

105TH CONGRESS  
2D SESSION

# S. 1693

To renew, reform, reinvigorate, and protect the National Park System.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 1998

Mr. THOMAS (for himself and Mr. ABRAHAM) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To renew, reform, reinvigorate, and protect the National  
Park System.

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; TABLE OF CONTENTS.**

4 This Act may be cited as the “Vision 2020 National  
5 Parks Restoration Act”.

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1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) NATIONAL PARK.—The term “national  
4 park” means a unit of the National Park System.

5 (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior, acting through the Di-  
7 rector of the National Park Service.

8 **TITLE I—MANAGEMENT REFORM**

9 **SEC. 101. DEFINITIONS.**

10 In this title, the term “Ranger Career Directive”  
11 means National Park Special Directive 94–3, entitled  
12 “Ranger Careers”.

13 **SEC. 102. PROTECTION AND INTERPRETATION OF RE-**  
14 **SOURCES.**

15 Recognizing the ever increasing societal pressures  
16 being placed upon America’s unique park resources by  
17 population growth, urbanization, and the general loss of

1 natural habitats, the Secretary shall continually improve  
2 the ability of the National Park System to provide state-  
3 of-the-art protection and interpretation to the resources  
4 of the National Park System.

5 **SEC. 103. MANAGEMENT AND CAREER TRAINING.**

6 (a) RESPONSIBILITIES.—The park rangers shall be  
7 responsible for protecting, interpreting, managing, and  
8 educating the public about the natural and cultural re-  
9 sources contained within the national parks as well as  
10 serving and protecting park visitors.

11 (b) RANGER CAREER PROGRAM.—

12 (1) IN GENERAL.—The Secretary shall  
13 strengthen and enhance the park ranger occupation  
14 through the ranger careers program designed to en-  
15 able park rangers to meet competently the various  
16 new and increasingly difficult challenges that will  
17 confront the national parks in the future.

18 (2) STAFFING.—The Associate Director for  
19 Park Operations and Education, with administrative  
20 support from other units of the National Park Serv-  
21 ice, shall recruit, hire, train, develop, and oversee the  
22 operations of park rangers in a consistent and pro-  
23 fessional manner.

24 (3) CAREER TRAINING.—The Secretary shall  
25 establish a park ranger careers program (including

1 a training and competency development program) to  
2 provide a managed career progression from the entry  
3 level through the senior executive level of the park  
4 ranger occupation.

5 (4) MANAGEMENT POSITIONS.—

6 (A) IN GENERAL.—The Secretary shall  
7 place management positions, including those of  
8 park superintendent and higher management  
9 levels within the National Park Service, within  
10 the park ranger series.

11 (B) OTHER OCCUPATIONS.—The Secretary  
12 shall ensure that appropriate measures are  
13 taken, which shall include the provision of  
14 qualifying academic course work, so that high  
15 potential managerial candidates serving in other  
16 occupations within the National Park Service  
17 have an opportunity to achieve the fundamental  
18 qualifications established for park manager po-  
19 sitions.

20 (5) SPECIALIZED POSITIONS.—The Secretary  
21 shall ensure that candidates for higher level and spe-  
22 cialized park operations positions in the National  
23 Park Service, such as education specialists, interpre-  
24 tation specialists, criminal investigators, and other  
25 single-focus positions for which a background in gen-

1 eral park operations is desirable, are drawn pri-  
2 marily from among park rangers.

3 (6) DESIGN PHASE.—

4 (A) IN GENERAL.—Not later than 1 year  
5 after the date of enactment of this Act, the Sec-  
6 retary shall complete the design phase of the  
7 Ranger Careers program, implementing all as-  
8 pects of the program contained in the Ranger  
9 Careers Directive.

10 (B) EDUCATIONAL REQUIREMENTS.—

11 (i) DEVELOPMENT.—The Secretary,  
12 in accordance with the Ranger Careers Di-  
13 rective and in conjunction with the Direc-  
14 tor of the Office of Personnel Manage-  
15 ment, shall develop new qualification and  
16 classification standards for park rangers  
17 within the National Park Service.

18 (ii) STANDARDS.—Park ranger quali-  
19 fication and classification standards shall  
20 ensure that a park ranger will be consid-  
21 ered a professional occupation having an  
22 entry level course of study.

23 (iii) COURSE REQUIREMENTS.—The  
24 qualifying academic background and bacca-  
25 laurate level degrees for park rangers, re-

1            regardless of degree title, shall contain sig-  
2            nificant coursework of at least 24 semester  
3            hours in the natural or cultural sciences or  
4            history, received from an accredited insti-  
5            tution of higher education.

6            (7) PARK RANGER WORKFORCE.—

7            (A) IN GENERAL.—Through the Ranger  
8            Careers program, the Secretary shall ensure  
9            that—

10            (i) the park rangers continue their  
11            traditional focus on protecting, managing,  
12            interpreting, and educating the public  
13            about park resources and managing the  
14            use of national parks by the public;

15            (ii) the park rangers will be managed  
16            and organized according to its 2 traditional  
17            functions of resource and visitor protection  
18            and resource education and interpretation;

19            (iii) both functions of park rangers  
20            will share responsibility for managing the  
21            public use of national parks;

22            (iv) law enforcement commissioned  
23            park rangers will focus primarily on re-  
24            sources law enforcement and criminal in-  
25            vestigations, while also performing public

1 service, resource interpretation, resource  
2 education, resource management, and  
3 other general duties necessary to protect  
4 resources and visitors in parks; and

5 (v)(I) medical and physical fitness  
6 qualification standards for designated law  
7 enforcement and firefighter park ranger  
8 positions reflect the medical and physical  
9 fitness standards necessary for rigorous  
10 law enforcement and firefighting work; and

11 (II) medical and physical fitness  
12 standards are developed and implemented  
13 for other physically rigorous park ranger  
14 duties in national parks, such as scuba div-  
15 ing, high altitude and high-angle search  
16 and rescue, emergency medicine, wilder-  
17 ness and winter operations, caving, and  
18 other duties.

19 (B) PRECEDENCE OF FITNESS STAND-  
20 ARDS.—The medical and physical fitness stand-  
21 ards applicable under subparagraph (A)(v) shall  
22 be considered to be appropriate job performance  
23 tests for purposes of the Age Discrimination in  
24 Employment Amendments of 1996 (110 Stat.  
25 3009–23), the Age Discrimination in Employ-



1           ment Act of 1967 (29 U.S.C. 621 et seq.), and  
2           other Federal law relating to discrimination on  
3           the basis of age.

4           (8) OPERATIONAL PHASE.—

5                 (A) IN GENERAL.—On completion of the  
6           design phase of the park ranger Careers pro-  
7           gram, the Secretary shall implement the oper-  
8           ational phase of the program.

9                 (B) COMPONENTS.—The Secretary shall  
10          implement—

11                     (i) the Service-wide park ranger occu-  
12                     pation replenishment and diversity plan;

13                     (ii) the 2-year candidate park ranger  
14                     training and development program, which  
15                     program shall include philosophical and or-  
16                     ganizational orientation training for all  
17                     new park rangers;

18                     (iii) the revised park ranger qualifica-  
19                     tion and classification system;

20                     (iv) the park ranger competency cer-  
21                     tification system; and

22                     (v) any other measures necessary to  
23                     ensure that a fully competent park ranger  
24                     force is attained and maintained.

1           (9) **CENTRALIZED MANAGEMENT.**—The Sec-  
2       retary shall centrally manage the park ranger work-  
3       force, with sufficient human and financial resources  
4       made available by the Secretary to operate a modern  
5       career management system for park rangers.

6           (10) **BIENNIAL REPORT.**—The Secretary shall  
7       report biennially to Congress on the current and  
8       projected future ability of park rangers to achieve  
9       the assigned role of park rangers in achieving the  
10      mission of the National Park Service to conserve  
11      park resources unimpaired for future generations  
12      while providing for the enjoyment by the public of  
13      those resources.

14          (c) **FUNDING.**—From amounts made available to the  
15      Secretary from the fee demonstration program under title  
16      III, the Secretary shall use a portion of not to exceed  
17      \$10,000,000 per year, for the implementation and oper-  
18      ation of the park ranger Career program.

19          (d) **REPORTS.**—The Secretary shall report regularly  
20      to Congress on the state of the park ranger occupation.

21      **SEC. 104. STRATEGIC MANAGEMENT OBJECTIVES.**

22          (a) **IN GENERAL.**—During 2000 and biennially there-  
23      after, the Secretary shall implement a strategic manage-  
24      ment plan for the National Park Service.

1 (b) FOCUS.—The strategic management plan shall  
2 focus on functions performed at the national head-  
3 quarters, regional offices, support offices, service centers,  
4 and national parks.

5 (c) OBJECTIVES.—The strategic management plan  
6 shall have measurable management objectives designed  
7 to—

8 (1) implement procedures to ensure that na-  
9 tional parks and offices operate with measurable  
10 goals and objectives that ensure strict budget ac-  
11 countability;

12 (2) determine at which levels the various func-  
13 tions can best be performed;

14 (3) evaluate whether specific activities could be  
15 consolidated or eliminated; and

16 (4) evaluate the possibility of increasing the use  
17 of the private sector in individual National Park  
18 Service functions.

19 (d) REPORT.—Not later than September 30, 2000,  
20 the Secretary shall submit to the Committee on Energy  
21 and Natural Resources of the Senate and the Committee  
22 on Resources of the House of Representatives a report de-  
23 tailing the actions that will be implemented as a result  
24 of the strategic management plan.

1 **SEC. 105. ANNUAL BUDGETS FOR NATIONAL PARK SYSTEM.**

2 (a) IN GENERAL.—As early as practicable before  
3 each fiscal year, the superintendent or manager of each  
4 national park, central office, and support office of the Na-  
5 tional Park System shall develop and make available to  
6 the public a comprehensive annual budget for the national  
7 park, central office, and support office, respectively.

8 (b) CONTENTS.—A budget for a national park under  
9 subsection (a) shall—

10 (1) describe in detail the annual operating  
11 budget for the national park; and

12 (2) reflect the relationships among costs, service  
13 levels, and performance standards in the national  
14 park.

15 **TITLE II—PROCEDURES FOR ES-**  
16 **TABLISHMENT OF NEW NA-**  
17 **TIONAL PARKS**

18 **SEC. 201. STUDIES OF AREAS FOR POTENTIAL INCLUSION**  
19 **IN THE NATIONAL PARK SYSTEM.**

20 Section 8 of Public Law 91–383 (16 U.S.C. 1a–5)  
21 is amended—

22 (1) in subsection (a)—

23 (A) by inserting “GENERAL AUTHOR-  
24 ITY.—” after “(a)”;

25 (B) by striking the second through sixth  
26 sentences;

1 (C) by striking “For the purposes of carry-  
2 ing out” and inserting the following:

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the  
4 purposes of carrying out”; and

5 (2) by inserting after subsection (a) the follow-  
6 ing:

7 “(b) STUDIES OF AREAS FOR POTENTIAL INCLUSION  
8 IN THE NATIONAL PARK SYSTEM.—

9 “(1) IN GENERAL.—At the beginning of each  
10 calendar year, the Secretary shall submit to the  
11 Committee on Energy and Natural Resources of the  
12 Senate and the Committee on Resources of the  
13 House of Representatives a list of areas rec-  
14 ommended for study for potential inclusion as new  
15 units in the National Park System.

16 “(2) FACTORS USED IN DEVELOPING LIST.—In  
17 developing the list submitted under this subsection,  
18 the Secretary shall consider—

19 “(A) areas that have the greatest potential  
20 for meeting the established criteria of national  
21 significance, suitability, and feasibility;

22 “(B) themes, sites, and resources not ade-  
23 quately represented in the National Park Sys-  
24 tem; and

25 “(C) congressional requests.

1           “(3) SPECIFIC AUTHORIZATION.—No study of  
2 the potential of an area for inclusion in the National  
3 Park System may be initiated after the date of en-  
4 actment of the Vision 2020 National Parks Restora-  
5 tion Act, except as provided by specific authorization  
6 of an Act of Congress.

7           “(4) PLANNING ACTIVITIES.—Nothing in this  
8 subsection limits the authority of the Secretary to  
9 expend not more than \$25,000 on any 1 of the fol-  
10 lowing:

11                   “(A) The conduct of a preliminary re-  
12 source assessment.

13                   “(B) Collection of data on a potential  
14 study area.

15                   “(C) Provision of technical and planning  
16 assistance.

17                   “(D) Preparation or processing of a nomi-  
18 nation for an administrative designation.

19                   “(E) Updating of a previous study.

20                   “(F) Completion of a reconnaissance sur-  
21 vey of an area.

22           “(5) NATIONAL WILD AND SCENIC RIVERS SYS-  
23 TEM; NATIONAL TRAILS SYSTEM.—Nothing in this  
24 section applies to, affects, or alters the study of—

1           “(A) any river segment for potential addi-  
2           tion to the National Wild and Scenic Rivers  
3           System; or

4           “(B) any trail for potential addition to the  
5           National Trails System.

