

104TH CONGRESS
1ST SESSION

S. 964

To amend the Land and Water Conservation Fund Act of 1965 with respect to fees for admission into units of the National Park System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, JUNE 19), 1995

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

A BILL

To amend the Land and Water Conservation Fund Act of 1965 with respect to fees for admission into units of the National Park System, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “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 PASSPORT
 21 PERMITTEES” 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) Deleting “Any Golden Age Passport permit-
2 tee, or” and inserting 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
12 U.S.C. 460l–6a(e)) is amended by deleting “of not more
13 than \$100.” and inserting in lieu thereof “as provided by
14 law.”.

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

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

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

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

23 (1) striking “SELLING OF ANNUAL ADMISSION
24 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.—

8 (1) Section 4(l)(1) of the Land and Water Con-
9 servation Fund Act of 1965 (16 U.S.C. 460l–6a(1))
10 is amended by striking the word “VIEWING” from
11 the section title and inserting in lieu thereof “VISIT-
12 ING”.

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

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

1 ated with the transportation systems at the unit
2 where the charge was imposed.”

3 (j) COMMERCIAL TOUR FEES.—Section 4 of the
4 Land and Water Conservation Fund Act of 1965 (16
5 U.S.C. 460l–6a(n)) is amended by striking section (2) in
6 its entirety and inserting in lieu thereof: “(2) The Sec-
7 retary shall establish a flat fee, per entry, for such vehi-
8 cles. The amount of the said flat fee shall reflect both the
9 commercial tour use fee rate and current admission
10 rates.”

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

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

1 ther the goals of the National Park Service. Receipts from
 2 such fees may be retained at the park unit in which the
 3 use takes place, and remain available, without further ap-
 4 propriation, to cover the cost of providing such services.
 5 The portion of such fee which exceeds the cost of providing
 6 necessary services associated with such use shall be depos-
 7 ited into the National Park Renewal Fund.”

8 (l) FEE AUTHORITY.—Section 4 of the Land and
 9 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
 10 6a) is amended by adding the following new subsection
 11 at the end thereof:

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

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

21 (a) IN GENERAL.—Effective at noon on September
 22 30, 2005, the use of Highway 209 within the Delaware
 23 Water Gap National Recreation Area by commercial vehi-
 24 cles, when such use is not connected with the operation

1 of the recreation area, is prohibited, except as provided
2 in section (b).

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

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

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

17 **SEC. 4. CHALLENGE COST SHARE AGREEMENTS.**

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

22 (1) “challenge cost-share agreement” means
23 any agreement entered into between the Secretary
24 and any cooperator for the purpose of sharing costs
25 or services in carrying out authorized functions and

1 responsibilities of the Secretary with respect to any
2 unit or program of the National Park System (as
3 defined in section 2(a) of the Act of August 8, 1953
4 (16 U.S.C. 1c(a)), any affiliated area, or designated
5 National Scenic or Historic Trail; and

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

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

13 **SEC. 5. DONATIONS.**

14 (a) REQUESTS FOR DONATIONS.—In addition to the
15 Secretary’s other authorities to accept the donation of
16 lands, buildings, other property, services, and moneys for
17 the purposes of the National Park System, the Secretary
18 is authorized to solicit donations of money, property, and
19 services from individuals, corporations, foundations, and
20 other potential donors who the Secretary believes would
21 wish to make such donations as an expression of support
22 for the national parks. Such donations may be accepted
23 and used for any authorized purpose or program of the
24 National Park Service, and donations of money shall re-
25 main available for expenditure without fiscal year limita-

1 tion. Any employees of the Department to whom this au-
2 thority is delegated shall be set forth in the written guide-
3 lines issued by the Secretary pursuant to paragraph (d).

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

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

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

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

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

1 tent of the cooperation that may be provided by National
2 Park Service employees in any major fund raising cam-
3 paign which the Secretary has designated others to con-
4 duct pursuant to paragraph (c)(2).

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

7 Public Law 101-337 is amended as follows:

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

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

14 (b) In section (16 U.S.C. 19jj) by adding at the
15 end thereof the following:

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

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

