

Union Calendar No. 438

105TH CONGRESS
2^D Session

S. 1693

[Report No. 105-767]

AN ACT

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

OCTOBER 2, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 1998

Referred to the Committee on Resources

OCTOBER 2, 1998

Reported with an amendment, committed to the Committee of the Whole
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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of Senate passed bill, see copy of bill as printed in the House of Representatives on
June 15, 1998]

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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
5 *tional Parks Omnibus Management Act of 1998”.*

- 1 *(b) TABLE OF CONTENTS.—The table of contents of this*
 2 *Act is as follows:*

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

*TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT,
 TRAINING, AND MANAGEMENT*

Sec. 101. Protection, interpretation, and research in the National Park System.
Sec. 102. National Park Service employee training.
Sec. 103. Management development and training.
Sec. 104. Park budgets and accountability.

*TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND
 MANAGEMENT*

Sec. 201. Purposes.
Sec. 202. Research mandate.
Sec. 203. Cooperative agreements.
Sec. 204. Inventory and monitoring program.
Sec. 205. Availability for scientific study.
Sec. 206. Integration of study results into management decisions.
Sec. 207. Confidentiality of information.

*TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK
 SYSTEM AREAS*

Sec. 301. Short title.
Sec. 302. Purpose.
Sec. 303. Study of addition of new National Park System areas.

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

Sec. 401. Short title.
Sec. 402. Congressional findings and statement of policy.
Sec. 403. Award of concessions contracts.
Sec. 404. Term of concessions contracts.
Sec. 405. Protection of concessioner investment.
Sec. 406. Reasonableness of rates.
Sec. 407. Franchise fees.
Sec. 408. Transfer of concessions contracts.
Sec. 409. National Park Service Concessions Management Advisory Board.
Sec. 410. Contracting for services.
Sec. 411. Multiple contracts within a park.
Sec. 412. Special rule for transportation contracting services.
Sec. 413. Use of nonmonetary consideration in concessions contracts.
Sec. 414. Recordkeeping requirements.
Sec. 415. Repeal of National Park Service Concessions Policy Act.
*Sec. 416. Promotion of the sale of Indian, Alaska Native, Native Samoan, and
 Native Hawaiian handicrafts.*
Sec. 417. Regulations.
Sec. 418. Commercial use authorizations.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

Sec. 501. Extension of the Recreational Fee Demonstration Program.

Sec. 502. Other fees.

Sec. 503. Distribution of golden eagle passport sales.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

Sec. 601. Purposes.

Sec. 602. National Park passport program.

Sec. 603. Administration.

Sec. 604. Foreign sales of Golden Eagle Passports.

Sec. 605. Effect on other laws and programs.

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

Sec. 701. Promotion of local fundraising support.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. United States Park Police.

Sec. 802. Leases and cooperative management agreements.

1 **SEC. 2. DEFINITION.**

2 *As used in this Act, the term “Secretary” means the*
 3 *Secretary of the Interior, except as otherwise specifically*
 4 *provided.*

5 **TITLE I—NATIONAL PARK SERV-**
 6 **ICE CAREER DEVELOPMENT,**
 7 **TRAINING, AND MANAGE-**
 8 **MENT**

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

11 *Recognizing the ever increasing societal pressures*
 12 *being placed upon America’s unique natural and cultural*
 13 *resources contained in the National Park System, the Sec-*
 14 *retary shall continually improve the ability of the National*
 15 *Park Service to provide state-of-the-art management, pro-*

1 *tection, and interpretation of and research on the resources*
 2 *of the National Park System.*

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

4 *The Secretary shall develop a comprehensive training*
 5 *program for employees in all professional careers in the*
 6 *work force of the National Park Service for the purpose of*
 7 *assuring that the work force has available the best, up-to-*
 8 *date knowledge, skills and abilities with which to manage,*
 9 *interpret and protect the resources of the National Park*
 10 *System.*

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

12 *Within 2 years after the enactment of this Act, the Sec-*
 13 *retary shall develop a clear plan for management training*
 14 *and development, whereby career, professional National*
 15 *Park Service employees from any appropriate academic*
 16 *field may obtain sufficient training, experience, and ad-*
 17 *vancement opportunity to enable those qualified to move*
 18 *into park management positions, including explicitly the*
 19 *position of superintendent of a unit of the National Park*
 20 *System.*

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

22 *(a) STRATEGIC AND PERFORMANCE PLANS FOR EACH*
 23 *UNIT.—Each unit of the National Park System shall pre-*
 24 *pare and make available to the public a 5-year strategic*
 25 *plan and an annual performance plan. Such plans shall*

1 *reflect the National Park Service policies, goals, and out-*
2 *comes represented in the Service-wide Strategic Plan, pre-*
3 *pared pursuant to the provisions of the Government Per-*
4 *formance and Results Act of 1993 (Public Law 103–62; 107*
5 *Stat. 285).*

6 (b) *ANNUAL BUDGET FOR EACH UNIT.*—*As a part of*
7 *the annual performance plan for a unit of the National*
8 *Park System prepared pursuant to subsection (a), following*
9 *receipt of the appropriation for the unit from the Oper-*
10 *ations of the National Park System account (but no later*
11 *than January 1 of each year), the superintendent of the*
12 *unit shall develop and make available to the public the*
13 *budget for the current fiscal year for that unit. The budget*
14 *shall include, at a minimum, funding allocations for re-*
15 *source preservation (including resource management), visi-*
16 *tor services (including maintenance, interpretation, law en-*
17 *forcement, and search and rescue) and administration. The*
18 *budget shall also include allocations into each of the above*
19 *categories of all funds retained from fees collected for that*
20 *year, including (but not limited to) special use permits,*
21 *concession franchise fees, and recreation use and entrance*
22 *fees.*

1 **TITLE II—NATIONAL PARK SYS-**
2 **TEM RESOURCE INVENTORY**
3 **AND MANAGEMENT**

4 **SEC. 201. PURPOSES.**

5 *The purposes of this title are—*

6 *(1) to more effectively achieve the mission of the*
7 *National Park Service;*

8 *(2) to enhance management and protection of*
9 *national park resources by providing clear authority*
10 *and direction for the conduct of scientific study in the*
11 *National Park System and to use the information*
12 *gathered for management purposes;*

13 *(3) to ensure appropriate documentation of re-*
14 *source conditions in the National Park System;*

15 *(4) to encourage others to use the National Park*
16 *System for study to the benefit of park management*
17 *as well as broader scientific value, where such study*
18 *is consistent with the Act of August 25, 1916 (com-*
19 *monly known as the National Park Service Organic*
20 *Act; 16 U.S.C. 1 et seq.); and*

21 *(5) to encourage the publication and dissemina-*
22 *tion of information derived from studies in the Na-*
23 *tional Park System.*

1 **SEC. 202. RESEARCH MANDATE.**

2 *The Secretary is authorized and directed to assure that*
 3 *management of units of the National Park System is en-*
 4 *hanced by the availability and utilization of a broad pro-*
 5 *gram of the highest quality science and information.*

6 **SEC. 203. COOPERATIVE AGREEMENTS.**

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

15 *(b) REPORT.—Within one year of the date of enact-*
 16 *ment of this title, the Secretary shall report to the Commit-*
 17 *tee on Energy and Natural Resources of the United States*
 18 *Senate and the Committee on Resources of the House of*
 19 *Representatives on progress in the establishment of a com-*
 20 *prehensive network of such college and university based co-*
 21 *operative study units as will provide full geographic and*
 22 *topical coverage for research on the resources contained in*
 23 *units of the National Park System and their larger regions.*

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

25 *The Secretary shall undertake a program of inventory*
 26 *and monitoring of National Park System resources to estab-*

lish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

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

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

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

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

1 (d) *NEGOTIATIONS.*—*The Secretary may enter into ne-*
2 *gotiations with the research community and private indus-*
3 *try for equitable, efficient benefits-sharing arrangements.*

4 **SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGE-**
5 **MENT DECISIONS.**

6 *The Secretary shall take such measures as are nec-*
7 *essary to assure the full and proper utilization of the results*
8 *of scientific study for park management decisions. In each*
9 *case in which an action undertaken by the National Park*
10 *Service may cause a significant adverse effect on a park*
11 *resource, the administrative record shall reflect the manner*
12 *in which unit resource studies have been considered. The*
13 *trend in the condition of resources of the National Park*
14 *System shall be a significant factor in the annual perform-*
15 *ance evaluation of each superintendent of a unit of the Na-*
16 *tional Park System.*

17 **SEC. 207. CONFIDENTIALITY OF INFORMATION.**

18 *Information concerning the nature and specific loca-*
19 *tion of a National Park System resource which is endan-*
20 *gered, threatened, rare, or commercially valuable, of min-*
21 *eral or paleontological objects within units of the National*
22 *Park System, or of objects of cultural patrimony within*
23 *units of the National Park System, may be withheld from*
24 *the public in response to a request under section 552 of title*

1 5, United States Code, unless the Secretary determines
2 that—

3 (1) disclosure of the information would further
4 the purposes of the unit of the National Park System
5 in which the resource or object is located and would
6 not create an unreasonable risk of harm, theft, or de-
7 struction of the resource or object, including individ-
8 ual organic or inorganic specimens; and

9 (2) disclosure is consistent with other applicable
10 laws protecting the resource or object.

