

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1144

To reform and enhance the management of the National Park System, and  
for other purposes.

---

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. MURKOWSKI introduced the following bill; which was read twice and  
referred to the Committee on Energy and Natural Resources

---

## A BILL

To reform and enhance the management of the National  
Park System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Park Service  
5 Enhancement Act”.

6 **TITLE I—CONCESSION REFORM**

7 **SEC. 101. FINDINGS.**

8 In addition to the findings and policy stated in Public  
9 Law 89–249 (79 Stat. 969; 16 U.S.C. 20–20g), entitled  
10 “An Act relating to the establishment of concession poli-

1 cies in the areas administered by the National Park Serv-  
2 ice, and for other purposes” (hereinafter referred to as  
3 the “1965 Act”), the Congress finds that—

4 (1) provision of accommodations, facilities, and  
5 services to the public in units of the National Park  
6 System by concessioners and commercial use con-  
7 tractors, as defined in section 102(a), will be en-  
8 hanced by revising the existing polices and proce-  
9 dures for soliciting proposals for concession and  
10 commercial use contracts, selecting bidders, and  
11 evaluating concession and commercial use oper-  
12 ations;

13 (2) such revisions will result in quality accom-  
14 modations, services, and facilities for public use and  
15 enjoyment at reasonable rates if there are proper in-  
16 centives for capital investment in the construction,  
17 rehabilitation, and maintenance of those facilities  
18 and equipment in the national parks which are for  
19 the primary use of concessioners operating therein  
20 and that such investment should be provided by pri-  
21 vate funds to the maximum extent practicable; and

22 (3) encouragement of such private capital in-  
23 vestment requires that a concessioner be accorded a  
24 compensable possessory interest in such facilities  
25 and equipment.

1 **SEC. 102. AMENDMENTS TO THE 1965 ACT.**

2 (a) DEFINITIONS.—Section 2 of the 1965 Act (Public  
3 Law 89–249, 79 Stat. 969; 16 U.S.C. 20a) is renumbered  
4 as section 3, with the following new section inserted before  
5 it:

6 “SEC. 2. As used in this Act—

7 “(a) ‘bidder’ means a person, corporation, or  
8 other entity who has submitted, or may submit, a  
9 proposal, whether or not such bidder is also the con-  
10 cessioner or commercial use contractor, respecting  
11 the accommodations, facilities, or services which are  
12 the subject of such proposal;

13 “(b) ‘commercial use contractor’ means a per-  
14 son, corporation, or other entity acting under a con-  
15 tract for recurring commercial activities which are  
16 generally initiated and terminated outside the park,  
17 and are not conducted from permanent facilities  
18 within the park: *Provided*, That permanent facilities  
19 do not include cabins, tent platforms, or other simi-  
20 lar structures possessed by commercial use contrac-  
21 tors use in connection with guided or outfitted ac-  
22 tivities;

23 “(c) ‘contract’ means a formal, written agree-  
24 ment between the Secretary and the concessioner or  
25 commercial use contractor to provide accommoda-  
26 tions, facilities, or services at a park;

1           “(d) ‘concessioner’ means a person, corporation,  
2 or other entity operating from permanent facilities  
3 within a park and acting under a contract with the  
4 Secretary;

5           “(e) ‘franchise fee’ means the fee required by a  
6 contract to be paid to the United States, which may  
7 be expressed as, but not required to be, a percentage  
8 of gross receipts derived therefrom, and which shall  
9 be in addition to fees required to be paid to the  
10 United States for the use of federally owned build-  
11 ings or facilities;

12           “(f) ‘park’ means a unit of the National Park  
13 System;

14           “(g) ‘proposal’ means the complete proposal for  
15 a contract offered by a bidder in response to the so-  
16 licitation for such contract issue by the Secretary;

17           “(h) ‘prospectus’ means a document or docu-  
18 ments issued by the Secretary and included with a  
19 solicitation setting forth the minimum requirements  
20 for the award of a contract;

21           “(i) ‘renewal incentive’ means a credit of points  
22 toward the score awarded by the Secretary to a con-  
23 cessioner or commercial use contractor performing  
24 above the satisfactory performance level on such  
25 concessioner’s or commercial use contractor’s pro-

1       posal submitted in response to a solicitation for the  
2       renewal of such contract;

3               “(j) ‘Secretary’ means the Secretary of the In-  
4       terior, unless otherwise noted;

5               “(k) ‘selected bidder’ means the bidder selected  
6       by the Secretary for the award of a concession or  
7       commerical use contract until such bidder becomes  
8       the concessioner or commerical use contractor under  
9       such contract;

10              “(l) ‘solicitation’ means a request by the Sec-  
11       retary for proposals in response to a prospectus; and

12              “(m) ‘sound value’ means the value of any  
13       structure, fixture, or improvement determined upon  
14       the basis of reconstruction cost less depreciation evi-  
15       denced by its condition and prospective serviceability  
16       in comparison with a new unit of like kind, but not  
17       to exceed fair market value.”.

18       (b) Section 3 of the 1965 Act (Public Law 89–249,  
19       79 Stat. 969; 16 U.S.C. 20a), is further amended by strik-  
20       ing “and corporations (hereinafter referred to as ‘conces-  
21       sioners’)” and replacing it with “, corporations and other  
22       entities”.

23       (c) Existing section 3(a) is amended by renumbering  
24       it as section 4(a) and by striking “may” from the first  
25       and second sentences and replacing it with “shall”.

1 (d) Section 3(b) is renumbered as section 4(b).

2 (e) RATES AND CHARGES TO THE PUBLIC.—Section  
3 3(c) of the 1965 Act (Public Law 89–249, 79 Stat. 969;  
4 16 U.S.C. 20b(c)) is renumbered as section 4(c) and  
5 amended to read as follows:

6 “(c) In general, rates and charges to the public shall  
7 be set by the concessioner or commercial use contractor.  
8 A concessioner’s or commercial use contractor’s rates and  
9 charges to the public shall be subject to the approval of  
10 the Secretary only in those instances where the Secretary  
11 determines that sufficient competition for such facilities  
12 and services does not exist within or in close proximity  
13 to the park in which the concessioner or commercial use  
14 contractor operates. In those instances, the contract shall  
15 state that the reasonableness of the concessioner’s or com-  
16 mercial use contractor’s rates and charges to the public  
17 shall be reviewed and approved by the Secretary primarily  
18 by comparison with those rates and charges for facilities  
19 and services of comparable character under similar condi-  
20 tions, with due consideration for length of season, seasonal  
21 variations, average percentage of occupancy, accessibility,  
22 availability and costs of labor and materials, type of pa-  
23 tronage, and other factors deemed significant by the Sec-  
24 retary.”.

1 (f) METHOD OF DETERMINING FRANCHISE FEES.—  
2 Section 3(d) of the 1965 Act (Public Law 89–249, 79  
3 Stat. 969; 16 U.S.C. 20b(d)) is renumbered as section  
4 4(d) and amended to read as follows:

5 “(d) Franchise fees, however stated, shall be fixed at  
6 the time of commencement of the contract as stated in  
7 the selected proposal. The Secretary shall determine the  
8 suggested minimum franchise fee in any prospectus in a  
9 manner that will provide the concessioner or commercial  
10 use contractor with a reasonable opportunity to realize a  
11 profit under the contract taken as a whole, commensurate  
12 with the capital invested and the obligations assumed. The  
13 Secretary may temporarily or permanently reduce fran-  
14 chise fees under a contract if the Secretary determines  
15 that such reduction is equitable under the cir-  
16 cumstances.”.

17 (g) NEW OR ADDITIONAL SERVICES.—Section 4 of  
18 the 1965 Act (Public Law 89–249, 79 Stat. 969; 16  
19 U.S.C. 20c) is renumbered as section 5 and amended by  
20 striking “, other than the concessioner holding a pref-  
21 erential right,” from the last sentence.

22 (h) REPEAL OF EXISTING RENEWAL PREF-  
23 ERENCE.—Section 5 of the 1965 Act (Public Law 89–249,  
24 79 Stat. 969; 16 U.S.C. 20d) is repealed: *Provided*, That  
25 the renewal of contracts entered into before enactment of

1 this title (including the renewal of expired contracts where  
2 the concessioner or commercial use contractor has contin-  
3 ued to operate under a temporary extension) shall be sub-  
4 ject to such section 5 for the first renewal which becomes  
5 effective after the date of enactment of this title.

6 (i) PROTECTION OF CONCESSIONER'S POSSESSORY  
7 INTEREST.—Section 6 of the 1965 Act (Public Law 89-  
8 249, 79 Stat. 969; 16 U.S.C. 20e) is amended by—

9 (1) replacing the fifth sentence with “Just com-  
10 pensation shall be an amount equal to the sound  
11 value of such structure, fixture, or improvement at  
12 the time of taking by the United States or expiration  
13 of the contract.”; and

14 (2) striking the last sentence and designating  
15 the existing text as subsection (a) and by adding the  
16 following subsection (b):

17 “(b) Not less than twelve months before the expira-  
18 tion of any contract which recognizes a possessory inter-  
19 est, if the amount of compensation shall not have pre-  
20 viously been agreed between the Secretary and the conces-  
21 sioner, the concessioner shall submit to the Secretary an  
22 independent appraisal of the sound value of the structures,  
23 fixtures, or improvements in which the concessioner has  
24 an investment interest. Such appraisal must be performed  
25 by an appraiser with significant experience in the ap-

