

105TH CONGRESS
2D SESSION

S. 1693

AN ACT

To provide for improved management and increased accountability for certain National Park Service programs, 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 “Vision 2020 National
5 Parks System Restoration Act”.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act, the term—

3 (1) “Secretary” means the Secretary of the In-
4 terior, and

5 (2) “park” or “national park” means a unit of
6 the National Park System.

7 **TITLE I—NATIONAL PARK SERV-**
8 **ICE CAREER DEVELOPMENT,**
9 **TRAINING AND MANAGEMENT**

10 **SEC. 101. PROTECTION, INTERPRETATION AND RESEARCH**
11 **IN THE NATIONAL PARK SYSTEM.**

12 Recognizing the ever increasing societal pressures
13 being placed upon America’s unique natural and cultural
14 resources contained in the National Park System, the Sec-
15 retary shall continually improve the ability of the National
16 Park Service to provide state-of-the-art management, pro-
17 tection, and interpretation of and research on the re-
18 sources of the National Park System.

19 **SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.**

20 The Secretary shall develop a comprehensive training
21 program for employees in all professional careers in the
22 work force of the National Park Service for the purpose
23 of assuring that the work force has available the best, up-
24 to-date knowledge, skills and abilities with which to man-
25 age, interpret and protect the resources of the National
26 Park System.

1 **SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.**

2 The Secretary shall develop a clear plan for manage-
3 ment training and development, whereby career, profes-
4 sional National Park Service employees from any appro-
5 priate academic field may obtain sufficient training, expe-
6 rience, and advancement opportunity to enable those
7 qualified to move into park management positions, includ-
8 ing explicitly the position of park superintendent.

9 **SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.**

10 (a) STRATEGIC PLANS.—Each unit of the National
11 Park System shall prepare and make available to the pub-
12 lic a 5-year strategic plan and an annual performance
13 plan. Such plans shall reflect the National Park Service
14 policies, goals and outcomes represented in the Service-
15 wide Strategic Plan, prepared pursuant to the provisions
16 of the Government Performance and Results Act (Public
17 Law 103–62).

18 (b) PARK BUDGET.—As a part of each park’s annual
19 performance plan prepared pursuant to subsection (a) of
20 this section, following receipt of each park’s appropriation
21 from the Operations of the National Park System account
22 (but no later than January 1 of each year), each park
23 superintendent shall develop and make available to the
24 public the budget for the current fiscal year for that park.
25 The budget shall include, at a minimum, funding alloca-
26 tions for resource preservation (including resource man-

1 agement), visitor services (including maintenance, inter-
2 pretation, law enforcement, and search and rescue) and
3 administration. The budget shall also include allocations
4 into each of the above categories of all funds retained from
5 fees collected for that year, including but not limited to
6 special use permits, concession franchise fees, and recre-
7 ation use and entrance fees.

8 **TITLE II—NATIONAL PARK SYS-** 9 **TEM RESOURCE INVENTORY** 10 **AND MANAGEMENT**

11 **SEC. 201. PURPOSES.**

12 The purposes of this title are—

13 (1) to more effectively achieve the mission of
14 the National Park Service;

15 (2) to enhance management and protection of
16 national park resources by providing clear authority
17 and direction for the conduct of scientific study in
18 the National Park System and to use the informa-
19 tion gathered for management purposes;

20 (3) to ensure appropriate documentation of re-
21 source conditions in the National Park System;

22 (4) to encourage others to use the National
23 Park System for study to the benefit of park man-
24 agement as well as broader scientific value, where

1 such study is consistent with the Act of August 25,
2 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4); and
3 (5) to encourage the publication and dissemina-
4 tion of information derived from studies in the Na-
5 tional Park System.

6 **SEC. 202. RESEARCH MANDATE.**

7 The Secretary is authorized and directed to assure
8 that management of units of the National Park System
9 is enhanced by the availability and utilization of a broad
10 program of the highest quality science and information.

11 **SEC. 203. COOPERATIVE AGREEMENTS.**

12 (a) COOPERATIVE STUDY UNITS.—The Secretary is
13 authorized and directed to enter into cooperative agree-
14 ments with colleges and universities, including but not lim-
15 ited to land grant schools, in partnership with other Fed-
16 eral and State agencies, to establish cooperative study
17 units to conduct multi-disciplinary research and develop
18 integrated information products on the resources of the
19 National Park System, or the larger region of which parks
20 are a part.

21 (b) REPORT.—Within one year of the date of enact-
22 ment of this title, the Secretary shall report to the Com-
23 mittee on Energy and Natural Resources of the United
24 States Senate and the Committee on Resources of the
25 House of Representatives on progress in the establishment

1 of a comprehensive network of such college and university
2 based cooperative study units as will provide full geo-
3 graphic and topical coverage for research on the resources
4 contained in units of the National Park System and their
5 larger regions.

6 **SEC. 204. INVENTORY AND MONITORING PROGRAM.**

7 The Secretary shall undertake a program of inventory
8 and monitoring of National Park System resources to es-
9 tablish baseline information and to provide information on
10 the long-term trends in the condition of National Park
11 System resources. The monitoring program shall be devel-
12 oped in cooperation with other Federal monitoring and in-
13 formation collection efforts to ensure a cost-effective ap-
14 proach.

15 **SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.**

16 (a) IN GENERAL.—The Secretary may solicit, receive,
17 and consider requests from Federal or non-Federal public
18 or private agencies, organizations, individuals, or other en-
19 tities for the use of any unit of the National Park System
20 for purposes of scientific study.

21 (b) CRITERIA.—A request for use of a unit of the
22 National Park System under subsection (a) may only be
23 approved if the Secretary determines that the proposed
24 study—

1 (1) is consistent with applicable laws and Na-
2 tional Park Service management policies; and

3 (2) will be conducted in a manner as to pose no
4 significant threat to or broad impairment of park re-
5 sources or public enjoyment derived from those re-
6 sources.

7 (c) FEE WAIVER.—The Secretary may waive any
8 park admission or recreational use fee in order to facilitate
9 the conduct of scientific study under this section.

10 **SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGE-**
11 **MENT DECISIONS.**

12 The Secretary shall take such measures as are nec-
13 essary to assure the full and proper utilization of the re-
14 sults of scientific study for park management decisions.
15 In each case in which a park resource may be adversely
16 affected by an action undertaken by the National Park
17 Service, the administrative record shall reflect the manner
18 in which unit resource studies have been considered.

19 **SEC. 207. CONFIDENTIALITY OF INFORMATION.**

20 Information concerning the nature and location of a
21 park resource which is endangered, threatened, rare, or
22 commercially valuable, or for an object of cultural pat-
23 rimony within a unit of the National Park System, may
24 be withheld from the public in response to a request under

1 section 552 of title 5, United States Code, unless the Sec-
 2 retary determines that—

- 3 (1) disclosure of the information would further
 4 the purposes of the park unit in which the resource
 5 is located and would not create a substantial risk of
 6 harm, theft, or destruction of the resource, including
 7 individual specimens of any resource population; and
- 8 (2) disclosure is consistent with other applicable
 9 laws protecting the resource.