11 **TITLE III—STUDY REGARDING**
12 **ADDITION OF NEW NATIONAL**
13 **PARK SYSTEM AREAS**

14 **SEC. 301. SHORT TITLE.**

15 *This title may be cited as the “National Park System*
16 *New Areas Studies Act”.*

17 **SEC. 302. PURPOSE.**

18 *It is the purpose of this title to reform the process by*
19 *which areas are considered for addition to the National*
20 *Park System.*

21 **SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK**
22 **SYSTEM AREAS.**

23 *Section 8 of Public Law 91–383 (commonly known as*
24 *the National Park System General Authorities Act; 16*
25 *U.S.C. 1a–5) is amended as follows:*

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

3 (2) *By striking the second through the sixth sen-*
 4 *tences of subsection (a).*

5 (3) *By redesignating the last two sentences of*
 6 *subsection (a) as subsection (f) and inserting in the*
 7 *first of such sentences before the words “For the pur-*
 8 *poses of carrying” the following: “(f) AUTHORIZATION*
 9 *OF APPROPRIATIONS.—”.*

10 (4) *By inserting the following after subsection*
 11 *(a):*

12 “(b) *STUDIES OF AREAS FOR POTENTIAL ADDITION.—*

13 (1) *At the beginning of each calendar year, along with the*
 14 *annual budget submission, the Secretary shall submit to the*
 15 *Committee on Resources of the House of Representatives*
 16 *and to the Committee on Energy and Natural Resources*
 17 *of the United States Senate a list of areas recommended*
 18 *for study for potential inclusion in the National Park Sys-*
 19 *tem.*

20 “(2) *In developing the list to be submitted under this*
 21 *subsection, the Secretary shall consider—*

22 “(A) *those areas that have the greatest potential*
 23 *to meet the established criteria of national signifi-*
 24 *cance, suitability, and feasibility;*

1 “(B) themes, sites, and resources not already
2 adequately represented in the National Park System;
3 and

4 “(C) public petition and Congressional resolu-
5 tions.

6 “(3) No study of the potential of an area for inclusion
7 in the National Park System may be initiated after the date
8 of enactment of this subsection, except as provided by spe-
9 cific authorization of an Act of Congress.

10 “(4) Nothing in this Act shall limit the authority of
11 the National Park Service to conduct preliminary resource
12 assessments, gather data on potential study areas, provide
13 technical and planning assistance, prepare or process nomi-
14 nations for administrative designations, update previous
15 studies, or complete reconnaissance surveys of individual
16 areas requiring a total expenditure of less than \$25,000.

17 “(5) Nothing in this section shall be construed to apply
18 to or to affect or alter the study of any river segment for
19 potential addition to the national wild and scenic rivers
20 system or to apply to or to affect or alter the study of any
21 trail for potential addition to the national trails system.

22 “(c) REPORT.—(1) The Secretary shall complete the
23 study for each area for potential inclusion in the National
24 Park System within 3 complete fiscal years following the
25 date on which funds are first made available for such pur-

1 *poses. Each study under this section shall be prepared with*
 2 *appropriate opportunity for public involvement, including*
 3 *at least one public meeting in the vicinity of the area under*
 4 *study, and after reasonable efforts to notify potentially af-*
 5 *ected landowners and State and local governments.*

6 “(2) *In conducting the study, the Secretary shall con-*
 7 *sider whether the area under study—*

8 “(A) *possesses nationally significant natural or*
 9 *cultural resources and represents one of the most im-*
 10 *portant examples of a particular resource type in the*
 11 *country; and*

12 “(B) *is a suitable and feasible addition to the*
 13 *system.*

14 “(3) *Each study—*

15 “(A) *shall consider the following factors with re-*
 16 *gard to the area being studied—*

17 “(i) *the rarity and integrity of the re-*
 18 *sources;*

19 “(ii) *the threats to those resources;*

20 “(iii) *similar resources are already pro-*
 21 *ected in the National Park System or in other*
 22 *public or private ownership;*

23 “(iv) *the public use potential;*

24 “(v) *the interpretive and educational poten-*
 25 *tial;*

1 “(vi) costs associated with acquisition, de-
2 velopment and operation;

3 “(vii) the socioeconomic impacts of any des-
4 ignation;

5 “(viii) the level of local and general public
6 support, and

7 “(ix) whether the area is of appropriate
8 configuration to ensure long-term resource pro-
9 tection and visitor use;

10 “(B) shall consider whether direct National Park
11 Service management or alternative protection by
12 other public agencies or the private sector is appro-
13 priate for the area;

14 “(C) shall identify what alternative or combina-
15 tion of alternatives would in the professional judg-
16 ment of the Director of the National Park Service be
17 most effective and efficient in protecting significant
18 resources and providing for public enjoyment; and

19 “(D) may include any other information which
20 the Secretary deems to be relevant.

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

23 “(5) The letter transmitting each completed study to
24 Congress shall contain a recommendation regarding the
25 Secretary’s preferred management option for the area.

1 “(d) *NEW AREA STUDY OFFICE.*—*The Secretary shall*
 2 *designate a single office to be assigned to prepare all new*
 3 *area studies and to implement other functions of this sec-*
 4 *tion.*

5 “(e) *LIST OF AREAS.*—*At the beginning of each cal-*
 6 *endar year, along with the annual budget submission, the*
 7 *Secretary shall submit to the Committee on Resources of*
 8 *the House of Representatives and to the Committee on En-*
 9 *ergy and Natural Resources of the Senate a list of areas*
 10 *which have been previously studied which contain pri-*
 11 *marily historical resources, and a list of areas which have*
 12 *been previously studied which contain primarily natural*
 13 *resources, in numerical order of priority for addition to the*
 14 *National Park System. In developing the lists, the Secretary*
 15 *should consider threats to resource values, cost escalation*
 16 *factors, and other factors listed in subsection (c) of this sec-*
 17 *tion. The Secretary should only include on the lists areas*
 18 *for which the supporting data is current and accurate.”.*

19 (5) *By adding at the end of subsection (f) (as*
 20 *designated by paragraph (3) of this section) the fol-*
 21 *lowing: “For carrying out subsections (b) through (d)*
 22 *there are authorized to be appropriated \$2,000,000 for*
 23 *each fiscal year.”.*

1 **TITLE IV—NATIONAL PARK**
 2 **SERVICE CONCESSIONS MAN-**
 3 **AGEMENT**

4 **SEC. 401. SHORT TITLE.**

5 *This title may be cited as the “National Park Service*
 6 *Concessions Management Improvement Act of 1998”.*

7 **SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF**
 8 **POLICY.**

9 *(a) FINDINGS.—In furtherance of the Act of August 25,*
 10 *1916 (commonly known as the National Park Service Or-*
 11 *ganic Act; 16 U.S.C. 1 et seq.), which directs the Secretary*
 12 *to administer units of the National Park System in accord-*
 13 *ance with the fundamental purpose of conserving their sce-*
 14 *nery, wildlife, and natural and historic objects, and provid-*
 15 *ing for their enjoyment in a manner that will leave them*
 16 *unimpaired for the enjoyment of future generations, the*
 17 *Congress hereby finds that the preservation and conserva-*
 18 *tion of park resources and values requires that such public*
 19 *accommodations, facilities, and services as have to be pro-*
 20 *vided within such units should be provided only under care-*
 21 *fully controlled safeguards against unregulated and indis-*
 22 *criminate use, so that—*

23 *(1) visitation will not unduly impair these re-*
 24 *sources and values; and*

1 (2) *development of public accommodations, fa-*
 2 *cilities, and services within such units can best be*
 3 *limited to locations that are consistent to the highest*
 4 *practicable degree with the preservation and conserva-*
 5 *tion of the resources and values of such units.*

6 (b) *POLICY.—It is the policy of the Congress that the*
 7 *development of public accommodations, facilities, and serv-*
 8 *ices in units of the National Park System shall be limited*
 9 *to those accommodations, facilities, and services that—*

10 (1) *are necessary and appropriate for public use*
 11 *and enjoyment of the unit of the National Park Sys-*
 12 *tem in which they are located; and*

13 (2) *are consistent to the highest practicable de-*
 14 *gree with the preservation and conservation of the re-*
 15 *sources and values of the unit.*