1 praisal of assets similar to those valued thereunder, and  
2 be conducted and dated as of a date not earlier than eight-  
3 een months before the expiration of the concession con-  
4 tract or as of the date of taking, if earlier. In determining  
5 the fair market value of any such structure, fixture, or  
6 improvement which is primarily used for the production  
7 of income, such appraiser shall employ the income ap-  
8 proach to valuation in a manner consistent with the proce-  
9 dures and assumptions then generally employed for similar  
10 income-producing assets by appraisers who are members  
11 of the American Institute of Real Estate Appraisers or  
12 the Society of Real Estate Appraisers: *Provided*, That  
13 such appraisal shall assume a future franchise fee equal  
14 to the average annual franchise fee payable by the conces-  
15 sioner during the term of such concessioner's existing con-  
16 tract. With respect to any structure, fixture, or improve-  
17 ment which is not primarily used for the production of  
18 income, the fair market value shall be equal to the recon-  
19 struction cost of such structure, fixture, or improvement,  
20 less depreciation evidenced by its condition and prospec-  
21 tive serviceability in comparison with a new unit of like  
22 kind. Any structures, fixtures, or improvements acquired  
23 or constructed after the date of such appraisal in which  
24 the concessioner holds an investment interest shall be  
25 deemed to have sound value as of the date of such acquisi-

1 tion or construction equal to the concessioner's original  
2 cost. The amount to be paid to the concessioner for the  
3 concessioner's investment interest on the date of taking  
4 by the United States or at the expiration of the contract  
5 shall equal the appraised sound value or the concessioner's  
6 original cost for newly constructed or acquired structures,  
7 fixtures, or improvements, as applicable, increased by the  
8 percentage increase in the Consumer Price Index—All  
9 Urban Consumers reported by the United States Depart-  
10 ment of Labor from the month including the date of such  
11 appraisal (or the date of construction or acquisition of  
12 structures, fixtures, or improvements acquired or con-  
13 structed after the date of such appraisal) to and including  
14 the month prior to the date of taking by the United States  
15 or expiration of the contract. If the Secretary disagrees  
16 with the appraisal submitted by the concessioner, he may  
17 present the concessioner with an independent appraisal  
18 performed by an appraiser with significant experience in  
19 the appraisal of assets similar to those valued thereunder,  
20 dated as of the same date as the concessioner's appraisal  
21 and prepared in a manner consistent with the manner of  
22 preparation of the concessioner's appraisal, as specified  
23 above, not less than three months after receipt of the con-  
24 cessioner's appraisal. If the concessioner and the Sec-  
25 retary are unable to agree on the sound value of the con-

1 cessioner's possessory interest, the Secretary and the con-  
2 cessioner may agree to direct the Secretary's appraiser  
3 and the concessioner's appraiser to choose a third ap-  
4 praiser, who shall recommend either the concessioner's ap-  
5 praisal or the Secretary's appraisal as the more accurate  
6 appraisal of such sound value to the Secretary. The con-  
7 cessioner shall pay the cost of the concessioner's appraiser  
8 and the United States shall pay the cost of the Secretary's  
9 appraiser, if any. If a third appraiser is selected as pro-  
10 vided above, the cost of such appraiser shall be shared  
11 equally by the concessioner and the United States."

12 (j) TECHNICAL AMENDMENTS.—The 1965 Act (Pub-  
13 lic Law 89–249, 79 Stat. 969; 16 U.S.C. 20) is amended  
14 by renumbering existing sections 7 through 9 as sections  
15 11 through 13 accordingly.

16 (k) COMPETITIVE SELECTION PROCESS, CONTRACTS,  
17 AND PERFORMANCE EVALUATION.—The 1965 Act (Pub-  
18 lic Law 89–249, 79 Stat. 969; 16 U.S.C. 20) is amended  
19 by adding new sections 7, 8, 9, and 10 as follows:

20 "SEC. 7. (a) Except as provided in subsections (b)  
21 and (c), and consistent with the provisions of subsection  
22 (h), any contract entered into pursuant to the National  
23 Park Service Enhancement Act shall be awarded to the  
24 person, corporation or other entity submitting the best  
25 proposal as determined by the Secretary, through a com-

1 petitive selection process. Within one hundred and eighty  
2 days after the date of enactment of the National Park  
3 Service Enhancement Act, the Secretary shall promulgate  
4 appropriate regulations establishing such process. The  
5 regulations shall include provisions for establishing a  
6 method or procedure for the resolution of disputes between  
7 the Secretary and a concessioner or commercial use con-  
8 tractor in those instances where the Secretary has been  
9 unable to meet conditions or requirements or provide such  
10 services, if any, as set forth in a prospectus as described  
11 below.

12       “SEC. 7. (b) The provisions in this Act shall be sub-  
13 ject to any limitation or special provision contained in the  
14 Alaska National Interest Lands Conservation Act (16  
15 U.S.C. 3101 et seq.). Subject to the provisions of section  
16 1307 of the Alaska National Interest Lands Conservation  
17 Act (16 U.S.C. 3197), a priority shall be given to commer-  
18 cial use contractors operating cruise ships (defined as  
19 motor vessels at or over 6,000 gross tonnage (Inter-  
20 national Convention System), providing overnight accom-  
21 modations for all passengers, and operating with itin-  
22 eraries of 3 or more days) who provide tours in Glacier  
23 Bay National Park which originate in Southeast Alaska.

24       “(c) Notwithstanding the provisions of subsection (a),  
25 the Secretary may award on a noncompetitive basis—

1           “(1) a temporary contract for a term of not  
2           more than two years if the Secretary determines  
3           such an award to be necessary in order to avoid  
4           interruption of services to the public at a park, or

5           “(2) a contract which the Secretary estimates  
6           will result in annual gross receipts of no more than  
7           \$2,000,000, if the Secretary determines that con-  
8           tinuity and quality of service, administrative savings,  
9           or the lack of potential bidders do not require the  
10          solicitation of proposals. Prior to making a deter-  
11          mination to award a temporary contract, the Sec-  
12          retary shall take all reasonable and appropriate  
13          steps to consider alternative actions to avoid inter-  
14          ruption of services.

15          “(d) Prior to making a solicitation for a contract,  
16          other than a contract subject to the provisions of sub-  
17          section (c) of this section, the Secretary shall prepare a  
18          prospectus for such solicitation, shall publish a notice of  
19          its availability at least once in such local or national news-  
20          papers or trade publications as the Secretary determines  
21          appropriate, and shall make such prospectus available  
22          upon request to all interested parties. The suggested mini-  
23          mum requirements for such contract, including the mini-  
24          mum suggested fee, which shall provide the selected bidder  
25          with a reasonable opportunity to realize a profit on the

1 selected bidder's operation under the contract; the terms  
2 and conditions of the existing contract awarded for such  
3 park, if any, including all fees and other forms of com-  
4 pensation provided to the United States by the conces-  
5 sioner or commercial use contractor; other authorized fa-  
6 cilities or services which may be included in the proposal;  
7 facilities and services to be provided by the Secretary to  
8 the concessioner or commercial use contractor, if any, in-  
9 cluding, but not limited to, public access, utilities, and  
10 buildings; minimum public services to be offered within a  
11 park by the Secretary, including but not limited to, inter-  
12 pretive programs, campsites, and visitor centers; and such  
13 other information related to the concession operation or  
14 commercial use activity available to the Secretary which  
15 is not privileged or otherwise exempt from disclosure  
16 under Federal law, as the Secretary determines is nec-  
17 essary to allow for the submission of competitive propos-  
18 als.

19       “(e) The Secretary may reject any proposal, notwith-  
20 standing the amount of fees offered, even if such proposal  
21 meets the minimum requirements established by the Sec-  
22 retary, if he determines that the person, corporation, or  
23 entity making such proposal is not qualified, or is likely  
24 to provide unsatisfactory services, or that the proposal is  
25 not sufficiently responsive to the objectives of protecting

1 and preserving park resources and of providing necessary  
2 and appropriate facilities or services to the public at rea-  
3 sonable rates. The Secretary may consider a proposal  
4 made by a bidder which fails to meet the suggested mini-  
5 mum requirements included in the prospectus, but shall  
6 not award a contract to such a bidder if one or more other  
7 proposals have met such minimum requirements unless all  
8 such other proposals are rejected. If all proposals submit-  
9 ted are rejected by the Secretary, he shall establish new  
10 suggested minimum contract requirements and reinitiate  
11 the competitive selection process.

12       “(f) In selecting the best proposal, the Secretary shall  
13 consider the following primary factors: the responsiveness  
14 of the proposal to the objectives of protecting and preserv-  
15 ing park resources, of providing high quality service to the  
16 public, and of providing necessary and appropriate accom-  
17 modations, facilities and services to the public at reason-  
18 able rates; the experience and related background of the  
19 bidder, including, but not limited to, such bidder’s per-  
20 formance and expertise in providing the same or similar  
21 accommodations, facilities or services, in each case taking  
22 into account the experience and related background of any  
23 entities which are affiliated with the bidder; and the finan-  
24 cial capability of the bidder submitting the proposal. The  
25 Secretary may also consider such secondary factors as the

1 Secretary deems appropriate, including the proposed fran-  
2 chise fee: *Provided*, That consideration of revenue to the  
3 United States shall be subordinate to the primary factors  
4 as set forth above.

5       “(g) The Secretary shall submit any proposed con-  
6 tract with anticipated annual gross receipts in excess of  
7 \$5,000,000 or a duration in excess of ten years to the  
8 Committee on Energy and Natural Resources of the  
9 United States Senate and the Committee on Resources of  
10 the United States House of Representatives. The Sec-  
11 retary shall not ratify any such proposed contract until  
12 at least sixty days subsequent to the submission thereof  
13 to both committees.

14       “(h) To provide proper incentives for concessioners  
15 and commercial use contractors to operate in a manner  
16 which exceeds the minimum performance requirements of  
17 the contract, each concessioner or commercial use contrac-  
18 tor who meets the requirements set forth below shall re-  
19 ceive an automatic credit of an additional 10 percent of  
20 the maximum points which are available to be awarded  
21 by the Secretary to any proposal which is submitted in  
22 response to a solicitation for the renewal of such contract  
23 or license. In order to receive this renewal incentive, the  
24 concessioner or commercial use contractor must have re-  
25 ceived a performance rating of ‘good’ pursuant to section

1 9(a) for at least 50 percent of the years of the contract  
2 term and must not have received an unsatisfactory rating  
3 under such contract during any of the five years prior to  
4 the renewal thereof. Concessioners and commercial use  
5 contractors operating under temporary contract, license or  
6 permit extensions granted by the Secretary after expira-  
7 tion of their original contract, license or permit term at  
8 the time of enactment of this section shall retain any re-  
9 newal incentive described above earned under the original  
10 contract.