10 **TITLE III—PROCEDURES FOR** 11 **ESTABLISHMENT OF NEW** 12 **UNITS OF THE NATIONAL** 13 **PARK SYSTEM**

14 **SEC. 301. STUDIES OF AREAS FOR POTENTIAL INCLUSION** 15 **IN THE NATIONAL PARK SYSTEM.**

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

- 18 (1) in subsection (a)—
 - 19 (A) by inserting “GENERAL AUTHOR-
 20 ITY.—” after “(a)”;
 - 21 (B) by striking the second through sixth
 22 sentences; and
 - 23 (C) by striking “For the purposes of carry-
 24 ing out” and inserting the following:

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

3 (2) by inserting after subsection (a) the follow-
4 ing:

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

7 “(1)(A) At the beginning of each calendar year,
8 the Secretary shall submit to the Committee on En-
9 ergy and Natural Resources of the United States
10 Senate and the Committee on Resources of the
11 United States House of Representatives a list of
12 areas recommended for study for potential inclusion
13 as new units in the National Park System.

14 “(B) If the Secretary determines during a spe-
15 cific calendar year that no areas are recommended
16 for study for potential inclusion in the National
17 Park System, the Secretary is not required to sub-
18 mit the list referenced in subparagraph (A).

19 “(2) In developing the list submitted under this
20 subsection, the Secretary shall consider—

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

1 “(B) themes, sites, and resources not ade-
2 quately represented in the National Park Sys-
3 tem; and

4 “(C) public proposals and Congressional
5 requests.

6 “(3) Nothing in this subsection shall limit the
7 authority of the Secretary to conduct preliminary
8 planning activities, including—

9 “(A) the conduct of a preliminary resource
10 assessment;

11 “(B) collection of data on a potential study
12 area;

13 “(C) provision of technical and planning
14 assistance;

15 “(D) preparation or processing of a nomi-
16 nation for an administrative designation;

17 “(E) updating of a previous study; or

18 “(F) completion of a reconnaissance survey
19 of an area.

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

23 “(A) any river segment for potential addi-
24 tion to the National Wild and Scenic Rivers
25 System; or

1 “(B) any trail for potential addition to the
2 National Trails System.

3 “(5) In conducting a study under this sub-
4 section, the Secretary shall—

5 “(A) provide adequate public notice and an
6 opportunity for public involvement, including at
7 least one public meeting in the vicinity of the
8 area under study; and

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

12 “(6) In conducting a study of an area under
13 this subsection, the Secretary—

14 “(A) shall consider whether the area—

15 “(i) possesses nationally significant
16 natural, historic or cultural resources, or
17 outstanding recreational opportunities;

18 “(ii) represents one of the most im-
19 portant examples (singly or as part of a
20 group) of a particular resource type in the
21 United States; and

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

24 “(B) shall consider—

1 “(i) the rarity and integrity of the re-
2 sources of the area;

3 “(ii) the threats to resources;

4 “(iii) whether similar resources are al-
5 ready protected in the National Park Sys-
6 tem or in other public or private owner-
7 ship;

8 “(iv) benefits to the public;

9 “(v) the interpretive and educational
10 potential of the area;

11 “(vi) costs associated with acquisition,
12 development, and operation of the area and
13 the source or revenue to pay for the cost;

14 “(vii) the socioeconomic impacts of in-
15 clusion of the area in the National Park
16 System;

17 “(viii) the level of local and general
18 public support for the inclusion;

19 “(ix) whether the area is of appro-
20 priate configuration to ensure long-term
21 resource protection and appropriate visitor
22 use; and

23 “(x) the potential impact on the inclu-
24 sion of the area on existing units of the
25 National Park System;

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

5 “(D) shall identify what alternative, if any,
6 or what combination of alternatives would, as
7 determined by the Secretary, be most effective
8 and efficient in protecting significant resources
9 and providing for public enjoyment; and

10 “(E) may include any other information
11 that the Secretary considers pertinent.

12 “(7) The letter transmitting a completed study
13 to Congress shall contain a recommendation regard-
14 ing the preferred management option of the Sec-
15 retary for the area.

16 “(8) The Secretary shall complete a study of an
17 area for potential inclusion in the National Park
18 System within three years after the date funds are
19 made available for the study.

20 “(c) LIST OF PREVIOUSLY STUDIED AREAS WITH
21 HISTORICAL OR NATURAL RESOURCES.—

22 “(1) At the beginning of each calendar year,
23 the Secretary shall submit to the Committee on En-
24 ergy and Natural Resources of the United States

1 Senate and to the Committee on Resources of the
2 United States House of Representatives—

3 “(A) a list of areas that have been pre-
4 viously studied under this section that contain
5 primarily historical or cultural resources, but
6 have not been added to the National Park Sys-
7 tem; and

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

12 “(2) In developing a list under paragraph (1),
13 the Secretary shall consider the factors described in
14 subsection (b)(2).

15 “(3) The Secretary shall include on a list under
16 paragraph (1) only areas for which supporting data
17 are current and accurate.”.

18 **TITLE IV—NATIONAL PARK**
19 **SERVICE CONCESSION MAN-**
20 **AGEMENT**

21 **SEC. 401. SHORT TITLE.**

22 This title may be cited as the “National Park Service
23 Concession Management Improvement Act of 1998”.

1 **SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF**
2 **POLICY.**

3 In furtherance of the Act of August 25, 1916 (39
4 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs
5 the Secretary of the Interior to administer areas of the
6 National Park System in accordance with the fundamental
7 purpose of conserving their scenery, wildlife, natural and
8 historic objects, and providing for their enjoyment in a
9 manner that will leave them unimpaired for the enjoyment
10 of future generations, the Congress hereby finds that the
11 preservation of park values requires that such public ac-
12 commodations, facilities and services as have to be pro-
13 vided within those areas should be provided only under
14 carefully controlled safeguards against unregulated and
15 indiscriminate use, so that heavy visitation will not unduly
16 impair these values and so that development of such facili-
17 ties can best be limited to locations where the least dam-
18 age to park values will be caused. It is the policy of the
19 Congress that such development shall be limited to those
20 that are necessary and appropriate for public use and en-
21 joyment of the unit of the National Park System in which
22 they are located and that are consistent to the highest
23 practicable degree with the preservation and conservation
24 of the units.

1 **SEC. 403. AWARD OF CONCESSION CONTRACTS.**

2 In furtherance of the findings and policy stated in
3 section 402, and, except as provided by this title or other-
4 wise authorized by law, the Secretary shall utilize conces-
5 sion contracts to authorize private entities to provide ac-
6 commodations, facilities and services to visitors to areas
7 of the National Park System. Such concession contracts
8 shall be awarded as follows:

9 (1) COMPETITIVE SELECTION PROCESS.—Ex-
10 cept as otherwise provided in this section, all pro-
11 posed concession contracts shall be awarded by the
12 Secretary to the person, corporation, or other entity
13 submitting the best proposal as determined by the
14 Secretary through a competitive selection process.
15 Such competitive process shall include simplified
16 procedures for small, individually-owned, concession
17 contracts.

18 (2) SOLICITATION OF PROPOSALS.—Except as
19 otherwise provided in this section, prior to awarding
20 a new concession contract (including renewals or ex-
21 tensions of existing concession contracts) the Sec-
22 retary shall publicly solicit proposals for the conces-
23 sion contract and, in connection with such solicita-
24 tion, the Secretary shall prepare a prospectus and
25 shall publish notice of its availability at least once in
26 local or national newspapers or trade publications,

1 and/or the Commerce Business Daily, as appro-
2 priate, and shall make the prospectus available upon
3 request to all interested parties.

