

105TH CONGRESS
1ST SESSION

H. R. 433

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Mr. RICHARDSON introduced the following bill; which was referred to the
Committee on Resources

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Common Sense Na-
5 tional Park System Reform Act”.

6 **SEC. 2. DEFINITION.**

7 For purposes of this Act, the term “Secretary”
8 means the Secretary of the Interior.

1 **TITLE I—NATIONAL PARK**
2 **SYSTEM PLAN**

3 **SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.**

4 (a) PREPARATION OF PLAN.—The Secretary, acting
5 through the Director of the National Park Service, shall
6 prepare a National Park System Plan (hereafter in this
7 title referred to as the “plan”) to guide the direction of
8 the National Park System into the next century. The plan
9 shall include each of the following:

10 (1) A statement of the goals and objectives for
11 use in defining the mission and role of the National
12 Park Service in preserving our Nation’s heritage rel-
13 ative to other efforts at the Federal, State, local,
14 and private levels. This statement shall include a re-
15 finement of the definition of “national significance”
16 for purposes of including areas in the National Park
17 System.

18 (2) Detailed criteria to be used in determining
19 which themes and types of resources are appropriate
20 for representation in the National Park System, as
21 well as criteria for judging individual sites, areas,
22 and themes that are appropriate for inclusion as
23 units of the National Park System.

1 (3) Identification of what constitutes adequate
2 representation of a particular resource type or
3 theme.

4 (4) Identification of which aspects of the Na-
5 tion's heritage are adequately represented in the ex-
6 isting National Park System or in other protected
7 areas.

8 (5) Identification of appropriate aspects of the
9 Nation's heritage not currently represented, or not
10 adequately represented, in the National Park Sys-
11 tem.

12 (6) Priorities of the themes and types of re-
13 sources which should be added to the National Park
14 System in order to provide more complete represen-
15 tation of our Nation's heritage.

16 (7) A statement of the role of the National
17 Park System and the National Park Service with re-
18 spect to (but not limited to) conservation of natural
19 areas and ecosystems; preservation of industrial
20 America; preservation of intangible cultural heritage
21 such as arts, music, and folklife; presidential sites;
22 open space protection; and provision of significant
23 outdoor recreation opportunities.

1 (8) A statement of what areas constitute units
2 of the National Park System and the distinction be-
3 tween units of the System, affiliated areas, and
4 other areas within the System.

5 (9) A comprehensive financial management plan
6 for the National Park System which identifies all
7 funding available to the agency, how funds will be
8 allocated to support various programs, and the oper-
9 ational objectives and quality of services attainable
10 at various funding levels.

11 (b) PUBLIC PARTICIPATION AND CONSULTATION.—
12 During the preparation of the plan under subsection (a),
13 the Secretary shall ensure broad public participation in a
14 manner which, at a minimum, consists of the following
15 two elements:

16 (1) Solicitation of the views of the American
17 public with regard to the future of the National
18 Park System. Opportunities for public participation
19 shall be made available throughout the planning
20 process and shall include specific regional public
21 meetings.

22 (2) Consultation with other Federal land man-
23 agement agencies, State and local officials, resource

1 management, recreation, citizens, and scholarly or-
2 ganizations, and other interested parties as the Sec-
3 retary deems advisable.

4 (c) TRANSMITTAL TO CONGRESS.—Prior to the end
5 of the second complete fiscal year commencing after the
6 date of enactment of this Act, the Secretary shall transmit
7 the plan developed under this section to the Committee
8 on Resources of the House of Representatives and the
9 Committee on Energy and Natural Resources of the Sen-
10 ate.

11 (d) CONGRESSIONAL APPROVAL.—The plan shall be
12 deemed approved unless Congress enacts a joint resolution
13 disapproving the plan within 90 days from the date it is
14 transmitted to Congress. If the plan is rejected by Con-
15 gress, the Secretary shall resubmit the plan not later than
16 the date specified in the resolution.

17 (e) REVIEW OF SYSTEM.—Not later than one year
18 after the plan has been deemed approved, the Secretary
19 shall submit a report to Congress identifying which units
20 of the National Park System do not conform with the
21 plan. In developing these recommendations, the Secretary
22 shall—

23 (1) provide opportunities for public participa-
24 tion; and

1 (2) consult with other Federal land manage-
2 ment agencies, State and local officials, resource
3 management, recreation, citizens, and scholarly or-
4 ganizations, and other interested parties as the Sec-
5 retary deems advisable.

6 **SEC. 102. COMMENDATION AND PROTECTION OF NATIONAL**
7 **PARK RANGERS.**

8 (a) FINDING.—The Congress recognizes the dedica-
9 tion, expertise, and courage of the men and women who
10 serve as rangers and other employees of the National Park
11 Service and finds their service to the protection of our
12 park resources and the safety of the hundreds of millions
13 of Americans who visit our national parks each year to
14 be indispensable.

15 (b) PROTECTION OF NATIONAL PARK SERVICE EM-
16 PLOYEES.—As soon as possible, the Secretary shall report
17 on the procedures that have been instituted to report to
18 the United States attorneys or other appropriate law en-
19 forcement official any intimidation, threats, or acts of vio-
20 lence against employees of the National Park Service that
21 are related to their duties.

TITLE II—NEW AREA ESTABLISHMENT

SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.

Section 8 of the Act of August 18, 1970, entitled “An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes” (16 U.S.C. 1a–1 and following) is amended as follows:

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

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

(3) By redesignating the last sentence of subsection (a) as subsection (e) and inserting in such sentence before the words “For the purposes of carrying” the following: “(e) AUTHORIZATION OF APPROPRIATIONS.—”.

(4) By striking subsection (b).

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

“(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of

1 Representatives and to the Committee on Energy and
2 Natural Resources of the Senate a list of any areas rec-
3 ommended for study for potential inclusion in the National
4 Park System.

5 “(2) In developing the list to be submitted under this
6 subsection, the Secretary shall give consideration to those
7 areas that have the greatest potential to meet the estab-
8 lished criteria of national significance, suitability, and fea-
9 sibility. The Secretary shall give special consideration to
10 themes, sites, and resources not already adequately rep-
11 resented in the National Park System as identified in the
12 National Park System Plan to be developed under section
13 101 of the Common Sense National Park System Reform
14 Act. No study of the potential of an area for inclusion
15 in the National Park System may be initiated after the
16 date of enactment of this section, except as provided by
17 specific authorization of an Act of Congress. Nothing in
18 this Act shall limit the authority of the National Park
19 Service to conduct preliminary resource assessments,
20 gather data on potential study areas, provide technical and
21 planning assistance, prepare or process nominations for
22 administrative designations, update previous studies, or
23 complete reconnaissance surveys of individual areas re-
24 quiring a total expenditure of less than \$25,000. Nothing
25 in this section shall be construed to apply to or to affect

1 or alter the study of any river segment for potential addi-
2 tion to the national wild and scenic rivers system or to
3 apply to or to affect or alter the study of any trail for
4 potential addition to the national trails system.