11 “(i) Notwithstanding the provisions of subsection (h),  
12 the Secretary shall grant a preferential right of renewal  
13 to a commercial use contractor for a contract which pri-  
14 marily authorizes a such contractor to provide outfitting,  
15 guide, river running, or other similar services within a  
16 park, and which the Secretary estimates will have annual  
17 gross revenues of no more than \$1,000,000: *Provided,*  
18 That the commercial use contractor has received a per-  
19 formance rating of ‘good’ pursuant to section 9(a) for at  
20 least 50 percent of the years of the contract term and  
21 must not have received an unsatisfactory rating under  
22 such contract during the any of the five years prior to  
23 the renewal thereof. Commercial use contractors operating  
24 under temporary contract, license or permit extensions  
25 granted by the Secretary after expiration of their original

1 contract, license or permit term at the time of enactment  
2 of this section shall retain any preferential right of re-  
3 newal described above earned under the original contract.

4       “SEC. 8. (a) A contract entered into subsequent to  
5 enactment of the National Park Service Enhancement Act  
6 shall be awarded for a term not to exceed ten years except  
7 that the Secretary may award a contract for a longer  
8 term, not to exceed thirty years, if the Secretary deter-  
9 mines that it is in the public interest. Where a conces-  
10 sioner or commercial use contractor is required to make  
11 substantial investments in structures, fixtures, or improve-  
12 ments in the park, the Secretary shall provide for a con-  
13 tract term that is commensurate with such investments.

14       “(b) No contract may be transferred, assigned, sold,  
15 or otherwise conveyed by a concessioner or commercial use  
16 contractor without prior written notification to, and ap-  
17 proval of, the Secretary, who shall not unreasonably with-  
18 hold or delay such approval but shall not approve the  
19 transfer, assignment, sale, or conveyance of a contract to  
20 any individual, corporation or other entity if the Secretary  
21 determines that—

22               “(1) such individual, corporation or entity is, or  
23       is likely to be, unable to completely satisfy all of the  
24       requirements, terms, and conditions of the contract,  
25       or

1           “(2) such transfer, assignment, sale, or convey-  
2           ance is not consistent with the objectives of protect-  
3           ing and preserving park resources, providing high  
4           quality service to the public, and of providing nec-  
5           essary and appropriate facilities or services to the  
6           public at reasonable rates. If the Secretary decides  
7           to approve a transfer, assignment, sale, or other con-  
8           veyance of a contract with gross receipts for the  
9           most recently completed calendar year in excess of  
10          \$5,000,000, or with a remaining term in excess of  
11          ten years, he shall notify the Committee on Energy  
12          and Natural Resources of the United States Senate  
13          and the Committee on Resources of the United  
14          States House of Representatives of the request, in-  
15          cluding, but not limited to, the names of the parties  
16          involved in the request. The approval by the Sec-  
17          retary shall not take effect until sixty days subse-  
18          quent to the notification of both committees.

19          “(c) A successor concessioner or commercial use con-  
20          tractor to whom a contract has been transferred, assigned,  
21          sold or conveyed shall be entitled to the benefit of any  
22          ‘good’ ratings received by the prior concessioner or com-  
23          mercial use contractor during the term of the contract.

24          “SEC. 9. (a) Within one hundred and eighty days  
25          after the date of enactment of the National Park Service

1 Enhancement Act, the Secretary shall publish regulations  
2 establishing reasonable general standards and criteria for  
3 evaluating the performance of a concessioner or commer-  
4 cial use contractor on its overall operation under a con-  
5 tract which shall provide for ratings of ‘unsatisfactory’,  
6 ‘satisfactory’, and ‘good’. The evaluation regulations shall  
7 address both operational performance and contract com-  
8 pliance and shall identify both positive and negative as-  
9 pects of the operation. The standards and criteria for a  
10 good rating shall require a level of performance which  
11 clearly exceeds the minimum requirements under the con-  
12 tract but which is reasonably attainable by a competent  
13 concessioner or commercial use contractor based upon the  
14 nature of such concessioner’s or commercial use contrac-  
15 tor’s operation. Prior to entering into a contract, the Sec-  
16 retary and selected bidder will jointly develop rating cri-  
17 teria and standards for each rating under the contract,  
18 consistent with such regulations, against which the conces-  
19 sioner or commercial use contractor will be evaluated an-  
20 nually.

21 “(b) The Secretary shall annually conduct an evalua-  
22 tion of each concessioner and commercial use contractor  
23 operating under a contract and shall assign an overall rat-  
24 ing for each concessioner or commercial use contractor for  
25 each year. The procedure for any performance evaluation

1 shall be provided in advance to each concessioner and com-  
2 mercial use contractor, and each shall be entitled to a com-  
3 plete explanation of any rating given. If the Secretary's  
4 performance evaluation for any year results in an unsatis-  
5 factory rating of the concessioner or commercial use con-  
6 tractor, the Secretary shall so notify the concessioner or  
7 commercial use contractor in writing, and shall provide the  
8 concessioner or commercial use contractor with a list of  
9 the minimum requirements necessary to receive a rating  
10 of satisfactory. The Secretary may terminate a contract  
11 if the concessioner or commercial use contractor fails to  
12 correct and meet the minimum requirements identified by  
13 the Secretary within the limitations established by the Sec-  
14 retary at the time notice of the unsatisfactory rating is  
15 provided to the concessioner or commercial use contractor.  
16 If the Secretary terminates a contract pursuant to this  
17 section, the outgoing concessioner may be required to pay  
18 for costs incurred by the Secretary associated with pro-  
19 spectus development and bidder proposal evaluation, as  
20 well as the difference between the new contract's franchise  
21 fee and that paid by the outgoing concessioner, if the new  
22 franchise fee is lower.

23       “(c) The Secretary shall notify the Committee on En-  
24 ergy and Natural Resources of the United States Senate  
25 and the Committee on Resources of the United States

1 House of Representatives of each unsatisfactory rating  
2 and of each contract terminated pursuant to this section.

3       “SEC. 10. Notwithstanding any other provision of  
4 law, each contract awarded by the Department of the Inte-  
5 rior for concessioner or commercial use contractor-pro-  
6 vided visitor services performed in whole or in part of a  
7 State which is not contiguous with another State and has  
8 an unemployment rate in excess of the national average  
9 rate of unemployment as determined by the Secretary of  
10 Labor shall include a provision requiring the concessioner  
11 or commercial use contractor to employ, for the purpose  
12 of performing that portion of the contract in such State  
13 this is not contiguous with another State, individuals who  
14 are residents of such State and who, in the case of any  
15 craft or trade, possess or would be able to acquire prompt-  
16 ly the necessary skills.”.

17 **SEC. 103. ISSUANCE OF CONTRACTS AND NONRECURRING**  
18 **COMMERCIAL/NONRECREATIONAL USE PER-**  
19 **MITS BY OTHER LAND MANAGEMENT AGEN-**  
20 **CIES.**

21       Within two years of the date of enactment of this  
22 title, and to the extent practicable, the Secretary of the  
23 Interior and Secretary of Agriculture shall adopt proce-  
24 dures consistent with those established by this title for the  
25 National Park Service for issuing contracts and non-

1 recurring commercial/nonrecreational use permits as de-  
2 scribed herein for substantially similar services and activi-  
3 ties taking place on Federal lands managed by the United  
4 States Forest Service, Bureau of Land Management, and  
5 United States Fish and Wildlife Service.

6 **TITLE II—NATIONAL PARK FEES**

7 **SEC. 201. FEES.**

8 (a) ADMISSION FEES.—Section 4(a) of the Land and  
9 Water Conservation Fund Act of 1965 (Public Law 88-  
10 578; 16 U.S.C. 4601–6a(a)), as amended, is further  
11 amended as follows:

12 (1) By deleting “fee-free travel areas” and  
13 “lifetime admission permit” from the title of this  
14 section.

15 (2) In the first sentence of paragraph (1)(a)(I),  
16 by striking “\$25” and inserting “\$50”.

17 (3) By inserting at the end of clause (ii) of  
18 paragraph (1)(A) the following: “Such receipts shall  
19 be made available, subject to appropriation, for au-  
20 thorized resource protection, rehabilitation, and con-  
21 servation projects as provided for by subsection (I),  
22 including projects to be carried out by the Public  
23 Land Corps or any other conservation corps pursu-  
24 ant to the Youth Conservation Corps Act of 1970  
25 (16 U.S.C. 1701 and following), or other related

1 programs or authorities, on lands administered by  
2 the Secretary of the Interior and the Secretary of  
3 Agriculture.”.

4 (4) In paragraph (a)(1)(B), by striking “\$15”  
5 and inserting “\$25”.

6 (5) In paragraph (a)(2), by striking the fifth  
7 and sixth sentences, and by amending the fourth  
8 sentence to read as follows: “The fee for a single-  
9 visit permit at any designated area shall be not more  
10 than \$6 per person.”.

11 (6) In paragraph (a)(3), by inserting the word  
12 “Great” in the third sentence before “Smoky”, and  
13 by striking the last sentence.

14 (7) In paragraph (a)(4), by striking the second  
15 sentence in its entirety and inserting in lieu thereof,  
16 “Such permit shall be nontransferable, shall be is-  
17 sued for a one-time charge of \$10, and shall entitle  
18 the permittee to free admission into any area des-  
19 ignated pursuant to this subsection.”.

20 (8) In paragraph (a)(4), by amending the third  
21 sentence to read as follows: “No fees of any kind  
22 shall be collected from any persons who have a right  
23 of access for hunting or fishing privileges under a  
24 specific provision of law or treaty or who are en-

1 gaged in the conduct of official Federal, State, or  
2 local government business.”.