16 **SEC. 403. AWARD OF CONCESSIONS CONTRACTS.**

17 *In furtherance of the findings and policy stated in sec-*
 18 *tion 402, and except as provided by this title or otherwise*
 19 *authorized by law, the Secretary shall utilize concessions*
 20 *contracts to authorize a person, corporation, or other entity*
 21 *to provide accommodations, facilities, and services to visi-*
 22 *tors to units of the National Park System. Such concessions*
 23 *contracts shall be awarded as follows:*

24 (1) *COMPETITIVE SELECTION PROCESS.—Except*
 25 *as otherwise provided in this section, all proposed*

1 *concessions contracts shall be awarded by the Sec-*
 2 *retary to the person, corporation, or other entity sub-*
 3 *mitting the best proposal, as determined by the Sec-*
 4 *retary through a competitive selection process. Such*
 5 *competitive process shall include simplified proce-*
 6 *dures for small, individually-owned, concessions con-*
 7 *tracts.*

8 (2) *SOLICITATION OF PROPOSALS.—Except as*
 9 *otherwise provided in this section, prior to awarding*
 10 *a new concessions contract (including renewals or ex-*
 11 *tensions of existing concessions contracts) the Sec-*
 12 *retary shall publicly solicit proposals for the conces-*
 13 *sions contract and, in connection with such sollicita-*
 14 *tion, the Secretary shall prepare a prospectus and*
 15 *shall publish notice of its availability at least once in*
 16 *local or national newspapers or trade publications,*
 17 *and/or the Commerce Business Daily, as appropriate,*
 18 *and shall make the prospectus available upon request*
 19 *to all interested parties.*

20 (3) *PROSPECTUS.—The prospectus shall include*
 21 *the following information:*

22 (A) *The minimum requirements for such*
 23 *contract as set forth in paragraph (4).*

24 (B) *The terms and conditions of any exist-*
 25 *ing concessions contract relating to the services*

1 *and facilities to be provided, including all fees*
2 *and other forms of compensation provided to the*
3 *United States by the concessioner.*

4 *(C) Other authorized facilities or services*
5 *which may be provided in a proposal.*

6 *(D) Facilities and services to be provided by*
7 *the Secretary to the concessioner, if any, includ-*
8 *ing public access, utilities, and buildings.*

9 *(E) An estimate of the amount of compensa-*
10 *tion, if any, due an existing concessioner from a*
11 *new concessioner under the terms of a prior con-*
12 *cessions contract.*

13 *(F) A statement as to the weight to be given*
14 *to each selection factor identified in the prospec-*
15 *tus and the relative importance of such factors in*
16 *the selection process.*

17 *(G) Such other information related to the*
18 *proposed concessions operation as is provided to*
19 *the Secretary pursuant to a concessions contract*
20 *or is otherwise available to the Secretary, as the*
21 *Secretary determines is necessary to allow for the*
22 *submission of competitive proposals.*

23 *(H) Where applicable, a description of a*
24 *preferential right to the renewal of the proposed*

1 *concessions contract held by an existing conces-*
2 *sioner as set forth in paragraph (7).*

3 (4) *MINIMUM REQUIREMENTS.—(A) No proposal*
4 *shall be considered which fails to meet the minimum*
5 *requirements as determined by the Secretary. Such*
6 *minimum requirements shall include the following:*

7 *(i) The minimum acceptable franchise fee or*
8 *other forms of consideration to the Government.*

9 *(ii) Any facilities, services, or capital in-*
10 *vestment required to be provided by the conces-*
11 *sioner.*

12 *(iii) Measures necessary to ensure the pro-*
13 *tection, conservation, and preservation of re-*
14 *sources of the unit of the National Park System.*

15 (B) *The Secretary shall reject any proposal, re-*
16 *gardless of the franchise fee offered, if the Secretary*
17 *determines that the person, corporation, or entity is*
18 *not qualified, is not likely to provide satisfactory*
19 *service, or that the proposal is not responsive to the*
20 *objectives of protecting and preserving resources of the*
21 *unit of the National Park System and of providing*
22 *necessary and appropriate facilities and services to*
23 *the public at reasonable rates.*

24 (C) *If all proposals submitted to the Secretary*
25 *either fail to meet the minimum requirements or are*

1 *rejected by the Secretary, the Secretary shall establish*
 2 *new minimum contract requirements and re-initiate*
 3 *the competitive selection process pursuant to this sec-*
 4 *tion.*

5 *(D) The Secretary may not execute a concessions*
 6 *contract which materially amends or does not incor-*
 7 *porate the proposed terms and conditions of the con-*
 8 *cessions contract as set forth in the applicable pro-*
 9 *spectus. If proposed material amendments or changes*
 10 *are considered appropriate by the Secretary, the Sec-*
 11 *retary shall resolicit offers for the concessions contract*
 12 *incorporating such material amendments or changes.*

13 *(5) SELECTION OF THE BEST PROPOSAL.—(A)*
 14 *In selecting the best proposal, the Secretary shall con-*
 15 *sider the following principal factors:*

16 *(i) The responsiveness of the proposal to the*
 17 *objectives of protecting, conserving, and preserv-*
 18 *ing resources of the unit of the National Park*
 19 *System and of providing necessary and appro-*
 20 *priate facilities and services to the public at rea-*
 21 *sonable rates.*

22 *(ii) The experience and related background*
 23 *of the person, corporation, or entity submitting*
 24 *the proposal, including the past performance and*
 25 *expertise of such person, corporation or entity in*

1 *providing the same or similar facilities or serv-*
2 *ices.*

3 *(iii) The financial capability of the person,*
4 *corporation, or entity submitting the proposal.*

5 *(iv) The proposed franchise fee, except that*
6 *consideration of revenue to the United States*
7 *shall be subordinate to the objectives of protect-*
8 *ing, conserving, and preserving resources of the*
9 *unit of the National Park System and of provid-*
10 *ing necessary and appropriate facilities to the*
11 *public at reasonable rates.*

12 *(B) The Secretary may also consider such sec-*
13 *ondary factors as the Secretary deems appropriate.*

14 *(C) In developing regulations to implement this*
15 *title, the Secretary shall consider the extent to which*
16 *plans for employment of Indians (including Native*
17 *Alaskans) and involvement of businesses owned by In-*
18 *dians, Indian tribes, or Native Alaskans in the oper-*
19 *ation of a concession, contracts should be identified as*
20 *a factor in the selection of a best proposal under this*
21 *section.*

22 *(6) CONGRESSIONAL NOTIFICATION.—The Sec-*
23 *retary shall submit any proposed concessions contract*
24 *with anticipated annual gross receipts in excess of*
25 *\$5,000,000 or a duration of more than 10 years to the*

1 *Committee on Resources of the House of Representa-*
 2 *tives and the Committee on Energy and Natural Re-*
 3 *sources of the Senate. The Secretary shall not award*
 4 *any such proposed contract until at least 60 days*
 5 *subsequent to the notification of both committees.*

6 (7) *PREFERENTIAL RIGHT OF RENEWAL.—(A)*
 7 *Except as provided in subparagraph (B), the Sec-*
 8 *retary shall not grant a concessioner a preferential*
 9 *right to renew a concessions contract, or any other*
 10 *form of preference to a concessions contract.*

11 (B) *The Secretary shall grant a preferential*
 12 *right of renewal to an existing concessioner with re-*
 13 *spect to proposed renewals of the categories of conces-*
 14 *sions contracts described by paragraph (8), subject to*
 15 *the requirements of that paragraph.*

16 (C) *As used in this title, the term “preferential*
 17 *right of renewal” means that the Secretary, subject to*
 18 *a determination by the Secretary that the facilities or*
 19 *services authorized by a prior contract continue to be*
 20 *necessary and appropriate within the meaning of sec-*
 21 *tion 402, shall allow a concessioner qualifying for a*
 22 *preferential right of renewal the opportunity to match*
 23 *the terms and conditions of any competing proposal*
 24 *which the Secretary determines to be the best proposal*
 25 *for a proposed new concessions contract which author-*

1 *izes the continuation of the facilities and services pro-*
 2 *vided by the concessioner under its prior contract.*

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

8 *(8) OUTFITTER AND GUIDE SERVICES AND SMALL*
 9 *CONTRACTS.—(A) The provisions of paragraph (7)*
 10 *shall apply only to the following:*

11 *(i) Subject to subparagraph (B), outfitting*
 12 *and guide concessions contracts.*

13 *(ii) Subject to subparagraph (C), conces-*
 14 *sions contracts with anticipated annual gross re-*
 15 *ceipts under \$500,000.*

16 *(B) For the purposes of this title, an “outfitting*
 17 *and guide concessions contract” means a concessions*
 18 *contract which solely authorizes the provision of spe-*
 19 *cialized backcountry outdoor recreation guide services*
 20 *which require the employment of specially trained*
 21 *and experienced guides to accompany park visitors in*
 22 *the backcountry so as to provide a safe and enjoyable*
 23 *experience for visitors who otherwise may not have*
 24 *the skills and equipment to engage in such activity.*
 25 *Outfitting and guide concessioners, where otherwise*

1 *qualified, include concessioners which provide guided*
2 *river running, hunting, fishing, horseback, camping,*
3 *and mountaineering experiences. An outfitting and*
4 *guide concessioner is entitled to a preferential right of*
5 *renewal under this title only if—*

6 *(i) the contract with the outfitting and*
7 *guide concessioner does not grant the conces-*
8 *sioner any interest, including any leasehold sur-*
9 *render interest or possessory interest, in capital*
10 *improvements on lands owned by the United*
11 *States within a unit of the National Park Sys-*
12 *tem, other than a capital improvement con-*
13 *structed by a concessioner pursuant to the terms*
14 *of a concessions contract prior to the date of the*
15 *enactment of this title or constructed or owned*
16 *by a concessioner or his or her predecessor before*
17 *the subject land was incorporated into the Na-*
18 *tional Park System;*

19 *(ii) the Secretary determines that the con-*
20 *cessioner has operated satisfactorily during the*
21 *term of the contract (including any extension*
22 *thereof); and*

23 *(iii) the concessioner has submitted a re-*
24 *sponsive proposal for a proposed new contract*
25 *which satisfies the minimum requirements estab-*

1 lished by the Secretary pursuant to paragraph
2 (4).

