

104TH CONGRESS
1ST SESSION

H. R. 2025

To amend the Land and Water Conservation Fund Act of 1965 as regards the National Park Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1995

Mr. RICHARDSON (by request) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Land and Water Conservation Fund Act of 1965 as regards the National Park Service, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Park Renewal Fund
5 Act”.

6 **SEC. 2. FEES.**

7 (a) **ADMISSION FEES.**—Section 4(a) of the Land and
8 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
9 6a(a)) is amended as follows:

1 (1) Delete “fee-free travel areas” and “lifetime
2 admission permit” from the title of this section.

3 (2) In paragraph (a)(1)(A)(i) by striking the
4 first and second sentences and inserting in lieu
5 thereof, “For admission into any such designated
6 area, an annual admission permit (to be known as
7 the Golden Eagle Passport) shall be available for a
8 fee and under such conditions as to be determined
9 by the Secretary of the Interior and the Secretary
10 of Agriculture.”.

11 (3) In paragraph (a)(1)(B) by striking the sec-
12 ond sentence.

13 (4) Delete paragraph (a)(2) in its entirety and
14 insert in lieu thereof: “Reasonable admission fees for
15 a single visit to any designated unit shall be estab-
16 lished by the administering Secretary for persons
17 who choose not to purchase the annual permit. A
18 ‘single visit’ means a continuous stay within a des-
19 ignated unit. Payment of a single visit admission fee
20 shall authorize exits from and reentries to a des-
21 ignated unit for a period to be defined for each des-
22 ignated unit by the administering Secretary based
23 upon a determination of the period of time reason-
24 ably and ordinarily necessary for such a single
25 visit.”

1 (5) In paragraph (a)(3) by inserting the word
2 “Great” in the third sentence before “Smoky”.

3 (6) In paragraph (a)(3) delete the last sentence.

4 (7) Delete paragraph (a)(4) in its entirety and
5 insert in lieu thereof: “The Secretary of the Interior
6 and the Secretary of Agriculture shall establish pro-
7 cedures for discounted admission fees to any citizen
8 of, or person legally domiciled in, the United States
9 sixty-two years of age or older, such discount to be
10 received upon proof of age. Any such discount will
11 be nontransferable, applied only to the individual
12 qualifying on the basis of age, and given notwith-
13 standing the method of travel. No fees of any kind
14 shall be collected from any persons who have a right
15 of access for hunting or fishing privileges under a
16 specific provision of law or treaty or who are en-
17 gaged in the conduct of official Federal, State, or
18 local government business.”.

19 (8) Delete paragraph (a)(5) in its entirety and
20 insert in lieu thereof: “The Secretary of the Interior
21 and the Secretary of Agriculture shall establish pro-
22 cedures providing for the issuance of a lifetime ad-
23 mission permit to any citizen of, or person legally
24 domiciled in, the United States, if such citizen or
25 person applies for such permit and is permanently

1 disabled. Such procedures shall assure that such
2 permit shall be issued only to persons who have been
3 medically determined to be permanently disabled.
4 Such permit shall be nontransferable, shall be issued
5 without charge, and shall entitle the permittee and
6 one accompanying individual to general admission
7 into any area designated pursuant to this subsection,
8 notwithstanding the method of travel.”.

9 (9) In paragraph (a)(6)(A) by striking “No
10 later than 60 days after December 22, 1987” and
11 inserting “No later than six months after enact-
12 ment” and striking “Interior and Insular Affairs”
13 and inserting “Resources”.

14 (10) Delete paragraphs (a)(9) and (a)(11) in
15 their entirety. Renumber current paragraph “(10)”
16 as “(9)” and current paragraph “(12)” as “(10)”.

17 (b) RECREATION FEES.—Section 4(b) of the Land
18 and Water Conservation Fund Act of 1965 (16 U.S.C.
19 4601–6a(b)) is amended as follows:

20 (1) Delete “FEES FOR GOLDEN AGE PASSPORT
21 PERMITTEE” from section title.

22 (2) Delete the following: “personal collection of
23 the fee by an employee or agent of the Federal agen-
24 cy operating the facility”.

1 (3) Delete “Any Golden Age Passport permit-
2 tee, or” and insert in lieu thereof “Any”.

3 (c) CRITERIA, POSTING AND UNIFORMITY OF
4 FEES.—Section 4(d) of the Land and Water Conservation
5 Fund Act of 1965 (16 U.S.C. 460l–6a(d)) is amended by
6 deleting from the first sentence “recreation fees charged
7 by non-Federal public agencies,” and inserting in lieu
8 thereof “fees charged by other public and private enti-
9 ties,”.

10 (d) RULES AND REGULATIONS.—Section 4(e) of the
11 Land and Water Conservation Fund Act of 1965 (16 U.S.
12 C. 460l–6a(e)) is amended by deleting “of not more than
13 \$100.” and inserting in lieu thereof “as provided by law.”

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

1 (f) TECHNICAL AMENDMENTS.—Section 4(h) of the
2 Land and Water Conservation Fund Act of 1965 (16
3 U.S.C. 460l–6a(h)) is amended—

4 (1) by striking “Bureau of Outdoor Recreation”
5 and inserting in lieu thereof, “National Park Serv-
6 ice”;

7 (2) by striking “Interior and Insular Affairs of
8 the United States House of Representatives and
9 United States Senate” and inserting in lieu thereof,
10 “Resources of the United States House of Rep-
11 resentatives and on Energy and Natural Resources
12 of the United States Senate”; and

13 (3) by striking “Bureau” and inserting in lieu
14 thereof, “National Park Service”.