3 (9) In paragraph (a)(5), by striking it in its en-  
4 tirety and insert in lieu thereof: “The Secretary of  
5 the Interior and the Secretary of Agriculture shall  
6 establish procedures providing for the issuance of a  
7 lifetime admission permit to any citizen of, or person  
8 legally domiciled in, the United States, if such citi-  
9 zen or person applies for such permit and is perma-  
10 nently disabled. Such procedures shall assure that  
11 such permit shall be issued only to persons who have  
12 been medically determined to be permanently dis-  
13 abled. Such permit shall be nontransferable, shall be  
14 issued without charge, and shall entitle the permit-  
15 tee and one accompanying individual to general ad-  
16 mission into any area designated pursuant to this  
17 subsection, notwithstanding the method of travel.”.

18 (10) In paragraph (a)(6)(A), by striking the  
19 paragraph in its entirety and inserting in lieu there-  
20 of: “No later than eighteen months after the enact-  
21 ment date of this sentence, the Secretary of the In-  
22 terior shall submit to the Committee on Energy and  
23 Natural Resources of the United States Senate and  
24 the Committee on Resources of the United States  
25 House of Representatives a report on the admission

1 fees proposed to be charged at units of the National  
2 Park System. The report shall include a list of units  
3 of the National Park System and the admission fee  
4 proposed to be charged at each unit. The Secretary  
5 of the Interior shall also identify areas where such  
6 fees are authorized but not collected, including an  
7 explanation of the reasons that such fees are not col-  
8 lected.”.

9 (11) By striking paragraph (a)(9) in its en-  
10 tirety and by renumbering current paragraph (10)  
11 as “(9)”.

12 (12) In paragraph (a)(11), by striking all but  
13 the last sentence and renumbering it as “(a)(10)”.

14 (13) By renumbering paragraph (a)(12) as  
15 “(a)(11)”.

16 (b) RECREATION FEES.—Section 4(b) of the Land and  
17 Water Conservation Fund Act of 1965 (Public Law 88–  
18 578; 16 U.S.C. 460l–6a(b)), as amended, is further  
19 amended as follows:

20 (1) By striking “fees for Golden Age Passport  
21 permittees” from the title.

22 (2) By striking “personal collection of the fee  
23 by an employee or agent of the Federal agency oper-  
24 ating the facility,”.

1           (3) By striking “Any Golden Age Passport per-  
2           mittee, or” and insert in lieu thereof “Any”.

3           (c) CRITERIA, POSTING, AND UNIFORMITY OF  
4 FEES.—Section 4(d) of the Land and Water Conservation  
5 Fund Act of 1965 (Public Law 88–578; 16 U.S.C. 460l–  
6 6a(d)) is amended by deleting from the first sentence,  
7 “recreation fees charged by non-Federal public agencies,”  
8 and inserting in lieu thereof “fees charged by other public  
9 and private entities,”.

10          (d) PENALTY.—Section 4(e) of the Land and Water  
11 Conservation Fund Act of 1965 (Public Law 88–578; 16  
12 U.S.C. 460l–6a(e)) is amended by deleting “of not more  
13 than \$100.” and inserting in lieu thereof, “as provided  
14 by law.”.

15          (e) TECHNICAL AMENDMENTS.—Section 4(h) of the  
16 Land and Water Conservation Fund Act of 1965 (Public  
17 Law 88–578; 16 U.S.C. 460l–6a(h)), as amended, is fur-  
18 ther amended—

19           (1) by striking “Bureau of Outdoor Recreation”  
20           and inserting in lieu thereof, “National Park Serv-  
21           ice”;

22           (2) by striking “Natural” in “Committee on  
23           Natural Resources of the House of Representatives”;  
24           and

1           (3) by striking “Bureau” and inserting in lieu  
2 thereof, “National Park Service”.

3           (f) TIME OF REIMBURSEMENT.—Section 4(k) of the  
4 Land and Water Conservation Fund Act of 1965 (Public  
5 Law 88–578; 16 U.S.C. 460l–6a(k)) is amended by strik-  
6 ing the last sentence in its entirety.

7           (g) CHARGES FOR TRANSPORTATION PROVIDED BY  
8 THE NATIONAL PARK SERVICE.—Section 4(l)(1) of the  
9 Land and Water Conservation Fund Act of 1965 (16  
10 U.S.C. 460l–6a(1)) is amended by striking the word  
11 “viewing” from the section title and inserting in lieu there-  
12 of “visiting”, and by striking the word “view” from the  
13 first sentence of subparagraph (1) and inserting “visit”  
14 in lieu thereof.

15           (h) COMMERCIAL TOUR USE FEES.—Section 4(n) of  
16 the Land and Water Conservation Fund Act of 1965  
17 (Public Law 88–578; 16 U.S.C. 460l–6a(n)), as amended,  
18 is further amended—

19           (1) by striking the first sentence of subsection  
20 (n)(1) and inserting “In the case of each unit of the  
21 National Park System for which an admission fee is  
22 charged under this section, the Secretary of the In-  
23 terior shall establish, by October 1, 1995, a commer-  
24 cial tour use fee in lieu of a per person admission  
25 fee to be imposed on each vehicle entering the unit

1 for the purpose of providing commercial tour serv-  
2 ices within the unit.”.

3 (2) by striking the period at the end of sub-  
4 section (n)(3) and inserting “with written notifica-  
5 tion of such adjustments provided to commercial  
6 tour operators twelve months in advance of imple-  
7 mentation.”.

8 (i) FEES FOR SPECIAL USES.—Section 4 of the Land  
9 and Water Conservation Fund Act of 1965 (Public Law  
10 88–578; 16 U.S.C. 460l–6a), as amended, is further  
11 amended by adding the following at the end thereof:

12 “(o) FEES FOR COMMERCIAL/NONRECREATIONAL  
13 USES.—Using the criteria established in section 4(d) (16  
14 U.S.C. 460l–6a(d)), the Secretary of the Interior shall es-  
15 tablish reasonable fees for nonrecurring commercial or  
16 nonrecreational uses of National Park System units that  
17 require special arrangements, including permits. At a min-  
18 imum, such fees will cover all costs of providing necessary  
19 services associated with such use, except that at the Sec-  
20 retary’s discretion, the Secretary may waive or reduce  
21 such fees in the case of any organization using an area  
22 within the National Park System for activities which fur-  
23 ther the goals of the National Park Service. Receipts equal  
24 to the cost of providing the necessary services associated  
25 with such use may be retained at the park unit in which

1 the use takes place, and remain available to cover such  
2 costs.”.

3 (j) CONFORMING AMENDMENTS.—The following pub-  
4 lic laws shall be amended as described below:

5 (1) Section 3 of Public Law 70–805 (45 Stat.  
6 1300), as amended, is further amended by striking  
7 the last sentence.

8 (2) Section 5(e) of Public Law 87–657 (76  
9 Stat. 540; 16 U.S.C. 459c–5), as amended, is hereby  
10 repealed.

11 (3) Section 3(b) of Public Law 87–750 (76  
12 Stat. 747; 16 U.S.C. 398e(b)) is hereby repealed.

13 (4) Section 4(e) of Public Law 92–589 (86  
14 Stat. 1299; 16 U.S.C. 460bb–3), as amended, is fur-  
15 ther amended by striking the first sentence.

16 (5) Section 6(j) of Public Law 95–348 (92  
17 Stat. 487) is hereby repealed.

18 (6) Section 207 of Public Law 96–199 (94  
19 Stat. 77) is hereby repealed.

20 (7) Section 106 of Public Law 96–287 (94  
21 Stat. 600) is amended by striking the last sentence.

22 (8) Section 5 of Public Law 96–428 (94 Stat.  
23 1843) is hereby repealed.

24 (9) Section 204 of Public Law 96–287 (94  
25 Stat. 601) is amended by striking the last sentence.

1           (10) Public Law 100–55 (101 Stat. 371) is  
2 hereby repealed.

3 **SEC. 202. CHALLENGE COST-SHARE AGREEMENTS.**

4           The Secretary of the Interior is authorized to nego-  
5 tiate and enter into challenge cost-share agreements with  
6 any State or local government, public or private agency,  
7 organization, institution, corporation, individual, or other  
8 entity for the purpose of sharing costs or services in carry-  
9 ing out any authorized functions and responsibilities of the  
10 Secretary with respect to any unit of the National Park  
11 System (as defined in section 2(a) of the Act of August  
12 8, 1953 (16 U.S.C. 1c(a)), any affiliated area, or des-  
13 igned National Scenic or Historic Trail.

14 **SEC. 203. COST RECOVERY FOR DAMAGE TO NATIONAL**  
15 **PARK RESOURCES.**

16           Public Law 101–337 is amended as follows:

17           (1) In section 1 (16 U.S.C. 19jj), by amending  
18 subsection (d) to read as follows:

19           “(d) ‘Park system resource’ means any living or  
20 nonliving resource that is located within the boundaries  
21 of a unit of the National Park System, except for re-  
22 sources owned by a non-Federal entity.”.

23           (2) In section 1 (16 U.S.C. 19jj), by adding at  
24 the end thereof the following:

1 “(g) ‘Marine or aquatic park system resource’ means  
2 any living or non-living resource that is located within or  
3 is a living part of a marine or aquatic regimen within the  
4 boundaries of a unit of the National Park System, except  
5 for resources owned by a non-Federal entity.”.

6 (3) In section 2(b) (16 U.S.C. 19jj-1(b)), by  
7 striking “any park” and inserting in lieu thereof  
8 “any marine or aquatic park”.

9 **TITLE III—SKI AREA PERMITS ON**  
10 **NATIONAL FOREST SYSTEM LANDS**

11 **SEC. 301. FINDINGS AND PURPOSE.**

12 (a) FINDINGS.—The Congress finds that:

13 (1) Although ski areas occupy less than one-  
14 twentieth of 1 percent of National Forest System  
15 lands nationwide, in many rural areas of the United  
16 States, ski areas and investments by ski area per-  
17 mittees on National Forest System lands form the  
18 backbone of the local economy and a preponderance  
19 of the employment base.

20 (2) Ski area operations and their attendant  
21 communities provide revenues to the United States  
22 in the form of permit fees, income taxes, and other  
23 revenues which are extremely significant in propor-  
24 tion to the limited Federal acreage and Forest Serv-

1 ice administration and contractual obligations re-  
2 quired to support such operations.

