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SENATE

{ REPORT
105-202

VISION 2020 NATIONAL PARKS RESTORATION ACT

JUNE 5, 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1693]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1693) to renew, reform, reinvigorate, and protect the National Park System, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

As used in this Act, the term—

- (1) “Secretary” means the Secretary of the Interior.
- (2) “park” or “national park” means a unit of the National Park System.

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

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

Recognizing the ever increasing societal pressures being placed upon America’s unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the art management, protection, and interpretation of and research on the resources of the National Park System.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

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

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

The Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of park superintendent.

SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.

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

(b) **PARK BUDGET.**—As a part of each park's annual performance plan prepared pursuant to subsection (a) of this section, following receipt of each park's appropriation from the Operations of the National Park System account (but no later than January 1 of each year), each park superintendent shall develop and make available to the public the budget for the current fiscal year for that park. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including but not limited to special use permits, concession franchise fees, and recreation use and entrance fees.

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

SEC. 201. PURPOSES.

The purposes of this title are—

- (1) to more effectively achieve the mission of the National Park Service;
- (2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;
- (3) to ensure appropriate documentation of resource conditions in the National Park System;
- (4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4); and
- (5) to encourage the publication and dissemination of information derived from studies in the National Park System.

SEC. 202. RESEARCH MANDATE.

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

SEC. 203. COOPERATIVE AGREEMENTS.

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

(b) **REPORT.**—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The

monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

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

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

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

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

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

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

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

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and location of a park resource which is endangered, threatened, rare, or commercially valuable, or for an object of cultural patrimony within a unit of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the park unit in which the resource is located and would not create a substantial risk of harm, theft, or destruction of the resource, including individual specimens of any resource population; and

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

TITLE III—PROCEDURES FOR ESTABLISHMENT OF NEW UNITS OF THE NATIONAL PARK SYSTEM

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

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

(1) in subsection (a)—

(A) by inserting “General Authority.—” after “(a)”;

(B) by striking the second through sixth sentences;

(C) by striking “For the purposes of carrying out” and inserting the following:

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

(2) by inserting after subsection (a) the following:

“(b) **Studies of Areas for Potential Inclusion in the National Park System.**

“(1)(A) At the beginning of each calendar year, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a list of areas recommended for study for potential inclusion as new units in the National Park System.

“(B) If the Secretary determines during a specific calendar year that no areas are recommended for study for potential inclusion in the National Park System, the Secretary is not required to submit the list referenced in subparagraph (A).

“(2) 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) public proposals and Congressional requests.

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

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

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

- “(C) provision of technical and planning assistance;
 - “(D) preparation or processing of a nomination for an administrative designation;
 - “(E) updating of a previous study; or
 - “(F) completion of a reconnaissance survey of an area.
- “(4) National Wild and Scenic Rivers System; National Trails System.—
Nothing in this section applies to, affects, or alters the study of—
- “(A) any river segment for potential addition to the National Wild and Scenic Rivers System; or
 - “(B) any trail for potential addition to the National Trails System.
- “(5) In conducting a study under this subsection, the Secretary shall—
- “(A) provide adequate public notice and an opportunity for public involvement, including at least one public meeting in the vicinity of the area under study; and
 - “(B) make reasonable efforts to notify potentially affected landowners and State and local governments.
- “(6) In conducting a study of an area under this subsection, the Secretary—
- “(A) shall consider whether the area—
 - “(i) possesses nationally significant natural, historic or cultural resources, or outstanding recreational opportunities;
 - “(ii) represents one of the most important examples (singly or as part of a group) of a particular resource type in the United States; and
 - “(iii) is a suitable and feasible addition to the National Park System;
 - “(B) shall consider—
 - “(i) the rarity and integrity of the resources of the area;
 - “(ii) the threat to resources;
 - “(iii) whether similar resources are already protected in the National Park System or in other public or private ownership;
 - “(iv) benefits to the public;
 - “(v) the interpretive and educational potential of the area;
 - “(vi) costs associated with acquisition, development, and operation of the area and the source of revenue to pay for the cost;
 - “(vii) the socioeconomic impacts of inclusion of the area in the National Park System;
 - “(viii) the level of local and general public support for the inclusion;
 - “(ix) whether the area is of appropriate configuration to ensure long-term resource protection and appropriate visitor use; and
 - “(x) the potential impact on the inclusion of the area on existing units of the National Park System;
 - “(C) shall consider whether direct management by the Secretary or alternative protection by other public agencies or the private sector is most appropriate for the area;
 - “(D) shall identify what alternative, if any, or what combination of alternatives would, as determined by the Secretary, be most effective and efficient in protecting significant resources and providing for public enjoyment; and
 - “(E) may include any other information that the Secretary considers pertinent.
- “(7) The letter transmitting a completed study to Congress shall contain a recommendation regarding the preferred management option of the Secretary for the area.
- “(8) The Secretary shall complete a study of an area for potential inclusion in the National Park System within three years after the date funds are made available for the study.
- “(c) LIST OF PREVIOUSLY STUDIED AREAS WITH HISTORICAL OR NATURAL RESOURCES.—
- “(1) At the beginning of each calendar year, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Resources of the United States House of Representatives—
 - “(A) a list of areas that have been previously studied under this section that contain primarily historical or cultural resources, but have not been added to the National Park System; and
 - “(B) a list of areas that have been previously studied under this section that contain primarily natural resources, but have not been added to the National Park System.
 - “(2) In developing a list under paragraph (1), the Secretary shall consider the factors described in subsection (b)(2).

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

TITLE IV—NATIONAL PARK SERVICE CONCESSION MANAGEMENT

SEC. 401. SHORT TITLE.

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

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation of park values requires that such public accommodations, facilities and services as have to be provided within those areas should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that heavy visitation will not unduly impair these values and so that development of such facilities can best be limited to locations where the least damage to park values will be caused. It is the policy of the Congress that such development shall be limited to those that are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located and that are consistent to the highest practicable degree with the preservation and conservation of the units.

SEC. 403. AWARD OF CONCESSION CONTRACTS.

In furtherance of the findings and policy stated in section 402, and, except as provided by this title or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize private entities to provide accommodations, facilities and services to visitors to areas of the National Park System. Such concession contracts shall be awarded as follows:

(a) **COMPETITIVE SELECTION PROCESS.**—Except as otherwise provided in this section, all proposed concession contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal as determined by the Secretary through a competitive selection process. Such competitive selection process shall include simplified procedures for small, individually-owned, concession contracts.

(b) **SOLICITATION OF PROPOSALS.**—Except as otherwise provided in this section, prior to awarding a new concession contract (including renewals or extensions of existing concession contracts) the Secretary shall publicly solicit proposals for the concession contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

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

- (1) the minimum requirements for such contract as set forth in subsection (d);
- (2) the terms and conditions of any existing concession contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner;
- (3) other authorized facilities or services which may be provided in a proposal;
- (4) facilities and services to be provided by the Secretary to the concessioner, if any, including, but not limited to, public access, utilities, and buildings;
- (5) an estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concession contract;
- (6) a statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process;
- (7) such other information related to the proposed concession operation as is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals; and
- (8) where applicable, a description of a preferential right to the award of the proposed concession contract held by an existing concessioner as set forth in subsection (g).

(d) **MINIMUM REQUIREMENTS.**—

(1) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to:

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

(B) any facilities, services, or capital investment required to be provided by the concessioner; and

(C) measures necessary to ensure the protection and preservation of park resources.

(2) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(3) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(4) The Secretary may not execute a concession contract which materially amends or does not incorporate the proposed terms and conditions of the concession contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concession contract incorporating such material amendments or changes.

(e) SELECTION OF THE BEST PROPOSAL.—

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

(A) the responsiveness of the proposal to the objectives of protecting and preserving park resources and values and of providing necessary and appropriate facilities and services to the public at reasonable rates;

(B) the experience and related background of the person, corporation, or entity submitting the proposal, including but not limited to, the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services;

(C) the financial capability of the person, corporation or entity submitting the proposal; and

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

(2) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(3) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contracts should be identified as a factor in the selection of a best proposal under this section.

(f) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of ten years or more to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(g) PREFERENTIAL RIGHT OF RENEWAL.—

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

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

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

best proposal for a proposed new concession contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

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

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

(1) **OUTFITTING AND GUIDE CONTRACTS.**—For the purposes of this title, an “outfitting and guide concession contract” means a concession contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include, but are not limited to, concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

(A) the contract the outfitting and guide concessioner holds does not grant the concessioner any interest, including, but not limited to, any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System: *Provided*, That this limitation shall not apply to capital improvements constructed by a concessioner pursuant to the terms of a concession contract prior to the effective date of this title; and

(B) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(C) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to subsection (d).

(2) **CONTRACTS WITH ANTICIPATED ANNUAL GROSS RECEIPTS UNDER \$500,000.**—A concessioner which holds a concession contract where the Secretary has estimated that its renewal will result in gross annual receipts of less than \$500,000 shall be entitled to a preferential right of renewal under this title if—

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

(B) the concessioner has submitted a responsive proposal for a proposed new concession contract which satisfies the minimum requirements established by the Secretary pursuant to subsection (d).

(i) **NEW OR ADDITIONAL SERVICES.**—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a park.

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

(k) **EXCEPTIONS.**—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation—

(1) a temporary concession contract or extend an existing concession contract for a term not to exceed three years in order to avoid interruption of services to the public at a park, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption; and

(2) a concession contract in extraordinary circumstances where compelling and equitable considerations require the award of a concession contract to a particular party in the public interest. Such award of a concession contract shall not be made by the Secretary until at least thirty days after publication in the “Federal Register” of notice of the Secretary’s intention to do so and the reason for such action, and notice to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 404. TERM OF CONCESSION CONTRACTS.

A concession contract entered into pursuant to this title shall be awarded for a term not to exceed ten years: *Provided*, That the Secretary may award a contract

for a term of up to twenty years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

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

(1) On or after the date of enactment of this title, a concessioner which constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concession contract, shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

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

(B) A leasehold surrender interest—

(i) may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary pursuant to this title;

(ii) shall be transferred by the concessioner in connection with any transfer of the concession contract and may be relinquished or waived by the concessioner; and

(iii) shall not be extinguished by the expiration or other termination of a concession contract and may not be taken for public use except on payment of just compensation.

(C) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(D) Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

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

(i) "Consumer Price Index" means the "Consumer Price Index—All Urban Consumers" published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(ii) "capital improvement" means a structure, fixture, or non-removable equipment provided by a concessioner pursuant to the terms of a concession contract and located on lands of the United States within a unit of the National Park System.

(b) **SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—**

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

(2) In the event such prior concessioner is awarded a new concession contract after the effective date of this title replacing an existing concession contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concession contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) **TRANSITION TO SUCCESSOR CONCESSIONER.**—Upon expiration or termination of a concession contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

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

SEC. 406. REASONABLENESS OF RATES.

The reasonableness of a concessioner's rates and charges to the public, unless otherwise provided in the contract, shall be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary. A concessioner's rates and charges to the public shall be subject to approval by the Secretary pursuant to the terms of the concession contract. The approval process utilized by the Secretary shall be as prompt and unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable.

SEC. 407. FRANCHISE FEES.

(a) **IN GENERAL.**—A concession contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value is a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing adequate and appropriate services for visitors at reasonable rates.

(b) **AMOUNT OF FRANCHISE FEES.**—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract shall be specified in the concession contract and may only be modified to reflect substantial, unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concession contracts with a term of more than five years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such substantial, unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

(c) **SPECIAL ACCOUNT.**—All franchise fees (and other monetary consideration) paid to the United States pursuant to a concession contract shall be covered into a special account established in the Treasury of the United States. The funds contained in such special account shall be available for expenditure by the Secretary, without appropriation, until expended for use in accordance with subsection (d).

(d) **USE OF FRANCHISE FEES.**—Funds contained in the special account shall be transferred to a subaccount and shall be allocated to each applicable unit of the National Park System, based on the proportion that the amount of concession contract fees collected from the unit during the fiscal year bears to the total amount of concession contract fees collected from all units of the National Park System during the fiscal year, to fund high-priority resource management and visitor services programs and operations.

SEC. 408. TRANSFER OF CONCESSION CONTRACTS.

(a) **APPROVAL OF THE SECRETARY.**—No concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval of the Secretary.

(b) **CONDITIONS.**—The Secretary shall not unreasonably withhold approval of such a conveyance or pledge, and shall approve such conveyance or pledge if the Secretary in his discretion determines that—

(1) the individual, corporation or entity seeking to acquire a concession contract is qualified to be able to satisfy the terms and conditions of the concession contract;

(2) such conveyance or pledge is consistent with the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such conveyance or pledge are not likely, directly or indirectly, to: reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract; adversely affect the quality of facilities and services provided by the concessioner; or result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) **ESTABLISHMENT.**—There is hereby established a National Park Service Concessions Management Advisory Board (hereinafter in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in areas of the National Park System. Among other matters, the Advisory Board shall advise on policies and procedures intended to assure that services and facilities provided by concessioners meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit. The Advisory Board shall also advise on ways to make National Park Service concession programs and procedures more cost effective, efficient, and less burdensome, including, but not limited to, providing recommendations regarding National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient and less burdensome the approval of concessioner rates and charges to the public. In addition, the Advisory Board shall make recommendations to the Secretary regarding the nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title. The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

(b) **ADVISORY BOARD MEMBERSHIP.**—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed four years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one shall be privately employed in the hospitality industry,

(2) one shall be privately employed in the tourism industry,

(3) one shall be privately employed in the accounting industry,

(4) one shall be privately employed in the outfitting and guide industry,

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

(6) one shall be active in promotion of traditional arts and crafts, and

(7) one shall be active in a non-profit conservation organization involved in the programs of the National Park Service.

(c) **TERMINATION.**—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(d) **SERVICE ON ADVISORY BOARD.**—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service

in an appointive or elective position in the Government for purposes of section 8344 of Title 5 of the United States Code, or other comparable provisions of Federal law.

SEC. 410. CONTRACTING FOR SERVICES.

To the maximum extent practicable, the Secretary shall contract with private entities to conduct the following elements of the management of the National Park Service concession program suitable for non-federal fulfillment: health and safety inspections, quality control of concession operations and facilities, analysis of rates and charges to the public, and financial analysis: *Provided*, That nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this title and the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–4). The Secretary shall also consider, taking into account the recommendations of the National Park Service Concessions Management Advisory Board, contracting out other elements of the concession management program, as appropriate.

SEC. 411. USE OF NON-MONETARY CONSIDERATION IN CONCESSION CONTRACTS.

The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

SEC. 412. RECORDKEEPING REQUIREMENTS.

(a) **IN GENERAL.**—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed, and the Secretary and his duly authorized representatives shall, for the purpose of audit and examination, have access to said records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) **ACCESS TO RECORDS.**—The Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of five calendar years after the close of the business year of each concessioner or subconcessioner have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

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

(a) **REPEAL.**—The Act of October 9, 1965, Public Law 89–249 (79 Stat. 969, 16 U.S.C. 20–20g) is hereby repealed. The repeal of such Act shall not affect the validity of any concession contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the express terms and conditions of any such contract or permit. References in this title to concession contracts awarded under authority of Public Law 89–249 also apply to concession permits awarded under such authority.

(b) **EXCEPTION FOR PENDING CONTRACT SOLICITATIONS.**—Notwithstanding such repeal, the Secretary may award concession contracts under the terms of Public Law 89–249 for concession contract solicitations for which, as of August 1, 1998, a formal prospectus was issued by the Secretary pursuant to the requirements of 36 C.F.R. Part 51.

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

(d) **ANILCA.**—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

SEC. 414. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HANDICRAFTS.

(a) **IN GENERAL.**—Promoting the sale of the United States authentic Indian, Alaskan Native and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade where it currently does not exist.

(b) **EXEMPTION FROM FRANCHISE FEE.**—In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 415. REGULATIONS.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in an area of the National Park System are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below \$500,000. The Secretary shall also promulgate regulations which further define the term "United States Indian, Alaskan Native, and Native Hawaiian handicrafts" for the purpose of this title.

SEC. 416. COMMERCIAL USE AUTHORIZATIONS.

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

(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—

(1) The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on park resources and values and which are consistent with the purposes for which the park unit was established and with all applicable management plans and park policies and regulations.