5 “(c) REPORT.—(1) The Secretary shall complete the
6 study for each area for potential inclusion in the National
7 Park System within three complete fiscal years following
8 the date of enactment of specific legislation providing for
9 the study of such area. Each study under this section shall
10 be prepared with appropriate opportunity for public in-
11 volvement, including at least one public meeting in the vi-
12 cinity of the area under study, and reasonable efforts to
13 notify potentially affected landowners and State and local
14 governments. In conducting the study, the Secretary shall
15 consider whether the area under study—

16 “(A) possesses nationally significant natural,
17 cultural, or recreational resources, that represents
18 one of the most important examples of a particular
19 resource type in the country; and

20 “(B) is a suitable and feasible addition to the
21 system.

22 “(2) Each study shall consider the following factors
23 with regard to the area being studied:

24 “(A) The rarity and integrity of the resources.

25 “(B) The threats to those resources.

1 “(C) Whether similar resources are already pro-
2 tected in the National Park System or in other Fed-
3 eral, State, or private ownership.

4 “(D) The public use potential.

5 “(E) Potential for outdoor recreational oppor-
6 tunity.

7 “(F) The interpretive and educational potential.

8 “(G) Costs associated with acquisition, develop-
9 ment, and operation.

10 “(H) The socioeconomic impacts of any des-
11 ignation.

12 “(I) The level of local and general public sup-
13 port.

14 “(J) Whether the unit is of appropriate con-
15 figuration to ensure long-term resource protection
16 and visitor use.

17 “(3) Each study shall also consider whether direct
18 National Park Service management or alternative protec-
19 tion by other agencies or the private sector is appropriate
20 for the area. Each study shall identify what alternative
21 or combination of alternatives would in the professional
22 judgment of the Director of the National Park Service,
23 be most effective and efficient in protecting significant re-
24 sources, and providing for public enjoyment.

1 “(4) Each study shall be completed in compliance
2 with the National Environmental Policy Act of 1969.

3 “(5) The Secretary may include in each new area
4 study any other information which he deems to be rel-
5 evant.

6 “(6) The letter transmitting each completed study to
7 Congress shall contain a recommendation regarding the
8 Administration’s preferred management option for the
9 area.

10 “(d) NEW AREA STUDY OFFICE.—The Secretary
11 shall establish a single office to be assigned to prepare
12 all new area studies and to implement other functions of
13 this section.

14 “(e) LIST OF AREAS.—At the beginning of each cal-
15 endar year, along with the annual budget submission, the
16 Secretary shall submit to the Committee on Resources of
17 the House of Representatives and to the Committee on
18 Energy and Natural Resources of the Senate a list of
19 areas which have been previously studied which contain
20 cultural or historical resources and a list of areas which
21 have been previously studied which contain primarily natu-
22 ral resources in numerical order of priority for addition
23 to the National Park System. In developing the lists, the
24 Secretary should consider threats to resource values, cost
25 escalation factors, and other factors listed in subsection

1 (c) of this section. The Secretary should only include on
2 the lists areas for which the supporting data is current
3 and accurate.”.

4 **TITLE III—CONCESSIONS** 5 **REFORM**

6 **SEC. 301. SHORT TITLE.**

7 This title may be cited as the “National Park Service
8 Concession Policy Reform Act of 1997”.

9 **SEC. 302. FINDINGS AND POLICY.**

10 (a) FINDINGS.—In furtherance of the Act of August
11 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–
12 4), which directs the Secretary of the Interior to admin-
13 ister areas of the National Park System in accordance
14 with the fundamental purpose of preserving their scenery,
15 wildlife, natural and historic objects, and providing for
16 their enjoyment in a manner that will leave them
17 unimpaired for the enjoyment of future generations, the
18 Congress finds that the preservation and conservation of
19 park resources and values requires that such public ac-
20 commodations, facilities, and services as the Secretary de-
21 termines are necessary and appropriate in accordance with
22 this title—

1 (1) should be provided only under carefully con-
2 trolled safeguards against unregulated and indis-
3 criminate use so that visitation will not unduly im-
4 pair these values; and

5 (2) should be limited to locations and designs
6 consistent to the highest practicable degree with the
7 preservation and conservation of park resources and
8 values.

9 (b) POLICY.—It is the policy of the Congress that—

10 (1) development on Federal lands within a park
11 shall be limited to those facilities and services that
12 the Secretary determines are necessary and appro-
13 priate for public use and enjoyment of the park in
14 which such facilities and services are located;

15 (2) development of such facilities and services
16 within a park should be consistent to the highest
17 practicable degree with the preservation and con-
18 servation of the park's resources and values;

19 (3) such facilities and services should be pro-
20 vided by private persons, corporations, or other enti-
21 ties, except when no private interest is qualified and
22 willing to provide such facilities and services;

23 (4) if the Secretary determines that develop-
24 ment should be provided within a park, such devel-
25 opment shall be designed, located, and operated in

1 a manner that is consistent with the purposes for
2 which such park was established;

3 (5) the right to provide such services and to de-
4 velop or utilize such facilities should be awarded to
5 the person, corporation, or entity submitting the
6 best proposal through a competitive selection proc-
7 ess; and

8 (6) such facilities or services should be provided
9 to the public at reasonable rates.

10 **SEC. 303. DEFINITIONS.**

11 As used in this title, the term—

12 (1) “concessioner” means a person, corporation,
13 or other entity to whom a concession contract has
14 been awarded;

15 (2) “concession contract” means a contract or
16 permit (but not a commercial use authorization is-
17 sued pursuant to section 306) to provide facilities or
18 services, or both, at a park;

19 (3) “facilities” means improvements to real
20 property within parks used to provide accommoda-
21 tions, facilities, or services to park visitors;

22 (4) “fund” means the Park Improvement Fund
23 established pursuant to section 309(b);

24 (5) “park” means a unit of the National Park
25 System;

1 (6) “disposal” means the complete proposal for
2 a concession contract offered by a potential or exist-
3 ing concessioner in response to the minimum re-
4 quirements for the contract established by the Sec-
5 retary; and

6 (7) “Secretary” means the Secretary of the In-
7 terior.

8 **SEC. 304. REPEAL OF CONCESSION POLICY ACT OF 1965.**

9 (a) REPEAL.—The Act of October 9, 1965, Public
10 Law 89–249 (79 Stat. 969, 16 U.S.C. 20–20g), entitled
11 “An Act relating to the establishment of concession poli-
12 cies administered in the areas administered by the Na-
13 tional Park Service and for other purposes”, is hereby re-
14 pealed. The repeal of such Act shall not affect the validity
15 of any contract entered into under such Act, but the provi-
16 sions of this title shall apply to any such contract except
17 to the extent such provisions are inconsistent with the ex-
18 press terms and conditions of the contract.

