

Calendar No. 397

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1693**

[Report No. 105-202]

**A BILL**

To renew, reform, reinvigorate, and protect the  
National Park System.

JUNE 5, 1998

Reported with an amendment and an amendment to the  
title

## Calendar No. 397

105TH CONGRESS  
2D SESSION**S. 1693****[Report No. 105–202]**

To renew, reform, reinvigorate, and protect the National Park System.

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 1998

Mr. THOMAS (for himself, Mr. ABRAHAM, Mr. ENZI, Mr. GRAMS, Mr. MURKOWSKI, and Mr. BENNETT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 5, 1998

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

**A BILL**

To renew, reform, reinvigorate, and protect the National  
Park System.

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       This Act may be cited as the “Vision 2020 National  
5       Parks Restoration Act”.

- Sec. 1: Short title; table of contents.
- Sec. 2: Definitions.

#### TITLE I—MANAGEMENT REFORM

- Sec. 101: Definitions.
- Sec. 102: Protection and interpretation of resources.
- Sec. 103: Management and career training.
- Sec. 104: Strategic management objectives.
- Sec. 105: Annual budgets for National Park System.

#### TITLE II—PROCEDURES FOR ESTABLISHMENT OF NEW NATIONAL PARKS

- Sec. 201: Studies of areas for potential inclusion in the National Park System.

#### TITLE III—RECREATIONAL FEE DEMONSTRATION PROGRAM

- Sec. 301: Extension of the recreational fee demonstration program.

#### TITLE IV—CONCESSION REFORM

- Sec. 401: Purpose.
- Sec. 402: Definitions.
- Sec. 403: National Park Service Concession Board.
- Sec. 404: Concession Manager.
- Sec. 405: Concession contracts.
- Sec. 406: Revenue flow; fees to the Government.
- Sec. 407: Suspension or termination of concession contract.
- Sec. 408: Reporting.
- Sec. 409: Promotion of the sales of Indian and Alaska Native handicrafts.
- Sec. 410: Use of nonmonetary consideration in leases of Government property.
- Sec. 411: Applicability of NEPA to renewals and extensions of similar contracts.
- Sec. 412: Miscellaneous.

#### TITLE V—NATIONAL PARK PASSPORT PROGRAM

- Sec. 501: Purposes.
- Sec. 502: Definitions.
- Sec. 503: National park passport program.
- Sec. 504: Administration.
- Sec. 505: International park passport program.
- Sec. 506: Authorization of appropriations.
- Sec. 507: Effect on other laws and programs.

#### TITLE VI—NATIONAL PARKS RESOURCE INVENTORY AND MANAGEMENT

- Sec. 601: Purposes.
- Sec. 602: Definitions.
- Sec. 603: Unit resource study program.
- Sec. 604: Cooperative agreements and contracts.
- Sec. 605: Inventory and monitoring program.
- Sec. 606: Availability of national parks for scientific study.
- Sec. 607: Integration of study results into management decisions.
- Sec. 608: Confidentiality of information concerning the nature and location of sensitive resources.

Sec. 609. Authorization of appropriations.

TITLE VII—DESIGNATION OF TAX REFUNDS AND  
CONTRIBUTIONS FOR THE BENEFIT OF THE NATIONAL PARKS

Sec. 701. Tax refunds and contributions.

Sec. 702. National Parks Trust Fund.

Sec. 703. Expenditures from the National Parks Trust Fund.

TITLE VIII—NATIONAL PARK FOUNDATION

Sec. 801. Promotion of local fundraising support.

TITLE IX—COMMERCIAL FILMING IN NATIONAL PARKS

Sec. 901. Definitions.

Sec. 902. Commercial filming in national parks.

TITLE X—CAPITAL IMPROVEMENT PROJECT BOND  
DEMONSTRATION PROGRAM

Sec. 1001. Findings.

Sec. 1002. Capital improvement projects.

Sec. 1003. Issuance of obligations.

Sec. 1004. Financing.

Sec. 1005. Report.

TITLE XI—MISCELLANEOUS

Sec. 1101. United States Park Police.

Sec. 1102. Leases and cooperative management agreements.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) NATIONAL PARK.—The term “national  
4 park” means a unit of the National Park System.

5 (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior, acting through the Di-  
7 rector of the National Park Service.

**8 TITLE I—MANAGEMENT REFORM**

**9 SEC. 101. DEFINITIONS.**

10 In this title, the term “Ranger Career Directive”  
11 means National Park Special Directive 94–3, entitled  
12 “Ranger Careers”.

1 **SEC. 102. PROTECTION AND INTERPRETATION OF RE-**  
2 **SOURCES.**

3 Recognizing the ever increasing societal pressures  
4 being placed upon America's unique park resources by  
5 population growth, urbanization, and the general loss of  
6 natural habitats, the Secretary shall continually improve  
7 the ability of the National Park System to provide state-  
8 of-the-art protection and interpretation to the resources  
9 of the National Park System.

10 **SEC. 103. MANAGEMENT AND CAREER TRAINING.**

11 (a) **RESPONSIBILITIES.**—The park rangers shall be  
12 responsible for protecting, interpreting, managing, and  
13 educating the public about the natural and cultural re-  
14 sources contained within the national parks as well as  
15 serving and protecting park visitors.

16 (b) **RANGER CAREER PROGRAM.**—

17 (1) **IN GENERAL.**—The Secretary shall  
18 strengthen and enhance the park ranger occupation  
19 through the ranger careers program designed to en-  
20 able park rangers to meet competently the various  
21 new and increasingly difficult challenges that will  
22 confront the national parks in the future.

23 (2) **STAFFING.**—The Associate Director for  
24 Park Operations and Education, with administrative  
25 support from other units of the National Park Serv-  
26 ice, shall recruit, hire, train, develop, and oversee the

1 operations of park rangers in a consistent and pro-  
2 fessional manner.

3 ~~(3) CAREER TRAINING.—~~The Secretary shall  
4 establish a park ranger careers program (including  
5 a training and competency development program) to  
6 provide a managed career progression from the entry  
7 level through the senior executive level of the park  
8 ranger occupation.

9 ~~(4) MANAGEMENT POSITIONS.—~~

10 ~~(A) IN GENERAL.—~~The Secretary shall  
11 place management positions, including those of  
12 park superintendent and higher management  
13 levels within the National Park Service, within  
14 the park ranger series.

15 ~~(B) OTHER OCCUPATIONS.—~~The Secretary  
16 shall ensure that appropriate measures are  
17 taken, which shall include the provision of  
18 qualifying academic course work, so that high  
19 potential managerial candidates serving in other  
20 occupations within the National Park Service  
21 have an opportunity to achieve the fundamental  
22 qualifications established for park manager po-  
23 sitions.

24 ~~(5) SPECIALIZED POSITIONS.—~~The Secretary  
25 shall ensure that candidates for higher level and spe-

1        cialized park operations positions in the National  
2        Park Service, such as education specialists, interpre-  
3        tation specialists, criminal investigators, and other  
4        single-focus positions for which a background in gen-  
5        eral park operations is desirable, are drawn pri-  
6        marily from among park rangers.

7            (6) DESIGN PHASE.—

8            (A) IN GENERAL.—Not later than 1 year  
9        after the date of enactment of this Act, the Sec-  
10       retary shall complete the design phase of the  
11       Ranger Careers program, implementing all as-  
12       pects of the program contained in the Ranger  
13       Careers Directive.

14           (B) EDUCATIONAL REQUIREMENTS.—

15           (i) DEVELOPMENT.—The Secretary,  
16       in accordance with the Ranger Careers Di-  
17       rective and in conjunction with the Direc-  
18       tor of the Office of Personnel Manage-  
19       ment, shall develop new qualification and  
20       classification standards for park rangers  
21       within the National Park Service.

22           (ii) STANDARDS.—Park ranger quali-  
23       fication and classification standards shall  
24       ensure that a park ranger will be consid-

ered a professional occupation having an entry level course of study.

(iii) ~~COURSE REQUIREMENTS.~~—The qualifying academic background and baccalaureate level degrees for park rangers, regardless of degree title, shall contain significant coursework of at least 24 semester hours in the natural or cultural sciences or history, received from an accredited institution of higher education.

(7) ~~PARK RANGER WORKFORCE.~~—

(A) ~~IN GENERAL.~~—Through the Ranger Careers program, the Secretary shall ensure that—

(i) the park rangers continue their traditional focus on protecting, managing, interpreting, and educating the public about park resources and managing the use of national parks by the public;

(ii) the park rangers will be managed and organized according to its 2 traditional functions of resource and visitor protection and resource education and interpretation;



1           (iii) both functions of park rangers  
2 will share responsibility for managing the  
3 public use of national parks;

4           (iv) law enforcement commissioned  
5 park rangers will focus primarily on re-  
6 sources law enforcement and criminal in-  
7 vestigations, while also performing public  
8 service, resource interpretation, resource  
9 education, resource management, and  
10 other general duties necessary to protect  
11 resources and visitors in parks; and

12          (v)(I) medical and physical fitness  
13 qualification standards for designated law  
14 enforcement and firefighter park ranger  
15 positions reflect the medical and physical  
16 fitness standards necessary for rigorous  
17 law enforcement and firefighting work; and

18          (II) medical and physical fitness  
19 standards are developed and implemented  
20 for other physically rigorous park ranger  
21 duties in national parks, such as scuba div-  
22 ing, high altitude and high-angle search  
23 and rescue, emergency medicine, wilder-  
24 ness and winter operations, eaving, and  
25 other duties.

1           ~~(B) PRECEDENCE OF FITNESS STAND-~~  
2           ~~ARDS.—~~The medical and physical fitness stand-  
3           ~~ards applicable under subparagraph (A)(v) shall~~  
4           ~~be considered to be appropriate job performance~~  
5           ~~tests for purposes of the Age Discrimination in~~  
6           ~~Employment Amendments of 1996 (110 Stat.~~  
7           ~~3009–23), the Age Discrimination in Employ-~~  
8           ~~ment Act of 1967 (29 U.S.C. 621 et seq.), and~~  
9           ~~other Federal law relating to discrimination on~~  
10          ~~the basis of age.~~

11          ~~(8) OPERATIONAL PHASE.—~~

12           ~~(A) IN GENERAL.—~~On completion of the  
13          ~~design phase of the park ranger Careers pro-~~  
14          ~~gram, the Secretary shall implement the oper-~~  
15          ~~ational phase of the program.~~

16           ~~(B) COMPONENTS.—~~The Secretary shall  
17          ~~implement—~~

18                   ~~(i) the Service-wide park ranger occu-~~  
19                   ~~pation replenishment and diversity plan;~~

20                   ~~(ii) the 2-year candidate park ranger~~  
21                   ~~training and development program, which~~  
22                   ~~program shall include philosophical and or-~~  
23                   ~~ganizational orientation training for all~~  
24                   ~~new park rangers;~~

- 1 (iii) the revised park ranger qualifica-  
2 tion and classification system;  
3 (iv) the park ranger competency cer-  
4 tification system; and  
5 (v) any other measures necessary to  
6 ensure that a fully competent park ranger  
7 force is attained and maintained.

8 (9) ~~CENTRALIZED MANAGEMENT.~~—The Sec-  
9 retary shall centrally manage the park ranger work-  
10 force, with sufficient human and financial resources  
11 made available by the Secretary to operate a modern  
12 career management system for park rangers.

13 (10) ~~BIENNIAL REPORT.~~—The Secretary shall  
14 report biennially to Congress on the current and  
15 projected future ability of park rangers to achieve  
16 the assigned role of park rangers in achieving the  
17 mission of the National Park Service to conserve  
18 park resources unimpaired for future generations  
19 while providing for the enjoyment by the public of  
20 those resources.

21 (c) ~~FUNDING.~~—From amounts made available to the  
22 Secretary from the fee demonstration program under title  
23 III, the Secretary shall use a portion of not to exceed  
24 \$10,000,000 per year, for the implementation and oper-  
25 ation of the park ranger Career program.

1       (d) **REPORTS.**—The Secretary shall report regularly  
2 to Congress on the state of the park ranger occupation.

3 **SEC. 104. STRATEGIC MANAGEMENT OBJECTIVES.**

4       (a) **IN GENERAL.**—During 2000 and biennially there-  
5 after, the Secretary shall implement a strategic manage-  
6 ment plan for the National Park Service.

7       (b) **FOCUS.**—The strategic management plan shall  
8 focus on functions performed at the national head-  
9 quarters, regional offices, support offices, service centers,  
10 and national parks.

11       (c) **OBJECTIVES.**—The strategic management plan  
12 shall have measurable management objectives designed  
13 to—

14               (1) implement procedures to ensure that na-  
15 tional parks and offices operate with measurable  
16 goals and objectives that ensure strict budget ac-  
17 countability;

18               (2) determine at which levels the various func-  
19 tions can best be performed;

20               (3) evaluate whether specific activities could be  
21 consolidated or eliminated; and

22               (4) evaluate the possibility of increasing the use  
23 of the private sector in individual National Park  
24 Service functions.

1       (d) ~~REPORT.—Not later than September 30, 2000,~~  
 2     the Secretary shall submit to the Committee on Energy  
 3     and Natural Resources of the Senate and the Committee  
 4     on Resources of the House of Representatives a report de-  
 5     tailing the actions that will be implemented as a result  
 6     of the strategic management plan.

7     **SEC. 105. ANNUAL BUDGETS FOR NATIONAL PARK SYSTEM.**

8       (a) ~~IN GENERAL.—As early as practicable before~~  
 9     each fiscal year, the superintendent or manager of each  
 10    national park, central office, and support office of the Na-  
 11    tional Park System shall develop and make available to  
 12    the public a comprehensive annual budget for the national  
 13    park, central office, and support office, respectively.

14    (b) ~~CONTENTS.—A budget for a national park under~~  
 15    subsection (a) shall—

16           (1) describe in detail the annual operating  
 17       budget for the national park; and

18           (2) reflect the relationships among costs, service  
 19       levels, and performance standards in the national  
 20       park.

1 **TITLE II—PROCEDURES FOR ES-**  
 2 **TABLISHMENT OF NEW NA-**  
 3 **TIONAL PARKS**

4 **SEC. 201. STUDIES OF AREAS FOR POTENTIAL INCLUSION**  
 5 **IN THE NATIONAL PARK SYSTEM.**

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

8 (1) in subsection (a)—

9 (A) by inserting “GENERAL AUTHOR-  
 10 ITY.—” after “(a)”;

11 (B) by striking the second through sixth  
 12 sentences;

13 (C) by striking “For the purposes of carry-  
 14 ing out” and inserting the following:

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

17 (2) by inserting after subsection (a) the follow-  
 18 ing:

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

21 “(1) IN GENERAL.—At the beginning of each  
 22 calendar year, the Secretary shall submit to the  
 23 Committee on Energy and Natural Resources of the  
 24 Senate and the Committee on Resources of the  
 25 House of Representatives a list of areas rec-

ommended for study for potential inclusion as new units in the National Park System.

~~“(2) FACTORS USED IN DEVELOPING LIST.—In developing the list submitted under this subsection, the Secretary shall consider—~~

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

~~“(B) themes, sites, and resources not adequately represented in the National Park System; and~~

~~“(C) congressional requests.~~

~~“(3) SPECIFIC AUTHORIZATION.—No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of the Vision 2020 National Parks Restoration Act, except as provided by specific authorization of an Act of Congress.~~

~~“(4) PLANNING ACTIVITIES.—Nothing in this subsection limits the authority of the Secretary to expend not more than \$25,000 on any 1 of the following:~~

~~“(A) The conduct of a preliminary resource assessment.~~

1           “(B) Collection of data on a potential  
2 study area.

3           “(C) Provision of technical and planning  
4 assistance.

5           “(D) Preparation or processing of a nomi-  
6 nation for an administrative designation.

7           “(E) Updating of a previous study.

8           “(F) Completion of a reconnaissance sur-  
9 vey of an area.

10          “(5) NATIONAL WILD AND SCENIC RIVERS SYS-  
11 TEM; NATIONAL TRAILS SYSTEM.—Nothing in this  
12 section applies to, affects, or alters the study of—

13           “(A) any river segment for potential addi-  
14 tion to the National Wild and Scenic Rivers  
15 System; or

16           “(B) any trail for potential addition to the  
17 National Trails System.

18          “(6) PUBLIC INVOLVEMENT.—In conducting a  
19 study under this subsection, the Secretary shall—

20           “(A) provide an opportunity for public in-  
21 volvement, including at least 1 public meeting  
22 in the vicinity of the area under study; and

23           “(B) make reasonable efforts to notify po-  
24 tentially affected landowners and State and  
25 local governments.



1           “(7) FACTORS USED IN CONDUCTING STUDY.—

2           In conducting a study of an area under this sub-  
3           section, the Secretary—

4           “(A) shall consider whether the area—

5                   “(i) possesses nationally significant  
6                   natural, historic or cultural resources, or  
7                   outstanding recreational opportunities;

8                   “(ii) represents 1 of the most impor-  
9                   tant examples of a particular resource type  
10                  in the United States; and

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

13           “(B) shall consider—

14                   “(i) the rarity and integrity of the re-  
15                   sources of the area;

16                   “(ii) the threats to resources;

17                   “(iii) whether similar resources are al-  
18                   ready protected in the National Park Sys-  
19                   tem or in other public or private owner-  
20                   ship;

21                   “(iv) the public use potential of the  
22                   area;

23                   “(v) the interpretive and educational  
24                   potential of the area;

1 “(vi) costs associated with acquisition;  
2 development, and operation of the area and  
3 the source or revenue to pay for the cost;

4 “(vii) the socioeconomic impacts of in-  
5 clusion of the area in the National Park  
6 System;

7 “(viii) the level of local and general  
8 public support for the inclusion;

9 “(ix) whether the area is of appro-  
10 priate configuration to ensure long-term  
11 resource protection and visitor use; and

12 “(x) the potential impact on the inclu-  
13 sion of the area on existing units of the  
14 National Park System;

15 “(C) shall consider whether direct manage-  
16 ment by the Secretary or alternative protection  
17 by other public agencies or the private sector is  
18 appropriate for the area;

19 “(D) shall identify what alternative or  
20 combination of alternatives would, as deter-  
21 mined by the Secretary, be most effective and  
22 efficient in protecting significant resources and  
23 providing for public enjoyment; and

24 “(E) may include any other information  
25 that the Secretary considers pertinent.

1           “(8) PREFERRED MANAGEMENT OPTION.—The  
 2       letter transmitting a completed study to Congress  
 3       shall contain a recommendation regarding the pre-  
 4       ferred management option of the Secretary for the  
 5       area, and the numerical priority ranking for the area  
 6       in the current list established under subsection (d).

7           “(9) DEADLINE FOR STUDIES.—Not later than  
 8       3 complete fiscal years after the date of enactment  
 9       of an Act of Congress providing specifically for the  
 10      study of an area for potential inclusion in the Na-  
 11      tional Park System, the Secretary shall complete the  
 12      study of the area for potential inclusion in the Sys-  
 13      tem.

14          “(e) OFFICE.—The Secretary shall establish a single  
 15      office to carry out this section.

16          “(d) LIST OF PREVIOUSLY STUDIED AREAS WITH  
 17      HISTORICAL OR NATURAL RESOURCES.—

18           “(1) IN GENERAL.—At the beginning of each  
 19      calendar year, the Secretary shall submit to the  
 20      Committee on Energy and Natural Resources of the  
 21      Senate and to the Committee on Resources of the  
 22      House of Representatives—

23           “(A) a list of areas that have been pre-  
 24      viously studied under this section that contain  
 25      primarily historical or cultural resources, but

1 have not been added to the National Park Sys-  
 2 tem; and

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

7 “(2) PRIORITY.—Each list under paragraph (1)  
 8 shall list areas in numerical order of priority for ad-  
 9 dition to the National Park System.

10 “(3) FACTORS.—In developing a list under  
 11 paragraph (1), the Secretary shall consider the fac-  
 12 tors described in subsection (b)(2).

13 “(3) SUPPORTING DATA.—The Secretary shall  
 14 include on a list under paragraph (1) only areas for  
 15 which supporting data are current and accurate.”.