3 (3) In addition to alpine skiing, many ski area  
4 permittees provide multiseason facilities and en-  
5 hanced access to National Forest System lands, that  
6 result in greater public use and enjoyment of such  
7 lands than would otherwise occur;

8 (4) Unlike many other private sector users of  
9 Federal lands, ski areas in almost all cases assume  
10 the risk to finance, construct, maintain, and market  
11 all recreational facilities and improvements on such  
12 lands.

13 (5) Many ski areas on National Forest System  
14 lands operate in an extremely competitive environ-  
15 ment with similar facilities located on private or  
16 State lands, which requires ski area permittees to  
17 maintain a high level of capital investment to up-  
18 grade existing facilities and install new facilities  
19 (such as lifts, trails, snowmaking and trail grooming  
20 equipment, restaurants, and day care centers) to  
21 serve the public.

22 (6) Despite an outward appearance of economic  
23 well-being resulting from an intensive capital infra-  
24 structure, many ski area operations are marginally  
25 profitable due to the competition and capital invest-

1       ments referred to in paragraph (5), weather condi-  
2       tions, insurance premiums, the national economy,  
3       and other factors beyond the control of the ski area  
4       permittee.

5           (7) Because of the contributions of ski areas to  
6       the economies of the United States and the rural  
7       communities in which they are located, and the en-  
8       hanced use and enjoyment of National Forest Sys-  
9       tem lands resulting from ski areas, it is in the na-  
10      tional interest for the United States, where consist-  
11      ent with national forest management objectives, to  
12      take actions to promote the long-term economic  
13      health and stability of ski areas and associated com-  
14      munities.

15           (8) The National Forest Ski Area Permit Act  
16      of 1986 (U.S.C. 497b) has been of assistance to ski  
17      area operations on National Forest System lands by  
18      providing longer term lease tenure and contractual  
19      stability to ski area permittees, but further adjust-  
20      ments and policy direction are warranted to address  
21      problems related to permit fees and fee calculations  
22      and conflicts with certain mineral activities.

23           (b) PURPOSE.—In light of the findings of subsection  
24      (a), it is the purpose of this title—

1 (1) to legislate a ski area permit fee that re-  
2 turns fair market value to the United States and at  
3 the same time—

4 (A) provides ski area permittees and the  
5 United States with a simplified, consistent, pre-  
6 dictable, and equitable fee formula that is com-  
7 mensurate with long-term planning, financing,  
8 and operational needs of ski areas; and

9 (B) simplifies bookkeeping and other ad-  
10 ministrative burdens on ski area permittees and  
11 Forest Service personnel; and

12 (2) to prevent future conflicts between ski area  
13 operations and mining and mineral leasing programs  
14 by withdrawing lands within ski area permit bound-  
15 aries from the operation of mining and mineral leas-  
16 ing laws.

17 **SEC. 302. SKI AREA PERMIT FEES AND WITHDRAWAL OF**  
18 **SKI AREAS FROM OPERATION OF MINING**  
19 **LAWS.**

20 The National Forest Ski Area Permit Act of 1986  
21 (16 U.S.C. 497b) is amended by adding at the end the  
22 following new sections:

23 **“SEC. 4. SKI AREA PERMIT FEES.**

24 “(a) SKI AREA PERMIT FEE.—After the date of en-  
25 actment of this section, the fee for all ski area permits

1 on National Forest System lands shall be calculated,  
2 charged, and paid only as set forth in subsection (b) in  
3 order to—

4 “(1) return fair market value to the United  
5 States and provide ski area permittees and the Unit-  
6 ed States with a simplified, consistent, predictable,  
7 and equitable permit fee;

8 “(2) simplify administrative, bookkeeping, and  
9 other requirements currently imposed on the Sec-  
10 retary of Agriculture and ski area permittees on na-  
11 tional forest lands; and

12 “(3) save costs associated with the calculation  
13 of ski area permit fees.

14 “(b) METHOD OF CALCULATION.—

15 “(1) DETERMINATION OF ADJUSTED GROSS  
16 REVENUE SUBJECT TO FEE.—The Secretary of Agri-  
17 culture shall calculate the ski area permit fee  
18 (SAPF) to be charged a ski area permittee by first  
19 determining the permittee’s adjusted gross revenue  
20 (AGR) to be subject to the permit fee. The permit-  
21 tee’s adjusted gross revenue (AGR) is equal to the  
22 sum of the following:

23 “(A) The permittee’s gross revenues from  
24 alpine lift ticket and alpine season pass sales  
25 plus revenue from alpine ski school operations

1 (LTA+SSA), with such total multiplied by the  
 2 permittee's slope transport feet percentage  
 3 (STFP) on National Forest System lands.

4 "(B) The permittee's gross revenues from  
 5 Nordic ski use pass sales and Nordic ski school  
 6 operations (LTN+SSN), with such total multi-  
 7 plied by the permittee's percentage (NR) of  
 8 Nordic trails on National Forest System lands.

9 "(C) The permittee's gross revenues from  
 10 ancillary facilities (GRAF) physically located on  
 11 National Forest System lands, including all per-  
 12 mittee or subpermittee lodging, food service,  
 13 rental shops, parking, and other ancillary oper-  
 14 ations.

15 "(2) DEPICTION OF FORMULA.—Utilizing the  
 16 abbreviations indicated in paragraph (1), the cal-  
 17 culation of the adjusted gross revenue (AGR) of a  
 18 ski area permittee is illustrated by the following for-  
 19 mula:

20 "AGR= ((LTA+SSA) x STFP)+ ((LTN+SSN) x  
 21 NR) + GRAF

22 "(3) DETERMINATION OF SKI AREA PERMIT  
 23 FEE.—The Secretary shall determine the ski area  
 24 permit fee (SAPF) to be charged a ski area permit-  
 25 tee by multiplying adjusted gross revenue deter-

1 mined under paragraph (1) for the permittee by the  
2 following percentages for each revenue bracket and  
3 adding the total for each revenue bracket:

4 “(A) 1.5 percent of all adjusted gross reve-  
5 nue below \$3,000,000.

6 “(B) 2.5 percent for adjusted gross reve-  
7 nue between \$3,000,000 and \$15,000,000.

8 “(C) 2.75 percent for adjusted gross reve-  
9 nue between \$15,000,000 and \$50,000,000.

10 “(D) 4.0 percent for the amount of ad-  
11 justed gross revenue that exceeds \$50,000,000.

12 “(4) SLOPE TRANSPORT FEET PERCENTAGE.—

13 In cases where ski areas are only partially located on  
14 National Forest System lands, the slope transport  
15 feet percentage on national forest land referred to in  
16 paragraph (1) is hereby determined to most accu-  
17 rately reflect the percent of an alpine ski area per-  
18 mittee’s total skier service capacity which is located  
19 on National Forest System land. It shall be cal-  
20 culated as generally described in the Forest Service  
21 Manual in effect as of January 1, 1992.

22 “(5) ANNUAL ADJUSTMENT OF ADJUSTED  
23 GROSS REVENUE.—In order to insure that the ski  
24 area permit fee set forth in this subsection remains  
25 fair and equitable to both the United States and ski

1 area permittees, the Secretary shall adjust, on an  
2 annual basis, the adjusted gross revenue figures for  
3 each revenue bracket in subparagraphs (A) through  
4 (D) of paragraph (3) by the percent increase or de-  
5 crease in the national Consumer Price Index for the  
6 preceding calendar year.

7 “(c) MINIMUM RENTAL FEE.—In cases where an  
8 area of National Forest System land is under a ski area  
9 permit but the permittee does not have revenue or sales  
10 qualifying for fee payment pursuant to subsection (a), the  
11 permittee shall pay an annual minimum rental fee of \$2  
12 for each acre of National Forest System land under per-  
13 mit. Rental fees imposed under this subsection shall be  
14 paid at the time specified in subsection (d).

15 “(d) TIME FOR PAYMENT.—Unless otherwise mutu-  
16 ally agreed to by the ski area permittee and the Secretary,  
17 the ski area permit set forth in subsection (b) shall be  
18 paid by the permittee by August 31 of each year and cover  
19 all applicable revenues received during the twelve-month  
20 period ending on June 30 of that year. To simplify book-  
21 keeping and fee calculation burdens on the permittee and  
22 the Forest Service, the Secretary shall no later than  
23 March 15 of each year provide each ski area permittee  
24 with a standardized form and worksheets (including an-

1 nual fee calculation brackets and rates) to be used for fee  
2 calculation and submitted with the fee payment.

3 “(e) EXCLUSION OF REVENUE OBTAINED OUTSIDE  
4 OF NATIONAL FOREST LANDS.—Under no circumstances  
5 shall ski area permittee revenue or subpermittee revenue  
6 (other than lift ticket, area use pass, or ski school sales)  
7 obtained from operations physically located on non-na-  
8 tional forest land be included in the ski area permit fee  
9 calculation

10 “(f) DEFINITIONS.—To simplify bookkeeping and ad-  
11 ministrative burdens on ski area permittees and the For-  
12 est Service, as used in this section, the terms ‘revenue’  
13 and ‘sales’ shall mean actual income from sales. Such  
14 terms shall not include sales of operating equipment, re-  
15 funds, rent paid to the permittee by sublessees, sponsor  
16 contributions to special events or any amounts attrib-  
17 utable to employee gratuities, discounts, complimentary  
18 lift tickets, or other goods or services (except for bartered  
19 goods) for which the permittee does not receive money.

20 “(g) EFFECTIVE DATE FOR FEES.—The ski area  
21 permit fees required by this section shall become effective  
22 on July 1, 1995 and cover receipts retroactive to July 1,  
23 1994. If a ski area permittee has paid fees for the 12-  
24 month period ending on June 30, 1995, under the grad-  
25 uated rate fee system formula in effect prior to the date

1 of the enactment of this section, such fees shall be credited  
2 toward the new ski area permit fee due for that period  
3 under this section.