19 (b) CONFORMING AMENDMENT.—The fourth sen-
20 tence of section 3 of the Act of August 25, 1916 (16
21 U.S.C. 3; 39 Stat. 535) is amended by striking all through
22 “no natural” and inserting in lieu thereof, “No natural”.

1 **SEC. 305. CONCESSION POLICY.**

2 Subject to the findings and policy stated in section
3 302, and upon a determination by the Secretary that fa-
4 cilities or services are necessary and appropriate for the
5 accommodation of visitors at a park, the Secretary shall,
6 consistent with the provisions of this title, laws relating
7 generally to the administration and management of units
8 of the National Park System, and the park's general man-
9 agement plan, concession plan, and other applicable plans,
10 authorize private persons, corporations, or other entities
11 to provide and operate such facilities or services as the
12 Secretary deems necessary and appropriate.

13 **SEC. 306. COMMERCIAL USE AUTHORIZATIONS.**

14 (a) IN GENERAL.—To the extent specified in this sec-
15 tion, the Secretary, upon request, may authorize a private
16 person, corporation, or other entity to provide services to
17 park visitors otherwise than by award of a concession con-
18 tract or permit.

19 (b) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—

20 (1) The authority of this section may be used only to au-
21 thorize provision of services to park visitors that the Sec-
22 retary determines will have minimal impact on park re-
23 sources and values and which are consistent with the pur-
24 poses for which the park was established and with all ap-
25 plicable management plans for such park.

26 (2) The Secretary—

1 (A) shall require payment of a reasonable fee
2 for issuance of an authorization under this section,
3 such fees to remain available without further appro-
4 priation to be used to recover the costs of managing
5 and administering this section;

6 (B) shall require that the provision of services
7 under such an authorization be accomplished in a
8 manner consistent to the highest practicable degree
9 with the preservation and conservation of park re-
10 sources and values;

11 (C) shall take appropriate steps to limit the li-
12 ability of the United States arising from the provi-
13 sion of services under such an authorization; and

14 (D) shall have no authority under this section
15 to issue more authorizations than are consistent
16 with the preservation and proper management of
17 park resources and values, and shall establish such
18 other conditions for issuance of such an authoriza-
19 tion as the Secretary determines appropriate for the
20 protection of visitors, provision of adequate and ap-
21 propriate visitor services, and protection and proper
22 management of the resources and values of the park.

23 (c) LIMITATIONS.—Any authorization issued under
24 this section shall be limited to—

1 (1) commercial operations with annual gross
 2 revenues of not more than \$25,000 resulting from
 3 services originating and provided solely within a
 4 park pursuant to such authorization; or

5 (2) the incidental use of park resources by com-
 6 mercial operations which provide services originating
 7 outside of the park's boundaries: *Provided*, That
 8 such authorization shall not provide for the con-
 9 struction of any structure, fixture, or improvement
 10 on Federal lands within the park.

11 (d) DURATION.—The term of any authorization is-
 12 sued under this section shall not exceed two years.

13 (e) ELIGIBILITY FOR CONCESSION CONTRACTS.—A
 14 person, corporation, or other entity seeking or obtaining
 15 an authorization pursuant to this section shall not be pre-
 16 cluded from also submitting proposals for concession con-
 17 tracts.

18 **SEC. 307. COMPETITIVE SELECTION PROCESS.**

19 (a) IN GENERAL.—(1) Except as provided in sub-
 20 section (b), and consistent with the provisions of sub-
 21 section (g), any concession contract entered into pursuant
 22 to this title shall be awarded to the person, corporation,
 23 or other entity submitting the best proposal as determined
 24 by the Secretary, through a competitive selection process,
 25 as provided in this section.

1 (2) Within 180 days after the date of enactment of
2 this Act, the Secretary shall promulgate appropriate regu-
3 lations establishing such process. The regulations shall in-
4 clude provisions for establishing a method or procedure
5 for the resolution of disputes between the Secretary and
6 a concessioner in those instances where the Secretary has
7 been unable to meet conditions or requirements or provide
8 such services, if any, as set forth in a prospectus pursuant
9 to subsections (c)(2) (D) and (E).

10 (b) TEMPORARY CONTRACT.—Notwithstanding the
11 provisions of subsection (a), the Secretary may award a
12 temporary concession contract in order to avoid interrup-
13 tion of services to the public at a park except that prior
14 to making such a determination, the Secretary shall take
15 all reasonable and appropriate steps to consider alter-
16 natives to avoid such an interruption.

17 (c) PROSPECTUS.—(1) Prior to soliciting proposals
18 for a concession contract at a park, the Secretary shall
19 prepare a prospectus soliciting proposals, and shall publish
20 a notice of its availability at least once in local or national
21 newspapers or trade publications, as appropriate, and
22 shall make such prospectus available upon request to all
23 interested parties.

24 (2) The prospectus shall include, but need not be lim-
25 ited to, the following information—

1 (A) the minimum requirements for such con-
2 tract, as set forth in subsection (d);

3 (B) the terms and conditions of the existing
4 concession contract awarded for such park, if any,
5 including all fees and other forms of compensation
6 provided to the United States by the concessioner;

7 (C) other authorized facilities or services which
8 may be provided in a proposal;

9 (D) facilities and services to be provided by the
10 Secretary to the concessioner, if any, including (but
11 not limited to) public access, utilities, and buildings;

12 (E) minimum public services to be offered with-
13 in a park by the Secretary, including (but not lim-
14 ited to) interpretive programs, campsites, and visitor
15 centers; and

16 (F) such other information related to the pro-
17 posed concession operation as is provided to the Sec-
18 retary pursuant to a concession contract or is other-
19 wise available to the Secretary, as the Secretary de-
20 termines is necessary to allow for the submission of
21 competitive proposals.

22 (d) MINIMUM PROPOSAL REQUIREMENTS.—(1) No
23 proposal shall be considered which fails to meet the mini-
24 mum requirements as determined by the Secretary. Such

1 minimum requirements shall include, but need not be lim-
2 ited to—

- 3 (A) the minimum acceptable franchise fee;
- 4 (B) the duration of the contract;
- 5 (C) any facilities, services, or capital investment
6 required to be provided by the concessioner; and
- 7 (D) measures necessary to ensure the protec-
8 tion and preservation of park resources.

9 (2) The Secretary may reject any proposal, notwith-
10 standing the amount of franchise fee offered, if the Sec-
11 retary determines that the person, corporation, or entity
12 is not qualified, is likely to provide unsatisfactory service,
13 or that the proposal is not responsive to the objectives of
14 protecting and preserving park resources and of providing
15 necessary and appropriate facilities or services to the pub-
16 lic at reasonable rates.