## 16 **TITLE III—RECREATIONAL FEE** 17 **DEMONSTRATION PROGRAM**

### 18 **SEC. 301. EXTENSION OF THE RECREATIONAL FEE DEM-** 19 **ONSTRATION PROGRAM.**

20 (a) AUTHORITY.—The authority provided to the Na-  
 21 tional Park Service under the recreational fee demonstra-  
 22 tion program authorized by section 315 of Public Law  
 23 104–134 (16 U.S.C. 4601–6a note)—

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

(2) shall be available for all units of the National Park System, except that no recreational admission fee may be charged at Great Smoky Mountains National Park and Lincoln Home National Historic Site.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2000, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report detailing the status of the recreational fee demonstration program conducted in national parks under section 315 of Public Law 104–134 (16 U.S.C. 4601–6a note).

(2) CONTENTS.—The report under paragraph (1) shall contain—

(A) an evaluation of the fee demonstration program conducted at each national park;

(B) with respect to each national park, a description of the criteria that were used to determine whether a recreational fee should or should not be charged at the national park; and

(C) a description of the manner in which the amount of the fee at each national park was established.

# 1 **TITLE IV—CONCESSION REFORM**

## 2 **SEC. 401. PURPOSE.**

3       (a) **IN GENERAL.**—The purpose of this title is to pro-  
4 vide for the continuing involvement of the private sector  
5 in the delivery of high-quality goods and services in the  
6 national parks.

7       (b) **DETERMINATION.**—To accomplish the purpose of  
8 this title, Congress has determined that it is in the best  
9 interest of visitors to national parks that—

10           (1) the contribution of the private sector to the  
11 administration of and investment in the national  
12 parks, particularly in the area of visitor services, be  
13 an important element of a coordinated program to  
14 reinvigorate the national parks for the future;

15           (2) the Secretary continue to solicit persons to  
16 enter into contracts with the United States to pro-  
17 vide the goods and services at each national park  
18 that are necessary or desirable to provide for public  
19 visitation and enjoyment of the national park, in a  
20 manner that will ensure the conservation and preser-  
21 vation of the natural, cultural, and biological re-  
22 sources for which the national park was established;

23           (3) substantial economies and improved service  
24 to park visitors be achieved by directing the Sec-  
25 retary to contract with an independent third-party

1       asset manager, with substantial experience in the  
2       hospitality, food service, and retail sectors and with  
3       recognized business and financial expertise, to un-  
4       dertake many of the functions now conducted by  
5       government employees concerning contract prepara-  
6       tion and solicitation, contractor selection, program  
7       development, and performance evaluation;

8               (4) the administration of contracts be simplified  
9       while ensuring compliance with the terms, condi-  
10      tions, and provisions of each contract;

11             (5) contractors be given adequate incentives to  
12      invest in improvements that support their oper-  
13      ations, by affording contractors a reasonable oppor-  
14      tunity to profit from each contract and achieve a  
15      reasonable return on any investments made;

16             (6) the bidding procedures for contracts be re-  
17      vised and clarified to increase the competition for  
18      each contract, in particular in circumstances in  
19      which the Secretary believes that goods and services  
20      provided under a contract should be significantly en-  
21      hanced;

22             (7) to the extent consistent with paragraphs (1)  
23      through (6), each contract provide for payment of  
24      fees or other monetary or nonmonetary consideration  
25      to the United States for the benefit of the national

1 park relating to the contract, and, in certain cases,  
 2 for the benefit of national parks generally, in order  
 3 to further enhance the visitor services provided by  
 4 the National Park Service in each national park; and  
 5 (8) certain transitional rules may be necessary  
 6 to prevent dislocation and to ensure that the United  
 7 States honors commitments under contracts entered  
 8 into before the date of enactment of this Act.

9 **SEC. 402. DEFINITIONS.**

10 In this title:

11 (1) CAPITAL IMPROVEMENT.—The term “cap-  
 12 ital improvement” means a capital investment made  
 13 by a concessionaire in a structure, fixture, or non-  
 14 removable equipment located in a national park that  
 15 would be capitalized under generally accepted ac-  
 16 counting principles.

17 (2) CONCESSIONAIRE.—The term “conces-  
 18 sionaire” means a person providing a concession  
 19 service under a concession contract with the Sec-  
 20 retary.

21 (3) CONCESSION BOARD.—The term “Conces-  
 22 sion Board” means the Concession Board appointed  
 23 under section 403.

24 (4) CONCESSION MANAGER.—The term “Con-  
 25 cession Manager” means the Concession Manager of



1 the National Park Service appointed under section  
2 404.

3 ~~(5) CONSUMER PRICE INDEX.—The term “Con-~~  
4 ~~sumer Price Index” means—~~

5 ~~(A) the Consumer Price Index—All Urban~~  
6 ~~Consumers published by the Bureau of Labor~~  
7 ~~Statistics of the Department of Labor; or~~

8 ~~(B) if the index specified in subparagraph~~  
9 ~~(A) is not published, the Consumer Price Index~~  
10 ~~or other regularly published cost-of-living index~~  
11 ~~chosen by the Secretary that approximates the~~  
12 ~~index specified in subparagraph (A).~~

13 ~~(6) MAINTENANCE ACCOUNT.—The term~~  
14 ~~“maintenance account” means a segregated account~~  
15 ~~established by a concessionaire, as required by a~~  
16 ~~concession contract, for the maintenance of a struc-~~  
17 ~~ture or other equipment assigned to the conces-~~  
18 ~~sionaire under the concession contract that directly~~  
19 ~~supports the services provided by the concessionaire.~~

20 **SEC. 403. NATIONAL PARK SERVICE CONCESSION BOARD.**

21 ~~(a) ESTABLISHMENT.—There is established within~~  
22 ~~the National Park Service a Concession Board.~~

23 ~~(b) MEMBERSHIP.—The Concession Board shall be~~  
24 ~~composed of—~~

1           (1) 6 individuals appointed by the Secretary, of  
2       whom—

3           (A) 3 shall be past or present employees of  
4       the National Park Service with substantial ex-  
5       perience in concession management; and

6           (B) 3 shall be individuals (other than em-  
7       ployees of the National Park Service or conces-  
8       sionaires) with substantial experience in the  
9       hospitality industry who have no financial inter-  
10      est in a concessionaire and have no other direct  
11      or indirect conflict of interest respecting any  
12      concessionaire, the Department of the Interior,  
13      or any public interest, political action, or other  
14      group or association that actively engages in  
15      lobbying activities concerning the national  
16      parks; and

17          (2) the Secretary, who shall serve as chair-  
18      person.

19      (c) TERM.—

20          (1) IN GENERAL.—A member of the Concession  
21      Board appointed under subsection (b)(1) shall be ap-  
22      pointed for a term not to exceed 4 years.

23          (2) STAGGERED TERMS.—The Secretary may  
24      stagger the terms of members appointed under sub-  
25      section (b)(1).

1           ~~(3)~~ VACANCIES.—The Secretary may appoint a  
 2           member to serve for the unexpired term of any de-  
 3           parting member.

4           ~~(d)~~ FUNCTIONS.—The Concession Board shall—

5                 ~~(1)(A)~~ assist the Secretary in the preparation  
 6                 and issuance of a solicitation for proposals from per-  
 7                 sons that satisfy the criteria established in section  
 8                 404(a)~~(3)~~ to serve as Concession Manager;

9                 ~~(B)~~ review all proposals received and interview  
 10                all persons that meet the requirements as specified  
 11                in the solicitation for proposals; and

12               ~~(C)~~ submit to the Secretary a recommendation  
 13                for appointment of the Concession Manager;

14               ~~(2)~~ review decisions of the Concession Manager  
 15                and make recommendations to the Secretary regard-  
 16                ing—

17                         ~~(A)~~ the selection of concessionaires; and

18                         ~~(B)~~ such other matters as the Secretary  
 19                may refer to the Concession Board;

20               ~~(3)~~ make recommendations to the Secretary re-  
 21                garding—

22                         ~~(A)~~ allocation of fees collected from conces-  
 23                sionaires for the purposes of section 406; and

24                         ~~(B)~~ how much funding should be allocated  
 25                to individual national parks after concession

1 capital improvement programs and maintenance  
2 operations are funded; and

3 ~~(4) mediate disputes between the conces-~~  
4 ~~sionaires and the Concession Manager or national~~  
5 ~~park superintendents and make recommendations to~~  
6 ~~the Secretary regarding resolution of the disputes.~~

7 **SEC. 404. CONCESSION MANAGER.**

8 ~~(a) APPOINTMENT.—~~

9 ~~(1) CONTRACT AWARD.—~~The Secretary shall  
10 award a single contract for the appointment of a  
11 Concession Manager for all national parks.

12 ~~(2) SELECTION.—~~The contract under para-  
13 graph ~~(1)~~ shall be awarded to the person that sub-  
14 mits the best proposal, as determined by the Sec-  
15 retary after taking into account the recommendation  
16 of the Concession Board.

17 ~~(3) CRITERIA.—~~The Concession Manager shall  
18 be an independent, nongovernmental entity—

19 ~~(A)~~ that has substantial experience in the  
20 management of large hotel, food service, retail,  
21 and recreational properties; and

22 ~~(B)~~ that has no financial interest in a con-  
23 cessionaire or any other direct or indirect con-  
24 flict of interest respecting any concessionaire,  
25 the Department of the Interior, or any other

1           public interest, political action, or other group  
 2           or association that actively engages in lobbying  
 3           activities concerning the national parks.

4           (b) TERM.—The term of a contract under subsection  
 5 (a) shall not exceed 10 years.

6           (c) FUNCTIONS.—The Concession Manager shall—

7               (1) solicit, negotiate, and enforce the terms and  
 8           conditions of concession contracts in compliance with  
 9           this title; and

10            (2) submit recommendations to the Secretary  
 11           regarding the award of concession contracts, includ-  
 12           ing—

13               (A) prescription of an economically viable  
 14           scope of work to be performed (including, if ap-  
 15           plicable, a capital investment requirement) that  
 16           is economically sufficient to generate bidding  
 17           interest for the concession contract from quali-  
 18           fied individuals or businesses;

19               (B) establishment of the terms and condi-  
 20           tions of a concession contract in accordance  
 21           with section 405(a);

22               (C) determine whether to renew a contract  
 23           without issuance of a prospectus as permitted  
 24           under section 405(g);

1           ~~(D)~~ develop a capital improvement and  
2 maintenance program for all concession facili-  
3 ties, including development of—

4                   (i) overall facility standards based on  
5 comparable industry standards; and

6                   (ii) site-specific capital improvement  
7 and maintenance programs for the areas in  
8 which concession activities will be con-  
9 ducted;

10          ~~(E)~~ develop a quality-assurance plan for  
11 each concession operation in accordance with  
12 subsection (e);

13          ~~(F)~~ conduct periodic inspections to ensure  
14 that the terms and conditions of a concession  
15 contract are fully complied with and that the  
16 standards developed under a quality assurance  
17 plan are met;

18          ~~(G)~~ on a regular basis, conduct visitor sur-  
19 veys seeking information regarding concession  
20 activities; and

21          ~~(H)~~ review general management and devel-  
22 opment concept plans prepared by the National  
23 Park Service and identify provisions of a plan  
24 that create undue operational or financial bur-  
25 dens on concessionaires or are otherwise incom-

1           patible with the visitation service needs of a na-  
 2           tional park.

3           (d) PROSPECTUS REQUIREMENTS.—Any prospectus  
 4 issued by the Concession Manager shall, at a minimum,  
 5 include—

6           (1) a description of the character, timing, and  
 7 amount of any capital investments that will be re-  
 8 quired under the concession contract, including the  
 9 payment of the value of possessory interest or lease-  
 10 holder surrender value under section 405(b)(1)(G);  
 11 if any, to the departing concessionaire, as applicable  
 12 and consistent with section 405;

13           (2) a detailed description of the areas, struc-  
 14 tures, fixtures, and nonremovable equipment to be  
 15 leased or assigned to the concessionaire, and the  
 16 rental, if any, attributable to government-owned  
 17 buildings not subject to a leasehold surrender value;

18           (3) a description of any quality assurance plan  
 19 developed for the concession contract under sub-  
 20 section (e);

21           (4) the minimum amount that will be required  
 22 to be contributed to any maintenance account speci-  
 23 fied in the concession contract in accordance with  
 24 section 405(d); and the current balance of any exist-  
 25 ing maintenance account that will be transferred to

1 the concessionaire, with a detailed description of any  
 2 maintenance standards that are required to be ad-  
 3 hered to by the concessionaire;

4 (5) the term of the concession contract in ac-  
 5 cordance with section 405(e);

6 (6) a description of all fees sought by the Gov-  
 7 ernment in connection with the concession contract;

8 (7) a description of any personal property to be  
 9 sold by the departing concessionaire and the cost of  
 10 the personal property;

11 (8) a description of any special rights held by  
 12 third parties or limitations that have been or are an-  
 13 ticipated to be imposed on the operations of the na-  
 14 tional park that might materially affect the proposal;  
 15 and

16 (9) the criteria that will be used to qualify the  
 17 bidders and evaluate any proposal received (includ-  
 18 ing experience, financial capability, record relative to  
 19 resource protection, quality of service relative to fa-  
 20 cilities assigned, and capital commitment).

21 (c) **QUALITY ASSURANCE PLAN REQUIREMENTS.**—A  
 22 quality assurance plan for a concession contract—

23 (1) shall be tailored to the nature and character  
 24 of the goods and services provided under the conces-  
 25 sion contract;



1           (2) may be based on comparable industry  
2 standards;

3           (3) shall be included in contracts as awarded;  
4 and

5           (4) shall have the purpose of maximizing the  
6 quality of service provided to the public consistent  
7 with the terms of the concession contract and the  
8 nature and character of the facilities operated under  
9 the concession contract.

10          (f) FUNDING OF CONSIDERATION.—All consideration  
11 paid to the Concession Manager under a contract under  
12 subsection (a) shall be funded with concession contract  
13 fees and paid to the Concession Manager in accordance  
14 with section 406.

15          (g) STAFFING OF THE NATIONAL PARK SERVICE.—

16           (1) REGIONAL AND NATIONAL OFFICES.—Not  
17 later than 2 years after the date of enactment of  
18 this Act—

19           (A) each regional office shall retain 1 Na-  
20 tional Park Service employee to act as conces-  
21 sion coordinator for the region of the office; and

22           (B) the headquarters of the National Park  
23 Service in Washington, D.C., shall retain 3  
24 members of the staff to act as concession coor-  
25 dinators for all national parks.

1           (2) ~~PARK SERVICE EMPLOYEES.~~—No career  
 2           full-time employee of the National Park Service as-  
 3           signed to concession operations at the time at which  
 4           the Concession Manager is selected shall be sepa-  
 5           rated from the National Park Service by reason of  
 6           turning the management of concession operations  
 7           over to the Concession Manager.

8           (3) ~~INTERNAL HIRING.~~—Any career full-time  
 9           employee of the National Park Service employed  
 10          under the auspices of the concession program on the  
 11          date of enactment of this Act shall be given priority  
 12          placement for any available position within the Na-  
 13          tional Park System notwithstanding any priority re-  
 14          employment lists, directives, rules, regulations, or  
 15          other orders of the Department of the Interior, the  
 16          Office of Management and Budget, or any other  
 17          Federal agency.

18 **SEC. 405. CONCESSION CONTRACTS.**

19          (a) ~~IN GENERAL.~~—

20               (1) ~~TERMS AND CONDITIONS.~~—A concession  
 21               contract shall include—

22                       (A) terms and conditions that are consist-  
 23                       ent with this title, the general management  
 24                       plan of a national park, and such matters as  
 25                       the Secretary may prescribe regarding resource

1 protection and other National Park Service con-  
 2 cerns; and

3 ~~(B) provisions relating to a description of~~  
 4 ~~the goods and services that shall or may be pro-~~  
 5 ~~vided under the concession contract, and the~~  
 6 ~~minimum contract requirements with respect to~~  
 7 ~~the goods and services, including—~~

8 ~~(i) visitor services;~~

9 ~~(ii) purchased goods;~~

10 ~~(iii) interpretation;~~

11 ~~(iv) park administrative functions;~~

12 ~~(v) employee housing and other non-~~  
 13 ~~income producing facilities; and~~

14 ~~(vi) other services or activities.~~

15 ~~(2) FRANCHISE FEES.—~~

16 ~~(A) CONTRACT SPECIFICATION.—The~~  
 17 ~~amount of a franchise fee for the privilege of~~  
 18 ~~providing concession services under this title~~  
 19 ~~shall be specified in a concession contract.~~

20 ~~(B) CONTENTS.—The franchise fee for a~~  
 21 ~~concession contract may include any of the fol-~~  
 22 ~~lowing:~~

23 ~~(i) An annual cash payment for the~~  
 24 ~~privilege of providing concession services.~~

1                   (ii) Fees for rental or lease of Govern-  
 2                   ment-owned facilities or land occupied by  
 3                   the concessionaire.

4                   (iii) Expenditures for maintenance of  
 5                   or improvements to Government-owned fa-  
 6                   cilities occupied by the concessionaire.

7                   ~~(3) MINIMUM ACCEPTABLE FEE.—~~

8                   (A) IN GENERAL.—The Concession Man-  
 9                   ager shall establish a minimum fee for each ap-  
 10                  plicable category specified in paragraph (2)(B)  
 11                  that is acceptable to the Secretary.

12                  ~~(B) BASES.—~~The amount of a minimum  
 13                  fee shall be based on—

14                   (i) historical data, if available; and

15                   (ii) industry-specific and other market  
 16                  data available to the Secretary and the  
 17                  Concession Manager.

18                  ~~(4) ADJUSTMENT OF FEES.—~~No franchise fee  
 19                  or other fee collected in connection with a concession  
 20                  contract shall be subject to adjustment during the  
 21                  term of the concession contract except in accordance  
 22                  with a mathematical formula specified in the conces-  
 23                  sion contract.

24                  ~~(b) CAPITAL IMPROVEMENTS.—~~

(1) POSSESSORY INTERESTS UNDER EXISTING  
CONTRACTS.—

(A) COMPENSATION BY APPRAISAL.—Not less than 12 months before the expiration of a concession contract existing on the date of enactment of this Act under which the concessionaire holds a possessory interest, if the amount of compensation has not been agreed to previously by the Secretary and the concessionaire, the concessionaire shall submit to the Secretary an independent appraisal of the sound value (as defined in Public Law 89–249 (16 U.S.C. 20 et seq.) of the structures, fixtures, or improvements in which the concessionaire has a possessory interest under Public Law 89–249 (16 U.S.C. 20 et seq.).

(B) APPRAISALS.—

(i) TIMING.—An appraisal under subparagraph (A)—

(I) shall be performed by an appraiser with significant experience in the appraisal of assets similar to those to be valued in the appraisal; and

(II) shall be dated as of a date not earlier than the date that is 18

months before the date of expiration  
of the concession contract.

(ii) ~~POST-APPRAISAL ACQUISITIONS.—~~

Any structure, fixture, or improvement acquired or constructed after the date of the appraisal in which the concessionaire holds a possessory interest shall be deemed to have a sound value as of the date of acquisition or construction equal to the concessionaire's original cost adjusted for any physical deterioration of the structure, fixture, or improvement.

(C) ~~POSSESSORY INTERESTS.—~~

(i) ~~PURCHASE.—~~The Secretary shall pay (or cause the succeeding concessionaire to pay) to the concessionaire for the concessionaire's possessory interest, on the termination of the contract, an amount equal to—

(I) the appraised sound value (as determined under this section); or

(II) the concessionaire's original cost for newly constructed or acquired structures, fixtures, or improvements as set forth in paragraph (2);

as applicable, increased by the percentage increase in the Consumer Price Index from the month in which the appraisal was made to the date of payment.

(ii) PAYMENT.—The amount under clause (i) shall be paid not later than 30 days after the date of termination of the contract or 30 days after the date of the determination of the amount, except to the extent that the amount is carried forward under subparagraph (F).

~~(D) APPRAISAL DISPUTES.—~~

(i) SECOND APPRAISAL.—If the Secretary disagrees with the appraisal submitted by a concessionaire, the Secretary may, not less than 90 days after receipt of the concessionaire's appraisal, present the concessionaire with an independent appraisal performed by an appraiser with significant experience in the appraisal of assets similar to those valued in the appraisal submitted by the concessionaire, dated as of the same date as the concessionaire's appraisal.

