

105TH CONGRESS  
1ST SESSION

# H. R. 489

To amend the Land and Water Conservation Fund Act of 1965 as regards  
the National Park Service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1997

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

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## A BILL

To amend the Land and Water Conservation Fund Act of  
1965 as regards the National Park Service, 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 “Park Renewal Fund  
5 Act”.

6 **SEC. 2. FEES.**

7 (a) ADMISSION FEES.—Section 4(a) of the Land and  
8 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–  
9 6a(a)) is amended as follows:

1           (1) Delete “fee-free travel areas” and “lifetime  
2 admission permit” from the title of this section.

3           (2) In paragraph (a)(1)(A)(i) by striking the  
4 first and second sentences and inserting in lieu  
5 thereof, “For admission into any such designated  
6 area, an annual admission permit (to be known as  
7 the Golden Eagle Passport) shall be available for a  
8 fee and under such conditions as to be determined  
9 by the Secretary of the Interior and the Secretary  
10 of Agriculture.”.

11          (3) In paragraph (a)(1)(B) by striking the sec-  
12 ond sentence.

13          (4) Delete paragraph (a)(2) in its entirety and  
14 insert in lieu thereof: “Reasonable admission fees for  
15 a single visit to any designated unit shall be estab-  
16 lished by the administering Secretary for persons  
17 who choose not to purchase the annual permit. A  
18 ‘single visit’ means a continuous stay within a des-  
19 ignated unit. Payment of a single visit admission fee  
20 shall authorize exits from and reentries to a des-  
21 ignated unit for a period to be defined for each des-  
22 ignated unit by the administering Secretary based  
23 upon a determination of the period of time reason-  
24 ably and ordinarily necessary for such a single  
25 visit.”.

1           (5) In paragraph (a)(3) by inserting the word  
2       “Great” in the third sentence before “Smoky”.

3           (6) In paragraph (a)(3) delete the last sentence.

4           (7) Delete paragraph (a)(4) in its entirety and  
5       insert in lieu thereof: “The Secretary of the Interior  
6       and the Secretary of Agriculture shall establish pro-  
7       cedures for discounted admission fees to any citizen  
8       of, or person legally domiciled in, the United States  
9       sixty-two years of age or older, such discount to be  
10      received upon proof of age. Any such discount will  
11      be nontransferable, applied only to the individual  
12      qualifying on the basis of age, and given notwith-  
13      standing the method of travel. No fees of any kind  
14      shall be collected from any persons who have a right  
15      of access for hunting or fishing privileges under a  
16      specific provision of law or treaty or who are en-  
17      gaged in the conduct of official Federal, State, or  
18      local government business.”.

19          (8) Delete paragraph (a)(5) in its entirety and  
20      insert in lieu thereof: “The Secretary of the Interior  
21      and the Secretary of Agriculture shall establish pro-  
22      cedures providing for the issuance of a lifetime ad-  
23      mission permit to any citizen of, or person legally  
24      domiciled in, the United States, if such citizen or  
25      person applies for such permit and is permanently

1 disabled. Such procedures shall assure that such  
 2 permit shall be issued only to persons who have been  
 3 medically determined to be permanently disabled.  
 4 Such permit shall be nontransferable, shall be issued  
 5 without charge, and shall entitle the permittee and  
 6 one accompanying individual to general admission  
 7 into any area designated pursuant to this subsection,  
 8 notwithstanding the method of travel.”.

9 (9) In paragraph (a)(6)(A) by striking “No  
 10 later than 60 days after December 22, 1987” and  
 11 inserting “No later than six months after enact-  
 12 ment” and striking “Interior and Insular Affairs”  
 13 and inserting “Resources”.

14 (10) Delete paragraphs (a)(9) and (a)(11) in  
 15 their entirety. Renumber current paragraph “(10)”  
 16 as “(9)” and current paragraph “(12)” as “(10)”.

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

20 (1) Delete “FEES FOR GOLDEN AGE PASSPORT  
 21 PERMITTEE” from section title.

22 (2) Delete the following: “personal collection of  
 23 the fee by an employee or agent of the Federal agen-  
 24 cy operating the facility”.

1           (3) Delete “Any Golden Age Passport permit-  
2       tee, or” and insert in lieu thereof “Any”.