(2) The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

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

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions of issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) **LIMITATIONS.**—Any authorization issued under this section shall be limited to: (1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a park pursuant to such authorization;

(2) the incidental use of park resources by commercial operations which provide services originating and terminating outside of the park's boundaries: provided that such authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of the park.

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

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

TITLE V—FEE AUTHORITIES**SEC. 501. EXTENSION OF THE RECREATIONAL FEE DEMONSTRATION PROGRAM.**

(a) **AUTHORITY.**—The authority provided to the National Park Service under the Recreational Fee Demonstration Program authorized by section 315 of Public Law 104–134 (16 U.S.C. 4601–6a note)—

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

(2) shall be available for all units of the National Park System, and for system-wide fee programs.

(b) **REPORT.**—(1) Not later than September 30, 2000, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and

the Committee on Resources of the United States House of Representatives a report detailing the status of the recreational fee demonstration program conducted in units of the National Park System under section 315 of Public Law 104-134 (16 U.S.C. 4601-6a note).

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

(A) an evaluation of the fee demonstration program conducted at each unit of the National Park System;

(B) with respect to each unit of the National Park System where a fee is charged under the authority of the Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note), a description of the criteria that were used to determine whether a recreational fee should or should not be charged at such park; and

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

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

SEC. 502. COMMERCIAL FILMING ACTIVITIES.

(a) COMMERCIAL FILMING.—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities in units of the National Park System. Such fee shall provide a fair return to the United States and shall be based upon the following criteria, in addition to such other factors as the Secretary deems necessary: the number of days the filming takes place within a park unit, the size of the film crew, the amount and type of equipment present, and any potential impact on park resources. The Secretary is also directed to recover any costs incurred as a result of filming activities, including but not limited to administration and personnel costs. All costs recovered are in addition to the assessed fee.

(b) STILL PHOTOGRAPHY.—(1) Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for commercial or non-commercial still photography of sites or resources in units of the National Park System in any park where members of the public are generally allowed. In other locations, the Secretary may require a permit, fee, or both if the Secretary determines that there is a likelihood of resource impact, disruption of the public's use and enjoyment of the park, or if the activity poses health or safety risks.

(2) The Secretary shall require the issuance of a permit and the payment of a reasonable fee for still photography that utilizes models or props which are not a part of a park's natural or cultural features or administrative facilities.

(c) PROCEEDS.—(1) Fees collected within units of the National Park System under this section shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary, without further appropriation for high-priority visitor service or resource management projects and programs for the unit of the National Park System in which the fee is collected.

(2) All costs recovered under this section shall be retained by the Secretary and shall remain available for expenditure in the park where collected, without further appropriation.

SEC. 503. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

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

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

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

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

SEC. 603. ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

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

(b) SALE OF PASSPORTS AND STAMPS.—(A) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(B) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

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

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than ten percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Amounts collected from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

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

SEC. 604. INTERNATIONAL PARK PASSPORT PROGRAM.

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

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

(c) SALE.—International park passports and stamps shall be available for sale exclusively outside the United States through commercial tourism channels and consulates or other offices of the United States.

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

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

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

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

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

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

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

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(a)(2)) or the Recreational Fee Demonstration Program (16 U.S.C. 4601–6a note); or

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

(b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–

6a(a)(1)(A)) or the Recreational Fee Demonstration Program (16 U.S.C. 4601–6a note) shall be honored for admission to each unit of the National Park System.

(c) ACCESS.—A national park passport and an international park passport shall provide access to each unit of the National Park system under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

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

(e) EXEMPTIONS AND FEES.—A national park passport or international park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(b)) or the Recreational Fee Demonstration Program (16 U.S.C. 4601–6a note).

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

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

“SEC. 12. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

“(a) ESTABLISHMENT.—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

“(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

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

“(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

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

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

“(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

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

“(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

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

“(f) AFFILIATIONS.—

“(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

“(A) a nonprofit support organization or friends group in existence on the date of enactment of this title to modify current practices or to affiliate with the Foundation; or

“(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

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

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. UNITED STATES PARK POLICE.

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

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

Resources and Appropriations of the United States House of Representatives a report that includes—

- (1) the findings and recommendations of the task force;
- (2) complete justifications for any recommendations made; and
- (3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

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

(k) LEASES.—

“(1) IN GENERAL.—The Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

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

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

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

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

“(3) RENTAL AMOUNTS.—

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

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

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

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

“(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

“(4) SPECIAL ACCOUNT.—

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

“(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

“(i) facility refurbishment;

“(ii) repair and replacement;

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

and

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

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

“(l) COOPERATIVE MANAGEMENT AGREEMENTS.—

“(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary is authorized to enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas: *Provided*, That the Secretary may not transfer administration responsibilities for any unit of the National Park System.

“(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

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

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

2. Amend 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.”

PURPOSE OF THE MEASURE

The purposes of S. 1693, as ordered reported, are to reform and improve the management and accountability of several National Park Service programs, as well as to expand opportunities for the Park Service to increase and retain additional revenues for the operation of the National Park System.

BACKGROUND AND NEED

S. 1693 incorporates several management directives for the National Park Service, along with new authority to raise and retain fee revenues, to be used in reducing the large backlog of Park Service funding needs.

In 1992, as part of the National Park Service’s 75th Anniversary, the agency held a symposium in Vail, Colorado to prepare recommendations to guide the Park Service into the 21st Century. The report from the symposium became known as the “Vail Agenda.” Many of the provisions included in S. 1693 incorporate recommendations from the Vail Agenda Report, *National Parks for the 21st Century—The Vail Agenda*.

Over the past year, the Committee has held numerous hearings to review operational and funding needs of the National Park Service. In addition to incorporating recommendations from the Vail Agenda, S. 1693 addresses many of the concerns and recommendations identified in the Committee hearings. Because S. 1693 includes several Park Service programs and functions, background on individual components is described below.

NPS career development, training and management

One of the strategic objectives contained in the Vail Agenda report was a recommendation that the “National Park Service must create and maintain a highly professional organization and workforce.” The report included several detailed proposals to help improve Park Service personnel and management issues.

Partly as a result of the Vail Agenda, in 1994 the Park Service began to implement a new “Ranger Careers Directive,” outlining job and training criteria for park rangers. A new position structure and career ladder was developed and initial conversion of all permanent park rangers to the Ranger Careers system was completed in July, 1994. Although the Ranger Careers Directive is the farthest along in development, new career directives are also being established for other Park Service career tracks. However, because of funding constraints, the Ranger Careers Directive has not been fully implemented.

In 1995, the Park Service adopted the Employee Training and Development Strategy which defined 16 career fields within the National Park Service. A set of Universal Essential Competencies

were developed that would apply to all Park Service employees. The purpose of these competencies is to provide employees and their supervisors the essential skills to perform their jobs at the entry, developmental, and full performance levels; to give employees insights into the full spectrum of job requirements; and to create an employee training program on essential needs identified by employees and supervisors.

Consistent with these goals, title I of S. 1693 provides legislative direction to the Park Service to implement a comprehensive employee training and management program for all employees.

Resource inventory and management

The complex and technical nature of resource management in the National Park Service requires more specialized expertise than can be provided exclusively by generalist rangers or even natural resource generalists. This specialized experience is particularly required as the Park Service policies, actions, and proposal review comments are often challenged in courts and by outside experts where park resource preservation objectives conflict with commercial or other interests.

Unfortunately, many National Park units are subject to a wide variety of natural resource impacts and threats. Air pollution has degraded the magnificent views in Grand Canyon and Shenandoah National Parks, while water quality and quantity problems threaten the delicate aquatic ecosystems in Everglades. Many parks today face urban encroachment and many more suffer from the impacts of excessive visitation. Left unchecked, these factors could threaten the very existence of many biotic communities within the parks.

Recognizing the importance of this issue, the first strategic objective contained in the Vail Agenda report was a statement that "the primary objective of the National Park Service must be protection of park resources from internal and external impairment." To meet these resource stewardship responsibilities, the report recommended the park managers have solid natural resource information at their disposal.

Title II of S. 1693 directs the Park Service to implement a broad scientific research mandate to ensure that park managers have the highest quality science and information available when making resource management decisions.

Procedures for establishing new units of the National Park System

Initially composed only of isolated scenic and natural areas, the National Park System has grown to comprise 376 areas containing natural, cultural, and recreational resources across the nation. As directed by Congress in the General Authorities Act (16 U.S.C. 1a-5), the National Park Service studies areas to determine if they are nationally significant, and if so, whether they potential could be added to the National Park System.

New area studies may be initiated by the Park Service or may be conducted in response to directives from Congress, and requests from other Federal, state, or local agencies, or the private sector. Where new area studies are appropriate, the Park Service establishes priorities and conducts studies as funds are available.

The earliest reference to criteria for inclusion in the National Park System dates back to 1918. The same principle that was developed in 1918 was repeated in a policy statement developed in 1936 and adopted by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments. These principles stated that the Park Services should seek scenery of supreme and distinctive quality or some natural feature so extraordinary or unique as to be of national interest and importance. Concern was also expressed that no area should be included that would be lower in standard dignity, and prestige by inclusion of such area into the National Park System.

Early statements about eligibility for inclusion in the National Park System have been refined and updated over the years, but the basic concepts have remained intact. The most recent statement of criteria for additions to the National Park System appears in the Park Service's 1988 Management Policies. In determining whether to recommend an area for inclusion in the National Park System, a potential area must: possess nationally significant natural, cultural or recreational resources; be a suitable and feasible addition to the National Park System; and require National Park Service management and administration instead of alternative protection by other agencies or the private sector. These criteria are designed to ensure that the National Park System includes only outstanding examples of the nation's natural, cultural, and recreational resources. The same criteria also recognize that inclusion of an area in the National Park System is not the only option for preserving the outstanding resources.

Title III of S. 1693 essentially codifies the Park Service's study guidelines in order to ensure that new areas recommended for addition to the National Park System are appropriate for inclusion in the system.

NPS concession management

When Congress established Yellowstone National Park in 1872, the legislation provided the Secretary of the Interior with authority to grant leases for "the erection of buildings for the accommodation of visitors." This marked the beginning of private concession operations within National Parks, even before the creation of the National Park Service.

Originally the National Park Service provided for visitor services in parks by administrative action pursuant to general authority contained in the National Park Service Organic Act of 1916. Those authorities were formalized in 1950, when the Secretary of the Interior established official guidelines for concession operations. In 1965, Congress enacted Public Law 89-249, the Concessions Policy Act, which for the most part codified the Department's guidelines. Among the Federal land managing agencies, only the National Park Service operates with specific concession legislative authority.

Current National Park concession operations vary in size from small, family-owned businesses, to those operated by subsidiaries of large multi-national corporations. Services provided range from year-round luxury hotels and restaurants to seasonal canoe and boat rentals. While the total number of concession operations var-

ies during the year, these are approximately 640 concessions operating in 133 units of the National Park System.

For the most part, concession permits are issued for smaller or seasonal operators while concession contracts tend to be used for larger, long-term operations. Approximately 200 concessioners operate pursuant to a concession contract and the remainder are covered by permits. In addition, over 3,000 businesses operate under "incidental business permits" issued by the National Park Service. These permits (which have replaced commercial use licenses) are not governed by the provisions of the Concessions Policy Act, and are issued to companies based outside of the park but which rely on park entry for their business, such as tour operators.

Concession policy has been a topic of intense interest for many years. Numerous Congressional oversight hearings have been conducted and the issue has been the subject of numerous studies, reports, and analyses prepared by the Congress, the General Accounting Office, the Department of the Interior, the Department's Inspector General, the National Park Service, and a variety of independent research organizations. All of the studies and reports have repeatedly concluded that several provisions in the 1965 Concessions Policy Act serve as barriers to increased competition for future contracts.

The Park Service is currently operating under regulations and standard contract language developed by former Secretary of the Interior Manuel Lujan. The new policies emphasize a higher financial return to the Federal government, increased competition, shorter contract terms, and the elimination or revaluation of possessory interest. The regulations and revised standard contract language became effective in 1992.

As more contracts are implemented under the new regulations and standard contract language, the return to the Federal government has steadily increased. In 1992 the total return to the National Park Service from concession operations was approximately \$23 million, or 3.5 percent of gross revenues. The Federal government's return can include the payment of franchise fees by a concessioner, the retirement of possessory interest, or the establishment of a "park improvement account" into which the concessioner makes deposits for use on park-related funding needs. In 1996 the total return (including all of the above) had increased to \$48 million, or 6.8 percent of gross revenues.

Title IV of S. 1693 repeals the 1965 Concessions Policy Act and establishes a new, comprehensive concession management program that will establish a more competitive selection process for the awarding of park concession contracts, while protecting concessioner investments made pursuant to concession contracts.

Recreational Fee Demonstration Program

The FY 1996 Interior and Related Agencies Appropriations Act established a demonstration program which authorized Federal land management agencies to establish new entrance and user fees, and to retain the revenues collected. The program has been amended in subsequent Appropriation Acts, and will expire at the end of FY 1999.

Under the fee demonstration program, each agency may designate up to 100 demonstration sites. An amendment to the FY 1998 Interior Appropriations bill authorized the agencies to retain and expend all fee revenues without further appropriation, with 80 percent retained at the collecting site and 20 percent to be spent by the agency at other sites. The National Park Service has by far the largest fee collection program among the Federal land management agencies. For FY 1999, the Park Service estimates that it will collect approximately \$132 million under the fee demonstration program.

Under the demonstration program, the agencies are required to dedicate the majority of new recreation fee revenues to reducing identified backlogged maintenance, infrastructure, and resource management needs. Some of the demonstration fee revenue will also be reinvested in infrastructure and new collection methodologies in order to expand the fee collection capabilities to other areas.

The demonstration program expires on September 30, 1999. Because the Park Service has shown very positive preliminary results from its implementation of the program, title V of S. 1693 extends the program's authority—solely with respect to the Park Service—for six additional years, through FY 1996. The amendment also broadens the scope of the program to include all park units, as well as system-wide fee projects

Commercial filming activities

The National Park Service allows commercial photography and filming activities within units of the National Park System, consistent with the protection and public enjoyment of park resources. National parks have provided the background setting for thousands of commercial filming activities including small commercial advertisement productions, documentaries, television series, and major motion pictures. Some of the more well-known productions include "Star Wars," filmed in White Sands National Monument; "The Last of the Mohicans," filmed in the Blue Ridge Parkway; "Dances with Wolves," filmed in Badlands National Park, and "In the Line of Fire," which was filmed at several National Park Service sites throughout the capital region. The long-running television series "Dr. Quinn, Medicine Woman" was also filmed on location in the Santa Monica Mountains National Recreation Area in southern California.

Most commercial filming activities are authorized by permit, although no permit is required for news events, and commercial still photography that does not involve product or service advertisement or the use of models, sets, or props. Under Park Service policy, the local park manager determines if a proposed filming or photography activity requires a permit.

The Park Service is currently prohibited by Department policy (43 CFR 5.1(b)) from charging fees for commercial filming activities within the National Park System, although it does have the authority to recover costs associated with processing permit requests, monitoring filming activities, providing security and crowd control. The Park Service is also allowed to accept voluntary contributions from filming companies, although it is prohibited from soliciting them.

Other Federal and State land management agencies are able to assess fees for commercial filming activities on their land. For example. The Bureau of Land Management and Forest Service are authorized to charge fair market value for filming activities on BLM and National Forest lands, and the Navajo Nation charges up to \$2,000 per day for filming in Monument Valley, a very popular filming site.

Consistent with the fee authorities available to other land management agencies, title V of S. 1693 would authorize the Park Service to charge a reasonable fee for commercial filming activities within the National Park System.

National Park Foundation support

The National Park Foundation is the official non-profit partner of the National Park Service. Created by Congress in 1967, the foundation raises support from corporations, foundations, and individuals to preserve and enhance America's National Parks.

The National Park Foundation has raised \$53 million in the past 30 years for the National Park System with donations from both concerned individuals and special partnerships that the Foundation has developed with corporations and private foundations.

In the past fiscal year the National Park Foundation distributed a total of \$9.3 million to National Park units, including over \$320,000 to Yellowstone National Park. Through the first nine months of this fiscal year, the Foundation has directed over \$10 million to benefit National Park System.