1                   (ii) SELECTION OF THIRD AP-  
 2                   PRAISAL.—If the Secretary and the conces-  
 3                   sionaire are unable to agree on the ap-  
 4                   praised value within 30 days after the con-  
 5                   cessionaire receives the Secretary's ap-  
 6                   praisal, the Secretary's appraiser and the  
 7                   concessionaire's appraiser shall choose a  
 8                   third appraiser.

9                   (iii) COURT DETERMINATION.—If the  
 10                  Secretary fails to make a determination  
 11                  within 60 days after receipt of a report by  
 12                  the third appraiser, the concessionaire may  
 13                  petition the United States Court of Fed-  
 14                  eral Claims for a determination of the  
 15                  value of the possessory interest. Subject to  
 16                  the right of appeal, a determination by the  
 17                  court shall be binding for purposes of this  
 18                  section on all parties.

19               (E) PAYMENT.—The concessionaire shall  
 20               pay the cost of the concessionaire's appraisal  
 21               and the United States shall pay the cost of the  
 22               Secretary's appraisal. If a third appraiser is se-  
 23               lected under subparagraph (D), the cost of the  
 24               third appraisal shall be shared equally by the  
 25               concessionaire and the United States.



(F) ~~CONVERSION TO LEASEHOLD SURRENDER VALUE.~~—

(i) ~~VALUATION OF CAPITAL IMPROVEMENTS.~~—To the extent that a succeeding concessionaire pays for the possessory interest of a preceding concessionaire, the amount paid—

(I) shall constitute the initial leaseholder surrender value respecting the applicable capital improvements at the commencement of the concession contract; and

(II) shall be valued in accordance with paragraph (2).

(ii) ~~CARRYOVER AMOUNTS.~~—If an existing concessionaire is awarded a concession contract, the existing concessionaire shall carry over, as leasehold surrender value under paragraph (2), the amount that any other bidder on the concession contract would have paid to the existing concessionaire under the concession contract, with the remainder of any amount payable to the existing concessionaire to be paid under subparagraph (C).

(2) LEASEHOLD SURRENDER VALUE UNDER  
NEW CONCESSION CONTRACTS.—

(A) IN GENERAL.—Each concession contract that contemplates capital investment by the concessionaire in any capital improvements shall contain a provision requiring that on the expiration or other termination of the concession contract, the Secretary shall pay, or cause the person that is awarded the successor concession contract to the concession contract to pay, to the concessionaire, as compensation for the concessionaire's investment in the capital improvement, the leasehold surrender value determined under subparagraph (B).

(B) COMPUTATION OF LEASEHOLD SURRENDER VALUE.—

(i) PROPERTY RIGHT.—A concessionaire shall have a property right in each capital improvement in which the concessionaire makes an investment as contemplated by the concession contract, consisting solely of a right to compensation for the capital improvement to the extent of the concessionaire's leasehold surrender value in the capital improvement.

(ii) ~~PROPERTY RIGHT AS COLLATERAL.~~—A property right under clause (i)—

(I) may be given as security for financing of a capital improvement; and

(II) shall be transferred in connection with any transfer of the concession contract under subsection (f).

(iii) ~~DURATION.~~—The leasehold surrender value—

(I) shall not be extinguished by the expiration or other termination of a concession contract; and

(II) may not be taken for public use, except on payment of just compensation.

(iv) ~~CALCULATION.~~—The amount of the leasehold surrender value for a capital improvement shall be an amount that is equal to—

(I) the cost of the capital improvement to the contractor, increased (or decreased) in the same percentage as the percentage increase (or de-

crease) in the Consumer Price Index,  
 from the date of making the invest-  
 ment in the capital improvement by  
 the concessionaire to the date of pay-  
 ment of the leasehold surrender value,  
 less depreciation evidenced by the con-  
 dition and prospective serviceability in  
 comparison with a new unit of like  
 kind; or

(II) in the case of any structure,  
 fixture, or equipment for which the  
 concessionaire paid the leasehold sur-  
 render value (or possessory interest  
 under paragraph (1)(C)) to a previous  
 concessionaire or for which any lease-  
 hold surrender value (or possessory  
 interest) is carried over from an exist-  
 ing contract under paragraph (1)(F),  
 the amount paid or carried over.

(c) RATES AND PRICES.—

(1) IN GENERAL.—Subject to paragraph (2), a  
 concession contract shall permit the concessionaire  
 to determine the appropriate level of pricing for  
 goods and services sold by the concessionaire.

1           ~~(2) EXCESS OVER MARKET PRICES.—~~A conces-  
 2           sion contract shall provide that it shall be a default  
 3           under the concession contract if the concessionaire's  
 4           rates and prices, in the aggregate, materially exceed  
 5           market prices for comparable goods and services,  
 6           taking into consideration relevant operating con-  
 7           straints experienced by the concessionaire under the  
 8           concession contract, such as limited operating season  
 9           or hours, nonrevenue producing contract provisions,  
 10          other legal requirements, and the effect of remote lo-  
 11          cation on operating and employment costs.

12          ~~(d) MAINTENANCE ACCOUNTS.—~~

13           ~~(1) IN GENERAL.—~~A concession contract may  
 14           require that separate maintenance accounts may be  
 15           established for the maintenance of—

16                   ~~(A)~~ structures, fixtures, and other im-  
 17                   provements in which the concessionaire is enti-  
 18                   tled to a leasehold surrender value; and

19                   ~~(B)~~ other structures or other improve-  
 20                   ments assigned to the concessionaire.

21           ~~(2) EXISTING IMPROVEMENTS.—~~A concession  
 22           contract shall not require deposits in a maintenance  
 23           account that are in excess of the amount reasonably  
 24           anticipated as being necessary during the term of  
 25           the concession contract to maintain the structures

1 and improvements to be benefited in their condition  
2 as of the date of execution of the concession con-  
3 tract.

4 (3) NEW IMPROVEMENTS.—A concession con-  
5 tract may provide for deposits in a maintenance ac-  
6 count after completion of any new structures, fix-  
7 tures, or improvements assigned to the conces-  
8 sionaire, in an amount not in excess of the amount  
9 reasonably anticipated as being necessary during the  
10 remaining term of the concession contract to main-  
11 tain the structures, fixtures, and improvements.

12 (4) WITHDRAWALS.—

13 (A) MAINTENANCE.—Except as provided  
14 in subparagraph (B), a concessionaire may  
15 withdraw amounts from a maintenance account  
16 solely for maintenance of structures, fixtures,  
17 and improvements.

18 (B) ADDITIONAL CAPITAL EXPENDI-  
19 TURES.—With the consent of the Concession  
20 Manager, a concessionaire may withdraw  
21 amounts from a maintenance account for the  
22 purpose of making additional capital expendi-  
23 tures to support concession operations.

24 (c) TERM.—

1           (1) IN GENERAL.—The term of a concession  
2 contract shall be determined by the Concession Man-  
3 ager based on the economic requirements of the con-  
4 cession contract.

5           (2) CAPITAL IMPROVEMENTS.—The term of a  
6 concession contract that will require the conces-  
7 sionaire to invest in a capital improvement so as to  
8 entitle the concessionaire to payment of the lease-  
9 hold surrender value of the capital improvement  
10 shall be not less than 15 years.

11       (f) TRANSFERABILITY.—

12           (1) IN GENERAL.—A concession contract shall  
13 be transferable only with the approval of the Sec-  
14 retary.

15           (2) APPROVAL.—

16           (A) IN GENERAL.—The Secretary shall ap-  
17 prove a transfer of a concession contract unless  
18 the Secretary determines that the transferee  
19 does not have sufficient professional, financial,  
20 and other resources or business experience to be  
21 capable of performing the concession contract  
22 for the remainder of the term of the concession  
23 contract.

24           (B) FAILURE TO ACT.—If the Secretary  
25 fails to approve or disapprove a transfer under

paragraph (1) within 60 days after the date on which the Secretary or Concession Manager receives all necessary information requested by the Secretary or Concession Manager with respect to the transfer, the transfer shall be deemed to have been approved.

~~(3) NO ADDITIONAL TERMS OR CONDITIONS.—~~

The Secretary shall not condition approval of a transfer of a concession contract on acceptance by the transferee of additional terms or conditions as part of the concession contract.

~~(4) EFFECT OF TRANSFER.—~~Upon the transfer of any concession contract, the transferee shall succeed to all of the rights, duties, and obligations of the transferring concessionaire under the concession contract and this Act.

~~(g) RENEWAL OF CONTRACTS.—~~

~~(1) IN GENERAL.—~~Except as provided in paragraph (2), a concessionaire shall be given no preference in the opportunity to provide new or additional services or to be awarded a renewal of a concession contract the term of which is expiring or has expired.

~~(2) EXCEPTIONS.—~~

~~(A) GUIDES AND OUTFITTERS.—~~



1           (i) ~~IN GENERAL.~~—Paragraph (1) does  
 2           not apply to a concessionaire that has con-  
 3           ducted a guide or outfitting operation  
 4           under a permit issued or contract awarded  
 5           by the Secretary.

6           (ii) ~~RIGHT OF FIRST RENEGOTI-~~  
 7           ~~ATION.~~—A concessionaire that has con-  
 8           ducted a guide or outfitting operation  
 9           under a permit issued or contract awarded  
 10          by the Secretary shall have a right of first  
 11          renegotiation on expiration of the permit  
 12          or contract.

13          (B) ~~MINOR EXPANSION OF CONCESSION~~  
 14          ~~CONTRACT.~~—Nothing in this title prohibits the  
 15          Secretary and a concessionaire from amending  
 16          a concession contract to—

17               (i) change the quality or quantity of  
 18               goods or services provided under the con-  
 19               cession contract; or

20               (ii) provide new or additional services  
 21               that are a natural extension of the conces-  
 22               sion contract and complement services al-  
 23               ready provided under the concession con-  
 24               tract;

1 so long as the amendment does not materially  
 2 change the nature or scope of the concession  
 3 contract as a whole.

4 (C) SMALL CONTRACTS.—The Secretary  
 5 may negotiate any individual concession con-  
 6 tract with anticipated annual revenues of less  
 7 than \$2,000,000 (adjusted annually for changes  
 8 in the Consumer Price Index) without the  
 9 issuance of a prospectus or the solicitation of  
 10 competitive bids.

11 (D) EMERGENCY AND TEMPORARY CON-  
 12 TRACTS.—A concession contract may be award-  
 13 ed or extended for a period not to exceed 3  
 14 years without competitive bids—

15 (i) if necessary to avoid curtailment of  
 16 visitor services at a national park; or

17 (ii) for the purpose of providing goods  
 18 or services that are expected to be of tem-  
 19 porary duration.

20 (h) BIDDING PROCEDURES.—

21 (1) SOLICITATION OF BIDS.—

22 (A) PROSPECTUS.—After the Concession  
 23 Manager determines that a concession contract  
 24 will be awarded through the solicitation of com-  
 25 petitive bids and a prospectus has been pre-

pared and approved in accordance with this Act, the Concession Manager shall issue the prospectus to potential concessionaires.

(B) CONTENTS.—The prospectus shall, in addition to the provisions required under subsection (a)(1), contain—

(i) provisions that clearly set forth the relative importance of each criterion to be considered with respect to each bid (based on a system of points to be awarded for each criterion);

(ii) an explanation of the bid review and selection process; and

(iii) such other information concerning the national park and the award as the Concession Manager considers relevant.

(C) PRIORITIES.—In the determination of the winning bid, consideration of fee income to the United States shall be of secondary importance to the financial capability of the concessionaire and the quality, scope of service, and upgrade of facilities and services that are expected to result from award of the concession contract.

1           (D) SUBSTANTIAL FACTORS.—Prior expe-  
 2           rience in the management of operations deliver-  
 3           ing the same or similar goods and services in  
 4           the national park or in other similar operations  
 5           shall be a criterion given substantial weight  
 6           (not less than 10 percent of the points award-  
 7           ed) by the Concession Manager and the Sec-  
 8           retary in the final selection of the winning bid.

9           (2) QUALIFICATION OF BIDDERS; REJECTION  
 10          OF BIDS.—

11           (A) EXPERIENCE AND CAPABILITIES.—A  
 12           prospectus for the award of a concession con-  
 13           tract with anticipated annual revenues in excess  
 14           of \$5,000,000 may require that each prospec-  
 15           tive bidder submit to the Concession Manager,  
 16           before submission of bids, a description of its  
 17           business and organization that is sufficient to  
 18           permit the Concession Manager to determine  
 19           whether the prospective bidder has sufficient fi-  
 20           nancial capability and experience in the man-  
 21           agement of operations that are similar to those  
 22           that will be required under the concession con-  
 23           tract that there is a reasonable likelihood, as  
 24           determined by the Concession Manager, that

1 the prospective bidder will be able to fulfill its  
 2 obligations under the concession contract.

3 (B) SUBMISSION.—All prospective bidders,  
 4 except any that the Concession Manager deter-  
 5 mines does not have the financial capability and  
 6 experience described in subparagraph (A) (if  
 7 applicable), shall be permitted to submit a bid  
 8 for the award of the concession contract.

9 (C) REJECTION.—After bids are received,  
 10 the Concession Manager may reject any bid  
 11 that the Concession Manager determines is not  
 12 substantially responsive to the criteria set forth  
 13 in the prospectus.

14 (3) SELECTION OF CONCESSIONAIRE; NEGOTIA-  
 15 TION AND EXECUTION OF CONCESSION CONTRACT.—

16 (A) EVALUATION.—All bids not rejected by  
 17 the Concession Manager in accordance with this  
 18 title shall be evaluated based on the bid review  
 19 and selection process set forth in the prospec-  
 20 tus.

21 (B) SELECTION.—The bidder submitting  
 22 the bid receiving the highest number of points  
 23 awarded for the criteria set forth in the pro-  
 24 spectus shall be selected for negotiation of the  
 25 concession contract.

1                   (C) NEGOTIATION.—The negotiation—

2                   (i) shall be conducted by the Conces-  
3                   sion Manager in good faith with the se-  
4                   lected bidder; and

5                   (ii) shall be confined to any terms of  
6                   the concession contract that the bidder  
7                   identified in the bid submitted as being un-  
8                   acceptable.

9                   (D) TERMINATION.—Until agreement is  
10                  reached on the terms of a concession contract,  
11                  the Concession Manager may terminate the ne-  
12                  gotiation and begin similar negotiation with the  
13                  other bidders in the order in which bids re-  
14                  ceived the next highest number of points, until  
15                  a concession contract is fully executed and de-  
16                  livered.

17                  (E) REVIEW.—A concession contract shall  
18                  be subject to review and approval by the Sec-  
19                  retary before execution by the United States.

20                  (F) RENEWAL OF BID PROCESS.—If nego-  
21                  tiations do not result in a concession contract,  
22                  the Concession Manager shall reject all bids  
23                  and solicit new bids for the award of the con-  
24                  cession contract.

1 **SEC. 406. REVENUE FLOW; FEES TO THE GOVERNMENT.**

2 (a) **SPECIAL ACCOUNT.**—

3 (1) **DEPOSIT OF FEES.**—The amount of all con-  
4 tract concession fees collected during a fiscal year  
5 shall be deposited in a special account in the Treas-  
6 ury of the United States and shall be available, with-  
7 out further Act of appropriation, for use in accord-  
8 ance with this section.

9 (2) **EXCEPTIONS.**—For purposes of this section,  
10 fees shall not include any amounts set aside in a  
11 maintenance account.

12 (b) **USE OF AMOUNTS IN THE SPECIAL ACCOUNT.**—

13 (1) **PAYMENT OF CONSIDERATION TO THE CON-**  
14 **CESSION MANAGER.**—Amounts in the special account  
15 under subsection (a) at the end of a fiscal year shall  
16 be used first to pay consideration under the contract  
17 with the Concession Manager for the fiscal year.

18 (2) **REWARD ALLOCATION.**—The balance re-  
19 maining in the special account after application of  
20 paragraph (1) shall be transferred to a subaccount  
21 and shall be allocated to each national park, based  
22 on the proportion that the amount of concession  
23 contract fees collected from the national park during  
24 the fiscal year bears to the total amount of conces-  
25 sion contract fees collected from all national parks  
26 during the fiscal year, to fund high-priority resource

1 management and visitor services programs and oper-  
 2 ations.

3 **SEC. 407. SUSPENSION OR TERMINATION OF CONCESSION**  
 4 **CONTRACT.**

5 (a) **SUSPENSION.**—The Concession Manager may im-  
 6 mediately suspend a concession contract if the Concession  
 7 Manager finds that an immediate suspension is necessary  
 8 to protect the public health or welfare.

9 (b) **TERMINATION.**—The Secretary may terminate a  
 10 concession contract if the concessionaire fails to correct  
 11 a condition identified by the Concession Manager within  
 12 the limitations established by contract—

13 (1) within 30 days after the date on which a  
 14 notice of failure to comply with the terms and condi-  
 15 tions of the contract is provided to the conces-  
 16 sionaire; or

17 (2) within such longer period of time as the  
 18 concessionaire may reasonably require to correct the  
 19 condition.

20 **SEC. 408. REPORTING.**

21 (a) **MAINTENANCE AND ACCESS.**—

22 (1) **RECORDS AND REPORT.**—A concessionaire  
 23 shall keep such records and submit to the Conces-  
 24 sion Manager such reports as are required in the  
 25 concession contract to enable the Concession Man-



1       ager to monitor performance by the concessionaire  
2       of the concession contract.

3           ~~(2) CONFIDENTIALITY.—Any record or report~~  
4       under paragraph (1) that contains financial informa-  
5       tion concerning the operations of the concessionaire  
6       (except for aggregate gross sales data and revenues  
7       covered into the special account under section 406)  
8       or any other proprietary business information of the  
9       concessionaire shall be considered to be confidential  
10      and not subject to disclosure to the public under sec-  
11      tion 552 of title 5, United States Code, or any other  
12      Federal law.

13          ~~(3) ACCESSIBILITY.—For the purpose of audit~~  
14      and examination, the Concession Manager shall have  
15      access at reasonable times and locations to records  
16      under paragraph (1) and to other books, documents,  
17      and papers of the concessionaire pertaining to the  
18      concession contract.

19          ~~(b) ACCESS BY COMPTROLLER GENERAL.—Until the~~  
20      expiration of 5 calendar years after the close of the fiscal  
21      year of a concessionaire, the Comptroller General of the  
22      United States shall have access to and the right to exam-  
23      ine any pertinent books, documents, papers, and records  
24      of the concessionaire relative to a concession contract.

1 **SEC. 409. PROMOTION OF THE SALES OF INDIAN AND**  
 2 **ALASKA NATIVE HANDICRAFTS.**

3 (a) IN GENERAL.—Promoting the sale of United  
 4 States authentic Indian and Alaska Native handicrafts re-  
 5 lating to the cultural, historical, and geographic character-  
 6 istics of national park areas is encouraged, and the Sec-  
 7 retary shall ensure that there is a continuing effort to en-  
 8 hance the handicraft trade where it exists and establish  
 9 the trade where it does not currently exist.

10 (b) EXEMPTION FROM FEES.—In furtherance of this  
 11 title, the revenue derived from the sale of United States  
 12 Indian and Alaska Native handicrafts shall be exempt  
 13 from any franchise fee payment under section 405(a).

14 **SEC. 410. USE OF NONMONETARY CONSIDERATION IN**  
 15 **LEASES OF GOVERNMENT PROPERTY.**

16 Section 321 of the Act of June 30, 1932 (47 Stat.  
 17 412, chapter 314; 40 U.S.C. 303b) shall not apply to  
 18 privileges, leases, permits, and contracts granted by the  
 19 Secretary for the use of land and improvements on land,  
 20 in areas administered by the National Park Service, for  
 21 the purpose of providing accommodations, facilities, and  
 22 services for visitors pursuant to the Act of August 25,  
 23 1916 (commonly known as the “National Park Service Or-  
 24 ganize Act”) (39 Stat. 535, chapter 408; 16 U.S.C. 1 et  
 25 seq.), or the Act of August 21, 1935 (49 Stat. 666, chap-  
 26 ter 593; 16 U.S.C. 461 et seq.).

1 **SEC. 411. APPLICABILITY OF NEPA TO RENEWALS AND EX-**  
 2 **TENSIONS OF SIMILAR CONTRACTS.**

3 The extension, renewal, amendment, or other award  
 4 of a concession contract to provide goods or services simi-  
 5 lar in nature and amount to the goods or services provided  
 6 under the same or a previous concession contract shall be  
 7 considered to be a categorical exclusion for purposes of  
 8 the National Environmental Policy Act of 1969 (42 U.S.C.  
 9 4321 et seq.).