4 (3) PROSPECTUS.—The prospectus shall in-
5 clude, but need not be limited to, the following infor-
6 mation—

7 (A) the minimum requirements for such
8 contract as set forth in paragraph (4);

9 (B) the terms and conditions of any exist-
10 ing concession contract relating to the services
11 and facilities to be provided, including all fees
12 and other forms of compensation provided to
13 the United States by the concessioner;

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

16 (D) facilities and services to be provided by
17 the Secretary to the concessioner, if any, includ-
18 ing, but not limited to, public access, utilities,
19 and buildings;

20 (E) an estimate of the amount of com-
21 pensation, if any, due an existing concessioner
22 from a new concessioner under the terms of a
23 prior concession contract;

24 (F) a statement as to the weight to be
25 given to each selection factor identified in the

1 prospectus and the relative importance of such
2 factors in the selection process;

3 (G) such other information related to the
4 proposed concession operation as is provided to
5 the Secretary pursuant to a concession contract
6 or is otherwise available to the Secretary, as the
7 Secretary determines is necessary to allow for
8 the submission of competitive proposals; and

9 (H) where applicable, a description of a
10 preferential right to the award of the proposed
11 concession contract held by an existing conces-
12 sioner as set forth in paragraph (7).

13 (4) MINIMUM REQUIREMENTS.—

14 (A) No proposal shall be considered which
15 fails to meet the minimum requirements as de-
16 termined by the Secretary. Such minimum re-
17 quirements shall include, but need not be lim-
18 ited to—

19 (i) the minimum acceptable franchise
20 fee or other forms of consideration to the
21 Government;

22 (ii) any facilities, services, or capital
23 investment required to be provided by the
24 concessioner; and

1 (iii) measures necessary to ensure the
2 protection and preservation of park re-
3 sources.

4 (B) The Secretary shall reject any pro-
5 posal, regardless of the franchise fee offered, if
6 the Secretary determines that the person, cor-
7 poration or entity is not qualified, is not likely
8 to provide satisfactory service, or that the pro-
9 posal is not responsive to the objectives of pro-
10 tecting and preserving park resources and of
11 providing necessary and appropriate facilities
12 and services to the public at reasonable rates.

13 (C) If all proposals submitted to the Sec-
14 retary either fail to meet the minimum require-
15 ments or are rejected by the Secretary, the Sec-
16 retary shall establish new minimum contract re-
17 quirements and re-initiate the competitive selec-
18 tion process pursuant to this section.

19 (D) The Secretary may not execute a con-
20 cession contract which materially amends or
21 does not incorporate the proposed terms and
22 conditions of the concession contract as set
23 forth in the applicable prospectus. If proposed
24 material amendments or changes are considered
25 appropriate by the Secretary, the Secretary

1 shall resolicit offers for the concession contract
2 incorporating such material amendments or
3 changes.

4 (5) SELECTION OF THE BEST PROPOSAL.—

5 (A) In selecting the best proposal, the Sec-
6 retary shall consider the following principal fac-
7 tors:

8 (i) The responsiveness of the proposal
9 to the objectives of protecting and preserv-
10 ing park resources and values and of pro-
11 viding necessary and appropriate facilities
12 and services to the public at reasonable
13 rates.

14 (ii) The experience and related back-
15 ground of the person, corporation, or en-
16 tity submitting the proposal, including but
17 not limited to, the past performance and
18 expertise of such person, corporation or en-
19 tity in providing the same or similar facili-
20 ties or services.

21 (iii) The financial capability of the
22 person, corporation or entity submitting
23 the proposal.

24 (iv) The proposed franchise fee: *Pro-*
25 *vided*, That consideration of revenue to the

1 United States shall be subordinate to the
2 objectives of protecting and preserving
3 park resources and of providing necessary
4 and appropriate facilities to the public at
5 reasonable rates.

6 (B) The Secretary may also consider such
7 secondary factors as the Secretary deems ap-
8 propriate.

9 (C) In developing regulations to implement
10 this title, the Secretary shall consider the extent
11 to which plans for employment of Indians (in-
12 cluding Native Alaskans) and involvement of
13 businesses owned by Indians, Indian tribes, or
14 Native Alaskans in the operation of a conces-
15 sion, contracts should be identified as a factor
16 in the selection of a best proposal under this
17 section.

18 (6) CONGRESSIONAL NOTIFICATION.—The Sec-
19 retary shall submit any proposed concession contract
20 with anticipated annual gross receipts in excess of
21 \$5,000,000 or a duration of ten years or more to the
22 Committee on Energy and Natural Resources of the
23 United States Senate and the Committee on Re-
24 sources of the United States House of Representa-
25 tives. The Secretary shall not award any such pro-

posed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—

(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concession contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term “preferential right of renewal” means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402 of this title, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a pro-

posed new concession contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concession contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—The provisions of paragraph (7) shall apply only to concession contracts authorizing outfitter and guide services and concession contracts with anticipated annual gross receipts under \$500,000 as further described below and which otherwise qualify as follows:

(A) OUTFITTING AND GUIDE CONTRACTS.—For the purposes of this title, an “outfitting and guide concession contract” means a concession contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoy-

1 able experience for visitors who otherwise may
2 not have the skills and equipment to engage in
3 such activity. Outfitting and guide conces-
4 sioners, where otherwise qualified, include, but
5 are not limited to, concessioners which provide
6 guided river running, hunting, fishing, horse-
7 back, camping, and mountaineering experiences.
8 An outfitting and guide concessioner is entitled
9 to a preferential right of renewal under this
10 title only if—

11 (i) the contract the outfitting and
12 guide concessioner holds does not grant the
13 concessioner any interest, including, but
14 not limited to, any leasehold surrender in-
15 terest or possessory interest, in capital im-
16 provements on lands owned by the United
17 States within a unit of the National Park
18 System: *Provided*, That this limitation
19 shall not apply to capital improvements
20 constructed by a concessioner pursuant to
21 the terms of a concession contract prior to
22 the effective date of this title; and

23 (ii) the Secretary determines that the
24 concessioner has operated satisfactorily

1 during the term of the contract (including
2 any extension thereof); and

3 (iii) the concessioner has submitted a
4 responsive proposal for a proposed new
5 contract which satisfies the minimum re-
6 quirements established by the Secretary
7 pursuant to paragraph (4).

8 (B) CONTRACTS WITH ANTICIPATED AN-
9 NUAL GROSS RECEIPTS UNDER \$500,000.—A
10 concessioner which holds a concession contract
11 where the Secretary has estimated that its re-
12 newal will result in gross annual receipts of less
13 than \$500,000 shall be entitled to a preferential
14 right of renewal under this title if—

15 (i) the Secretary has determined that
16 the concessioner has operated satisfactorily
17 during the term of the contract (including
18 any extension thereof); and

19 (ii) the concessioner has submitted a
20 responsive proposal for a proposed new
21 concession contract which satisfies the
22 minimum requirements established by the
23 Secretary pursuant to paragraph (4).

24 (9) NEW OR ADDITIONAL SERVICES.—The Sec-
25 retary shall not grant a preferential right to a con-

1 cessioner to provide new or additional services in a
2 park.

3 (10) SECRETARIAL AUTHORITY.—Nothing in
4 this title shall be construed as limiting the authority
5 of the Secretary to determine whether to issue a
6 concession contract or to establish its terms and
7 conditions in furtherance of the policies expressed in
8 this title.