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

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

14       (e) FEDERAL AND STATE LAWS UNAFFECTED.—Sec-  
15 tion 4(g) of the Land and Water Conservation Fund Act  
16 of 1965 (16 U.S.C. 460l–6a(g)) is amended by deleting  
17 the following in the first sentence “or fees or charges for  
18 commercial or other activities not related to recreation,”  
19 and inserting “: *Provided, however,* That in those park  
20 areas under partial (if applicable) or exclusive jurisdiction  
21 of the United States where State fishing licenses are not  
22 required, the National Park Service may charge a fee for  
23 fishing.”.

1 (f) TECHNICAL AMENDMENTS.—Section 4(h) of the  
2 Land and Water Conservation Fund Act of 1965 (16  
3 U.S.C. 460l–6a(h)) is amended—

4 (1) by striking “Bureau of Outdoor Recreation”  
5 and inserting in lieu thereof, “National Park Serv-  
6 ice”;

7 (2) by striking “Interior and Insular Affairs of  
8 the United States House of Representatives and  
9 United States Senate” and inserting in lieu thereof,  
10 “Resources of the United States House of Rep-  
11 resentatives and on Energy and Natural Resources  
12 of the United States Senate”; and

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

15 (g) USE OF FEES.—Section 4(i) of the Land and  
16 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–  
17 6a(i)) is amended as follows:

18 (1) After “(i)” by inserting “USE OF  
19 FEES.—”.

20 (2) In the first sentence of subparagraph (B)  
21 by striking “fee collection costs for that fiscal year”  
22 and inserting in lieu thereof “fee collection costs for  
23 the immediately preceding fiscal year” and by strik-  
24 ing “section in that fiscal year” and inserting in lieu

1       thereof “section in such immediately preceding fiscal  
2       year”.

3           (3) In the second sentence of subparagraph (B)  
4       by striking “in that fiscal year”.

5           (4) By adding the following at the end of para-  
6       graph (1):

7           “(C) Notwithstanding subparagraph (A),  
8       beginning in fiscal year 1996 and each fiscal  
9       year thereafter, all additional fee revenue gen-  
10      erated by the National Park Service through  
11      enactment of this legislation, as authorized to  
12      be collected pursuant to subsection 4 (a) and  
13      (b), shall be covered into a special fund estab-  
14      lished in the Treasury of the United States to  
15      be known as the ‘National Park Renewal  
16      Fund’. In fiscal year 1997 and each fiscal year  
17      thereafter, the amount of additional fee revenue  
18      generated in the immediately preceding fiscal  
19      year by the National Park Service through en-  
20      actment of this legislation shall be available to  
21      the Secretary of the Interior, without further  
22      provision in appropriations Acts, for infrastruc-  
23      ture needs at parks including but not limited to  
24      facility refurbishment, repair and replacement,

1 interpretive media and exhibit repair and re-  
2 placement, and infrastructure projects associ-  
3 ated with park resource protection. Such  
4 amounts shall remain available until expended.  
5 The Secretary shall develop procedures for the  
6 use of the fund that ensure accountability and  
7 demonstrated results consistent with the pur-  
8 poses of this Act. Beginning the first full fiscal  
9 year after the creation of the ‘National Park  
10 Renewal Fund’, the Secretary shall submit an  
11 annual report to the Congress, on a unit-by-  
12 unit basis, detailing the expenditures of such  
13 receipts. In fiscal year 1996 only, fees author-  
14 ized to be collected pursuant to subsections 4  
15 (a) and (b) of this Act may be collected only to  
16 the extent provided in advance in appropria-  
17 tions Acts.”.

18 (5) Paragraph (4)(A) is amended by striking  
19 “resource protection, research, and interpretation”  
20 and inserting in lieu thereof “park operations”.

21 (h) SELLING OF PERMITS.—Section 4(k) of the Land  
22 and Water Conservation Fund Act of 1965 (16 U.S.C.  
23 460l–6a(k)) is amended by—

24 (1) striking “SELLING OF ANNUAL ADMISSION  
25 PERMITS BY PUBLIC AND PRIVATE ENTITIES



1 UNDER ARRANGEMENTS WITH COLLECTING AGEN-  
2 CY HEAD” from the title of this section; and

3 (2) deleting the last two sentences, regarding  
4 the sale of Golden Eagle Passports, from this sec-  
5 tion.