10 **SEC. 412. MISCELLANEOUS.**

11 (a) ANILCA.—Nothing in this title amends, super-  
 12 sedes, or otherwise affects any provision of the Alaska Na-  
 13 tional Interest Lands Conservation Act (16 U.S.C. 3101  
 14 et seq.) relating to revenue-producing visitor services.

15 (b) REPEALS.—Subject to provisions of this title that  
 16 incorporate portions of Public Law 89–249 by reference  
 17 with respect to concession contracts existing on the date  
 18 of enactment of this Act, and subject to subsection (c),  
 19 Public Law 89–249 (16 U.S.C. 20 et seq.) is repealed.

20 (c) SAVINGS.—

21 (1) VALIDITY.—The repeal of any provision, the  
 22 superseding of any provision, and the amendment of  
 23 any provision, of any statute referred to in this sec-  
 24 tion shall not affect the validity of any contract or  
 25 other authorization entered into under that statute.

1           (2) ~~APPLICABILITY.~~—This title shall apply to  
 2     any contract or authorization described in paragraph  
 3     ~~(1)~~, except to the extent that any provision of this  
 4     title is inconsistent with the express terms of the  
 5     contract or authorization or except as otherwise pre-  
 6     served with respect to such contract or authorization  
 7     under the terms of this title.

8           **TITLE V—NATIONAL PARK**  
 9           **PASSPORT PROGRAM**

10 **SEC. 501. PURPOSES.**

11         The purposes of this title are—

12           ~~(1)~~ to develop a national park passport that in-  
 13         cludes a collectible stamp to be used for admission  
 14         to the national parks; and

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

17 **SEC. 502. DEFINITIONS.**

18         In this title:

19           ~~(1)~~ ~~INTERNATIONAL PARK PASSPORT.~~—The  
 20         term “international park passport” means an inter-  
 21         national park passport issued under section 505.

22           ~~(2)~~ ~~PARK PASSPORT.~~—The term “park pass-  
 23         port” means a park passport issued under section  
 24         503.

1 **SEC. 503. NATIONAL PARK PASSPORT PROGRAM.**

2 (a) ~~IN GENERAL.~~—The Secretary shall establish a  
3 national park passport program.

4 (b) ~~FEATURES.~~—The national park passport pro-  
5 gram shall provide for issuance of collectible stamps pro-  
6 viding the holder of the park passport admission to all  
7 of the national parks.

8 (c) ~~TRANSFERABILITY.~~—A national park passport  
9 shall not be transferable.

10 **SEC. 504. ADMINISTRATION.**

11 (a) ~~EFFECTIVE PERIOD.~~—A park passport shall be  
12 an annual passport effective from January 1 through De-  
13 cember 31 of a year.

14 (b) ~~STAMP DESIGN COMPETITION.~~—

15 (1) ~~IN GENERAL.~~—The Secretary shall hold an  
16 annual competition for the design of the stamp to be  
17 affixed to the passport.

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

22 (c) ~~SALE OF STAMPS AND PASSPORTS.~~—

23 (1) ~~BY PUBLIC ENTITIES.~~—Park passports and  
24 stamps shall be sold through the National Park  
25 Service and the United States Postal Service under

1 a regulation promulgated jointly by the Secretary  
2 and the United States Postal Service.

3 ~~(2) BY PRIVATE ENTITIES.—~~

4 ~~(A) VENDOR SALES.—~~Park passports (in-  
5 cluding stamps) may be sold by private vendors  
6 on consignment in accordance with guidelines  
7 established by the Secretary.

8 ~~(B) VENDOR COMMISSIONS.—~~A private  
9 vendor may be allowed to collect a commission  
10 on each park passport sold, as determined by  
11 the Secretary.

12 ~~(C) LIMITATIONS.—~~The Secretary may  
13 limit the number of private vendors of park  
14 passports.

15 ~~(d) USE OF PROCEEDS.—~~

16 ~~(1) ADMINISTRATION AND PROMOTION.—~~The  
17 Secretary may use not more than 10 percent of the  
18 revenues derived from the sale of park passports to  
19 administer and promote the park passport program.

20 ~~(2) TREASURY ACCOUNT.—~~Amounts collected  
21 from the sale of park passports—

22 ~~(A)~~ shall be deposited in a special account  
23 in the Treasury of the United States; and

1           (B) shall remain available until expended;  
 2           without further Act of appropriation, for  
 3           projects throughout the National Park System.

4           (e) AGREEMENTS.—The Secretary may enter into co-  
 5           operative agreements with interested persons to provide  
 6           for the development and implementation of the park pass-  
 7           port program and the Secretary shall take such actions  
 8           as are appropriate to actively market park passports.

9   **SEC. 505. INTERNATIONAL PARK PASSPORT PROGRAM.**

10          (a) IN GENERAL.—The Secretary shall establish an  
 11          international park passport program, which shall be gov-  
 12          erned by the other provisions of this title except as pro-  
 13          vided in this section.

14          (b) AVAILABILITY.—An international park passport  
 15          and stamp shall be made available exclusively to foreign  
 16          visitors to the United States.

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

21          (d) PRICE.—International park passport and stamps  
 22          shall be sold at a price that is \$10.00 less than the price  
 23          of a park passport and stamp, but not less than \$40.00.

24          (e) FORM.—An international park passport and  
 25          stamp shall be produced in a form that provides useful

1 information to the international visitor and serves as a  
2 souvenir of the visit.

3 (d) EFFECTIVE PERIOD.—An international park  
4 passport shall be valid for a period of 45 days.

5 (e) USE OF PROCEEDS.—

6 (1) IN GENERAL.—Of the amounts collected  
7 from the sale of international park passports—

8 (A) 50 percent shall be deposited in the  
9 special account under section 504(d) and shall  
10 be available as provided in section 504(d); and

11 (B) 50 percent shall be deposited in a spe-  
12 cial account in the Treasury of the United  
13 States, and shall remain available until ex-  
14 pended, without further Act of appropriation,  
15 as provided in paragraph (2).

16 (2) AVAILABILITY TO THE SECRETARY OF COM-  
17 MENCE.—Amounts in the special account under  
18 paragraph (1)(B) shall be available to the Secretary  
19 of Commerce to carry out section 6 of the United  
20 States National Tourism Organization Act (22  
21 U.S.C. 2141d) in connection with programs and  
22 projects that relate to national parks and State  
23 parks, national forests, and other Federal land.

24 (f) TERMINATION OF PROGRAM.—The Secretary  
25 shall terminate the international park passport program



1 at the end of calendar year 2003 unless at least 200,000  
 2 international park permits are sold during that calendar  
 3 year.

4 **SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated \$750,000 to  
 6 develop guidelines and procedures for the park passport  
 7 program and to implement the program in its first year.

8 **SEC. 507. EFFECT ON OTHER LAWS AND PROGRAMS.**

9 (a) **PARK PASSPORT NOT REQUIRED.**—A park pass-  
 10 port shall not be required for—

11 (1) a single visit to a national park that charges  
 12 an admission fee under section 4(a)(2) of the Land  
 13 and Water Conservation Fund Act of 1965 (16  
 14 U.S.C. 4601–6a(a)(2)); or

15 (2) an individual who has obtained a Golden  
 16 Age or Golden Access Passport under paragraph (4)  
 17 or (5) of section 4(a) of the Land and Water Con-  
 18 servation Fund Act of 1965 (16 U.S.C. 4601–6a(a)).

19 (b) **GOLDEN EAGLE PASSPORTS.**—A Golden Eagle  
 20 Passport issued under section 4(a)(1)(A) of the Land and  
 21 Water Conservation Fund Act of 1965 (16 U.S.C. 4601–  
 22 6a(a)(1)(A)) shall be honored for admission to each na-  
 23 tional park.

24 (c) **PARK PASSPORT.**—A park passport shall provide  
 25 access to each national park under the same conditions;

1 rules, and regulations as apply to access with a Golden  
2 Eagle Passport.

3 (d) LIMITATIONS.—A park passport established by  
4 this Act may not be used to obtain access to other Federal  
5 recreation fee areas outside the National Park System.

6 (e) EXEMPTIONS AND FEES.—A park passport does  
7 not exempt the holder from or provide the holder any dis-  
8 count on any recreation use fee imposed under section  
9 4(b) of the Land and Water Conservation Fund Act of  
10 1965 (16 U.S.C. 4601–6a(b)).

11 (f) FEE.—The fee for a park passport and stamp  
12 shall be \$50.

## 13 **TITLE VI—NATIONAL PARKS RE-** 14 **SOURCE INVENTORY AND** 15 **MANAGEMENT**

### 16 **SEC. 601. PURPOSES.**

17 The purposes of this title are—

18 (1) to more effectively achieve the mission of  
19 the National Park Service;

20 (2) to enhance management and protection of  
21 national park resources by providing clear authority  
22 and direction for the conduct of scientific study in  
23 the national parks and to use the information gath-  
24 ered for management purposes;

1           ~~(3)~~ to ensure appropriate documentation of re-  
 2           source conditions in the national parks;

3           ~~(4)~~ to encourage others to use the national  
 4           parks for study to the benefit of park management  
 5           as well as broader scientific value, in cases in which  
 6           such study is consistent with the Act of August 25,  
 7           1916 (commonly known as the “National Park Serv-  
 8           ice Organic Act”) (39 Stat. 535, chapter 408; 16  
 9           U.S.C. 1 et seq.); and

10          ~~(5)~~ to encourage the publication and dissemina-  
 11          tion of information derived from studies in the na-  
 12          tional parks.

13 **SEC. 602. DEFINITIONS.**

14       In this title:

15           ~~(1)~~ CHIEF SCIENTIST.—The term “Chief Sci-  
 16           entist” means the Chief Scientist of the National  
 17           Park Service appointed under section 603(b).

18           ~~(2)~~ CULTURAL RESOURCE.—The term “cultural  
 19           resource” means—

20                   (A) a historic property (as defined in sec-  
 21                   tion 301 of the National Historic Preservation  
 22                   Act (16 U.S.C. 470w));

23                   (B) an archaeological resource (as defined  
 24                   in section 3 of the Archaeological Resources  
 25                   Protection Act of 1979 (16 U.S.C. 470bb)); and

1                   (C) a museum object (as defined by the  
2                   Secretary).

3                   ~~(3)~~ UNIT RESOURCE STUDY.—The term “unit  
4                   resource study” means a study conducted under sec-  
5                   tion 603.

6   **SEC. 603. UNIT RESOURCE STUDY PROGRAM.**

7                   (a) IN GENERAL.—

8                   (1) ESTABLISHMENT.—In furtherance of the  
9                   fundamental purposes of the National Park System,  
10                  the Secretary shall undertake a program of scientific  
11                  study by National Park Service employees and co-  
12                  operators in each national park.

13                  ~~(2)~~ MATTERS TO BE STUDIED.—The unit re-  
14                  source study program under paragraph (1) shall  
15                  consist of studies of—

16                         (A) natural resources employing the var-  
17                         ious natural sciences;

18                         (B) cultural resources employing the var-  
19                         ious sciences and disciplines related to cultural  
20                         resources;

21                         (C) physical resources employing the var-  
22                         ious sciences and disciplines related to physical  
23                         resources; and

1           ~~(D)~~ the contemporary uses of national  
 2           parks employing the various social sciences and  
 3           other disciplines related to those uses.

4           ~~(3)~~ PROFESSIONAL AND SCIENTIFIC METH-  
 5           ODS.—The unit resource study program shall make  
 6           use of peer-accepted professional and scientific  
 7           methods to acquire, analyze, and report information  
 8           through inventory monitoring, observation, documen-  
 9           tary investigation, surveying, interviewing, experi-  
 10          mentation resource management, and adaptive man-  
 11          agement.

12          ~~(4)~~ DISSEMINATION OF INFORMATION.—The  
 13          unit resource study program shall make explicit pro-  
 14          vision for the dissemination of information through  
 15          publications and the electronic media to managers of  
 16          each national park, to other persons and entities  
 17          having an interest in such matters, and to the pub-  
 18          lic.

19          ~~(b)~~ CHIEF SCIENTIST.—

20          ~~(1)~~ APPOINTMENT.—The Secretary shall ap-  
 21          point a Chief Scientist within the National Park  
 22          Service, who shall report directly to the Deputy Di-  
 23          rector, National Park Service Operations.

24          ~~(2)~~ RESPONSIBILITIES.—The Chief Scientist—

1           (A) shall have responsibility for coordina-  
2           tion of all unit resource studies; and

3           (B) shall have line authority over all per-  
4           sons within the National Park Service conduct-  
5           ing unit resource studies.

6       (c) OTHER EMPLOYEES.—The Secretary may assign  
7 employees of the Chief Scientist to national park areas  
8 or colleges and universities as needed to conduct or coordi-  
9 nate a unit resource study for each national park.

10       (d) PEER REVIEW PROCESS.—

11           (1) IN GENERAL.—The Secretary shall provide  
12           for an appropriate scientific peer review process to  
13           ensure the validity and reliability of each unit re-  
14           source study.

15           (2) REQUIREMENTS.—The peer review process  
16           shall provide for—

17                   (A) review by independent referees selected  
18                   from among individuals recommended by the  
19                   National Academy of Sciences; and

20                   (B) consideration of other relevant data or  
21                   information submitted to the Secretary.

22       (e) ALLOCATION OF AVAILABLE FUNDING.—The  
23 Chief Scientist shall allocate funds for unit resource stud-  
24 ies in accordance with priorities established by national  
25 park superintendents.

1 **SEC. 604. COOPERATIVE AGREEMENTS AND CONTRACTS.**

2 (a) COOPERATIVE AGREEMENTS WITH COLLEGES  
3 AND UNIVERSITIES.—

4 (1) CENTERS FOR STUDIES.—The Secretary  
5 shall enter into long-term cooperative agreements  
6 with colleges and universities that shall be the pri-  
7 mary centers through which unit resource studies  
8 shall be conducted.

9 (2) GEOGRAPHIC DISPERSEMENT.—The cooper-  
10 ative agreements shall be geographically dispersed  
11 across the various regions of the country.

12 (b) OTHER COOPERATIVE AGREEMENTS OR CON-  
13 TRACTS.—

14 (1) IN GENERAL.—The Secretary may enter  
15 into cooperative agreements or contracts with the  
16 United States Geological Survey, other Federal  
17 agencies, public or private institutions, professional  
18 organizations, individuals, corporations, States, and  
19 political subdivisions of States to carry out the unit  
20 resource study program.

21 (2) REVIEW OF UNIT RESOURCE STUDIES.—

22 (A) NATIONAL ACADEMY OF SCIENCES.—

23 The Secretary shall enter into an agreement  
24 with the National Academy of Sciences under  
25 which the National Academy of Sciences shall  
26 review and comment on unit resource studies

1           and management policies adopted in response to  
2           unit resource studies.

3           ~~(B) REQUESTS FOR REVIEW.—Review by~~  
4           the National Academy of Sciences may be con-  
5           ducted in response to a request by the National  
6           Park Service or in response to a request by a  
7           person outside the National Park Service that  
8           submits to the National Academy of Sciences a  
9           study that, in the opinion of the National Acad-  
10          emy of Sciences, warrants review.

11          ~~(c) ADEQUATE COMPETITION.—In entering into any~~  
12       cooperative agreement or contract for a unit resource  
13       study, the Secretary shall provide adequate competition to  
14       ensure that the unit resource study is undertaken by the  
15       best qualified person and at the best value for the Federal  
16       Government.

17       **SEC. 605. INVENTORY AND MONITORING PROGRAM.**

18       ~~(a) PROGRAM.—~~

19           ~~(1) ESTABLISHMENT.—The Secretary shall un-~~  
20       dertake a program of inventory and monitoring of  
21       national park resources to establish baseline infor-  
22       mation and provide information on the long-term  
23       trends in the conditions of national park resources.

24           ~~(2) DEVELOPMENT.—The monitoring program~~  
25       shall be developed in cooperation with other Federal



1 monitoring and information collection efforts to en-  
 2 sure a cost-effective approach.

3 (b) TRAINING.—The Secretary shall take such ac-  
 4 tions as are necessary to ensure that the National Park  
 5 Service work-force has adequate professional and technical  
 6 knowledge and training to carry out the missions of the  
 7 National Park Service, including making use of scientific  
 8 data and research results.

9 **SEC. 606. AVAILABILITY OF NATIONAL PARKS FOR SCI-**  
 10 **ENTIFIC STUDY.**

11 (a) IN GENERAL.—The Chief Scientist may solicit,  
 12 receive, and consider requests from public or private insti-  
 13 tutions, individuals, corporations, States, political subdivi-  
 14 sions of States, and other Federal agencies for the use  
 15 of any national park for purposes of scientific study.

16 (b) APPROVAL.—A request for the use of a national  
 17 park under subsection (a) may be approved if the Chief  
 18 Scientist determines that the proposed study—

19 (1) is consistent with applicable law and Na-  
 20 tional Park Service management policies; and

21 (2) will be conducted in such a manner as to  
 22 pose no significant threat to or broad impairment of  
 23 national park resources or public enjoyment derived  
 24 from those resources.

1       (c) ~~ACCESS.—The Secretary may waive any recre-~~  
 2       ~~ation admission or recreation user fee in order to facilitate~~  
 3       ~~the conduct of a scientific study under this section.~~

4       **SEC. 607. INTEGRATION OF STUDY RESULTS INTO MANAGE-**  
 5       **MENT DECISIONS.**

6       (a) ~~ADMINISTRATIVE RECORD.—In each case in~~  
 7       ~~which a park resource may be adversely affected by an~~  
 8       ~~action undertaken by the National Park Service, the ad-~~  
 9       ~~ministrative record shall reflect the manner in which unit~~  
 10      ~~resource studies and studies under section 606 have been~~  
 11      ~~considered.~~

12      (b) ~~ANNUAL PERFORMANCE EVALUATION.—The~~  
 13      ~~trend in the condition of national park resources, particu-~~  
 14      ~~larly national park resources, shall be a significant factor~~  
 15      ~~in the annual performance evaluation of all national park~~  
 16      ~~superintendents.~~

17      **SEC. 608. CONFIDENTIALITY OF INFORMATION CONCERN-**  
 18      **ING THE NATURE AND LOCATION OF SEN-**  
 19      **SITIVE RESOURCES.**

20      Information concerning the nature and location of a  
 21      natural park resource that is endangered, threatened,  
 22      rare, or commercially valuable, or is an object of cultural  
 23      patrimony within a national park, may be withheld in re-  
 24      sponse to a request under section 552 of title 5, United  
 25      States Code, unless the Secretary determines that—

1           (1) disclosure of the information would further  
 2           the purposes of the national park in which the re-  
 3           source is located and would not create a substantial  
 4           risk of harm, theft, or destruction of the resource;  
 5           including individual members or specimens of any  
 6           resource population; and

7           (2) disclosure is consistent with other applicable  
 8           laws protecting the resource.

9   **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

10       There is authorized to be appropriated to carry out  
 11       this title \$15,000,000 for each fiscal year.

12   **TITLE VII—DESIGNATION OF**  
 13       **TAX REFUNDS AND CON-**  
 14       **TRIBUTIONS FOR THE BENE-**  
 15       **FIT OF THE NATIONAL PARKS**

16   **SEC. 701. TAX REFUNDS AND CONTRIBUTIONS.**

17       (a) IN GENERAL.—Subchapter A of chapter 61 of the  
 18       Internal Revenue Code of 1986 (relating to returns and  
 19       records) is amended by adding at the end the following:

20   **“PART IX—DESIGNATION OF OVERPAYMENTS**  
 21       **AND CONTRIBUTIONS FOR THE BENEFIT OF**  
 22       **UNITS OF THE NATIONAL PARK SYSTEM**

“Sec. 6097. Designation.