The Foundation has found that while a few corporate entities and private foundations tend to support National Park Service programs on a national scale, the majority of corporate sponsors, private foundations and concerned individuals tend to direct their philanthropic support to local site-specific parks.

While there are parks with very active park "friends" groups that are adept in raising funds from the private sector to support and augment individual park programs, there are many park support groups who lack expertise to initiate a program to encourage philanthropic support. Title VII of S. 1693 would amend the National Park Foundation's enabling legislation to authorize the Foundation to develop a program to encourage and assist local non-profit organizations in increasing fundraising for individual park areas.

United States Park Police study

The United States Park Police (USPP) has responsibilities for providing law enforcement services within the District of Columbia, as well as on other Federal reservations in the Washington metropolitan area, New York, and San Francisco.

The United States Park Police Aviation Program provides law enforcement, medical evacuation, rescue, and other emergency services 24 hours a day, 7 days a week. In 1997, the District of Columbia eliminated its aviation program leaving the USPP with the only aviation program within the Nation's capital. However, one of the USPP's helicopters has in excess of 3,200 flight hours, while another has in excess of 7,600 flight hours. The Department of the Interior's Office of Aircraft Services recommends replacement of helicopters at 5,000 flight hours.

The USPP program base funds are used to fund a separate equipment replacement program. Years of budget reductions and program deferrals within their base funds have, for the most part, depleted the USPP's equipment replacement program.

Since 1994, the USPP has been trying to eliminate personnel and operational shortfalls within existing fiscal resources. At the same time, the USPP was tasked with new law enforcement responsibilities transfer at the Presidio in San Francisco; the Statue of Liberty, Ellis Island and Fort Wadsworth in New York City; and the Korean War Memorial and FDR Memorial in Washington, DC. Existing USPP personnel levels have not increased despite the increased responsibilities.

The USPP is also facing other significant funding needs. For example, the National Telecommunications and Information Administration has mandated that all Federal agencies must switch to digital narrowband radio frequencies by 2004. The Department of Interior has ordered all of its bureaus to convert east coast operations to the narrowband frequencies by 1999. To meet this requirement, the USPP needs to replace its entire radio system, including two transmitter sites, 14 satellite receiver sites, four consoles, and 250 mobile radio units.

Title VIII of S. 1693 directs the Secretary of the Interior to conduct a study identifying all law enforcement needs for the National Park Service, including a separate report for the U.S. Park Police.

Cooperative agreements

The FY 1998 Interior Appropriations bill authorized the Secretary of the Interior to enter into agreements with the State of California for the cooperative management Redwood National Park, and adjacent State park lands. This cooperative management allows for more efficient management and cost savings for both the Federal government and the State of California.

However, with the exception of Redwood National Park, the National Park Service is not authorized to enter into cooperative agreements with State, local, or other public entities to acquire from or provide to goods and services for the cooperative management of lands that are contiguous to Federal properties.

Title VIII of S. 1693 provides the Park Service with generic authority to enter into cooperative management agreements with State or local park agencies.

Leasing authority

The National Park Service began leasing historic properties in 1982, in accordance with the 1980 amendments to the National Historic Preservation Act. By law, the Park Service is limited to leasing historic buildings, structures, and lands designated as historic.

Each lease is competitively offered and the United States is required to receive fair market rental value based on an appraisal of the property, adjusted for investments required to be made by the lessee. The term of the lease is for the shortest time needed for the proposed use, taking into account required lessee investments and other relevant factors. No lease exceeds 99 years. The income is

covered into a treasury account available to the Park Service for the preservation of historic properties.

Title VIII of S. 1693 would broaden the leasing authority to enable the Park Service to lease any structure located on park land, so long as the lease is for an activity which is consistent with park purposes and programs, and will not result in any degradation in park values.

LEGISLATIVE HISTORY

S. 1693, was introduced by Senators Thomas and Abraham on February 27, 1998. The Subcommittee on National Parks, Historic Preservation, and Recreation held hearings on S. 1693 on April 1, 1998, April 30, 1998, May 7, 1998, and May 14, 1998.

Since the introduction of S. 1693, Senators Enzi, Grams, Murkowski, Bennett, Campbell and Landrieu were added as cosponsors.

At the business meeting on May 20, 1998, the Committee on Energy and Natural Resources ordered S. 1693, as amended, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on May 20, 1998, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1693, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell ¹	
Mr. Thomas	
Mr. Kyl ¹	
Mr. Grams	
Mr. Smith ¹	
Mr. Gorton	
Mr. Burns	
Mr. Bumpers	
Mr. Ford ¹	
Mr. Bingaman	
Mr. Akaka	
Mr. Dorgan	
Mr. Graham ¹	
Mr. Wyden ¹	
Mr. Johnson	
Ms. Landrieu	

¹ Indicates voted by proxy.)

COMMITTEE AMENDMENT

During the consideration of S. 1693, the Committee adopted an amendment in the nature of a substitute and an amendment to the title. The substitute amendment deletes certain titles from S. 1693 as introduced, and makes significant changes to most other titles in the bill, including park concession reform. The substitute amendment consists of eight titles, as follows:

Title I establishes a career development, training and management program for the National Park Service. The Secretary of the Interior is directed to "continually improve the ability of the Park Service to provide state-of-the-art management, protection, research, and interpretation of National Park System resources. The Secretary is directed to develop a comprehensive training program for Park Service employees to enable them to manage, interpret and protect park resources. In addition, the Secretary is directed to develop a plan for employee management training and development, to enable future park superintendents to be better prepared for management responsibilities.

The amendment also requires comprehensive budgets for each park to be prepared and made available to the public. The Secretary is also directed to develop and make publicly available the 5-year strategic plans and an annual performance plan for each park prepared pursuant to the Government Performance and Results Act.

Title II directs the Secretary to establish a scientific research program for the National Park Service. The amendment directs the Secretary to enter into cooperative agreements with colleges and universities to establish cooperative study units to conduct multidisciplinary research on park resources. The Secretary is also directed to undertake an inventory and monitoring program to establish baseline information and information on long-term trends in the condition of park resources, and to utilize the information in park management decisions.

Title III codifies the Park Service's procedures for studying areas for potential addition to the National Park System. The title includes several criteria that are to be considered in evaluating potential park areas; these criteria are essentially the same as the Park Service's current informal guidelines.

Title IV makes significant changes to National Park Service concession policies. The Secretary is directed to award concession contracts through a competitive selection process. The Concession Policy Act of 1965 is repealed, except for contracts for which a prospectus is issued bid before August 1, 1998. The amendment retains language from the 1965 Act that new development in parks be limited to those the Secretary determines to be necessary and appropriate for public use and enjoyment, and which are consistent to the highest practical degree with the preservation and conservation of the parks.

Under the amendment, most incumbent concessioners would no longer be granted a preferential right to renew their contract, and no concessioners would be granted a preferential right to provide new or additional services. Concessioners with contracts authorizing outfitter and guide services and those with contracts with gross

annual revenues of less than \$500,000 would be entitled to retain a preferential right of renewal, as long as the concessioner operated satisfactorily during the previous contract term and had submitted a responsive proposal.

The amendment provides that a concessioner's existing possessory interest is to be capped as of the termination date of the current contract, and then adjusted annually for inflation. A concessioner would be entitled to an interest in newly-built facilities equal to the concessioner's construction cost, with annual adjustments for inflation. The interest, which is called a "leasehold surrender value," will not be depreciated over time, other than adjustments for wear and tear. Title to all structures will remain in the United States. A concessioner would be entitled to receive payment for the leasehold surrender value from the United States or a successor concessioner, in cases where the incumbent is not awarded a subsequent contract.

The amendment does not establish an asset manager to operate concession activities, as provided in S. 1693 as introduced. However, it establishes a broad-based advisory board to advise the Secretary on concession management activities. In addition, the Secretary is directed, to the maximum extent practicable, to contract with private entities to conduct health and safety inspections, quality control of concession operations, analysis of appropriate prices set by a concessioner, and contract financial analysis.

All franchise fees are to be retained and expended by the Secretary for park purposes, without further appropriation.

Title V deals with National Park Service fee authorities. It extends (solely for the Park Service) the provisions of the Recreational Fee Demonstration Program, which are scheduled to expire at the end of FY 1999. The program will be extended through FY 2005.

The amendment also directs the Secretary to establish a reasonable fee for commercial filming activities in the National Park System, and, in addition, to recover all costs associated with administering and monitoring filming activities. Still photography would be excluded from any fee requirements, except for still photography utilizing models or props. All revenues from commercial filming activities would remain in the park for expenditure on high-priority visitor service or resource management projects.

The bill also directs the Secretary of the Interior and the Secretary of Agriculture to apportion the revenues from the sale of Golden Eagle Passports by private vendors. The revenues are to be apportioned among the agencies in the same ratio as admission fees collected by the participating agencies.

Title VI authorizes the Secretary to issue a new "National Park Passport" and "International Park Passport" which will authorize the holder unlimited access to units of the National Park System for a specified period of time. National Park Passports, which would cost \$50, would be valid for one year from the date of purchase. The International Park Passports, which would only be sold overseas and available to non-U.S. citizens, would allow access to parks for 45 days at a cost of \$40. The Park Service has indicated a desire to try and market these type of "collectible" passports and to bring a greater awareness to the public about the benefits of

purchasing an annual pass. All revenues collected from the sale of these passports would remain available for expenditure in the National Park System. The existing Golden Eagle Passport program, which also allows for unlimited annual access to parks and other Federal recreation fee areas, would not be affected by this program.

Title VII authorizes the National Park Foundation to design and implement a program to promote increased philanthropic support for individual units of the National Park System. The program would be implemented in cooperation with local nonprofit park support groups.

Title VIII includes a requirement for the Secretary to conduct a study of law enforcement needs in the National Park Service, including a separate report of the U.S. Park Police needs. The title also gives the Park Service general authority to lease unused buildings located within park areas, so long as the leasing is consistent with park purposes. Finally, the title authorizes the Secretary to enter into cooperative agreements with State and local governments to enable better coordination of management between adjacent Federal and State park areas.

The amendment deletes provisions in S. 1693 as introduced relating to an income tax check-off for park purposes and bonding authority for park capital projects.

The amendment is described in detail in the section-by-section analyses, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the bill's short title, the "Vision 2020 National Park System Restoration Act."

Section 2 defines the terms "Secretary of the Interior" and "unit of the National Park System."

TITLE I—NPS CAREER DEVELOPMENT, TRAINING AND MANAGEMENT

Section 101 directs the Secretary of the Interior (Secretary) to continually improve the ability of the National Park Service to provide state-of-the-art management, protection, interpretation, and research on National Park System resources.

Section 102 requires the Secretary to develop a Park Service-wide comprehensive training program for all professional areas of employment in the National Park System.

Section 103 directs the Secretary to develop a clear plan for management training and development plan, whereby career professional employees from all fields can qualify for management positions, including superintendent.

Section 104(a) directs each park unit to prepare and make available to the public an annual performance plan and 5-year strategic plan developed under the Government Performance and Results Act. It is the Committee's intent that the performance plan be linked with the park operating budget.

Subsection (b) describes the specific components that are to be included in the annual park budgets.

TITLE II—RESOURCE INVENTORY AND MANAGEMENT

Section 201 sets forth the purposes of the title, which are to enable the Park Service to more effectively achieve its mission, to enhance management and protection of park resources, and to use the scientific information gathered for management purposes.

Section 202 directs the Secretary to assure that there is a broad program for scientific research and data collection available for use in managing the units of the National Park System.

Section 203(a) directs the Secretary to utilize cooperative agreements with colleges and universities, including land grant schools, in order to establish university-based cooperative study units for multi-disciplinary research on both the parks and the larger regions of which they are a part.

Subsection (b) requires a report to the appropriate Committees of Congress within one year on progress in establishment of these cooperative study units.

Section 204 directs the Secretary to undertake a program, coordinated with other such efforts, of inventory and monitoring of park resources in order to develop baseline information on the trends and conditions of the resources.

Section 205(a) authorizes the Secretary to solicit and consider requests from other public or private entities or individuals to conduct scientific study activities in park units.

Subsection (b) describes the criteria that the Secretary is to apply in considering whether to approve requests for scientific study. Specifically, the proposed study activity must be consistent with applicable Park Service laws and management policies and must not pose a significant threat to park resources or public enjoyment of the park.

Subsection (c) authorizes the Secretary to waive park entrance fees for study activities.

Section 206 requires the Secretary to incorporate the results of scientific research into park management decisions, and requires the Park Service to document when resource impairment may occur because of Park Service actions, and whether the results of research were taken into account in proposing the action.

Section 207 gives the Secretary the discretion to withhold information on the location of park natural and cultural resources from the public whenever the Secretary determines that disclosing the information would jeopardize the integrity of the resources.

TITLE III—PROCEDURES FOR ESTABLISHMENT OF NEW PARK UNITS

Section 301 amends the National Park Service General Authorities Act (16 U.S.C. 1a–5) to require the Secretary to submit an annual report to Congress listing areas recommended for study for possible inclusion in the National Park System, if any.

This section also lists a number of criteria to be considered by the NPS in compiling the annual list, including a requirement to consider nominations from Members of Congress and the public; and what alternatives to Park Service management exist. The listed criteria essentially codify current Park Service guidelines for the study of new areas.

The section makes it clear that this provision does not alter the study provisions of the Wild and Scenic Rivers Act or National Trails Systems Act. It requires that there be opportunity for public comment and for private landowner and State and local government notification prior to including their lands in any list of report.

TITLE IV—NATIONAL PARK SERVICE CONCESSION POLICY REFORM

Public Law 89–249, the Concessions Policy Act of 1965 (1965 Act), established a number of policies and procedures for the management of concessions in units of the National Park System. For the most part, these policies and procedures have satisfactorily provided an appropriate statutory framework since 1965. However, with the passage of time and changes to the circumstances of many parks, some of these policies and procedures are in need of modification to reflect current conditions. Particularly, the Committee considers that certain of the incentives provided to concessioners by the 1965 Act to encourage concessioners to invest in visitor facilities in units of the National Park System are no longer necessary in light of contemporary park visitation levels and enhanced accessibility to remote areas. Accordingly, certain of the policies and procedures as contained in the 1965 Act are modified by title IV of S. 1693 to reflect current circumstances.

Section 401 contains the short title, the “National Park Service Concessions Management Improvement Act of 1988.”

Section 402 sets out Congressional findings and statements of purposes. This section remains unchanged from the 1965 Act. The Committee considers that the fundamental policies regarding concession activities in units of the National Park System as expressed in the 1965 Act are still valid, as follows: (1) visitor accommodations, facilities and services should be provided only under carefully controlled safeguards so that heavy visitation will not unduly impair park values; (2) development of such facilities is best limited to locations where the least damage to park values will occur; and (3), such development shall be limited to those that are necessary and appropriate for public enjoyment of the unit of the National Park System in which they are located and that are consistent to the highest degree practicable with the preservation and conservation of the park.

Section 403 sets out new policies and procedures requiring, in most circumstances, the competitive award of National Park Service concession contracts. This a change from the 1965 Act and previous law which does not require a fully competitive process in the award of concession contracts.

Subsection (a) requires that concession contracts be awarded on a competitive basis, except as provided by this title or otherwise authorized by law, to the bidder submitting the best proposal, as determined by the Secretary. In developing procedures for the competitive selection process the Secretary is directed to develop simplified procedures for small, individually-owned concessions.

Subsection (b) establishes notice requirements for the solicitation of concession proposals, including, but not limited to, publication in local or national newspapers and/or the Commerce Business Daily, as appropriate.

Subsection (c) states the kinds of information that are to be included in prospectuses for concession contract opportunities, including, but not limited to, the terms and conditions of the new contract, an estimate of the amount of compensation, if any, due to be paid to a prior concessioner by a new concessioner, and, where applicable, a description of the preferential right to award of the contract held by a prior concessioner.

Section (d) describes the minimum concessions contract proposal requirements, including franchise fees or other forms of monetary consideration due the government under the contract, the capital investment required of the concessioner, and measures necessary to ensure the protection and preservation of park resources. It also requires the Secretary to reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the offeror is not qualified to properly operate the facilities, is not likely to provide satisfactory service, or if the proposal is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to the public at reasonable rates.