17 (3) If all proposals submitted to the Secretary either
18 fail to meet the minimum requirements or are rejected by
19 the Secretary, the Secretary shall establish new minimum
20 contract requirements and re-initiate the competitive se-
21 lection process pursuant to this section.

22 (e) SELECTION OF BEST PROPOSAL.—(1) In select-
23 ing the best proposal, the Secretary shall consider the fol-
24 lowing principal factors:

1 (A) The responsiveness of the proposal to the
2 objectives of protecting and preserving park re-
3 sources and of providing necessary and appropriate
4 facilities and services to the public at reasonable
5 rates.

6 (B) The experience and related background of
7 the person, corporation, or entity submitting the
8 proposal, including (but not limited to) the past per-
9 formance and expertise of such person, corporation,
10 or entity in providing the same or similar facilities
11 or services.

12 (C) The financial capability of the person, cor-
13 poration, or entity submitting the proposal.

14 (D) The proposed franchise fee: *Provided*, That
15 consideration of revenue to the United States shall
16 be subordinate to the objectives of protecting and
17 preserving park resources and of providing necessary
18 and appropriate facilities or services to the public at
19 reasonable rates.

20 (2) The Secretary may also consider such secondary
21 factors as the Secretary deems appropriate.

22 (3) In developing regulations to implement this title,
23 the Secretary shall consider the extent to which plans for
24 employment of Indians (including Native Alaskans) and
25 involvement of businesses owned by Indians, Indian tribes,

1 or Native Alaskans in the operation of concession con-
2 tracts should be identified as a factor in the selection of
3 a best proposal under this section.

4 (f) CONGRESSIONAL NOTIFICATION.—(1) The Sec-
5 retary shall submit any proposed concession contract with
6 anticipated annual gross receipts in excess of \$5,000,000
7 (indexed to 1997 constant dollars) or a duration of ten
8 or more years to the Committee on Energy and Natural
9 Resources of the Senate and the Committee on Resources
10 of the House of Representatives.

11 (2) The Secretary shall not award any such proposed
12 contract until at least 60 days subsequent to the notifica-
13 tion of both Committees.

14 (g) NO PREFERENTIAL RIGHT OF RENEWAL.—(1)
15 Except as provided in paragraph (2), the Secretary shall
16 not grant a preferential right to a concessioner to renew
17 a concession contract entered into pursuant to this title.

18 (2) The Secretary shall grant a preferential right of
19 renewal with respect to a concession contract covered by
20 subsections (h) and (i), subject to the requirements of sub-
21 sections (h) or (i), as appropriate.

22 (3) As used in this subsection, and subsections (h)
23 and (i), the term “preferential right of renewal” means
24 that the Secretary shall allow a concessioner satisfying the
25 requirements of this subsection (and subsections (h) and

1 (i), as appropriate) the opportunity to match the terms
2 and conditions of any competing proposal which the Sec-
3 retary determines to be the best proposal.

4 (4) A concessioner who exercises a preferential right
5 of renewal in accordance with the requirements of this
6 paragraph shall be entitled to award of the new concession
7 contract with respect to which such right is exercised.

8 (h) OUTFITTING AND GUIDE CONTRACTS.—(1) Ex-
9 cept as provided in subsection (i), the provisions of para-
10 graph (g)(2) shall apply only—

11 (A) to a concession contract—

12 (i) which solely authorizes a concessioner
13 to provide outfitting, guide, river running, or
14 other substantially similar services within a
15 park; and

16 (ii) which does not grant such concessioner
17 any interest in any structure, fixture, or im-
18 provement pursuant to section 312; and

19 (B) where the Secretary determines that the
20 concessioner has operated satisfactorily during the
21 term of the contract (including any extensions there-
22 of); and

23 (C) where the Secretary determines that the
24 concessioner has submitted a responsive proposal for

1 a new contract which satisfies the minimum require-
2 ments established by the Secretary pursuant to sec-
3 tion 307.

4 (2) With respect to a concession contract (or exten-
5 sion thereof) covered by this subsection which is in effect
6 on the date of enactment of this title, the provisions of
7 this paragraph shall apply if the holder of such contract,
8 under the laws and policies in effect on the day before
9 the date of enactment of this Act, would have been entitled
10 to a preferential right to renew such contract upon its ex-
11 piration.

12 (i) CONTRACTS WITH ANNUAL GROSS RECEIPTS
13 UNDER \$500,000.—(1) The provisions of paragraph
14 (g)(2) shall also apply to a concession contract—

15 (A) which the Secretary estimates will result in
16 annual gross receipts of less than \$500,000;

17 (B) where the Secretary has determined that
18 the concessioner has operated satisfactorily during
19 the term of the contract (including any extensions
20 thereof); and

21 (C) that the concessioner has submitted a re-
22 sponsive proposal for a new concession contract
23 which satisfies the minimum requirements estab-
24 lished by the Secretary pursuant to section 307.

1 (2) The provisions of this subsection shall not apply
 2 to a concession contract which solely authorizes a conces-
 3 sioner to provide outfitting, guide, river running, or other
 4 substantially similar services within a park pursuant to
 5 subsection (h).

6 (3) Notwithstanding the limitations set forth in para-
 7 graph (1)(A), the provisions of this subsection shall also
 8 apply to any concession contract authorizing cruise ship
 9 entries into Glacier Bay National Park.

10 (j) NO PREFERENTIAL RIGHT TO ADDITIONAL SERV-
 11 ICES.—The Secretary shall not grant a preferential right
 12 to a concessioner to provide new or additional services at
 13 a park.

14 **SEC. 308. FRANCHISE FEES.**

15 (a) IN GENERAL.—Franchise fees, however, stated,
 16 shall not be less than the minimum fee established by the
 17 Secretary for each contract. The minimum fee shall be de-
 18 termined in a manner that will provide the concessioner
 19 with a reasonable opportunity to realize a profit on the
 20 operation as a whole, commensurate with the capital in-
 21 vested and the obligations assumed under the contract.

22 (b) MULTIPLE CONTRACTS WITHIN A PARK.—If
 23 multiple concession contracts are awarded to authorize
 24 concessioners to provide the same or similar outfitting,
 25 guide, river running, or other similar services at the same

1 approximate location or resource within a specific park,
2 the Secretary shall establish an identical franchise fee for
3 all such contracts, subject to periodic review and revision
4 by the Secretary. Such fee shall reflect fair market value.