1 **~~“SEC. 6097. DESIGNATION.~~**

2 ~~“(a) IN GENERAL.—In the case of an individual, a~~  
 3 ~~taxpayer may designate that—~~

4 ~~“(1) a specified portion (not less than \$1) of~~  
 5 ~~any overpayment of tax imposed by chapter 1 for~~  
 6 ~~any taxable year; and~~

7 ~~“(2) any cash contribution which the taxpayer~~  
 8 ~~includes with the return of such tax;~~  
 9 ~~shall be paid over to the National Parks Trust Fund.~~

10 ~~“(b) MANNER AND TIME OF DESIGNATION.—A des-~~  
 11 ~~ignation under subsection (a) shall be made at the time~~  
 12 ~~of filing the return of the tax imposed by chapter 1 for~~  
 13 ~~the taxable year. Such designation shall be made in such~~  
 14 ~~manner as the Secretary prescribes by regulations, except~~  
 15 ~~that such designation shall be made either on the first~~  
 16 ~~page of the return or on the page bearing the taxpayer’s~~  
 17 ~~signature.~~

18 ~~“(c) OVERPAYMENTS TREATED AS REFUNDED.—For~~  
 19 ~~purposes of this title, any portion of an overpayment of~~  
 20 ~~tax designated under subsection (a) shall be treated as~~  
 21 ~~being refunded to the taxpayer as of the last date pre-~~  
 22 ~~scribed for filing the return of tax imposed by chapter 1~~  
 23 ~~(determined without regard to extensions) or, if later, the~~  
 24 ~~date the return is filed.”.~~

1       (b) CLERICAL AMENDMENT.—The table of parts for  
 2 subchapter A of such Code is amended by adding at the  
 3 end the following:

“Part IX. Designation of overpayments and contributions for the  
 benefit of units of the National Park System.”.

4       (c) EFFECTIVE DATE.—The amendments made by  
 5 this section shall apply to taxable years beginning after  
 6 December 31, 1998.

7       **SEC. 702. NATIONAL PARKS TRUST FUND.**

8       (a) IN GENERAL.—Subchapter A of chapter 98 of the  
 9 Internal Revenue Code of 1986 (relating to trust fund  
 10 code) is amended by adding at the end the following:

11       **“SEC. 9512. NATIONAL PARKS TRUST FUND.**

12       “(a) CREATION OF TRUST FUND.—There is estab-  
 13 lished in the Treasury of the United States a trust fund  
 14 to be known as the ‘National Parks Trust Fund’, consist-  
 15 ing of such amounts as may be appropriated or credited  
 16 to the National Parks Trust Fund as provided in this sec-  
 17 tion or section 9602(b).

18       “(b) TRANSFER TO NATIONAL PARKS TRUST FUND  
 19 OF AMOUNTS DESIGNATED.—There is hereby appro-  
 20 priated to the National Parks Trust Fund amounts equiv-  
 21 alent to the amounts received in the Treasury which are  
 22 designated to be paid to the Trust Fund under section  
 23 6097.

24       “(c) EXPENDITURES FROM TRUST FUND.—

1           ~~“(1) IN GENERAL.—Subject to paragraph (2),~~  
 2           amounts in the National Parks Trust Fund shall be  
 3           available, as provided by appropriation Acts, for  
 4           making expenditures to carry out section 702 of the  
 5           Vision 2020 National Parks Restoration Act (as in  
 6           effect on the date of the enactment of this section).

7           ~~“(2) ADMINISTRATIVE EXPENSES.—Amounts in~~  
 8           the National Parks Trust Fund shall be available to  
 9           pay administrative expenses directly allocable to—

10                 ~~“(A) modifying the individual income tax~~  
 11                 return forms to carry out the provisions of sec-  
 12                 tion 6097; and

13                 ~~“(B) activities required to carry out the~~  
 14                 provisions of this chapter with respect to the  
 15                 Fund, including processing and transferring  
 16                 amounts received under section 6097 to the  
 17                 Fund.”.

18           ~~(b) STUDY.—~~

19                 ~~(1) IN GENERAL.—Not later than 2 years after~~  
 20                 the date of enactment of this Act, the Secretary of  
 21                 the Treasury or his delegate shall submit to the  
 22                 Committee on Energy and Natural Resources of the  
 23                 Senate and the Committee on Resources of the  
 24                 House of Representatives, a study of the effects of

1 the National Parks Trust Fund established under  
 2 section 9512 of the Internal Revenue Code of 1986.

3 ~~(2) CONTENTS.—~~The study shall include infor-  
 4 mation on—

5 (A) the amount of money covered into the  
 6 Fund,

7 (B) the projects that were undertaken with  
 8 funds from the Fund, and

9 (C) any other information that the Sec-  
 10 retary considers useful in evaluating the pro-  
 11 gram's effectiveness.

12 ~~(c) CONFORMING AMENDMENT.—~~The table of sec-  
 13 tions for subchapter A of chapter 61 of the Internal Reve-  
 14 nue Code of 1986 is amended by adding at the end the  
 15 following:

“Sec 9512. National Parks Trust Fund.”.

16 **SEC. 703. EXPENDITURES FROM THE NATIONAL PARKS**  
 17 **TRUST FUND.**

18 The Secretary—

19 ~~(1)~~ may use amounts in the National Parks  
 20 Trust Fund only for design, construction, rehabilita-  
 21 tion, and repair of high priority facilities that di-  
 22 rectly enhance the experience of park visitors, in-  
 23 cluding natural, cultural, and historical resource pro-  
 24 tection projects within the national parks; and

1           (2) shall not use amounts in the National Parks  
2           Trust Fund for land acquisition.

3           **TITLE VIII—NATIONAL PARK**  
4           **FOUNDATION**

5   **SEC. 801. PROMOTION OF LOCAL FUNDRAISING SUPPORT.**

6           The Act entitled “An Act to establish the National  
7   Park Foundation”, approved December 18, 1967 (16  
8   U.S.C. 19 et seq.) is amended by adding at the end the  
9   following:

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

11           “(a) ESTABLISHMENT.—The Foundation shall design  
12   and implement a comprehensive program to assist and  
13   promote philanthropic programs of support at the individ-  
14   ual national park level.

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

17                   “(1) assist in the creation of local nonprofit  
18   support organizations; and

19                   “(2) provide support, national consistency, and  
20   management-improving suggestions for local non-  
21   profit support organizations.

22           “(c) EXTENT OF PROGRAM.—The program under  
23   subsection (a) shall include the greatest number of na-  
24   tional parks as is practicable.



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

3           “(1) a standard adaptable organizational design  
4 format to establish and sustain responsible manage-  
5 ment of a local nonprofit support organization for  
6 support of a national park;

7           “(2) standard and legally tenable bylaws and  
8 recommended money-handling procedures that can  
9 easily be adapted as applied to individual national  
10 parks; and

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

14       “(e) REPORT.—The Foundation shall report the  
15 progress of the program under subsection (a) in the an-  
16 nual report of the Foundation.

17       “(f) AFFILIATIONS.—

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

20           “(A) a nonprofit support organization or  
21 friends group in existence on the date of enact-  
22 ment of this Act to modify current practices or  
23 to affiliate with the Foundation; or

24           “(B) a local nonprofit support organiza-  
25 tion, established as a result of this section, to

1 be bound through its charter or corporate by-  
 2 laws to be permanently affiliated with the  
 3 Foundation.

4 “(2) ESTABLISHMENT.—An affiliation with the  
 5 Foundation shall be established only at the discre-  
 6 tion of the governing board of a nonprofit organiza-  
 7 tion.”.

## 8 **TITLE IX—COMMERCIAL** 9 **FILMING IN NATIONAL PARKS**

### 10 **SEC. 901. DEFINITIONS.**

11 In this title:

12 (1) ~~COMMERCIAL VISUAL IMAGE.~~—

13 (A) ~~IN GENERAL.~~—The term “commercial  
 14 visual image” means a visual image that a per-  
 15 son produces with the intention that the image  
 16 (or reproductions of the image) will be dissemi-  
 17 nated to the public in connection with a for-  
 18 profit enterprise.

19 (B) ~~EXCLUSIONS.~~—The term “commercial  
 20 visual image” does not include—

21 (i) a visual image produced for dis-  
 22 semination to the public as news; or

23 (ii) a visual image produced by an in-  
 24 dividual in a limited number and intended

1 to be sold by the individual as a work of  
2 art.

3 ~~(2) PRODUCER.~~—The term “producer” means a  
4 person that produces or proposes to produce a re-  
5 corded image in a national park for a commercial  
6 use or for public viewing.

7 ~~(3) RECORDED IMAGE.~~—

8 (A) IN GENERAL.—The term “recorded  
9 image” means a motion picture, still photo-  
10 graph, or other form of visual image produced  
11 by any technology.

12 (B) INCLUSIONS.—The term “recorded  
13 image” includes—

14 (i) a feature length film, short, or doc-  
15 umentary; and

16 (ii) promotional or advertising mate-  
17 rial.

18 ~~(3) VEHICLE.~~—The term “vehicle” means a  
19 larger production in which a commercial recorded  
20 image is intended to be included.

21 **SEC. 902. COMMERCIAL FILMING IN NATIONAL PARKS.**

22 (a) OFFICE.—

23 (1) DESIGNATION.—The Secretary shall estab-  
24 lish an office or designate an existing office in the

1 National Park Service to perform the functions of  
2 the Secretary under this title.

3 ~~(2) LOCATION OF MEMBERS.~~—The members of  
4 the office may be located at the regional offices of  
5 the National Park Service in order to facilitate nego-  
6 tiation and processing of permits authorizing the  
7 production of commercial recorded images in the na-  
8 tional parks.

9 ~~(b) PERMIT REQUIREMENT.~~—

10 ~~(1) FEE.~~—A person shall not produce any part  
11 of a commercial recorded image in a national park  
12 without first obtaining a permit from the Secretary  
13 and paying a permit fee calculated under paragraph  
14 ~~(2)~~.

15 ~~(2) FEE CALCULATION.~~—The fee under para-  
16 graph ~~(1)~~ for production of a recorded image shall  
17 be an amount equal to  $\frac{1}{2}$  of 1 percent of the pro-  
18 duction budget for preparation of the vehicle in  
19 which the recorded image is intended to be included.

20 ~~(3) APPLICATION.~~—An application to produce a  
21 commercial recorded image shall include, in addition  
22 to other information required by law (including a  
23 regulation)—

24 ~~(A)~~ a description of the commercial re-  
25 corded image and vehicle; and

1           ~~(B) the production budget for preparation~~  
2           ~~of the vehicle that was employed by the pro-~~  
3           ~~ducer as the basis for the decision to prepare or~~  
4           ~~finance the vehicle.~~

5           ~~(4) FEE PAYMENT.—The fee required by para-~~  
6           ~~graph (1) shall be paid before any part of the pro-~~  
7           ~~duction of the recorded image is undertaken.~~

8           ~~(5) FINAL ACCOUNTING.—~~

9           ~~(A) SUBMISSION OF FINAL PRODUCTION~~  
10          ~~BUDGET.—Not later than the date on which a~~  
11          ~~vehicle is first used commercially or shown to~~  
12          ~~the public, the producer shall submit to the~~  
13          ~~Commission the final production budget for~~  
14          ~~preparation of the vehicle, stating the actual~~  
15          ~~costs of preparation.~~

16          ~~(B) DIFFERENCE IN PRODUCTION BUDG-~~  
17          ~~ETS.—If the final production budget submitted~~  
18          ~~under subparagraph (A) is greater than the~~  
19          ~~production budget submitted with the applica-~~  
20          ~~tion under paragraph (3), the producer shall~~  
21          ~~pay to the Commission, not later than 30 days~~  
22          ~~after the date specified in subparagraph (A), an~~  
23          ~~amount equal to 1 percent of the difference be-~~  
24          ~~tween the 2 budgets.~~

1                   ~~(C) FEES COLLECTED.—Fees collected~~  
 2                   under this section shall be in addition to direct  
 3                   costs incurred by the National Park Service for  
 4                   administrative costs and normal security and  
 5                   personnel costs directly related to the onsite ac-  
 6                   tivities of the producer, which costs shall be  
 7                   paid by the producer.

8                   ~~(e) USE OF PROCEEDS.—Notwithstanding any other~~  
 9                   provision of law, each fee collected in a national park  
 10                  under this section (not including direct costs described in  
 11                  subsection ~~(b)(5)(C))—~~

12                  ~~(1)~~ shall be deposited in a special account in  
 13                  the Treasury of the United States; and

14                  ~~(2)~~ shall be available to the Secretary, without  
 15                  further Act of appropriation, for the preservation,  
 16                  restoration, operation, maintenance, and improve-  
 17                  ment of high-priority projects and programs, in the  
 18                  national park in which the fee is collected, that di-  
 19                  rectly enhance the experience of park visitors, in-  
 20                  cluding natural, cultural, and historical resource pro-  
 21                  tection projects but not including land acquisition.

22                  ~~(3) REPORT.—~~

23                  ~~(A) SUBMISSION OF REPORT.—Not later~~  
 24                  than 4 years after the date of enactment of this  
 25                  Act, the Secretary shall submit to the Commit-

tee on Energy and Natural Resources and the  
 Committee on Appropriations of the Senate and  
 the Committee on Resources and the Committee  
 on Appropriations of the House of Representa-  
 tives a report on the collection of fees under  
 this section.

(B) CONTENTS.—The report under sub-  
 paragraph (A) shall include—

(i) details on how the National Park  
 Service is carrying out this section;

(ii) a complete accounting of proceeds  
 received and a description of high-priority  
 projects funded under this title; and

(iii) an accounting of proceeds reim-  
 bursed to individual national parks for  
 costs incurred for administrative, security,  
 and logistical expenses.

## **TITLE X—CAPITAL IMPROVE- MENT PROJECT BOND DEM- ONSTRATION PROGRAM**

### **SEC. 1001. FINDINGS.**

Congress finds that—

(1) the use of long-term bonds through borrow-  
 ing from the Treasury to help address the capital

1 improvement needs of the National Park System  
2 should be explored;

3 ~~(2)~~ the availability of such bonds may provide  
4 the National Park Service with a new financial tool  
5 for addressing the backlog of capital improvement  
6 projects that face the National Park Service; and

7 ~~(3)~~ through the bond demonstration program  
8 under this title, the Secretary will be able to explore  
9 the potential utility of bonds borrowed from the  
10 Treasury and to report back to Congress on the use-  
11 fulness of this approach for financing capital im-  
12 provements in the national parks.

13 **SEC. 1002. CAPITAL IMPROVEMENT PROJECTS.**

14 Not later than 1 year after the date of enactment  
15 of this Act, the Secretary shall identify not more than 4  
16 capital improvement projects in the National Park Sys-  
17 tem, totaling not more than \$40,000,000, which shall be  
18 financed through obligations issued to the Secretary of the  
19 Treasury as part of the bond demonstration program  
20 under section 1003.

21 **SEC. 1003. ISSUANCE OF OBLIGATIONS.**

22 ~~(a) AUTHORITY.~~—The Secretary may issue obliga-  
23 tions to the Secretary of the Treasury for use in the bond  
24 demonstration program established under this title.



1       (b) ~~AMOUNT.~~—The total amount of obligations issued  
 2 under subsection (a) outstanding at any one time shall not  
 3 exceed \$40,000,000.

4       (c) ~~PURCHASE BY THE SECRETARY OF THE TREAS-~~  
 5 ~~URY.~~—The Secretary of the Treasury shall purchase obli-  
 6 gations issued under subsection (a) if the Secretary of the  
 7 Treasury finds that there is reasonable assurance of re-  
 8 payment of the obligations.

9       (d) ~~PUBLIC DEBT TRANSACTION.~~— For the purpose  
 10 of purchasing any such obligations, the Secretary of the  
 11 Treasury may use as a public debt transaction the pro-  
 12 ceeds from the sale of any securities issued under chapter  
 13 ~~31~~ of title ~~31~~, United States Code, and the purposes for  
 14 which securities issued under chapter are extended to in-  
 15 clude any purchase by the Secretary of the Treasury of  
 16 obligations under this section.

17       (e) ~~OBLIGATION CHARACTERISTICS.~~— Obligations  
 18 issued under subsection (a)—

19               (1) shall be in such forms and denominations;  
 20       bear such maturities, and be subject to such terms  
 21       and conditions as may be prescribed by the Sec-  
 22       retary of the Treasury, in consultation with the Sec-  
 23       retary; and

24               (2) shall bear interest at a rate determined by  
 25       the Secretary of the Treasury, taking into consider-

1       ation current market yields on outstanding market-  
 2       able obligations of the United States of comparable  
 3       maturities.

4       (f) SALE.—The Secretary of the Treasury may at any  
 5       time sell any of the obligations acquired by the Secretary  
 6       under this section.

7       (g) TREATMENT.—All redemptions, purchases, and  
 8       sales by the Secretary of the Treasury of such obligations  
 9       shall be treated as public debt transactions of the United  
 10      States.

11   **SEC. 1004. FINANCING.**

12       The Secretary may use receipts collected under sec-  
 13      tion 315 of section 101(c) of Public Law 104-134 (16  
 14      U.S.C. 4601-6a note) to finance obligations issued under  
 15      section 1003.

16   **SEC. 1005. REPORT.**

17       (a) IN GENERAL.—Not later than 2 years after the  
 18      date of issuance of obligations under this title, the Sec-  
 19      retary and the Secretary of the Treasury shall report to  
 20      Congress on the bond demonstration program.

21       (b) CONTENTS.—The report under subsection (a)  
 22      shall include a discussion of—

- 23               (1) the mechanics of the bonding process;
- 24               (2) the transaction costs associated with the
- 25      issuance of the obligations;

1           ~~(3)~~ the implications of dedicating a revenue  
2           stream to repay such obligations; and

3           ~~(4)~~ the recommendations of the Secretary and  
4           the Secretary of the Treasury regarding the poten-  
5           tial expansion of the bond demonstration program.

## 6           **TITLE XI—MISCELLANEOUS**

### 7           **SEC. 1101. UNITED STATES PARK POLICE.**

8           ~~(a)~~ APPOINTMENT OF TASK FORCE.—Not later than  
9           60 days after the date of enactment of this Act, the Sec-  
10          retary shall appoint a multidisciplinary task force to fully  
11          evaluate the shortfalls, needs, and requirements of the  
12          United States Park Police, including facility repair, reha-  
13          bilitation, and communications needs.

14          ~~(b)~~ SUBMISSION OF REPORT.—Not later than 1 year  
15          after the date of enactment of this Act, the Secretary shall  
16          submit to the Committee on Energy and Natural Re-  
17          sources and the Committee on Appropriations of the Sen-  
18          ate and the Committee on Resources and the Committee  
19          on Appropriations of the House of Representatives a re-  
20          port that includes—

21                 ~~(1)~~ the findings and recommendations of the  
22                 task force;

23                 ~~(2)~~ complete justifications for any recommenda-  
24                 tions made; and

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

4 **SEC. 1102. LEASES AND COOPERATIVE MANAGEMENT**  
 5 **AGREEMENTS.**

6           ~~(a)~~ IN GENERAL.—Section ~~3~~ of Public Law 91-383  
 7 ~~(16 U.S.C. 1a-2)~~ is amended by adding at the end the  
 8 following:

9           ~~“(k)~~ LEASES.—

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

15           ~~“(2)~~ USE.—Buildings and associated property  
 16           leased under paragraph ~~(1)~~—

17           ~~“(A)~~ shall be used for an activity that is  
 18           consistent with the purposes established by law  
 19           for the unit in which the building is located;

20           ~~“(B)~~ shall not result in degradation of the  
 21           purposes and values of the unit; and

22           ~~“(C)~~ shall be compatible with National  
 23           Park Service programs.

24           ~~“(3)~~ RENTAL AMOUNTS.—

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

3                   “(i) payment of fair market value  
4                   rental shall be required; and

5                   “(ii) section 321 of the Act of June  
6                   30, 1932 (47 Stat. 412; chapter 314; 40  
7                   U.S.C. 303b) shall not apply.

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

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

20          “(4) SPECIAL ACCOUNT.—

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

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

6                   “(i) facility refurbishment;

7                   “(ii) repair and replacement;

8                   “(iii) infrastructure projects associ-  
 9           ated with park resource protection; and

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

12           “(C) ACCOUNTABILITY AND RESULTS.—

13           The Secretary shall develop procedures for the  
 14           use of the special account that ensure account-  
 15           ability and demonstrated results consistent with  
 16           this Act.

17           “(I) COOPERATIVE MANAGEMENT AGREEMENTS.—

18                   “(1) IN GENERAL.—The Secretary may enter  
 19           into an agreement with a State or local government  
 20           agency for the cooperative management of national  
 21           park land and nearby State or local park land.