6           “(6) PUBLIC INVOLVEMENT.—In conducting a  
7           study under this subsection, the Secretary shall—

8           “(A) provide an opportunity for public in-  
9           volvement, including at least 1 public meeting  
10          in the vicinity of the area under study; and

11          “(B) make reasonable efforts to notify po-  
12          tentially affected landowners and State and  
13          local governments.

14          “(7) FACTORS USED IN CONDUCTING STUDY.—  
15          In conducting a study of an area under this sub-  
16          section, the Secretary—

17          “(A) shall consider whether the area—

18                  “(i) possesses nationally significant  
19                  natural, historic or cultural resources, or  
20                  outstanding recreational opportunities;

21                  “(ii) represents 1 of the most impor-  
22                  tant examples of a particular resource type  
23                  in the United States; and

24                  “(iii) is a suitable and feasible addi-  
25                  tion to the National Park System;

- 1 “(B) shall consider—
- 2 “(i) the rarity and integrity of the re-
- 3 sources of the area;
- 4 “(ii) the threats to resources;
- 5 “(iii) whether similar resources are al-
- 6 ready protected in the National Park Sys-
- 7 tem or in other public or private owner-
- 8 ship;
- 9 “(iv) the public use potential of the
- 10 area;
- 11 “(v) the interpretive and educational
- 12 potential of the area;
- 13 “(vi) costs associated with acquisition,
- 14 development, and operation of the area and
- 15 the source or revenue to pay for the cost;
- 16 “(vii) the socioeconomic impacts of in-
- 17 clusion of the area in the National Park
- 18 System;
- 19 “(viii) the level of local and general
- 20 public support for the inclusion;
- 21 “(ix) whether the area is of appro-
- 22 priate configuration to ensure long-term
- 23 resource protection and visitor use; and



1                   “(x) the potential impact on the inclu-  
2                   sion of the area on existing units of the  
3                   National Park System;

4                   “(C) shall consider whether direct manage-  
5                   ment by the Secretary or alternative protection  
6                   by other public agencies or the private sector is  
7                   appropriate for the area;

8                   “(D) shall identify what alternative or  
9                   combination of alternatives would, as deter-  
10                  mined by the Secretary, be most effective and  
11                  efficient in protecting significant resources and  
12                  providing for public enjoyment; and

13                  “(E) may include any other information  
14                  that the Secretary considers pertinent.

15                  “(8) PREFERRED MANAGEMENT OPTION.—The  
16                  letter transmitting a completed study to Congress  
17                  shall contain a recommendation regarding the pre-  
18                  ferred management option of the Secretary for the  
19                  area, and the numerical priority ranking for the area  
20                  in the current list established under subsection (d).

21                  “(9) DEADLINE FOR STUDIES.—Not later than  
22                  3 complete fiscal years after the date of enactment  
23                  of an Act of Congress providing specifically for the  
24                  study of an area for potential inclusion in the Na-  
25                  tional Park System, the Secretary shall complete the

1 study of the area for potential inclusion in the Sys-  
2 tem.

3 “(c) OFFICE.—The Secretary shall establish a single  
4 office to carry out this section.

5 “(d) LIST OF PREVIOUSLY STUDIED AREAS WITH  
6 HISTORICAL OR NATURAL RESOURCES.—

7 “(1) IN GENERAL.—At the beginning of each  
8 calendar year, the Secretary shall submit to the  
9 Committee on Energy and Natural Resources of the  
10 Senate and to the Committee on Resources of the  
11 House of Representatives—

12 “(A) a list of areas that have been pre-  
13 viously studied under this section that contain  
14 primarily historical or cultural resources, but  
15 have not been added to the National Park Sys-  
16 tem; and

17 “(B) a list of areas that have been pre-  
18 viously studied under this section that contain  
19 primarily natural resources, but have not been  
20 added to the National Park System.

21 “(2) PRIORITY.—Each list under paragraph (1)  
22 shall list areas in numerical order of priority for ad-  
23 dition to the National Park System.

1           “(3) FACTORS.—In developing a list under  
2           paragraph (1), the Secretary shall consider the fac-  
3           tors described in subsection (b)(2).

4           “(3) SUPPORTING DATA.—The Secretary shall  
5           include on a list under paragraph (1) only areas for  
6           which supporting data are current and accurate.”.

7           **TITLE III—RECREATIONAL FEE**  
8           **DEMONSTRATION PROGRAM**

9           **SEC. 301. EXTENSION OF THE RECREATIONAL FEE DEM-**  
10           **ONSTRATION PROGRAM.**

11           (a) AUTHORITY.—The authority provided to the Na-  
12           tional Park Service under the recreational fee demonstra-  
13           tion program authorized by section 315 of Public Law  
14           104–134 (16 U.S.C. 460l–6a note)—

15           (1) is extended through September 30, 2005;  
16           and

17           (2) shall be available for all units of the Na-  
18           tional Park System, except that no recreational ad-  
19           mission fee may be charged at Great Smoky Moun-  
20           tains National Park and Lincoln Home National  
21           Historic Site.

22           (b) REPORT.—

23           (1) IN GENERAL.—Not later than September  
24           30, 2000, the Secretary of the Interior shall submit  
25           to the Committee on Energy and Natural Resources

1 of the Senate and the Committee on Resources of  
2 the House of Representatives a report detailing the  
3 status of the recreational fee demonstration program  
4 conducted in national parks under section 315 of  
5 Public Law 104–134 (16 U.S.C. 460l–6a note).

6 (2) CONTENTS.—The report under paragraph  
7 (1) shall contain—

8 (A) an evaluation of the fee demonstration  
9 program conducted at each national park;

10 (B) with respect to each national park, a  
11 description of the criteria that were used to de-  
12 termine whether a recreational fee should or  
13 should not be charged at the national park; and

14 (C) a description of the manner in which  
15 the amount of the fee at each national park was  
16 established.

## 17 **TITLE IV—CONCESSION REFORM**

### 18 **SEC. 401. PURPOSE.**

19 (a) IN GENERAL.—The purpose of this title is to pro-  
20 vide for the continuing involvement of the private sector  
21 in the delivery of high-quality goods and services in the  
22 national parks.

23 (b) DETERMINATION.—To accomplish the purpose of  
24 this title, Congress has determined that it is in the best  
25 interest of visitors to national parks that—

1           (1) the contribution of the private sector to the  
2           administration of and investment in the national  
3           parks, particularly in the area of visitor services, be  
4           an important element of a coordinated program to  
5           reinvigorate the national parks for the future;

6           (2) the Secretary continue to solicit persons to  
7           enter into contracts with the United States to pro-  
8           vide the goods and services at each national park  
9           that are necessary or desirable to provide for public  
10          visitation and enjoyment of the national park, in a  
11          manner that will ensure the conservation and preser-  
12          vation of the natural, cultural, and biological re-  
13          sources for which the national park was established;

14          (3) substantial economies and improved service  
15          to park visitors be achieved by directing the Sec-  
16          retary to contract with an independent third-party  
17          asset manager, with substantial experience in the  
18          hospitality, food service, and retail sectors and with  
19          recognized business and financial expertise, to un-  
20          dertake many of the functions now conducted by  
21          government employees concerning contract prepara-  
22          tion and solicitation, contractor selection, program  
23          development, and performance evaluation;

1           (4) the administration of contracts be simplified  
2 while ensuring compliance with the terms, condi-  
3 tions, and provisions of each contract;

4           (5) contractors be given adequate incentives to  
5 invest in improvements that support their oper-  
6 ations, by affording contractors a reasonable oppor-  
7 tunity to profit from each contract and achieve a  
8 reasonable return on any investments made;

9           (6) the bidding procedures for contracts be re-  
10 vised and clarified to increase the competition for  
11 each contract, in particular in circumstances in  
12 which the Secretary believes that goods and services  
13 provided under a contract should be significantly en-  
14 hanced;

15           (7) to the extent consistent with paragraphs (1)  
16 through (6), each contract provide for payment of  
17 fees or other monetary or nonmonetary consideration  
18 to the United States for the benefit of the national  
19 park relating to the contract, and, in certain cases,  
20 for the benefit of national parks generally, in order  
21 to further enhance the visitor services provided by  
22 the National Park Service in each national park; and

23           (8) certain transitional rules may be necessary  
24 to prevent dislocation and to ensure that the United

1 States honors commitments under contracts entered  
2 into before the date of enactment of this Act.

3 **SEC. 402. DEFINITIONS.**

4 In this title:

5 (1) CAPITAL IMPROVEMENT.—The term “cap-  
6 ital improvement” means a capital investment made  
7 by a concessionaire in a structure, fixture, or non-  
8 removable equipment located in a national park that  
9 would be capitalized under generally accepted ac-  
10 counting principles.

11 (2) CONCESSIONAIRE.—The term “conces-  
12 sionaire” means a person providing a concession  
13 service under a concession contract with the Sec-  
14 retary.

15 (3) CONCESSION BOARD.—The term “Conces-  
16 sion Board” means the Concession Board appointed  
17 under section 403.

18 (4) CONCESSION MANAGER.—The term “Con-  
19 cession Manager” means the Concession Manager of  
20 the National Park Service appointed under section  
21 404.

22 (5) CONSUMER PRICE INDEX.—The term “Con-  
23 sumer Price Index” means—

1 (A) the Consumer Price Index—All Urban  
2 Consumers published by the Bureau of Labor  
3 Statistics of the Department of Labor; or

4 (B) if the index specified in subparagraph  
5 (A) is not published, the Consumer Price Index  
6 or other regularly published cost-of-living index  
7 chosen by the Secretary that approximates the  
8 index specified in subparagraph (A).

9 (6) MAINTENANCE ACCOUNT.—The term  
10 “maintenance account” means a segregated account  
11 established by a concessionaire, as required by a  
12 concession contract, for the maintenance of a struc-  
13 ture or other equipment assigned to the conces-  
14 sionaire under the concession contract that directly  
15 supports the services provided by the concessionaire.

16 **SEC. 403. NATIONAL PARK SERVICE CONCESSION BOARD.**

17 (a) ESTABLISHMENT.—There is established within  
18 the National Park Service a Concession Board.

19 (b) MEMBERSHIP.—The Concession Board shall be  
20 composed of—

21 (1) 6 individuals appointed by the Secretary, of  
22 whom—

23 (A) 3 shall be past or present employees of  
24 the National Park Service with substantial ex-  
25 perience in concession management; and



1           (B) 3 shall be individuals (other than em-  
2           ployees of the National Park Service or conces-  
3           sionaires) with substantial experience in the  
4           hospitality industry who have no financial inter-  
5           est in a concessionaire and have no other direct  
6           or indirect conflict of interest respecting any  
7           concessionaire, the Department of the Interior,  
8           or any public interest, political action, or other  
9           group or association that actively engages in  
10          lobbying activities concerning the national  
11          parks; and

12          (2) the Secretary, who shall serve as chair-  
13          person.

14          (c) TERM.—

15           (1) IN GENERAL.—A member of the Concession  
16          Board appointed under subsection (b)(1) shall be ap-  
17          pointed for a term not to exceed 4 years.

18           (2) STAGGERED TERMS.—The Secretary may  
19          stagger the terms of members appointed under sub-  
20          section (b)(1).

21           (3) VACANCIES.—The Secretary may appoint a  
22          member to serve for the unexpired term of any de-  
23          parting member.

24          (d) FUNCTIONS.—The Concession Board shall—

1           (1)(A) assist the Secretary in the preparation  
2           and issuance of a solicitation for proposals from per-  
3           sons that satisfy the criteria established in section  
4           404(a)(3) to serve as Concession Manager;

5           (B) review all proposals received and interview  
6           all persons that meet the requirements as specified  
7           in the solicitation for proposals; and

8           (C) submit to the Secretary a recommendation  
9           for appointment of the Concession Manager;

10          (2) review decisions of the Concession Manager  
11          and make recommendations to the Secretary regard-  
12          ing—

13                 (A) the selection of concessionaires; and

14                 (B) such other matters as the Secretary  
15                 may refer to the Concession Board;

16          (3) make recommendations to the Secretary re-  
17          garding—

18                 (A) allocation of fees collected from conces-  
19                 sionaires for the purposes of section 406; and

20                 (B) how much funding should be allocated  
21                 to individual national parks after concession  
22                 capital improvement programs and maintenance  
23                 operations are funded; and

24          (4) mediate disputes between the conces-  
25          sionaires and the Concession Manager or national

1 park superintendents and make recommendations to  
2 the Secretary regarding resolution of the disputes.

3 **SEC. 404. CONCESSION MANAGER.**

4 (a) APPOINTMENT.—

5 (1) CONTRACT AWARD.—The Secretary shall  
6 award a single contract for the appointment of a  
7 Concession Manager for all national parks.

8 (2) SELECTION.—The contract under para-  
9 graph (1) shall be awarded to the person that sub-  
10 mits the best proposal, as determined by the Sec-  
11 retary after taking into account the recommendation  
12 of the Concession Board.