3 (C) *A concessioner that holds a concessions con-*
4 *tract that the Secretary estimates will result in gross*
5 *annual receipts of less than \$500,000 if renewed shall*
6 *be entitled to a preferential right of renewal under*
7 *this title if—*

8 (i) *the Secretary has determined that the*
9 *concessioner has operated satisfactorily during*
10 *the term of the contract (including any extension*
11 *thereof); and*

12 (ii) *the concessioner has submitted a respon-*
13 *sive proposal for a proposed new concessions con-*
14 *tract which satisfies the minimum requirements*
15 *established by the Secretary pursuant to para-*
16 *graph (4).*

17 (9) *NEW OR ADDITIONAL SERVICES.—The Sec-*
18 *retary shall not grant a preferential right to a conces-*
19 *sioner to provide new or additional services in a unit*
20 *of the National Park System.*

21 (10) *SECRETARIAL AUTHORITY.—Nothing in this*
22 *title shall be construed as limiting the authority of*
23 *the Secretary to determine whether to issue a conces-*
24 *sions contract or to establish its terms and conditions*
25 *in furtherance of the policies expressed in this title.*

1 (11) *EXCEPTIONS.*—*Notwithstanding the provi-*
2 *sions of this section, the Secretary may award, with-*
3 *out public solicitation, the following:*

4 (A) *A temporary concessions contract or an*
5 *extension of an existing concessions contract for*
6 *a term not to exceed 3 years in order to avoid*
7 *interruption of services to the public at a unit*
8 *of the National Park System, except that prior*
9 *to making such an award, the Secretary shall*
10 *take all reasonable and appropriate steps to con-*
11 *sider alternatives to avoid such interruption.*

12 (B) *A concessions contract in extraordinary*
13 *circumstances where compelling and equitable*
14 *considerations require the award of a concessions*
15 *contract to a particular party in the public in-*
16 *terest. Such award of a concessions contract shall*
17 *not be made by the Secretary until at least 30*
18 *days after publication in the Federal Register of*
19 *notice of the Secretary's intention to do so and*
20 *the reasons for such action, and submission of*
21 *notice to the Committee on Energy and Natural*
22 *Resources of the Senate and the Committee on*
23 *Resources of the House of Representatives.*

1 **SEC. 404. TERM OF CONCESSIONS CONTRACTS.**

2 *A concessions contract entered into pursuant to this*
 3 *title shall generally be awarded for a term of 10 years or*
 4 *less. However, the Secretary may award a contract for a*
 5 *term of up to 20 years if the Secretary determines that the*
 6 *contract terms and conditions, including the required con-*
 7 *struction of capital improvements, warrant a longer term.*

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

9 *(a) LEASEHOLD SURRENDER INTEREST UNDER NEW*
 10 *CONCESSIONS CONTRACTS.—On or after the date of the en-*
 11 *actment of this title, a concessioner that constructs a capital*
 12 *improvement upon land owned by the United States within*
 13 *a unit of the National Park System pursuant to a conces-*
 14 *sions contract shall have a leasehold surrender interest in*
 15 *such capital improvement subject to the following terms and*
 16 *conditions:*

17 *(1) A concessioner shall have a leasehold surren-*
 18 *der interest in each capital improvement constructed*
 19 *by a concessioner under a concessions contract, con-*
 20 *sisting solely of a right to compensation for the cap-*
 21 *ital improvement to the extent of the value of the con-*
 22 *cessioner's leasehold surrender interest in the capital*
 23 *improvement.*

24 *(2) A leasehold surrender interest—*
 25 *(A) may be pledged as security for financ-*
 26 *ing of a capital improvement or the acquisition*

1 *of a concessions contract when approved by the*
 2 *Secretary pursuant to this title;*

3 *(B) shall be transferred by the concessioner*
 4 *in connection with any transfer of the conces-*
 5 *sions contract and may be relinquished or*
 6 *waived by the concessioner; and*

7 *(C) shall not be extinguished by the expira-*
 8 *tion or other termination of a concessions con-*
 9 *tract and may not be taken for public use except*
 10 *on payment of just compensation.*

11 *(3) The value of a leasehold surrender interest in*
 12 *a capital improvement shall be an amount equal to*
 13 *the initial value (construction cost of the capital im-*
 14 *provement), increased (or decreased) in the same per-*
 15 *centage increase (or decrease) as the percentage in-*
 16 *crease (or decrease) in the Consumer Price Index,*
 17 *from the date of making the investment in the capital*
 18 *improvement by the concessioner to the date of pay-*
 19 *ment of the value of the leasehold surrender interest,*
 20 *less depreciation of the capital improvement as evi-*
 21 *denced by the condition and prospective serviceability*
 22 *in comparison with a new unit of like kind.*

23 *(4) Where a concessioner, pursuant to the terms*
 24 *of a concessions contract, makes a capital improve-*
 25 *ment to an existing capital improvement in which the*

1 *concessioner has a leasehold surrender interest, the*
 2 *cost of such additional capital improvement shall be*
 3 *added to the then current value of the concessioner's*
 4 *leasehold surrender interest.*

5 *(b) SPECIAL RULE FOR EXISTING POSSESSORY INTER-*
 6 *EST.—*

7 *(1) A concessioner which has obtained a*
 8 *possessory interest as defined pursuant to Public Law*
 9 *89-249 (commonly known as the National Park Serv-*
 10 *ice Concessions Policy Act; 16 U.S.C. 20 et seq.), as*
 11 *in effect on the day before the date of the enactment*
 12 *of this Act, under the terms of a concessions contract*
 13 *entered into before that date shall, upon the expira-*
 14 *tion or termination of such contract, be entitled to re-*
 15 *ceive compensation for such possessory interest im-*
 16 *provements in the amount and manner as described*
 17 *by such concessions contract. Where such a possessory*
 18 *interest is not described in the existing contract, com-*
 19 *penetration of possessory interest shall be determined in*
 20 *accordance with the laws in effect on the day before*
 21 *the date of enactment of this Act.*

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

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

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

22 *(c) TRANSITION TO SUCCESSOR CONCESSIONER.—*
 23 *Upon expiration or termination of a concessions contract*
 24 *entered into after the effective date of this title, a conces-*
 25 *sioner shall be entitled under the terms of the concessions*

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

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

16 (e) *DEFINITIONS.*—For purposes of this section:

17 (1) *CONSUMER PRICE INDEX.*—The term “Con-
 18 sumer Price Index” means the “Consumer Price
 19 Index—All Urban Consumers” published by the Bu-
 20 reau of Labor Statistics of the Department of Labor,
 21 unless such index is not published, in which case an-
 22 other regularly published cost-of-living index approxi-
 23 mating the Consumer Price Index shall be utilized by
 24 the Secretary; and

1 (2) *CAPITAL IMPROVEMENT.*—*The term “capital*
 2 *improvement” means a structure, fixture, or non-*
 3 *removable equipment provided by a concessioner pur-*
 4 *suant to the terms of a concessions contract and lo-*
 5 *cated on lands of the United States within a unit of*
 6 *the National Park System.*

7 **SEC. 406. REASONABLENESS OF RATES.**

8 (a) *IN GENERAL.*—*Each concessions contract shall*
 9 *permit the concessioner to set reasonable and appropriate*
 10 *rates and charges for facilities, goods, and services provided*
 11 *to the public, subject to approval under subsection (b).*