5 **SEC. 309. USE OF FRANCHISE FEES.**

6 (a) SPECIAL ACCOUNT.—Except as provided in sub-
7 section (b), all receipts collected pursuant to this title shall
8 be covered into a special account established in the Treas-
9 ury of the United States. Amounts covered into such ac-
10 count in a fiscal year shall be available for expenditure,
11 subject to appropriation, solely as follows:

12 (1) Fifty percent shall be allocated among the
13 units of the National Park System in the same pro-
14 portion as franchise fees collected from a specific
15 unit bears to the total amount covered into the ac-
16 count for each fiscal year, to be used for resource
17 management and protection, maintenance activities,
18 interpretation, and research.

19 (2) Fifty percent shall be allocated among the
20 units of the National Park System on the basis of
21 need, in a manner to be determined by the Sec-
22 retary, to be used for resource management and pro-
23 tection, maintenance activities, interpretation, and
24 research.

1 (b) PARK IMPROVEMENT FUND.—(1) In lieu of col-
2 lecting all or a portion of the franchise fees that would
3 otherwise be collected pursuant to the concession contract,
4 the Secretary shall, where the Secretary determines it to
5 be practicable, require a concessioner to establish a Park
6 Improvement Fund in which the concessioner shall deposit
7 the franchise fees that would otherwise be required by the
8 contract.

9 (2) The fund shall be maintained by the concessioner
10 in an interest bearing account in a federally-insured finan-
11 cial institution. The concessioner shall maintain the fund
12 separately from any other funds or accounts and shall not
13 comingle the monies in the fund with any other monies.
14 The Secretary may establish such other terms, conditions,
15 or requirements as the Secretary determines to be nec-
16 essary to ensure the financial integrity of such fund.

17 (3) Monies from the fund, including interest, shall be
18 expended by the concessioner solely as directed by the Sec-
19 retary for activities and projects within the park which
20 are consistent with the park's general management plan,
21 concession plan, and other applicable plans, and which the
22 Secretary determines will enhance public use, safety, and
23 enjoyment of the park, including (but not limited to)
24 projects which directly or indirectly support concession fa-
25 cilities or services required by the concession contract.

1 Projects paid for from the fund shall not include routine,
2 operational maintenance of facilities. A concessioner shall
3 not be allowed to make any advances or credits to the
4 fund.

5 (4) A concessioner shall not be granted any interest
6 in improvements made from fund expenditures, including
7 any interest granted pursuant to section 312.

8 (5) Nothing in this subsection shall affect the obliga-
9 tion of a concessioner to insure, maintain, and repair any
10 structure, fixture, or improvement assigned to such con-
11 cessioner and to insure that such structure, fixture, or im-
12 provement fully complies with applicable safety and health
13 laws and regulations.

14 (6) The concessioner shall maintain proper records
15 for all expenditures made from the fund. Such records
16 shall include (but not be limited to) invoices, bank state-
17 ments, canceled checks, and such other information as the
18 Secretary determines to be necessary.

19 (7) The concessioner shall annually submit to the
20 Secretary a statement reflecting total activity in the fund
21 for the preceding financial year. The statement shall re-
22 flect monthly deposits, expenditures by project, interest
23 earned, and such other information as the Secretary re-
24 quires.

1 (8) Proceeds from the fund shall not be used for any
2 capital expenditure exceeding \$2,500,000 in any fiscal
3 year unless such expenditure has been approved in ad-
4 vance by Act of Congress.

5 (9) The Secretary shall annually report to the Com-
6 mittees on Appropriations and Energy and Natural Re-
7 sources of the Senate and the Committees on Appropria-
8 tions and Resources of the House of Representatives con-
9 cerning the actual and projected expenditures for each
10 fund established pursuant to this section.

11 (10) Upon the termination of a concession contract,
12 or upon the sale or transfer of such contract, any remain-
13 ing balance in the fund shall be transferred by the conces-
14 sioner to the successor concessioner, to be used solely as
15 set forth in this subsection. In the event there is not a
16 successor concessioner, the fund balance shall be deposited
17 into the special account established in subsection (a).

18 **SEC. 310. DURATION OF CONTRACT.**

19 (a) MAXIMUM TERM.—A concession contract entered
20 into pursuant to this title shall be awarded for a term not
21 to exceed ten years: *Provided, however,* That the Secretary
22 may award a contract for a term not to exceed twenty
23 years if the Secretary determines that the contract terms
24 and conditions necessitate a longer term.

1 (b) TEMPORARY CONTRACT.—A temporary conces-
2 sion contract awarded on a non-competitive basis pursuant
3 to section 307(b) shall be for a term not to exceed two
4 years.

5 **SEC. 311. TRANSFER OF CONTRACT.**

6 (a) IN GENERAL.—(1) No concession contract may
7 be transferred, assigned, sold, or otherwise conveyed by
8 a concessioner without prior written notification to, and
9 approval of the Secretary.

10 (2) The Secretary shall not unreasonably withhold
11 approval of a transfer, assignment, sale, or conveyance of
12 a concession contract, but shall not approve the transfer,
13 assignment, sale, or conveyance of a concession contract
14 to any individual, corporation or other entity if the Sec-
15 retary determines that—

16 (A) such individual, corporation or entity is, or
17 is likely to be, unable to completely satisfy all of the
18 requirements, terms, and conditions of the contract;

19 (B) such transfer, assignment, sale or convey-
20 ance is not consistent with the objectives of protect-
21 ing and preserving park resources, and of providing
22 necessary and appropriate facilities or services to the
23 public at reasonable rates;

24 (C) such transfer, assignment, sale, or convey-
25 ance relates to a concession contract which does not

1 provide to the United States consideration commensurate with the probable value of the privileges
2 granted by the contract; or

3 (D) the terms of such transfer, assignment,
4 sale, or conveyance directly or indirectly attribute a
5 significant value to intangible assets or otherwise
6 may so reduce the opportunity for a reasonable profit over the remaining term of the contract that the
7 United States may be required to make substantial
8 additional expenditures in order to avoid interruption of services to park visitors.

9 (b) CONGRESSIONAL NOTIFICATION.—Within 30
10 days after receiving a completed proposal to transfer, assign, sell, or otherwise convey a concession contract, the
11 Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of such proposal.
12 Approval of such proposal, if granted by the Secretary,
13 shall not take effect until 60 days after the date of notification of both Committees.

14 **SEC. 312. PROTECTION OF CONCESSIONER INVESTMENT.**

15 (a) CURRENT CONTRACT.—(1) A concessioner who
16 before the date of the enactment of this Act has acquired
17 or constructed, or is required under an existing concession
18 contract to commence acquisition or construction of, any

1 structure, fixture, or improvement upon land owned by the
2 United States within a park, pursuant to such contract,
3 shall have a possessory interest therein, to the extent pro-
4 vided such contract.