13 (3) CRITERIA.—The Concession Manager shall  
14 be an independent, nongovernmental entity—

15 (A) that has substantial experience in the  
16 management of large hotel, food service, retail,  
17 and recreational properties; and

18 (B) that has no financial interest in a con-  
19 cessionaire or any other direct or indirect con-  
20 flict of interest respecting any concessionaire,  
21 the Department of the Interior, or any other  
22 public interest, political action, or other group  
23 or association that actively engages in lobbying  
24 activities concerning the national parks.

1 (b) TERM.—The term of a contract under subsection  
2 (a) shall not exceed 10 years.

3 (c) FUNCTIONS.—The Concession Manager shall—

4 (1) solicit, negotiate, and enforce the terms and  
5 conditions of concession contracts in compliance with  
6 this title; and

7 (2) submit recommendations to the Secretary  
8 regarding the award of concession contracts, includ-  
9 ing—

10 (A) prescription of an economically viable  
11 scope of work to be performed (including, if ap-  
12 plicable, a capital investment requirement) that  
13 is economically sufficient to generate bidding  
14 interest for the concession contract from quali-  
15 fied individuals or businesses;

16 (B) establishment of the terms and condi-  
17 tions of a concession contract in accordance  
18 with section 405(a);

19 (C) determine whether to renew a contract  
20 without issuance of a prospectus as permitted  
21 under section 405(g);

22 (D) develop a capital improvement and  
23 maintenance program for all concession facili-  
24 ties, including development of—

1 (i) overall facility standards based on  
2 comparable industry standards; and

3 (ii) site-specific capital improvement  
4 and maintenance programs for the areas in  
5 which concession activities will be con-  
6 ducted;

7 (E) develop a quality-assurance plan for  
8 each concession operation in accordance with  
9 subsection (e);

10 (F) conduct periodic inspections to ensure  
11 that the terms and conditions of a concession  
12 contract are fully complied with and that the  
13 standards developed under a quality assurance  
14 plan are met;

15 (G) on a regular basis, conduct visitor sur-  
16 veys seeking information regarding concession  
17 activities; and

18 (H) review general management and devel-  
19 opment concept plans prepared by the National  
20 Park Service and identify provisions of a plan  
21 that create undue operational or financial bur-  
22 dens on concessionaires or are otherwise incom-  
23 patible with the visitation service needs of a na-  
24 tional park.

1 (d) PROSPECTUS REQUIREMENTS.—Any prospectus  
2 issued by the Concession Manager shall, at a minimum,  
3 include—

4 (1) a description of the character, timing, and  
5 amount of any capital investments that will be re-  
6 quired under the concession contract, including the  
7 payment of the value of possessory interest or lease-  
8 holder surrender value under section 405(b)(1)(G),  
9 if any, to the departing concessionaire, as applicable  
10 and consistent with section 405;

11 (2) a detailed description of the areas, struc-  
12 tures, fixtures, and nonremovable equipment to be  
13 leased or assigned to the concessionaire, and the  
14 rental, if any, attributable to government-owned  
15 buildings not subject to a leasehold surrender value;

16 (3) a description of any quality assurance plan  
17 developed for the concession contract under sub-  
18 section (e);

19 (4) the minimum amount that will be required  
20 to be contributed to any maintenance account speci-  
21 fied in the concession contract in accordance with  
22 section 405(d), and the current balance of any exist-  
23 ing maintenance account that will be transferred to  
24 the concessionaire, with a detailed description of any

1 maintenance standards that are required to be ad-  
2 hered to by the concessionaire;

3 (5) the term of the concession contract in ac-  
4 cordance with section 405(e);

5 (6) a description of all fees sought by the Gov-  
6 ernment in connection with the concession contract;

7 (7) a description of any personal property to be  
8 sold by the departing concessionaire and the cost of  
9 the personal property;

10 (8) a description of any special rights held by  
11 third parties or limitations that have been or are an-  
12 ticipated to be imposed on the operations of the na-  
13 tional park that might materially affect the proposal;  
14 and

15 (9) the criteria that will be used to qualify the  
16 bidders and evaluate any proposal received (includ-  
17 ing experience, financial capability, record relative to  
18 resource protection, quality of service relative to fa-  
19 cilities assigned, and capital commitment).

20 (e) QUALITY ASSURANCE PLAN REQUIREMENTS.—A  
21 quality assurance plan for a concession contract—

22 (1) shall be tailored to the nature and character  
23 of the goods and services provided under the conces-  
24 sion contract;

1           (2) may be based on comparable industry  
2 standards;

3           (3) shall be included in contracts as awarded;  
4 and

5           (4) shall have the purpose of maximizing the  
6 quality of service provided to the public consistent  
7 with the terms of the concession contract and the  
8 nature and character of the facilities operated under  
9 the concession contract.

10          (f) FUNDING OF CONSIDERATION.—All consideration  
11 paid to the Concession Manager under a contract under  
12 subsection (a) shall be funded with concession contract  
13 fees and paid to the Concession Manager in accordance  
14 with section 406.

15          (g) STAFFING OF THE NATIONAL PARK SERVICE.—

16           (1) REGIONAL AND NATIONAL OFFICES.—Not  
17 later than 2 years after the date of enactment of  
18 this Act—

19           (A) each regional office shall retain 1 Na-  
20 tional Park Service employee to act as conces-  
21 sion coordinator for the region of the office; and

22           (B) the headquarters of the National Park  
23 Service in Washington, D.C., shall retain 3  
24 members of the staff to act as concession coor-  
25 dinators for all national parks.



1           (2) **PARK SERVICE EMPLOYEES.**—No career  
2 full-time employee of the National Park Service as-  
3 signed to concession operations at the time at which  
4 the Concession Manager is selected shall be sepa-  
5 rated from the National Park Service by reason of  
6 turning the management of concession operations  
7 over to the Concession Manager.

8           (3) **INTERNAL HIRING.**—Any career full-time  
9 employee of the National Park Service employed  
10 under the auspices of the concession program on the  
11 date of enactment of this Act shall be given priority  
12 placement for any available position within the Na-  
13 tional Park System notwithstanding any priority re-  
14 employment lists, directives, rules, regulations, or  
15 other orders of the Department of the Interior, the  
16 Office of Management and Budget, or any other  
17 Federal agency.

18 **SEC. 405. CONCESSION CONTRACTS.**

19           (a) **IN GENERAL.**—

20           (1) **TERMS AND CONDITIONS.**—A concession  
21 contract shall include—

22           (A) terms and conditions that are consist-  
23 ent with this title, the general management  
24 plan of a national park, and such matters as  
25 the Secretary may prescribe regarding resource

1 protection and other National Park Service con-  
2 cerns; and

3 (B) provisions relating to a description of  
4 the goods and services that shall or may be pro-  
5 vided under the concession contract, and the  
6 minimum contract requirements with respect to  
7 the goods and services, including—

8 (i) visitor services;

9 (ii) purchased goods;

10 (iii) interpretation;

11 (iv) park administrative functions;

12 (v) employee housing and other non-  
13 income producing facilities; and

14 (vi) other services or activities.

15 (2) FRANCHISE FEES.—

16 (A) CONTRACT SPECIFICATION.—The  
17 amount of a franchise fee for the privilege of  
18 providing concession services under this title  
19 shall be specified in a concession contract.

20 (B) CONTENTS.—The franchise fee for a  
21 concession contract may include any of the fol-  
22 lowing:

23 (i) An annual cash payment for the  
24 privilege of providing concession services.

1 (ii) Fees for rental or lease of Govern-  
2 ment-owned facilities or land occupied by  
3 the concessionaire.

4 (iii) Expenditures for maintenance of  
5 or improvements to Government-owned fa-  
6 cilities occupied by the concessionaire.

7 (3) MINIMUM ACCEPTABLE FEE.—

8 (A) IN GENERAL.—The Concession Man-  
9 ager shall establish a minimum fee for each ap-  
10 plicable category specified in paragraph (2)(B)  
11 that is acceptable to the Secretary.

12 (B) BASES.—The amount of a minimum  
13 fee shall be based on—

14 (i) historical data, if available; and

15 (ii) industry-specific and other market  
16 data available to the Secretary and the  
17 Concession Manager.

18 (4) ADJUSTMENT OF FEES.—No franchise fee  
19 or other fee collected in connection with a concession  
20 contract shall be subject to adjustment during the  
21 term of the concession contract except in accordance  
22 with a mathematical formula specified in the conces-  
23 sion contract.

24 (b) CAPITAL IMPROVEMENTS.—

1           (1) POSSESSORY INTERESTS UNDER EXISTING  
2           CONTRACTS.—

3                   (A) COMPENSATION BY APPRAISAL.—Not  
4           less than 12 months before the expiration of a  
5           concession contract existing on the date of en-  
6           actment of this Act under which the conces-  
7           sionaire holds a possessory interest, if the  
8           amount of compensation has not been agreed to  
9           previously by the Secretary and the conces-  
10          sionaire, the concessionaire shall submit to the  
11          Secretary an independent appraisal of the  
12          sound value (as defined in Public Law 89–249  
13          (16 U.S.C. 20 et seq.) of the structures, fix-  
14          tures, or improvements in which the conces-  
15          sionaire has a possessory interest under Public  
16          Law 89–249 (16 U.S.C. 20 et seq.).

17                   (B) APPRAISALS.—

18                           (i) TIMING.—An appraisal under sub-  
19           paragraph (A)—

20                                   (I) shall be performed by an ap-  
21           praiser with significant experience in  
22           the appraisal of assets similar to those  
23           to be valued in the appraisal; and

24                                   (II) shall be dated as of a date  
25           not earlier than the date that is 18

1 months before the date of expiration  
2 of the concession contract.

3 (ii) POST-APPRAISAL ACQUISITIONS.—

4 Any structure, fixture, or improvement ac-  
5 quired or constructed after the date of the  
6 appraisal in which the concessionaire holds  
7 a possessory interest shall be deemed to  
8 have a sound value as of the date of acqui-  
9 sition or construction equal to the conces-  
10 sionaire's original cost adjusted for any  
11 physical deterioration of the structure, fix-  
12 ture, or improvement.

13 (C) POSSESSORY INTERESTS.—

14 (i) PURCHASE.—The Secretary shall  
15 pay (or cause the succeeding concessionaire  
16 to pay) to the concessionaire for the con-  
17 cessionaire's possessory interest, on the  
18 termination of the contract, an amount  
19 equal to—

20 (I) the appraised sound value (as  
21 determined under this section); or

22 (II) the concessionaire's original  
23 cost for newly constructed or acquired  
24 structures, fixtures, or improvements  
25 as set forth in paragraph (2);

1 as applicable, increased by the percentage  
2 increase in the Consumer Price Index from  
3 the month in which the appraisal was  
4 made to the date of payment.

5 (ii) PAYMENT.—The amount under  
6 clause (i) shall be paid not later than 30  
7 days after the date of termination of the  
8 contract or 30 days after the date of the  
9 determination of the amount, except to the  
10 extent that the amount is carried forward  
11 under subparagraph (F).

12 (D) APPRAISAL DISPUTES.—

13 (i) SECOND APPRAISAL.—If the Sec-  
14 retary disagrees with the appraisal submit-  
15 ted by a concessionaire, the Secretary may,  
16 not less than 90 days after receipt of the  
17 concessionaire's appraisal, present the con-  
18 cessionaire with an independent appraisal  
19 performed by an appraiser with significant  
20 experience in the appraisal of assets simi-  
21 lar to those valued in the appraisal submit-  
22 ted by the concessionaire, dated as of the  
23 same date as the concessionaire's ap-  
24 praisal.

1                   (ii) SELECTION OF THIRD AP-  
2                   PRAISAL.—If the Secretary and the conces-  
3                   sionaire are unable to agree on the ap-  
4                   praised value within 30 days after the con-  
5                   cessionaire receives the Secretary’s ap-  
6                   praisal, the Secretary’s appraiser and the  
7                   concessionaire’s appraiser shall choose a  
8                   third appraiser.

9                   (iii) COURT DETERMINATION.—If the  
10                  Secretary fails to make a determination  
11                  within 60 days after receipt of a report by  
12                  the third appraiser, the concessionaire may  
13                  petition the United States Court of Fed-  
14                  eral Claims for a determination of the  
15                  value of the possessory interest. Subject to  
16                  the right of appeal, a determination by the  
17                  court shall be binding for purposes of this  
18                  section on all parties.

19                  (E) PAYMENT.—The concessionaire shall  
20                  pay the cost of the concessionaire’s appraisal  
21                  and the United States shall pay the cost of the  
22                  Secretary’s appraisal. If a third appraiser is se-  
23                  lected under subparagraph (D), the cost of the  
24                  third appraisal shall be shared equally by the  
25                  concessionaire and the United States.

1 (F) CONVERSION TO LEASEHOLD SURREN-  
2 DER VALUE.—

3 (i) VALUATION OF CAPITAL IMPROVE-  
4 MENTS.—To the extent that a succeeding  
5 concessionaire pays for the possessory in-  
6 terest of a preceding concessionaire, the  
7 amount paid—

8 (I) shall constitute the initial  
9 leaseholder surrender value respecting  
10 the applicable capital improvements at  
11 the commencement of the concession  
12 contract; and

13 (II) shall be valued in accordance  
14 with paragraph (2).