12 (b) *APPROVAL BY SECRETARY REQUIRED.*—*A conces-*
 13 *sioner’s rates and charges to the public shall be subject to*
 14 *approval by the Secretary. The approval process utilized*
 15 *by the Secretary shall be as prompt and as unburdensome*
 16 *to the concessioner as possible and shall rely on market*
 17 *forces to establish reasonableness of rates and charges to the*
 18 *maximum extent practicable. The Secretary shall approve*
 19 *rates and charges that the Secretary determines to be rea-*
 20 *sonable and appropriate. Unless otherwise provided in the*
 21 *contract, the reasonableness and appropriateness of rates*
 22 *and charges shall be determined primarily by comparison*
 23 *with those rates and charges for facilities, goods, and serv-*
 24 *ices of comparable character under similar conditions, with*
 25 *due consideration to the following factors and other factors*

1 *deemed relevant by the Secretary: length of season,*
 2 *peakloads, average percentage of occupancy, accessibility,*
 3 *availability and costs of labor and materials, and type of*
 4 *patronage. Such rates and charges may not exceed the mar-*
 5 *ket rates and charges for comparable facilities, goods, and*
 6 *services, after taking into account the factors referred to in*
 7 *the preceding sentence.*

8 (c) *IMPLEMENTATION OF RECOMMENDATIONS.—Not*
 9 *later than 6 months after receiving recommendations from*
 10 *the Advisory Board established under section 409(a) regard-*
 11 *ing concessioner rates and charges to the public, the Sec-*
 12 *retary shall implement the recommendations or report to*
 13 *the Congress the reasons for not implementing the rec-*
 14 *ommendations.*

15 **SEC. 407. FRANCHISE FEES.**

16 (a) *IN GENERAL.—A concessions contract shall pro-*
 17 *vide for payment to the government of a franchise fee or*
 18 *such other monetary consideration as determined by the*
 19 *Secretary, upon consideration of the probable value to the*
 20 *concessioner of the privileges granted by the particular con-*
 21 *tract involved. Such probable value shall be based upon a*
 22 *reasonable opportunity for net profit in relation to capital*
 23 *invested and the obligations of the contract. Consideration*
 24 *of revenue to the United States shall be subordinate to the*
 25 *objectives of protecting and preserving park areas and of*

1 *providing necessary and appropriate services for visitors at*
2 *reasonable rates.*

3 (b) *AMOUNT OF FRANCHISE FEE.*—*The amount of the*
4 *franchise fee or other monetary consideration paid to the*
5 *United States for the term of the concessions contract shall*
6 *be specified in the concessions contract and may only be*
7 *modified to reflect extraordinary unanticipated changes*
8 *from the conditions anticipated as of the effective date of*
9 *the contract. The Secretary shall include in concessions con-*
10 *tracts with a term of more than five years a provision which*
11 *allows reconsideration of the franchise fee at the request of*
12 *the Secretary or the concessioner in the event of such ex-*
13 *traordinary unanticipated changes. Such provision shall*
14 *provide for binding arbitration in the event that the Sec-*
15 *retary and the concessioner are unable to agree upon an*
16 *adjustment to the franchise fee in these circumstances.*

17 (c) *SPECIAL ACCOUNT.*—*All franchise fees (and other*
18 *monetary consideration) paid to the United States pursu-*
19 *ant to concessions contracts shall be deposited into a special*
20 *account established in the Treasury of the United States.*
21 *Twenty percent of the funds deposited in the special account*
22 *shall be available for expenditure by the Secretary, without*
23 *further appropriation, to support activities throughout the*
24 *National Park System regardless of the unit of the National*
25 *Park System in which the funds were collected. The funds*

1 deposited into the special account shall remain available
2 until expended.

3 (d) *SUBACCOUNT FOR EACH UNIT.*—There shall be es-
4 tablished within the special account required under sub-
5 section (c) a subaccount for each unit of the National Park
6 System. Each subaccount shall be credited with 80 percent
7 of the franchise fees (and other monetary consideration) col-
8 lected at a single unit of the National Park System under
9 concessions contracts. The funds credited to the subaccount
10 for a unit of the National Park System shall be available
11 for expenditure by the Secretary, without further appro-
12 priation, for use at the unit for visitor services and for pur-
13 poses of funding high-priority and urgently necessary re-
14 source management programs and operations. The funds
15 credited to a subaccount shall remain available until ex-
16 pended.

17 **SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.**

18 (a) *APPROVAL OF THE SECRETARY.*—No concessions
19 contract or leasehold surrender interest may be transferred,
20 assigned, sold, or otherwise conveyed or pledged by a conces-
21 sioner without prior written notification to, and approval
22 by, the Secretary.

23 (b) *CONDITIONS.*—The Secretary shall approve a
24 transfer or conveyance described in subsection (a) unless the
25 Secretary finds that—

1 (1) *the individual, corporation or entity seeking*
 2 *to acquire a concessions contract is not qualified or*
 3 *able to satisfy the terms and conditions of the conces-*
 4 *sions contract;*

5 (2) *such transfer or conveyance would have an*
 6 *adverse impact on (A) the protection, conservation, or*
 7 *preservation of the resources of the unit of the Na-*
 8 *tional Park System or (B) the provision of necessary*
 9 *and appropriate facilities and services to visitors at*
 10 *reasonable rates and charges; and*

11 (3) *the terms of such transfer or conveyance are*
 12 *likely, directly or indirectly, to reduce the conces-*
 13 *sioner's opportunity for a reasonable profit over the*
 14 *remaining term of the contract, adversely affect the*
 15 *quality of facilities and services provided by the con-*
 16 *cessioner, or result in a need for increased rates and*
 17 *charges to the public to maintain the quality of such*
 18 *facilities and services.*

19 (c) *TRANSFER TERMS.—The terms and conditions of*
 20 *any contract under this section shall not be subject to modi-*
 21 *fication or open to renegotiation by the Secretary because*
 22 *of a transfer or conveyance described in subsection (a), un-*
 23 *less such transfer or conveyance would have an adverse im-*
 24 *pact as described in paragraph (2) of subsection (b).*

1 **SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MAN-**
2 **AGEMENT ADVISORY BOARD.**

3 (a) *ESTABLISHMENT.*—*There is hereby established a*
4 *National Park Service Concessions Management Advisory*
5 *Board (in this title referred to as the “Advisory Board”)*
6 *whose purpose shall be to advise the Secretary and National*
7 *Park Service on matters relating to management of conces-*
8 *sions in of the National Park System.*

9 (b) *DUTIES.*—

10 (1) *ADVICE.*—*The Advisory Board shall advise*
11 *on each of the following:*

12 (A) *Policies and procedures intended to as-*
13 *sure that services and facilities provided by con-*
14 *cessioners are necessary and appropriate, meet*
15 *acceptable standards at reasonable rates with a*
16 *minimum of impact on park resources and val-*
17 *ues, and provide the concessioners with a reason-*
18 *able opportunity to make a profit.*

19 (B) *Ways to make National Park Service*
20 *concessions programs and procedures more cost*
21 *effective, more process efficient, less burdensome,*
22 *and timelier.*

23 (2) *RECOMMENDATIONS.*—*The Advisory Board*
24 *shall make recommendations to the Secretary regard-*
25 *ing each of the following:*

1 (A) *National Park Service contracting with*
 2 *the private sector to conduct appropriate ele-*
 3 *ments of concessions management and providing*
 4 *recommendations to make more efficient, less*
 5 *burdensome, and timelier the review or approval*
 6 *of concessioner rates and charges to the public.*

7 (B) *The nature and scope of products which*
 8 *qualify as Indian, Alaska Native, and Native*
 9 *Hawaiian handicrafts within this meaning of*
 10 *this title.*

11 (C) *The allocation of concession fees.*
 12 *The initial recommendations under subparagraph (A)*
 13 *relating to rates and charges shall be submitted to the*
 14 *Secretary not later than one year after the first meet-*
 15 *ing of the Board.*

16 (3) *ANNUAL REPORT.—The Advisory Board,*
 17 *commencing with the first anniversary of its initial*
 18 *meeting, shall provide an annual report on its activi-*
 19 *ties to the Committee on Resources of the United*
 20 *States House of Representatives and the Committee*
 21 *on Energy and Natural Resources of the United*
 22 *States Senate.*

23 (c) *ADVISORY BOARD MEMBERSHIP.—Members of the*
 24 *Advisory Board shall be appointed on a staggered basis by*
 25 *the Secretary for a term not to exceed four years and shall*

1 *serve at the pleasure of the Secretary. The Advisory Board*
 2 *shall be comprised of not more than seven individuals ap-*
 3 *pointed from among citizens of the United States not in*
 4 *the employment of the Federal Government and not in the*
 5 *employment of or having an interest in a National Park*
 6 *Service concession. Of the seven members of the Advisory*
 7 *Board—*

8 (1) *one member shall be privately employed in*
 9 *the hospitality industry and have both broad knowl-*
 10 *edge of hotel or food service management and experi-*
 11 *ence in the parks and recreation concessions business;*

12 (2) *one member shall be privately employed in*
 13 *the tourism industry;*

14 (3) *one member shall be privately employed in*
 15 *the accounting industry;*

