

104TH CONGRESS
1ST SESSION

H. R. 2181

To enhance the National Park System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1995

Mr. RICHARDSON (for himself, Mr. BOEHLERT, Mr. GEJDENSON, Mr. HINCHEY, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on Resources

A BILL

To enhance the National Park System, 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 “Common Sense Na-
5 tional Park System Reform Act”.

6 **SEC. 2. DEFINITION.**

7 For purposes of this Act, the term “Secretary”
8 means the Secretary of the Interior.

1 **TITLE I—NATIONAL PARK**
2 **SYSTEM PLAN**

3 **SEC. 101. PREPARATION OF NATIONAL PARK SYSTEM PLAN.**

4 (a) PREPARATION OF PLAN.—The Secretary, acting
5 through the Director of the National Park Service, shall
6 prepare a National Park System Plan (hereafter in this
7 title referred to as the “plan”) to guide the direction of
8 the National Park System into the next century. The plan
9 shall include each of the following:

10 (1) A statement of the goals and objectives for
11 use in defining the mission and role of the National
12 Park Service in preserving our Nation’s heritage rel-
13 ative to other efforts at the Federal, State, local,
14 and private levels. This statement shall include a re-
15 finement of the definition of “national significance”
16 for purposes of including areas in the National Park
17 System.

18 (2) Detailed criteria to be used in determining
19 which themes and types of resources are appropriate
20 for representation in the National Park System, as
21 well as criteria for judging individual sites, areas,
22 and themes that are appropriate for inclusion as
23 units of the National Park System.

1 (3) Identification of what constitutes adequate
2 representation of a particular resource type or
3 theme.

4 (4) Identification of which aspects of the Na-
5 tion's heritage are adequately represented in the ex-
6 isting National Park System or in other protected
7 areas.

8 (5) Identification of appropriate aspects of the
9 Nation's heritage not currently represented, or not
10 adequately represented, in the National Park Sys-
11 tem.

12 (6) Priorities of the themes and types of re-
13 sources which should be added to the National Park
14 System in order to provide more complete represen-
15 tation of our Nation's heritage.

16 (7) A statement of the role of the National
17 Park System and the National Park Service with re-
18 spect to (but not limited to) conservation of natural
19 areas and ecosystems; preservation of industrial
20 America; preservation of intangible cultural heritage
21 such as arts, music, and folklife; presidential sites;
22 open space protection; and provision of significant
23 outdoor recreation opportunities.

24 (8) A statement of what areas constitute units
25 of the National Park System and the distinction be-

1 tween units of the System, affiliated areas, and
2 other areas within the System.

3 (9) A comprehensive financial management plan
4 for the National Park System which identifies all
5 funding available to the agency, how funds will be
6 allocated to support various programs, and the oper-
7 ational objectives and quality of services attainable
8 at various funding levels.

9 (b) PUBLIC PARTICIPATION AND CONSULTATION.—
10 During the preparation of the plan under subsection (a),
11 the Secretary shall ensure broad public participation in a
12 manner which, at a minimum, consists of the following
13 two elements:

14 (1) Solicitation of the views of the American
15 public with regard to the future of the National
16 Park System. Opportunities for public participation
17 shall be made available throughout the planning
18 process and shall include specific regional public
19 meetings.

20 (2) Consultation with other Federal land man-
21 agement agencies, State and local officials, resource
22 management, recreation, citizens, and scholarly or-
23 ganizations, and other interested parties as the Sec-
24 retary deems advisable.

1 (c) TRANSMITTAL TO CONGRESS.—Prior to the end
2 of the second complete fiscal year commencing after the
3 date of enactment of this Act, the Secretary shall transmit
4 the plan developed under this section to the Committee
5 on Resources of the House of Representatives and the
6 Committee on Energy and Natural Resources of the Sen-
7 ate.

8 (d) CONGRESSIONAL APPROVAL.—The plan shall be
9 deemed approved unless Congress enacts a joint resolution
10 disapproving the plan within 90 days from the date it is
11 transmitted to Congress. If the plan is rejected by Con-
12 gress, the Secretary shall resubmit the plan not later than
13 the date specified in the resolution.