5 (2) Unless otherwise provided in such contract, such
6 possessory interest shall not be extinguished by the expira-
7 tion or termination of the contract and may not be taken
8 for public use without just compensation. Such possessory
9 interest may be assigned, transferred, encumbered, or re-
10 linquished.

11 (3) Upon the termination of a concession contract in
12 effect before the date of enactment of this Act, the Sec-
13 retary shall determine the value of any outstanding
14 possessory interest applicable to the contract, such value
15 to be determined for all purposes on the basis of applicable
16 laws and contracts in effect on the day before the date
17 of enactment of this Act.

18 (4) Nothing in this subsection shall be construed to
19 grant a possessory interest to a concessioner whose con-
20 tract in effect on the date of enactment of this Act does
21 not include recognition of a possessory interest.

22 (b) NEW CONTRACTS.—(1)(A) With respect to a con-
23 cession contract entered into on or after the date of enact-
24 ment of this Act, the value of any outstanding possessory
25 interest associated with such contract shall be set at the

1 value determined by the Secretary pursuant to subsection
2 (a)(3).

3 (B) As a condition of entering into a concession con-
4 tract, the value of any outstanding possessory interest
5 shall be reduced on an annual basis, in equal portions,
6 over the same number of years as the time period associ-
7 ated with the straight line depreciation of the structure,
8 fixture, or improvement associated with such possessory
9 interest, as provided by applicable Federal income tax laws
10 and regulations in effect on the day before the date of
11 enactment of this Act.

12 (C) In the event that the contract expires or is termi-
13 nated prior to the elimination of any outstanding
14 possessory interest, the concessioner shall be entitled to
15 receive from the United States or the successor conces-
16 sioner payment equal to the remaining value of the
17 possessory interest.

18 (D) A successor concessioner may not revalue any
19 outstanding possessory interest, nor the period of time
20 over which such interest is reduced.

21 (E) Title to any structure, fixture, or improvement
22 associated with any outstanding possessory interest shall
23 be vested in the United States.

1 (2)(A) If the Secretary determines during the com-
2 petitive selection process that all proposals submitted ei-
3 ther fail to meet the minimum requirements or are re-
4 jected (as provided in section 307), the Secretary may,
5 solely with respect to any outstanding possessory interest
6 associated with the contract and established pursuant to
7 a concession contract entered into prior to the date of en-
8 actment of this Act, suspend the reduction provisions of
9 subsection (b)(1)(B) for the duration of the contract, and
10 reinstate the competitive selection process as provided in
11 section 307.

12 (B) The Secretary may suspend such reduction provi-
13 sions only if the Secretary determines that the establish-
14 ment of other new minimum contract requirements is not
15 likely to result in the submission of satisfactory proposals,
16 and that the suspension of the reduction provisions is like-
17 ly to result in the submission of satisfactory proposals:
18 *Provided, however,* That nothing in this paragraph shall
19 be construed to require the Secretary to establish a mini-
20 mum franchise fee at a level below the franchise fee in
21 effect for such contract on the day before the expiration
22 date of the previous contract.

23 (c) NEW STRUCTURES.—(1) On or after the date of
24 enactment of this Act, a concessioner who constructs or

1 acquires a new, additional, or replacement structure, fix-
2 ture, or improvement upon land owned by the United
3 States within a park, pursuant to a concession contract,
4 shall have an interest in such structure, fixture, or im-
5 provement equivalent to the actual original cost of acquir-
6 ing or constructing such structure, fixture, or improve-
7 ment, less straight line depreciation over the estimated
8 useful life of the asset according to Generally Accepted
9 Accounting Principles: *Provided*, That in no event shall
10 the estimated useful life of such asset exceed the deprecia-
11 tion period used for such asset for Federal income tax
12 purposes.

13 (2) In the event that the contract expires or is termi-
14 nated prior to the recovery of such costs, the concessioner
15 shall be entitled to receive from the United States or the
16 successor concessioner payment equal to the value of the
17 concessioner's interest in such structure, fixture, or im-
18 provement. A successor concessioner may not revalue the
19 interest in such structure, fixture, or improvement, the
20 method of depreciation, or the estimated useful life of the
21 asset.

22 (3) Title to any such structure, fixture, or improve-
23 ment shall be vested in the United States.

1 (d) INSURANCE, MAINTENANCE AND REPAIR.—
2 Nothing in this section shall affect the obligation of a con-
3 cessioner to insure, maintain, and repair any structure,
4 fixture, or improvement assigned to such concessioner and
5 to insure that such structure, fixture, or improvement
6 fully complies with applicable safety and health laws and
7 regulations.

8 **SEC. 313. RATES AND CHARGES TO PUBLIC.**

9 The reasonableness of a concessioner's rates and
10 charges to the public shall, unless otherwise provided in
11 the bid specifications and contract, be judged primarily
12 by comparison with those rates and charges for facilities
13 and services of comparable character under similar condi-
14 tions, with due consideration for length of season, seasonal
15 variance, average percentage of occupancy, accessibility,
16 availability and costs of labor and materials, type of pa-
17 tronage, and other factors deemed significant by the
18 Secretary.

19 **SEC. 314. CONCESSIONER PERFORMANCE EVALUATION.**

20 (a) REGULATIONS.—Within 180 days after the date
21 of enactment of this Act, the Secretary shall publish, after
22 an appropriate period for public comment, regulations es-
23 tablishing standards and criteria for evaluating the per-
24 formance of concessions operating within parks.

1 (b) PERIODIC EVALUATION.—(1) The Secretary shall
2 periodically conduct an evaluation of each concessioner op-
3 erating under a concession contract pursuant to this title,
4 as appropriate, to determine whether such concessioner
5 has performed satisfactorily. In evaluating a conces-
6 sioner's performance, the Secretary shall seek and con-
7 sider applicable reports and comments from appropriate
8 Federal, State, and local regulatory agencies, and shall
9 seek and consider the applicable views of park visitors and
10 concession customers. If the Secretary's performance eval-
11 uation results in an unsatisfactory rating of the conces-
12 sioner's overall operation, the Secretary shall provide the
13 concessioner with a list of the minimum requirements nec-
14 essary for the operation to be rated satisfactory, and shall
15 so notify the concessioner in writing.

16 (2) The Secretary may terminate a concession con-
17 tract if the concessioner fails to meet the minimum oper-
18 ational requirements identified by the Secretary within the
19 time limitations established by the Secretary at the time
20 notice of the unsatisfactory rating is provided to the con-
21 cessioner.

22 (3) If the Secretary terminates a concession contract
23 pursuant to this section, the Secretary shall solicit propos-
24 als for a new contract consistent with the provisions of
25 this title.

1 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
2 shall notify the Committee on Energy and Natural Re-
3 sources of the Senate and the Committee on Resources
4 of the House of Representatives of each unsatisfactory
5 rating and of each concession contract terminated pursu-
6 ant to this section.

