

Congress of the United States

WASHINGTON, DC 20510

November 13, 2013

The Honorable Jon Jarvis
Director, National Park Service
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Director Jarvis:

We write to urge the National Park Service (“Park Service”) to follow past practice and provide a full refund to the State of Arizona (the “State”) for funds made available to temporarily reopen the Grand Canyon National Park (the “Park”) during the recent government shutdown.

As you know, the Park was closed during the 16-day lapse in federal appropriations beginning October 1, 2013, and lasting until October 17, 2013. The resulting federal lockout of Arizona’s premier national park brought unnecessary economic hardship to our State as thousands of visitors were turned away taking with them millions in unspent tourism dollars. Businesses in the Town of Tusayan—the gateway to the South Rim of the Grand Canyon—lost an estimated \$200,000 per day. Some 2,200 employees inside the park—many working minimum-wage food service and hotel jobs—were laid off, and food banks from Phoenix had to rush supplies north to feed them.

Fortunately, the northern Arizona business community rallied together and Arizona Governor Jan Brewer was able to enter into a special arrangement with the Park Service to temporarily reopen the Grand Canyon. Under the terms of that intergovernmental agreement, the State made funds available to cover the cost of operating the Park for five days beginning October 12 through October 16, 2013, for a total of \$465,000. This arrangement is similar to an agreement the Park Service entered into with the State during a portion of the 1995 federal government shutdown. Under the 1995 agreement, the State provided \$370,125 to keep Grand Canyon Village open for 21 days until the federal government reopened on January 6, 1996.

It is worth noting a couple of items about the state-funded reopening during this most recent shutdown. First, the Park Service collected entrance fees while the Park gates were reopened using state funds. This was a stark difference from 1995, when the agreement precluded the Park Service “from collecting entrance fees during the shutdown period.” Second, in the funding resolution that reopened the government (P.L. 113-46), Congress retroactively funded the Park Service for operations during the government shutdown, including the time for which the State advanced funding. In light of these two facts, it is difficult to reasonably

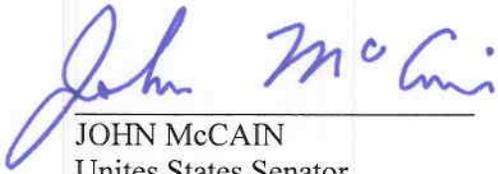
conclude that Congress intended the Park Service to reap a “shutdown windfall” at the States’ expense.

Past experience also suggests that the Park Service has existing authority to refund the State. After the 1995 shutdown, the Park Service ultimately refunded the State for the full amount (\$370,125) it advanced to operate the park. Notably, the 1995 agreement stated that “[n]o refund will be made for donations obligated in whole or in part by the [Park] Service.” The full refund, therefore, appears to indicate that none of the State funds were “obligated” during the 1995 government shutdown. We would like to point out that the 2013 agreement also included a refund clause in which the Park Service committed to “*refund* to the State the unobligated balance of the State-donated funds.”

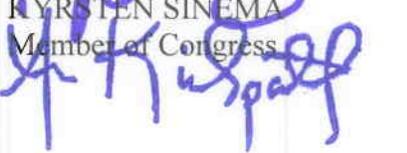
Given steps taken in the past and the retroactive funding that was provided, we believe it is appropriate that the Park Service provide a full refund to states in a similar situation as Arizona. Toward that end, we request you provide responses to the following questions:

1. Do you believe Congress intended to provide a windfall to the Park Service when it enacted the Continuing Appropriations Act of 2014?
2. When drafting the 2013 agreements with Arizona and other states, why did the Park Service include both a reimbursement clause, which was not included in the 1995 agreement, as well as a refund clause?
3. In the case of Arizona, were the non-federal, state-based funds formally obligated? If so, what was the mechanism or instrument that formally obligated those funds?
4. Were those non-federal, state-based funds expended? If so, when were they expended?
5. Under normal circumstances, what would have been the cost out of the Park Service’s budget to operate all of the parks that were opened under agreements like the one Arizona signed? How much in non-federal, state-based funds was made available to the Park Service under agreements like the one Arizona? Has that money been refunded to those states?

Thank you in advance for your prompt consideration of this request and for your timely response. If we determine a legislative solution is necessary, we will work with our colleagues in the House and the Senate to settle this matter, as I am sure you would agree is appropriate, using offsets derived from the Park Service budget.


JOHN McCAIN
Unites States Senator

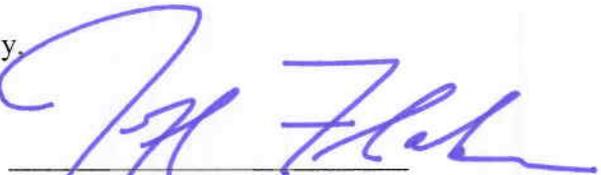

KYRSTEN SINEMA
Member of Congress

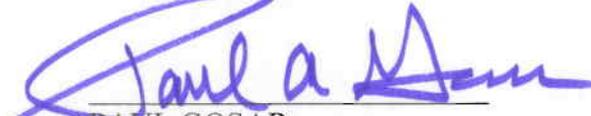

ANN KIRKPATRICK
Member of Congress


RON BARBER
Member of Congress


MATT SALMON
Member of Congress

Sincerely,


JEFF FLAKE
Unites States Senator


PAUL GOSAR
Member of Congress


TRENT FRANKS
Member of Congress


DAVID SCHWEIKERT
Member of Congress