15 (ii) CARRYOVER AMOUNTS.—If an ex-  
16 isting concessionaire is awarded a conces-  
17 sion contract, the existing concessionaire  
18 shall carry over, as leasehold surrender  
19 value under paragraph (2), the amount  
20 that any other bidder on the concession  
21 contract would have paid to the existing  
22 concessionaire under the concession con-  
23 tract, with the remainder of any amount  
24 payable to the existing concessionaire to be  
25 paid under subparagraph (C).



1           (2) LEASEHOLD SURRENDER VALUE UNDER  
2 NEW CONCESSION CONTRACTS.—

3           (A) IN GENERAL.—Each concession con-  
4 tract that contemplates capital investment by  
5 the concessionaire in any capital improvements  
6 shall contain a provision requiring that on the  
7 expiration or other termination of the conces-  
8 sion contract, the Secretary shall pay, or cause  
9 the person that is awarded the successor con-  
10 cession contract to the concession contract to  
11 pay, to the concessionaire, as compensation for  
12 the concessionaire's investment in the capital  
13 improvement, the leasehold surrender value de-  
14 termined under subparagraph (B).

15           (B) COMPUTATION OF LEASEHOLD SUR-  
16 RENDER VALUE.—

17           (i) PROPERTY RIGHT.—A conces-  
18 sionaire shall have a property right in each  
19 capital improvement in which the conces-  
20 sionaire makes an investment as con-  
21 templated by the concession contract, con-  
22 sisting solely of a right to compensation  
23 for the capital improvement to the extent  
24 of the concessionaire's leasehold surrender  
25 value in the capital improvement.

1 (ii) PROPERTY RIGHT AS COLLAT-  
2 ERAL.—A property right under clause  
3 (i)—

4 (I) may be given as security for  
5 financing of a capital improvement;  
6 and

7 (II) shall be transferred in con-  
8 nection with any transfer of the con-  
9 cession contract under subsection (f).

10 (iii) DURATION.—The leasehold sur-  
11 render value—

12 (I) shall not be extinguished by  
13 the expiration or other termination of  
14 a concession contract; and

15 (II) may not be taken for public  
16 use, except on payment of just com-  
17 pensation.

18 (iv) CALCULATION.—The amount of  
19 the leasehold surrender value for a capital  
20 improvement shall be an amount that is  
21 equal to—

22 (I) the cost of the capital im-  
23 provement to the contractor, increased  
24 (or decreased) in the same percentage  
25 as the percentage increase (or de-

1           crease) in the Consumer Price Index,  
2           from the date of making the invest-  
3           ment in the capital improvement by  
4           the concessionaire to the date of pay-  
5           ment of the leasehold surrender value,  
6           less depreciation evidenced by the con-  
7           dition and prospective serviceability in  
8           comparison with a new unit of like  
9           kind; or

10                   (II) in the case of any structure,  
11           fixture, or equipment for which the  
12           concessionaire paid the leasehold sur-  
13           render value (or possessory interest  
14           under paragraph (1)(C)) to a previous  
15           concessionaire or for which any lease-  
16           hold surrender value (or possessory  
17           interest) is carried over from an exist-  
18           ing contract under paragraph (1)(F),  
19           the amount paid or carried over.

20           (c) RATES AND PRICES.—

21                   (1) IN GENERAL.—Subject to paragraph (2), a  
22           concession contract shall permit the concessionaire  
23           to determine the appropriate level of pricing for  
24           goods and services sold by the concessionaire.

1           (2) EXCESS OVER MARKET PRICES.—A conces-  
2           sion contract shall provide that it shall be a default  
3           under the concession contract if the concessionaire’s  
4           rates and prices, in the aggregate, materially exceed  
5           market prices for comparable goods and services,  
6           taking into consideration relevant operating con-  
7           straints experienced by the concessionaire under the  
8           concession contract, such as limited operating season  
9           or hours, nonrevenue producing contract provisions,  
10          other legal requirements, and the effect of remote lo-  
11          cation on operating and employment costs.

12          (d) MAINTENANCE ACCOUNTS.—

13           (1) IN GENERAL.—A concession contract may  
14           require that separate maintenance accounts may be  
15           established for the maintenance of—

16                   (A) structures, fixtures, and other im-  
17                   provements in which the concessionaire is enti-  
18                   tled to a leasehold surrender value; and

19                   (B) other structures or other improve-  
20                   ments assigned to the concessionaire.

21           (2) EXISTING IMPROVEMENTS.—A concession  
22           contract shall not require deposits in a maintenance  
23           account that are in excess of the amount reasonably  
24           anticipated as being necessary during the term of  
25           the concession contract to maintain the structures

1 and improvements to be benefited in their condition  
2 as of the date of execution of the concession con-  
3 tract.

4 (3) NEW IMPROVEMENTS.—A concession con-  
5 tract may provide for deposits in a maintenance ac-  
6 count after completion of any new structures, fix-  
7 tures, or improvements assigned to the conces-  
8 sionaire, in an amount not in excess of the amount  
9 reasonably anticipated as being necessary during the  
10 remaining term of the concession contract to main-  
11 tain the structures, fixtures, and improvements.

12 (4) WITHDRAWALS.—

13 (A) MAINTENANCE.—Except as provided  
14 in subparagraph (B), a concessionaire may  
15 withdraw amounts from a maintenance account  
16 solely for maintenance of structures, fixtures,  
17 and improvements.

18 (B) ADDITIONAL CAPITAL EXPENDI-  
19 TURES.—With the consent of the Concession  
20 Manager, a concessionaire may withdraw  
21 amounts from a maintenance account for the  
22 purpose of making additional capital expendi-  
23 tures to support concession operations.

24 (e) TERM.—

1           (1) IN GENERAL.—The term of a concession  
2 contract shall be determined by the Concession Man-  
3 ager based on the economic requirements of the con-  
4 cession contract.

5           (2) CAPITAL IMPROVEMENTS.—The term of a  
6 concession contract that will require the conces-  
7 sionaire to invest in a capital improvement so as to  
8 entitle the concessionaire to payment of the lease-  
9 hold surrender value of the capital improvement  
10 shall be not less than 15 years.

11 (f) TRANSFERABILITY.—

12           (1) IN GENERAL.—A concession contract shall  
13 be transferable only with the approval of the Sec-  
14 retary.

15           (2) APPROVAL.—

16           (A) IN GENERAL.—The Secretary shall ap-  
17 prove a transfer of a concession contract unless  
18 the Secretary determines that the transferee  
19 does not have sufficient professional, financial,  
20 and other resources or business experience to be  
21 capable of performing the concession contract  
22 for the remainder of the term of the concession  
23 contract.

24           (B) FAILURE TO ACT.—If the Secretary  
25 fails to approve or disapprove a transfer under

1 paragraph (1) within 60 days after the date on  
2 which the Secretary or Concession Manager re-  
3 ceives all necessary information requested by  
4 the Secretary or Concession Manager with re-  
5 spect to the transfer, the transfer shall be  
6 deemed to have been approved.

7 (3) NO ADDITIONAL TERMS OR CONDITIONS.—  
8 The Secretary shall not condition approval of a  
9 transfer of a concession contract on acceptance by  
10 the transferee of additional terms or conditions as  
11 part of the concession contract.

12 (4) EFFECT OF TRANSFER.—Upon the transfer  
13 of any concession contract, the transferee shall suc-  
14 ceed to all of the rights, duties, and obligations of  
15 the transferring concessionaire under the concession  
16 contract and this Act.

17 (g) RENEWAL OF CONTRACTS.—

18 (1) IN GENERAL.—Except as provided in para-  
19 graph (2), a concessionaire shall be given no pref-  
20 erence in the opportunity to provide new or addi-  
21 tional services or to be awarded a renewal of a con-  
22 cession contract the term of which is expiring or has  
23 expired.

24 (2) EXCEPTIONS.—

25 (A) GUIDES AND OUTFITTERS.—

1 (i) IN GENERAL.—Paragraph (1) does  
2 not apply to a concessionaire that has con-  
3 ducted a guide or outfitting operation  
4 under a permit issued or contract awarded  
5 by the Secretary.

6 (ii) RIGHT OF FIRST RENEGOTI-  
7 ATION.—A concessionaire that has con-  
8 ducted a guide or outfitting operation  
9 under a permit issued or contract awarded  
10 by the Secretary shall have a right of first  
11 renegotiation on expiration of the permit  
12 or contract.

13 (B) MINOR EXPANSION OF CONCESSION  
14 CONTRACT.—Nothing in this title prohibits the  
15 Secretary and a concessionaire from amending  
16 a concession contract to—

17 (i) change the quality or quantity of  
18 goods or services provided under the con-  
19 cession contract; or

20 (ii) provide new or additional services  
21 that are a natural extension of the conces-  
22 sion contract and complement services al-  
23 ready provided under the concession con-  
24 tract;



1           so long as the amendment does not materially  
2           change the nature or scope of the concession  
3           contract as a whole.

4           (C) SMALL CONTRACTS.—The Secretary  
5           may negotiate any individual concession con-  
6           tract with anticipated annual revenues of less  
7           than \$2,000,000 (adjusted annually for changes  
8           in the Consumer Price Index) without the  
9           issuance of a prospectus or the solicitation of  
10          competitive bids.

11          (D) EMERGENCY AND TEMPORARY CON-  
12          TRACTS.—A concession contract may be award-  
13          ed or extended for a period not to exceed 3  
14          years without competitive bids—

15                 (i) if necessary to avoid curtailment of  
16                 visitor services at a national park; or

17                 (ii) for the purpose of providing goods  
18                 or services that are expected to be of tem-  
19                 porary duration.

20          (h) BIDDING PROCEDURES.—

21                 (1) SOLICITATION OF BIDS.—

22                         (A) PROSPECTUS.—After the Concession  
23                         Manager determines that a concession contract  
24                         will be awarded through the solicitation of com-  
25                         petitive bids and a prospectus has been pre-

1           pared and approved in accordance with this  
2           Act, the Concession Manager shall issue the  
3           prospectus to potential concessionaires.

4           (B) CONTENTS.—The prospectus shall, in  
5           addition to the provisions required under sub-  
6           section (a)(1), contain—

7                   (i) provisions that clearly set forth the  
8                   relative importance of each criterion to be  
9                   considered with respect to each bid (based  
10                  on a system of points to be awarded for  
11                  each criterion);

12                  (ii) an explanation of the bid review  
13                  and selection process; and

14                  (iii) such other information concern-  
15                  ing the national park and the award as the  
16                  Concession Manager considers relevant.

17           (C) PRIORITIES.—In the determination of  
18           the winning bid, consideration of fee income to  
19           the United States shall be of secondary impor-  
20           tance to the financial capability of the conces-  
21           sionaire and the quality, scope of service, and  
22           upgrade of facilities and services that are ex-  
23           pected to result from award of the concession  
24           contract.

1 (D) SUBSTANTIAL FACTORS.—Prior expe-  
2 rience in the management of operations deliver-  
3 ing the same or similar goods and services in  
4 the national park or in other similar operations  
5 shall be a criterion given substantial weight  
6 (not less than 10 percent of the points award-  
7 ed) by the Concession Manager and the Sec-  
8 retary in the final selection of the winning bid.

9 (2) QUALIFICATION OF BIDDERS; REJECTION  
10 OF BIDS.—

11 (A) EXPERIENCE AND CAPABILITIES.—A  
12 prospectus for the award of a concession con-  
13 tract with anticipated annual revenues in excess  
14 of \$5,000,000 may require that each prospec-  
15 tive bidder submit to the Concession Manager,  
16 before submission of bids, a description of its  
17 business and organization that is sufficient to  
18 permit the Concession Manager to determine  
19 whether the prospective bidder has sufficient fi-  
20 nancial capability and experience in the man-  
21 agement of operations that are similar to those  
22 that will be required under the concession con-  
23 tract that there is a reasonable likelihood, as  
24 determined by the Concession Manager, that

1 the prospective bidder will be able to fulfill its  
2 obligations under the concession contract.

3 (B) SUBMISSION.—All prospective bidders,  
4 except any that the Concession Manager deter-  
5 mines does not have the financial capability and  
6 experience described in subparagraph (A) (if  
7 applicable), shall be permitted to submit a bid  
8 for the award of the concession contract.

9 (C) REJECTION.—After bids are received,  
10 the Concession Manager may reject any bid  
11 that the Concession Manager determines is not  
12 substantially responsive to the criteria set forth  
13 in the prospectus.

14 (3) SELECTION OF CONCESSIONAIRE; NEGOTIA-  
15 TION AND EXECUTION OF CONCESSION CONTRACT.—

16 (A) EVALUATION.—All bids not rejected by  
17 the Concession Manager in accordance with this  
18 title shall be evaluated based on the bid review  
19 and selection process set forth in the prospec-  
20 tus.

21 (B) SELECTION.—The bidder submitting  
22 the bid receiving the highest number of points  
23 awarded for the criteria set forth in the pro-  
24 spectus shall be selected for negotiation of the  
25 concession contract.

1 (C) NEGOTIATION.—The negotiation—

2 (i) shall be conducted by the Conces-  
3 sion Manager in good faith with the se-  
4 lected bidder; and

5 (ii) shall be confined to any terms of  
6 the concession contract that the bidder  
7 identified in the bid submitted as being un-  
8 acceptable.