9 (11) EXCEPTIONS.—Notwithstanding the provi-
10 sions of this section, the Secretary may award, with-
11 out public solicitation—

12 (A) a temporary concession contract or ex-
13 tend an existing concession contract for a term
14 not to exceed three years in order to avoid
15 interruption of services to the public at a park,
16 except that prior to making such an award, the
17 Secretary shall take all reasonable and appro-
18 priate steps to consider alternatives to avoid
19 such interruption; and

20 (B) a concession contract in extraordinary
21 circumstances where compelling and equitable
22 considerations require the award of a conces-
23 sion contract to a particular party in the public
24 interest. Such award of a concession contract
25 shall not be made by the Secretary until at

1 least thirty days after publication in the Fed-
2 eral Register of notice of the Secretary's inten-
3 tion to do so and the reasons for such action,
4 and notice to the Committee on Energy and
5 Natural Resources of the United States Senate
6 and the Committee on Resources of the United
7 States House of Representatives.

8 **SEC. 404. TERM OF CONCESSION CONTRACTS.**

9 A concession contract entered into pursuant to this
10 title shall be awarded for a term not to exceed 10 years:
11 *Provided*, That the Secretary may award a contract for
12 a term of up to 20 years if the Secretary determines that
13 the contract terms and conditions, including the required
14 construction of capital improvements, warrant a longer
15 term.

16 **SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.**

17 (a) LEASEHOLD SURRENDER INTEREST UNDER
18 NEW CONCESSION CONTRACTS.—

19 (1) On or after the date of enactment of this
20 title, a concessioner which constructs a capital im-
21 provement upon land owned by the United States
22 within a unit of the National Park System pursuant
23 to a concession contract, shall have a leasehold sur-
24 render interest in such capital improvement subject
25 to the following terms and conditions:

1 (A) A concessioner shall have a property
2 right in each capital improvement constructed
3 by a concessioner under a concession contract,
4 consisting solely of a right to compensation for
5 the capital improvement to the extent of the
6 value of the concessioner's leasehold surrender
7 interest in the capital improvement.

8 (B) A leasehold surrender interest—

9 (i) may be pledged as security for fi-
10 nancing of a capital improvement or the
11 acquisition of a concession contract when
12 approved by the Secretary pursuant to this
13 title;

14 (ii) shall be transferred by the conces-
15 sioner in connection with any transfer of
16 the concession contract and may be relin-
17 quished or waived by the concessioner; and

18 (iii) shall not be extinguished by the
19 expiration or other termination of a con-
20 cession contract and may not be taken for
21 public use except on payment of just com-
22 pensation.

23 (C) The value of a leasehold surrender in-
24 terest in a capital improvement shall be an
25 amount equal to the initial value (construction

1 cost of the capital improvement), increased (or
2 decreased) in the same percentage increase (or
3 decrease) as the percentage increase (or de-
4 crease) in the Consumer Price Index, from the
5 date of making the investment in the capital
6 improvement by the concessioner to the date of
7 payment of the value of the leasehold surrender
8 interest, less depreciation of the capital im-
9 provement as evidenced by the condition and
10 prospective serviceability in comparison with a
11 new unit of like kind.

12 (D) Where a concessioner, pursuant to the
13 terms of a concession contract, makes a capital
14 improvement to an existing capital improvement
15 in which the concessioner has a leasehold sur-
16 render interest, the cost of such additional cap-
17 ital improvement shall be added to the then
18 current value of the concessioner's leasehold
19 surrender interest.

20 (E) For purposes of this section, the
21 term—

22 (i) “Consumer Price Index” means
23 the “Consumer Price Index—All Urban
24 Consumers” published by the Bureau of
25 Labor Statistics of the Department of

1 Labor, unless such index is not published,
2 in which case another regularly published
3 cost-of-living index approximating the Con-
4 sumer Price Index shall be utilized by the
5 Secretary; and

6 (ii) “capital improvement” means a
7 structure, fixture, or nonremovable equip-
8 ment provided by a concessioner pursuant
9 to the terms of a concession contract and
10 located on lands of the United States with-
11 in a unit of the National Park System.

12 (b) SPECIAL RULE FOR EXISTING POSSESSORY IN-
13 TEREST.—

14 (1) A concessioner which has obtained a
15 possessory interest as defined in Public Law 89–249
16 under the terms of a concession contract entered
17 into prior to the date of enactment of this title shall,
18 upon the expiration or termination of such contract,
19 be entitled to receive compensation for such
20 possessory interest improvements in the amount and
21 manner as described by such concession contract.

22 (2) In the event such prior concessioner is
23 awarded a new concession contract after the effec-
24 tive date of this title replacing an existing concession
25 contract, the existing concessioner shall, instead of

1 directly receiving such possessory interest compensa-
2 tion, have a leasehold surrender interest in its exist-
3 ing possessory interest improvements under the
4 terms of the new contract and shall carry over as
5 the initial value of such leasehold surrender interest
6 (instead of construction cost) an amount equal to
7 the value of the existing possessory interest as of the
8 termination date of the previous contract. In the
9 event of a dispute between the concessioner and the
10 Secretary as to the value of such possessory interest,
11 the matter shall be resolved through binding arbitra-
12 tion.

13 (3) In the event that a new concessioner is
14 awarded a concession contract and is required to pay
15 a prior concessioner for possessory interest in prior
16 improvements, the new concessioner shall have a
17 leasehold surrender interest in such prior improve-
18 ments and the initial value in such leasehold surren-
19 der interest (instead of construction cost), shall be
20 an amount equal to the value of the existing
21 possessory interest as of the termination date of the
22 previous contract.

23 (c) TRANSITION TO SUCCESSOR CONCESSIONER.—
24 Upon expiration or termination of a concession contract
25 entered into after the effective date of this title, a conces-

1 sioner shall be entitled under the terms of the concession
 2 contract to receive from the United States or a successor
 3 concessioner the value of any leasehold surrender interest
 4 in a capital improvement as of the date of such expiration
 5 or termination. A successor concessioner shall have a
 6 leasehold surrender interest in such capital improvement
 7 under the terms of a new contract and the initial value
 8 of the leasehold surrender interest in such capital improve-
 9 ment (instead of construction cost) shall be the amount
 10 of money the new concessioner is required to pay the prior
 11 concessioner for its leasehold surrender interest under the
 12 terms of the prior concession contract.

13 (d) TITLE TO IMPROVEMENTS.—Title to any capital
 14 improvement constructed by a concessioner on lands
 15 owned by the United States in a unit of the National Park
 16 System shall be in the United States.

17 **SEC. 406. REASONABLENESS OF RATES.**

18 The reasonableness of a concessioner's rates and
 19 charges to the public, unless otherwise provided in the con-
 20 tract, shall be judged primarily by comparison with those
 21 rates and charges for facilities and services of comparable
 22 character under similar conditions, with due consideration
 23 for length of season, peakloads, average percentage of oc-
 24 cupancy, accessibility, availability and costs of labor and
 25 materials, type of patronage, and other factors deemed

1 significant by the Secretary. A concessioner's rates and
2 charges to the public shall be subject to approval by the
3 Secretary pursuant to the terms of the concesssion con-
4 tract. The approval process utilized by the Secretary shall
5 be as prompt and unburdensome to the concessioner as
6 possible and shall rely on market forces to establish rea-
7 sonableness of rates and charges to the maximum extent
8 practicable.

9 **SEC. 407. FRANCHISE FEES.**

10 (a) IN GENERAL.—A concession contract shall pro-
11 vide for payment to the government of a franchise fee or
12 such other monetary consideration as determined by the
13 Secretary, upon consideration of the probable value to the
14 concessioner of the privileges granted by the particular
15 contract involved. Such probable value is a reasonable op-
16 portunity for net profit in relation to capital invested and
17 the obligations of the contract. Consideration of revenue
18 to the United States shall be subordinate to the objectives
19 of protecting and preserving park areas and of providing
20 adequate and appropriate services for visitors at reason-
21 able rates.