14 (e) REVIEW OF SYSTEM.—Not later than one year
15 after the plan has been deemed approved, the Secretary
16 shall submit a report to Congress identifying which units
17 of the National Park System do not conform with the
18 plan. In developing these recommendations, the Secretary
19 shall—

20 (1) provide opportunities for public participa-
21 tion; and

22 (2) consult with other Federal land manage-
23 ment agencies, State and local officials, resource
24 management, recreation, citizens, and scholarly or-

1 poses” (16 U.S.C. 1a-1 and following) is amended as fol-
2 lows:

3 (1) By inserting “GENERAL AUTHORITY.—”
4 after “(a)”.

5 (2) By striking the second through the sixth
6 sentences of subsection (a).

7 (3) By redesignating the last sentence of sub-
8 section (a) as subsection (e) and inserting in such
9 sentence before the words “For the purposes of car-
10 rying” the following: “(e) AUTHORIZATION OF AP-
11 PROPRIATIONS.—”.

12 (4) By striking subsection (b).

13 (5) By inserting the following after subsection
14 (a):

15 “(b) STUDIES OF AREAS FOR POTENTIAL ADDI-
16 TION.—(1) At the beginning of each calendar year, along
17 with the annual budget submission, the Secretary shall
18 submit to the Committee on Resources of the House of
19 Representatives and to the Committee on Energy and
20 Natural Resources of the Senate a list of any areas rec-
21 ommended for study for potential inclusion in the National
22 Park System.

23 “(2) In developing the list to be submitted under this
24 subsection, the Secretary shall give consideration to those
25 areas that have the greatest potential to meet the estab-

1 lished criteria of national significance, suitability, and fea-
2 sibility. The Secretary shall give special consideration to
3 themes, sites, and resources not already adequately rep-
4 resented in the National Park System as identified in the
5 National Park System Plan to be developed under section
6 101 of the National Park System Reform Act of 1995.
7 No study of the potential of an area for inclusion in the
8 National Park System may be initiated after the date of
9 enactment of this section, except as provided by specific
10 authorization of an Act of Congress. Nothing in this Act
11 shall limit the authority of the National Park Service to
12 conduct preliminary resource assessments, gather data on
13 potential study areas, provide technical and planning as-
14 sistance, prepare or process nominations for administra-
15 tive designations, update previous studies, or complete re-
16 connaissance surveys of individual areas requiring a total
17 expenditure of less than \$25,000. Nothing in this section
18 shall be construed to apply to or to affect or alter the
19 study of any river segment for potential addition to the
20 national wild and scenic rivers system or to apply to or
21 to affect or alter the study of any trail for potential addi-
22 tion to the national trails system.

23 “(c) REPORT.—(1) The Secretary shall complete the
24 study for each area for potential inclusion in the National
25 Park System within three complete fiscal years following

1 the date of enactment of specific legislation providing for
2 the study of such area. Each study under this section shall
3 be prepared with appropriate opportunity for public in-
4 volvement, including at least one public meeting in the vi-
5 cinity of the area under study, and reasonable efforts to
6 notify potentially affected landowners and State and local
7 governments. In conducting the study, the Secretary shall
8 consider whether the area under study—

9 “(A) possesses nationally significant natural,
10 cultural, or recreational resources, that represents
11 one of the most important examples of a particular
12 resource type in the country; and

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

15 (2) Each study shall consider the following factors
16 with regard to the area being studied:

17 “(A) The rarity and integrity of the resources.

18 “(B) The threats to those resources.

19 “(C) Whether similar resources are already pro-
20 tected in the National Park System or in other Fed-
21 eral, State, or private ownership.

22 “(D) The public use potential.

23 “(E) Potential for outdoor recreational oppor-
24 tunity.

25 “(F) The interpretive and educational potential.

1 “(G) Costs associated with acquisition, develop-
2 ment, and operation.

3 “(H) The socioeconomic impacts of any des-
4 ignation.

5 “(I) The level of local and general public sup-
6 port.

7 “(J) Whether the unit is of appropriate con-
8 figuration to ensure long-term resource protection
9 and visitor use.