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

23           Under a cooperative management agreement, the  
 24           Secretary may acquire from and provide to a State  
 25           or local government agency goods and services to be

1       used by the Secretary and the State or local govern-  
 2       mental agency in the cooperative management of  
 3       land.

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

11      (b) CONFORMING AMENDMENTS.—Section 3 of Pub-  
 12      lic Law 91-383 (16 U.S.C. 1a-2) is amended—

13           (1) by striking “SEC. 3.” and all that follows  
 14      through “(a) provide” and inserting the following:

15      **“SEC. 3. AUTHORIZED ACTIVITIES OF SECRETARY OF THE**  
 16           **INTERIOR.**

17           “(a) TRANSPORTATION.—The Secretary of the Inte-  
 18      rior (referred to in this section as the ‘Secretary’) may  
 19      provide”;

20           (2) in subsection (a)—

21           (A) by striking “where (1) such areas” and  
 22      inserting “if—  
 23      “(1) the areas”; and

1           (B) by striking “transportation, and (2)  
 2           such transportation” and inserting “transportation;  
 3           and  
 4           “(2) the transportation”;  
 5           (3)(A) by striking the semicolon at the end of  
 6           each of subsections (a) through (f) and subsection  
 7           (h) and inserting a period; and  
 8           (B) by striking “; and” at the end of subsection  
 9           (i) and inserting a period;  
 10          (4) in subsection (b), by striking “(b) provide”  
 11          and inserting the following:  
 12          “(b) RECREATION.—The Secretary may provide”;  
 13          (5) in subsection (c), by striking “(c) appoint”  
 14          and inserting the following:  
 15          “(c) ADVISORY COMMITTEES; COMPENSATION AND  
 16 TRAVEL EXPENSES.—The Secretary may appoint”;  
 17          (6) in subsection (d), by striking “(d) purchase”  
 18          and inserting the following:  
 19          “(d) PARK EQUIPMENT PURCHASES.—The Secretary  
 20 may purchase”;  
 21          (7) in subsection (e), by striking “(e) enter”  
 22          and inserting the following:  
 23          “(e) SERVICE, RESOURCE, AND WATER CON-  
 24 TRACTS.—The Secretary may enter”;



1           (8) in subsection (f), by striking “(f) acquire,  
2           and have installed, air-conditioning units” and in-  
3           serting the following:

4           “(f) VEHICULAR AIR CONDITIONERS.—The Sec-  
5           retary may acquire and install air conditioners”;

6           (9) in subsection (g)—

7                   (A) by striking “(g) sell” and inserting the  
8           following:

9           “(g) LIVING EXHIBITS AND INTERPRETIVE DEM-  
10          ONSTRATIONS.—

11                   “(1) IN GENERAL.—The Secretary may sell”;

12                   (B) by striking “demonstrations,” and in-  
13           serting “demonstrations.”

14                   (C) by striking “Sixty percent” and insert-  
15           ing the following:

16           “(2) SPECIAL ACCOUNT.—

17                   “(A) DEPOSIT OF PORTION OF FEES.—  
18           Sixty percent”;

19                   (D) by striking “special account” and in-  
20           serting “special account.”;

21                   (E) by striking “and that such funds” and  
22           inserting the following:

23                   “(B) AVAILABILITY.—Amounts in the spe-  
24           cial account”;

1           (F) by striking “(1) to the extent” and in-  
 2           serting the following:

3                     “(i) to the extent”;

4           (G) by striking “(2) to conduct” and in-  
 5           serting the following:

6                     “(ii) to conduct”;

7           (H) by striking “The investigations pro-  
 8           vided for in this subsection” and inserting the  
 9           following:

10           “(3) INVESTIGATION DESIGN.—An investigation  
 11           under paragraph (2)(B)(ii)”;

12           (I) by striking “The Secretary” and insert-  
 13           ing the following:

14           “(4) NO ADDITIONAL CONDITIONS.—The Sec-  
 15           retary”;

16           (J) by striking “When competitively” and  
 17           inserting the following:

18           “(5) COMPETITIVE AWARD OF PERMITS.—When  
 19           competitively”;

20           (K) by striking “Fees paid” and inserting  
 21           the following:

22                     “(6) FEES.—

23                       “(A) IN GENERAL.—Fees paid”;

24           (L) by striking “For the purposes of this  
 25           subsection” and inserting the following:

1                   “(B) DEFINITION OF CERTAIN PERMIT-  
2                   TEE.—In subparagraph (A)”;

3                   (M) by striking “Nothing in this sub-  
4                   section” and inserting the following:

5                   “(7) NO ADDITIONAL PERMIT REQUIRE-  
6                   MENTS.—Nothing in this subsection”;

7                   (10) in subsection (h)—

8                   (A) by striking “(h) promulgate” and in-  
9                   serting the following:

10                  “(h) BOATING AND OTHER WATER ACTIVITIES.—

11                  “(1) IN GENERAL.—The Secretary may promul-  
12                  gate”; and

13                  (B) by striking “States: *Provided*, That  
14                  any” and inserting “States:

15                  “(2) AUTHORITY OF THE COAST GUARD.—  
16                  Any”;

17                  (11) in subsection (i), by striking “(i) provide”  
18                  and inserting the following:

19                  “(i) EMPLOYEE MEALS AND LODGING.—The Sec-  
20                  retary may provide”; and

21                  (12) in subsection (j), by striking “(j) Enter”  
22                  and inserting the following:

23                  “(j) COOPERATIVE RESEARCH AND TRAINING PRO-  
24                  GRAMS.—The Secretary may enter”.

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Vision 2020 National*  
 3 *Parks System Restoration Act”.*

4 **SEC. 2. DEFINITIONS.**

5       *As used in this Act, the term—*

6           (1) “Secretary” means the Secretary of the Inte-  
 7       *rior, and*

8           (2) “park” or “national park” means a unit of  
 9       *the National Park System.*

10       **TITLE I—NATIONAL PARK SERVICE CAREER**

11       **DEVELOPMENT, TRAINING AND MANAGEMENT**

12       **SEC. 101. PROTECTION, INTERPRETATION AND RESEARCH**

13               **IN THE NATIONAL PARK SYSTEM.**

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

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

22       *The Secretary shall develop a comprehensive training*  
 23 *program for employees in all professional careers in the*  
 24 *work force of the National Park Service for the purpose of*  
 25 *assuring that the work force has available the best, up-to-*  
 26 *date knowledge, skills and abilities with which to manage,*

1 *interpret and protect the resources of the National Park*  
 2 *System.*

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

4 *The Secretary shall develop a clear plan for manage-*  
 5 *ment training and development, whereby career, profes-*  
 6 *sional National Park Service employees from any appro-*  
 7 *priate academic field may obtain sufficient training, expe-*  
 8 *rience, and advancement opportunity to enable those quali-*  
 9 *fied to move into park management positions, including ex-*  
 10 *plicitly the position of park superintendent.*

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

12 *(a) STRATEGIC PLANS.—Each unit of the National*  
 13 *Park System shall prepare and make available to the public*  
 14 *a 5-year strategic plan and an annual performance plan.*  
 15 *Such plans shall reflect the National Park Service policies,*  
 16 *goals and outcomes represented in the Service-wide Strate-*  
 17 *gic Plan, prepared pursuant to the provisions of the Gov-*  
 18 *ernment Performance and Results Act (Public Law 103–*  
 19 *62).*

20 *(b) PARK BUDGET.—As a part of each park’s annual*  
 21 *performance plan prepared pursuant to subsection (a) of*  
 22 *this section, following receipt of each park’s appropriation*  
 23 *from the Operations of the National Park System account*  
 24 *(but no later than January 1 of each year), each park su-*  
 25 *perintendent shall develop and make available to the public*

1 *the budget for the current fiscal year for that park. The*  
 2 *budget shall include, at a minimum, funding allocations*  
 3 *for resource preservation (including resource management),*  
 4 *visitor services (including maintenance, interpretation, law*  
 5 *enforcement, and search and rescue) and administration.*  
 6 *The budget shall also include allocations into each of the*  
 7 *above categories of all funds retained from fees collected for*  
 8 *that year, including but not limited to special use permits,*  
 9 *concession franchise fees, and recreation use and entrance*  
 10 *fees.*

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

13 **SEC. 201. PURPOSES.**

14 *The purposes of this title are—*

15 *(1) to more effectively achieve the mission of the*  
 16 *National Park Service;*

17 *(2) to enhance management and protection of*  
 18 *national park resources by providing clear authority*  
 19 *and direction for the conduct of scientific study in the*  
 20 *National Park System and to use the information*  
 21 *gathered for management purposes;*

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

24 *(4) to encourage others to use the National Park*  
 25 *System for study to the benefit of park management*

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

7    **SEC. 202. RESEARCH MANDATE.**

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

12   **SEC. 203. COOPERATIVE AGREEMENTS.**

13        *(a) COOPERATIVE STUDY UNITS.—The Secretary is*  
 14        *authorized and directed to enter into cooperative agree-*  
 15        *ments with colleges and universities, including but not lim-*  
 16        *ited to land grant schools, in partnership with other Federal*  
 17        *and State agencies, to establish cooperative study units to*  
 18        *conduct multi-disciplinary research and develop integrated*  
 19        *information products on the resources of the National Park*  
 20        *System, or the larger region of which parks 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 Commit-*  
 23        *tee on Energy and Natural Resources of the United States*  
 24        *Senate and the Committee on Resources of the House of*  
 25        *Representatives on progress in the establishment of a com-*

1 *prehensive network of such college and university based co-*  
 2 *operative study units as will provide full geographic and*  
 3 *topical coverage for research on the resources contained in*  
 4 *units of the National Park System and their larger regions.*

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

6 *The Secretary shall undertake a program of inventory*  
 7 *and monitoring of National Park System resources to estab-*  
 8 *lish baseline information and to provide information on the*  
 9 *long-term trends in the condition of National Park System*  
 10 *resources. The monitoring program shall be developed in co-*  
 11 *operation with other Federal monitoring and information*  
 12 *collection efforts to ensure a cost-effective approach.*

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

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

19 *(b) CRITERIA.—A request for use of a unit of the Na-*  
 20 *tional Park System under subsection (a) may only be ap-*  
 21 *proved if the Secretary determines that the proposed*  
 22 *study—*

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



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

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

8   **SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGE-**  
 9           **MENT DECISIONS.**

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

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

18          *Information concerning the nature and location of a*  
 19          *park resource which is endangered, threatened, rare, or*  
 20          *commercially valuable, or for an object of cultural pat-*  
 21          *rimony within a unit of the National Park System, may*  
 22          *be withheld from the public in response to a request under*  
 23          *section 552 of title 5, United States Code, unless the Sec-*  
 24          *retary determines that—*

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

8    ***TITLE III—PROCEDURES FOR ESTABLISHMENT***  
 9    ***OF NEW UNITS OF THE NATIONAL PARK SYSTEM***  
 10 ***SEC. 301. STUDIES OF AREAS FOR POTENTIAL INCLUSION***  
 11 ***IN THE NATIONAL PARK SYSTEM.***

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

14           (1) *in subsection (a)—*

15               (A) *by inserting “GENERAL AUTHOR-*  
 16               *ITY.—” after “(a)”;*

17               (B) *by striking the second through sixth*  
 18               *sentences; and*

19               (C) *by striking “For the purposes of carry-*  
 20               *ing out” and inserting the following:*

21       “(e) *AUTHORIZATION OF APPROPRIATIONS.—For the*  
 22 *purposes of carrying out”;* and

23           (2) *by inserting after subsection (a) the follow-*  
 24           *ing:*

1       “(b) *STUDIES OF AREAS FOR POTENTIAL INCLUSION*  
2 *IN THE NATIONAL PARK SYSTEM.*—

3               “(1)(A) *At the beginning of each calendar year,*  
4 *the Secretary shall submit to the Committee on En-*  
5 *ergy and Natural Resources of the United States Sen-*  
6 *ate and the Committee on Resources of the United*  
7 *States House of Representatives a list of areas rec-*  
8 *ommended for study for potential inclusion as new*  
9 *units in the National Park System.*

10              “(B) *If the Secretary determines during a spe-*  
11 *cific calendar year that no areas are recommended for*  
12 *study for potential inclusion in the National Park*  
13 *System, the Secretary is not required to submit the*  
14 *list referenced in subparagraph (A).*

15              “(2) *In developing the list submitted under this*  
16 *subsection, the Secretary shall consider—*

17                      “(A) *areas that have the greatest potential*  
18 *for meeting the established criteria of national*  
19 *significance, suitability, and feasibility;*

20                      “(B) *themes, sites, and resources not ade-*  
21 *quately represented in the National Park Sys-*  
22 *tem; and*

23                      “(C) *public proposals and Congressional re-*  
24 *quests.*

1           “(3) *Nothing in this subsection shall limit the*  
 2           *authority of the Secretary to conduct preliminary*  
 3           *planning activities, including—*

4                     “(A) *the conduct of a preliminary resource*  
 5                     *assessment;*

6                     “(B) *collection of data on a potential study*  
 7                     *area;*

8                     “(C) *provision of technical and planning*  
 9                     *assistance;*

10                    “(D) *preparation or processing of a nomi-*  
 11                    *nation for an administrative designation;*

12                    “(E) *updating of a previous study; or*

13                    “(F) *completion of a reconnaissance survey*  
 14                    *of an area.*

15           “(4) *NATIONAL WILD AND SCENIC RIVERS SYS-*  
 16           *TEM; NATIONAL TRAILS SYSTEM.—Nothing in this sec-*  
 17           *tion applies to, affects, or alters the study of—*

18                    “(A) *any river segment for potential addi-*  
 19                    *tion to the National Wild and Scenic Rivers*  
 20                    *System; or*

21                    “(B) *any trail for potential addition to the*  
 22                    *National Trails System.*

23           “(5) *In conducting a study under this subsection,*  
 24           *the Secretary shall—*

1           “(A) provide adequate public notice and an  
2           opportunity for public involvement, including at  
3           least one public meeting in the vicinity of the  
4           area under study; and

5           “(B) make reasonable efforts to notify po-  
6           tentially affected landowners and State and local  
7           governments.

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

10           “(A) shall consider whether the area—

11           “(i) possesses nationally significant  
12           natural, historic or cultural resources, or  
13           outstanding recreational opportunities;

14           “(ii) represents one of the most impor-  
15           tant examples (singly or as part of a group)  
16           of a particular resource type in the United  
17           States; and

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

20           “(B) shall consider—

21           “(i) the rarity and integrity of the re-  
22           sources of the area;

23           “(ii) the threats to resources;

1                   “(iii) whether similar resources are al-  
 2                   ready protected in the National Park Sys-  
 3                   tem or in other public or private ownership;

4                   “(iv) benefits to the public;

5                   “(v) the interpretive and educational  
 6                   potential of the area;

7                   “(vi) costs associated with acquisition,  
 8                   development, and operation of the area and  
 9                   the source or revenue to pay for the cost;

10                  “(vii) the socioeconomic impacts of in-  
 11                  clusion of the area in the National Park  
 12                  System;

13                  “(viii) the level of local and general  
 14                  public support for the inclusion;

15                  “(ix) whether the area is of appro-  
 16                  priate configuration to ensure long-term re-  
 17                  source protection and appropriate visitor  
 18                  use; and

19                  “(x) the potential impact on the inclu-  
 20                  sion of the area on existing units of the Na-  
 21                  tional Park System;

22                  “(C) shall consider whether direct manage-  
 23                  ment by the Secretary or alternative protection  
 24                  by other public agencies or the private sector is  
 25                  most appropriate for the area;

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

6           “(E) may include any other information  
 7           that the Secretary considers pertinent.

8           “(7) The letter transmitting a completed study to  
 9           Congress shall contain a recommendation regarding  
 10          the preferred management option of the Secretary for  
 11          the area.

12          “(8) The Secretary shall complete a study of an  
 13          area for potential inclusion in the National Park  
 14          System within three years after the date funds are  
 15          made available for the study.

16          “(c) *LIST OF PREVIOUSLY STUDIED AREAS WITH HIS-*  
 17          *TORICAL OR NATURAL RESOURCES.*—

18          “(1) At the beginning of each calendar year, the  
 19          Secretary shall submit to the Committee on Energy  
 20          and Natural Resources of the United States Senate  
 21          and to the Committee on Resources of the United  
 22          States House of Representatives—

23                 “(A) a list of areas that have been pre-  
 24                 viously studied under this section that contain  
 25                 primarily historical or cultural resources, but

1           *have not been added to the National Park Sys-*  
 2           *tem; and*

3                   *“(B) a list of areas that have been pre-*  
 4           *viously studied under this section that contain*  
 5           *primarily natural resources, but have not been*  
 6           *added to the National Park System.*

7                   *“(2) In developing a list under paragraph (1),*  
 8           *the Secretary shall consider the factors described in*  
 9           *subsection (b)(2).*

10                   *“(3) The Secretary shall include on a list under*  
 11           *paragraph (1) only areas for which supporting data*  
 12           *are current and accurate.”.*

#### 13                   ***TITLE IV—NATIONAL PARK SERVICE***

#### 14                   ***CONCESSION MANAGEMENT***

#### 15           ***SEC. 401. SHORT TITLE.***

16           *This title may be cited as the “National Park Service*  
 17           *Concession Management Improvement Act of 1998”.*

#### 18           ***SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF*** 19                   ***POLICY.***

20           *In furtherance of the Act of August 25, 1916 (39 Stat.*  
 21           *535), as amended (16 U.S.C. 1, 2–4), which directs the Sec-*  
 22           *retary of the Interior to administer areas of the National*  
 23           *Park System in accordance with the fundamental purpose*  
 24           *of conserving their scenery, wildlife, natural and historic*  
 25           *objects, and providing for their enjoyment in a manner that*



1 *will leave them unimpaired for the enjoyment of future gen-*  
 2 *erations, the Congress hereby finds that the preservation of*  
 3 *park values requires that such public accommodations, fa-*  
 4 *cilities and services as have to be provided within those*  
 5 *areas should be provided only under carefully controlled*  
 6 *safeguards against unregulated and indiscriminate use, so*  
 7 *that heavy visitation will not unduly impair these values*  
 8 *and so that development of such facilities can best be limited*  
 9 *to locations where the least damage to park values will be*  
 10 *caused. It is the policy of the Congress that such develop-*  
 11 *ment shall be limited to those that are necessary and appro-*  
 12 *priate for public use and enjoyment of the unit of the Na-*  
 13 *tional Park System in which they are located and that are*  
 14 *consistent to the highest practicable degree with the preser-*  
 15 *vation and conservation of the units.*

16 **SEC. 403. AWARD OF CONCESSION 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 concession*  
 20 *contracts to authorize private entities to provide accom-*  
 21 *modations, facilities and services to visitors to areas of the*  
 22 *National Park system. Such concession contracts shall be*  
 23 *awarded as follows:*

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

1 *contracts shall be awarded by the Secretary to the person,*  
2 *corporation, or other entity submitting the best proposal as*  
3 *determined by the Secretary through a competitive selection*  
4 *process. Such competitive process shall include simplified*  
5 *procedures for small, individually-owned, concession con-*  
6 *tracts.*

7       **(b) SOLICITATION OF PROPOSALS.**—*Except as other-*  
8 *wise provided in this section, prior to awarding a new con-*  
9 *cession contract (including renewals or extensions of exist-*  
10 *ing concession contracts) the Secretary shall publicly solicit*  
11 *proposals for the concession contract and, in connection*  
12 *with such solicitation, the Secretary shall prepare a pro-*  
13 *spectus and shall publish notice of its availability at least*  
14 *once in local or national newspapers or trade publications,*  
15 *and/or the Commerce Business Daily, as appropriate, and*  
16 *shall make the prospectus available upon request to all in-*  
17 *terested parties.*

18       **(c) PROSPECTUS.**—*The prospectus shall include, but*  
19 *need not be limited to, the following information:*

20               **(1)** *the minimum requirements for such contract*  
21 *as set forth in subsection (d);*

22               **(2)** *the terms and conditions of any existing con-*  
23 *cession contract relating to the services and facilities*  
24 *to be provided, including all fees and other forms of*

1       *compensation provided to the United States by the*  
2       *concessioner;*

3             (3) *other authorized facilities or services which*  
4       *may be provided in a proposal;*

5             (4) *facilities and services to be provided by the*  
6       *Secretary to the concessioner, if any, including, but*  
7       *not limited to, public access, utilities, and buildings;*