The subsection further provides that if all proposals submitted are rejected by the Secretary or do not meet the minimum requirements of the prospectus, the Secretary must reinitiate the competitive selection process.

Finally, the subsection prohibits the Secretary from executing a concession contract which materially amends or does not incorporate the terms and conditions contained in the prospectus. If material changes to those terms and conditions are proposed after selection of a proposal, the Secretary is required to resolicit offers for the concession contract incorporating the changed terms and conditions.

Subsection (e) sets forth the principal factors the Secretary is to utilize in selecting the best proposal received in response to a concession contract prospectus, including: (1) the responsiveness of the proposal to the objectives of protecting and preserving park resources and values and of providing necessary and appropriate facilities and services to the public at reasonable rates; (2) the experience and related background of the person, corporation, or entity submitting the proposal, including but not limited to, the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services; (3) the financial capability of the person, corporation or entity submitting the proposal; and (4) the proposed franchise fee, although the consideration of revenue to the United States is to be subordinate to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities to the public at reasonable rates.

This subsection also authorizes the Secretary to consider such secondary factors as the Secretary deems appropriate and directs that in developing implementing regulations, the Secretary is to consider the extent to which plans for employment of Indians and Native Alaskans and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contract should be identified as a factor in the selection of a best proposal.

Subsection (f) requires the Secretary to submit any proposed concession contract with anticipated annual gross receipts in excess of \$5 million or a duration of ten years or more to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives and provides that the Secretary is not to award any contract within this category until at least 60 days subsequent to the notification of both committees.

Subsection (g) states that except as provided in paragraph (2) (relating to outfitting and guide contracts and small operations) the Secretary shall not grant a preferential right of renewal, or any other form of preference to a concession contract.

The term "preferential right of renewal" (for contracts specified in paragraph (g)(2)) is defined to mean that the Secretary shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal. The right is contingent on a determination by the Secretary that the facilities or services authorized under the prior contract continue to be necessary and appropriate.

Under the 1965 Act, all satisfactory concessioners are entitled to preference in renewal of their concession contracts or permits. However, in light of the current circumstances of units of the National Park System and in recognition of present business conditions, the Committee considers that generally there is now no need to provide a preferential right of renewal to concessioners in order to obtain qualified operators. Accordingly, to foster appropriate competition in the award of National Park Service concession contracts, the preferential right of renewal provided as a statutory right to existing concessioner under the 1965 Act is repealed by S. 1693. However, as discussed with respect to subsection (h) below, a preferential right of renewal is maintained for two categories of concession contracts.

Subsection (h) provides a preferential right to renewal to: (1) concession contracts authorizing outfitting and guide services; and (2) concession contracts with anticipated annual gross receipts of less than \$500,000.

Paragraph (h)(1) defines an outfitter and guide concessioner as a concessioner holding a concession contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. The subsection also describes the types of operations that qualify as outfitters and guides, including, but not limited to, concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. The fact that a concessioner is entitled to a preferential right of renewal with respect to a contract under this subsection does not qualify the concessioner for such a preferential right of renewal for any other contracts the concessioner may hold which are not for the provision of outfitting and guide services or which exceed \$500,000 in annual gross revenues.

Under subsection (h), an otherwise qualified outfitting and guide concessioner, in order to be entitled to a preferential right of renewal, must also (1) hold a concession contract which does not grant the concessioner any interest in capital improvements on lands owned by the United States within an area of the national park system (subject to a grandfather clause with respect to capital improvements constructed by a concessioner pursuant to the terms of a concession contract prior to the effective date of this title); (2) have operated satisfactorily, as determined by the Secretary, during the term of the prior contract; and (3) have submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary. The Committee notes that there may be some instances where a concessioner has an interest in an improvement that was not constructed pursuant to a concession contract, for example, where a structure was built prior to the establishment of the park unit, or for other minor structures. The Committee intends that these structures are not inconsistent with the provisions of this subsection.

The Committee notes that outfitters and guides often operate within any specific year on lands administered by the National Park Service, Forest Service, Bureau of Land Management, and the State. This is particularly true in Alaska. Currently the Park Service determines the fees for outfitters and guides on a percentage of actual use of lands under its jurisdiction, which results in a burdensome and complex accounting system. The Committee encourages the Secretary to consider utilizing the fee system used by the U.S. Fish and Wildlife Service, which employs a "fixed fee per manday of use" schedule.

National Park System units in Alaska are governed, in part, by provisions of the Alaska National Interest Lands Conservation Act (ANILCA), in addition to the other laws governing the management and administration of units of the National Park System. The Committee encourages the Secretary to ensure that all park superintendents working in the State of Alaska are well versed in the provisions of ANILCA.

Paragraph (h)(2) maintains the preferential right of renewal for concession contracts with anticipated annual gross revenues of less than \$500,000 where: (1) the Secretary has determined that the concessioner operated satisfactorily during the term of the prior contract, and (2), the concessioner submitted a responsive proposal for a proposed new concession contract which satisfies the minimum requirements established by the Secretary.

The Committee considers it appropriate to extend a statutory preference in renewal to these two categories of concessioners. With respect to outfitter and guide concessioners, it is important to encourage the continuity of concessioner operations because of the need to encourage the retention of the highly skilled guides needed to provide a safe and enjoyable experience to backcountry visitors in need of expert assistance. With respect to concessioners where the concession contract is expected to gross less than \$500,000, the Committee considers that encouragement of operations of concessioners with this modest level of revenue is appropriate and that, in light of the small investment generally necessary to make a proposal for such a business, there will be an adequate level of com-

petition for such a concession contract even under the preference to renewal.

Subsection (I) provides that the Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a park area. This is a change to the 1965 Act, in the interest of enhancement of competition. The 1965 Act authorizes the Secretary, under the terms of a contract, to grant such preferential right of first refusal to an existing concessioner to new or additional services during the term of its contract.

Subsection (j) makes clear that nothing in this title, including, but not limited to the granting of a preferential right of renewal in certain instances, limits the authority of the Secretary to determine whether to issue a concession contract or to establish its terms and conditions in furtherance of the policies expressed in section 402.

Subsection (k) authorizes the non-competitive award of concession contracts in two very limited circumstances. First, the Secretary may award, without public solicitation, a temporary concession contract or extend an existing concession contract for a term not to exceed three years in order to avoid interruption of services to the public at a park. However, prior to making such an award, the Secretary must take all reasonable and appropriate steps to consider alternatives to avoid the interruption. Second, the Secretary may award, without public solicitation, a concession contract in compelling equitable circumstances which require the award of a concession contract to a particular party in the public interest. Both types of non-competitive awards require thirty days advance notice in the "Federal Register," including an explanation of the reasons for such an award.

The Committee emphasizes that this authority for the non-competitive award of a concession contract is to be very narrowly exercised by the Secretary. All feasible and prudent measures should be taken by the Secretary to avoid having to award temporary concession contracts to avoid interruption of services of visitors. In addition, occasions where the Secretary determines that compelling equitable circumstances warrant award of a concession contract to a particular party in the public interest should be extremely rare. Undisputable equitable concerns are to be the determinant of such circumstances. For example, the Committee considers that use of this authority for one contract term would be appropriate where a new park unit or land is added to the National Park System and an existing business is providing visitor services that the Secretary wishes to continue. Another example where the use of such authority would be appropriate is where a concession contract is held by a sole proprietor, and upon, the proprietor's death, the surviving spouse wishes, and is qualified, to continue the business.

Section 404 establishes the term of concession contracts as no more than ten years although the Secretary may award a contract for a term of up to twenty years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term. It is the Committee's intent that the term of a concession contract should be as short as possible consistent with providing the concessioner a reasonable business opportunity.

Section 405 provides that a concessioner shall have a leasehold surrender interest in capital improvements it makes under the terms of a concession contract.

Subsection (a) states that a concessioner which, after the effective date of this title, constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concession contract shall have a leasehold surrender interest in the capital improvement, subject to certain terms and conditions. The leasehold surrender interest is to constitute a property right of the concessioner, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest.

A leasehold surrender interest: (1) may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary; (2) must be transferred by the concessioner in connection with any transfer of the concession contract; (3) may be relinquished or waived by the concessioner; (4) shall not be extinguished by the expiration or other termination of a concession contract; and (5), may not be taken for public use except on payment of just compensation.

The value of a leasehold surrender interest in a newly-constructed capital improvement is to be equal to the construction cost of the capital improvement, increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement is to be added to the then current value of the concessioner's leasehold surrender interest.

The Committee notes that certain concession contracts awarded under the 1965 Concessions Policy Act provide the concessioner with a "possessory interest" in capital improvements made by the concessioner on park lands within the boundaries of a unit of the National Park System. Such possessory interest is, in several ways, similar to the surrender leasehold interest established in section 405. However, there are significant differences, and accordingly, subsection (b) provides a special rule for converting possessory interest under prior concession contracts to a leasehold surrender interest under this title.

Specifically, subsection (b) provides that a concessioner which has obtained a possessory interest as defined in the 1965 Act (Public Law 89-249) under the terms of a concession contract entered into prior to the date of enactment of this title, shall, upon the expiration or termination of the contract: (1) be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by the prior concession contract; and (2), in the event such prior concessioner is awarded a new concession contract concerning the same facilities and services after

the effective date of this title, the existing concessioner, instead of directly receiving possessory interest compensation, is to have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and is to carry over as the initial value of such leasehold surrender interest (instead of construction cost) the value of the existing possessory interest as of the termination date of the prior contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter is to be resolved through binding arbitration.

The subsection also provides that, in circumstances where a new concessioner is awarded a concession contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such improvements and the initial value in such leasehold surrender interest (instead of construction cost), is to be the value of the possessory interest as of the termination date of the prior contract (the amount of money the new concessioner was required to pay the prior concessioner for its possessory interest under the terms of the prior contract).

Subsection (c) states that, that, upon expiration or termination of a concession contract entered into after the effective date of this title, a concessioner is entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. The next concessioner, if any, shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) is to be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

Subsection (d) provides, consistent with the terms of Public Law 89-249, that title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System is to be in the United States.

The Committee considers that the leasehold surrender interest described by this section will provide concessioners with adequate security for investments in capital improvements they make. This will assist in encouraging such investment in visitor facilities in the National Park System. However, the value of a leasehold surrender interest, i.e., the original construction cost, less depreciation as evidenced by physical condition and prospective serviceability, plus what amounts to interest on the investment based on the Consumer Price Index, should accurately reflect the real value of the improvements and should not result in any undue compensation to a concessioner upon expiration of a concession contract. Additionally, the value of the leasehold surrender interest will be relatively easy to estimate so that a prospective new concessioner and the Secretary can accurately calculate the amount for purposes of competitive solicitation of concession contracts.

In this regard, possessory interest as authorized by Public Law 89-249 has frequently been criticized as anti-competitive, because,

in many older concession contracts, the value of an existing concessioner's possessory interest was difficult to estimate, thereby discouraging submittal of competitive offers for renewal of concession contracts. The leasehold surrender interest approach addresses this concern.

Section 406 describes the reasonableness of a concessioner's rates and charges to the public and provides that, unless otherwise stipulated in the contract, rates are to be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

This description of the reasonableness of rates is the same as the comparable provision in Public Law 89-249. However, new language has been added in the third sentence of this section to reflect the Committee's direction that although concessioner rates to the public are to be subject to approval by the Secretary, the approval process utilized by the Secretary is to be as prompt and unburdensome to the concessioner as possible and is to rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. Such rate approval process is to be developed by the Secretary taking into account the recommendations of the National Park Service Concessions Management Advisory Board discussed below.

Section 407 (a) states that a concession contract shall provide for payment to the government of a franchise fee and/or other monetary consideration based on the probable value to the concessioner of the privileges granted by the particular contract involved. "Probable value" is defined as a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. However, consideration of revenue to the United States is to be subordinate to the objectives of protecting and preserving park areas and of providing adequate and appropriate services for visitors at reasonable rates.

Subsection (b) provides that the amount of the franchise fee or other monetary consideration is to be specified in the concession contract and may only be modified to reflect substantial, unanticipated changes from the conditions anticipated as of the effective date of the contract. It also provides that the Secretary is to include in concession contracts with a term of more than five years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of substantial unanticipated changes. The provision is to provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

Subsection (c) states that all franchise fees (and other forms of monetary consideration paid to the government by concessioners) are to be deposited into a special account established in the Treasury. The funds contained in the special account are to be available for expenditure by the Secretary, without appropriation, until expended for use in accordance with the purposes stated in subsection (d).

Subsection (d) provides that the funds contained in the special account are to be allocated to each applicable unit of the National Park System, based on the proportion that the amount of concession contract fees collected from each park during the fiscal year bears to the total amount of concession contract fees collected from all units of the National Park System during the fiscal year, to fund high-priority resource management and visitor services programs and operations.

Under existing law, franchise fees are credited to the miscellaneous receipts account of the Treasury and are not available for expenditure by the Secretary without appropriation. The Committee considers that making such revenues available for expenditure will provide an incentive for the Secretary to obtain appropriate franchise fees and other forms of monetary consideration from concessioners and will, in effect, return to applicable park areas for the benefit of visitors, revenues generated from visitors to those areas.

Section 408 states that no concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and with the approval of the Secretary.

Subsection (b) requires the Secretary to approve the transfer or pledge if the Secretary determines that: (1) the individual, corporation or entity seeking to acquire the concession contract is qualified to be able to satisfy the terms and conditions of the concession contract; (2) the conveyance or pledge is consistent with the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to visitors at reasonable rates and charges; and (3), the terms of the conveyance or pledge are not likely, directly or indirectly, to—(a) reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, (b) adversely affect the quality of facilities and services provided by the concessioner, or (c) result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

The Committee considers it essential as a matter of good business practice that a concessioner be able to sell its concession contract or pledge its assets for appropriate purposes but that the public interest must also be considered in such transactions. The Committee believes that section 408 provides an appropriate balancing of these considerations.

Section 409(a) establishes the "National Park Service Concessions Management Advisory Board" (Advisory Board) to advise the Secretary and National Park Service on matters relating to management of concessions. Among other matters, the Board is to advise on policies and procedures intended to assure that services and facilities provided by concessioners meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit. The Board is also to advise on ways to make National Park Service concession programs and procedures more cost effective, efficient, and less burdensome, including, recommendations regarding National Park Service contracting with the private sector to conduct appropriate elements of concessions management.

Subsection (b) states that the Advisory Board shall be appointed by the Secretary and is to be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the federal government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Board, one is to be privately employed in the hospitality industry, one is to be privately employed in the tourism industry, one is to be privately employed in the accounting industry, one is to be privately employed in the outfitting and guide industry, one is to be a state government employee expert in park concession management, one is to be active in promotion of traditional arts and crafts, and one is to be active in a non-profit conservation organization involved in the programs of the National Park Service.

The Committee is concerned that the policies and practices of the National Park Service in managing concessions have become unduly bureaucratic in certain respects and do not reflect as well as they should contemporary business practices otherwise consistent with the conduct of a concession in an area of the national park system. The Committee expects that the Advisory Board will provide the Secretary with appropriate advice in these areas so as to assist in improving the quality of National Park Service concessions management for the benefit of both concessioners and park visitors.

Section 410 directs the Secretary, to the maximum extent practicable, to contract with private entities to conduct the following elements of the management of the National Park Service concessions program suitable for non-federal fulfillment: (1) health and safety inspections; (2) quality control of concession operations and facilities; (3) analysis of rates and charges to the public; and (4), financial analysis. The Secretary is also to consider, taking into account the recommendations of the National Park Service Concessions Management Advisory Board, contracting out other elements of the concessions management program, as appropriate.

However, the section also makes clear that it is not intended to diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this title and the National Park Service Organic Act.

Section 411 is identical to the comparable provision of Public Law 98-249 and provides certain exceptions for concession contracts to government-wide requirements regarding leases of government property.

Section 412 is also identical to the comparable provision of Public Law 89-249, and describes record-keeping requirements for concessioners.

Section 413(a) repeals the Concessions Policy Act of 1965, Public Law 89-249, but provides that such repeal is not to affect the validity of any concession contract or permit entered into under Public Law 89-249 and that the provisions of this title are to apply to any such contract or permit except to the extent that such provisions are inconsistent with the express terms and conditions of any Public Law 89-249 contract or permit.

