antiques  
 Visit Topeka Inc.  
 Voyageur Motel  
 Voyageurs National Park Association  
 W. Rainier Economic Development Initiative  
 Wapiti Woolies, Inc  
 Wendell Gilley Museum  
 Western Spirit Cycling  
 Wild Horizons Publishing, Inc.  
 Wild Virginia  
 Wilderness Edge Cabin  
 Wilderness Inquiry  
 Williamsburg Sampler Bed & Breakfast Inn  
 Willow Vineyards  
 XYZ Restaurant  
 Yellowstone Basin Inn  
 Yellowstone Park Service Stations  
 Young Beck LLP  
 Zion Enroute LLC

STATEMENT

To: House Committee on Oversight and Government Reform  
From: Mary Hountalas  
Subject: National Park Service Concession Contract No. CC-GOGA10-98  
Order to Discontinue Operations at The Cliff House, San Francisco

My husband, Dan Hountalas, and I own (our children also have a small interest) Peanut Wagon, Inc. ("PWI"), Concessioner under the above-referenced Concession Contract (the "Contract"), between PWI and United States Department of the Interior, National Park Service ("NPS"). I am also an Officer and Director of PWI and have been directly involved in financial oversight of The Cliff House since NPS purchased the property in 1977.

On October 2, 2013, NPS ordered the shutdown of The Cliff House, and the shutdown order was delivered by the Business Division of the Golden Gate National Recreation Area ("GGNRA"), the NPS office with which we have always conducted our business. At the outset I must clarify that our relationship with the GGNRA personnel has always been cordial, and we believe these people do an excellent job representing the Federal Government. Unfortunately, the shutdown order is national in scope and out of the control of GGNRA.

Under Section 12(a)(2) of the Contract, operations may be suspended by the Secretary of the Interior when necessary to enhance or protect GGNRA resources or visitor enjoyment or safety. In the case of The Cliff House Concession we do not believe that the shutdown (a "suspension" under the Contract) is ". . . necessary for the purpose of enhancing or protecting Area resources or visitor enjoyment or safety."

Under the Contract, all maintenance activities are to be performed by the Concessioner and there are no federal employees (NPS or otherwise) who work on The Cliff House premises. Per the

Operating Plan (Exhibit "G" of the Contract), the Concessioner is responsible for contracting for all necessary services from state, local and private entities with the understanding that no such services will be provided by NPS. Police, fire, gas, electric, data, garbage and other necessary utilities are provided by the City and County of San Francisco and non-federal governmental service providers. In fact, even The Cliff House food and beverage operations are conducted under the auspices of state and local licensing entities, and not the federal government.

In the circumstances of The Cliff House, the budget crisis resulting in the temporary absence of federal funds will not impact our operations. In fact, the shutdown order will in all probability result in a compensable claim under the Contract which would be the interest of neither PWI nor NPS. Moreover, the shutdown order will result in the loss of more than 170 jobs and seriously impact the numerous contractors and vendors who provide services and products to The Cliff House. Furthermore, damage to the reputation of the Concession, the Concessioner and NPS is potentially enormous. An example of this damage to all parties concerned is the forced cancellation of special events required under the shutdown order, in addition to the cancellation of numerous dining reservations. One can only imagine the lingering vitriol rightfully caused to the poor folks who had their wedding reception cancelled this weekend. Finally, the shutdown order will cause direct adverse financial consequences to NPS by the certain reduction in the Franchise Fee payable under the Contract based on the Concessioner's gross revenues, and the possible claims raised above.

All of this will be caused unnecessarily since The Cliff House could continue to operate without direct federal involvement. In recognition of these circumstances, during the budget impasses of the 1990s, under which President Clinton ordered a suspension of federal services which went on for two protracted periods, The Cliff House was allowed to remain open since it was recognized that federal services are not required for its operation.