4 “(h) TRANSITIONAL SKI AREA PERMIT FEES.—

5 “(1) DETERMINATION OF AVERAGE FEES.—In  
6 order to minimize in any one year the effect of con-  
7 verting individual ski areas from the fee system in  
8 existence on the date of enactment of this section to  
9 the ski area permit fee required by subsection (a),  
10 each ski area permittee subject to the new fee shall  
11 determine the permittee’s average existing fees  
12 (AEF) for each year of the three-year period ending  
13 on June 30, 1994, and the permittee’s proforma av-  
14 erage ski area permit fee (ASF) under subsection  
15 (a) for each year of that period. Both (AEF) and  
16 (ASF) shall be determined by adding together the  
17 fee payment made by the ski area or the estimated  
18 payment that would have been paid under subsection  
19 (a) for each year of that period and dividing by  
20 three.

21 “(2) DETERMINATION OF TRANSITIONAL  
22 FEES.—To calculate the ski area permit fee required  
23 by subsection (a) for each year in the five-year pe-  
24 riod ending on June 30, 1999, the Secretary of Ag-  
25 riculture shall divide the ski area permit fee required

1 by subsection (a) by the ASF and then multiply by  
2 the AEF. The resulting fee shall be called the Ad-  
3 justed Base Fee (ABF). After June 30, 1999, all ski  
4 areas will pay the ski area permit fee required by  
5 subsection (a) without regard to previous fees or  
6 rates paid.

7 “(3) EFFECT OF LOW ABF.—Should the ABF  
8 be less than the ski area permit fee required by sub-  
9 section (a), the ski area permittee shall pay the less-  
10 er of the fee required by subsection (a) or the ABF,  
11 which shall be adjusted by multiplying the ABF  
12 by—

13 “(A) 1.1 for the fee required to be paid by  
14 August 31, 1995;

15 “(B) 1.2 for the fee required to be paid by  
16 August 31, 1996;

17 “(C) 1.3 for the fee required to be paid by  
18 August 31, 1997;

19 “(D) 1.4 for the fee required to be paid by  
20 August 31, 1998; and

21 “(E) 1.5 for the fee required to be paid by  
22 August 31, 1999.

23 “(4) EFFECT OF HIGH ABF.—Should the ABF  
24 be greater than the ski area permit fee required by  
25 subsection (a), the ski area permittee shall pay the

1 greater of the fee required by subsection (a) or the  
2 ABF, which shall be adjusted by multiplying the  
3 ABF by—

4 “(A) 0.9 for the fee required to be paid by  
5 August 31, 1995;

6 “(B) 0.8 for the fee required to be paid by  
7 August 31, 1996;

8 “(C) 0.7 for the fee required to be paid by  
9 August 31, 1997;

10 “(D) 0.6 for the fee required to be paid by  
11 August 31, 1998; and

12 “(E) 0.5 for the fee required to be paid by  
13 August 31, 1999.

14 **“SEC. 5. WITHDRAWAL OF SKI AREAS FROM OPERATION OF**  
15 **MINING LAWS.**

16 “Subject to valid existing rights, all lands located  
17 within the boundaries of ski area permits issued prior to,  
18 on, or after the date of enactment of this section pursuant  
19 to the authority of the Act of March 4, 1915 (16 U.S.C.  
20 497), the Act of June 4, 1897 (16 U.S.C. 473 et seq.),  
21 or section 3 of this Act are hereby and henceforth auto-  
22 matically withdrawn from all forms of appropriation under  
23 the mining laws and from disposition under all laws per-  
24 taining to mineral and geothermal leasing and all amend-  
25 ments to such laws. Such withdrawal shall continue for

1 the full term of the permit and any modification,  
2 reissuance, or renewal of the permit. Such withdrawal  
3 shall be canceled automatically upon expiration or other  
4 termination of the permit. Upon cancellation of the with-  
5 drawal, the land shall be automatically restored to all ap-  
6 propriation not otherwise restricted under the public land  
7 laws.”.

8 **SEC. 303. STUDY OF SKI AREAS FOR POTENTIAL SALE.**

9 The Secretary of Agriculture shall conduct a study  
10 of ski areas on National Forest System lands to determine  
11 the feasibility and suitability of selling all or a portion of  
12 such lands to the current permittees or other interested  
13 parties. The study shall determine and identify whether  
14 any continuing need for Federal retention of such lands  
15 exists. It shall identify the cost savings and revenues to  
16 the Federal Government which might accrue as a result  
17 of such sales as well as other benefits which might result  
18 from the disposal of such lands. In addition, the study  
19 shall identify criteria which should be used in considering  
20 the sale of such assets. The Secretary shall complete the  
21 study within one year from the date of enactment of this  
22 title and shall transmit a report to the Committee on En-  
23 ergy and Natural Resources of the United States Senate  
24 and the Committee on Resources of the United States  
25 House of Representatives.

1           **TITLE IV—NATIONAL PARK SYSTEM**  
2   **REFORM**

3 **SEC. 401. PREPARATION OF NATIONAL PARK SYSTEM PLAN.**

4           (a) PREPARATION OF PLAN.—The Secretary of the  
5 Interior (hereinafter in this title referred to as the “Sec-  
6 retary”), acting through the Director of the National Park  
7 Service, and in consultation with the National Park Sys-  
8 tem Advisory Board, shall prepare a National Park Sys-  
9 tem Plan (hereinafter in this title referred to as the  
10 “plan”) to guide the direction of the National Park Sys-  
11 tem into the next century. The plan shall include each of  
12 the following:

13                   (1) Detailed criteria to be used in determining  
14           which natural and cultural resources are appropriate  
15           for inclusion as units of the National Park System.

16                   (2) Identification of what constitutes adequate  
17           representation of a particular resource type and  
18           which aspects of the national heritage are adequately  
19           represented in the existing National Park System or  
20           in other protected areas.

21                   (3) Identification of appropriate aspects of the  
22           national heritage not currently represented in the  
23           National Park System.

24                   (4) Priorities of the themes and types of re-  
25           sources which should be added to the National Park

1 System in order to provide more complete represen-  
2 tation of our Nation's heritage.

3 (5) A statement of the role of the National  
4 Park Service with respect to such topics as preserva-  
5 tion of natural areas and ecosystems, preservation of  
6 industrial America, preservation of non-physical cul-  
7 tural resources, and provision of outdoor recreation  
8 opportunities.

9 (6) A statement of what areas constitute units  
10 of the National Park System and the distinction be-  
11 tween units of the system, affiliated areas, and other  
12 areas within the system.

13 (b) CONSULTATION.—During the preparation of the  
14 plan under subsection (a), the Secretary shall consult with  
15 other Federal land management agencies, State and local  
16 officials, the National Park System Advisory Board, re-  
17 source management, recreation and scholarly organiza-  
18 tions and other interested parties as the Secretary deems  
19 advisable. These consultations shall also include appro-  
20 priate opportunities for public review and comment. The  
21 plan shall take into consideration the results and rec-  
22 ommendations in the management systems report con-  
23 ducted by the National Park System Advisory Board as  
24 provided in section 702(a) of this Act.

1 (c) TRANSMITTAL TO CONGRESS.—Prior to the end  
2 of the second complete fiscal year commencing after the  
3 date of enactment of this title, the Secretary shall trans-  
4 mit the plan developed under this section to the Commit-  
5 tee on Energy and Natural Resources of the United States  
6 Senate and the Committee on Resources of the United  
7 States House of Representatives.

8 **SEC. 402. STUDY OF THE NEW PARK SYSTEM AREAS.**

9 Section 8 of the Act of August 18, 1970, entitled “An  
10 Act to improve the Administration of the National Park  
11 System by the Secretary of the Interior, and to clarify the  
12 authorities applicable to the system, and for other pur-  
13 poses” (Public Law 91–383, 84 Stat. 825; 16 U.S.C. 1a–  
14 1 and following), as amended, is further amended as fol-  
15 lows:

16 (1) By inserting “GENERAL AUTHORITY.—”  
17 after “(a)”.

18 (2) By striking the second through the sixth  
19 sentences of subsection (a).

20 (3) By striking “Natural” from “Committee on  
21 Natural Resources of the United States House of  
22 Representatives” in the eighth sentence.

23 (4) By redesignating the last two sentences of  
24 subsection (a) as subsection (e) and inserting in  
25 such sentence before the words “For the purposes of

1 carrying” the following: “(e) AUTHORIZATION OF  
2 APPROPRIATIONS.—”.

3 (4) By striking subsection (b).

4 (5) By inserting the following after subsection  
5 (a):

6 “(b) STUDIES OF AREAS FOR POTENTIAL ADDI-  
7 TION.—(1) At the beginning of each calendar year, the  
8 Secretary shall submit to the Committee on Energy and  
9 Natural Resources of the United States Senate and the  
10 Committee on Resources of the United States House of  
11 Representatives a list of areas recommended for study for  
12 potential inclusion in the National Park System.

13 “(2) In developing the list to be submitted under this  
14 subsection, the Secretary shall give consideration to those  
15 areas that have the greatest potential to meet the estab-  
16 lished criteria of national significance, suitability, and fea-  
17 sibility. The Secretary shall give special consideration to  
18 themes, sites, and resources not already adequately rep-  
19 resented in the National Park System as identified in the  
20 National Park System Plan to be developed under title  
21 IV, section 401 of the National Park Service Enhance-  
22 ment Act. No study of the potential of an area for inclu-  
23 sion in the National Park System may be initiated after  
24 the date of enactment of this section, except as provided  
25 by specific authorization of an Act of Congress. Nothing

1 in this Act shall limit the authority of the National Park  
2 Service to conduct preliminary resource assessments,  
3 gather data on potential study areas, provide technical and  
4 planning assistance, prepare or process nominations for  
5 administrative designations, update previous studies, or  
6 complete reconnaissance surveys of individual areas re-  
7 quiring a total expenditure of less than \$25,000. Nothing  
8 in this section shall be construed to apply to or affect or  
9 alter the study of any river segment for potential addition  
10 to the national wild and scenic rivers system or to apply  
11 to or to affect or alter the study of any trail for potential  
12 addition to the national trails system.