9 (D) TERMINATION.—Until agreement is  
10 reached on the terms of a concession contract,  
11 the Concession Manager may terminate the ne-  
12 gotiation and begin similar negotiation with the  
13 other bidders in the order in which bids re-  
14 ceived the next highest number of points, until  
15 a concession contract is fully executed and de-  
16 livered.

17 (E) REVIEW.—A concession contract shall  
18 be subject to review and approval by the Sec-  
19 retary before execution by the United States.

20 (F) RENEWAL OF BID PROCESS.—If nego-  
21 tiations do not result in a concession contract,  
22 the Concession Manager shall reject all bids  
23 and solicit new bids for the award of the con-  
24 cession contract.

1 **SEC. 406. REVENUE FLOW; FEES TO THE GOVERNMENT.**

2 (a) SPECIAL ACCOUNT.—

3 (1) DEPOSIT OF FEES.—The amount of all con-  
4 tract concession fees collected during a fiscal year  
5 shall be deposited in a special account in the Treas-  
6 ury of the United States and shall be available, with-  
7 out further Act of appropriation, for use in accord-  
8 ance with this section.

9 (2) EXCEPTIONS.—For purposes of this section,  
10 fees shall not include any amounts set aside in a  
11 maintenance account.

12 (b) USE OF AMOUNTS IN THE SPECIAL ACCOUNT.—

13 (1) PAYMENT OF CONSIDERATION TO THE CON-  
14 CESSION MANAGER.—Amounts in the special account  
15 under subsection (a) at the end of a fiscal year shall  
16 be used first to pay consideration under the contract  
17 with the Concession Manager for the fiscal year.

18 (2) REWARD ALLOCATION.—The balance re-  
19 maining in the special account after application of  
20 paragraph (1) shall be transferred to a subaccount  
21 and shall be allocated to each national park, based  
22 on the proportion that the amount of concession  
23 contract fees collected from the national park during  
24 the fiscal year bears to the total amount of conces-  
25 sion contract fees collected from all national parks  
26 during the fiscal year, to fund high-priority resource

1 management and visitor services programs and oper-  
2 ations.

3 **SEC. 407. SUSPENSION OR TERMINATION OF CONCESSION**

4 **CONTRACT.**

5 (a) **SUSPENSION.**—The Concession Manager may im-  
6 mediately suspend a concession contract if the Concession  
7 Manager finds that an immediate suspension is necessary  
8 to protect the public health or welfare.

9 (b) **TERMINATION.**—The Secretary may terminate a  
10 concession contract if the concessionaire fails to correct  
11 a condition identified by the Concession Manager within  
12 the limitations established by contract—

13 (1) within 30 days after the date on which a  
14 notice of failure to comply with the terms and condi-  
15 tions of the contract is provided to the conces-  
16 sionaire; or

17 (2) within such longer period of time as the  
18 concessionaire may reasonably require to correct the  
19 condition.

20 **SEC. 408. REPORTING.**

21 (a) **MAINTENANCE AND ACCESS.**—

22 (1) **RECORDS AND REPORT.**—A concessionaire  
23 shall keep such records and submit to the Conces-  
24 sion Manager such reports as are required in the  
25 concession contract to enable the Concession Man-

1       ager to monitor performance by the concessionaire  
2       of the concession contract.

3           (2) CONFIDENTIALITY.—Any record or report  
4       under paragraph (1) that contains financial informa-  
5       tion concerning the operations of the concessionaire  
6       (except for aggregate gross sales data and revenues  
7       covered into the special account under section 406)  
8       or any other proprietary business information of the  
9       concessionaire shall be considered to be confidential  
10      and not subject to disclosure to the public under sec-  
11      tion 552 of title 5, United States Code, or any other  
12      Federal law.

13           (3) ACCESSIBILITY.—For the purpose of audit  
14      and examination, the Concession Manager shall have  
15      access at reasonable times and locations to records  
16      under paragraph (1) and to other books, documents,  
17      and papers of the concessionaire pertaining to the  
18      concession contract.

19           (b) ACCESS BY COMPTROLLER GENERAL.—Until the  
20      expiration of 5 calendar years after the close of the fiscal  
21      year of a concessionaire, the Comptroller General of the  
22      United States shall have access to and the right to exam-  
23      ine any pertinent books, documents, papers, and records  
24      of the concessionaire relative to a concession contract.



1 **SEC. 409. PROMOTION OF THE SALES OF INDIAN AND**  
2 **ALASKA NATIVE HANDICRAFTS.**

3 (a) IN GENERAL.—Promoting the sale of United  
4 States authentic Indian and Alaska Native handicrafts re-  
5 lating to the cultural, historical, and geographic character-  
6 istics of national park areas is encouraged, and the Sec-  
7 retary shall ensure that there is a continuing effort to en-  
8 hance the handicraft trade where it exists and establish  
9 the trade where it does not currently exist.

10 (b) EXEMPTION FROM FEES.—In furtherance of this  
11 title, the revenue derived from the sale of United States  
12 Indian and Alaska Native handicrafts shall be exempt  
13 from any franchise fee payment under section 405(a).

14 **SEC. 410. USE OF NONMONETARY CONSIDERATION IN**  
15 **LEASES OF GOVERNMENT PROPERTY.**

16 Section 321 of the Act of June 30, 1932 (47 Stat.  
17 412, chapter 314; 40 U.S.C. 303b) shall not apply to  
18 privileges, leases, permits, and contracts granted by the  
19 Secretary for the use of land and improvements on land,  
20 in areas administered by the National Park Service, for  
21 the purpose of providing accommodations, facilities, and  
22 services for visitors pursuant to the Act of August 25,  
23 1916 (commonly known as the “National Park Service Or-  
24 ganize Act”) (39 Stat. 535, chapter 408; 16 U.S.C. 1 et  
25 seq.), or the Act of August 21, 1935 (49 Stat. 666, chap-  
26 ter 593; 16 U.S.C. 461 et seq.).

1 **SEC. 411. APPLICABILITY OF NEPA TO RENEWALS AND EX-**  
2 **TENSIONS OF SIMILAR CONTRACTS.**

3 The extension, renewal, amendment, or other award  
4 of a concession contract to provide goods or services simi-  
5 lar in nature and amount to the goods or services provided  
6 under the same or a previous concession contract shall be  
7 considered to be a categorical exclusion for purposes of  
8 the National Environmental Policy Act of 1969 (42 U.S.C.  
9 4321 et seq.).

10 **SEC. 412. MISCELLANEOUS.**

11 (a) ANILCA.—Nothing in this title amends, super-  
12 sedes, or otherwise affects any provision of the Alaska Na-  
13 tional Interest Lands Conservation Act (16 U.S.C. 3101  
14 et seq.) relating to revenue-producing visitor services.

15 (b) REPEALS.—Subject to provisions of this title that  
16 incorporate portions of Public Law 89–249 by reference  
17 with respect to concession contracts existing on the date  
18 of enactment of this Act, and subject to subsection (c),  
19 Public Law 89–249 (16 U.S.C. 20 et seq.) is repealed.

20 (c) SAVINGS.—

21 (1) VALIDITY.—The repeal of any provision, the  
22 superseding of any provision, and the amendment of  
23 any provision, of any statute referred to in this sec-  
24 tion shall not affect the validity of any contract or  
25 other authorization entered into under that statute.

1           (2) APPLICABILITY.—This title shall apply to  
2 any contract or authorization described in paragraph  
3 (1), except to the extent that any provision of this  
4 title is inconsistent with the express terms of the  
5 contract or authorization or except as otherwise pre-  
6 served with respect to such contract or authorization  
7 under the terms of this title.

## 8           **TITLE V—NATIONAL PARK** 9           **PASSPORT PROGRAM**

### 10 **SEC. 501. PURPOSES.**

11           The purposes of this title are—

12           (1) to develop a national park passport that in-  
13 cludes a collectible stamp to be used for admission  
14 to the national parks; and

15           (2) to generate revenue for support of the Na-  
16 tional Park System.

### 17 **SEC. 502. DEFINITIONS.**

18           In this title:

19           (1) INTERNATIONAL PARK PASSPORT.—The  
20 term “international park passport” means an inter-  
21 national park passport issued under section 505.

22           (2) PARK PASSPORT.—The term “park pass-  
23 port” means a park passport issued under section  
24 503.

1 **SEC. 503. NATIONAL PARK PASSPORT PROGRAM.**

2 (a) IN GENERAL.—The Secretary shall establish a  
3 national park passport program.

4 (b) FEATURES.—The national park passport pro-  
5 gram shall provide for issuance of collectible stamps pro-  
6 viding the holder of the park passport admission to all  
7 of the national parks.

8 (c) TRANSFERABILITY.—A national park passport  
9 shall not be transferable.

10 **SEC. 504. ADMINISTRATION.**

11 (a) EFFECTIVE PERIOD.—A park passport shall be  
12 an annual passport effective from January 1 through De-  
13 cember 31 of a year.

14 (b) STAMP DESIGN COMPETITION.—

15 (1) IN GENERAL.—The Secretary shall hold an  
16 annual competition for the design of the stamp to be  
17 affixed to the passport.

18 (2) PUBLIC PARTICIPATION.—Each competition  
19 shall be open to the public and shall be a means to  
20 educate the American people about the National  
21 Park System.

22 (c) SALE OF STAMPS AND PASSPORTS.—

23 (1) BY PUBLIC ENTITIES.—Park passports and  
24 stamps shall be sold through the National Park  
25 Service and the United States Postal Service under

1 a regulation promulgated jointly by the Secretary  
2 and the United States Postal Service.

3 (2) BY PRIVATE ENTITIES.—

4 (A) VENDOR SALES.—Park passports (in-  
5 cluding stamps) may be sold by private vendors  
6 on consignment in accordance with guidelines  
7 established by the Secretary.

8 (B) VENDOR COMMISSIONS.—A private  
9 vendor may be allowed to collect a commission  
10 on each park passport sold, as determined by  
11 the Secretary.

12 (C) LIMITATIONS.—The Secretary may  
13 limit the number of private vendors of park  
14 passports.

15 (d) USE OF PROCEEDS.—

16 (1) ADMINISTRATION AND PROMOTION.—The  
17 Secretary may use not more than 10 percent of the  
18 revenues derived from the sale of park passports to  
19 administer and promote the park passport program.

20 (2) TREASURY ACCOUNT.—Amounts collected  
21 from the sale of park passports—

22 (A) shall be deposited in a special account  
23 in the Treasury of the United States; and

1 (B) shall remain available until expended,  
2 without further Act of appropriation, for  
3 projects throughout the National Park System.

4 (e) AGREEMENTS.—The Secretary may enter into co-  
5 operative agreements with interested persons to provide  
6 for the development and implementation of the park pass-  
7 port program and the Secretary shall take such actions  
8 as are appropriate to actively market park passports.

9 **SEC. 505. INTERNATIONAL PARK PASSPORT PROGRAM.**

10 (a) IN GENERAL.—The Secretary shall establish an  
11 international park passport program, which shall be gov-  
12 erned by the other provisions of this title except as pro-  
13 vided in this section.

14 (b) AVAILABILITY.—An international park passport  
15 and stamp shall be made available exclusively to foreign  
16 visitors to the United States.

17 (c) SALE.—International park passports and stamps  
18 shall be available for sale exclusively outside the United  
19 States through commercial tourism channels and con-  
20 sulates or other offices of the United States.

21 (d) PRICE.—International park passport and stamps  
22 shall be sold at a price that is \$10.00 less than the price  
23 of a park passport and stamp, but not less than \$40.00.

24 (e) FORM.—An international park passport and  
25 stamp shall be produced in a form that provides useful

1 information to the international visitor and serves as a  
2 souvenir of the visit.

3 (d) EFFECTIVE PERIOD.—An international park  
4 passport shall be valid for a period of 45 days.

5 (e) USE OF PROCEEDS.—

6 (1) IN GENERAL.—Of the amounts collected  
7 from the sale of international park passports—

8 (A) 50 percent shall be deposited in the  
9 special account under section 504(d) and shall  
10 be available as provided in section 504(d); and

11 (B) 50 percent shall be deposited in a spe-  
12 cial account in the Treasury of the United  
13 States, and shall remain available until ex-  
14 pended, without further Act of appropriation,  
15 as provided in paragraph (2).

16 (2) AVAILABILITY TO THE SECRETARY OF COM-  
17 MERCE.—Amounts in the special account under  
18 paragraph (1)(B) shall be available to the Secretary  
19 of Commerce to carry out section 6 of the United  
20 States National Tourism Organization Act (22  
21 U.S.C. 2141d) in connection with programs and  
22 projects that relate to national parks and State  
23 parks, national forests, and other Federal land.

24 (f) TERMINATION OF PROGRAM.—The Secretary  
25 shall terminate the international park passport program

1 at the end of calendar year 2003 unless at least 200,000  
2 international park permits are sold during that calendar  
3 year.

4 **SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated \$750,000 to  
6 develop guidelines and procedures for the park passport  
7 program and to implement the program in its first year.