7 **SEC. 315. RECORDKEEPING REQUIREMENTS.**

8 (a) IN GENERAL.—Each concessioner shall keep such
9 records as the Secretary may prescribe to enable the Sec-
10 retary to determine that all terms of the concessioner's
11 contract have been and are being faithfully performed, and
12 the Secretary or any of the Secretary's duly authorized
13 representatives shall, for the purpose of audit and exam-
14 ination, have access to such records and to other books,
15 documents and papers of the concessioner pertinent to the
16 contract and all the terms and conditions thereof as the
17 Secretary deems necessary.

18 (b) GENERAL ACCOUNTING OFFICE REVIEW.—The
19 Comptroller General of the United States or any of his
20 or her duly authorized representatives shall, until the expi-
21 ration of five calendar years after the close of the business
22 year for each concessioner, have access to and the right
23 to examine any pertinent books, documents, papers, and
24 records of the concessioner related to the contracts or con-
25 tracts involved.

1 **SEC. 316. EXEMPTION FROM CERTAIN LEASE REQUIRE-**
2 **MENTS.**

3 The provisions of section 321 of the Act of June 30,
4 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leas-
5 ing of buildings and properties of the United States, shall
6 not apply to contracts awarded by the Secretary pursuant
7 to this title.

8 **SEC. 317. NO EFFECT ON ANILCA PROVISIONS.**

9 Nothing in this title shall be construed to amend, su-
10 persede, or otherwise affect any provision of the Alaska
11 National Interest Lands Conservation Act (16 U.S.C.
12 3101 et seq.).

13 **SEC. 318. IMPLEMENTATION REPORTS.**

14 Beginning on June 1, 1997, and biennially thereafter,
15 the Inspector General of the Department of the Interior
16 shall submit a report to the Committee on Energy and
17 Natural Resources of the Senate and the Committee on
18 Resources of the House of Representatives on the imple-
19 mentation of this title and the effect of such implementa-
20 tion on facilities operated pursuant to concession contracts
21 and on visitor services. Each report shall—

22 (1) identify any concession contracts which have
23 been renewed, renegotiated, terminated, or trans-
24 ferred during the year prior to the submission of the
25 report and identify any significant changes in the
26 terms of the new contract;

1 (2) state the amount of franchise fees the rates
2 which would be charged for services, and the level of
3 other services required to be provided by the conces-
4 sioner in comparison to that required in the previous
5 contract;

6 (3) assess the degree to which concession facili-
7 ties are being maintained using the condition of such
8 facilities on the date of enactment of this Act as a
9 baseline;

10 (4) determine whether competition has been in-
11 creased or decreased with respect to the awarding of
12 each contract; and

13 (5) set forth the amount of revenues received
14 and financial obligations incurred or reduced by the
15 Federal Government as a result of the comparison of
16 this Act for the reporting period and in comparison
17 with previous reporting periods and the baseline year
18 of 1997, including the costs, if any, associated with
19 the acquisition of possessory interests.

20 **SEC. 319. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated such sums as
22 may be necessary to carry out this title.

1 **TITLE IV—RECREATION FEES**

2 **SEC. 401. SHORT TITLE.**

3 This title may be cited as the “National Park Service
4 Entrepreneurial Management Reform Act of 1997”.

5 **SEC. 402. FEES.**

6 (a) **ADMISSION FEES.**—Section 4(a) of the Land and
7 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
8 4 and following) is amended as follows:

9 (1) In the first sentence of paragraph (1)(A)(i),
10 by striking “\$25” and inserting “\$40”.

11 (2) By amending the second sentence of para-
12 graph (1)(A)(i) to read as follows: “The permittee
13 and the accompanying spouse, children, and parents
14 of the permittee shall be entitled to general admis-
15 sion into any area designated pursuant to this sec-
16 tion.”.

17 (3) By modifying the margin of clause (ii) of
18 paragraph (1)(A) to align with the margin of clause
19 (i).

20 (4) By inserting at the end of clause (ii) of
21 paragraph (1)(A) the following: “Such receipts shall
22 be made available, subject to appropriation, for au-
23 thorized resource protection, rehabilitation, and con-
24 servation projects as provided for by subsection (i),
25 including projects to be carried out by the Public

1 Land Corps or any other conservation corps pursu-
2 ant to the Youth Conservation Corps Act of 1970
3 (16 U.S.C. 1701 and following), or other related
4 programs or authorities, on lands administered by
5 the Secretary of the Interior and the Secretary of
6 Agriculture.”.

7 (5) In paragraph (1)(B), by striking “\$15” and
8 inserting “\$25” and by adding at the end the follow-
9 ing new sentence: “Any amount by which the fee for
10 such an annual permit exceeds \$15 shall be credited
11 to the appropriation account of the unit of the Na-
12 tional Park System that collected the fee, shall be
13 available to the unit without further appropriation,
14 and shall remain available until expended.”.

15 (6) In paragraph (2), by inserting “(A)” after
16 “(2)”, by striking the fifth and sixth sentences, by
17 amending the fourth sentence to read as follows:
18 “The fee for a single-visit permit at any designated
19 area shall be not more than \$6 per person for per-
20 sons entering by any means, except that the fee shall
21 not exceed \$20 for all persons entering a designated
22 area in a single noncommercial vehicle.”, and by
23 adding at the end the following new subparagraph:

1 “(B) The Secretary shall establish a pilot
2 project at Yosemite National Park that utilizes in-
3 centives, including waiving or reducing admission
4 fees, to encourage use of public transit which serves
5 the purpose of reducing vehicular traffic within Yo-
6 semite National Park.”.

7 (7) In paragraph (3), by striking the last sen-
8 tence.

9 (8) In paragraph (4), by striking “No other
10 free permits shall be issued to any person” and in-
11 serting “No other free permits shall be issued to any
12 person, except as otherwise provided by this sub-
13 section”.

14 (9) In paragraph (4), by amending the second
15 sentence to read as follows: “Such permit shall be
16 nontransferable, shall be issued for a one-time
17 charge of \$10, and shall entitle the permittee and
18 the accompanying spouse of the permittee to general
19 admission into any area designated pursuant to this
20 subsection.”.

21 (10) In paragraph (6) by striking “on Interior
22 and Insular Affairs” and inserting “on Resources”.

1 (11) In paragraph (9), by striking “San Juan
2 National Historic Site, and Canaveral National Sea-
3 shore” and inserting “and San Juan National His-
4 toric Site” and by adding the following at the end
5 thereof: “The Secretary of the Interior shall submit
6 a report to the Congress within 6 months after the
7 enactment of this sentence respecting the areas at
8 which the Secretary determines admission fees would
9 be appropriate but at which such fees are prohibited
10 by law and respecting each area at which such fees
11 are authorized but not being collected (including an
12 explanation of the reasons that such fees are not
13 being collected).”.