13       “(c) REPORT.—The Secretary shall complete the  
14 study for each area for potential inclusion into the Na-  
15 tional Park System within three complete fiscal years fol-  
16 lowing the date of enactment of specific legislation provid-  
17 ing for the study of such area. Each study under this sec-  
18 tion shall be prepared with appropriate opportunity for  
19 public involvement, including at least one public meeting  
20 in the vicinity of the areas under study, and reasonable  
21 efforts to notify potentially affected landowners and State  
22 and local governments. In conducting the study, the Sec-  
23 retary shall consider whether the area under study—

24               “(1) possesses nationally significant natural or  
25               cultural resources, or outstanding recreational op-

1 portunities, and that it represents one of the most  
2 important examples of a particular resource type in  
3 the country;

4 “(2) is a suitable and feasible addition to the  
5 system; and

6 “(3) what the additional fiscal and personnel  
7 costs will be if the area were added to the system.

8 Each study shall consider the following factors with regard  
9 to the area being studied: the rarity and integrity; whether  
10 similar resources are already protected in the National  
11 Park System or in other Federal, State or private owner-  
12 ship; the public use potential; the interpretive and edu-  
13 cational potential; cost associated with acquisition, devel-  
14 opment and operation; the socioeconomic impacts of any  
15 designation; the level of local and general public support;  
16 and whether the unit is of appropriate configuration to  
17 ensure long term resource protection and visitor use. Each  
18 study shall also consider whether direct National Park  
19 Service management or alternative protection by other  
20 agencies or the private sector is appropriate for the area.  
21 Each such study shall identify what alternative or com-  
22 bination of alternatives would, in the professional judg-  
23 ment of the Director of the National Park Service, be most  
24 effective and efficient in protecting significant resources  
25 and providing for public enjoyment. The letter transmit-



1           (2) “Secretaries” means the Secretary of the  
2 Interior and the Secretary of Agriculture;

3           (3) “housing” means residential housing avail-  
4 able for rent or lease to Federal employees in or  
5 near a park or public lands and its associated infra-  
6 structure; and

7           (4) “employee” means an employee of the Fed-  
8 eral Government and their families who by necessity  
9 reside in or near a park or public lands for the pur-  
10 poses of the management of those lands, including  
11 temporary and seasonal employees and volunteers.

12 **SEC. 502. EMPLOYEE HOUSING.**

13       (a) AUTHORITY.—(1) To promote the recruitment  
14 and retention of qualified personnel necessary for the ef-  
15 fective management of public lands, the Secretaries are  
16 authorized to—

17           (A) make employee housing available, subject to  
18 the limitations set forth in paragraph (2), on or off  
19 public lands, and

20           (B) rent or lease such housing to employees of  
21 the respective Department at a reasonable value.

22       (2)(A) Housing made available to employees on pub-  
23 lic lands shall be limited to those areas designated for ad-  
24 ministrative use.

1 (B) No private lands or interests therein outside of  
2 the boundaries of Federally administered areas may be ac-  
3 quired by any means for the purposes of this title except  
4 with the consent of the owner thereof.

5 (b) DEFINITIONS.—The Secretaries shall provide  
6 such housing in accordance with this title and section  
7 5911 of title 5, United States Code, except that for the  
8 purposes of this title, the term—

9 (1) “availability of quarters” (as used in this  
10 title and subsection (b) of section 5911) means the  
11 existence, within thirty miles of the employee’s duty  
12 station, of well-constructed and maintained housing  
13 suitable to the individual and family needs of the  
14 employee, for which the rental rate as a percentage  
15 of the employee’s annual gross income does not ex-  
16 ceed the most recent Census Bureau American  
17 Housing Survey median monthly housing cost for  
18 renters inclusive of utilities, as a percentage of cur-  
19 rent income, whether paid as part of rent or paid di-  
20 rectly to a third party;

21 (2) “contract” (as used in this title and sub-  
22 section (b) of section 5911) includes, but is not lim-  
23 ited to, “Built-to-Lease”, “Rental Guarantee”,  
24 “Joint Development”, or other lease agreements en-  
25 tered into by the Secretary, on or off public lands,

1 for the purposes of sub-leasing to Departmental em-  
2 ployees; and

3 (3) “reasonable value” (as used in this title and  
4 subsection (c) of section 5911) means the base rent-  
5 al rate comparable to private rental rates for com-  
6 parable housing facilities and associated amenities:  
7 *Provided*, That the base rental rate as a percentage  
8 of the employee’s annual gross income shall not ex-  
9 ceed the most recent American Housing Survey me-  
10 dian monthly housing cost for renters inclusive of  
11 utilities, as a percentage of current income, whether  
12 paid as part of rent or paid directly to a third party.

13 (c) Subject to appropriation, the Secretaries may  
14 enter into contracts and agreements with public and pri-  
15 vate entities to provide housing on or off public lands.

16 (d) The Secretaries may enter into cooperative agree-  
17 ments or joint ventures with local governmental and pri-  
18 vate entities, either on or off public lands, to provide ap-  
19 propriate and necessary utility and other infrastructure  
20 facilities in support of employee housing facilities provided  
21 under this Act.

22 **SEC. 503. SURVEY OF RENTAL QUARTERS.**

23 The Secretaries shall conduct a survey of the avail-  
24 ability of quarters at field units under each Secretary’s  
25 jurisdiction at least every five years. If such survey indi-

1 cates that government owned or suitable privately-owned  
2 quarters are not available as defined in section 502(b)(1)  
3 of this title for the personnel assigned to a specific duty  
4 station, the Secretaries are authorized to provide suitable  
5 quarters in accordance with the provisions of this title.  
6 For the purposes of this section, the term “suitable quar-  
7 ters” means well-constructed, maintained housing suitable  
8 to the individual and family needs of the employee.

9 **SEC. 504. SECONDARY QUARTERS.**

10 (a) If the Secretary of the Interior or the Secretary  
11 of Agriculture determines that secondary quarters for em-  
12 ployees who are permanently duty stationed at remote lo-  
13 cations and are regularly required to relocate for tem-  
14 porary periods are necessary for the effective administra-  
15 tion on an area under the jurisdiction of the respective  
16 agency, such secondary quarters are authorized to be  
17 made available to employees, either on or off public lands,  
18 in accordance with the provisions of this title.

19 (b) Rental rates for such secondary facilities shall be  
20 established so that the aggregate rental rate paid by an  
21 employee for both primary and secondary quarters as a  
22 percentage of the employee’s annual gross income shall  
23 not exceed the Census Bureau American Housing Survey  
24 median monthly housing cost for renters inclusive of utili-

1 ties as a percentage of current income, whether paid as  
2 part of rent or paid directly to a third party.

3 **SEC. 505. SURVEY OF EXISTING FACILITIES.**

4 (a) HOUSING SURVEY.—Within two years after the  
5 date of enactment of this title, the Secretaries shall survey  
6 all existing government-owned employee housing facilities  
7 under the jurisdiction of the Department of the Interior  
8 and the Department of Agriculture, to assess the physical  
9 condition of such housing and the suitability of such hous-  
10 ing for the effective prosecution of the agency mission.  
11 The Secretaries shall develop an agency-wide priority list-  
12 ing, by structure, identifying those units in greatest need  
13 of repair, rehabilitation, replacement or initial construc-  
14 tion, as appropriate. The survey and priority listing study  
15 shall be transmitted to the Committees on Appropriations  
16 and Energy and Natural Resources of the United States  
17 Senate and the Committees on Appropriations and Re-  
18 sources of the United States House of Representatives.

19 (b) PRIORITY LISTING.—Unless otherwise provided  
20 by law, expenditure of any funds appropriated for con-  
21 struction, repair or rehabilitation shall follow, in sequen-  
22 tial order, the priority listing established by each agency.  
23 Funding available from other sources for employee hous-  
24 ing repair may be distributed as determined by the Sec-  
25 retaries.

1 **SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated \$3,000,000  
3 each year for fiscal years 1996 through 2001 for the pur-  
4 poses of this title.

5           **TITLE VI—DISPOSITION OF FEES**

6 **SEC. 601. SPECIAL ACCOUNT.**

7       A special account is hereby established in the Treas-  
8 ury of the United States that shall be called the Park Im-  
9 provement Fund (hereinafter referred to in this title as  
10 “the fund”).

11 **SEC. 602. COVERING OF FEES INTO PARK IMPROVEMENT**  
12           **FUND.**

13       Notwithstanding section 4(i) of the Land and Water  
14 Conservation Fund Act of 1965 (Public Law 88-578; 16  
15 U.S.C. 460l-6a(i)), beginning in fiscal year 1996 and in  
16 each fiscal year thereafter, 50 percent of all revenues re-  
17 ceived by the Federal Government in excess of the amount  
18 that would have been received in 1995 without enactment  
19 of this Act from franchise fees, admission, special recre-  
20 ation, commercial tour use, and commercial/non-rec-  
21 reational use fees shall be covered into the fund; however,  
22 the Secretary of the Interior may withhold from the fund  
23 such portion of all receipts collected from fees imposed by  
24 titles I and II of this Act in such fiscal year as the Sec-  
25 retary determines to be equal to the fee collection costs  
26 for the immediately preceding fiscal year: *Provided*, That

1 such costs shall not exceed 15 percent of all receipts col-  
2 lected from fees imposed under titles I and II of this Act  
3 in such immediately preceding fiscal year.

4 **SEC. 603. ALLOCATION AND USE OF FEES.**

5 (a) ALLOCATION.—Notwithstanding section 4(j) of  
6 the Land and Water Conservation Fund Act of 1965  
7 (Public Law 88–578; 16 U.S.C. 460l–6a(j)), receipts in  
8 the fund from the previous fiscal year shall be available  
9 to the Secretary without further appropriation and shall  
10 be allocated as follows: each fiscal year, beginning in 1997,  
11 75 percent of the total receipts deposited in the fund for  
12 the previous fiscal year from each unit of the National  
13 Park System collecting franchise, admission, special recre-  
14 ation, commercial tour use or commercial/non-recreational  
15 use fees shall be available for expenditure only by that  
16 unit. The remaining receipts in the fund may be allocated  
17 among units of the National Park System, including those  
18 not collecting such fees, as determined by the Secretary.