22 (b) AMOUNT OF FRANCHISE FEE.—The amount of
23 the franchise fee or other monetary consideration paid to
24 the United States for the term of the concession contract
25 shall be specified in the concession contract and may only

1 be modified to reflect substantial, unanticipated changes
2 from the conditions anticipated as of the effective date of
3 the contract. The Secretary shall include in concession
4 contracts with a term of more than five years a provision
5 which allows reconsideration of the franchise fee at the
6 request of the Secretary or the concessioner in the event
7 of such substantial, unanticipated changes. Such provision
8 shall provide for binding arbitration in the event that the
9 Secretary and the concessioner are unable to agree upon
10 an adjustment to the franchise fee in these circumstances.

11 (c) SPECIAL ACCOUNT.—All franchise fees (and other
12 monetary consideration) paid to the United States pursu-
13 ant to a concession contract shall be covered into a special
14 account established in the Treasury of the United States.
15 The funds contained in such special account shall be avail-
16 able for expenditure by the Secretary, subject to appro-
17 priation, until expended for use in accordance with sub-
18 section (d).

19 (d) USE OF FRANCHISE FEES.—Funds contained in
20 the special account shall be transferred to a subaccount
21 and shall be allocated to each applicable unit of the Na-
22 tional Park System, based on the proportion that the
23 amount of concession contract fees collected from the unit
24 during the fiscal year bears to the total amount of conces-
25 sion contract fees collected from all units of the National

1 Park System during the fiscal year, to fund high-priority
2 resource management and visitor services programs and
3 operations.

4 **SEC. 408. TRANSFER OF CONCESSION CONTRACTS.**

5 (a) APPROVAL OF THE SECRETARY.—No concession
6 contract or leasehold surrender interest may be trans-
7 ferred, assigned, sold, or otherwise conveyed or pledged
8 by a concessioner without prior written notification to, and
9 approval of the Secretary.

10 (b) CONDITIONS.—The Secretary shall not unreason-
11 ably withhold approval of such a conveyance or pledge, and
12 shall approve such conveyance or pledge if the Secretary
13 in his discretion determines that—

14 (1) the individual, corporation or entity seeking
15 to acquire a concession contract is qualified to be
16 able to satisfy the terms and conditions of the con-
17 cession contract;

18 (2) such conveyance or pledge is consistent with
19 the objectives of protecting and preserving park re-
20 sources and of providing necessary and appropriate
21 facilities and services to visitors at reasonable rates
22 and charges; and

23 (3) the terms of such conveyance or pledge are
24 not likely, directly or indirectly, to: Reduce the con-
25 cessioner's opportunity for a reasonable profit over

1 the remaining term of the contract; adversely affect
2 the quality of facilities and services provided by the
3 concessioner; or result in a need for increased rates
4 and charges to the public to maintain the quality of
5 such facilities and services.

6 **SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MAN-**
7 **AGEMENT ADVISORY BOARD.**

8 (a) ESTABLISHMENT.—There is hereby established a
9 National Park Service Concessions Management Advisory
10 Board (hereinafter in this title referred to as the “Advi-
11 sory Board”) whose purpose shall be to advise the Sec-
12 retary and National Park Service on matters relating to
13 management of concessions in areas of the National Park
14 System. Among other matters, the Advisory Board shall
15 advise on policies and procedures intended to assure that
16 services and facilities provided by concessioners meet ac-
17 ceptable standards at reasonable rates with a minimum
18 of impact on park resources and values, and provide the
19 concessioners with a reasonable opportunity to make a
20 profit. The Advisory Board shall also advise on ways to
21 make National Park Service concession programs and pro-
22 cedures more cost effective, efficient, and less burdensome,
23 including, but not limited to, providing recommendations
24 regarding National Park Service contracting with the pri-
25 vate sector to conduct appropriate elements of concessions

1 management and providing recommendations to make
2 more efficient and less burdensome the approval of conces-
3 sioner rates and charges to the public. In addition, the
4 Advisory Board shall make recommendations to the Sec-
5 retary regarding the nature and scope of products which
6 qualify as Indian, Alaska Native, and Native Hawaiian
7 handicrafts within this meaning of this title. The Advisory
8 Board, commencing with the first anniversary of its initial
9 meeting, shall provide an annual report on its activities
10 to the Committee on Energy and Natural Resources of
11 the United States Senate and the Committee on Resources
12 of the United States House of Representatives.

13 (b) ADVISORY BOARD MEMBERSHIP.—Members of
14 the Advisory Board shall be appointed on a staggered
15 basis by the Secretary for a term not to exceed four years
16 and shall serve at the pleasure of the Secretary. The Advi-
17 sory Board shall be comprised of not more than seven indi-
18 viduals appointed from among citizens of the United
19 States not in the employment of the Federal Government
20 and not in the employment of or having an interest in a
21 National Park Service concession. Of the seven members
22 of the Advisory Board—

23 (1) one shall be privately employed in the hospi-
24 tality industry,

1 (2) one shall be privately employed in the tour-
2 ism industry,

3 (3) one shall be privately employed in the ac-
4 counting industry,

5 (4) one shall be privately employed in the out-
6 fitting and guide industry,

7 (5) one shall be a State government employee
8 with expertise in park concession management,

9 (6) one shall be active in promotion of tradi-
10 tional arts and crafts, and

11 (7) one shall be active in a nonprofit conserva-
12 tion organization involved in the programs of the
13 National Park Service.

14 (c) TERMINATION.—The Advisory Board shall con-
15 tinue to exist until December 31, 2008. In all other re-
16 spects, it shall be subject to the provisions of the Federal
17 Advisory Committee Act.

18 (d) SERVICE ON ADVISORY BOARD.—Service of an
19 individual as a member of the Advisory Board shall not
20 be considered as service or employment bringing such indi-
21 vidual within the provisions of any Federal law relating
22 to conflicts of interest or otherwise imposing restrictions,
23 requirements, or penalties in relation to the employment
24 of persons, the performance of services, or the payment
25 or receipt of compensation in connection with claims, pro-

1 ceedings, or matters involving the United States. Service
2 as a member of the Advisory Board shall not be considered
3 service in an appointive or elective position in the Govern-
4 ment for purposes of section 8344 of title 5 of the United
5 States Code, or other comparable provisions of Federal
6 law.

7 **SEC. 410. CONTRACTING FOR SERVICES.**

8 To the maximum extent practicable, the Secretary
9 shall contract with private entities to conduct the following
10 elements of the management of the National Park Service
11 concession program suitable for non-Federal fulfillment:
12 Health and safety inspections, quality control of conces-
13 sion operations and facilities, analysis of rates and charges
14 to the public, and financial analysis: *Provided*, That noth-
15 ing in this section shall diminish the governmental respon-
16 sibilities and authority of the Secretary to administer con-
17 cession contracts and activities pursuant to this title and
18 the Act of August 25, 1916 (39 Stat. 535), as amended
19 (16 U.S.C. 1, 2–4). The Secretary shall also consider, tak-
20 ing into account the recommendations of the National
21 Park Service Concessions Management Advisory Board,
22 contracting out other elements of the concession manage-
23 ment program, as appropriate.