10 (3) Each study shall also consider whether direct Na-
11 tional Park Service management or alternative protection
12 by other agencies or the private sector is appropriate for
13 the area. Each study shall identify what alternative or
14 combination of alternatives would in the professional judg-
15 ment of the Director of the National Park Service, be most
16 effective and efficient in protecting significant resources,
17 and providing for public enjoyment.

18 (4) Each study shall be completed in compliance with
19 the National Environmental Policy Act of 1969.

20 (5) The Secretary may include in each new area
21 study any other information which he deems to be rel-
22 evant.

23 (6) The letter transmitting each completed study to
24 Congress shall contain a recommendation regarding the

1 Administration's preferred management option for the
2 area.

3 “(d) NEW AREA STUDY OFFICE.—The Secretary
4 shall establish a single office to be assigned to prepare
5 all new area studies and to implement other functions of
6 this section.

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

1 **TITLE III—CONCESSIONS**
2 **REFORM**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “National Park Service
5 Concession Policy Reform Act of 1995”.

6 **SEC. 302. FINDINGS AND POLICY.**

7 (a) FINDINGS.—In furtherance of the Act of August
8 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–
9 4), which directs the Secretary of the Interior to admin-
10 ister areas of the National Park System in accordance
11 with the fundamental purpose of preserving their scenery,
12 wildlife, natural and historic objects, and providing for
13 their enjoyment in a manner that will leave them
14 unimpaired for the enjoyment of future generations, the
15 Congress finds that the preservation and conservation of
16 park resources and values requires that such public ac-
17 commodations, facilities, and services as the Secretary de-
18 termines are necessary and appropriate in accordance with
19 this title—

20 (1) should be provided only under carefully con-
21 trolled safeguards against unregulated and indis-
22 criminate use so that visitation will not unduly im-
23 pair these values; and

24 (2) should be limited to locations and designs
25 consistent to the highest practicable degree with the

1 preservation and conservation of park resources and
2 values.

3 (b) POLICY.—It is the policy of the Congress that—

4 (1) development on Federal lands within a park
5 shall be limited to those facilities and services that
6 the Secretary determines are necessary and appro-
7 priate for public use and enjoyment of the park in
8 which such facilities and services are located;

9 (2) development of such facilities and services
10 within a park should be consistent to the highest
11 practicable degree with the preservation and con-
12 servation of the park’s resources and values;

13 (3) such facilities and services should be pro-
14 vided by private persons, corporations, or other enti-
15 ties, except when no private interest is qualified and
16 willing to provide such facilities and services;

17 (4) if the Secretary determines that develop-
18 ment should be provided within a park, such devel-
19 opment shall be designed, located, and operated in
20 a manner that is consistent with the purposes for
21 which such park was established;

22 (5) the right to provide such services and to de-
23 velop or utilize such facilities should be awarded to
24 the person, corporation, or entity submitting the

1 best proposal through a competitive selection proc-
2 ess; and

3 (6) such facilities or services should be provided
4 to the public at reasonable rates.

5 **SEC. 303. DEFINITIONS.**

6 As used in this title, the term—

7 (1) “concessioner” means a person, corporation,
8 or other entity to whom a concession contract has
9 been awarded;

10 (2) “concession contract” means a contract or
11 permit (but not a commercial use authorization is-
12 sued pursuant to section 306) to provide facilities or
13 services, or both, at a park;

14 (3) “facilities” means improvements to real
15 property within parks used to provide accommoda-
16 tions, facilities, or services to park visitors;

17 (4) “fund” means the Park Improvement Fund
18 established pursuant to section 309(b);

19 (5) “park” means a unit of the National Park
20 System;

21 (6) “disposal” means the complete proposal for
22 a concession contract offered by a potential or exist-
23 ing concessioner in response to the minimum re-
24 quirements for the contract established by the Sec-
25 retary; and

1 (7) “Secretary” means the Secretary of the In-
2 terior.

3 **SEC. 304. REPEAL OF CONCESSION POLICY ACT OF 1965.**

4 (a) REPEAL.—The Act of October 9, 1965, Public
5 Law 89–249 (79 Stat. 969, 16 U.S.C. 20–20g), entitled
6 “An Act relating to the establishment of concession poli-
7 cies administered in the areas administered by the Na-
8 tional Park Service and for other purposes”, is hereby re-
9 pealed. The repeal of such Act shall not affect the validity
10 of any contract entered into under such Act, but the provi-
11 sions of this title shall apply to any such contract except
12 to the extent such provisions are inconsistent with the ex-
13 press terms and conditions of the contract.