8             (5) *an estimate of the amount of compensation,*  
9       *if any, due an existing concessioner from a new con-*  
10       *cessioner under the terms of a prior concession con-*  
11       *tract;*

12            (6) *a statement as to the weight to be given to*  
13       *each selection factor identified in the prospectus and*  
14       *the relative importance of such factors in the selection*  
15       *process;*

16            (7) *such other information related to the pro-*  
17       *posed concession operation as is provided to the Sec-*  
18       *retary pursuant to a concession contract or is other-*  
19       *wise available to the Secretary, as the Secretary deter-*  
20       *mines is necessary to allow for the submission of com-*  
21       *petitive proposals; and*

22            (8) *where applicable, a description of a pref-*  
23       *erential right to the award of the proposed concession*  
24       *contract held by an existing concessioner as set forth*  
25       *in subsection (g).*

1       (d) *MINIMUM REQUIREMENTS.*—

2               (1) *No proposal shall be considered which fails to*  
3       *meet the minimum requirements as determined by the*  
4       *Secretary. Such minimum requirements shall include,*  
5       *but need not be limited to—*

6                       (A) *the minimum acceptable franchise fee or*  
7       *other forms of consideration to the government;*

8                       (B) *any facilities, services, or capital in-*  
9       *vestment required to be provided by the conces-*  
10      *sioner; and*

11                      (C) *measures necessary to ensure the protec-*  
12      *tion and preservation of park resources.*

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

21               (3) *If all proposals submitted to the Secretary ei-*  
22      *ther fail to meet the minimum requirements or are re-*  
23      *jected by the Secretary, the Secretary shall establish*  
24      *new minimum contract requirements and re-initiate*

1       *the competitive selection process pursuant to this sec-*  
2       *tion.*

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

11       *(e) SELECTION OF THE BEST PROPOSAL.—*

12               *(1) In selecting the best proposal, the Secretary*  
13       *shall consider the following principal factors:*

14                       *(A) The responsiveness of the proposal to the*  
15       *objectives of protecting and preserving park re-*  
16       *sources and values and of providing necessary*  
17       *and appropriate facilities and services to the*  
18       *public at reasonable rates.*

19                       *(B) The experience and related background*  
20       *of the person, corporation, or entity submitting*  
21       *the proposal, including but not limited to, the*  
22       *past performance and expertise of such person,*  
23       *corporation or entity in providing the same or*  
24       *similar facilities or services.*

1           (C) *The financial capability of the person,*  
 2           *corporation or entity submitting the proposal.*

3           (D) *The proposed franchise fee: Provided,*  
 4           *That consideration of revenue to the United*  
 5           *States shall be subordinate to the objectives of*  
 6           *protecting and preserving park resources and of*  
 7           *providing necessary and appropriate facilities to*  
 8           *the public at reasonable rates.*

9           (2) *The Secretary may also consider such second-*  
 10          *ary factors as the Secretary deems appropriate.*

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

19          (f) *CONGRESSIONAL NOTIFICATION.—The Secretary*  
 20          *shall submit any proposed concession contract with antici-*  
 21          *pated annual gross receipts in excess of \$5,000,000 or a du-*  
 22          *ration of ten years or more to the Committee on Energy*  
 23          *and Natural Resources of the United States Senate and the*  
 24          *Committee on Resources of the United States House of Rep-*  
 25          *resentatives. The Secretary shall not award any such pro-*

1 posed contract until at least 60 days subsequent to the noti-  
 2 fication of both committees.

3 (g) *PREFERENTIAL RIGHT OF RENEWAL.*—

4 (1) *Except as provided in paragraph (2), the*  
 5 *Secretary shall not grant a concessioner a preferential*  
 6 *right to renew a concession contract, or any other*  
 7 *form of preference to a concession contract.*

8 (2) *The Secretary shall grant a preferential right*  
 9 *of renewal to an existing concessioner with respect to*  
 10 *proposed renewals of the categories of concession con-*  
 11 *tracts described by subsection (h), subject to the re-*  
 12 *quirements of that subsection.*

13 (3) *As used in this title, the term “preferential*  
 14 *right of renewal” means that the Secretary, subject to*  
 15 *a determination by the Secretary that the facilities or*  
 16 *services authorized by a prior contract continue to be*  
 17 *necessary and appropriate within the meaning of sec-*  
 18 *tion 402 of this title, shall allow a concessioner quali-*  
 19 *fying for a preferential right of renewal the oppor-*  
 20 *tunity to match the terms and conditions of any com-*  
 21 *peting proposal which the Secretary determines to be*  
 22 *the best proposal for a proposed new concession con-*  
 23 *tract which authorizes the continuation of the facili-*  
 24 *ties and services provided by the concessioner under*  
 25 *its prior contract.*

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

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

12           (1) *OUTFITTING AND GUIDE CONTRACTS.—For*  
 13           *the purposes of this title, an “outfitting and guide*  
 14           *concession contract” means a concession contract*  
 15           *which solely authorizes the provision of specialized*  
 16           *backcountry outdoor recreation guide services which*  
 17           *require the employment of specially trained and expe-*  
 18           *rienced guides to accompany park visitors in the*  
 19           *backcountry so as to provide a safe and enjoyable ex-*  
 20           *perience for visitors who otherwise may not have the*  
 21           *skills and equipment to engage in such activity. Out-*  
 22           *fitting and guide concessioners, where otherwise quali-*  
 23           *fied, include, but are not limited to, concessioners*  
 24           *which provide guided river running, hunting, fishing,*  
 25           *horseback, camping, and mountaineering experiences.*



1     *An outfitting and guide concessioner is entitled to a*  
2     *preferential right of renewal under this title only if—*

3             *(A) the contract the outfitting and guide*  
4             *concessioner holds does not grant the concessioner*  
5             *any interest, including, but not limited to, any*  
6             *leasehold surrender interest or possessory inter-*  
7             *est, in capital improvements on lands owned by*  
8             *the United States within a unit of the National*  
9             *Park System: Provided, That this limitation*  
10            *shall not apply to capital improvements con-*  
11            *structed by a concessioner pursuant to the terms*  
12            *of a concession contract prior to the effective date*  
13            *of this title; and*

14            *(B) the Secretary determines that the con-*  
15            *cessioner has operated satisfactorily during the*  
16            *term of the contract (including any extension*  
17            *thereof); and*

18            *(C) the concessioner has submitted a respon-*  
19            *sive proposal for a proposed new contract which*  
20            *satisfies the minimum requirements established*  
21            *by the Secretary pursuant to subsection (d).*

22            (2) *CONTRACTS WITH ANTICIPATED ANNUAL*  
23            *GROSS RECEIPTS UNDER \$500,000.—A concessioner*  
24            *which holds a concession contract where the Secretary*  
25            *has estimated that its renewal will result in gross an-*

1        *nual receipts of less than \$500,000 shall be entitled to*  
 2        *a preferential right of renewal under this title if—*

3                *(A) the Secretary has determined that the*  
 4                *concessioner has operated satisfactorily during*  
 5                *the term of the contract (including any extension*  
 6                *thereof); and*

7                *(B) the concessioner has submitted a respon-*  
 8                *sive proposal for a proposed new concession con-*  
 9                *tract which satisfies the minimum requirements*  
 10               *established by the Secretary pursuant to sub-*  
 11               *section (d).*

12        *(i) NEW OR ADDITIONAL SERVICES.—The Secretary*  
 13        *shall not grant a preferential right to a concessioner to pro-*  
 14        *vide new or additional services in a park.*

15        *(j) SECRETARIAL AUTHORITY.—Nothing in this title*  
 16        *shall be construed as limiting the authority of the Secretary*  
 17        *to determine whether to issue a concession contract or to*  
 18        *establish its terms and conditions in furtherance of the poli-*  
 19        *cies expressed in this title.*

20        *(k) EXCEPTIONS.—Notwithstanding the provisions of*  
 21        *this section, the Secretary may award, without public solici-*  
 22        *tation—*

23                *(1) a temporary concession contract or extend an*  
 24                *existing concession contract for a term not to exceed*  
 25                *three years in order to avoid interruption of services*

1       to the public at a park, except that prior to making  
2       such an award, the Secretary shall take all reasonable  
3       and appropriate steps to consider alternatives to  
4       avoid such interruption; and

5               (2) a concession contract in extraordinary cir-  
6       cumstances where compelling and equitable consider-  
7       ations require the award of a concession contract to  
8       a particular party in the public interest. Such award  
9       of a concession contract shall not be made by the Sec-  
10      retary until at least thirty days after publication in  
11      the “Federal Register” of notice of the Secretary’s in-  
12      tention to do so and the reasons for such action, and  
13      notice to the Committee on Energy and Natural Re-  
14      sources of the United States Senate and the Commit-  
15      tee on Resources of the United States House of Rep-  
16      resentatives.

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

18       A concession contract entered into pursuant to this  
19      title shall be awarded for a term not to exceed ten years:  
20      Provided, That the Secretary may award a contract for a  
21      term of up to twenty years if the Secretary determines that  
22      the contract terms and conditions, including the required  
23      construction of capital improvements, warrant a longer  
24      term.

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

2 *(a) LEASEHOLD SURRENDER INTEREST UNDER NEW*  
 3 *CONCESSION CONTRACTS.—*

4 *(1) On or after the date of enactment of this*  
 5 *title, a concessioner which constructs a capital im-*  
 6 *provement upon land owned by the United States*  
 7 *within a unit of the National Park System pursuant*  
 8 *to a concession contract, shall have a leasehold sur-*  
 9 *render interest in such capital improvement subject to*  
 10 *the following terms and conditions:*

11 *(A) A concessioner shall have a property*  
 12 *right in each capital improvement constructed*  
 13 *by a concessioner under a concession contract,*  
 14 *consisting solely of a right to compensation for*  
 15 *the capital improvement to the extent of the*  
 16 *value of the concessioner's leasehold surrender in-*  
 17 *terest in the capital improvement.*

18 *(B) A leasehold surrender interest—*

19 *(i) may be pledged as security for fi-*  
 20 *nancing of a capital improvement or the ac-*  
 21 *quisition of a concession contract when ap-*  
 22 *proved by the Secretary pursuant to this*  
 23 *title;*

24 *(ii) shall be transferred by the conces-*  
 25 *sioner in connection with any transfer of*

1           the concession contract and may be relin-  
 2           quished or waived by the concessioner; and  
 3           (iii) shall not be extinguished by the  
 4           expiration or other termination of a conces-  
 5           sion contract and may not be taken for pub-  
 6           lic use except on payment of just compensa-  
 7           tion.

8           (C) The value of a leasehold surrender inter-  
 9           est in a capital improvement shall be an amount  
 10          equal to the initial value (construction cost of the  
 11          capital improvement), increased (or decreased)  
 12          in the same percentage increase (or decrease) as  
 13          the percentage increase (or decrease) in the Con-  
 14          sumer Price Index, from the date of making the  
 15          investment in the capital improvement by the  
 16          concessioner to the date of payment of the value  
 17          of the leasehold surrender interest, less deprecia-  
 18          tion of the capital improvement as evidenced by  
 19          the condition and prospective serviceability in  
 20          comparison with a new unit of like kind.

21          (D) Where a concessioner, pursuant to the  
 22          terms of a concession contract, makes a capital  
 23          improvement to an existing capital improvement  
 24          in which the concessioner has a leasehold surren-  
 25          der interest, the cost of such additional capital

1           *improvement shall be added to the then current*  
 2           *value of the concessioner's leasehold surrender in-*  
 3           *terest.*

4           *(E) For purposes of this section, the term—*

5                   *(i) “Consumer Price Index” means the*  
 6                   *“Consumer Price Index—All Urban Con-*  
 7                   *sumers” published by the Bureau of Labor*  
 8                   *Statistics of the Department of Labor, un-*  
 9                   *less such index is not published, in which*  
 10                  *case another regularly published cost-of-liv-*  
 11                  *ing index approximating the Consumer*  
 12                  *Price Index shall be utilized by the Sec-*  
 13                  *retary; and*

14                  *(ii) “capital improvement” means a*  
 15                  *structure, fixture, or non-removable equip-*  
 16                  *ment provided by a concessioner pursuant*  
 17                  *to the terms of a concession contract and lo-*  
 18                  *cated on lands of the United States within*  
 19                  *a unit of the National Park System.*

20           *(b) SPECIAL RULE FOR EXISTING POSSESSORY INTER-*  
 21           *EST.—*

22                  *(1) A concessioner which has obtained a*  
 23                  *possessory interest as defined in Public Law 89–249*  
 24                  *under the terms of a concession contract entered into*  
 25                  *prior to the date of enactment of this title shall, upon*

1     *the expiration or termination of such contract, be en-*  
2     *titled to receive compensation for such possessory in-*  
3     *terest improvements in the amount and manner as*  
4     *described by such concession contract.*

5           (2) *In the event such prior concessioner is*  
6     *awarded a new concession contract after the effective*  
7     *date of this title replacing an existing concession con-*  
8     *tract, the existing concessioner shall, instead of di-*  
9     *rectly receiving such possessory interest compensation,*  
10    *have a leasehold surrender interest in its existing*  
11    *possessory interest improvements under the terms of*  
12    *the new contract and shall carry over as the initial*  
13    *value of such leasehold surrender interest (instead of*  
14    *construction cost) an amount equal to the value of the*  
15    *existing possessory interest as of the termination date*  
16    *of the previous contract. In the event of a dispute be-*  
17    *tween the concessioner and the Secretary as to the*  
18    *value of such possessory interest, the matter shall be*  
19    *resolved through binding arbitration.*

20           (3) *In the event that a new concessioner is*  
21    *awarded a concession contract and is required to pay*  
22    *a prior concessioner for possessory interest in prior*  
23    *improvements, the new concessioner shall have a*  
24    *leasehold surrender interest in such prior improve-*  
25    *ments and the initial value in such leasehold surren-*

1        *der interest (instead of construction cost), shall be an*  
 2        *amount equal to the value of the existing possessory*  
 3        *interest as of the termination date of the previous*  
 4        *contract.*

5        *(c) TRANSITION TO SUCCESSOR CONCESSIONER.—*  
 6        *Upon expiration or termination of a concession contract en-*  
 7        *tered into after the effective date of this title, a concessioner*  
 8        *shall be entitled under the terms of the concession contract*  
 9        *to receive from the United States or a successor concessioner*  
 10       *the value of any leasehold surrender interest in a capital*  
 11       *improvement as of the date of such expiration or termi-*  
 12       *nation. A successor concessioner shall have a leasehold sur-*  
 13       *render interest in such capital improvement under the*  
 14       *terms of a new contract and the initial value of the lease-*  
 15       *hold surrender interest in such capital improvement (in-*  
 16       *stead of construction cost) shall be the amount of money*  
 17       *the new concessioner is required to pay the prior conces-*  
 18       *sioner for its leasehold surrender interest under the terms*  
 19       *of the prior concession contract.*

20       *(d) TITLE TO IMPROVEMENTS.—Title to any capital*  
 21       *improvement constructed by a concessioner on lands owned*  
 22       *by the United States in a unit of the National Park System*  
 23       *shall be in the United States.*



1 **SEC. 406. REASONABLENESS OF RATES.**

2       *The reasonableness of a concessioner's rates and*  
3 *charges to the public, unless otherwise provided in the con-*  
4 *tract, shall be judged primarily by comparison with those*  
5 *rates and charges for facilities and services of comparable*  
6 *character under similar conditions, with due consideration*  
7 *for length of season, peakloads, average percentage of occu-*  
8 *pancy, accessibility, availability and costs of labor and ma-*  
9 *terials, type of patronage, and other factors deemed signifi-*  
10 *cant by the Secretary. A concessioner's rates and charges*  
11 *to the public shall be subject to approval by the Secretary*  
12 *pursuant to the terms of the concesssion contract. The ap-*  
13 *proval process utilized by the Secretary shall be as prompt*  
14 *and unburdensome to the concessioner as possible and shall*  
15 *rely on market forces to establish reasonableness of rates and*  
16 *charges to the maximum extent practicable.*

17 **SEC. 407. FRANCHISE FEES.**

18       *(a) IN GENERAL.—A concession contract shall provide*  
19 *for payment to the government of a franchise fee or such*  
20 *other monetary consideration as determined by the Sec-*  
21 *retary, upon consideration of the probable value to the con-*  
22 *cessioner of the privileges granted by the particular contract*  
23 *involved. Such probable value is a reasonable opportunity*  
24 *for net profit in relation to capital invested and the obliga-*  
25 *tions of the contract. Consideration of revenue to the United*  
26 *States shall be subordinate to the objectives of protecting*

1 *and preserving park areas and of providing adequate and*  
2 *appropriate services for visitors at 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 concession contract shall*  
6 *be specified in the concession contract and may only be*  
7 *modified to reflect substantial, unanticipated changes from*  
8 *the conditions anticipated as of the effective date of the con-*  
9 *tract. The Secretary shall include in concession contracts*  
10 *with a term of more than five years a provision which al-*  
11 *lows reconsideration of the franchise fee at the request of*  
12 *the Secretary or the concessioner in the event of such sub-*  
13 *stantial, unanticipated changes. Such provision shall pro-*  
14 *vide for binding arbitration in the event that the Secretary*  
15 *and the concessioner are unable to agree upon an adjust-*  
16 *ment 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 a concession contract shall be covered into a special*  
20 *account established in the Treasury of the United States.*  
21 *The funds contained in such special account shall be avail-*  
22 *able for expenditure by the Secretary, without appropri-*  
23 *ation, until expended for use in accordance with subsection*  
24 *(d).*

1       (d) *USE OF FRANCHISE FEES.*—Funds contained in  
 2 the special account shall be transferred to a subaccount and  
 3 shall be allocated to each applicable unit of the National  
 4 Park System, based on the proportion that the amount of  
 5 concession contract fees collected from the unit during the  
 6 fiscal year bears to the total amount of concession contract  
 7 fees collected from all units of the National Park System  
 8 during the fiscal year, to fund high-priority resource man-  
 9 agement and visitor services programs and operations.

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

11       (a) *APPROVAL OF THE SECRETARY.*—No concession  
 12 contract or leasehold surrender interest may be transferred,  
 13 assigned, sold, or otherwise conveyed or pledged by a conces-  
 14 sioner without prior written notification to, and approval  
 15 of the Secretary.

16       (b) *CONDITIONS.*—The Secretary shall not unreason-  
 17 ably withhold approval of such a conveyance or pledge, and  
 18 shall approve such conveyance or pledge if the Secretary  
 19 in his discretion determines that—

20               (1) the individual, corporation or entity seeking  
 21 to acquire a concession contract is qualified to be able  
 22 to satisfy the terms and conditions of the concession  
 23 contract;

24               (2) such conveyance or pledge is consistent with  
 25 the objectives of protecting and preserving park re-

1       sources and of providing necessary and appropriate  
 2       facilities and services to visitors at reasonable rates  
 3       and charges; and

4               (3) the terms of such conveyance or pledge are  
 5       not likely, directly or indirectly, to: reduce the conces-  
 6       sioner's opportunity for a reasonable profit over the  
 7       remaining term of the contract; adversely affect the  
 8       quality of facilities and services provided by the con-  
 9       cessioner; or result in a need for increased rates and  
 10      charges to the public to maintain the quality of such  
 11      facilities and services.