8 **SEC. 507. EFFECT ON OTHER LAWS AND PROGRAMS.**

9 (a) **PARK PASSPORT NOT REQUIRED.**—A park pass-  
10 port shall not be required for—

11 (1) a single visit to a national park that charges  
12 an admission fee under section 4(a)(2) of the Land  
13 and Water Conservation Fund Act of 1965 (16  
14 U.S.C. 4601–6a(a)(2)); or

15 (2) an individual who has obtained a Golden  
16 Age or Golden Access Passport under paragraph (4)  
17 or (5) of section 4(a) of the Land and Water Con-  
18 servation Fund Act of 1965 (16 U.S.C. 4601–6a(a)).

19 (b) **GOLDEN EAGLE PASSPORTS.**—A Golden Eagle  
20 Passport issued under section 4(a)(1)(A) of the Land and  
21 Water Conservation Fund Act of 1965 (16 U.S.C. 4601–  
22 6a(a)(1)(A)) shall be honored for admission to each na-  
23 tional park.

24 (c) **PARK PASSPORT.**—A park passport shall provide  
25 access to each national park under the same conditions,



1 rules, and regulations as apply to access with a Golden  
2 Eagle Passport.

3 (d) LIMITATIONS.—A park passport established by  
4 this Act may not be used to obtain access to other Federal  
5 recreation fee areas outside the National Park System.

6 (e) EXEMPTIONS AND FEES.—A park passport does  
7 not exempt the holder from or provide the holder any dis-  
8 count on any recreation use fee imposed under section  
9 4(b) of the Land and Water Conservation Fund Act of  
10 1965 (16 U.S.C. 460l–6a(b)).

11 (f) FEE.—The fee for a park passport and stamp  
12 shall be \$50.

13 **TITLE VI—NATIONAL PARKS RE-**  
14 **SOURCE INVENTORY AND**  
15 **MANAGEMENT**

16 **SEC. 601. PURPOSES.**

17 The purposes of this title are—

18 (1) to more effectively achieve the mission of  
19 the National Park Service;

20 (2) to enhance management and protection of  
21 national park resources by providing clear authority  
22 and direction for the conduct of scientific study in  
23 the national parks and to use the information gath-  
24 ered for management purposes;

1           (3) to ensure appropriate documentation of re-  
2           source conditions in the national parks;

3           (4) to encourage others to use the national  
4           parks for study to the benefit of park management  
5           as well as broader scientific value, in cases in which  
6           such study is consistent with the Act of August 25,  
7           1916 (commonly known as the “National Park Serv-  
8           ice Organic Act”) (39 Stat. 535, chapter 408; 16  
9           U.S.C. 1 et seq.); and

10          (5) to encourage the publication and dissemina-  
11          tion of information derived from studies in the na-  
12          tional parks.

13 **SEC. 602. DEFINITIONS.**

14          In this title:

15           (1) CHIEF SCIENTIST.—The term “Chief Sci-  
16           entist” means the Chief Scientist of the National  
17           Park Service appointed under section 603(b).

18           (2) CULTURAL RESOURCE.—The term “cultural  
19           resource” means—

20                   (A) a historic property (as defined in sec-  
21                   tion 301 of the National Historic Preservation  
22                   Act (16 U.S.C. 470w));

23                   (B) an archaeological resource (as defined  
24                   in section 3 of the Archaeological Resources  
25                   Protection Act of 1979 (16 U.S.C. 470bb)); and

1 (C) a museum object (as defined by the  
2 Secretary).

3 (3) UNIT RESOURCE STUDY.—The term “unit  
4 resource study” means a study conducted under sec-  
5 tion 603.

6 **SEC. 603. UNIT RESOURCE STUDY PROGRAM.**

7 (a) IN GENERAL.—

8 (1) ESTABLISHMENT.—In furtherance of the  
9 fundamental purposes of the National Park System,  
10 the Secretary shall undertake a program of scientific  
11 study by National Park Service employees and co-  
12 operators in each national park.

13 (2) MATTERS TO BE STUDIED.—The unit re-  
14 source study program under paragraph (1) shall  
15 consist of studies of—

16 (A) natural resources employing the var-  
17 ious natural sciences;

18 (B) cultural resources employing the var-  
19 ious sciences and disciplines related to cultural  
20 resources;

21 (C) physical resources employing the var-  
22 ious sciences and disciplines related to physical  
23 resources; and

1 (D) the contemporary uses of national  
2 parks employing the various social sciences and  
3 other disciplines related to those uses.

4 (3) PROFESSIONAL AND SCIENTIFIC METH-  
5 ODS.—The unit resource study program shall make  
6 use of peer-accepted professional and scientific  
7 methods to acquire, analyze, and report information  
8 through inventory monitoring, observation, documen-  
9 tary investigation, surveying, interviewing, experi-  
10 mentation resource management, and adaptive man-  
11 agement.

12 (4) DISSEMINATION OF INFORMATION.—The  
13 unit resource study program shall make explicit pro-  
14 vision for the dissemination of information through  
15 publications and the electronic media to managers of  
16 each national park, to other persons and entities  
17 having an interest in such matters, and to the pub-  
18 lic.

19 (b) CHIEF SCIENTIST.—

20 (1) APPOINTMENT.—The Secretary shall ap-  
21 point a Chief Scientist within the National Park  
22 Service, who shall report directly to the Deputy Di-  
23 rector, National Park Service Operations.

24 (2) RESPONSIBILITIES.—The Chief Scientist—

1 (A) shall have responsibility for coordina-  
2 tion of all unit resource studies; and

3 (B) shall have line authority over all per-  
4 sons within the National Park Service conduct-  
5 ing unit resource studies.

6 (c) OTHER EMPLOYEES.—The Secretary may assign  
7 employees of the Chief Scientist to national park areas  
8 or colleges and universities as needed to conduct or coordi-  
9 nate a unit resource study for each national park.

10 (d) PEER REVIEW PROCESS.—

11 (1) IN GENERAL.—The Secretary shall provide  
12 for an appropriate scientific peer review process to  
13 ensure the validity and reliability of each unit re-  
14 source study.

15 (2) REQUIREMENTS.—The peer review process  
16 shall provide for—

17 (A) review by independent referees selected  
18 from among individuals recommended by the  
19 National Academy of Sciences; and

20 (B) consideration of other relevant data or  
21 information submitted to the Secretary.

22 (e) ALLOCATION OF AVAILABLE FUNDING.—The  
23 Chief Scientist shall allocate funds for unit resource stud-  
24 ies in accordance with priorities established by national  
25 park superintendents.

1 **SEC. 604. COOPERATIVE AGREEMENTS AND CONTRACTS.**

2 (a) COOPERATIVE AGREEMENTS WITH COLLEGES  
3 AND UNIVERSITIES.—

4 (1) CENTERS FOR STUDIES.—The Secretary  
5 shall enter into long-term cooperative agreements  
6 with colleges and universities that shall be the pri-  
7 mary centers through which unit resource studies  
8 shall be conducted.

9 (2) GEOGRAPHIC DISPERSION.—The cooper-  
10 ative agreements shall be geographically dispersed  
11 across the various regions of the country.

12 (b) OTHER COOPERATIVE AGREEMENTS OR CON-  
13 TRACTS.—

14 (1) IN GENERAL.—The Secretary may enter  
15 into cooperative agreements or contracts with the  
16 United States Geological Survey, other Federal  
17 agencies, public or private institutions, professional  
18 organizations, individuals, corporations, States, and  
19 political subdivisions of States to carry out the unit  
20 resource study program.

21 (2) REVIEW OF UNIT RESOURCE STUDIES.—

22 (A) NATIONAL ACADEMY OF SCIENCES.—

23 The Secretary shall enter into an agreement  
24 with the National Academy of Sciences under  
25 which the National Academy of Sciences shall  
26 review and comment on unit resource studies

1 and management policies adopted in response to  
2 unit resource studies.

3 (B) REQUESTS FOR REVIEW.—Review by  
4 the National Academy of Sciences may be con-  
5 ducted in response to a request by the National  
6 Park Service or in response to a request by a  
7 person outside the National Park Service that  
8 submits to the National Academy of Sciences a  
9 study that, in the opinion of the National Acad-  
10 emy of Sciences, warrants review.

11 (c) ADEQUATE COMPETITION.—In entering into any  
12 cooperative agreement or contract for a unit resource  
13 study, the Secretary shall provide adequate competition to  
14 ensure that the unit resource study is undertaken by the  
15 best qualified person and at the best value for the Federal  
16 Government.

17 **SEC. 605. INVENTORY AND MONITORING PROGRAM.**

18 (a) PROGRAM.—

19 (1) ESTABLISHMENT.—The Secretary shall un-  
20 dertake a program of inventory and monitoring of  
21 national park resources to establish baseline infor-  
22 mation and provide information on the long-term  
23 trends in the conditions of national park resources.

24 (2) DEVELOPMENT.—The monitoring program  
25 shall be developed in cooperation with other Federal

1 monitoring and information collection efforts to en-  
2 sure a cost-effective approach.

3 (b) TRAINING.—The Secretary shall take such ac-  
4 tions as are necessary to ensure that the National Park  
5 Service work-force has adequate professional and technical  
6 knowledge and training to carry out the missions of the  
7 National Park Service, including making use of scientific  
8 data and research results.

9 **SEC. 606. AVAILABILITY OF NATIONAL PARKS FOR SCI-**  
10 **ENTIFIC STUDY.**

11 (a) IN GENERAL.—The Chief Scientist may solicit,  
12 receive, and consider requests from public or private insti-  
13 tutions, individuals, corporations, States, political subdivi-  
14 sions of States, and other Federal agencies for the use  
15 of any national park for purposes of scientific study.

16 (b) APPROVAL.—A request for the use of a national  
17 park under subsection (a) may be approved if the Chief  
18 Scientist determines that the proposed study—

19 (1) is consistent with applicable law and Na-  
20 tional Park Service management policies; and

21 (2) will be conducted in such a manner as to  
22 pose no significant threat to or broad impairment of  
23 national park resources or public enjoyment derived  
24 from those resources.



1 (c) ACCESS.—The Secretary may waive any recre-  
2 ation admission or recreation user fee in order to facilitate  
3 the conduct of a scientific study under this section.

4 **SEC. 607. INTEGRATION OF STUDY RESULTS INTO MANAGE-**  
5 **MENT DECISIONS.**

6 (a) ADMINISTRATIVE RECORD.—In each case in  
7 which a park resource may be adversely affected by an  
8 action undertaken by the National Park Service, the ad-  
9 ministrative record shall reflect the manner in which unit  
10 resource studies and studies under section 606 have been  
11 considered.

12 (b) ANNUAL PERFORMANCE EVALUATION.—The  
13 trend in the condition of national park resources, particu-  
14 larly national park resources, shall be a significant factor  
15 in the annual performance evaluation of all national park  
16 superintendents.

17 **SEC. 608. CONFIDENTIALITY OF INFORMATION CONCERN-**  
18 **ING THE NATURE AND LOCATION OF SEN-**  
19 **SITIVE RESOURCES.**

20 Information concerning the nature and location of a  
21 natural park resource that is endangered, threatened,  
22 rare, or commercially valuable, or is an object of cultural  
23 patrimony within a national park, may be withheld in re-  
24 sponse to a request under section 552 of title 5, United  
25 States Code, unless the Secretary determines that—

1           (1) disclosure of the information would further  
 2           the purposes of the national park in which the re-  
 3           source is located and would not create a substantial  
 4           risk of harm, theft, or destruction of the resource,  
 5           including individual members or specimens of any  
 6           resource population; and

7           (2) disclosure is consistent with other applicable  
 8           laws protecting the resource.

9 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

10          There is authorized to be appropriated to carry out  
 11          this title \$15,000,000 for each fiscal year.

12 **TITLE VII—DESIGNATION OF**  
 13 **TAX REFUNDS AND CON-**  
 14 **TRIBUTIONS FOR THE BENE-**  
 15 **FIT OF THE NATIONAL PARKS**

16 **SEC. 701. TAX REFUNDS AND CONTRIBUTIONS.**

17          (a) IN GENERAL.—Subchapter A of chapter 61 of the  
 18          Internal Revenue Code of 1986 (relating to returns and  
 19          records) is amended by adding at the end the following:

20 **“PART IX—DESIGNATION OF OVERPAYMENTS**  
 21 **AND CONTRIBUTIONS FOR THE BENEFIT OF**  
 22 **UNITS OF THE NATIONAL PARK SYSTEM**

“Sec. 6097. Designation.

1 **“SEC. 6097. DESIGNATION.**

2 “(a) IN GENERAL.—In the case of an individual, a  
3 taxpayer may designate that—

4 “(1) a specified portion (not less than \$1) of  
5 any overpayment of tax imposed by chapter 1 for  
6 any taxable year; and

7 “(2) any cash contribution which the taxpayer  
8 includes with the return of such tax,

9 shall be paid over to the National Parks Trust Fund.