The Clinton shutdowns occurred in two periods, November 14 through November 19, 1995 and from December 16, 1995 to January 6, 1996, a total of 28 days. A 2010 Congressional Research Service report is an excellent source for the details of the 1995-1996 government shutdowns,

clearly indicating that all sectors of the economy were impacted. With particular reference to the National Park Service, the shutdowns caused the following:

**“Parks/Museums/Monuments.** Closure of 368 National Park Service sites (loss of 7 Million visitors) occurred, with local communities near National Parks losing an estimated \$14.2 Million per day in tourism revenues; and closure of National Museums and Monuments (estimated loss of 2 Million visitors) occurred.”

Recognizing the potential devastation which would be caused (and which in fact was caused) by shutting down Park Service sites, it was apparently decided not to shut down those Park Service concessions which did not require federal personnel or funds to continue their operation.

Based on the above facts and circumstances we decided to reopen The Cliff House on October 7, but unfortunately we were ordered to shut down again at the close of business on October 8. Again, based on our excellent relationship with the local officials at GGNRA, we reluctantly complied. Unfortunately, our further arguments fell on deaf ears at NPS Headquarters in Washington, D.C. In making one last attempt to be allowed to stay open we pointed out that:

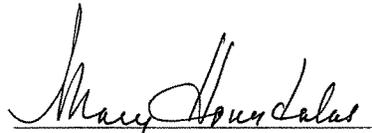
- The shutdown order may cause us irremediable harm since the continuing monthly costs of maintaining the Concession even after laying off most of our staff still exceeds \$300,000.00, and more unfortunately, PWT's insurance carrier of more than 25 years (Fireman's Fund) is refusing to cover the significant business losses by applying a "sovereign acts" exclusion.
- Due to the fact the economy is recovering more in San Francisco than the rest of the country, we believe that the shutdown order will result in a loss of approximately one-half of our employees, who will be forced to seek other employment (and in San Francisco, other employment is available). When the shutdown order is finally lifted, our operation will be crippled, requiring a large injection of capital to perform the Human

Resources work in placing the staff and training the new personnel, not only to our detriment but to the Concession itself and the experience of the local Park visitors.

- There is a “form vs. substance” aspect of the shutdown impacting concessions but not leaseholds. There is a leasehold operation 100 yards north of The Cliff House, Louis’ Restaurant, operated by cousins of my husband, a fact well known to the community in San Francisco, especially regular Park visitors. It is a 10-year leasehold which required considerable improvements to be made by the Lessee (our Concession has a 20-year term and required considerable improvements to be made by the Concessioner). NPS has decreed that Louis’ may remain open while The Cliff House must be closed. From our standpoint and a public relations standpoint in general, we do not understand this “distinction without a difference.”

We remain closed as of today, but hope for some rational thinking which will allow us to reopen. Thank you for your consideration of these matters.

Dated: October 10, 2013

  
Mary Hountalas

N:\CLIENTS\03\0364\018\Statement.docx



ONE CONSTITUTION AVENUE, NE  
 WASHINGTON, DC 20002  
 LOCAL: 202.479.2200  
 TOLL-FREE: 800.809.9448  
 FAX: 202.547.1641

Oct 15, 2013

The Honorable Elijah E. Cummings  
 Ranking Member  
 House Committee on Oversight and Government Reform  
 2471 Rayburn House Office Building  
 Washington, DC 20515

Dear Congressman Cummings:

Reservist and National Guard members are unique veterans. Despite separation from active duty, they continue to serve.

Notwithstanding that the Reserve and Guard make up nearly half of the U.S. defense force, Reserve Component training has been unwisely cancelled for 1.1 million service men and women. Congress has overlooked the need to pay these citizen Soldiers, Marines, Sailors, Airman, and Coast Guardsman for their inactive monthly training, and the Pentagon excludes them from active service even when the "Pay our Military Act" authorizes active duty orders.

I won't suggest the Pentagon's motivation for this, but the policy they publish is out of date with the law and out of date with the realities of our nation's defense needs.