1 **SEC. 411. USE OF NONMONETARY CONSIDERATION IN CON-**
2 **CESSION CONTRACTS.**

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. 412. RECORDKEEPING REQUIREMENTS.**

9 (a) IN GENERAL.—Each concessioner shall keep such
10 records as the Secretary may prescribe to enable the Sec-
11 retary to determine that all terms of the concession con-
12 tract have been and are being faithfully performed, and
13 the Secretary and his duly authorized representatives
14 shall, for the purpose of audit and examination, have ac-
15 cess to said records and to other books, documents, and
16 papers of the concessioner pertinent to the contract and
17 all terms and conditions thereof.

18 (b) ACCESS TO RECORDS.—The Comptroller General
19 of the United States or any of his duly authorized rep-
20 resentatives shall, until the expiration of five calendar
21 years after the close of the business year of each conces-
22 sioner or subconcessioner have access to and the right to
23 examine any pertinent books, papers, documents and
24 records of the concessioner or subconcessioner related to
25 the contract or contracts involved.

1 **SEC. 413. REPEAL OF CONCESSION POLICY ACT OF 1965.**

2 (a) REPEAL.—The Act of October 9, 1965, Public
3 Law 89–249 (79 Stat. 969, 16 U.S.C. 20–20g), is hereby
4 repealed. The repeal of such Act shall not affect the valid-
5 ity of any concession contract or permit entered into under
6 such Act, but the provisions of this title shall apply to
7 any such contract or permit except to the extent such pro-
8 visions are inconsistent with the express terms and condi-
9 tions of any such contract or permit. References in this
10 title to concession contracts awarded under authority of
11 Public Law 89–249 also apply to concession permits
12 awarded under such authority.

13 (b) EXCEPTION FOR PENDING CONTRACT SOLICITA-
14 TIONS.—Notwithstanding such repeal, the Secretary may
15 award concession contracts under the terms of Public Law
16 89–249 for concession contract solicitations for which, as
17 of August 1, 1998, a formal prospectus was issued by the
18 Secretary pursuant to the requirements of part 51 of title
19 36, Code of Federal Regulations.

20 (c) CONFORMING AMENDMENT.—The fourth sen-
21 tence of section 3 of the Act of August 25, 1916 (39 Stat.
22 535; 16 U.S.C. 3) is amended by striking all through “no
23 natural” and inserting in lieu thereof, “No natural,” and,
24 the last proviso of such sentence is stricken in its entirety.

25 (d) ANILCA.—Nothing in this title amends, super-
26 sedes, or otherwise affects any provision of the Alaska Na-

1 tional Interest Lands Conservation Act (16 U.S.C. 3101
2 et seq.) relating to revenue-producing visitor services.

3 **SEC. 414. PROMOTION OF THE SALE OF INDIAN, ALASKA**
4 **NATIVE, AND NATIVE HAWAIIAN HANDI-**
5 **CRAFTS.**

6 (a) IN GENERAL.—Promoting the sale of United
7 States authentic Indian, Alaskan Native and Native Ha-
8 waiian handicrafts relating to the cultural, historical, and
9 geographic characteristics of units of the National Park
10 System is encouraged, and the Secretary shall ensure that
11 there is a continuing effort to enhance the handicraft
12 trade where it exists and establish the trade where it cur-
13 rently does not exist.

14 (b) EXEMPTION FROM FRANCHISE FEE.—In fur-
15 therance of these purposes, the revenue derived from the
16 sale of United States Indian, Alaska Native, and Native
17 Hawaiian handicrafts shall be exempt from any franchise
18 fee payments under this title.

19 **SEC. 415. REGULATIONS.**

20 As soon as practicable after the effective date of this
21 title, the Secretary shall promulgate regulations appro-
22 priate for its implementation. Among other matters, such
23 regulations shall include appropriate provisions to ensure
24 that concession services and facilities to be provided in an
25 area of the National Park System are not segmented or

1 otherwise split into separate concession contracts for the
 2 purposes of seeking to reduce anticipated annual gross re-
 3 ceipts of a concession contract below \$500,000. The Sec-
 4 retary shall also promulgate regulations which further de-
 5 fine the term “United States Indian, Alaskan Native, and
 6 Native Hawaiian handicrafts” for the purposes of this
 7 title.

8 **SEC. 416. COMMERCIAL USE AUTHORIZATIONS.**

9 (a) IN GENERAL.—To the extent specified in this sec-
 10 tion, the Secretary, upon request, may authorize a private
 11 person, corporation, or other entity to provide services to
 12 visitors to units of the National Park System through a
 13 commercial use authorization. Such authorizations shall
 14 not be considered as concession contracts pursuant to this
 15 title nor shall other sections of this title be applicable to
 16 such authorizations except where expressly so stated.

17 (b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—

18 (1) The authority of this section may be used
 19 only to authorize provision of services that the Sec-
 20 retary will have minimal impact on park resources
 21 and values and which are consistent with the pur-
 22 pose for which the park unit was established and
 23 with all applicable management plans and park poli-
 24 cies and regulations.

25 (2) The Secretary shall—

1 (A) require payment of a reasonable fee for
2 issuance of an authorization under this section,
3 such fees to remain available without further
4 appropriation to be used, at a minimum, to re-
5 cover associated management and administra-
6 tive costs;

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

12 (C) take appropriate steps to limit the li-
13 ability of the United States arising from the
14 provision of services under such an authoriza-
15 tion; and

16 (D) have no authority under this section to
17 issue more authorizations than are consistent
18 with the preservation and proper management
19 of park resources and values, and shall estab-
20 lish such other conditions for issuance of such
21 an authorization as the Secretary determines
22 appropriate for the protection of visitors, provi-
23 sion of adequate and appropriate visitor serv-
24 ices, and protection and proper management of
25 the resources and values of the park.

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

3 (1) commercial operations with annual gross re-
4 ceipts of not more than \$25,000 resulting from serv-
5 ices originating and provided solely within a park
6 pursuant to such authorization; and

7 (2) the incidental use of park resources by com-
8 mercial operations which provide services originating
9 and terminating outside of the park's boundaries:
10 *Provided*, That such authorization shall not provide
11 for the construction of any structure, fixture, or im-
12 provement on federally-owned lands within the
13 boundaries of the park.

14 (d) DURATION.—The term of any authorization
15 issued under this section shall not exceed two years. No
16 preferential right of renewal or similar provisions for re-
17 newal shall be granted by the Secretary.

18 (e) OTHER CONTRACTS.—A person, corporation, or
19 other entity seeking or obtaining an authorization pursu-
20 ant to this section shall not be precluded from also submit-
21 ting proposals for concession contracts.

1 **TITLE V—FEE AUTHORITIES**

2 **SEC. 501. EXTENSION OF THE RECREATIONAL FEE DEM-**
3 **ONSTRATION PROGRAM.**

4 (a) **AUTHORITY.**—The authority provided to the Na-
5 tional Park Service under the Recreational Fee Dem-
6 onstration Program authorized by section 315 of Public
7 Law 104–134 (16 U.S.C. 460l–6a note)—

8 (1) is extended through September 30, 2005;
9 and

10 (2) shall be available for all units of the Na-
11 tional Park System, and for system-wide fee pro-
12 grams.

13 (b) **REPORT.**—(1) Not later than September 30,
14 2000, the Secretary shall submit to the Committee on En-
15 ergy and Natural Resources of the United States Senate
16 and the Committee on Resources of the United States
17 House of Representatives a report detailing the status of
18 the recreational fee demonstration program conducted in
19 units of the National Park System under section 315 of
20 Public Law 104–134 (16 U.S.C. 460l–6a note).