14 (b) CONFORMING AMENDMENT.—The fourth sen-
15 tence of section 3 of the Act of August 25, 1916 (16
16 U.S.C. 3; 39 Stat. 535) is amended by striking all through
17 “no natural” and inserting in lieu thereof, “No natural”.

18 **SEC. 305. CONCESSION POLICY.**

19 Subject to the findings and policy stated in section
20 302, and upon a determination by the Secretary that fa-
21 cilities or services are necessary and appropriate for the
22 accommodation of visitors at a park, the Secretary shall,
23 consistent with the provisions of this title, laws relating
24 generally to the administration and management of units
25 of the National Park System, and the park’s general man-

1 agement plan, concession plan, and other applicable plans,
2 authorize private persons, corporations, or other entities
3 to provide and operate such facilities or services as the
4 Secretary deems necessary and appropriate.

5 **SEC. 306. COMMERCIAL USE AUTHORIZATIONS.**

6 (a) IN GENERAL.—To the extent specified in this sec-
7 tion, the Secretary, upon request, may authorize a private
8 person, corporation, or other entity to provide services to
9 park visitors otherwise than by award of a concession con-
10 tract or permit.

11 (b) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—

12 (1) The authority of this section may be used only to au-
13 thorize provision of services to park visitors that the Sec-
14 retary determines will have minimal impact on park re-
15 sources and values and which are consistent with the pur-
16 poses for which the park was established and with all ap-
17 plicable management plans for such park.

18 (2) The Secretary—

19 (A) shall require payment of a reasonable fee
20 for issuance of an authorization under this section,
21 such fees to remain available without further appro-
22 priation to be used to recover the costs of managing
23 and administering this section;

24 (B) shall require that the provision of services
25 under such an authorization be accomplished in a

1 manner consistent to the highest practicable degree
2 with the preservation and conservation of park re-
3 sources and values;

4 (C) shall take appropriate steps to limit the li-
5 ability of the United States arising from the provi-
6 sion of services under such an authorization; and

7 (D) shall have no authority under this section
8 to issue more authorizations than are consistent
9 with the preservation and proper management of
10 park resources and values, and shall establish such
11 other conditions for issuance of such an authoriza-
12 tion as the Secretary determines appropriate for the
13 protection of visitors, provision of adequate and ap-
14 propriate visitor services, and protection and proper
15 management of the resources and values of the park.

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

18 (1) commercial operations with annual gross
19 revenues of not more than \$25,000 resulting from
20 services originating and provided solely within a
21 park pursuant to such authorization; or

22 (2) the incidental use of park resources by com-
23 mercial operations which provide services originating
24 outside of the park's boundaries: *Provided*, That
25 such authorization shall not provide for the con-

1 construction of any structure, fixture, or improvement
2 on Federal lands within the park.

3 (d) DURATION.—The term of any authorization is-
4 sued under this section shall not exceed two years.

5 (e) ELIGIBILITY FOR CONCESSION CONTRACTS.—A
6 person, corporation, or other entity seeking or obtaining
7 an authorization pursuant to this section shall not be pre-
8 cluded from also submitting proposals for concession con-
9 tracts.

10 **SEC. 307. COMPETITIVE SELECTION PROCESS.**

11 (a) IN GENERAL.—(1) Except as provided in sub-
12 section (b), and consistent with the provisions of sub-
13 section (g), any concession contract entered into pursuant
14 to this title shall be awarded to the person, corporation,
15 or other entity submitting the best proposal as determined
16 by the Secretary, through a competitive selection process,
17 as provided in this section.

18 (2) Within 180 days after the date of enactment of
19 this Act, the Secretary shall promulgate appropriate regu-
20 lations establishing such process. The regulations shall in-
21 clude provisions for establishing a method or procedure
22 for the resolution of disputes between the Secretary and
23 a concessioner in those instances where the Secretary has
24 been unable to meet conditions or requirements or provide

1 such services, if any, as set forth in a prospectus pursuant
2 to subsections (c)(2)(D) and (E).