16 (4) *one member shall be privately employed in*
 17 *the outfitting and guide industry;*

18 (5) *one member shall be a State government em-*
 19 *ployee with expertise in park concession management;*

20 (6) *one member shall be active in promotion of*
 21 *traditional arts and crafts; and*

22 (7) *one member shall be active in a nonprofit*
 23 *conservation organization involved in parks and*
 24 *recreation programs.*

1 (d) *TERMINATION.*—*The Advisory Board shall con-*
 2 *tinue to exist until December 31, 2008. In all other respects,*
 3 *it shall be subject to the provisions of the Federal Advisory*
 4 *Committee Act.*

5 (e) *SERVICE ON ADVISORY BOARD.*—*Service of an in-*
 6 *dividual as a member of the Advisory Board shall not be*
 7 *considered as service or employment bringing such individ-*
 8 *ual within the provisions of any Federal law relating to*
 9 *conflicts of interest or otherwise imposing restrictions, re-*
 10 *quirements, or penalties in relation to the employment of*
 11 *persons, the performance of services, or the payment or re-*
 12 *ceipt of compensation in connection with claims, proceed-*
 13 *ings, or matters involving the United States. Service as a*
 14 *member of the Advisory Board shall not be considered serv-*
 15 *ice in an appointive or elective position in the Government*
 16 *for purposes of section 8344 of title 5, United States Code,*
 17 *or other comparable provisions of Federal law.*

18 **SEC. 410. CONTRACTING FOR SERVICES.**

19 (a) *CONTRACTING AUTHORIZED.*—(1) *To the maxi-*
 20 *mum extent practicable, the Secretary shall contract with*
 21 *private entities to conduct or assist in those elements of the*
 22 *management of the National Park Service concessions pro-*
 23 *gram considered by the Secretary to be suitable for non-*
 24 *Federal performance. Such management elements include*
 25 *each the following:*

1 (A) *Health and safety inspections.*

2 (B) *Quality control of concessions operations*
3 *and facilities.*

4 (C) *Strategic capital planning for concessions fa-*
5 *cilities.*

6 (D) *Analysis of rates and charges to the public.*

7 (2) *The Secretary may also contract with private enti-*
8 *ties to assist the Secretary with each of the following:*

9 (A) *Preparation of the financial aspects of*
10 *prospectuses for National Park Service concessions*
11 *contracts.*

12 (B) *Development of guidelines for a national*
13 *park system capital improvement and maintenance*
14 *program for all concession occupied facilities.*

15 (C) *Making recommendations to the Director of*
16 *the National Park Service regarding the conduct an-*
17 *ual audits of concession fee expenditures.*

18 (b) *OTHER MANAGEMENT ELEMENTS.—The Secretary*
19 *shall also consider, taking into account the recommenda-*
20 *tions of the Advisory Board, contracting out other elements*
21 *of the concessions management program, as appropriate.*

22 (c) *CONDITION.—Nothing in this section shall dimin-*
23 *ish the governmental responsibilities and authority of the*
24 *Secretary to administer concessions contracts and activities*
25 *pursuant to this title and the Act of August 25, 1916 (com-*

1 *monly known as the National Park Service Organic Act;*
 2 *16 U.S.C. 1 et seq.). The Secretary reserves the right to*
 3 *make the final decision or contract approval on contracting*
 4 *services dealing with the management of the National Park*
 5 *Service concessions program under this section.*

6 **SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.**

7 *If multiple concessions contracts are awarded to au-*
 8 *thorize concessioners to provide the same or similar outfit-*
 9 *ting, guiding, river running, or other similar services at*
 10 *the same approximate location or resource within a specific*
 11 *national park, the Secretary shall establish a comparable*
 12 *franchise fee structure for all such same or similar con-*
 13 *tracts, except that the terms and conditions of any existing*
 14 *concessions contract shall not be subject to modification or*
 15 *open to renegotiation by the Secretary because of a award*
 16 *of a new contract at the same approximate location or re-*
 17 *source.*

18 **SEC. 412. SPECIAL RULE FOR TRANSPORTATION CON-**
 19 **TRACTING SERVICES.**

20 *Notwithstanding any other provision of law, a service*
 21 *contract entered into by the Secretary for the provision sole-*
 22 *ly of transportation services in a unit of the National Park*
 23 *System shall be no more than 10 years in length, including*
 24 *a base period of 5 years and annual extensions for an addi-*

1 tional 5-year period based on satisfactory performance and
 2 approval by the Secretary.

3 **SEC. 413. USE OF NONMONETARY CONSIDERATION IN CON-**
 4 **CESSIONS CONTRACTS.**

5 Section 321 of the Act of June 30, 1932 (40 U.S.C.
 6 303b), relating to the leasing of buildings and properties
 7 of the United States, shall not apply to contracts awarded
 8 by the Secretary pursuant to this title.

9 **SEC. 414. RECORDKEEPING REQUIREMENTS.**

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

19 (b) *ACCESS TO RECORDS.*—The Comptroller General
 20 or any duly authorized representative of the Comptroller
 21 General shall, until the expiration of 5 calendar years after
 22 the close of the business year of each concessioner or sub-
 23 concessioner, have access to and the right to examine any
 24 pertinent books, papers, documents and records of the con-

1 *cessioner or subconcessioner related to the contract or con-*
 2 *tracts involved.*

3 **SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCES-**
 4 **SIONS POLICY ACT.**

5 (a) *REPEAL.*—Public Law 89–249 (commonly known
 6 *as the National Park Service Concessions Policy Act; 16*
 7 *U.S.C. 20 et seq.) is repealed. The repeal of such Act shall*
 8 *not affect the validity of any concessions contract or permit*
 9 *entered into under such Act, but the provisions of this title*
 10 *shall apply to any such contract or permit except to the*
 11 *extent such provisions are inconsistent with the terms and*
 12 *conditions of any such contract or permit. References in*
 13 *this title to concessions contracts awarded under authority*
 14 *of such Act also apply to concessions permits awarded*
 15 *under such authority.*

16 (b) *CONFORMING AMENDMENTS.*—(1) *The fourth sen-*
 17 *tence of section 3 of the Act of August 25, 1916 (commonly*
 18 *known as the National Park Service Organic Act; 16 U.S.C.*
 19 *3), is amended—*

20 (A) *by striking all through “no natural” and in-*
 21 *serting “No natural,”; and*

22 (B) *by striking the last proviso in its entirety.*

23 (2) *Section 12 of Public Law 91–383 (commonly*
 24 *known as the National Park System General Authorities*
 25 *Act; 16 U.S.C. 1a–7) is amended by striking subsection (c).*

1 (3) *The second paragraph under the heading “NA-*
 2 *TIONAL PARK SERVICE” in the Act of July 31, 1953 (67*
 3 *Stat. 261, 271), is repealed.*

4 (c) *ANILCA.—Nothing in this title amends, super-*
 5 *sedes, or otherwise affects any provision of the Alaska Na-*
 6 *tional Interest Lands Conservation Act (16 U.S.C. 3101 et*
 7 *seq.) relating to revenue-producing visitor services.*

8 **SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NA-**
 9 **TIVE, NATIVE SAMOAN, AND NATIVE HAWAI-**
 10 **IAN HANDICRAFTS.**

11 (a) *IN GENERAL.—Promoting the sale of authentic*
 12 *United States Indian, Alaskan Native, Native Samoan, and*
 13 *Native Hawaiian handicrafts relating to the cultural, his-*
 14 *torical, and geographic characteristics of units of the Na-*
 15 *tional Park System is encouraged, and the Secretary shall*
 16 *ensure that there is a continuing effort to enhance the hand-*
 17 *icraft trade where it exists and establish the trade in appro-*
 18 *priate areas where such trade currently does not exist.*

19 (b) *EXEMPTION FROM FRANCHISE FEE.—In further-*
 20 *ance of these purposes, the revenue derived from the sale*
 21 *of United States Indian, Alaska Native, Native Samoan,*
 22 *and Native Hawaiian handicrafts shall be exempt from any*
 23 *franchise fee payments under this title.*

1 **SEC. 417. REGULATIONS.**

2 *As soon as practicable after the effective date of this*
 3 *title, the Secretary shall promulgate regulations appro-*
 4 *priate for its implementation. Among other matters, such*
 5 *regulations shall include appropriate provisions to ensure*
 6 *that concession services and facilities to be provided in a*
 7 *unit of the National Park System are not segmented or oth-*
 8 *erwise split into separate concessions contracts for the pur-*
 9 *poses of seeking to reduce anticipated annual gross receipts*
 10 *of a concessions contract below \$500,000. The Secretary*
 11 *shall also promulgate regulations which further define the*
 12 *term “United States Indian, Alaskan Native, Native Sa-*
 13 *moan, and Native Hawaiian handicrafts” for the purposes*
 14 *of this title.*

