Public Law 97-433
97th Congress

An Act

To establish the National Park System Visitor Facilities Fund, and for other purposes.

Jan. 8, 1983
[H.R. 7316]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Park System Visitor Facilities Fund Act".

National Park System Visitor Facilities Fund Act.
16 USC 19aa note.

SEC. 2. DEFINITIONS.—For purposes of this Act—

16 USC 19aa.

(1) "Foundation" means the National Park Foundation established under the Act of December 18, 1967 (81 Stat. 656; 16 U.S.C. 19e and following);

(2) "Fund" means the National Park System Visitor Facilities Fund established under section 3 of this Act;

(3) "Secretary" means the Secretary of the Interior; and

(4) "visitor facility" means any structure, fixture, or improvement—

(A) which is located within a unit of the National Park System upon land owned by the United States;

(B) in which no concessioner has a possessory interest (within the meaning of section 6 of the National Park Service Concessions Policy Act (16 U.S.C. 20–20g)); and

16 USC 20e.

(C) which is used to provide food, lodging, or other services to visitors.

Such term also includes concessioners' employee dormitories which meet the requirements of subparagraphs (A) and (B).

SEC. 3. ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States the National Park System Visitor Facilities Fund. There shall be credited to the Fund an amount equal to all National Park System concession fees, including franchise fees and building user fees, paid to or due and owing to the United States after October 1, 1982 for the privilege of providing visitor accommodations and services in units of the National Park System (other than revenues obtained under the provisions of section 111 of the National Historic Preservation Act of 1966) (16 U.S.C. 470–470t).

16 USC 19bb.

16 USC 470h–3.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.—(a) Beginning in fiscal year 1984, amounts credited to the Fund pursuant to this Act are authorized to be appropriated to the National Park Service, to be made available for expenditure by the Foundation to carry out its functions under this Act.

16 USC 19cc.

(b) In addition to the amount authorized to be appropriated pursuant to subsection (a) of this section, there is authorized to be appropriated, not to exceed $1,000,000 to the National Park Service, to be made available for expenditure by the Foundation to carry out its functions under this Act. Such sums shall be available for expenditure by the Foundation only to the extent such sums are matched on a dollar-for-dollar basis by cash or in-kind contributions made to the Foundation for the purposes of this Act.

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(c) Except as provided in section 8 of this Act, sums appropriated under this section shall remain available until expended.

National Park Foundation, functions. 16 USC 19dd.

SEC. 5. ADMINISTRATION OF FUND PROJECTS.—(a) In a timely fashion, the Director of the National Park Service, with the concurrence of the Secretary, shall submit to the Executive Committee of the National Park Foundation detailed recommendations for the reconstruction, rehabilitation, replacement, improvement, relocation, or removal of visitor facilities. The Director shall specify those projects which he deems to have the highest priority for funding under this Act. The Executive Committee shall consider such recommendations and, with the concurrence of the Director of the National Park Service, recommend projects to the Board of the Foundation for its approval.

Grants.

(b) The Secretary shall make grants to the Foundation from amounts available in the Fund for the purpose of carrying out projects approved under this section.

(c)(1) Any project approved and carried out under this section shall be consistent with the purposes for which the park system unit involved was established and with any approved general management plan applicable to that unit. Any plans for, and location and design of, any specific project shall be reviewed by and concurred in by the Director of the National Park Service.

Historic property.

(2) In recommending any project under this Act with respect to any property listed on, or eligible for listing on the National Register of Historic Properties, the National Park Service shall take into account the recommendations of the Advisory Council on Historic Preservation and any project affecting any such property shall be carried out in a manner consistent with the requirements of the National Historic Preservation Act (16 U.S.C. 470–470t).

(d) The Foundation shall carry out projects under this Act, and expend grants made available under this Act, in accordance with applicable provisions of law and regulations. All grants for any projects to be carried out under this Act shall be in accordance with Circular A–110 published by the Office of Management and Budget applicable to Federal grants. The Foundation shall be responsible for managing the construction activities, including the selection of persons to perform architectural, engineering, construction, and related services.

(e) By undertaking to administer any project under this Act, the Foundation shall be deemed to have agreed that all right, title, and interest in any visitor facility with respect to which such project is carried out shall be vested in the United States. The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation in connection with its activities under this Act.

Annual report to Congress.

(f) The Foundation shall include in its annual report to the Congress a description of projects undertaken under this Act and the Foundation's accomplishments under this Act.

16 USC 19ee.

SEC. 6. AUTHORITY OF THE NATIONAL PARK FOUNDATION.—For the purposes of this Act, the Foundation, in addition to any other authorities it may have—

(1) shall have all necessary and proper powers for exercise of the authorities vested in it by this Act;

(2) may execute all instruments deemed necessary or appropriate in the exercise of any of its functions under this Act; and

(3) may expend a portion of moneys received under this Act for such reasonable personnel and incidental expenses as are necessary to carry out its functions under this Act.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY.—Nothing in this Act shall affect the authorities or responsibilities of the Secretary under other provisions of law, including the authorities and responsibilities vested in him under the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and under the National Park System Concessions Policy Act (79 Stat. 969; 16 U.S.C. 20-20g). 16 USC 19ff.

SEC. 8. EXPIRATION OF AUTHORITY.—The authorities contained in this Act shall expire on September 30, 1989. After that date, any moneys previously credited to the Fund under this Act which have not been appropriated, or if appropriated, which have not been obligated or expended, shall be transferred to miscellaneous receipts of the Treasury. 16 USC 19gg.

Approved January 8, 1983.

LEGISLATIVE HISTORY—H.R. 7316 (S. 2715):

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