3 (b) TEMPORARY CONTRACT.—Notwithstanding the
4 provisions of subsection (a), the Secretary may award a
5 temporary concession contract in order to avoid interrup-
6 tion of services to the public at a park except that prior
7 to making such a determination, the Secretary shall take
8 all reasonable and appropriate steps to consider alter-
9 natives to avoid such an interruption.

10 (c) PROSPECTUS.—(1) Prior to soliciting proposals
11 for a concession contract at a park, the Secretary shall
12 prepare a prospectus soliciting proposals, and shall publish
13 a notice of its availability at least once in local or national
14 newspapers or trade publications, as appropriate, and
15 shall make such prospectus available upon request to all
16 interested parties.

17 (2) The prospectus shall include, but need not be lim-
18 ited to, the following information—

19 (A) the minimum requirements for such con-
20 tract, as set forth in subsection (d);

21 (B) the terms and conditions of the existing
22 concession contract awarded for such park, if any,
23 including all fees and other forms of compensation
24 provided to the United States by the concessioner;

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

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

6 (E) minimum public services to be offered with-
7 in a park by the Secretary, including (but not lim-
8 ited to) interpretive programs, campsites, and visitor
9 centers; and

10 (F) such other information related to the pro-
11 posed concession operation as is provided to the Sec-
12 retary pursuant to a concession contract or is other-
13 wise available to the Secretary, as the Secretary de-
14 termines is necessary to allow for the submission of
15 competitive proposals.

16 (d) MINIMUM PROPOSAL REQUIREMENTS.—(1) No
17 proposal shall be considered which fails to meet the mini-
18 mum requirements as determined by the Secretary. Such
19 minimum requirements shall include, but need not be lim-
20 ited to—

21 (A) the minimum acceptable franchise fee;

22 (B) the duration of the contract;

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

1 (D) measures necessary to ensure the protec-
2 tion and preservation of park resources.

3 (2) The Secretary may reject any proposal, notwith-
4 standing the amount of franchise fee offered, if the Sec-
5 retary determines that the person, corporation, or entity
6 is not qualified, is likely to provide unsatisfactory service,
7 or that the proposal is not responsive to the objectives of
8 protecting and preserving park resources and of providing
9 necessary and appropriate facilities or services to the pub-
10 lic at reasonable rates.

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

16 (e) SELECTION OF BEST PROPOSAL.—(1) In select-
17 ing the best proposal, the Secretary shall consider the fol-
18 lowing principal factors:

19 (A) The responsiveness of the proposal to the
20 objectives of protecting and preserving park re-
21 sources and of providing necessary and appropriate
22 facilities and services to the public at reasonable
23 rates.

24 (B) The experience and related background of
25 the person, corporation, or entity submitting the

1 proposal, including (but not limited to) the past per-
2 formance and expertise of such person, corporation,
3 or entity in providing the same or similar facilities
4 or services.

5 (C) The financial capability of the person, cor-
6 poration, or entity submitting the proposal.

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

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

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

22 (f) CONGRESSIONAL NOTIFICATION.—(1) The Sec-
23 retary shall submit any proposed concession contract with
24 anticipated annual gross receipts in excess of \$5,000,000
25 (indexed to 1995 constant dollars) or a duration of ten

1 or more years to the Committee on Energy and Natural
2 Resources of the Senate and the Committee on Resources
3 of the House of Representatives.

4 (2) The Secretary shall not award any such proposed
5 contract until at least 60 days subsequent to the notifica-
6 tion of both Committees.

7 (g) NO PREFERENTIAL RIGHT OF RENEWAL.—(1)
8 Except as provided in paragraph (2), the Secretary shall
9 not grant a preferential right to a concessioner to renew
10 a concession contract entered into pursuant to this title.

11 (2) The Secretary shall grant a preferential right of
12 renewal with respect to a concession contract covered by
13 subsections (h) and (i), subject to the requirements of sub-
14 sections (h) or (i), as appropriate.

15 (3) As used in this subsection, and subsections (h)
16 and (i), the term “preferential right of renewal” means
17 that the Secretary shall allow a concessioner satisfying the
18 requirements of this subsection (and subsections (h) and
19 (i), as appropriate) the opportunity to match the terms
20 and conditions of any competing proposal which the Sec-
21 retary determines to be the best proposal.