Subsection (b) authorizes the Secretary to award a concession contract under the terms of Public Law 89-249, notwithstanding

the repeal of Public Law 89–249, where a prospectus for the contract was issued by August 1, 1998, pursuant to the requirements of 36 C.F.R. Part 51 (the Park Service’s current concession regulations). This grandfather clause is intended to avoid unnecessary delays in the transition from Public Law 89–249 to this Act.

Subsection (c) makes certain conforming amendments to the 1916 Park Service Organic Act (16 U.S.C. 3) necessary to reflect the provisions of this title.

Subsection (d) makes clear that nothing in this title is intended to amend, supersede, or otherwise affect any provision of the Alaska National Interest Lands Conservation Act (ANILCA) relating to revenue-producing visitor services.

Section 414 provides for promoting the sale by concessioners of authentic Indian, Alaskan Native and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System. In addition, the Secretary is to ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade where it currently does not exist. To further these purposes, the revenue derived from the sale of United States Indian, Alaska Native, and Native Hawaiian handicrafts is to be exempt from any franchise fee payments under this title.

Section 415 directs the Secretary to adopt amended regulations as soon as practicable after the effective date of this title appropriate for its implementation. Among other matters, the amended regulations are to include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below \$500,000. The Secretary is also to further define the Term “United States Indian, Alaskan Native, and Native Hawaiian handicrafts” for the purposes of this Act, taking into account the recommendations in this regard of the National Park Service Concessions Management Advisory Board. The Committee considers that the policies and procedures of this title as implemented by the Secretary’s regulations are the governing requirements for concession contracts and that such contracts do not constitute contracts for the procurement of goods and services for the benefit of the government or otherwise.

Section 416(a) provides that certain types of visitor facilities and services in park units may be authorized by the Secretary under commercial use authorizations rather than concession contracts. In general, the Secretary, when requested, may authorize a private party to provide services to visitors to park areas through a commercial use authorization if the Secretary determines that the use will have minimal impact on park resources and values and is consistent with the purposes for which the unit was established and with all applicable management plans, park policies and regulations.

Subsection (b) provides that in issuing such commercial use authorizations, the Secretary is to: (1) require payment of a reasonable fee, the fees to remain available without further appropriation to be used, at a minimum, to recover associated management and

administrative costs; (2) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values; (3) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and (4) may not issue more authorizations than are consistent with the preservation and proper management of park resources and values. In addition, the Secretary is to establish other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park unit.

Subsection (c) states that commercial use authorizations are to be limited to: (1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a park; and (2) the incidental use of park resources by commercial operations which provide services originating and terminating outside of the park's boundaries, provided that, such an authorization shall not provide for the construction of any structure, fixture, or improvement of Federally-owned lands within the boundaries of the park.

Subsection (d) provides that the term of any commercial use authorization shall not exceed two years and that no preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

The Committee considers that commercial operations that meet the criteria of this section may appropriately be authorized under the less restrictive controls and conditions applicable to concession contracts because of their limited scope and impacts. However, the Committee also expects that the Secretary, in administering commercial use authorizations, will exercise due caution to assure that the statutory criteria set forth above are adhered to and that operations that properly should be treated as concession operations are not permitted under the terms of a commercial use authorization.

TITLE V—FEE AUTHORITIES

Section 501(a) extends the duration of the Recreational Fee Demonstration Program for the National Park Service for six additional years, until September 30, 2005. It also broadens the scope of the program to include all units of the National Park System, and for system-wide fee programs. Currently, the fee demonstration fee program is limited to 100 sites.

Subsection (b) requires the Secretary to report to Congress on the status of the fee program conducted in park units. The report is to be submitted no later than September 30, 2000.

Subsection (c) requires the Park Service to provide public notice at least 12 months in advance of any new or increased fee.

Section 502(a) directs the Secretary to require a permit and assess a fee for commercial filming in units of the National Park System. The fee is to be "reasonable" and provide a fair return to the government, be based on criteria that include; the number of days of filming in the park, the size of the crew, the amount and type of equipment, and any impacts on park resources. The provision

makes clear that the Park Service is to recover all costs associated with administering the filming activity, and that such costs are to be in addition to the applicable fee.

The Committee encourages the Secretary to work with news organizations and the media to ensure that commercial filming fees do not apply to visual images produced for dissemination to the public as news.

Subsection (b) states that the Secretary shall not require a permit or charge a fee for still photography in areas where the public is generally allowed. The Secretary is authorized to charge a fee for still photography which utilizes models or props, or if the Secretary determines that there is a likelihood of resource impact, disruption of the public's use and enjoyment of the park, or if the activity could pose health or safety risks.

Subsection (c) establishes a special account in the Treasury into which filming fees are deposited, and from which they are allocated back to the parks, without further appropriation, to carry out high-priority visitor service and resource management projects.

Section 503 directs the Secretary of Interior and the Secretary of Agriculture to enter into an agreement on the sharing of proceeds from the sale, by private vendors, of the Golden Eagle Passport. The section directs that the proceeds be divided among the agencies based on each agency's percentage of total admission fees collected during the previous fiscal year. The Committee notes that this revenue-sharing requirement is consistent with the original legislative authority authorizing the sale of Golden Eagle Passports by private vendors.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

Title VI authorizes the National Park Service to sell National Park Passports and International Park Passports.

Section 601 states that the purposes of the title are to establish a new program to offer an annual passport and commemorative stamp for admission to units of the National Park System and to generate revenue for support of the National Park System.

Section 602(a) directs the Secretary to establish a new National Park Passport program, including a collectible commemorative stamp.

Subsection (b) states that the passport and stamp will be effective for admission to all parks from 12 months from the date of purchase.

Subsection (c) states that the passport is non-transferrable.

Section 603(a) provides that the Secretary is to hold an annual competition for the stamp design, and that the competition be open to the public and used to educate the public about the National Park System.

Subsection (b) authorizes sale of the National Park Passport and stamp through the Park Service and by private vendors, on a consignment basis. These private vendors may collection a commission on each sale. The number of private vendors may be limited by the Secretary.

Subsection (c) allows the Secretary to use up to ten percent of the sales proceeds of National Park Passports and stamps to administer the program and to promote both the passport and the Na-

tional Park System. The subsection also establishes a special account in the Treasury into which all proceeds from sale of the park passports are to be deposited. These funds are to be made available to the Park Service, without further appropriation, to be used for high priority visitor service and resource management projects.

Subsection (d) authorizes the Secretary to enter into cooperative agreements with the National Park Foundation and others to develop and implement the passport program.

Subsection (e) sets the fee for a National Park Passport and stamp cost at \$50.

Section 604(a) establishes a new park passport for international travelers to the United States. The International Park Passport is to be established in accordance with the other provisions of this title, except as specifically provided in this section.

Subsection (b) states that the International Park Passport shall be exclusively available to foreign visitors to the United States.

Subsection (c) provides that the International Park Passport be sold only outside the United States through commercial tourism channels and consulates.

Subsection (d) sets the fee of an International Park Passport at \$10 less than the price of a national Park Passport, but not less than \$40.

Subsection (e) states that the passports and stamps shall be produced in a form that provides useful information to the visitor and which serves as a souvenir.

Subsection (f) limits the validity period of the International Park Passport to 45 days from the date of purchase.

Subsection (g) establishes a special account in the Treasury into which proceeds from the sale of the International passport are to be deposited, to be used for the same purposes of those from sale of the National Park Passport.

Subsection (h) requires that the International Park Passport program be terminated at the end of 2003 unless at least 200,000 passes are sold during that year.

Section 605 makes clear that a passport is not required for persons wishing to purchase a single visit admission to a park, or for holders of Golden Age or Golden Access Passports. In addition, the Golden Eagle Passport continues to be valid for unlimited admission to units of the National Park System.

TITLE VII—NATIONAL PARK FOUNDATION PARK SUPPORT

Section 701 amends the National Park Foundation enabling legislation to authorize the Foundation to design and implement a comprehensive program to assist and promote philanthropic programs to support individual park units. The purpose of the program developed by the foundation is to assist in the creation of local non-profit support organizations and provide support for those organizations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Section 801 directs the Secretary to appoint a task force to conduct a study of all law enforcement needs of National Park Service, including a separate analysis of the needs of the U.S. Park Police.

The Secretary is required to report to Congress on the findings and recommendation of the study by the task force.

Section 802(a) expands the authority of the Park Service to lease buildings and associated property within units of the National Park System, so long as the activity on the lease is compatible with the purpose of the park in which it is located and does not derogate the values of the park.

Proceeds from such leases are to be deposited in a special account in the Treasury to be used, without further appropriation, for infrastructure needs in units of the National Park System.

The subsection also expands the Park Service's authority to enter into cooperative management agreements with adjacent State or local parks in order to enhance management efficiency and reduce operating costs and duplications. The section makes clear that the Secretary may not transfer responsibility for administration of a park to a State or local government.

Subsection (b) directs the Secretary to simplify the existing regulations and procedures for leasing of historic structures in units of the National Park system.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time this report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1693. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 1693, as ordered reported.

EXECUTIVE COMMUNICATIONS

On April 30, 1998, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1693. These reports had not been received at the time the report on S. 1693 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Department of the Interior at the Subcommittee hearings follow:

STATEMENT OF ROBERT G. STANTON, DIRECTOR, NATIONAL
PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to discuss four titles of S. 1693, the "Vision 2020 National Park Restoration Act". Although we may have different opinions on how the various issues should be addressed, we share the goal of ensuring a strong and healthy future for our nation's National Park System.

Today, I will discuss four titles of S. 1693, which are the subject of this hearing. Title I addresses a number of issues regarding management of the National Park Service. Title II provides for the establishment of criteria for creating new units of the National Park System. Title III would extend the current recreational fee demonstration program through September 30, 2005 and expand it to all units of the National Park System. Title V creates a passport specifically for use for admission to units of the National Park System. I will address the issues regarding each title separately.

TITLE I—MANAGEMENT REFORM

Sections 101, 102 and 103: "Ranger Career Program"

Sections 101, 102 and 103 of Title I establish in statute a "Ranger Career Program" that addresses the management and career training of national park rangers. We believe adoption of these sections would be detrimental to the overall administration of the National Park Service (NPS). The strength of the NPS and the agency's ability to meet current and future demands to protect and manage parks depends on the combined efforts of a variety of professional and technical occupations. The park ranger occupation is one of these occupations. The management of national parks and the National Park System requires a broad array of both resource management and visitor service based knowledge and skills, as well as skilled administrative staff. By emphasizing the role of the ranger in these sections of Title I, this title neglects other expertise needed by NPS.

As the National Park System has grown and employees are needed year-round, jobs have become more diverse and our requirements for specialists have grown. We have a need for biologists, hydrologists, archaeologists and historians with specialized education, architects skilled in sustainable practices, people with business administration, accounting, and investment backgrounds, educators, civil engineers, maintenance managers, and real estate specialists to ensure wise management of natural and cultural resources in the park system.

Getting the right people to work in the National Park Service is only part of our responsibility. We must also guarantee that our employees will continue to be able to meet the ever-changing needs of our parks. Having a

training program that can provide those who have the ability to do a job with the skills they need is critical. To address this need, the Park Service has identified essential competencies for all major career fields. This informs employees of the skills needed to perform their jobs at various levels; helps employees plan their careers; and enables us to provide the needed training. Having people with the right skills in the right jobs can go a long way toward becoming a more effective and cost-efficient organization and is critical if we are to stay current with our changing world.

These sections of S. 1693 also centralize recruitment, training and other authorities that have been delegated to our field managers of several years. Redirecting these authorities to the Associate Director for Park Operations and Education is inconsistent with the management philosophy of the NPS. As currently administered, these delegated authorities place the full range of human resources management with the parks and programs, while insisting that actions are consistent with Department of the Interior and OPM policies and regulations.

The NPS currently has the authority to conduct employee training and development programs and additional authorities are unneeded. Therefore, we are opposed to sections 101, 102 and 103.

Section 104: Strategic management objectives

Section 104 requires that NPS implement a strategic management plan, focusing on functions at all levels of the Service. It also instructs NPS to have measurable goals and objectives; to evaluate how functions can best be performed; and to consider increasing the use of the private sector. The committee should be pleased to know that several aspects of this section are currently being implemented by the NPS. Because the Service has a program in place to address the requirements of this section and because we find this section duplicative of our efforts, we are opposed to this section of the bill.

Since 1994, the National Park Service has been implementing the Government Performance and Results Act (GPRA) which sets performance goals and measures the agency's success in meeting those goals. In implementing GPRA and the performance management it embodies, the NPS has deliberately taken a field-oriented approach, developing a process and a framework which work both service-wide and in the various parks and partnership programs. The NPS used park prototypes, extensive training, its own Field Guide to Performance Management and GPRA and the GPRA Task Force to develop and implement this approach.

In September 1997, the NPS published its first strategic plan to GPRA standards. That plan covers all functions performed everywhere in the park system, sets measurable outcomes concerning the condition of park resources, of

visitor experiences and the partnership programs as well as goals to increase organizational effectiveness. Linkages with budget formulation and financial systems are being developed to increase accountability. In addition, the NPS' National Leadership Council decided that all SES and supervisory GS14 and GS15 positions would be evaluated on their success in their annual performance plans. The 1997 Strategic Plan is now being implemented; following the requirements of GPRA, it will be reviewed and revised as appropriate. GPRA also requires annual performance plans and annual performance reports, which show anticipated and actual results towards goals. In addition, various agencies are now examining whether specific agency activities are redundant or unnecessary. Refining the strategic plan and annual performance plans in an adaptive process and we welcome your feedback on how to improve these plans.

Section 105: Annual budgets for National Park System

Section 105 would require the National Park Service to develop and make available to the public a comprehensive annual budget for each national park, central office, and support office. As part of its implementation of GPRA, the National Park Service has begun to require each of its parks and other organizations to establish an annual performance plan that would show its allocation of resources against its goals, and define its planned performance against those goals for the year. We believe this achievement meets the intended objectives of this section, and therefore, we are opposed to this section of the bill.

In addition, the proposed legislation requirement for an annual budget "before" each fiscal year begins would tend to cause confusion and unnecessary paperwork. Currently, the NPS requires its parks and other organizations to finalize their annual budget after being notified of the actual enacted appropriation for that year, something not likely to be known before the fiscal year starts. Parks will have their annual performance plans available within a month after the annual appropriation has been enacted.

TITLE II—PROCEDURES FOR ESTABLISHMENT OF NEW
NATIONAL PARKS

Title II would establish procedures for the establishment of new units to the National Park System. As we testified on H.R. 1728, we support the establishment of set criteria what would ensure the integrity of the National Park System by providing agreement between the National Park Service and Congress on the criteria for establishment of new park areas and on a process where possible new areas that fail to meet those criteria will not be imposed upon the system.

In 1976 Congress directed the NPS to monitor the welfare of areas that exhibit qualities of national significance and to conduct studies on those that have potential for in-

clusion in the National Park System. For several years thereafter, Congress required that we study and forward a list of the least 12 potential new parks each year. In 1981, Congress eliminated funding for the program; between 1981 and 1990, NPS undertook a few studies in response to specific instructions from Congress. Then, in 1991, the Service began once again to identify its own priorities, using a ranking system that considered significance, rarity, public use potential, educational potential, resource integrity/risks public support, costs, availability of data suitability, feasibility, and special initiatives.

Most recently, in Fiscal Year 1998, Congress appropriated funds for 10 studies of potential new parks. Eight of those studies are being done as required by P.O. 105-83 making appropriations for the Department of the Interior. The other two studies are in response to legislation enacted through the authorizing process. While the purpose of our study program is to evaluate sites with potential for inclusion in the National Park System, most of the projects underway are focusing on heritage area concepts and other partnership approaches that do not anticipate acquisition and management by the National Park Services.

More than 300 studies have been done since the 1930's on areas that have not been added to the park. Since the 1970's only about one in four of the areas studied became the subject of legislation adopted by Congress to expand and existing park or to create a new one. Our study process has been successful in determining resource significance, suitability, feasibility and offering Congress a range of alternatives for protecting resources through partnerships that do not involve additions to the National Park System. Careful scrutiny, analysis and application of existing criteria through our study process have provided the best defense against expansion of the park system into areas that fail to meet established standards.