15 **SEC. 418. COMMERCIAL USE AUTHORIZATIONS.**

16 *(a) IN GENERAL.—To the extent specified in this sec-*
 17 *tion, the Secretary , upon request, may authorize a private*
 18 *person, corporation, or other entity to provide services to*
 19 *visitors to units of the National Park System through a*
 20 *commercial use authorization. Such authorizations shall*
 21 *not be considered as concessions contracts pursuant to this*
 22 *title nor shall other sections of this title be applicable to*
 23 *such authorizations except where expressly so stated.*

24 *(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—*

25 *(1) REQUIRED DETERMINATIONS.—The author-*
 26 *ity of this section may be used only to authorize pro-*

1 *vision of services that the Secretary determines will*
2 *have minimal impact on resources and values of the*
3 *unit of the National Park System and are consistent*
4 *with the purpose for which the unit was established*
5 *and with all applicable management plans and park*
6 *policies and regulations.*

7 (2) *ELEMENTS OF AUTHORIZATION.—The Sec-*
8 *retary shall—*

9 (A) *require payment of a reasonable fee for*
10 *issuance of an authorization under this section,*
11 *such fees to remain available without further ap-*
12 *propriation to be used, at a minimum, to recover*
13 *associated management and administrative costs;*

14 (B) *require that the provision of services*
15 *under such an authorization be accomplished in*
16 *a manner consistent to the highest practicable*
17 *degree with the preservation and conservation of*
18 *park resources and values;*

19 (C) *take appropriate steps to limit the li-*
20 *ability of the United States arising from the pro-*
21 *vision of services under such an authorization;*
22 *and*

23 (D) *have no authority under this section to*
24 *issue more authorizations than are consistent*
25 *with the preservation and proper management of*

1 *park resources and values, and shall establish*
 2 *such other conditions for issuance of such an au-*
 3 *thorization as the Secretary determines appro-*
 4 *priate for the protection of visitors, provision of*
 5 *adequate and appropriate visitor services, and*
 6 *protection and proper management of the re-*
 7 *sources and values of the park.*

8 (c) *LIMITATIONS.—Any authorization issued under*
 9 *this section shall be limited to—*

10 (1) *commercial operations with annual gross re-*
 11 *ceipts of not more than \$25,000 resulting from serv-*
 12 *ices originating and provided solely within a unit of*
 13 *the National Park System pursuant to such author-*
 14 *ization;*

15 (2) *the incidental use of resources of the unit by*
 16 *commercial operations which provide services origi-*
 17 *nating and terminating outside of the boundaries of*
 18 *the unit; or*

19 (3) *such uses by organized children's camps, out-*
 20 *door clubs and nonprofit institutions (including back*
 21 *country use) and such other uses as the Secretary de-*
 22 *termines appropriate.*

23 *Nonprofit institutions are not required to obtain commer-*
 24 *cial use authorizations unless taxable income is derived by*
 25 *the institution from the authorized use.*

1 (d) *PROHIBITION ON CONSTRUCTION.*—An authoriza-
 2 tion issued under this section shall not provide for the con-
 3 struction of any structure, fixture, or improvement on feder-
 4 ally-owned lands within the boundaries of a unit of the Na-
 5 tional Park System.

6 (e) *DURATION.*—The term of any authorization issued
 7 under this section shall not exceed 2 years. No preferential
 8 right of renewal or similar provisions for renewal shall be
 9 granted by the Secretary.

10 (f) *OTHER CONTRACTS.*—A person, corporation, or
 11 other entity seeking or obtaining an authorization pursuant
 12 to this section shall not be precluded from also submitting
 13 proposals for concessions contracts.

14 **TITLE V—FEES FOR USE OF**
 15 **NATIONAL PARK SYSTEM**

16 **SEC. 501. EXTENSION OF THE RECREATIONAL FEE DEM-**
 17 **ONSTRATION PROGRAM.**

18 (a) *AUTHORITY.*—The authority provided to the Na-
 19 tional Park Service under the Recreational Fee Demonstra-
 20 tion Program authorized by section 315 of the Department
 21 of the Interior and Related Agencies Appropriations Act,
 22 1996 (section 101(c) of Public Law 104–134; 16 U.S.C.
 23 460l–6a note)—

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

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

4 (b) *USE OF FEES.*—Fees collected by the National
5 Park Service under such Recreational Fee Demonstration
6 Program shall be used in the National Park System in the
7 manner provided in section 315(c)(3) of the Department of
8 the Interior and Related Agencies Appropriations Act, 1996
9 (section 101(c) of Public Law 104–134; 16 U.S.C. 460l–
10 6a note).

11 (c) *REPORT.*—Not later than September 30, 2000, the
12 Secretary shall submit to the Committee on Energy and
13 Natural Resources of the Senate and the Committee on Re-
14 sources of the House of Representatives a report detailing
15 the status of such Recreational Fee Demonstration Program
16 conducted in units of the National Park System. The report
17 shall contain—

18 (1) an evaluation of the fee demonstration pro-
19 gram conducted at each unit of the National Park
20 System;

21 (2) with respect to each unit of the National
22 Park System where a fee is charged under the author-
23 ity of such Recreational Fee Demonstration Program,
24 a description of the criteria that were used to deter-

1 *mine whether a recreational fee should or should not*
 2 *be charged at such unit; and*

3 *(3) a description of the manner in which the*
 4 *amount of the fee at each unit of the National Park*
 5 *System was established.*

6 *(d) NOTICE.—At least 12 months notice shall be given*
 7 *to the public prior to the increase or establishment of any*
 8 *fee in units of the National Park System under such Rec-*
 9 *reational Fee Demonstration Program.*

10 **SEC. 502. OTHER FEES.**

11 *Notwithstanding any other provision of law, where the*
 12 *National Park Service or an entity under a service contract*
 13 *with the National Park Service provides transportation to*
 14 *all or a portion of any unit of the National Park System,*
 15 *the Secretary may impose a reasonable and appropriate*
 16 *charge to the public for the use of such transportation serv-*
 17 *ices in addition to any admission fee required to be paid.*
 18 *Collection of both the transportation and admission fees*
 19 *may occur at the transportation staging area or any other*
 20 *reasonably convenient location determined by the Secretary.*
 21 *The Secretary may enter into agreements with public or*
 22 *private entities, who qualify to the Secretary's satisfaction,*
 23 *to collect the transportation and admission fee. Such trans-*
 24 *portation fees collected as per this section shall be retained*
 25 *by the unit of the National Park System at which the trans-*

1 *portation fee was collected and the amount retained shall*
 2 *be expended only for costs associated with the transpor-*
 3 *tation systems at the unit where the charge was imposed.*

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

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

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

19 **SEC. 601. PURPOSES.**

20 *The purposes of this title are—*

- 21 *(1) to develop a national park passport that in-*
 22 *cludes a collectible stamp to be used for admission to*
 23 *units of the National Park System; and*
 24 *(2) to generate revenue for support of the Na-*
 25 *tional Park System.*

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

2 (a) *PROGRAM.*—*The Secretary shall establish a na-*
3 *tional park passport program. A national park passport*
4 *shall include a collectible stamp providing the holder admis-*
5 *sion to all units of the National Park System.*

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

9 (c) *TRANSFERABILITY.*—*A national park passport and*
10 *stamp shall not be transferable.*

11 **SEC. 603. ADMINISTRATION.**

12 (a) *STAMP DESIGN COMPETITION.*—(1) *The Secretary*
13 *shall hold an annual competition for the design of the col-*
14 *lectible stamp to be affixed to the national park passport.*

15 (2) *Each competition shall be open to the public and*
16 *shall be a means to educate the American people about the*
17 *National Park System.*

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

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

1 (3) *The Secretary may limit the number of private*
 2 *vendors of national park passports (including stamps).*

3 (c) *USE OF PROCEEDS.*—

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

9 (2) *Amounts collected from the sale of national*
 10 *park passports shall be deposited in a special account*
 11 *in the Treasury of the United States and shall remain*
 12 *available until expended, without further appropri-*
 13 *ation, for high priority visitor service or resource man-*
 14 *agement projects throughout the National Park Sys-*
 15 *tem.*

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

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

24 **SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.**

25 *The Secretary of Interior shall—*

1 (1) *make Golden Eagle Passports issued under*
 2 *section 4(a)(1)(A) of the Land and Water Conserva-*
 3 *tion Fund Act of 1965 (16 U.S.C. 460l–6a(a)(1)(A))*
 4 *or the Recreational Fee Demonstration Program au-*
 5 *thorized by section 315 of the Department of the Inte-*
 6 *rior and Related Agencies Appropriations Act, 1996*
 7 *(section 101(c) of Public Law 104–134; 16 U.S.C.*
 8 *460l–6a note), available to foreign visitors to the*
 9 *United States; and*

10 (2) *make such Golden Eagle Passports available*
 11 *for purchase outside the United States, through com-*
 12 *mercial tourism channels and consulates or other of-*
 13 *fices of the United States.*