22 (4) A concessioner who exercises a preferential right
23 of renewal in accordance with the requirements of this
24 paragraph shall be entitled to award of the new concession
25 contract with respect to which such right is exercised.

1 (h) OUTFITTING AND GUIDE CONTRACTS.—(1) Ex-
2 cept as provided in subsection (i), the provisions of para-
3 graph (g)(2) shall apply only—

4 (A) to a concession contract—

5 (i) which solely authorizes a concessioner
6 to provide outfitting, guide, river running, or
7 other substantially similar services within a
8 park; and

9 (ii) which does not grant such concessioner
10 any interest in any structure, fixture, or im-
11 provement pursuant to section 312; and

12 (B) where the Secretary determines that the
13 concessioner has operated satisfactorily during the
14 term of the contract (including any extensions there-
15 of); and

16 (C) where the Secretary determines that the
17 concessioner has submitted a responsive proposal for
18 a new contract which satisfies the minimum require-
19 ments established by the Secretary pursuant to sec-
20 tion 307.

21 (2) With respect to a concession contract (or exten-
22 sion thereof) covered by this subsection which is in effect
23 on the date of enactment of this title, the provisions of
24 this paragraph shall apply if the holder of such contract,
25 under the laws and policies in effect on the day before

1 the date of enactment of this Act, would have been entitled
2 to a preferential right to renew such contract upon its ex-
3 piration.

4 (i) CONTRACTS WITH ANNUAL GROSS RECEIPTS
5 UNDER \$500,000.—(1) The provisions of paragraph
6 (g)(2) shall also apply to a concession contract—

7 (A) which the Secretary estimates will result in
8 annual gross receipts of less than \$500,000;

9 (B) where the Secretary has determined that
10 the concessioner has operated satisfactorily during
11 the term of the contract (including any extensions
12 thereof); and

13 (C) that the concessioner has submitted a re-
14 sponsive proposal for a new concession contract
15 which satisfies the minimum requirements estab-
16 lished by the Secretary pursuant to section 307.

17 (2) The provisions of this subsection shall not apply
18 to a concession contract which solely authorizes a conces-
19 sioner to provide outfitting, guide, river running, or other
20 substantially similar services within a park pursuant to
21 subsection (h).

22 (3) Notwithstanding the limitations set forth in para-
23 graph (1)(A), the provisions of this subsection shall also
24 apply to any concession contract authorizing cruise ship
25 entries into Glacier Bay National Park.

1 (j) NO PREFERENTIAL RIGHT TO ADDITIONAL SERV-
2 ICES.—The Secretary shall not grant a preferential right
3 to a concessioner to provide new or additional services at
4 a park.

5 **SEC. 308. FRANCHISE FEES.**

6 (a) IN GENERAL.—Franchise fees, however, stated,
7 shall not be less than the minimum fee established by the
8 Secretary for each contract. The minimum fee shall be de-
9 termined in a manner that will provide the concessioner
10 with a reasonable opportunity to realize a profit on the
11 operation as a whole, commensurate with the capital in-
12 vested and the obligations assumed under the contract.

13 (b) MULTIPLE CONTRACTS WITHIN A PARK.—If
14 multiple concession contracts are awarded to authorize
15 concessioners to provide the same or similar outfitting,
16 guide, river running, or other similar services at the same
17 approximate location or resource within a specific park,
18 the Secretary shall establish an identical franchise fee for
19 all such contracts, subject to periodic review and revision
20 by the Secretary. Such fee shall reflect fair market value.

21 **SEC. 309. USE OF FRANCHISE FEES.**

22 (a) SPECIAL ACCOUNT.—Except as provided in sub-
23 section (b), all receipts collected pursuant to this title shall
24 be covered into a special account established in the Treas-
25 ury of the United States. Amounts covered into such ac

1 count in a fiscal year shall be available for expenditure,
2 subject to appropriation, solely as follows:

3 (1) Fifty percent shall be allocated among the
4 units of the National Park System in the same pro-
5 portion as franchise fees collected from a specific
6 unit bears to the total amount covered into the ac-
7 count for each fiscal year, to be used for resource
8 management and protection, maintenance activities,
9 interpretation, and research.