10 “(b) MANNER AND TIME OF DESIGNATION.—A des-  
11 ignation under subsection (a) shall be made at the time  
12 of filing the return of the tax imposed by chapter 1 for  
13 the taxable year. Such designation shall be made in such  
14 manner as the Secretary prescribes by regulations, except  
15 that such designation shall be made either on the first  
16 page of the return or on the page bearing the taxpayer’s  
17 signature.

18 “(c) OVERPAYMENTS TREATED AS REFUNDED.—For  
19 purposes of this title, any portion of an overpayment of  
20 tax designated under subsection (a) shall be treated as  
21 being refunded to the taxpayer as of the last date pre-  
22 scribed for filing the return of tax imposed by chapter 1  
23 (determined without regard to extensions) or, if later, the  
24 date the return is filed.”.

1 (b) CLERICAL AMENDMENT.—The table of parts for  
 2 subchapter A of such Code is amended by adding at the  
 3 end the following:

“Part IX. Designation of overpayments and contributions for the  
 benefit of units of the National Park System.”.

4 (c) EFFECTIVE DATE.—The amendments made by  
 5 this section shall apply to taxable years beginning after  
 6 December 31, 1998.

7 **SEC. 702. NATIONAL PARKS TRUST FUND.**

8 (a) IN GENERAL.—Subchapter A of chapter 98 of the  
 9 Internal Revenue Code of 1986 (relating to trust fund  
 10 code) is amended by adding at the end the following:

11 **“SEC. 9512. NATIONAL PARKS TRUST FUND.**

12 “(a) CREATION OF TRUST FUND.—There is estab-  
 13 lished in the Treasury of the United States a trust fund  
 14 to be known as the ‘National Parks Trust Fund’, consist-  
 15 ing of such amounts as may be appropriated or credited  
 16 to the National Parks Trust Fund as provided in this sec-  
 17 tion or section 9602(b).

18 “(b) TRANSFER TO NATIONAL PARKS TRUST FUND  
 19 OF AMOUNTS DESIGNATED.—There is hereby appro-  
 20 priated to the National Parks Trust Fund amounts equiv-  
 21 alent to the amounts received in the Treasury which are  
 22 designated to be paid to the Trust Fund under section  
 23 6097.

24 “(c) EXPENDITURES FROM TRUST FUND.—

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2 amounts in the National Parks Trust Fund shall be  
3 available, as provided by appropriation Acts, for  
4 making expenditures to carry out section 703 of the  
5 Vision 2020 National Parks Restoration Act (as in  
6 effect on the date of the enactment of this section).

7           “(2) ADMINISTRATIVE EXPENSES.—Amounts in  
8 the National Parks Trust Fund shall be available to  
9 pay administrative expenses directly allocable to—

10                   “(A) modifying the individual income tax  
11 return forms to carry out the provisions of sec-  
12 tion 6097; and

13                   “(B) activities required to carry out the  
14 provisions of this chapter with respect to the  
15 Fund, including processing and transferring  
16 amounts received under section 6097 to the  
17 Fund.”.

18 (b) STUDY.—

19           “(1) IN GENERAL.—Not later than 2 years after  
20 the date of enactment of this Act, the Secretary of  
21 the Treasury or his delegate shall submit to the  
22 Committee on Energy and Natural Resources of the  
23 Senate and the Committee on Resources of the  
24 House of Representatives, a study of the effects of

1 the National Parks Trust Fund established under  
2 section 9512 of the Internal Revenue Code of 1986.

3 (2) CONTENTS.—The study shall include infor-  
4 mation on—

5 (A) the amount of money covered into the  
6 Fund,

7 (B) the projects that were undertaken with  
8 funds from the Fund, and

9 (C) any other information that the Sec-  
10 retary considers useful in evaluating the pro-  
11 gram’s effectiveness.

12 (c) CONFORMING AMENDMENT.—The table of sec-  
13 tions for subchapter A of chapter 61 of the Internal Reve-  
14 nue Code of 1986 is amended by adding at the end the  
15 following:

“Sec 9512. National Parks Trust Fund.”.

16 **SEC. 703. EXPENDITURES FROM THE NATIONAL PARKS**  
17 **TRUST FUND.**

18 The Secretary—

19 (1) may use amounts in the National Parks  
20 Trust Fund only for design, construction, rehabilita-  
21 tion, and repair of high priority facilities that di-  
22 rectly enhance the experience of park visitors, in-  
23 cluding natural, cultural, and historical resource pro-  
24 tection projects within the national parks; and

1           (2) shall not use amounts in the National Parks  
2           Trust Fund for land acquisition.

3           **TITLE VIII—NATIONAL PARK**  
4           **FOUNDATION**

5   **SEC. 801. PROMOTION OF LOCAL FUNDRAISING SUPPORT.**

6           The Act entitled “An Act to establish the National  
7   Park Foundation”, approved December 18, 1967 (16  
8   U.S.C. 19 et seq.) is amended by adding at the end the  
9   following:

10   **“SEC. 12. PROMOTION OF LOCAL FUNDRAISING SUPPORT.**

11           “(a) ESTABLISHMENT.—The Foundation shall design  
12   and implement a comprehensive program to assist and  
13   promote philanthropic programs of support at the individ-  
14   ual national park level.

15           “(b) IMPLEMENTATION.—The program under sub-  
16   section (a) shall be implemented to—

17                   “(1) assist in the creation of local nonprofit  
18   support organizations; and

19                   “(2) provide support, national consistency, and  
20   management-improving suggestions for local non-  
21   profit support organizations.

22           “(c) EXTENT OF PROGRAM.—The program under  
23   subsection (a) shall include the greatest number of na-  
24   tional parks as is practicable.

1       “(d) REQUIREMENTS.—The program under sub-  
2 section (a) shall include, at a minimum—

3           “(1) a standard adaptable organizational design  
4 format to establish and sustain responsible manage-  
5 ment of a local nonprofit support organization for  
6 support of a national park;

7           “(2) standard and legally tenable bylaws and  
8 recommended money-handling procedures that can  
9 easily be adapted as applied to individual national  
10 parks; and

11          “(3) a standard training curriculum to orient  
12 and expand the operating expertise of personnel em-  
13 ployed by local nonprofit support organizations.

14       “(e) REPORT.—The Foundation shall report the  
15 progress of the program under subsection (a) in the an-  
16 nual report of the Foundation.

17       “(f) AFFILIATIONS.—

18           “(1) CHARTER OR CORPORATE BYLAWS.—Noth-  
19 ing in this section requires—

20           “(A) a nonprofit support organization or  
21 friends group in existence on the date of enact-  
22 ment of this Act to modify current practices or  
23 to affiliate with the Foundation; or

24           “(B) a local nonprofit support organiza-  
25 tion, established as a result of this section, to



1           be bound through its charter or corporate by-  
2           laws to be permanently affiliated with the  
3           Foundation.

4           “(2) ESTABLISHMENT.—An affiliation with the  
5           Foundation shall be established only at the discre-  
6           tion of the governing board of a nonprofit organiza-  
7           tion.”.

8                           **TITLE IX—COMMERCIAL**  
9                           **FILMING IN NATIONAL PARKS**

10 **SEC. 901. DEFINITIONS.**

11           In this title:

12                   (1) **COMMERCIAL VISUAL IMAGE.**—

13                           (A) **IN GENERAL.**—The term “commercial  
14                           visual image” means a visual image that a per-  
15                           son produces with the intention that the image  
16                           (or reproductions of the image) will be dissemi-  
17                           nated to the public in connection with a for-  
18                           profit enterprise.

19                           (B) **EXCLUSIONS.**—The term “commercial  
20                           visual image” does not include—

21                                   (i) a visual image produced for dis-  
22                                   semination to the public as news; or

23                                   (ii) a visual image produced by an in-  
24                                   dividual in a limited number and intended

1           to be sold by the individual as a work of  
2           art.

3           (2) PRODUCER.—The term “producer” means a  
4           person that produces or proposes to produce a re-  
5           corded image in a national park for a commercial  
6           use or for public viewing.

7           (3) RECORDED IMAGE.—

8           (A) IN GENERAL.—The term “recorded  
9           image” means a motion picture, still photo-  
10          graph, or other form of visual image produced  
11          by any technology.

12          (B) INCLUSIONS.—The term “recorded  
13          image” includes—

14               (i) a feature length film, short, or doc-  
15               umentary; and

16               (ii) promotional or advertising mate-  
17               rial.

18          (3) VEHICLE.—The term “vehicle” means a  
19          larger production in which a commercial recorded  
20          image is intended to be included.

21 **SEC. 902. COMMERCIAL FILMING IN NATIONAL PARKS.**

22          (a) OFFICE.—

23               (1) DESIGNATION.—The Secretary shall estab-  
24          lish an office or designate an existing office in the

1 National Park Service to perform the functions of  
2 the Secretary under this title.

3 (2) LOCATION OF MEMBERS.—The members of  
4 the office may be located at the regional offices of  
5 the National Park Service in order to facilitate nego-  
6 tiation and processing of permits authorizing the  
7 production of commercial recorded images in the na-  
8 tional parks.

9 (b) PERMIT REQUIREMENT.—

10 (1) FEE.—A person shall not produce any part  
11 of a commercial recorded image in a national park  
12 without first obtaining a permit from the Secretary  
13 and paying a permit fee calculated under paragraph  
14 (2).

15 (2) FEE CALCULATION.—The fee under para-  
16 graph (1) for production of a recorded image shall  
17 be an amount equal to  $\frac{1}{2}$  of 1 percent of the pro-  
18 duction budget for preparation of the vehicle in  
19 which the recorded image is intended to be included.

20 (3) APPLICATION.—An application to produce a  
21 commercial recorded image shall include, in addition  
22 to other information required by law (including a  
23 regulation)—

24 (A) a description of the commercial re-  
25 corded image and vehicle; and

1 (B) the production budget for preparation  
2 of the vehicle that was employed by the pro-  
3 ducer as the basis for the decision to prepare or  
4 finance the vehicle.

5 (4) FEE PAYMENT.—The fee required by para-  
6 graph (1) shall be paid before any part of the pro-  
7 duction of the recorded image is undertaken.

8 (5) FINAL ACCOUNTING.—

9 (A) SUBMISSION OF FINAL PRODUCTION  
10 BUDGET.—Not later than the date on which a  
11 vehicle is first used commercially or shown to  
12 the public, the producer shall submit to the  
13 Commission the final production budget for  
14 preparation of the vehicle, stating the actual  
15 costs of preparation.

16 (B) DIFFERENCE IN PRODUCTION BUDG-  
17 ETS.—If the final production budget submitted  
18 under subparagraph (A) is greater than the  
19 production budget submitted with the applica-  
20 tion under paragraph (3), the producer shall  
21 pay to the Commission, not later than 30 days  
22 after the date specified in subparagraph (A), an  
23 amount equal to 1 percent of the difference be-  
24 tween the 2 budgets.

1           (C) FEES COLLECTED.—Fees collected  
2           under this section shall be in addition to direct  
3           costs incurred by the National Park Service for  
4           administrative costs and normal security and  
5           personnel costs directly related to the onsite ac-  
6           tivities of the producer, which costs shall be  
7           paid by the producer.

8           (e) USE OF PROCEEDS.—Notwithstanding any other  
9           provision of law, each fee collected in a national park  
10          under this section (not including direct costs described in  
11          subsection (b)(5)(C))—

12           (1) shall be deposited in a special account in  
13          the Treasury of the United States; and

14           (2) shall be available to the Secretary, without  
15          further Act of appropriation, for the preservation,  
16          restoration, operation, maintenance, and improve-  
17          ment of high-priority projects and programs, in the  
18          national park in which the fee is collected, that di-  
19          rectly enhance the experience of park visitors, in-  
20          cluding natural, cultural, and historical resource pro-  
21          tection projects but not including land acquisition.

22           (3) REPORT.—

23           (A) SUBMISSION OF REPORT.—Not later  
24          than 4 years after the date of enactment of this  
25          Act, the Secretary shall submit to the Commit-

1           tee on Energy and Natural Resources and the  
 2           Committee on Appropriations of the Senate and  
 3           the Committee on Resources and the Committee  
 4           on Appropriations of the House of Representa-  
 5           tives a report on the collection of fees under  
 6           this section.

7           (B) CONTENTS.—The report under sub-  
 8           paragraph (A) shall include—

9                   (i) details on how the National Park  
 10           Service is carrying out this section;

11                   (ii) a complete accounting of proceeds  
 12           received and a description of high-priority  
 13           projects funded under this title; and

14                   (iii) an accounting of proceeds reim-  
 15           bursed to individual national parks for  
 16           costs incurred for administrative, security,  
 17           and logistical expenses.

18 **TITLE X—CAPITAL IMPROVE-**  
 19 **MENT PROJECT BOND DEM-**  
 20 **ONSTRATION PROGRAM**

21 **SEC. 1001. FINDINGS.**

22 Congress finds that—

23           (1) the use of long-term bonds through borrow-  
 24           ing from the Treasury to help address the capital

1 improvement needs of the National Park System  
2 should be explored;

3 (2) the availability of such bonds may provide  
4 the National Park Service with a new financial tool  
5 for addressing the backlog of capital improvement  
6 projects that face the National Park Service; and

7 (3) through the bond demonstration program  
8 under this title, the Secretary will be able to explore  
9 the potential utility of bonds borrowed from the  
10 Treasury and to report back to Congress on the use-  
11 fulness of this approach for financing capital im-  
12 provements in the national parks.