We believe the best way to avoid inappropriate additions that do not fully meet the criteria for inclusion in the system is to continue to advance programs which foster alternatives. The NPS today operates several programs that suggest and support alternatives to inclusion within the system including honorary recognition in the National Register of Historic Places and technical assistance from the River, Trails and Conservation Assistance Program.

The National Park System Advisory Board has recently reviewed our criteria for parklands and found them to be essentially sound. We intend to clarify and strengthen those criteria as recommended by the Board in conjunction with an update to our management policies, scheduled for completion later this year.

These updated criteria would be used in conducting the studies of areas for potential addition to the system, as currently proposed in Title II. Congress will have to determine how these studies are used in developing legislative

proposals. No study process or set of criteria will be successful in assuring the integrity of the National Park System if new parks are authorized without having studies completed or the criteria applied.

As we testified on H.R. 1728, we have concerns with specific provisions of this title and would like to work with the committee to address those concerns.

TITLE III—RECREATIONAL FEE DEMONSTRATION PROGRAM

Title III would extend the recreational fee demonstration program through fiscal year 2005 and would make the authority available to all units of the National Park System. The program would be limited at Great Smoky Mountains National Park and Lincoln Home Historic Site to recreation use fees. The title would also require a report to be submitted to Congress by the end of fiscal year 2000.

The Administration supports legislation allowing all land management agencies to collect and use recreation fee receipts for facility improvements and other purposes. The President's FY 1999 Budget supported legislation providing permanent fee authority that would take effect once the current authority expires. If such permanent changes cannot be agreed to this year, however, we would support an extension of the current fee demonstration program for all land management agencies.

Short of the enactment of permanent legislation revising recreational fee authority, this section addresses the National Park Service's primary concern with the current fee demonstration program by extending the authority to all units of the National Park System. In general, the current recreational fee demonstration program provides the flexibility that is needed to develop a program that is responsive both to national trends and concerns but also to those of individual park units and the communities in which they are located.

In the recent report to Congress on the recreational fee demonstration program the Department of the Interior made several suggestions for legislative improvements in any fee program. The main recommendation was for flexibility. Providing incentives for managers to participate in the program was also discussed. Additionally, we must be able to correct some inequities with regard to distribution of the benefits derived from recreational fees. And finally, there needs to be time for planning and implementation of fees where there have not been fees.

The current recreational fee demonstration program provides the flexibility and incentives that are needed. Extending the program for five years and expanding it to all units addresses the concern about distributing benefits to all units. It also allows for more time to plan and implement a fee program at non-collecting parks and to recoup up-front fee collection infrastructure costs.

We are concerned that the program's three-year life may be too short to determine long-term benefits and effects

and to allow for real, on-the-ground benefits to be realized. The time and money needed to address certain projects may not be available in the current three-year program. Many park units, because they are not participating in the program, do not have the authority to retain the recreational fees they currently collect and make improvements with that money yet they also have extensive needs. Without the ability of all units to participate in the current program, it is unclear whether the formula for splitting the money is appropriate.

Extending the program would increase both receipts and direct spending and, therefore, would be subject to the pay-as-you-go (PAYGO) provisions of the Omnibus Budget and Reconciliation Act. Although it would result in a net spending increase, the Administration fully offset the costs of this proposal in the President's Budget and it should be considered in that context.

By expanding the recreational fee demonstration program authorities to the entire National Park System and extending the program an additional five years, the National Park Service would be in a better position to evaluate and recommend what permanent fee authority should look like. Our experience would be derived from a system-wide perspective and from a point where there has been enough time to really implement a wide variety of projects that have operated for more than one or two seasons. The longer time period would also allow for several years experience that might see fluctuations in visitor use due to weather conditions, economic changes, etc., which have a real effect on visitation to national parks and on fee revenues. It would also provide the funding stability needed for parks to invest in fee collection infrastructure and change long-term operational procedures. We will continue to provide Congress regular evaluations of the program's successes and overall benefits.

TITLE V—NATIONAL PARK PASSPORT PROGRAM

Title V of the bill establishes a National Park Passport Program that authorizes the Secretary of the Interior to develop a National Park System specific passport that provides for admission to all national park areas. The passport would require a stamp that is good for one calendar year and would cost \$50 annually. The passport would be sold by the National Park Service and the U.S. Postal Service. It could also be sold by private vendors. The title also authorizes the establishment of an international park passport.

The program being proposed is based on the popular "Duck Stamp" program administered by the U.S. Fish and Wildlife Service. The Duck Stamp has been an important program for educating the American people about migratory birds and waterfowl. The program also provides financial support for the creation and maintenance of fish and wildlife refuges around the country. The annual competi-

tion for the duck stamp has attracted artists from around the country to participate in the program. It also involves school-age students nationwide in learning about waterfowl by participating in the "Junior Duck Stamp Program". The recognition and support received via the duck stamp program has been vital to the U.S. Fish and Wildlife Service in being able to accomplish their mission in the establishment of refuges and protection of wildlife and wildlife habitat throughout the nation.

A similar program would be a great asset to the National Park System and would be used to increase nationwide awareness of and support for the National Park System. A national competition for a stamp coupled with an education program would provide important outreach and could help instill a greater sense of stewardship in all Americans for their national parks.

The National Park Service has extensive experience with admission fees and entrance passports. The existing Golden Eagle Passport provides admission to all federal recreation areas which charge an admission fee. It currently is accepted for admission to all units of the National Park System where admission fees are charged. For many visitors to the National Park System the purchase of the Golden Eagle Passport is an annual ritual. Not only does it provide for admission but it is also seen as a means for showing support for the parks. With the authority to retain the proceeds from the sale of Golden Eagle Passports within the agency there is even greater support for the passport.

We are looking at the existing Golden Eagle Passport program in an effort to improve how it is currently marketed and sold. At the The National Park Service's request, the National Park Foundation is involved in market research of the Golden Eagle Passport and the potential for its future use and distribution. The Foundation's analysis is looking at whether and how a Golden Eagle type passport could be marketed as a means for more Americans to support the national parks. They are also looking at issues such as pricing of passports, benefits derived from passports, and how best to sell and distribute passports. We hope to have the results of this research by mid-summer. This research will provide valuable information to help shape our existing passport program and will be useful for developing a specific National Park Passport Program.

Prior to the recreational fee demonstration program, the Golden Eagle Passport was primarily sold by the The National Park Service and utilized primarily by visitors to the National Park System. It has been used traditionally as an admission pass for areas that have controlled access through limited entrance stations. With the expansion of recreation fees via the recreational fee demonstration program the use and acceptance of the Golden Eagle Passport is not as clear as it once was. Designed and intended to be an admission pass, some land management agencies are

discussing, under the recreational fee demonstration program, using the Golden Eagle Passport for a variety of activities that in the past have not had a fee attached to them or were considered activities for which a separate fee was charged in addition to an admission fee. These discussions are pointing out the differences between the federal land management agencies with regard to the provision of recreation services and how recreation fees should be assessed.

The National Park Service believes that there need to be distinctions between admission fees and recreational user fees. The Golden Eagle Passport has traditionally allowed for, and any new passport program needs to maintain, that distinction. If an agency is interested in a recreational use passport it should be kept distinct from an admission passport. It may be necessary to establish separate passports to address the needs of the different agencies. The passport described in Title V would be used only by the National Park Service. We are working with the other interested agencies to explore how to address these differences.

With regard to the international park passport, the National Park Service supports the concept. We believe a passport that is limited in duration is important. We recommend that the international passport, like the domestic passport, be non-transferable. In our experience we have found that international travelers are often issued a Golden Eagle Passport by their travel agent or tour company. Upon completion of their trip they return the passport to the agent or tour operator and the passport is then issued to another international visitor. This is not the intent of the Golden Eagle Passport as they are issued to individuals and are nontransferable.

In addition, the \$50 price limitation placed on the passport could limit our ability to develop a cost effective program. It is unclear how this program would interface with the existing authorities of the Land and Water Conservation Fund, including the existing Golden Eagle Passport and benefits derived under that program, and with the Recreational Fee Demonstration Program.

A National Park Passport Program could be a valuable program to build support for the National Park System both in the United States as well as with visitors from around the world and could provide needed revenues to help in the maintenance and operation of the National Park System.

Mr. Chairman, this completes my prepared statement. I would be happy to answer any questions that you or members of the subcommittee may have regarding these issues.

STATEMENT BY DENIS P. GALVIN, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to

present the views of the Department of the Interior with respect to Title IV of S. 1693. The Department of the Interior opposes Title IV of S. 1693.

Since the late 1970's, Congress has considered bills that would reform the process through which the National Park Service awards concession contracts. The 103rd Congress came very close to enacting concessions reform legislation. The House and Senate of that Congress each passed a different version of S. 208, sponsored by Senators Bumpers and Bennett, by overwhelming margins. The 103rd Congress adjourned, however, before the House and Senate could work out the technical differences between the two versions of the bill.

The administration supported S. 208, and supports the bill that is essentially the same as S. 208 in the 105th Congress, S. 624, also sponsored by Senator Bumpers. S. 624 would correct the problems in the existing law that governs concessions contracting, Public Law 89-249, by enhancing competition for concession contracts, and increasing returns to the government under concession contracts. Like Public Law 89-249, it would also make the protection of park resources the primary goal underlying concession contracts.

The administration opposes Title IV of S. 1693, as it appears to work under the assumption that many areas of the existing law need to be changed for the benefit of concessioners. This notion does not comport with the many independent studies conducted by GAO, the Inspector General's Office, and others that have concluded that Public Law 89-249 gives undue benefits to park concessioners at the expense of park visitors and the taxpayer.

S. 1693 would set up a private entity known as a Concession Manager to monitor concessioner performance and to develop concession contracts, maintenance plans, and operating plans in parks. Unlike the ideas proposed in S. 624, which have been scrutinized intensely over the past 15 to 20 years, this is a new proposal that would dramatically change the way the National Park Service deals with concession operations.

EFFECT ON PARK RESOURCES

S. 1693 would shift the focus of concession law away from resource protection to the commercial aspects of concession operations. It would abandon the "necessary and appropriate" standard for the establishment of concession operations, providing instead a more relaxed standard that would allow concession operations where they are "necessary or desirable for park visitation and enjoyment of parks in a manner that would ensure the protection of park resources." Similarly, S. 1693 would encourage greater development of concession operations, providing that bidding procedures for contracts "shall be revised particularly in circumstances in which the Secretary believes that goods and services provided under a contract shall be sig-

nificantly enhanced.” It would also make “the upgrade of facilities and services” a primary factor in the evaluation of contract offers. By encouraging greater development of concession operations within national parks, S. 1693 could indirectly harm many private companies that operate outside of national parks.

S. 1693 could potentially relax resource protection standards by placing a private business entity, the Concession Manager, in charge of monitoring and planning all aspects of concession operations. The Concession Manager would be paid from concessioner fees and would have the authority “to review general management and development concept plans and identify provisions of a plan that create undue operational or financial burdens on concessionaires or are otherwise incompatible with the visitation service needs of a national park.”

We are concerned that S. 1693 would change the focus of the law and give the Concession Manager a mission that is geared more to commercial interests than resource protection. The Concession Manager could perform, under S. 1693, almost all of the concession-related functions that are presently carried out by NPS personnel, including performance evaluation and monitoring, development of contract language and maintenance plans, and other functions. The Concession Manager could make resource-impacting decisions on a variety of issues, from hotel expansions to the paving of parking lots, and the handling of hazardous waste. This authority to make resource-impacting decisions on such a wide range of issues could be problematic considering that it is industry practice for asset managers to be paid a percentage of the gross receipts of the businesses they manage.

The bill could also weaken our ability to protect park resources by giving the Concession Manager the exclusive authority to initiate a contract termination, and by allowing concessioners to contest Park Service management decisions to a “Concession Board.” These authorities could impede the ability of the Park Service to respond expeditiously to concession-related activities that threaten park resources.

EFFECT ON VISITOR EXPERIENCE

Unlike S. 624, S. 1693 would allow concessioners to set their own prices and rates. The bill attempts to deter high prices by requiring concession contracts to provide that a concessioner will be in default of the contract if its rates and prices are, in the aggregate, materially greater than market prices for comparable goods and services, taking into account a variety of factors. Despite its good intentions, we are skeptical that this language would prevent price gouging.

First, the contract would provide for default only for prices that “materially exceed” market prices “in the aggregate.” Second, it would allow materially excessive prices

for operation that are in remote locations, operate in short seasons, or undertake non-revenue-producing activities. These are very broad exceptions that would probably allow materially excessive prices and charges in many circumstances.

Moreover, it would be up to the Concession Manager to determine that a concessioner was in default of the contract because its prices and charges materially exceeded market prices. This is another duty that could require the Concession Manager to act against its own financial interests if its compensation was based on a percentage of gross concessioner revenue. In addition, because contract termination is a draconian measure, this authority would probably be used sparingly to lower concessioner prices.

In many remote areas, the park concession operation could be the only business in the area providing a particular service. Visitors to these parks often do not have the opportunity to choose between different establishments for the service they desire. Excessive prices could be charged because these businesses do not have to worry about being underpriced by their competitors.

Public Law 89-249 guards against this situation by requiring prices to be comparable to those charged by outside businesses. The Park Service enforces this requirement by conducting comparability studies to ensure that prices are comparable to similarly situated businesses that operate outside of parks. We receive very few complaints from park visitors about concessioner prices and rates. Moreover, we do not view this as an overly burdensome requirement. It merely requires concession prices to be "comparable" to similarly situated, out-of-park businesses. Fair prices make parks more affordable and thus more accessible to Americans of all income levels. If there are areas where we can improve the procedures for monitoring concession prices, we believe we can implement such improvements administratively without the proposed statutory changes.

S. 1693 could further impact the visitor experience by placing a spending ceiling on the maintenance of concession structures. Under the bill, the concessioner could not be required to spend any more on maintenance needs than is fixed in the maintenance account of a concession contract.

It is generally impossible to predict at the beginning of a contract what the routine maintenance needs will be for a concession operation several years into a contract. If the estimate in the contract is too low, the money in this account may run out while there are still major maintenance needs in the operation. The visitor experience will suffer when routine maintenance is not performed on electrical systems, plumbing systems, and other aspects of concession operations.

This provision is also contrary to standard business practices. In the business community, lessees of property

typically assume the obligation of maintaining the structures in which they operate. This is considered a normal cost of doing business. The existing standard contract follows this practice by requiring concessioners to maintain the facilities in which they operate.

S. 1693 also would allow concessioners to use maintenance account funds to pay for capital improvements, with the permission of the Concession Manager. A siphoning of funds from the maintenance account to pay for capital improvements could harm park visitors and the taxpayer in several ways. First, it could further dry up the maintenance fund, leaving fewer dollars available for routine maintenance. Second, at the expense of the taxpayer, concessioners could receive a double benefit when they use maintenance funds to pay for capital improvements, as the bill gives concessioners a "lease surrender value" (the original cost of the improvement, as appreciated by the Consumer Price Index) in the capital improvements they make under a contract. Concessioners would benefit initially by using the amount of maintenance fee as part of their offer for the contract. They would benefit a second time when they are granted a lease surrender value based upon the capital improvements they make with maintenance account funds.

EFFECT OF BILLS ON RETURN TO GOVERNMENT

The National Park Service has received a great deal of criticism over the years for not receiving fair returns under concession contracts. The primary impediment to receiving a fair return is the provision in Public Law 89-249 that requires NPS to grant a right of preference in contract renewal to existing concessioners. NPS has interpreted this provision as requiring it to allow existing concessioners a right to match the best offer submitted for a concession opportunity. This right of first refusal deters competition as many businesses are reluctant to spend significant sums of money preparing an offer for a contract when they know the existing concessioner can retain the contract by matching the terms of that offer.

The Park Service has made great strides through administrative reform to improve the return to the government under concession contracts. This return as a percentage of gross concessioner revenue went from 3.4 percent in 1992 to 5.3 percent in 1996. In addition, the government also received \$10.4 million in possessory interest extinguishment and environmental remediation under concession contracts in 1996. We will continue to try to improve returns under Public Law 89-249, but we recognize that a change in the right of preference in contract renewal is necessary before returns to the government can reach their full potential.