10 (2) Fifty percent shall be allocated among the
11 units of the National Park System on the basis of
12 need, in a manner to be determined by the Sec-
13 retary, to be used for resource management and pro-
14 tection, maintenance activities, interpretation, and
15 research.

16 (b) PARK IMPROVEMENT FUND.—(1) In lieu of col-
17 lecting all or a portion of the franchise fees that would
18 otherwise be collected pursuant to the concession contract,
19 the Secretary shall, where the Secretary determines it to
20 be practicable, require a concessioner to establish a Park
21 Improvement Fund in which the concessioner shall deposit
22 the franchise fees that would otherwise be required by the
23 contract.

24 (2) The fund shall be maintained by the concessioner
25 in an interest bearing account in a federally-insured finan-

1 cial institution. The concessioner shall maintain the fund
2 separately from any other funds or accounts and shall not
3 comingle the monies in the fund with any other monies.
4 The Secretary may establish such other terms, conditions,
5 or requirements as the Secretary determines to be nec-
6 essary to ensure the financial integrity of such fund.

7 (3) Monies from the fund, including interest, shall be
8 expended by the concessioner solely as directed by the Sec-
9 retary for activities and projects within the park which
10 are consistent with the park's general management plan,
11 concession plan, and other applicable plans, and which the
12 Secretary determines will enhance public use, safety, and
13 enjoyment of the park, including (but not limited to)
14 projects which directly or indirectly support concession fa-
15 cilities or services required by the concession contract.
16 Projects paid for from the fund shall not include routine,
17 operational maintenance of facilities. A concessioner shall
18 not be allowed to make any advances or credits to the
19 fund.

20 (4) A concessioner shall not be granted any interest
21 in improvements made from fund expenditures, including
22 any interest granted pursuant to section 312.

23 (5) Nothing in this subsection shall affect the obliga-
24 tion of a concessioner to insure, maintain, and repair any
25 structure, fixture, or improvement assigned to such con-

1 cessioner and to insure that such structure, fixture, or im-
2 provement fully complies with applicable safety and health
3 laws and regulations.

4 (6) The concessioner shall maintain proper records
5 for all expenditures made from the fund. Such records
6 shall include (but not be limited to) invoices, bank state-
7 ments, canceled checks, and such other information as the
8 Secretary determines to be necessary.

9 (7) The concessioner shall annually submit to the
10 Secretary a statement reflecting total activity in the fund
11 for the preceding financial year. The statement shall re-
12 flect monthly deposits, expenditures by project, interest
13 earned, and such other information as the Secretary re-
14 quires.

15 (8) Proceeds from the fund shall not be used for any
16 capital expenditure exceeding \$2,500,000 in any fiscal
17 year unless such expenditure has been approved in ad-
18 vance by Act of Congress.

19 (9) The Secretary shall annually report to the Com-
20 mittees on Appropriations and Energy and Natural Re-
21 sources of the Senate and the Committees on Appropria-
22 tions and Resources of the House of Representatives con-
23 cerning the actual and projected expenditures for each
24 fund established pursuant to this section.

1 (10) Upon the termination of a concession contract,
2 or upon the sale or transfer of such contract, any remain-
3 ing balance in the fund shall be transferred by the conces-
4 sioner to the successor concessioner, to be used solely as
5 set forth in this subsection. In the event there is not a
6 successor concessioner, the fund balance shall be deposited
7 into the special account established in subsection (a).

8 **SEC. 310. DURATION OF CONTRACT.**

9 (a) **MAXIMUM TERM.**—A concession contract entered
10 into pursuant to this title shall be awarded for a term not
11 to exceed ten years: *Provided, however,* That the Secretary
12 may award a contract for a term not to exceed twenty
13 years if the Secretary determines that the contract terms
14 and conditions necessitate a longer term.

15 (b) **TEMPORARY CONTRACT.**—A temporary conces-
16 sion contract awarded on a non-competitive basis pursuant
17 to section 307(b) shall be for a term not to exceed two
18 years.