6 (i) CHARGES FOR TRANSPORTATION PROVIDED BY  
7 THE NATIONAL PARK SERVICE.—(1) Section 4(l)(1) of  
8 the Land and Water Conservation Fund Act of 1965 (16  
9 U.S.C. 460l–6a(1)) is amended by striking the word  
10 “VIEWING” from the section title and inserting in lieu  
11 thereof “VISITING”.

12 (2) Section 4(l)(1) of the Land and Water Conserva-  
13 tion Fund Act of 1965 (16 U.S.C. 460l–6a(1)) is amended  
14 by deleting the word “view” and inserting in lieu thereof  
15 “visit”.

16 (3) Section 4(l)(2) of the Land and Water Conserva-  
17 tion Fund Act of 1965 (16 U.S.C. 460l–6a(1)) is amended  
18 by deleting paragraph (2) and inserting in lieu thereof:  
19 “Notwithstanding any other provision of law, the charges  
20 imposed under paragraph (1) shall be retained by the unit  
21 of the National Park System at which the service was pro-  
22 vided. The amount retained shall be expended for costs  
23 associated with the transportation systems at the unit  
24 where the charge was imposed.”.

1 (j) COMMERCIAL TOUR FEES.—Section 4 of the  
2 Land and Water Conservation Fund Act of 1965 (16  
3 U.S.C. 460l–6a(n)) is amended by striking section (2) in  
4 its entirety and inserting in lieu thereof:

5 “(2) The Secretary shall establish a flat fee, per  
6 entry, for such vehicles. The amount of the said flat  
7 fee shall reflect both the commercial tour use fee  
8 rate and current admission rates.”.

9 (k) FEES FOR SPECIAL USES.—Section 4 of the  
10 Land and Water Conservation Fund Act of 1965 (16  
11 U.S.C. 460l–6a) is amended by adding the following at  
12 the end thereof:

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

1 use takes place, and remain available, without further ap-  
2 propriation, to cover the cost of providing such services.  
3 The portion of such fee which exceeds the cost of providing  
4 necessary services associated with such use shall be depos-  
5 ited into the National Park Renewal Fund.”.

6 (l) FEE AUTHORITY.—Section 4 of the Land and  
7 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–  
8 6a) is amended by adding the following new subsection  
9 at the end thereof:

10 “(p) ADMISSION OR RECREATION USE FEES.—No  
11 admission or recreation use fee of any kind shall be  
12 charged or imposed for entrance into, or use of, any feder-  
13 ally owned area operated and maintained by a Federal  
14 agency and used for outdoor recreation purposes, except  
15 as provided for by this Act.”.

16 **SEC. 3. PROHIBITION OF COMMERCIAL VEHICLES, DELA-**  
17 **WARE WATER GAP NATIONAL RECREATION**  
18 **AREA.**

19 (a) IN GENERAL.—Effective at noon on September  
20 30, 2005, the use of Highway 209 within the Delaware  
21 Water Gap National Recreation Area by commercial vehi-  
22 cles, when such use is not connected with the operation  
23 of the recreation area, is prohibited, except as provided  
24 in section (b).

1 (b) LOCAL BUSINESS USE PROTECTED.—Subsection  
 2 (a) does not apply with respect to the use of commercial  
 3 vehicles to serve businesses located within or in the vicinity  
 4 of the recreation area, as determined by the Secretary.

5 (c) CONFORMING PROVISIONS.—(1) Paragraphs (1)  
 6 through (3) of the third undesignated paragraph under  
 7 the heading “ADMINISTRATIVE PROVISIONS” in chapter  
 8 VII of title I of Public Law 98–63 (97 Stat. 329), are  
 9 repealed, effective September 30, 2005.

10 (2) Prior to noon on September 30, 2005, the Sec-  
 11 retary shall collect and utilize a commercial use fee from  
 12 commercial vehicles in accordance with paragraphs (1)  
 13 through (3) of such third undesignated paragraph. Such  
 14 fee shall not exceed \$25 per trip.

15 **SEC. 4. CHALLENGE COST-SHARE AGREEMENTS.**

16 (a) AGREEMENTS.—The Secretary of the Interior is  
 17 authorized to negotiate and enter into challenge cost-share  
 18 agreements with cooperators. For purposes of this section,  
 19 the term—

20 (1) “challenge cost-share agreement” means  
 21 any agreement entered into between the Secretary  
 22 and any cooperator for the purpose of sharing costs  
 23 or services in carrying out authorized functions and  
 24 responsibilities of the Secretary with respect to any  
 25 unit or program of the National Park System (as

1 defined in section 2(a) of the Act of August 8, 1953  
2 (16 U.S.C. 1c(a)), any affiliated area, or designated  
3 National Scenic or Historic Trail; and

4 (2) “cooperator” means any State or local gov-  
5 ernment, public or private agency, organization, in-  
6 stitution, corporation, individual, or other entity.