Frustration grows among the Reserve Component population as they are unable to fulfill their mission. In the last 12 years, the Reserve and Guard has been mobilized over 883,000 times, with 330,000 of them having deployed more than once. These men and women also responded to help their fellow citizens during natural and ecological disasters, such as hurricanes, flooding and oil spills. Nearly 50,000 Reserve and Guard are activated today, taking the same risks as active duty service members.

Yet after returning from war or disaster, they see that they are again being overlooked, making them feel that they are second class warriors. This federal government shut down proves to them that they are actually right, as it is unlikely that they will be able to make up lost training time and income, unlike furloughed civilian employees who will likely get retro pay. Our military readiness is being impaired, because Reserve readiness is a perishable commodity, and 1.1 million people in the Reserve force are offended by how they are being treated.

"Not to be overlooked is the rest of the uniformed services, the Public Health Service and the NOAA corps that was totally left out of the "Pay our Military Act." These groups sent individuals into war zones as well, but were totally forgotten.

Sincerely,

A handwritten signature in black ink that reads "Andrew B. Davis". The signature is fluid and cursive.

Andrew B. Davis, Major General, USMC (Ret)  
 National Executive Director

---

**RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES**  
 ARMY • MARINE CORPS • NAVY • AIR FORCE • COAST GUARD • NOAA • USPHS  
 "Serving Those Who Serve"

**Cyclists fined for entering closed federal wildlife refuge**  
**The Victoria Advocate**  
**October 13, 2013**

The government shutdown is taking \$225 from the pockets of Peter and Lyn Bennett, of Rockport, for riding their bicycles in the Aransas National Wildlife Refuge.

"It was only \$100 for that guy caught jogging in Yosemite," said 77-year-old Peter Bennett, a disabled veteran who served 20 years in the U.S. Air Force.

For several years, the Bennetts have enjoyed hauling their bicycles about 30 miles to the refuge in Austwell.

Traffic is limited to visitors hoping to catch a glimpse of Gulf Coast wildlife, so the 16-mile road feels safe, Bennett said.

"We were in T-shirts and bicycle shorts - an old man and old woman on bikes," Bennett said. "It's not like we were threatening."

As the Bennetts rolled through the gate at 2:30 p.m. Oct. 7, a plain-clothed couple in a white truck hauling their personal boat informed them that the park was closed.

Bennett decided to ignore the warning. He figured it didn't matter much because the gate was open.

"I admit I knew the government closed down, but it was so innocent," Bennett said. "I never dreamed there would be armed guards."

The gate was open because the refuge's electricity was turned off before park employees could close the automatic gate.

Bennett peddled ahead of his wife on the familiar path until a truck driven by a gesturing man headed toward them.

"I couldn't hear what he was saying because the windows were rolled up," Bennett said. "But I thought I better get out, so I turned back toward the gate."

The driver turned on his emergency lights and accelerated to block the Bennetts.

"He was agitated and had a pushy attitude," Bennett said. "It's been a long time since someone in a uniform acted that way around me."

Bennett thought he would get a warning or a slap on the wrist.

Instead, the uniformed, armed officer whipped out a form and began writing.

In disbelief, Bennett asked the officer whether he was issuing a citation.

He was.

"How much is that going to cost me?" he asked.

Bennett plans to pay the \$225 fine, but he does not accept it.

The officer had a new attitude when he returned from his truck where he checked the couple's criminal history.

"I guess he learned that we weren't felons," Bennett said. "He came back apologizing."

The officer found that Bennett's wife had abandoned her calm snarl for more aggressive questioning about the overreaction.

"We need an arm, not a strong arm," Bennett said.

The officer was doing his job, but he was not doing it well, Bennett said.

"It's not the best job to carry out - government policy and how poorly it's all done," he added.

The Bennetts said they are upset about the situation created by the government shutdown.

"The refuge is public property, not government property," Bennett said. "We pay for it."

U.S. Rep. Blake Farenthold, who represents Victoria and surrounding counties, intends to bring the incident up at a House Committee on Oversight and Government Reform Subcommittee meeting next week.