21 (2) The report under paragraph (1) shall contain—

22 (A) an evaluation of the fee demonstration pro-
23 gram conducted at each unit of the National Park
24 System;

1 (B) with respect to each unit of the National
2 Park System where a fee is charged under the au-
3 thority of the Recreational Fee Demonstration Pro-
4 gram (16 U.S.C. 460l–6a note), a description of the
5 criteria that were used to determine whether a rec-
6 reational fee should or should not be charged at
7 such park; and

8 (C) a description of the manner in which the
9 amount of the fee at each national park was estab-
10 lished.

11 (c) NOTICE.—At least 12 months notice shall be
12 given to the public prior to the increase or establishment
13 of any fee in units of the National Park System.

14 **SEC. 502. COMMERCIAL FILMING ACTIVITIES.**

15 (a) COMMERCIAL FILMING.—The Secretary shall re-
16 quire a permit and shall establish a reasonable fee for
17 commercial filming activities in units of the National Park
18 System. Such fee shall provide a fair return to the United
19 States and shall be based upon the following criteria, in
20 addition to such other factors as the Secretary deems nec-
21 essary: The number of days the filming takes place within
22 a park unit, the size of the film crew, the amount and
23 type of equipment present, and any potential impact on
24 park resources. The Secretary is also directed to recover
25 any costs incurred as a result of filming activities, includ-

1 ing but not limited to administration and personnel costs.

2 All costs recovered are in addition to the assessed fee.

3 (b) STILL PHOTOGRAPHY.—(1) Except as provided
4 in paragraph (2), the Secretary shall not require a permit
5 or assess a fee for commercial or noncommercial still pho-
6 tography of sites or resources in units of the National
7 Park System in any part of a park where members of the
8 public are generally allowed. In other locations, the Sec-
9 retary may require a permit, fee, or both, if the Secretary
10 determines that there is a likelihood of resource impact,
11 disruption of the public's use and enjoyment of the park,
12 or if the activity poses health or safety risks.

13 (2) The Secretary shall require the issuance of a per-
14 mit and the payment of a reasonable fee for still photog-
15 raphy that utilizes models or props which are not a part
16 of a park's natural or cultural features or administrative
17 facilities.

18 (c) PROCEEDS.—(1) Fees collected within units of
19 the National Park System under this section shall be de-
20 posited in a special account in the Treasury of the United
21 States and shall be available to the Secretary, without fur-
22 ther appropriation for high-priority visitor service or re-
23 source management projects and programs for the unit
24 of the National Park System in which the fee is collected.

1 (2) All costs recovered under this section shall be re-
 2 tained by the Secretary and shall remain available for ex-
 3 penditure in the park where collected, without further ap-
 4 propriation.

5 **SEC. 503. DISTRIBUTION OF GOLDEN EAGLE PASSPORT**
 6 **SALES.**

7 Not later than six months after the date of enactment
 8 of this title, the Secretary and the Secretary of Agriculture
 9 shall enter into an agreement providing for an apporportion-
 10 ment among each agency of all proceeds derived from the
 11 sale of Golden Eagle Passports by private vendors. Such
 12 proceeds shall be apportioned to each agency on the basis
 13 of the ratio of each agency's total revenue from admission
 14 fees collected during the previous fiscal year to the sum
 15 of all revenue from admission fees collected during the
 16 previous fiscal year for all agencies participating in the
 17 Golden Eagle Passport Program.

18 **TITLE VI—NATIONAL PARK**
 19 **PASSPORT PROGRAM**

20 **SEC. 601. PURPOSES.**

21 The purposes of this title are—

22 (1) to develop a national park passport that in-
 23 cludes a collectible stamp to be used for admission
 24 to units of the National Park System; and

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

3 **SEC. 602. NATIONAL PARK PASSPORT PROGRAM.**

4 (a) PROGRAM.—The Secretary shall establish a na-
5 tional park passport program. A national park passport
6 shall include a collectible stamp providing the holder ad-
7 mission to all units of the National Park System.

8 (b) EFFECTIVE PERIOD.—A national park passport
9 stamp shall be effective for a period of 12 months from
10 the date of purchase.

11 (c) TRANSFERABILITY.—A national park passport
12 and stamp shall not be transferable.

13 **SEC. 603. ADMINISTRATION.**

14 (a) STAMP DESIGN COMPETITION.—(1) The Sec-
15 retary shall hold an annual competition for the design of
16 the collectible stamp to be affixed to the national park
17 passport.

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

21 (b) SALE OF PASSPORTS AND STAMPS.—(1) National
22 park passports and stamps shall be sold through the Na-
23 tional Park Service and may be sold by private vendors
24 on consignment in accordance with guidelines established
25 by the Secretary.

1 (2) A private vendor may be allowed to collect a com-
2 mission on each national park passport (including stamp)
3 sold, as determined by the Secretary.

4 (3) The Secretary may limit the number of private
5 vendors of national park passports (including stamps).

6 (c) USE OF PROCEEDS.—

7 (1) The Secretary may use not more than 10
8 percent of the revenues derived from the sale of na-
9 tional park passports (including stamps) to admin-
10 ister and promote the national park passport pro-
11 gram and the National Park System.

12 (2) Amounts collected from the sale of national
13 park passports shall be deposited in a special ac-
14 count in the Treasury of the United States and shall
15 remain available until expended, without further ap-
16 propriation, for high priority visitor service or re-
17 source management projects throughout the Na-
18 tional Park System.

19 (d) AGREEMENTS.—The Secretary may enter into co-
20 operative agreements with the National Park Foundation
21 and other interested parties to provide for the development
22 and implementation of the national park passport program
23 and the Secretary shall take such actions as are appro-
24 priate to actively market national park passports and
25 stamps.

1 (e) FEE.—The fee for a national park passport and
2 stamp shall be \$50.

3 **SEC. 604. INTERNATIONAL PARK PASSPORT PROGRAM.**

4 (a) IN GENERAL.—The Secretary shall establish an
5 international park passport program in accordance with
6 the other provisions of this title except as provided in this
7 section.

8 (b) AVAILABILITY.—An international park passport
9 and stamp shall be made available exclusively to foreign
10 visitors to the United States.

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

15 (d) FEE.—International park passports and stamps
16 shall be sold for a fee that is \$10.00 less than the fee
17 for a national park passport and stamp, but not less than
18 \$40.00.

19 (e) FORM.—An international park passport and
20 stamp shall be produced in a form that provides useful
21 information to the international visitor and serves as a
22 souvenir of the visit.

23 (f) EFFECTIVE PERIOD.—An international park
24 passport and stamp shall be valid for a period of 45 days
25 from the date of purchase.

1 (g) USE OF PROCEEDS.—Amounts collected from the
 2 sale of international park passports and stamps shall be
 3 deposited in the special account under section 603(c) and
 4 shall be available as provided in section 603(c).

5 (h) TERMINATION OF PROGRAM.—The Secretary
 6 shall terminate the international park passport program
 7 at the end of calendar year 2003 unless at least 200,000
 8 international park passports and stamps are sold during
 9 that calendar year.