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

11 **SEC. 5. DONATIONS.**

12 (a) REQUESTS FOR DONATIONS.—In addition to the  
13 Secretary’s other authorities to accept the donation of  
14 lands, buildings, other property, services, and moneys for  
15 the purposes of the National Park System, the Secretary  
16 is authorized to solicit donations of money, property, and  
17 services from individuals, corporations, foundations and  
18 other potential donors who the Secretary believes would  
19 wish to make such donations as an expression of support  
20 for the national parks. Such donations may be accepted  
21 and used for any authorized purpose or program of the

1 National Park Service, and donations of money shall re-  
2 main available for expenditure without fiscal year limita-  
3 tion. Any employees of the Department to whom this au-  
4 thority is delegated shall be set forth in the written guide-  
5 lines issued by the Secretary pursuant to paragraph (d).

6 (b) EMPLOYEE PARTICIPATION.—Employees of the  
7 National Park Service may solicit donations only if the  
8 request is incidental to or in support of, and does not  
9 interfere with their primary duty of protecting and admin-  
10 istering the parks or administering authorized programs,  
11 and only for the purpose of providing a level of resource  
12 protection, visitor facilities, or services for health and safe-  
13 ty projects, recurring maintenance activities, or for other  
14 routine activities normally funded through annual agency  
15 appropriations. Such requests must be in accordance with  
16 the guidelines issued pursuant to subparagraph (d).

17 (c) PROHIBITIONS.—(1) A donation may not be ac-  
18 cepted in exchange for a commitment to the donor on the  
19 part of the National Park Service or which attaches condi-  
20 tions inconsistent with applicable laws and regulations or  
21 that is conditioned upon or will require the expenditure  
22 of appropriated funds that are not available to the Depart-  
23 ment, or which compromises a criminal or civil position  
24 of the United States or any of its departments or agencies

1 or the administrative authority of any agency of the  
2 United States.

3 (2) In utilizing the authorities contained in this sec-  
4 tion employees of the National Park Service shall not di-  
5 rectly conduct or execute major fundraising campaigns,  
6 but may cooperate with others whom the Secretary may  
7 designate to conduct such campaigns on behalf of the Na-  
8 tional Park Service.

9 (d) GUIDANCE.—(1) The Secretary shall issue writ-  
10 ten guidelines setting forth those positions to which he has  
11 delegated his authority under paragraph (a) and the cat-  
12 egories of employees of the National Park Service that are  
13 authorized to request donations pursuant to paragraph  
14 (b). Such guidelines shall also set forth any limitations  
15 on the types of donations that will be requested or accept-  
16 ed as well as the sources of those donations.

17 (2) The Secretary shall publish guidelines which set  
18 forth the criteria to be used in determining whether the  
19 solicitation or acceptance of contributions of lands, build-  
20 ings, other property, services, moneys, and other gifts or  
21 donations authorized by this section would reflect unfavor-  
22 ably upon the ability of the Department of the Interior  
23 or any employee to carry out its responsibilities or official  
24 duties in a fair and objective manner, or would com-  
25 promise the integrity or the appearance of the integrity

1 of its programs or any official involved in those programs.  
2 The Secretary shall also issue written guidance on the ex-  
3 tent of the cooperation that may be provided by National  
4 Park Service employees in any major fundraising cam-  
5 paign which the Secretary has designated others to con-  
6 duct pursuant to paragraph (c)(2).

7 **SEC. 6. COST RECOVERY FOR DAMAGE TO NATIONAL PARK**  
8 **RESOURCES.**

9 Public Law 101–337 is amended as follows:

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

12 “(d) ‘Park system resource’ means any living or non-  
13 living resource that is located within the boundaries of a  
14 unit of the National Park System, except for resources  
15 owned by a non-Federal entity.”.

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

18 “(g) ‘Marine or aquatic park system resource’ means  
19 any living or nonliving part of a marine or aquatic regimen  
20 within or is a living part of a marine or aquatic regimen  
21 within the boundaries of a unit of the National Park Sys-  
22 tem, except for resources owned by a non-Federal entity.”.



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

○