"The park service is out of control," Farenthold said. "If they enforce the heavy fines, they should make sure the gates are closed and notice is posted."

However, government employees are caught in tough spots during a government shutdown, Farenthold said.

"We need to ask where the policy comes from, why and whether it is fairly implemented," he said.

Bennett later learned that the couple at the gate were furloughed employees of the refuge attempting to close the gate manually.

"My wife volunteers for the chamber of commerce," Bennett said. "We're nice, innocent, well-meaning, well-intentioned citizens."

Farenthold described the incident as a "World War II Memorial problem in South Texas."



United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUN 27 2014

JUN 02 2014

The Honorable Darrell Issa  
Chairman  
Committee on Oversight and Government Reform  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman,

Enclosed are responses to follow-up questions from the oversight hearing on the government shutdown on October 16, 2013. These responses were prepared by the National Park Service.

Thank you for giving us the opportunity to respond to you on these matters,

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and  
Legislative Affairs

cc: The Honorable Elijah Cummings, Ranking Minority Member  
Committee on Oversight and Government Reform

Enclosure

**Questions for the Record for Jonathan Jarvis, Director  
National Park Service, Department of the Interior**

**United States House of Representatives  
Committee on Oversight and Government Reform  
and Committee on Natural Resources  
Hearing on October 16, 2013**

*Questions from Representative Clay:*

Gateway Arch Cooperative Agreement Questions

In my City of St. Louis, which hosts the Jefferson National Expansion Memorial Park, more commonly known as the Gateway Arch, there are many disappointed tourists, vendors, and Cardinals fans that cannot take the exciting ride to the top of the Arch. However, more importantly, this temporary government shutdown of the National Park Service is leading to a permanent shutdown of the Gateway Arch in St. Louis.

I am speaking of the one of a kind Cooperative Agreement the National Park Service has enjoyed for more than 50 years with the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, which is a public agency created by a congressionally approved Compact between the states of Illinois and Missouri. As a result of this Cooperative Agreement, Bi-State is able to finance the trams that operate in the Arch, the fees derived from the Gateway Arch trams fully cover the operating and maintenance expenses associated with the trams, yet the Arch has been closed since the shutdown. These tram fees are also able to finance the construction of the visitors parking garage at the Memorial Park and provide day-to-day management of the attractions including the theater presentation and admission to the Memorial.

This Cooperative Agreement that facilitated these projects expired on January 1st, 2013. Since January 1st, 2013 there have been not one, but five short-term extensions of the agreement between the National Park Service and Bi-State. The current extension is scheduled to expire on November 30th, 2013.

The Congressional delegation from my state has been working with the National Park Service on this issue for quite some time, however because of this government shutdown these talks have stalled. Without an extension of this Cooperative Agreement and the current closure of the Gateway Arch, funds to operate the Memorial Park are severely diminished and will lead to a permanent shutdown of the Arch.

1. Is a long term extension of the Cooperative Agreement in sight? Will it be ready by the November 30th deadline and if not, why not?

Response: The Cooperative Agreement with Bi-State Development Agency of the Missouri-Illinois Metropolitan District was signed by the Director of the National Park Service on January 28, 2014. Because extensions were provided between November and January, there was no interruption of operations.

2. What is holding up the renewal of the Cooperative Agreement that has been a very beneficial agreement for the National Park Service? How can I assure my constituents that the Gateway Arch will continue to function?

Response: The lengthy renewal process was the result of consideration of numerous changes in Federal laws and regulations since the parties first entered into the agreement in 1962. Now that the Cooperative Agreement has been signed, the continuation of operations is assured.

***Questions from Representative Huffman:***

1. The sequester resulted in the loss of 900 permanent staff and 1,000 seasonal staff in FY13.
  - a. How specifically did the loss in staff impact visitors and natural resource restoration and protection?
  - b. Please list those 1,900 positions.
  - c. Please list any additional positions if any that would be lost in the event of continuing the sequester in FY14.