13 **SEC. 1002. CAPITAL IMPROVEMENT PROJECTS.**

14 Not later than 1 year after the date of enactment  
15 of this Act, the Secretary shall identify not more than 4  
16 capital improvement projects in the National Park Sys-  
17 tem, totaling not more than \$40,000,000, which shall be  
18 financed through obligations issued to the Secretary of the  
19 Treasury as part of the bond demonstration program  
20 under section 1003.

21 **SEC. 1003. ISSUANCE OF OBLIGATIONS.**

22 (a) **AUTHORITY.**—The Secretary may issue obliga-  
23 tions to the Secretary of the Treasury for use in the bond  
24 demonstration program established under this title.

1 (b) AMOUNT.—The total amount of obligations issued  
2 under subsection (a) outstanding at any one time shall not  
3 exceed \$40,000,000.

4 (c) PURCHASE BY THE SECRETARY OF THE TREAS-  
5 URY.—The Secretary of the Treasury shall purchase obli-  
6 gations issued under subsection (a) if the Secretary of the  
7 Treasury finds that there is reasonable assurance of re-  
8 payment of the obligations.

9 (d) PUBLIC DEBT TRANSACTION.— For the purpose  
10 of purchasing any such obligations, the Secretary of the  
11 Treasury may use as a public debt transaction the pro-  
12 ceeds from the sale of any securities issued under chapter  
13 31 of title 31, United States Code, and the purposes for  
14 which securities issued under chapter are extended to in-  
15 clude any purchase by the Secretary of the Treasury of  
16 obligations under this section.

17 (e) OBLIGATION CHARACTERISTICS.— Obligations  
18 issued under subsection (a)—

19 (1) shall be in such forms and denominations,  
20 bear such maturities, and be subject to such terms  
21 and conditions as may be prescribed by the Sec-  
22 retary of the Treasury, in consultation with the Sec-  
23 retary; and

24 (2) shall bear interest at a rate determined by  
25 the Secretary of the Treasury, taking into consider-



1        ation current market yields on outstanding market-  
2        able obligations of the United States of comparable  
3        maturities.

4        (f) SALE.—The Secretary of the Treasury may at any  
5        time sell any of the obligations acquired by the Secretary  
6        under this section.

7        (g) TREATMENT.—All redemptions, purchases, and  
8        sales by the Secretary of the Treasury of such obligations  
9        shall be treated as public debt transactions of the United  
10       States.

11       **SEC. 1004. FINANCING.**

12       The Secretary may use receipts collected under sec-  
13       tion 315 of section 101(c) of Public Law 104–134 (16  
14       U.S.C. 4601–6a note) to finance obligations issued under  
15       section 1003.

16       **SEC. 1005. REPORT.**

17       (a) IN GENERAL.—Not later than 2 years after the  
18       date of issuance of obligations under this title, the Sec-  
19       retary and the Secretary of the Treasury shall report to  
20       Congress on the bond demonstration program.

21       (b) CONTENTS.—The report under subsection (a)  
22       shall include a discussion of—

23                (1) the mechanics of the bonding process;

24                (2) the transaction costs associated with the  
25       issuance of the obligations;

1           (3) the implications of dedicating a revenue  
2 stream to repay such obligations; and

3           (4) the recommendations of the Secretary and  
4 the Secretary of the Treasury regarding the poten-  
5 tial expansion of the bond demonstration program.

## 6           **TITLE XI—MISCELLANEOUS**

### 7           **SEC. 1101. UNITED STATES PARK POLICE.**

8           (a) APPOINTMENT OF TASK FORCE.—Not later than  
9 60 days after the date of enactment of this Act, the Sec-  
10 retary shall appoint a multidisciplinary task force to fully  
11 evaluate the shortfalls, needs, and requirements of the  
12 United States Park Police, including facility repair, reha-  
13 bilitation, and communications needs.

14          (b) SUBMISSION OF REPORT.—Not later than 1 year  
15 after the date of enactment of this Act, the Secretary shall  
16 submit to the Committee on Energy and Natural Re-  
17 sources and the Committee on Appropriations of the Sen-  
18 ate and the Committee on Resources and the Committee  
19 on Appropriations of the House of Representatives a re-  
20 port that includes—

21           (1) the findings and recommendations of the  
22 task force;

23           (2) complete justifications for any recommenda-  
24 tions made; and

1           (3) a complete description of any adverse im-  
2           pacts that would occur if any need identified in the  
3           report is not met.

4 **SEC. 1102. LEASES AND COOPERATIVE MANAGEMENT**  
5           **AGREEMENTS.**

6           (a) IN GENERAL.—Section 3 of Public Law 91–383  
7 (16 U.S.C. 1a–2) is amended by adding at the end the  
8 following:

9           “(k) LEASES.—

10           “(1) IN GENERAL.—The Secretary may enter  
11 into a lease with any person or governmental entity  
12 for the use of buildings and associated property ad-  
13 ministered by the Secretary as part of the National  
14 Park System.

15           “(2) USE.—Buildings and associated property  
16 leased under paragraph (1)—

17           “(A) shall be used for an activity that is  
18 consistent with the purposes established by law  
19 for the unit in which the building is located;

20           “(B) shall not result in degradation of the  
21 purposes and values of the unit; and

22           “(C) shall be compatible with National  
23 Park Service programs.

24           “(3) RENTAL AMOUNTS.—

1           “(A) IN GENERAL.—With respect to a  
2 lease under paragraph (1)—

3                   “(i) payment of fair market value  
4 rental shall be required; and

5                   “(ii) section 321 of the Act of June  
6 30, 1932 (47 Stat. 412, chapter 314; 40  
7 U.S.C. 303b) shall not apply.

8           “(B) ADJUSTMENT.—The Secretary may  
9 adjust the rental amount as appropriate to take  
10 into account any amounts to be expended by  
11 the lessee for preservation, maintenance, res-  
12 toration, improvement, or repair and related ex-  
13 penses.

14           “(C) REGULATION.—The Secretary shall  
15 promulgate a regulation implementing this sub-  
16 section that includes provisions to encourage  
17 and facilitate competition in the leasing process  
18 and provide for timely and adequate public  
19 comment.

20           “(4) SPECIAL ACCOUNT.—

21                   “(A) DEPOSITS.—Rental payments under  
22 a lease under paragraph (1) shall be deposited  
23 in a special account in the Treasury of the  
24 United States.

1           “(B) AVAILABILITY.—Amounts in the spe-  
2           cial account shall be available until expended,  
3           without further Act of appropriation, for infra-  
4           structure needs at units of the National Park  
5           System, including—

6                   “(i) facility refurbishment;

7                   “(ii) repair and replacement;

8                   “(iii) infrastructure projects associ-  
9                   ated with park resource protection; and

10                  “(iv) direct maintenance of the leased  
11                  buildings and associated properties.

12           “(C) ACCOUNTABILITY AND RESULTS.—

13           The Secretary shall develop procedures for the  
14           use of the special account that ensure account-  
15           ability and demonstrated results consistent with  
16           this Act.

17           “(1) COOPERATIVE MANAGEMENT AGREEMENTS.—

18                   “(1) IN GENERAL.—The Secretary may enter  
19           into an agreement with a State or local government  
20           agency for the cooperative management of national  
21           park land and nearby State or local park land.

22                   “(2) PROVISION OF GOODS AND SERVICES.—

23           Under a cooperative management agreement, the  
24           Secretary may acquire from and provide to a State  
25           or local government agency goods and services to be

1 used by the Secretary and the State or local govern-  
 2 mental agency in the cooperative management of  
 3 land.

4 “(3) ASSIGNMENT.—An assignment arranged  
 5 by the Secretary under section 3372 of title 5,  
 6 United States Code, of a Federal, State, or local em-  
 7 ployee for work in any Federal, State, or local land  
 8 or an extension of such an assignment may be for  
 9 any period of time determined by the Secretary and  
 10 the State or local agency to be mutually beneficial.”.

11 (b) CONFORMING AMENDMENTS.—Section 3 of Pub-  
 12 lic Law 91–383 (16 U.S.C. 1a–2) is amended—

13 (1) by striking “SEC. 3.” and all that follows  
 14 through “(a) provide” and inserting the following:

15 **“SEC. 3. AUTHORIZED ACTIVITIES OF SECRETARY OF THE**  
 16 **INTERIOR.**

17 “(a) TRANSPORTATION.—The Secretary of the Inte-  
 18 rior (referred to in this section as the ‘Secretary’) may  
 19 provide”;

20 (2) in subsection (a)—

21 (A) by striking “where (1) such areas” and  
 22 inserting “if—  
 23 “(1) the areas”; and

1 (B) by striking “transportation, and (2)  
2 such transportation” and inserting “transportation;  
3 and

4 “(2) the transportation”;

5 (3)(A) by striking the semicolon at the end of  
6 each of subsections (a) through (f) and subsection  
7 (h) and inserting a period; and

8 (B) by striking “; and” at the end of subsection  
9 (i) and inserting a period;

10 (4) in subsection (b), by striking “(b) provide”  
11 and inserting the following:

12 “(b) RECREATION.—The Secretary may provide”;

13 (5) in subsection (c), by striking “(c) appoint”  
14 and inserting the following:

15 “(c) ADVISORY COMMITTEES; COMPENSATION AND  
16 TRAVEL EXPENSES.—The Secretary may appoint”;

17 (6) in subsection (d), by striking “(d) purchase”  
18 and inserting the following:

19 “(d) PARK EQUIPMENT PURCHASES.—The Secretary  
20 may purchase”;

21 (7) in subsection (e), by striking “(e) enter”  
22 and inserting the following:

23 “(e) SERVICE, RESOURCE, AND WATER CON-  
24 TRACTS.—The Secretary may enter”;

1           (8) in subsection (f), by striking “(f) acquire,  
2           and have installed, air-conditioning units” and in-  
3           serting the following:

4           “(f) VEHICULAR AIR CONDITIONERS.—The Sec-  
5           retary may acquire and install air conditioners”;

6           (9) in subsection (g)—

7                   (A) by striking “(g) sell” and inserting the  
8           following:

9           “(g) LIVING EXHIBITS AND INTERPRETIVE DEM-  
10          ONSTRATIONS.—

11                   “(1) IN GENERAL.—The Secretary may sell”;

12                   (B) by striking “demonstrations;” and in-  
13           serting “demonstrations.”

14                   (C) by striking “Sixty percent” and insert-  
15           ing the following:

16           “(2) SPECIAL ACCOUNT.—

17                   “(A) DEPOSIT OF PORTION OF FEES.—  
18           Sixty percent”;

19                   (D) by striking “special account” and in-  
20           serting “special account.”;

21                   (E) by striking “and that such funds” and  
22           inserting the following:

23                   “(B) AVAILABILITY.—Amounts in the spe-  
24           cial account”;



1 (F) by striking “(1) to the extent” and in-  
2 serting the following:

3 “(i) to the extent”;

4 (G) by striking “(2) to conduct” and in-  
5 serting the following:

6 “(ii) to conduct”;

7 (H) by striking “The investigations pro-  
8 vided for in this subsection” and inserting the  
9 following:

10 “(3) INVESTIGATION DESIGN.—An investigation  
11 under paragraph (2)(B)(ii)”;

12 (I) by striking “The Secretary” and insert-  
13 ing the following:

14 “(4) NO ADDITIONAL CONDITIONS.—The Sec-  
15 retary”;

16 (J) by striking “When competitively” and  
17 inserting the following:

18 “(5) COMPETITIVE AWARD OF PERMITS.—When  
19 competitively”;

20 (K) by striking “Fees paid” and inserting  
21 the following:

22 “(6) FEES.—

23 “(A) IN GENERAL.—Fees paid”;

24 (L) by striking “For the purposes of this  
25 subsection” and inserting the following:

1           “(B) DEFINITION OF CERTAIN PERMIT-  
2           TEE.—In subparagraph (A)”;

3           (M) by striking “Nothing in this sub-  
4           section” and inserting the following:

5           “(7) NO ADDITIONAL PERMIT REQUIRE-  
6           MENTS.—Nothing in this subsection”;

7           (10) in subsection (h)—

8           (A) by striking “(h) promulgate” and in-  
9           serting the following:

10          “(h) BOATING AND OTHER WATER ACTIVITIES.—

11          “(1) IN GENERAL.—The Secretary may promul-  
12          gate”;

13          (B) by striking “States: *Provided*, That  
14          any” and inserting “States.

15          “(2) AUTHORITY OF THE COAST GUARD.—  
16          Any”;

17          (11) in subsection (i), by striking “(i) provide”  
18          and inserting the following:

19          “(i) EMPLOYEE MEALS AND LODGING.—The Sec-  
20          retary may provide”;

21          (12) in subsection (j), by striking “(j) Enter”  
22          and inserting the following:

23          “(j) COOPERATIVE RESEARCH AND TRAINING PRO-  
24          GRAMS.—The Secretary may enter”.

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