We are pleased that both bills would eliminate the right of preference in contract renewal. However, S. 624 would provide a greater degree of competition than S. 1693. With minor exceptions (river runner, outfitter, and guide con-

tracts), S. 624 would require open competition for contracts that grossed over \$500,000 annually. With these same minor exceptions, S. 1693 would require open competition only for those contracts that grossed more than \$2,000,000 annually. In addition, S. 624 would at least require some competition for smaller contracts, as it would required these contracts to go through a competitive process within the confines of the right of preference in contract renewal.

S. 1693, on the other hand, would allow smaller contracts to be awarded through negotiation.

S. 624 also would produce more competition for concession contracts by amortizing the possessory interest that concessioners earn in the improvements they make to concession facilities. Prior to the reform of the standard concession contract in 1992, this interest was valued at the "sound value" of the improvement, which under Public Law 89-249, is the reproduction cost of the improvement. The revised standard contract awards possessory interest at a "book value", and then depreciates this over the useful life of the improvement.

S. 1693, on the other hand, would grant a concessioner a lease surrender value in capital improvements that is equal to the cost of the improvement, as appreciated by the Consumer Price Index, over time. This would also impede competition for concession contracts. Concessioners are entitled to be paid for their possessory interest, or lease surrender value. The greater this interest, the higher the price an interested party must pay to operate a concession.

By reducing this interest S. 624 would erode another barrier to competition and make concession contracts more attractive to the business community. We would, however, prefer language in S. 624 that makes the amortization discretionary, rather than mandatory, to give us more flexibility in dealing with the needs of specific parks.

CONCLUSION

We support S. 624 because it would bring about concession reform without imperiling park resources. We cannot say the same about Title IV of S. 1693. We are concerned that this bill would place commercial interests ahead of park protection and the visitor experience. We also do not believe it would result in returns that are better than the returns that would be generated by S. 624. This concludes my statement. I would be happy to answer any of your questions.

STATEMENT OF DENIS GALVIN, NATIONAL PARK SERVICE,
BUREAU OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to discuss four titles of S. 1693, the "Vision 2020 National Park Restoration Act".

TITLE VI—RESOURCE INVENTORY AND MONITORING

Title VI of S. 1693 concerns the natural and cultural resources of the National Park System and their protection and management. One of the purposes of this title is to provide statutory authority and direction for scientific research in national parks. According to the National Research Council, the absence of an explicit science mandate allows for uncertainty about the importance and the role of science in parks.

We oppose the provisions of this title because we believe that it addresses issues which are adequately covered under existing authorities. The Department of the Interior has a single science agency, the US Geological Survey, which supports all of the Department's bureaus. This arrangement ensures that science is linked to, but not controlled by, resource managers and regulators. We believe the important issue in science is not just what happens in parks, but what is happening within the broader ecosystems, of which parks are a part.

Section 603 would statutorily mandate a research program for the National Park Service. While a strong program of scientific research is key to the effective management of our national parks, the conduct of natural resource research is appropriately carried out by the USGS and the nation's academic institutions.

Social Science and Cultural Resource research, on the other hand, is undertaken by NPS, as well as other agencies and entities outside the government. A variety of laws, including the Historic Sites Act of 1935, the National Historic Preservation Act of 1966, and the Archaeological Resource Protection Act of 1979, to mention a few, already require the Park Service to undertake research related to archaeological and historical properties in the parks.

Section 603 would legislatively establish the position of "Chief Scientist" in the National Park Service. Under this legislation, the Chief Scientist would report directly to the Deputy Director of the National Park Service, and would have line authority over all persons in the service conducting scientific study. This language would be detrimental to recent restructuring efforts that place increased responsibility and accountability at the park level. We currently have positions for Chief Scientists for Natural Science and Social Science that report to the Associate Director for Natural Resources Stewardship and Science—a position that historically has been filled by a scientist. The Chief Scientist positions are filled on a 3-year visiting appointment basis from academia to provide fresh and objective views on the service's application of science in its management decisions. At the present time, the Chief Natural Scientist position is vacant.

Our organizational structural also includes a Chief Archaeologist, Chief Curator, Chief Ethnographer, Chief Historian, and Chief Historical Architect, who report to the

Associate Director for Cultural Resources. These positions, in conjunction with those at USGS, help us perform our mission by ensuring that scientific study is performed according to established protocols and the highest standards possible. The individuals selected to these positions are highly qualified experts in their respective disciplines. To prescribe such positions in legislation, however, would deny us the administrative flexibility to place individuals and functions in positions where they can most effectively further our mission.

Section 604 would change the process through which we enter into cooperative agreements with various entities for research. It would make universities the primary centers through which research is carried out. While colleges and universities are, in many cases, an appropriate source for park research, they should not be set in law as the primary source of research. We prefer instead our present authorities, which give the Department of the Interior the flexibility to conduct a cooperative agreement program that can provide the most appropriate sources in each instance for the highest quality of scientific endeavor.

We believe that the peer review process that would be established in sections 603 and 604 is a good idea, but we do not believe that it should be implemented through legislation. The Department has recently established a peer review process that accomplishes the goals of the process set out in this legislation.

Section 605 would require the Secretary to set up an inventory and monitoring program and ensure that NPS personnel are adequately trained to carry out the mission of the Service. However, this section is duplicative of steps we are already taking administratively to carry out these goals. Our present inventory and monitoring program has identified and is acquiring basic natural resource data sets needed in parks and is also operating prototype-monitoring programs. These prototype programs have been developed in conjunction with the USGS, and are being used to test techniques throughout the system.

Section 606 addresses the availability of national parks for scientific study. Along with many of our nation's more remarkable natural resources, park units contain diverse and unique archaeological sites, cultural landscapes, ethnographic resources, historic structures, and museum objects. Scientific description, analysis, and interpretation of these resources are vital to the Park Service for interpretation and resource management and protection, if the research is carried out in close cooperation with Park Service experts and managers. In addition, as large areas of undisturbed wildlands, many parks represent a level of biological diversity and ecosystem integrity not found anywhere else. This degree of uniqueness will probably become more pronounced as our modern landscapes continue to change. As protected areas, the parks offer opportunities to com-

pare undisturbed physical components and ecological processes with areas where the ecosystem may be under stress.

Under Section 606, the Chief Scientist may approve a request for use of a national park for scientific study if the study is consistent with applicable law and NPS management policies, and would be conducted "in such a manner as to pose no significant threat to or broad impairment of national park resources or public enjoyment." We oppose this specific language because it is less protective of park resources than existing authorities. In addition, we believe that park superintendents who are most familiar with resources entrusted to their care should make decisions over applications for research permits.

Section 607 of Title VI would require an administrative record to reflect the manner in which resource concerns were taken into account in taking an action that adversely affected park resources. While we believe the National Park Service should be accountable for the resources under its management, this section is duplicative of administrative measures we are presently taking under the Government Performance and Results Act and other mandates to foster this type of accountability among park managers. For example, we are presently taking measures to link employee performance standards to strategic performance goals, which are strongly resource-focused.

Section 608 would allow for the Secretary to withhold information relating to park resources if the disclosure of this information might endanger the resource. We share your concerns in protecting these resources and the Administration would like to work with you to accomplish this goal.

TITLE VII—TAX REFUND CONTRIBUTIONS

Title VII would amend the Internal Revenue Code to allow individuals to designate any portion of their income tax overpayments, and to make other contributions, for the benefit of the National Park System. The title would create a trust fund, which would fund the design, construction, repair and rehabilitation of high priority projects supporting resource protection and enhancing the visitor experience.

Title VII would require the Internal Revenue Service to place a line on income tax forms which would allow taxpayers to donate one or more dollars toward operations, maintenance and construction within units of the National Park System. We appreciate the interest and support for our programs indicated by this title. However, for the reasons set forth in the Treasury Department's statement, we oppose Title VII.

There are probably scores of federally funded activities and programs that would also be worthy of equal treatment and their own separate line item on the 1040. While it is common knowledge that the Park Service has a number of needs, we must rely on a number of mechanisms to

address some of the problems associated with a decaying infrastructure, deferred maintenance, a backlog of planning and research projects, and an ever-increasing number of visitors. Admission fees, recreation user fees, concession revenues and partnerships are all tools endorsed by the Administration that the National Park Service can use to help meet programmatic and infrastructure needs. The existing three-year fee demonstration program which authorizes federal land management agencies to increase and retain entrance and user fees through implementation of up to 100 projects per agency is a significant step in that direction. Your provision to extend the program for five years and to make it applicable to all units of the National Park System offers potential for increased support for critical park programs.

The three-year projection for the existing fee demonstration program is expected to generate more than \$140 million for the National Park Service over the course of the test. With this program and other authorities we have to secure financial support, the Park Service anticipates that it will be able to address a number of maintenance and infrastructure needs.

TITLE VIII—NATIONAL PARK FOUNDATION

Title VIII of S. 1693 would require the National Park Foundation to design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park level. This program would require the Park Foundation to establish a standard organizational design format for organizations that would participate in this philanthropic activity. It would also require the Park Foundation to develop a training curriculum to orient and expand the operating expertise of personnel employed by these groups. It would not, however, require these groups to become part of this organizational plan. The National Park Service supports this provision.

This program, which is similar to programs presently being implemented by the National Park Foundation, would allow the National Park Foundation to lend its technical expertise to groups that wish to raise funds for specific parks. We believe this can result only in positive things for the National Park Service. While there are presently a fair number of groups that operate in a very effective manner, donating significant sums of money and time to specific park units, there are many groups that could use the help and expertise of the National Park Foundation in trying to raise money for the parks in which they are interested. This provision will offer these local groups a means to learn more about philanthropic activity, and thus enable them to better achieve their goals. The National Park Foundation is committed to helping local groups, and already devotes a significant amount of time to this effort. This comprehensive program would help the Park Foundation carry out its work.

TITLE XI—MISCELLANEOUS

Section 1101: U.S. Park Police

Section 1101 of Title XI would require the appointment of a task force to evaluate the needs of the United States Park Police. While we support this concept, we feel the task force should identify the needs and requirements of law enforcement within the entire National Park Service (NPS) and make recommendations on how to integrate the concerns of both the U.S. Park Police and law enforcement rangers. We also believe this task force should not just focus on “inputs” for law enforcement activities, but should review “outputs” of performance and results to consider how current practices could be improved, resources could be used more efficiently, and management and accountability could be strengthened.

The primary mission of the U.S. Park Police is the protection of the visitors and resources of our parks. Funding constraints have limited increases in U.S. Park Police funding, affecting their ability to address all visitor protection needs. Maintenance of their facilities has been reduced to the point that several buildings have been declared structurally unsafe. Although we are addressing maintenance needs through both a park-wide increase in maintenance funding and a one-time appropriation in FY 1998 of \$12 million for U.S. Park Police, their communication system must also be upgraded.

Because other law enforcement personnel in the National Park Service have similar requirements to provide for visitor safety and resource protection, we recommend the task force be expanded to include law enforcement within the entire NPS.

Section 1102: Leases and cooperative management agreements

Section 1102 of Title XI authorizes the Secretary of the Interior to enter into leases with any person or government entity for the use of buildings and associated property administered by the Secretary as part of the National Park System. This section also authorizes cooperative management agreements between the Secretary of the Interior and state and local government agencies for the cooperative management of National Park land and nearby state or local park land. The National Park Service supports this provision.

Under this section, the Secretary of the Interior would be authorized to lease buildings and associated property within units of the National Park System to any person or government entity for activities consistent with the purpose for which the unit was established and compatible with National Park Service programs. This authority would expand the National Park Service’s existing authority that permits the leasing out of historic structures within units of the National Park System for compatible uses and al-

lows for either a reduced rent or retention of rental income for restoration, preservation and maintenance of the historic structures. The proposed authority would allow the Secretary to enter into lease agreements for any building within that National Park System unneeded for park purposes. Rental income would be retained for facility refurbishment, direct maintenance of the leased facility, or infrastructure projects associated with park resource protection.

The National Park Service faces many maintenance needs concerning buildings, both historic and non-historic. There are approximately 20,020 buildings within the National Park System. Of these 6,976 are historic and 13,053 are non-historic. As of July 1997, 6,163 buildings were rated in good condition, 8,552 buildings were rated in fair condition, and 5,305 buildings were rated in poor condition. Of the historic buildings, more than 600 are vacant.

In October of 1997, we completed a report on "Preserving Historic Structures in the National Park System". One of the report's appendices discussed the existing historic leasing authority and program. A conclusion of the report was that "while the need for lease revenues is very real, the potential for generating significant revenues from leasing of historic properties is quite limited. The program should be recognized for primary benefits—the preservation of historic buildings at little or no cost to the Federal Government."

The proposed leasing authority could help address the maintenance backlog of vacant buildings in locations where individuals or groups have an interest in leasing space from the National Park Service for activities that would be consistent and compatible with those of the parks in which the leased space is located. By expanding the authority to include all structures we will have more flexibility in attracting tenants for the variety of buildings available for such purposes. This authority would be a valuable tool to assist the National Park Service in maintaining our inventory of buildings system-wide.

Section 1102 also authorizes cooperative management agreements between the National Park Service and state and local governments with proximate lands, which we support. A number of national parks are in the proximity of state or local parkland and this provision will ensure more cooperative and efficient management of such lands.

As you are aware, Redwood National Park, which has contiguous boundaries with California state parks, was recently granted authority by Congress in the FY 1998 Interior Appropriations Act to enter into these kinds of agreements. This new authority helps to eliminate duplicative efforts on the part of NPS and the California state park system. For instance, it allows for combined radio law enforcement dispatch service, and enables the two park systems to jointly repair and rehabilitate roads that traverse state and federal land. This authority also allows the NPS

to benefit from the expertise of California state park employees and vice versa. In addition the new authority at Redwood NP has allowed us to operate more efficiently. A simple example is the garbage collection services. The state parks' garbage collection trucks service all sites within the national and state parks and transport the waste to the local landfill. Redwood NP is able to split the cost of this service with the state parks.

The National Park Service has been working hard over the last several years to develop creative partnerships that will allow us to manage parks better and more efficiently. The proposed cooperative management agreement authority would give us another valuable option in our efforts to achieve that goal by extending the authority granted Redwood National Park to other units of the National Park System. Although not every park would benefit from this authority, we believe, in many cases, like Redwood NP, it would lead to more coherent management of our public lands and smoother working relationships with our state, local and tribal partners.

Mr. Chairman, thank you, once again for your support of the national park system and the opportunity for me to testify on behalf of the National Park Service today.

STATEMENT OF DESTRY JARVIS, ASSISTANT DIRECTOR FOR
EXTERNAL AFFAIRS, THE NATIONAL PARK SERVICE, DE-
PARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on Titles IX and X of S. 1693, a bill "to renew, reform, reinvigorate, and protect the National Park System." Title IX of S. 1693 would allow the Secretary of the Interior to charge a fee for commercial filming in parks that would equal one half of one percent of the production budget of the filming enterprise, and Title X of S. 1693 would establish a capital improvement project bond demonstration program. This hearing is another in a series of hearings that began in early April on the provisions of S. 1693, a bill that explores various facets of the management of the National Park System.

TITLE IX AND S. 1614—COMMERCIAL FILMING IN NATIONAL
PARKS AND REFUGES

Title IX of S. 1693 would allow the Secretary of the Interior to charge a fee for commercial filming in parks that would be equal to $\frac{1}{2}$ of 1 percent of the production budget of the filming enterprise. S. 1614 would give the Secretary a great deal of flexibility, including the authority to negotiate fees on a case by case basis, in setting fees for commercial filming or photography. Assistant Secretary John Berry previously testified before the House Resources Committee in support of a similar House bill, H.R. 2993, proposing amendatory language that would make the bill applicable to all DOI land management agencies and that

granted the Secretary greater flexibility in protecting natural resources and the interests of the taxpayer.

I would like to note at the outset that the Department of Justice has been asked to review the fee provisions that I will be discussing today for first amendment concerns. I understand that the Department of Justice will provide written views that will assist us and the committee in resolving any constitutional problems that it may identify. My remarks, therefore, are confined to matters of park policy.