Response: The NPS depends on dedicated employees to fulfill our mission and provide the high level of service that visitors expect; however, our ability to do that was diminished by the mandatory cuts from sequestration. The across-the-board reduction had widespread impacts at all parks, and all aspects of operations were affected as many critical positions went unfilled. The NPS left more than 1,900 positions unfilled because of the cuts. There were fewer personnel to support natural and cultural resource management, provide interpretive and educational services, protect visitors and employees, and perform critical maintenance. Positions were impacted in different ways: vacant permanent positions were left unfilled, subject-to-furlough and temporary seasonal staff had their tours of duty reduced, and some temporary seasonal personnel were not hired.

With the operating funding provided through the Consolidated Appropriations Act, 2014, for the remainder of fiscal year 2014, we anticipate that the most detrimental effects of sequestration should ease.

2. The US House of Representatives' most recent Interior Appropriations bill sought to cut the park budget by 4% from FY13 levels. Please summarize the projected impacts if those budget levels were enacted into law in terms

of the growth of the deferred maintenance backlog as a result of the construction cut, the threat of incompatible development absent LWCF funds, and other projected impacts.

Response: If appropriations for FY 2014 had been enacted at the House Appropriations subcommittee level, impacts to deferred maintenance and other areas of park operations that we experienced in FY 2013 would have been exacerbated.

In order to merely hold the backlog at a steady level of \$11.5 billion, the NPS would have to spend nearly \$700 million per year on deferred maintenance projects. To place that figure in perspective, the entire operating budget of the NPS in FY 2013 was \$2.1 billion, post-sequestration. NPS prioritizes funding to address the most critical needs in the most critical areas with available funds, and the remaining issues are delayed through partial fixes or “patches” until funding is available. Additional budget reductions will likely cause the maintenance backlog to grow, even with the judicious use of existing funds to address the NPS’s most critical needs.

The Land and Water Conservation Fund provides funds to purchase lands within the park’s authorized boundaries, and supports the administrative costs of the land acquisition program. At the end of FY 2013, there were more than 1.65 million acres of land, valued at \$2.2 billion, within the park units’ boundaries that were identified as threatened or necessary to appropriately support the park’s mission. Funding levels in recent years have annually addressed less than 1% of these lands identified as a priority for acquisition. The threat of incompatible development increases when the National Park Service misses opportunities to acquire these lands.

3. There has been approximately a 70% reduction in the park service construction budget in today’s dollars over the last decade. Please outline the impact of these construction cuts as well as reductions in the operations budget and their role in the growth of the deferred maintenance backlog.

Response: Funding for the NPS Line Item Construction program has varied from year to year, but the general trend in recent years has been one of decline. In FY 2013, funding stood at approximately \$50 million (excluding Hurricane Sandy Supplemental Appropriations). Operations budgets have also experienced reductions recently. In FY 2010, the Operation of the National Park System appropriation stood at \$2.261 billion; the FY 2013 pre-sequester level was \$2.209 billion, and the post-sequester level was \$2.097 billion. When operating funds are reduced, preventive maintenance and smaller rehabilitation projects are often postponed and deferred maintenance increases. Parks across the System have made difficult decisions to prioritize which facilities are repaired and which projects are deferred.

***Questions from Representative Costa:***

1. Director Jarvis, can you please estimate the total cost of the shutdown to NPS in terms of lost fee revenue, salary to furloughed employees who were not on the

job, the increase in deferred maintenance, gaps in scientific data collection and other costs associated with the disruption, ideally as an itemized list?

Response: The government shutdown significantly impacted the operation of the NPS. It resulted in the loss of an estimated \$7.65 million in entrance and campground fee revenue, backcountry permits, boat rentals and other revenue sources. Additionally, although cost information is not available, the shutdown halted important natural, cultural, and scientific research, suspended work on high-priority deferred maintenance projects during the critical shoulder season between peak summer visitation and winter closures, delayed or cancelled community support and involvement, and most importantly, severely impacted National Park Service visitors and employees.