15 (g) USE OF FEES.—Section 4(i) of the Land and
16 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
17 6a(i)) is amended as follows:

18 (1) After “(i)” by inserting “USE OF
19 FEES.—”.

20 (2) In the first sentence of subparagraph (B)
21 by striking “fee collection costs for that fiscal year”
22 and inserting in lieu thereof “fee collection costs for
23 the immediately preceding fiscal year” and by strik-
24 ing “section in that fiscal year” and inserting in lieu

1 thereof “section in such immediately preceding fiscal
2 year”.

3 (3) In the second sentence of subparagraph (B)
4 by striking “in that fiscal year”.

5 (4) By adding the following at the end of para-
6 graph (1):

7 “(C) Notwithstanding subparagraph (A),
8 beginning in fiscal year 1996 and each fiscal
9 year thereafter, all additional fee revenue gen-
10 erated by the National Park Service through
11 enactment of this legislation, as authorized to
12 be collected pursuant to subsection 4 (a) and
13 (b), shall be covered into a special fund estab-
14 lished in the Treasury of the United States to
15 be known as the ‘National Park Renewal
16 Fund’. In fiscal year 1997 and each fiscal year
17 thereafter, the amount of additional fee revenue
18 generated in the immediately preceding fiscal
19 year by the National Park Service through en-
20 actment of this legislation shall be available to
21 the Secretary of the Interior, without further
22 provision in appropriations Acts, for infrastruc-
23 ture needs at parks including but not limited to
24 facility refurbishment, repair and replacement,
25 interpretive media and exhibit repair and re-

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

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

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

23 (1) striking “SELLING OF ANNUAL ADMISSION
24 PERMITS BY PUBLIC AND PRIVATE ENTITIES

1 UNDER ARRANGEMENTS WITH COLLECTING AGEN-
2 CY HEAD” from the title of this section; and

3 (2) deleting the last two sentences, regarding
4 the sale of Golden Eagle Passports, from this sec-
5 tion.

6 (i) CHARGES FOR TRANSPORTATION PROVIDED BY
7 THE NATIONAL PARK SERVICE.—(1) Section 4(l)(1) of
8 the Land and Water Conservation Fund Act of 1965 (16
9 U.S.C. 460l–6a(1)) is amended by striking the word
10 “VIEWING” from the section title and inserting in lieu
11 thereof “VISITING”.

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

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

1 (j) COMMERCIAL TOUR FEES.—Section 4 of the
2 Land and Water Conservation Fund Act of 1965 (16
3 U.S.C. 460l–6a(n)) is amended by striking section (2) in
4 its entirety and inserting in lieu thereof:

5 “(2) The Secretary shall establish a flat fee, per
6 entry, for such vehicles. The amount of the said flat
7 fee shall reflect both the commercial tour use fee
8 rate and current admission rates.”.

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

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

1 use takes place, and remain available, without further ap-
2 propriation, to cover the cost of providing such services.
3 The portion of such fee which exceeds the cost of providing
4 necessary services associated with such use shall be depos-
5 ited into the National Park Renewal Fund.”.

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

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

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

19 (a) IN GENERAL.—Effective at noon on September
20 30, 2005, the use of Highway 209 within the Delaware
21 Water Gap National Recreation Area by commercial vehi-
22 cles, when such use is not connected with the operation
23 of the recreation area, is prohibited, except as provided
24 in section (b).

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

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

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

15 **SEC. 4. CHALLENGE COST-SHARE AGREEMENTS.**

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

20 (1) “challenge cost-share agreement” means
21 any agreement entered into between the Secretary
22 and any cooperator for the purpose of sharing costs
23 or services in carrying out authorized functions and
24 responsibilities of the Secretary with respect to any
25 unit or program of the National Park System (as

1 defined in section 2(a) of the Act of August 8, 1953
2 (16 U.S.C. 1c(a)), any affiliated area, or designated
3 National Scenic or Historic Trail; and

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

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

11 **SEC. 5. DONATIONS.**

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

1 thority is delegated shall be set forth in the written guide-
2 lines issued by the Secretary pursuant to paragraph (d).

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

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

24 (2) In utilizing the authorities contained in this sec-
25 tion employees of the National Park Service shall not di-

1 rectly conduct or execute major fundraising campaigns,
2 but may cooperate with others whom the Secretary may
3 designate to conduct such campaigns on behalf of the Na-
4 tional Park Service.

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

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

1 paign which the Secretary has designated others to con-
2 duct pursuant to paragraph (c)(2).

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

5 Public Law 101-337 is amended as follows:

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

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

12 (b) In section 1 (16 U.S.C. 19jj) by adding at
13 the end thereof the following:

14 “(g) ‘Marine or aquatic park system resource’ means
15 any living or nonliving part of a marine or aquatic regimen
16 within or is a living part of a marine or aquatic regimen
17 within the boundaries of a unit of the National Park Sys-
18 tem, except for resources owned by a non-Federal entity.”.

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

○