19 (b) USE.—Expenditures from the fund shall be used  
20 solely for infrastructure and operational needs by units of  
21 the National Park System. By January 1 of each year,  
22 the Secretary shall provide to the Committee on Energy  
23 and Natural Resources of the United States Senate and  
24 the Committee on Resources of the United States House  
25 of Representatives a list of proposed expenditures from the

1 fund for each unit for that fiscal year and a report detail-  
2 ing expenditures, by unit, for the previous fiscal year.

3 **TITLE VII—NATIONAL PARK SYSTEM**

4 **ADVISORY BOARD**

5 **SEC. 701. NATIONAL PARK SYSTEM ADVISORY BOARD.**

6 Section 3 of the Act of August 21, 1935 (49 Stat.  
7 667; 16 U.S.C. 463) is amended as follows:

8 (1) In section 3(a) by striking the first three  
9 sentences and inserting in lieu thereof, “There is  
10 hereby established a National Park System Advisory  
11 Board, whose purpose shall be to advise the Sec-  
12 retary on all matters pertaining to the National  
13 Park System. The Board shall advise the Secretary  
14 on matters submitted to the Board by the Secretary  
15 as well as any other issues identified by the Board.  
16 The National Park System Advisory Board, ap-  
17 pointed by the Secretary for a term not to exceed  
18 four years, shall be comprised of no more than nine  
19 persons from among citizens of the United States  
20 having a demonstrated commitment to the National  
21 Park System. Board members shall be selected to  
22 represent various geographic regions, including each  
23 of the seven administrative regions of the National  
24 Park Service, and to ensure that the Board contains  
25 expertise in natural or cultural resource manage-

1       ment, recreation use management, land use plan-  
2       ning, financial management, and business manage-  
3       ment. The Board shall include one individual who is  
4       a locally elected official representing an area adja-  
5       cent to a national park system unit, and one individ-  
6       ual who owns land inside the boundary of a national  
7       park system unit. The Board shall hold its first  
8       meeting by no later than the date that is thirty days  
9       after the date on which all members of the Advisory  
10      Board who are to be appointed have been appointed.  
11      Any vacancy in the Board shall not affect its pow-  
12      ers, but shall be filled in the same manner in which  
13      the original appointment was made. The Board may  
14      adopt such rules as may be necessary to establish its  
15      procedures and to govern the manner of its oper-  
16      ations, organization, and personnel. All members of  
17      the Board shall be reimbursed for travel and per  
18      diem in lieu of subsistence expenses during the per-  
19      formance of duties of the Board while away from  
20      home or their regular place of business, in accord-  
21      ance with chapter 1 of chapter 57 of title 5, United  
22      States Code. With the exception of travel and per  
23      diem as noted above, a member of the Board who  
24      is otherwise an officer or employee of the United

1 States Government shall serve on the Board without  
2 additional compensation.”.

3 (2) By renumbering section 3(b) as 3(f) and by  
4 striking from the first sentence thereof, “1995” and  
5 inserting in lieu thereof, “2006”.

6 (3) By renumbering section 3(c) as 3(g).

7 (4) By adding the following new sections 3 (b)  
8 through (e):

9 “SEC. 3. (b)(1) Subject to such rules and regulations  
10 as may be adopted by the Board, the Board shall have  
11 the power to—

12 “(A) appoint, terminate, and fix the compensa-  
13 tion (without regard to the provisions of title 5,  
14 United States Code, governing appointments in the  
15 competitive service, and without regard to the provi-  
16 sions of chapter 51 and subchapter III of chapter 53  
17 of such title, or of any other provision of law, relat-  
18 ing to the number, classification, and General  
19 Schedule rates) of an Executive Director of the Ad-  
20 visory Board and of such other personnel as the  
21 Board deems advisable to assist in the performance  
22 of the duties of the Board, at rates not to exceed  
23 a rate equal to the maximum rate of GS-18 of the  
24 General Schedule under section 5332 of such title;  
25 and

1           “(B) procure, as authorized by section 3109 of  
2 title 5, United States Code, temporary and intermit-  
3 tent services to the same extent as is authorized by  
4 law for agencies in the executive branch, but at rates  
5 not to exceed the daily equivalent of the maximum  
6 annual rate of basic pay in effect for grade GS-18  
7 of such General Schedule.

8           “(2) Service of an individual as a member of the  
9 Board shall not be considered as service or employment  
10 bringing such individual within the provisions of any Fed-  
11 eral law relating to conflicts of interest or otherwise im-  
12 posing restrictions, requirements, or penalties in relation  
13 to the employment of persons, the performance of services,  
14 or the payment or receipt of compensation in connection  
15 with claims, proceedings, or matters involving the United  
16 States. Service as a member of the Board, or as an em-  
17 ployee of the Board, shall not be considered service in an  
18 appointive or elective position in the Government for pur-  
19 poses of section 8344 of title 5, United States Code, or  
20 comparable provisions of Federal law.

21           “(c)(1) The Board is authorized to—

22           “(A) hold such hearings and sit and act at such  
23 times,

24           “(B) take such testimony,

25           “(C) have such printing and bindings done,

1           “(D) enter into such contracts and other ar-  
2           rangements,

3           “(E) make such expenditures, and

4           “(F) take such other actions,

5 as the Board may deem advisable. Any member of the  
6 Board may administer oaths or affirmations to witnesses  
7 appearing before the Board.

8           “(2) The Board is authorized to establish task forces  
9 which include individuals appointed by the Board who are  
10 not members of the Board only for the purpose of gather-  
11 ing information on specific subjects identified by the  
12 Board as requiring the knowledge and expertise of such  
13 individuals. Any task force established by the Board shall  
14 be chaired by a voting member of the Board who shall  
15 preside at any task force hearing authorized by the Board.  
16 No compensation may be paid to members of a task force  
17 solely for their service on the task force, but the Board  
18 may authorize the reimbursement of members of a task  
19 force for travel and per diem in lieu of subsistence ex-  
20 penses during the performance of duties while away from  
21 the home, or regular place of business, of the member,  
22 in accordance with subchapter I of chapter 57 of title 5,  
23 United States Code. The Board shall not authorize the  
24 appointment of personnel to act as staff for the task force,  
25 but may permit the use of Board staff and resources by

1 a task force for the purpose of compiling data and infor-  
2 mation.

3 “(d) The provisions of the Federal Advisory Commit-  
4 tee Act shall not apply to the Board established under this  
5 section.

6 “(e)(1) The Board is authorized to secure directly  
7 from any office, department, agency, establishment, or in-  
8 strumentality of the Federal Government such information  
9 as the Board may require for the purpose of this section,  
10 and each such officer, department, agency, establishment,  
11 or instrumentality is authorized and directed to furnish,  
12 to the extent permitted by law, such information, sugges-  
13 tions, estimates, and statistics directly to the Board, upon  
14 request made by a member of the Board.

15 “(2) Upon the request of the Board, the head of any  
16 Federal department, agency, or instrumentality is author-  
17 ized to make any of the facilities and services of such de-  
18 partment, agency, or instrumentality available to the  
19 Board and detail any of the personnel of such department,  
20 agency, or instrumentality to the Board, on a  
21 nonreimbursable basis, to assist the Board in carrying out  
22 its duties under this section.

23 “(3) The Board may use the United States mails in  
24 the same manner and under the same conditions as other  
25 departments and agencies of the United States”.

1 **SEC. 702. ADVISORY BOARD STUDIES.**

2 (a) MANAGEMENT SYSTEM STUDY.—(1) The Advi-  
3 sory Board, in consultation with the National Park Serv-  
4 ice, shall conduct a review of each unit of the National  
5 Park System, except for those units designated as national  
6 parks, to determine whether there are management alter-  
7 natives that would result in equal or better levels of re-  
8 source protection, interpretation, and visitor access, use,  
9 and enjoyment. The Advisory Board shall review the or-  
10 ganic legislation, and history of the National Park Service  
11 and its units and shall develop criteria to guide the Con-  
12 gress and the Secretary in the addition of new units to  
13 the National Park System. The Advisory Board shall com-  
14 plete its review within one year from the date of enactment  
15 of this title and shall transmit its report and recommenda-  
16 tions to the Secretary, the Committee on Energy and Nat-  
17 ural Resources of the United States Senate and the Com-  
18 mittee on Resources of the United States House of Rep-  
19 resentatives.

20 (b) VISITOR SERVICES STUDY.—The Advisory  
21 Board, in consultation with the National Park Service,  
22 shall conduct an analysis and evaluation of the current  
23 conditions and future needs of each unit of the National  
24 Park System for adequate visitor service programs. Such  
25 analysis and evaluation shall include, but not be limited  
26 to, the adequacy of information, education, and conces-

1 sion-provided services, and shall identify those units of the  
2 National Park System where new or additional services  
3 should be provided. The Advisory Board shall complete its  
4 evaluation within one year from the date of enactment of  
5 this title and shall transmit its report to the Secretary,  
6 the Committee on Energy and Natural Resources of the  
7 United States Senate, and the Committee on Resources  
8 of the United States House of Representatives.

9 (c) CONCESSION OVERSIGHT.—The National Park  
10 System Advisory Board shall periodically monitor the per-  
11 formance evaluation process as conducted annually by the  
12 Secretary for concessioners and commercial use contrac-  
13 tors for effectiveness and objectivity and summarize their  
14 findings in an annual report to the Secretary, the Commit-  
15 tee on Energy and Natural Resources of the United States  
16 Senate and the Committee on Resources of the United  
17 States House of Representatives.

18 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Na-  
20 tional Park System Advisory Board \$700,000 per year to  
21 carry out the provisions of this title, in addition to  
22 \$275,000 for the preparation of the management systems  
23 study referred to in section 702(a) of this title and

- 1 \$275,000 for preparation of the visitor services study re-
- 2 ferred to in section 702(b) of this title.

○

S 1144 IS—2

S 1144 IS—3

S 1144 IS—4