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

15 (a) *PARK PASSPORT NOT REQUIRED.*—A national
 16 *park passport shall not be required for—*

17 (1) *a single visit to a national park that charges*
 18 *a single visit admission fee under section 4(a)(2) of*
 19 *the Land and Water Conservation Fund Act of 1965*
 20 *(16 U.S.C. 460l–6a(a)(2)) or the Recreational Fee*
 21 *Demonstration Program authorized by section 315 of*
 22 *the Department of the Interior and Related Agencies*
 23 *Appropriations Act, 1996 (section 101(c) of Public*
 24 *Law 104–134; 16 U.S.C. 460l–6a note); or*

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

5 (b) *GOLDEN EAGLE PASSPORTS.—A Golden Eagle*
 6 *Passport issued under section 4(a)(1)(A) of the Land and*
 7 *Water Conservation Fund Act of 1965 (16 U.S.C. 460l–*
 8 *6a(a)(1)(A)) or such Recreational Fee Demonstration Pro-*
 9 *gram (16 U.S.C. 460l–6a note) shall be honored for admis-*
 10 *sion to each unit of the National Park System.*

11 (c) *ACCESS.—A national park passport shall provide*
 12 *access to each unit of the National Park System under the*
 13 *same conditions, rules, and regulations as apply to access*
 14 *with a Golden Eagle Passport as of the date of enactment*
 15 *of this title.*

16 (d) *LIMITATIONS.—A national park passport may not*
 17 *be used to obtain access to other Federal recreation fee areas*
 18 *outside of the National Park System.*

19 (e) *EXEMPTIONS AND FEES.—A national park pass-*
 20 *port does not exempt the holder from or provide the holder*
 21 *any discount on any recreation use fee imposed under sec-*
 22 *tion 4(b) of the Land and Water Conservation Fund Act*
 23 *of 1965 (16 U.S.C. 460l–6a(b)) or such Recreational Fee*
 24 *Demonstration Program (16 U.S.C. 460l–6a note).*

1 ***TITLE VII—NATIONAL PARK***
 2 ***FOUNDATION SUPPORT***

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

4 *Public Law 90–209 (commonly known as the National*
 5 *Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by*
 6 *adding at the end the following new section:*

7 ***“SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.***

8 ***“(a) ESTABLISHMENT.—****The Foundation shall design*
 9 *and implement a comprehensive program to assist and pro-*
 10 *mote philanthropic programs of support at the individual*
 11 *national park unit level.*

12 ***“(b) IMPLEMENTATION.—****The program under sub-*
 13 *section (a) shall be implemented to—*

14 ***“(1) assist in the creation of local nonprofit sup-***
 15 *port organizations; and*

16 ***“(2) provide support, national consistency, and***
 17 *management-improving suggestions for local non-*
 18 *profit support organizations.*

19 ***“(c) PROGRAM.—****The program under subsection (a)*
 20 *shall include the greatest number of national park units as*
 21 *is practicable.*

22 ***“(d) REQUIREMENTS.—****The program under subsection*
 23 *(a) shall include, at a minimum—*

24 ***“(1) a standard adaptable organizational design***
 25 *format to establish and sustain responsible manage-*

1 *ment of a local nonprofit support organization for*
 2 *support of a national park unit;*

3 *“(2) standard and legally tenable bylaws and*
 4 *recommended money-handling procedures that can*
 5 *easily be adapted as applied to individual national*
 6 *park units; and*

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

10 *“(e) ANNUAL REPORT.—The Foundation shall report*
 11 *the progress of the program under subsection (a) in the an-*
 12 *nual report of the Foundation.*

13 *“(f) AFFILIATIONS.—*

14 *“(1) CHARTER OR CORPORATE BYLAWS.—Noth-*
 15 *ing in this section requires—*

16 *“(A) a nonprofit support organization or*
 17 *friends group to modify current practices or to*
 18 *affiliate with the Foundation; or*

19 *“(B) a local nonprofit support organization,*
 20 *established as a result of this section, to be bound*
 21 *through its charter or corporate bylaws to be per-*
 22 *manently affiliated with the Foundation.*

23 *“(2) ESTABLISHMENT.—An affiliation with the*
 24 *Foundation shall be established only at the discretion*
 25 *of the governing board of a nonprofit organization.”.*

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. UNITED STATES PARK POLICE.

(a) *APPOINTMENT OF TASK FORCE.*—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

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

(1) *the findings and recommendations of the task force;*

(2) *complete justifications for any recommendations made; and*

(3) *a complete description of any adverse impacts that would occur if any need identified in the report is not met.*

1 **SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREE-**
 2 **MENTS.**

3 (a) *IN GENERAL.*—Section 3 of Public Law 91–383
 4 (commonly known as the National Park System General
 5 Authorities Act; 16 U.S.C. 1a–2) is amended by adding at
 6 the end the following:

7 “(k) *LEASES.*—

8 “(1) *IN GENERAL.*—Except as provided in para-
 9 graph (2) and subject to paragraph (3), the Secretary
 10 may enter into a lease with any person or govern-
 11 mental entity for the use of buildings and associated
 12 property administered by the Secretary as part of the
 13 National Park System.

14 “(2) *PROHIBITED ACTIVITIES.*—The Secretary
 15 may not use a lease under paragraph (1) to authorize
 16 the lessee to engage in activities that are subject to
 17 authorization by the Secretary through a concessions
 18 contract, commercial use authorization, or similar in-
 19 strument.

20 “(3) *USE.*—Buildings and associated property
 21 leased under paragraph (1)—

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

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

1 “(C) shall be compatible with National
2 Park Service programs.

3 “(4) RENTAL AMOUNTS.—

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

6 “(i) payment of fair market value
7 rental shall be required; and

8 “(ii) section 321 of the Act of June 30,
9 1932 (47 Stat. 412, chapter 314; 40 U.S.C.
10 303b) shall not apply.

11 “(B) ADJUSTMENT.—The Secretary may
12 adjust the rental amount as appropriate to take
13 into account any amounts to be expended by the
14 lessee for preservation, maintenance, restoration,
15 improvement, or repair and related expenses.

16 “(C) REGULATION.—The Secretary shall
17 promulgate regulations implementing this sub-
18 section that includes provisions to encourage and
19 facilitate competition in the leasing process and
20 provide for timely and adequate public comment.

21 “(5) SPECIAL ACCOUNT.—

22 “(A) DEPOSITS.—Rental payments under a
23 lease under paragraph (1) shall be deposited in
24 a special account in the Treasury of the United
25 States.

1 “(B) *AVAILABILITY.*—Amounts in the spe-
 2 cial account shall be available until expended,
 3 without further appropriation, for infrastructure
 4 needs at units of the National Park System, in-
 5 cluding—

6 “(i) facility refurbishment;

7 “(ii) repair and replacement;

8 “(iii) infrastructure projects associated
 9 with park resource protection; and

10 “(iv) direct maintenance of the leased
 11 buildings and associated properties.

12 “(C) *ACCOUNTABILITY AND RESULTS.*—The
 13 Secretary shall develop procedures for the use of
 14 the special account that ensure accountability
 15 and demonstrated results consistent with this
 16 Act.

17 “(l) *COOPERATIVE MANAGEMENT AGREEMENTS.*—

18 “(1) *IN GENERAL.*—Where a unit of the National
 19 Park System is located adjacent to or near a State
 20 or local park area, and cooperative management be-
 21 tween the National Park Service and a State or local
 22 government agency of a portion of either park will
 23 allow for more effective and efficient management of
 24 the parks, the Secretary may enter into an agreement
 25 with a State or local government agency to provide

1 *for the cooperative management of the Federal and*
 2 *State or local park areas. The Secretary may not*
 3 *transfer administration responsibilities for any unit*
 4 *of the National Park System under this paragraph.*

5 “(2) *PROVISION OF GOODS AND SERVICES.*—
 6 *Under a cooperative management agreement, the Sec-*
 7 *retary may acquire from and provide to a State or*
 8 *local government agency goods and services to be used*
 9 *by the Secretary and the State or local governmental*
 10 *agency in the cooperative management of land.*

11 “(3) *ASSIGNMENT.*—*An assignment arranged by*
 12 *the Secretary under section 3372 of title 5, United*
 13 *States Code, of a Federal, State, or local employee for*
 14 *work in any Federal, State, or local land or an exten-*
 15 *sion of such an assignment may be for any period of*
 16 *time determined by the Secretary and the State or*
 17 *local agency to be mutually beneficial.”.*

18 “(b) *HISTORIC LEASE PROCESS SIMPLIFICATION.*—*The*
 19 *Secretary is directed to simplify, to the maximum extent*
 20 *possible, the leasing process for historic properties with the*
 21 *goal of leasing available structures in a timely manner.*

Passed the Senate June 11, 1998.

Attest:

GARY SISCO,
Secretary.