2. Can you please list as thoroughly as is realistically possible the facilities or other portions of parks that are still not open despite the end of the shutdown, because of the sequester and other budget cuts? If not a full list, then at a minimum a series of examples.

Response: Sequestration reductions that began in FY 2013 and the FY 2014 operating level under the continuing resolution have resulted in reduced visitor services and hours of operation at visitor centers, shortened seasons, and the closing of park areas when there is insufficient staff to ensure the protection of visitors, employees, resources and government assets. Examples of sequestration impacts include: Grand Canyon National Park offering fewer interpretive programs, longer lines at the main entrance to the park due to reduced staff at entry stations, and longer waits for backcountry permits; Yosemite National Park reducing visitor center hours and ranger programs; Blue Ridge Parkway closing campgrounds and picnic areas and reducing hours at visitor centers; and Rocky Mountain National Park hiring fewer interpretive rangers, requiring a reduction in the hours of operation of the visitor center, and reducing the number of interpretive programs offered.

3. One of your stated reasons for the need to close all 401 national park units during the shutdown was given the limited staff resources during the shutdown, prudent and practical steps were taken to “secure life and property at these national icons.”
  - a. Can you document a comprehensive list or else specific examples and the associated costs of vandalism in the national park units during the 16 day shutdown?

Response: The National Park Service recorded nearly 100 cases of vandalism, damage to property, and damage to archeological resources during the government shutdown. It is not possible to determine which, if any, of the specific violations were a direct result of the government shutdown. However, a sampling of such incidents include the destruction of solar-powered trail light bollards at Fort Smith National Historic Site, graffiti on a monument at Colonial National Historical Park, and damage to a building at New River Gorge National River. Cost information is not available.

- b. Can you document specific examples and the associated costs to park natural resources impacted by the government shutdown because of trespassers?

Response: The National Park Service recorded over 500 trespassing violations during the government shutdown. No specific examples are available of any of these violations resulting in substantive negative impacts to natural resources. It is not possible to determine which, if any, of the specific violations were a direct result of the government shutdown. However, many of the trespassing violations recorded during this time were associated with acts of civil disobedience related to the government shutdown. Cost information is not available.

- c. Additionally, there are reports of visitor injuries in national parks during the shutdown. Please provide a list of these incidents. What were the associated costs to the National Park Service to attend to these visitors? How many staff would have normally been available at that time to respond to those specific injuries?

Response: The National Park Service recorded 11 search and rescue incidents and nearly 50 requests for medical assistance involving Advanced Life Support during the government shutdown. It is not possible to determine which, if any, of the specific incidents were a direct result of the government shutdown. During this period, and consistent with the Antideficiency Act, the National Park Service retained a core of on-duty employees to ensure health and safety and regularly removed additional employees from furlough to on-duty when needed for emergency response. Cost information is not available.

- 4. H.R. 2775, Continuing Appropriations Resolution 2014, continues sequester spending levels through January 15<sup>th</sup>.
  - a. Please provide a complete list of the impacts incurred by the National Park Service because of the FY13 sequestration. If that is not possible, then please provide 5 - 10 specific examples from national park units throughout the country and a summary of the impacts as well as an explanation as to why there is no centralized database of these impacts.

Response: Sequestration reductions that began in FY 2013 and the FY 2014 operating level under the continuing resolution until the FY 14 appropriations have resulted in reduced visitor services and hours of operation at visitor centers, shortened seasons, and the closing of park areas when there is insufficient staff to ensure the protection of visitors, employees, resources and government assets. Parks deferred filling vacant staff positions and redistributed work to others. This strategy, while essential to living within the immediately reduced budget levels, cannot be sustained in the long term without

compromising all park operating functions. Parks also deferred purchase of supplies and materials, and reduced all non-essential travel and training, although most parks already have minimal expenses in these areas. Finally, most parks reduced or eliminated the hiring of temporary seasonal staff.