10 **SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.**

11 (a) PARK PASSPORT NOT REQUIRED.—A national
 12 park passport or international park passport shall not be
 13 required for—

14 (1) a single visit to a national park that charges
 15 a single visit admission fee under section 4(a)(2) of
 16 the Land and Water Conservation Fund Act of 1965
 17 (16 U.S.C. 460l–6a(a)(2)) or the Recreational Fee
 18 Demonstration Program (16 U.S.C. 460l–6a note);
 19 or

20 (2) an individual who has obtained a Golden
 21 Age or Golden Access Passport under paragraph (4)
 22 or (5) of section 4(a) of the Land and Water Con-
 23 servation Fund Act of 1965 (16 U.S.C. 460l–6a(a)).

24 (b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle
 25 Passport issued under section 4(a)(1)(A) of the Land and

1 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
 2 6a(a)(1)(A)) or the Recreational Fee Demonstration Pro-
 3 gram (16 U.S.C. 460l–6a note) shall be honored for ad-
 4 mission to each unit of the National Park System.

5 (c) ACCESS.—A national park passport and an inter-
 6 national park passport shall provide access to each unit
 7 of the National Park System under the same conditions,
 8 rules, and regulations as apply to access with a Golden
 9 Eagle Passport as of the date of enactment of this title.

10 (d) LIMITATIONS.—A national park passport or
 11 international park passport may not be used to obtain ac-
 12 cess to other Federal recreation fee areas outside of the
 13 National Park System.

14 (e) EXEMPTIONS AND FEES.—A national park pass-
 15 port or international park passport does not exempt the
 16 holder from or provide the holder any discount on any
 17 recreation use fee imposed under section 4(b) of the Land
 18 and Water Conservation Fund Act of 1965 (16 U.S.C.
 19 460l–6a(b)) or the Recreational Fee Demonstration Pro-
 20 gram (16 U.S.C. 460l–6a note).

21 **TITLE VII—NATIONAL PARK** 22 **FOUNDATION SUPPORT**

23 **SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.**

24 The Act entitled “An Act to establish the National
 25 Park Foundation”, approved December 18, 1967 (16

1 U.S.C. 19 et seq.) is amended by adding at the end thereof
2 the following:

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

4 “(a) ESTABLISHMENT.—The Foundation shall design
5 and implement a comprehensive program to assist and
6 promote philanthropic programs of support at the individ-
7 ual national park unit level.

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

10 “(1) assist in the creation of local nonprofit
11 support organizations; and

12 “(2) provide support, national consistency, and
13 management-improving suggestions for local non-
14 profit support organizations.

15 “(c) PROGRAM.—The program under subsection (a)
16 shall include the greatest number of national park units
17 as is practicable.

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

20 “(1) a standard adaptable organizational design
21 format to establish and sustain responsible manage-
22 ment of a local nonprofit support organization for
23 support of a national park unit;

24 “(2) standard and legally tenable bylaws and
25 recommended money-handling procedures that can

1 easily be adapted as applied to individual national
2 park units; and

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

6 “(e) ANNUAL REPORT.—The Foundation shall report
7 the progress of the program under subsection (a) in the
8 annual report of the Foundation.

9 “(f) AFFILIATIONS.—

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

12 “(A) a nonprofit support organization or
13 friends group in existence on the date of enact-
14 ment of this title to modify current practices or
15 to affiliate with the Foundation; or

16 “(B) a local nonprofit support organiza-
17 tion, established as a result of this section, to
18 be bound through its charter or corporate by-
19 laws to be permanently affiliated with the
20 Foundation.

21 “(2) ESTABLISHMENT.—An affiliation with the
22 Foundation shall be established only at the discre-
23 tion of the governing board of a nonprofit organiza-
24 tion.”.

1 **TITLE VIII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 801. UNITED STATES PARK POLICE.**

4 (a) APPOINTMENT OF TASK FORCE.—Not later than
5 60 days after the date of enactment of this title, the Sec-
6 retary shall appoint a multidisciplinary task force to fully
7 evaluate the shortfalls, needs, and requirements of law en-
8 forcement programs in the National Park Service, includ-
9 ing a separate analysis for the United States Park Police,
10 which shall include a review of facility repair, rehabilita-
11 tion, equipment, and communication needs.

12 (b) SUBMISSION OF REPORT.—Not later than one
13 year after the date of enactment of this title, the Secretary
14 shall submit to the Committees on Energy and Natural
15 Resources and Appropriations of the United States Senate
16 and the Committees on Resources and Appropriations of
17 the United States House of Representatives a report that
18 includes—

19 (1) the findings and recommendations of the
20 task force;

21 (2) complete justifications for any recommenda-
22 tions made; and

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

1 **SEC. 802. LEASES AND COOPERATIVE MANAGEMENT**
2 **AGREEMENTS.**

3 (a) IN GENERAL.—Section 3 of Public Law 91–383
4 (16 U.S.C. 1a–2) is amended by adding at the end the
5 following:

6 “(k) LEASES.—

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

12 “(2) USE.—Buildings and associated property
13 leased under paragraph (1)—

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

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

19 “(C) shall be compatible with National
20 Park Service programs.

21 “(3) RENTAL AMOUNTS.—

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

24 “(i) payment of fair market value
25 rental shall be required; and

1 “(ii) section 321 of the Act of June
2 30, 1932 (47 Stat. 412, chapter 314; 40
3 U.S.C. 303b) shall not apply.

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

10 “(C) REGULATION.—The Secretary shall
11 promulgate regulations implementing this sub-
12 section that includes provisions to encourage
13 and facilitate competition in the leasing process
14 and provide for timely and adequate public
15 comment.

16 “(4) SPECIAL ACCOUNT.—

17 “(A) DEPOSITS.—Rental payments under
18 a lease under paragraph (1) shall be deposited
19 in a special account in the Treasury of the
20 United States.

21 “(B) AVAILABILITY.—Amounts in the spe-
22 cial account shall be available until expended,
23 without further appropriation, for infrastruc-
24 ture needs at units of the National Park Sys-
25 tem, including—

- 1 “(i) facility refurbishment;
- 2 “(ii) repair and replacement;
- 3 “(iii) infrastructure projects associ-
- 4 ated with park resource protection; and
- 5 “(iv) direct maintenance of the leased
- 6 buildings and associated properties.

7 “(C) ACCOUNTABILITY AND RESULTS.—
8 The Secretary shall develop procedures for the
9 use of the special account that ensure account-
10 ability and demonstrated results consistent with
11 this Act.

12 “(I) COOPERATIVE MANAGEMENT AGREEMENTS.—

13 “(1) IN GENERAL.—Where a unit of the Na-
14 tional Park System is located adjacent to or near a
15 State or local park area, and cooperative manage-
16 ment between the National Park Service and a State
17 or local government agency of a portion of either
18 park will allow for more effective and efficient man-
19 agement of the parks, the Secretary is authorized to
20 enter into an agreement with a State or local gov-
21 ernment agency to provide for the cooperative man-
22 agement of the Federal and State or local park
23 areas: *Provided*, That the Secretary may not trans-
24 fer administration responsibilities for any unit of the
25 National Park System.

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

2 Under a cooperative management agreement, the
3 Secretary may acquire from and provide to a State
4 or local government agency goods and services to be
5 used by the Secretary and the State or local govern-
6 mental agency in the cooperative management of
7 land.

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

15 (b) HISTORIC LEASE PROCESS SIMPLIFICATION.—

16 The Secretary is directed to simplify, to the maximum ex-
17 tent possible, the leasing process for historic properties
18 with the goal of leasing available structures in a timely
19 manner.

Passed the Senate June 11, 1998.

Attest:

Secretary.

105TH CONGRESS
2D SESSION

S. 1693

AN ACT

To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.