14 (12) By amending paragraph (11) to read as
15 follows:

16 “(11) In the case of Yellowstone and Grand
17 Teton National Parks, a single-visit fee collected at
18 one unit shall also admit the person who paid such
19 fee for a single visit to the other unit.”.

20 (b) PENALTY.—Section 4(e) of the Land and Water
21 Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and
22 following) is amended by striking “\$100” and inserting
23 “\$1,000”.

24 (c) TECHNICAL AMENDMENT.—Section 4(g) of the
25 Land and Water Conservation Fund Act of 1965 (16

1 U.S.C. 4601–4 and following) is amended by striking “or
2 charges for commercial or other activities not related to
3 recreation”.

4 (d) USE OF FEES.—Section 4(i) of the Land and
5 Water Conservation Fund Act of 1965 (16 U.S.C. 4601–
6 4 and following) is amended as follows:

7 (1) By inserting “USE OF FEES.—” after “(i)”.

8 (2) In the first sentence of paragraph (1)(B),
9 by striking “fee collection costs for that fiscal year”
10 and inserting “fee collection costs for the imme-
11 diately preceding fiscal year” and by striking “sec-
12 tion in that fiscal year” and inserting “section in
13 such immediately preceding fiscal year”.

14 (3) In the second sentence of paragraph (1)(B),
15 by striking “in that fiscal year”.

16 (4) In paragraph (1), by adding at the end the
17 following new subparagraph:

18 “(C) Notwithstanding subparagraph (A) and not-
19 withstanding any other provision of law, for fiscal years
20 after fiscal year 1997, the amount by which the receipts
21 collected pursuant to this section by the National Park
22 Service (except for the portion of fee receipts withheld as
23 provided in subparagraph (B) for fee collection costs) ex-
24 ceeds the receipts collected pursuant to this section by the
25 National Park Service in fiscal year 1995 shall be covered

1 into a special fund established in the Treasury of the Unit-
2 ed States to be known as the ‘National Park Renewal
3 Fund’. Amounts in such fund shall be available to the Sec-
4 retary of the Interior, without further appropriation, for
5 resource protection, research, interpretation, and mainte-
6 nance activities related to resource protection and visitor
7 enjoyment in areas managed by the National Park Service
8 and shall be allocated among national park system units
9 in accordance with subsection (j). Such amounts shall re-
10 main available until expended. The Secretary shall develop
11 procedures for the use of amounts in the fund that ensure
12 accountability and demonstrated results consistent with
13 the purposes of this title. Beginning after the first full
14 fiscal year following enactment of this subparagraph, the
15 Secretary shall submit an annual report to Congress, on
16 a unit-by-unit basis, detailing the fees receipts collected
17 pursuant to this section and the expenditures of such re-
18 ceipts.”.

19 (e) TIME OF REIMBURSEMENT.—Section 4(k) of the
20 Land and Water Conservation Fund Act of 1965 (16
21 U.S.C. 460l–4 and following) is amended by striking the
22 last sentence.

23 (f) FEES FOR SPECIAL USES.—Section 4 of the Land
24 and Water Conservation Fund Act of 1965 (16 U.S.C.

1 460l–4 and following) is amended by adding the following
2 new subsection at the end:

3 “(o) FEES FOR SPECIAL USES.—The Secretary of
4 the Interior shall establish reasonable fees for nonrec-
5 reational uses of national park system units that require
6 special arrangements, including permits. The fees shall be
7 set at such level as the Secretary deems necessary to in-
8 sure that the United States will receive fair market value
9 for the use of the area concerned and shall, at a minimum,
10 cover all costs of providing necessary services associated
11 with such special uses, except that the Secretary may, in
12 his discretion, waive or reduce such fees in the case of
13 any nonprofit organization or any organization using an
14 area within the national park system for educational or
15 park-related purposes. Notwithstanding any other provi-
16 sion of law, the Secretary shall retain so much of the reve-
17 nue from such fees as is equal to fee collection costs and
18 the costs of providing the necessary services associated
19 with such special uses. Such retained amounts shall be
20 credited to the appropriation account for the national park
21 system unit concerned and shall remain available until ex-
22 pended, beginning in the fiscal year in which the amounts
23 are so credited.”.

24 (g) ADMISSION OR RECREATION USE FEES.—Section
25 4 of the Land and Water Conservation Fund Act of 1965

1 (16 U.S.C. 460l–4 and following), as amended by sub-
2 section (f) of this section, is amended by adding the follow-
3 ing new subsection at the end:

4 “(p) ADMISSION OR RECREATION USE FEES.—Not-
5 withstanding any other provision of law, no admission or
6 recreation use fee of any kind shall be charged or imposed
7 for entrance into, or use of, any federally owned area oper-
8 ated and maintained by a Federal agency and used for
9 outdoor recreation purposes, except as provided for by this
10 Act.”.

11 **SEC. 403. CHALLENGE COST-SHARE AGREEMENTS.**

12 (a) AGREEMENTS.—The Secretary of the Interior is
13 authorized to negotiate and enter into challenge cost-share
14 agreements with cooperators. For purposes of this section:

15 (1) The term “challenge cost-share agreement”
16 means any agreement entered into between the Sec-
17 retary and any cooperator for the purpose of sharing
18 costs or services in carrying out any authorized
19 functions and responsibilities of the Secretary with
20 respect to any unit of the national park system (as
21 defined in section 2(a) of the Act of August 8, 1953
22 (16 U.S.C. 1b–1c)), any affiliated area, or any des-
23 ignated national scenic or historic trail.

1 (2) The term “cooperator” means any State or
2 local government, public or private agency, organiza-
3 tion, institution, corporation, individual, or other en-
4 tity.

5 (b) USE OF FEDERAL FUNDS.—In carrying out chal-
6 lenge cost-share agreements, the Secretary is authorized,
7 subject to appropriation, to provide the Federal funding
8 share from any funds available to the National Park
9 Service.

10 **SEC. 404. COST RECOVERY FOR DAMAGE TO NATIONAL**
11 **PARK RESOURCES.**

12 Notwithstanding any other provision of law, any
13 funds payable to United States as restitution on account
14 of damage to national park resources or property shall be
15 paid to the Secretary of the Interior. Any such funds, and
16 any other funds received as a result of forfeiture, com-
17 promise, or settlement on account of damage to national
18 park resources or property shall be credited to the appro-
19 priation account for the national park system unit con-
20 cerned and shall be available, without further appropria-
21 tion, for expenditure by the Secretary, without regard to
22 fiscal year limitation, to improve, protect, or rehabilitate
23 any park resources or property which have been damaged
24 by the action of a permittee or any unauthorized person.

○