There is no central database of these impacts because developing, building and maintaining such a database would be very costly. However, parks were provided with sequestration and planning templates to categorize reductions and impacts. The following examples were compiled from the information submitted by parks:

- Reduced Visitor Access examples:
  - Great Smoky Mountains National Park closed three remote campgrounds and two picnic areas affecting approximately 54,000 visitors as a result of a reduction in seasonal staffing. (Tennessee: Abrams Creek Campground, Look Rock Campground, Look Rock Picnic Area. North Carolina: Balsam Mountain Campground, Balsam Mountain Picnic Area.)
  - Mount Rainier National Park closed the Ohanapecohsh Visitor Center due to reduced staffing, affecting approximately 60,000-85,000 visitors.
  - Minuteman Missile National Historic Site ceased guided tours of the Delta-09 Missile Launch Facility due to staffing shortages, impacting approximately 49,000 visitors.
  - Glacier National Park reduced seasonal hiring at the end of the season resulting in less maintenance, mowing, rock removal, patching, striping, and shoulder dressing along the Going-to-the-Sun Road and other main park roads.
  - Catoctin Mountain Park closed its only visitor center for more than 50% of the time as a result of a seasonal staffing reduction, affecting approximately 40,000 visitors.
  
- Reduced Visitor Services examples:
  - Independence National Historical Park ended walking tours and on May 1, closed six of 14 interpretive sites, including the Declaration House (the site where the Declaration of Independence was drafted by Thomas Jefferson), the New Hall Military Museum, and the Todd House (home of Dolley Madison and her first husband John Todd), affecting approximately 140,000 visitors.
  - Jewel Cave National Monument and Wind Cave National Park, both located in southwestern South Dakota, each discontinued approximately 35% of cave tours daily in the high season.
  - Blue Ridge Parkway cut 21 seasonal interpretive ranger positions, affecting 584,000 visitors and resulting in the closure of ten developed areas (30%), creating a 50-mile distance between open facilities and thereby limiting contacts with park staff in this linear park.
  - Mammoth Cave National Park delayed hiring the park electrician and seven seasonal guides, resulting in closure of the most remote section of cave tours, and eliminating the Grand Avenue Tour and the Snowball Tour. This affected approximately 28,000 visitors.

- Kaloko-Honokohau National Historical Park was unable to repair boundary fences and other damage caused by high winter storm surge. Some trails were closed due to safety concerns, impacting approximately 500 visitors per day.
- Reduced Resource Management examples:
  - Yosemite National Park conducted less frequent trash pickup, had fewer campground staff, and reduced focus on food storage violations, all of which contribute to visitor safety concerns and increased bear mortality rates.
  - Pu'uhonua O Honaunau National Historical Park, Yosemite National Park, and Sleeping Bear Dunes National Lakeshore reported significant (over \$2.5 million) losses of previous investments to control invasive plants. Many invasive species went untreated during the summer when they are most active.
  - At Sleeping Bear Dunes National Lakeshore, one third of the entire Great Lakes population of endangered piping plovers nest in the park. Due to a reduction in seasonal hiring, monitoring and protection of the federally listed species was reduced. Plover chicks and adults are more susceptible to death from human activities, washout, and predation. The park also curtailed follow-up control of the invasive black locust tree.
- b. How will the continued sequester cuts in FY14 differ from the impacts of sequester in FY13? Would impacts be approximately the same as FY13 or greater? Please provide a summary as well as several illustrative examples.

Response: Under P.L. 113-46, Continuing Appropriations Act, 2014, the National Park Service operated at FY13 sequester funding levels through January 17, 2014. Parks continued to spend with prudence in all areas, including deferring replacing vacant staff positions. The widespread impacts of operating with a reduced workforce continued to be felt through diminished resource protection efforts, reduced maintenance and daily janitorial duties, and decreased interpretation, education and other ranger-led programs and services.

The Consolidated Appropriations Act, 2014, provided full year appropriations for FY 2014.