As written, Title IX applies only to the National Park Service (NPS), and S. 1614 applies to the NPS and the United States Fish and Wildlife Service (FWS). Commercial filming takes place on lands under the jurisdiction of all Department of the Interior land management agencies. Each of these agencies should benefit from filming legislation. Therefore, we believe that any bill that moves through the legislative process in this Congress should be applicable to NPS, FWS, the Bureau of Land Management (BLM), and the Bureau of Reclamation (BOR).

Neither NPS nor FWS presently have the authority to charge fees for filming. Under regulation 43 CFR 5.1(b), NPS and FWS are prohibited from charging fees for the making of motion pictures, television productions, or sound tracks in NPS or FWS units. NPS and FWS are allowed to recover the costs associated with administering film permits.

The lands under the jurisdiction of the Department of the Interior have hosted many motion pictures over the years. Over the past three years, approximately 1,000 permits were issued for filming on BLM-managed lands. While we are still compiling this information, we believe that NPS has issued close to 5,800 permits during this period. Many of the permits issued by NPS, BLM, and FWS are for small productions, some of which are commercial in nature, others of which are educational. However, all three agencies issue a significant number of permits to makers of major motion pictures.

Although parks and refuges were created to conserve and protect natural resources and wildlife, they have played important roles in many high-grossing films. The 400-year-old fortification known as "El Morro" in San Juan National Historic Site was used in the movie "Amistad" to depict a slave-trading market; the white sands of White Sands National Monument were used in the movie "Star Wars" to depict an otherworldly landscape; and the Linville Falls Trail in Blue Ridge Parkway was used for the ambush scene in "Last of the Mohicans." These are but a few of the hundreds of memorable films that have been filmed in national parks over the years. The list includes "Dances with Wolves," filmed in part in Badlands National Park, "The Deer Hunter," made in part in Lake Chelan National Recreation Area, and "In the Line of Fire," filmed at several NPS sites throughout the National Capital Re-

gion. FWS units have also played host to memorable motion pictures. The exciting chase scene at the opening of "The Raiders of the Lost Ark," in which Harrison Ford narrowly escapes a rolling boulder, among other things, was filmed in Hanalei National Wildlife Refuge. The movie "Uncommon Valor," a story about a Vietnam War veteran, was filmed in part in Hanalei and Huleia Wildlife Refuges in Hawaii, because these refuges have features that are similar to those found in areas of Vietnam.

It is often the unique nature of a park or refuge that attracts filmmakers. In some cases, a park or refuge may be the only option for a filmmaker whose story is inextricably tied to something that may only exist in a park or refuge. We believe the public has the right to be compensated for the commercial use of these special places.

The Bureau of Land Management (BLM) filming policy is governed by the 43 CFR 2920 regulations, which allow the agency to charge fair market value for filming. The BLM allows each of its state offices to set their own schedules for filming. The BLM offices in California, for instance, will charge up to \$600 per day for the use of its lands for filming. The BLM's fee schedule does not appear to be a deterrent for filming on the public lands managed by BLM and these lands have been used as sites for such films as "Star Trek VII," "The River Wild," and "Maverick." The United States Forest Service is also statutorily authorized to charge fair market value for filming. It allows its regional offices to set schedules. For example, the Southern California Regional office of the Forest Service charges up to \$600 per day for filming in Forest Service sites in southern California.

Other land-owning governments charge even higher fees than our sister federal agencies. The Navajo Nation, for instance, charges up to \$2,000 a day for the use of Monument Valley, the site of many memorable films. Similarly, the city of Beverly Hills in California charges fees that exceed \$2,000 per day for filming in its city parks.

Ironically, the NPS and the FWS charge for filming prior to November, 1948. Prior to 1945 film-permitting policy was governed by Secretarial Orders which allowed the Park Service to charge as much as \$500 per day for filming. In 1945, a new Secretarial Order was put in place that permitted NPS to negotiate even higher fees that this for large-scale productions. These fees were more than twice the amount the General Land Office (BLM's predecessor agency) was allowed to charge at the time. It is unclear why this policy was changed in late 1948, but it should be noted that when NPS charged for filming, movies were still made in parks. Many films, including 1947's "Sea of Grass", starring Spencer Tracy, and filmed in Canyon de Chelly National Monument, and 1948's "Yellow Sky", starring Gregory Peck, and filmed in Death Valley National Monument, were made when NPS charged for filming.

In late 1948 the precursor to the current 43 CFR 5.1 was issued, which prohibited NPS from charging filming fees. Another change in this regulation in 1957 prohibited FWS from charging fees for filming. We have searched our files but have not yet discovered why the regulations on filming fees were changed for NPS and FWS, but not for other Department of the Interior agencies such as BLM and the Bureau of Reclamation.

NPS and FWS are also concerned that their inability to charge fees may be attracting permit applications from filmmakers who would seek other lands if fees were charged. The mission of NPS and FWS is to protect natural and cultural resources and wildlife. These agencies were not set up to attract filming business. Yet, by prohibiting these agencies from establishing fees the present regulations make parks and refuge lands more attractive to filmmakers whose films could also be made on other governmental or tribal lands. Title IX would allow NPS the authority to charge fees that are at least comparable to the fees charged by other agencies.

We do not, however, believe that a film's production budget is the best way to determine an appropriate fee. There would be many problems associated with policing the documents associated with a production budget, and in many cases $\frac{1}{2}$ of 1 percent of production costs may not accurately reflect the value of a filming permit. As we testified on H.R. 2993, the Secretary should be given the administrative flexibility to negotiate fees for filming on a case-by-case basis. More importantly, the use of parks, refuges, and other public lands and facilities for commercial filming should be consistent with the missions and values of the agencies charged with their management. We support a fee structure that requires payment of fees in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government. The amount of the fee should not be less than the direct and indirect costs to the government for processing the permit application and the use of the lands and facilities, including any necessary cleanup and restoration costs. Most fees would be sent at not less than a fair return to the government, but, to the extent constitutionally permissible, the Secretary would have the authority to charge fees on a case-by-case basis below such value (but still not less than actual cost to the government) if the proposed use of the lands and facilities for commercial has a clear educational or interpretive purpose.

This fee structure would allow the Secretary to come to a meeting of the minds with an applicant for a filming permit and truly determine what the market will bear for each filming opportunity. It would also give the Secretary a better opportunity to weigh and understand the resource-protection concerns involved under each filming permit. This language should be made applicable to all lands and facilities administered by the Secretary.

In addition, Title IX would require the establishment of one office within the National Park Service to deal with film permits. Consistent with my statement at the House hearing, such an office should service the permits of each agency within the Department of the Interior, not just the National Park Service. It should be made clear, however, that such an office would merely coordinate and facilitate the processing of permit applications. It would not be given the authority to decide whether a particular filming enterprise would or would not adversely impact the resources under our care. That decision should be left for local land managers and the Secretary of the Interior.

This title would require the fees collected under filming permits to be deposited in a Special Account in the Treasury. These fees would then be available to the Secretary without further appropriation, to be spent on projects that directly enhance the experience of park visitors. At the House hearing, Assistant Secretary Berry testified in support of a fee distribution system that is similar to the system in our Recreational Fee Demonstration Program. This system calls for 80 percent of the fees to go back to the generating park, with the remaining 20 percent being available for distribution throughout the park system. This system would also be applicable to the U.S. Fish and Wildlife Service and the Bureau of Land Management.

In addition, we do not believe that still photography, not including any assignment photography using props or models, should be covered by filming legislation. The takers of still photographs generally impact resources in the same manner as the takers of non-commercial still photos, and we would not require permits for non-commercial photographers as their impact to park resources is minimal. Still photography should be exempt from permitting requirements.

The public deserves to receive a fair fee for the use of Department of the Interior lands that play an important role in motion pictures, television productions, and soundtracks. The public will also benefit from a fee distribution system that would allow each land management agency to retain the fees generated under its film permits.

TITLE X—CAPITAL IMPROVEMENT PROJECT BOND DEMONSTRATION PROGRAM

The Department generally supports the establishment of a pilot project financed through the Treasury and the requirement for a report by the Secretaries of the Interior and Treasury to Congress on the bonding process and implications of dedicating a revenue stream for repayment of the bonds.

Secretary Babbitt has recognized that the needs of the park system will only be met by using a variety of tools. New authority to issue bonds through the Treasury has been proposed as one of those tools. At the outset, however, it is important to put the potential use of bonds in

context. As you know, in recent years, several new authorities have been enacted and others are now under consideration to provide greater financial support to the National Park System. The Park Service has actively pursued fee and concessions reform. A fee demonstration program has been authorized by Congress that will provide greater financial support for the parks. The fee demonstration program as implemented will provide additional financial resources to park system units. Receipts from the fee demonstration program can be used to leverage private funds and private-sector support for priority visitor, resource management, and maintenance projects and programs.

New cooperative agreement authority allows the National Park Service to enter into a broad array of activities that will support the parks through cooperative ventures with public, Tribal and private organizations. The Department supports reform of the concessions program in order to provide the National Park Service with additional financial resources that currently are not available. These new authorities will not satisfy all the financial needs of the National Park System, but are important pieces of the overall financial picture for the park system.

The use of bonds could provide the Park Service with an additional financial tool to address its need to finance capital improvements in parks. Secretary Babbitt is on record as supporting experimentation with the use of bonds financed through the Treasury on a pilot basis to help finance certain types of capital needs for the parks.

We envision a number of potential benefits for our parks by using this approach. In particular, this new authority could enable the National Park Service to make available funding for large capital projects that have long been delayed due to a lack of funding, something that this committee has discussed extensively in previous hearings this year. Capital construction projects could be less expensive by allowing their completion now, rather than delaying them for several years when costs maybe are higher. More research, however, needs to be undertaken to understand if bonds or any other type of revenue financing can be used in relationship to other sources of funds.

OMB advises that this provision would be subject to the pay-as-you-go (PAYGO) provisions of the Budget Enforcement Act. The outlays from bonds would be scored as PAYGO costs, which could be offset, for example, by dedicating a portion of recreation fee receipts to pay off the bonds. The bond term, however, could not extend beyond the time period for which fees are authorized to be used without appropriation. If the demonstration fee authorization were extended five years, the bonds would have to be paid off in five years, a short time frame that might diminish the benefits from bond financing. If, however, the fee authorization were made permanent, the bonds could have a longer term, but because the payoff would be longer than

five years, there would be a net PAYGO impact within the next five years.

We plan to work closely with the Department of the Treasury in examining the fiscal and economic aspects of the borrowing authority. Until we have a better understanding on whether revenue financing can work to the benefit of the National Park System and be a part of an overall financial strategy, we appreciate the Committee's sensitivity to the need to be cautious in moving ahead.

This concludes my statement. Mr. Chairman, I will be happy to respond to questions from you or other committee members.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate changes in existing law made by the bill S. 1693, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman);

[Public Law 91-383, as amended—August 18, 1970]

Sec. 8 (a) GENERAL AUTHORITY.—The Secretary of the Interior is directed to investigate study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. [At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. Each such report shall indicate and elaborate on the theme(s) which the area represents as indicated in the National Park System Plan. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under term of this section, and which at the time of listing are not included in the National Park System.] Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report submission one year earlier. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places which areas exhibit known or anticipated damage or threats to the integrity of their resources

along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document: Provided, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon receipt by the Speaker of the House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case.

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

(1)(A) *At the beginning of each calendar year, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a list of areas recommended for study for potential inclusion as new units in the National Park System.*

(B) *If the Secretary determines during a specific calendar year that no areas are recommended for study for potential inclusion in the National Park System, the Secretary is not required to submit the list referenced in subparagraph (A).*

(2) *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) *public proposals and Congressional requests.*

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

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

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

(C) *provision of technical and planning assistance;*

(D) *preparation or processing of a nomination for an administrative designation;*

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

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

(4) *NATIONAL WILD AND SCENIC RIVERS SYSTEM; NATIONAL TRAILS SYSTEM.*—*Nothing in this section applies to, affects, or alters the study of—*

(A) *any river segment for potential addition to the National Wild and Scenic Rivers System; or*

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

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

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

(B) *make reasonable efforts to notify potentially affected landowners and State and local governments.*

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

(A) *shall consider whether the area—*

(i) *possesses nationally significant natural, historic or cultural resources, or outstanding recreational opportunities;*

(ii) *represents one of the most important examples (singly or as part of a group) of a particular resource type in the United States; and*

(iii) *is a suitable and feasible addition to the National Park System;*

(B) *shall consider—*

(i) *the rarity and integrity of the resources of the area;*

(ii) *the threats to the resources;*

(iii) *whether similar resources are already protected in the National Park System or in other public or private ownership;*

(iv) *benefits to the public;*

(v) *the interpretive and educational potential of the area;*

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

(vii) *the socioeconomic impacts of inclusion of the area in the National Park System;*

(viii) *the level of local and general public support for the inclusion;*

(ix) *whether the area is of appropriate configuration to ensure long-term resource protection and appropriate visitor use; and*

(x) *the potential impact on the inclusion of the area on existing units of the National Park System;*

(C) *shall consider whether direct management by the Secretary or alternative protection by other public agencies or the private sector is most appropriate for the area;*

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

(E) *may include any other information that the Secretary considers pertinent.*

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

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

(c) *LIST OF PREVIOUSLY STUDIED AREAS WITH HISTORICAL OR NATURAL RESOURCES.—*

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

“(A) a list of areas that have been previously studied under this section that contain primarily historical or cultural resources, but have not been added to the National Park System; and

“(B) a list of areas that have been previously studied under this section that contain primarily natural resources, but have not been added to the National Park System.

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

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

【For the purposes of carrying out】 (e) **AUTHORIZATION OF APPROPRIATIONS.**—*For the purposes of carrying out the studies for potential new Park System units and for monitoring the welfare of those resources, there are authorized to be appropriated annually not to exceed \$1,000,000. For the purposes of monitoring the welfare and integrity of the national landmarks, there are authorized to be appropriated annually not to exceed \$1,500,000.*

(Public Law 89–249—October 9, 1965)

The Act of October 9, 1965, Public Law 89–249 (79 Stat. 969, 16 U.S.C. 20–20g) is repealed.

(Public Law 104–134—April 26, 1996)

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commission, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource

enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than \$100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, 20 percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: *Provided*, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agency wide accounts may be used for the same purposes set forth

in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 969–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

NOTE: Title 5 of S. 1693 contains provisions relating solely to the National Park Service relative to the Recreational Fee Demonstration Program as follows:

TITLE V—FEE AUTHORITIES

SEC. 501. EXTENSION OF THE RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) *AUTHORITY.*—*The authority provided to the National Park Service under the Recreational Fee Demonstration Program authorized by section 315 of Public Law 104–134 (16 U.S.C. 460l–6a note)—*

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

(2) shall be available for all units of the National Park System, and for system-wide fee programs.

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

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

(A) an evaluation of the fee demonstration program conducted at each unit of the National Park System;

(B) with respect to each unit of the National Park System where a fee is charged under the authority of the Recreational Fee Demonstration Program (16 U.S.C. 460l–6a note), a description of the criteria that were used to determine whether a recreational fee should or should not be charged at such park; and

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

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

[Public Law 90–209, as amended—December 18, 1967]

SEC. 12. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

(a) *ESTABLISHMENT.*—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

(b) *IMPLEMENTATION.*—The program under subsection (a) shall be implemented to—

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

(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

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

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

(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

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

(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

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

(f) *AFFILIATIONS.*—

(1) *CHARTER OR CORPORATE BYLAWS.*—Nothing in this section requires—

(A) a nonprofit support organization or friends group in existence on the date of enactment of this title to modify current practices or to affiliate with their Foundation; or

(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

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

[Section 3 of Public Law 91–383—August 18, 1970]

(k) *LEASES.*—

(1) *IN GENERAL.*—The Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

(2) *USE.*—Buildings and associated property leased under paragraph (1)—

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

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

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

(3) *RENTAL AMOUNTS.*—

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

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

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

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

(C) *REGULATION.*—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

(4) *SPECIAL ACCOUNT.*—

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

(B) *AVAILABILITY.*—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

(i) facility refurbishment;

(ii) repair and replacement;

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

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

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

(l) *COOPERATIVE MANAGEMENT AGREEMENTS.*—

(1) *IN GENERAL.*—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary is authorized to enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas: Provided, That the Secretary may not transfer adminis-

tration responsibilities for any unit of the National Park System.

(2) *PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.*

(3) *ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.”.*

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