12   **SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MAN-**  
 13               **AGEMENT ADVISORY BOARD.**

14       (a) *ESTABLISHMENT.*—There is hereby established a  
 15      National Park Service Concessions Management Advisory  
 16      Board (hereinafter in this title referred to as the “Advisory  
 17      Board”) whose purpose shall be to advise the Secretary and  
 18      National Park Service on matters relating to management  
 19      of concessions in areas of the National Park System. Among  
 20      other matters, the Advisory Board shall advise on policies  
 21      and procedures intended to assure that services and facili-  
 22      ties provided by concessioners meet acceptable standards at  
 23      reasonable rates with a minimum of impact on park re-  
 24      sources and values, and provide the concessioners with a  
 25      reasonable opportunity to make a profit. The Advisory

1 *Board shall also advise on ways to make National Park*  
 2 *Service concession programs and procedures more cost effec-*  
 3 *tive, efficient, and less burdensome, including, but not lim-*  
 4 *ited to, providing recommendations regarding National*  
 5 *Park Service contracting with the private sector to conduct*  
 6 *appropriate elements of concessions management and pro-*  
 7 *viding recommendations to make more efficient and less*  
 8 *burdensome the approval of concessioner rates and charges*  
 9 *to the public. In addition, the Advisory Board shall make*  
 10 *recommendations to the Secretary regarding the nature and*  
 11 *scope of products which qualify as Indian, Alaska Native,*  
 12 *and Native Hawaiian handicrafts within this meaning of*  
 13 *this title. The Advisory Board, commencing with the first*  
 14 *anniversary of its initial meeting, shall provide an annual*  
 15 *report on its activities to the Committee on Energy and*  
 16 *Natural Resources of the United States Senate and the*  
 17 *Committee on Resources of the United States House of Rep-*  
 18 *resentatives.*

19       **(b) ADVISORY BOARD MEMBERSHIP.**—*Members of the*  
 20 *Advisory Board shall be appointed on a staggered basis by*  
 21 *the Secretary for a term not to exceed four years and shall*  
 22 *serve at the pleasure of the Secretary. The Advisory Board*  
 23 *shall be comprised of not more than seven individuals ap-*  
 24 *pointed from among citizens of the United States not in*  
 25 *the employment of the Federal government and not in the*

1 *employment of or having an interest in a National Park*  
 2 *Service concession. Of the seven members of the Advisory*  
 3 *Board—*

4           (1) *one shall be privately employed in the hospi-*  
 5 *tality industry,*

6           (2) *one shall be privately employed in the tour-*  
 7 *ism industry,*

8           (3) *one shall be privately employed in the ac-*  
 9 *counting industry,*

10          (4) *one shall be privately employed in the outfit-*  
 11 *ting and guide industry,*

12          (5) *one shall be a State government employee*  
 13 *with expertise in park concession management,*

14          (6) *one shall be active in promotion of tradi-*  
 15 *tional arts and crafts, and*

16          (7) *one shall be active in a non-profit conserva-*  
 17 *tion organization involved in the programs of the Na-*  
 18 *tional Park Service.*

19       (c) *TERMINATION.—The Advisory Board shall con-*  
 20 *tinue to exist until December 31, 2008. In all other respects,*  
 21 *it shall be subject to the provisions of the Federal Advisory*  
 22 *Committee Act.*

23       (d) *SERVICE ON ADVISORY BOARD.—Service of an in-*  
 24 *dividual as a member of the Advisory Board shall not be*  
 25 *considered as service or employment bringing such individ-*

1 *ual within the provisions of any Federal law relating to*  
 2 *conflicts of interest or otherwise imposing restrictions, re-*  
 3 *quirements, or penalties in relation to the employment of*  
 4 *persons, the performance of services, or the payment or re-*  
 5 *ceipt of compensation in connection with claims, proceed-*  
 6 *ings, or matters involving the United States. Service as a*  
 7 *member of the Advisory Board shall not be considered serv-*  
 8 *ice in an appointive or elective position in the Government*  
 9 *for purposes of section 8344 of Title 5 of the United States*  
 10 *Code, or other comparable provisions of Federal law.*

11 **SEC. 410. CONTRACTING FOR SERVICES.**

12 *To the maximum extent practicable, the Secretary*  
 13 *shall contract with private entities to conduct the following*  
 14 *elements of the management of the National Park Service*  
 15 *concession program suitable for non-federal fulfillment:*  
 16 *health and safety inspections, quality control of concession*  
 17 *operations and facilities, analysis of rates and charges to*  
 18 *the public, and financial analysis: Provided, That nothing*  
 19 *in this section shall diminish the governmental responsibil-*  
 20 *ities and authority of the Secretary to administer conces-*  
 21 *sion contracts and activities pursuant to this title and the*  
 22 *Act of August 25, 1916 (39 Stat. 535), as amended, (16*  
 23 *U.S.C. 1, 2–4). The Secretary shall also consider, taking*  
 24 *into account the recommendations of the National Park*  
 25 *Service Concessions Management Advisory Board, contract-*

1 *ing out other elements of the concession management pro-*  
 2 *gram, as appropriate.*

3 **SEC. 411. USE OF NON-MONETARY CONSIDERATION IN CON-**  
 4 **CESSION CONTRACTS.**

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

10 **SEC. 412. RECORDKEEPING REQUIREMENTS.**

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

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



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

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

4       (a) *REPEAL.*—*The Act of October 9, 1965, Public Law*  
 5 *89–249 (79 Stat. 969, 16 U.S.C. 20–20g), is hereby re-*  
 6 *pealed. The repeal of such Act shall not affect the validity*  
 7 *of any concession contract or permit entered into under*  
 8 *such Act, but the provisions of this title shall apply to any*  
 9 *such contract or permit except to the extent such provisions*  
 10 *are inconsistent with the express terms and conditions of*  
 11 *any such contract or permit. References in this title to con-*  
 12 *cession contracts awarded under authority of Public Law*  
 13 *89–249 also apply to concession permits awarded under*  
 14 *such authority.*

15       (b) *EXCEPTION FOR PENDING CONTRACT SOLICITA-*  
 16 *TIONS.*—*Notwithstanding such repeal, the Secretary may*  
 17 *award concession contracts under the terms of Public Law*  
 18 *89–249 for concession contract solicitations for which, as*  
 19 *of August 1, 1998, a formal prospectus was issued by the*  
 20 *Secretary pursuant to the requirements of 36 C.F.R. Part*  
 21 *51.*

22       (c) *CONFORMING AMENDMENT.*—*The fourth sentence of*  
 23 *section 3 of the Act of August 25, 1916 (39 Stat. 535; 16*  
 24 *U.S.C. 3) is amended by striking all through “no natural”*

1 *and inserting in lieu thereof, “No natural,” and, the last*  
 2 *proviso of such sentence is stricken in its entirety.*

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

7 **SEC. 414. PROMOTION OF THE SALE OF INDIAN, ALASKA NA-**  
 8 **TIVE, AND NATIVE HAWAIIAN HANDICRAFTS.**

9 (a) *IN GENERAL.—Promoting the sale of United States*  
 10 *authentic Indian, Alaskan Native and Native Hawaiian*  
 11 *handicrafts relating to the cultural, historical, and geo-*  
 12 *graphic characteristics of units of the National Park Sys-*  
 13 *tem is encouraged, and the Secretary shall ensure that there*  
 14 *is a continuing effort to enhance the handicraft trade where*  
 15 *it exists and establish the trade where it currently does not*  
 16 *exist.*

17 (b) *EXEMPTION FROM FRANCHISE FEE.—In further-*  
 18 *ance of these purposes, the revenue derived from the sale*  
 19 *of United States Indian, Alaska Native, and Native Hawai-*  
 20 *ian handicrafts shall be exempt from any franchise fee pay-*  
 21 *ments under this title.*

22 **SEC. 415. REGULATIONS.**

23 *As soon as practicable after the effective date of this*  
 24 *title, the Secretary shall promulgate regulations appro-*  
 25 *priate for its implementation. Among other matters, such*

1 regulations shall include appropriate provisions to ensure  
 2 that concession services and facilities to be provided in an  
 3 area of the National Park System are not segmented or oth-  
 4 erwise split into separate concession contracts for the pur-  
 5 poses of seeking to reduce anticipated annual gross receipts  
 6 of a concession contract below \$500,000. The Secretary shall  
 7 also promulgate regulations which further define the term  
 8 “United States Indian, Alaskan Native, and Native Hawai-  
 9 ian handicrafts” for the purposes of this title.

10 **SEC. 416. COMMERCIAL USE AUTHORIZATIONS.**

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

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

20 (1) The authority of this section may be used  
 21 only to authorize provisions of services that the Sec-  
 22 retary will have minimal impact on park resources  
 23 and values and which are consistent with the purpose  
 24 for which the park unit was established and with all

1        *applicable management plans and park policies and*  
2        *regulations.*

3            *(2) The Secretary shall—*

4                    *(A) require payment of a reasonable fee for*  
5                    *issuance of an authorization under this section,*  
6                    *such fees to remain available without further ap-*  
7                    *propriation to be used, at a minimum, to recover*  
8                    *associated management and administrative costs;*

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

14                   *(C) take appropriate steps to limit the li-*  
15                   *ability of the United States arising from the pro-*  
16                   *vision of services under such an authorization;*  
17                   *and*

18                   *(D) have no authority under this section to*  
19                   *issue more authorizations than are consistent*  
20                   *with the preservation and proper management of*  
21                   *park resources and values, and shall establish*  
22                   *such other conditions for issuance of such an au-*  
23                   *thorization as the Secretary determines appro-*  
24                   *priate for the protection of visitors, provision of*  
25                   *adequate and appropriate visitor services, and*

1           *protection and proper management of the re-*  
2           *sources and values of the park.*

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

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

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

16           (d) *DURATION.—The term of any authorization issued*  
17           *under this section shall not exceed two years. No pref-*  
18           *erential right of renewal or similar provisions for renewal*  
19           *shall be granted by the Secretary.*

20           (e) *OTHER CONTRACTS.—A person, corporation, or*  
21           *other entity seeking or obtaining an authorization pursuant*  
22           *to this section shall not be precluded from also submitting*  
23           *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 Demonstra-*  
6   *tion Program authorized by section 315 of Public Law 104–*  
7   *134 (16 U.S.C. 4601–6a note)—*

8               *(1) is extended through September 30, 2005; and*  
9               *(2) shall be available for all units of the Na-*  
10   *tional Park System, and for system-wide fee pro-*  
11   *grams.*

12          (b) *REPORT.*—*(1) Not later than September 30, 2000,*  
13   *the Secretary shall submit to the Committee on Energy and*  
14   *Natural Resources of the United States Senate and the*  
15   *Committee on Resources of the United States House of Rep-*  
16   *resentatives a report detailing the status of the recreational*  
17   *fee demonstration program conducted in units of the Na-*  
18   *tional Park System under section 315 of Public Law 104–*  
19   *134 (16 U.S.C. 4601–6a note).*

20          (2) *The report under paragraph (1) shall contain—*

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

24               (B) *with respect to each unit of the National*  
25   *Park System where a fee is charged under the author-*

1        *ity of the Recreational Fee Demonstration Program*  
 2        *(16 U.S.C. 4601–6a note), a description of the cri-*  
 3        *teria that were used to determine whether a rec-*  
 4        *reational fee should or should not be charged at such*  
 5        *park; and*

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

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

12    **SEC. 502. COMMERCIAL FILMING ACTIVITIES.**

13        *(a) COMMERCIAL FILMING.—The Secretary shall re-*  
 14        *quire a permit and shall establish a reasonable fee for com-*  
 15        *mercial filming activities in units of the National Park*  
 16        *System. Such fee shall provide a fair return to the United*  
 17        *States and shall be based upon the following criteria, in*  
 18        *addition to such other factors as the Secretary deems nec-*  
 19        *essary: the number of days the filming takes place within*  
 20        *a park unit, the size of the film crew, the amount and type*  
 21        *of equipment present, and any potential impact on park*  
 22        *resources. The Secretary is also directed to recover any costs*  
 23        *incurred as a result of filming activities, including but not*  
 24        *limited to administration and personnel costs. All costs re-*  
 25        *covered are in addition to the assessed fee.*

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

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

16       (c) *PROCEEDS.*—(1) *Fees collected within units of the*  
17 *National Park System under this section shall be deposited*  
18 *in a special account in the Treasury of the United States*  
19 *and shall be available to the Secretary, without further ap-*  
20 *propriation for high-priority visitor service or resource*  
21 *management projects and programs for the unit of the Na-*  
22 *tional Park System in which the fee is collected.*

23       (2) *All costs recovered under this section shall be re-*  
24 *tained by the Secretary and shall remain available for ex-*



1 *penditure in the park where collected, without further ap-*  
 2 *propriation.*

3 **SEC. 503. DISTRIBUTION OF GOLDEN EAGLE PASSPORT**

4 **SALES.**

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

16 **TITLE VI—NATIONAL PARK PASSPORT PROGRAM**

17 **SEC. 601. PURPOSES.**

18 *The purposes of this title are—*

19 *(1) to develop a national park passport that in-*  
 20 *cludes a collectible stamp to be used for admission to*  
 21 *units of the National Park System; and*

22 *(2) to generate revenue for support of the Na-*  
 23 *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 ten*  
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.*

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

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

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

9       (c) *SALE.*—*International park passports and stamps*  
10 *shall be available for sale exclusively outside the United*  
11 *States through commercial tourism channels and consulates*  
12 *or other offices of the United States.*

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

17       (e) *FORM.*—*An international park passport and*  
18 *stamp shall be produced in a form that provides useful in-*  
19 *formation to the international visitor and serves as a sou-*  
20 *venir of the visit.*

21       (f) *EFFECTIVE PERIOD.*—*An international park pass-*  
22 *port and stamp shall be valid for a period of 45 days from*  
23 *the date of purchase.*

24       (g) *USE OF PROCEEDS.*—*Amounts collected from the*  
25 *sale of international park passports and stamps shall be*

1 *deposited in the special account under section 603(c) and*  
 2 *shall be available as provided in section 603(c).*

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

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

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

12 *(1) a single visit to a national park that charges*  
 13 *a single visit admission fee under section 4(a)(2) of*  
 14 *the Land and Water Conservation Fund Act of 1965*  
 15 *(16 U.S.C. 4601–6a(a)(2)) or the Recreational Fee*  
 16 *Demonstration Program (16 U.S.C. 4601–6a note); or*  
 17 *(2) an individual who has obtained a Golden*  
 18 *Age or Golden Access Passport under paragraph (4)*  
 19 *or (5) of section 4(a) of the Land and Water Con-*  
 20 *servation Fund Act of 1965 (16 U.S.C. 4601–6a(a)).*

21 *(b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle*  
 22 *Passport issued under section 4(a)(1)(A) of the Land and*  
 23 *Water Conservation Fund Act of 1965 (16 U.S.C. 4601–*  
 24 *6a(a)(1)(A)) or the Recreational Fee Demonstration Pro-*

1 *gram (16 U.S.C. 460l–6a note) shall be honored for admis-*  
 2 *sion to each unit of the National Park System.*

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

8 (d) *LIMITATIONS.*—A national park passport or inter-  
 9 national park passport may not be used to obtain access  
 10 to other Federal recreation fee areas outside of the National  
 11 Park System.

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

19 **TITLE VII—NATIONAL PARK FOUNDATION**  
 20 **SUPPORT**

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

22 *The Act entitled “An Act to establish the National*  
 23 *Park Foundation”, approved December 18, 1967 (16 U.S.C.*  
 24 *19 et seq.) is amended by adding at the end thereof the fol-*  
 25 *lowing:*

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

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

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

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

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

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

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

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

22              “(2) *standard and legally tenable bylaws and*  
 23 *recommended money-handling procedures that can*  
 24 *easily be adapted as applied to individual national*  
 25 *park units; and*

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

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

7           “(f) *AFFILIATIONS.*—

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

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

14           “(B) a local nonprofit support organization,  
15           established as a result of this section, to be bound  
16           through its charter or corporate bylaws to be per-  
17           manently affiliated with the Foundation.

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

## 21           **TITLE VIII—MISCELLANEOUS PROVISIONS**

### 22           **SEC. 801. UNITED STATES PARK POLICE.**

23           “(a) *APPOINTMENT OF TASK FORCE.*—Not later than  
24           60 days after the date of enactment of this title, the Sec-  
25           retary shall appoint a multidisciplinary task force to fully



1 *evaluate the shortfalls, needs, and requirements of law en-*  
 2 *forcement programs in the National Park Service, includ-*  
 3 *ing a separate analysis for the United States Park Police,*  
 4 *which shall include a review of facility repair, rehabilita-*  
 5 *tion, equipment, and communication needs.*

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

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

14 (2) *complete justifications for any recommenda-*  
 15 *tions made; and*

16 (3) *a complete description of any adverse im-*  
 17 *pacts that would occur if any need identified in the*  
 18 *report is not met.*

19 **SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREE-**  
 20 **MENTS.**

21 (a) *IN GENERAL.*—*Section 3 of Public Law 91–383*  
 22 *(16 U.S.C. 1a–2) is amended by adding at the end the fol-*  
 23 *lowing:*

24 “(k) *LEASES.*—

1           “(1) *IN GENERAL.*—*The Secretary may enter*  
 2           *into a lease with any person or governmental entity*  
 3           *for the use of buildings and associated property ad-*  
 4           *ministered by the Secretary as part of the National*  
 5           *Park System.*

6           “(2) *USE.*—*Buildings and associated property*  
 7           *leased under paragraph (1)—*

8                   “(A) *shall be used for an activity that is*  
 9                   *consistent with the purposes established by law*  
 10                  *for the unit in which the building is located;*

11                  “(B) *shall not result in degradation of the*  
 12                  *purposes and values of the unit; and*

13                  “(C) *shall be compatible with National*  
 14                  *Park Service programs.*

15           “(3) *RENTAL AMOUNTS.*—

16                   “(A) *IN GENERAL.*—*With respect to a lease*  
 17                   *under paragraph (1)—*

18                           “(i) *payment of fair market value*  
 19                           *rental shall be required; and*

20                           “(ii) *section 321 of the Act of June 30,*  
 21                           *1932 (47 Stat. 412, chapter 314; 40 U.S.C.*  
 22                           *303b) shall not apply.*

23                   “(B) *ADJUSTMENT.*—*The Secretary may*  
 24                   *adjust the rental amount as appropriate to take*  
 25                   *into account any amounts to be expended by the*

1        *lessee for preservation, maintenance, restoration,*  
 2        *improvement, or repair and related expenses.*

3                “(C) *REGULATION.*—*The Secretary shall*  
 4        *promulgate regulations implementing this sub-*  
 5        *section that includes provisions to encourage and*  
 6        *facilitate competition in the leasing process and*  
 7        *provide for timely and adequate public comment.*

8                “(4) *SPECIAL ACCOUNT.*—

9                “(A) *DEPOSITS.*—*Rental payments under a*  
 10        *lease under paragraph (1) shall be deposited in*  
 11        *a special account in the Treasury of the United*  
 12        *States.*

13                “(B) *AVAILABILITY.*—*Amounts in the spe-*  
 14        *cial account shall be available until expended,*  
 15        *without further appropriation, for infrastructure*  
 16        *needs at units of the National Park System, in-*  
 17        *cluding—*

18                        “(i) *facility refurbishment;*

19                        “(ii) *repair and replacement;*

20                        “(iii) *infrastructure projects associated*  
 21        *with park resource protection; and*

22                        “(iv) *direct maintenance of the leased*  
 23        *buildings and associated properties.*

24                “(C) *ACCOUNTABILITY AND RESULTS.*—*The*  
 25        *Secretary shall develop procedures for the use of*

1        *the special account that ensure accountability*  
 2        *and demonstrated results consistent with this*  
 3        *Act.*

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

5            “(1) *IN GENERAL.*—Where a unit of the National  
 6        *Park System is located adjacent to or near a State*  
 7        *or local park area, and cooperative management be-*  
 8        *tween the National Park Service and a State or local*  
 9        *government agency of a portion of either park will*  
 10       *allow for more effective and efficient management of*  
 11       *the parks, the Secretary is authorized to enter into an*  
 12       *agreement with a State or local government agency to*  
 13       *provide for the cooperative management of the Federal*  
 14       *and State or local park areas: Provided, That the Sec-*  
 15       *retary may not transfer administration responsibil-*  
 16       *ities for any unit of the National Park System.*

17        “(2) *PROVISION OF GOODS AND SERVICES.*—

18        *Under a cooperative management agreement, the Sec-*  
 19        *retary may acquire from and provide to a State or*  
 20        *local government agency goods and services to be used*  
 21        *by the Secretary and the State or local governmental*  
 22        *agency in the cooperative management of land.*

23        “(3) *ASSIGNMENT.*—An assignment arranged by  
 24        *the Secretary under section 3372 of title 5, United*  
 25        *States Code, of a Federal, State, or local employee for*

1       *work in any Federal, State, or local land or an exten-*  
2       *sion of such an assignment may be for any period of*  
3       *time determined by the Secretary and the State or*  
4       *local agency to be mutually beneficial.”.*

5       ***(b) HISTORIC LEASE PROCESS SIMPLIFICATION.—The***  
6       *Secretary is directed to simplify, to the maximum extent*  
7       *possible, the leasing process for historic properties with the*  
8       *goal of leasing available structures in a timely manner.*

Amend the title so as to read: “A bill to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.”