19 **SEC. 311. TRANSFER OF CONTRACT.**

20 (a) **IN GENERAL.**—(1) No concession contract may
21 be transferred, assigned, sold, or otherwise conveyed by
22 a concessioner without prior written notification to, and
23 approval of the Secretary.

24 (2) The Secretary shall not unreasonably withhold
25 approval of a transfer, assignment, sale, or conveyance of

1 a concession contract, but shall not approve the transfer,
2 assignment, sale, or conveyance of a concession contract
3 to any individual, corporation or other entity if the Sec-
4 retary determines that—

5 (A) such individual, corporation or entity is, or
6 is likely to be, unable to completely satisfy all of the
7 requirements, terms, and conditions of the contract;

8 (B) such transfer, assignment, sale or convey-
9 ance is not consistent with the objectives of protect-
10 ing and preserving park resources, and of providing
11 necessary and appropriate facilities or services to the
12 public at reasonable rates;

13 (C) such transfer, assignment, sale, or convey-
14 ance relates to a concession contract which does not
15 provide to the United States consideration commensurate
16 with the probable value of the privileges
17 granted by the contract; or

18 (D) the terms of such transfer, assignment,
19 sale, or conveyance directly or indirectly attribute a
20 significant value to intangible assets or otherwise
21 may so reduce the opportunity for a reasonable prof-
22 it over the remaining term of the contract that the
23 United States may be required to make substantial
24 additional expenditures in order to avoid interrup-
25 tion of services to park visitors.

1 (b) CONGRESSIONAL NOTIFICATION.—Within 30
2 days after receiving a completed proposal to transfer, as-
3 sign, sell, or otherwise convey a concession contract, the
4 Secretary shall notify the Committee on Energy and Natu-
5 ral Resources of the Senate and the Committee on Re-
6 sources of the House of Representatives of such proposal.
7 Approval of such proposal, if granted by the Secretary,
8 shall not take effect until 60 days after the date of notifi-
9 cation of both Committees.

10 **SEC. 312. PROTECTION OF CONCESSIONER INVESTMENT.**

11 (a) CURRENT CONTRACT.—(1) A concessioner who
12 before the date of the enactment of this Act has acquired
13 or constructed, or is required under an existing concession
14 contract to commence acquisition or construction of, any
15 structure, fixture, or improvement upon land owned by the
16 United States within a park, pursuant to such contract,
17 shall have a possessory interest therein, to the extent pro-
18 vided such contract.

19 (2) Unless otherwise provided in such contract, such
20 possessory interest shall not be extinguished by the expira-
21 tion or termination of the contract and may not be taken
22 for public use without just compensation. Such possessory
23 interest may be assigned, transferred, encumbered, or re-
24 linquished.

1 (3) Upon the termination of a concession contract in
2 effect before the date of enactment of this Act, the Sec-
3 retary shall determine the value of any outstanding
4 possessory interest applicable to the contract, such value
5 to be determined for all purposes on the basis of applicable
6 laws and contracts in effect on the day before the date
7 of enactment of this Act.

8 (4) Nothing in this subsection shall be construed to
9 grant a possessory interest to a concessioner whose con-
10 tract in effect on the date of enactment of this Act does
11 not include recognition of a possessory interest.

12 (b) NEW CONTRACTS.—(1)(A) With respect to a con-
13 cession contract entered into on or after the date of enact-
14 ment of this Act, the value of any outstanding possessory
15 interest associated with such contract shall be set at the
16 value determined by the Secretary pursuant to subsection
17 (a)(3).

18 (B) As a condition of entering into a concession con-
19 tract, the value of any outstanding possessory interest
20 shall be reduced on an annual basis, in equal portions,
21 over the same number of years as the time period associ-
22 ated with the straight line depreciation of the structure,
23 fixture, or improvement associated with such possessory
24 interest, as provided by applicable Federal income tax laws

1 and regulations in effect on the day before the date of
2 enactment of this Act.

3 (C) In the event that the contract expires or is termi-
4 nated prior to the elimination of any outstanding
5 possessory interest, the concessioner shall be entitled to
6 receive from the United States or the successor conces-
7 sioner payment equal to the remaining value of the
8 possessory interest.

9 (D) A successor concessioner may not revalue any
10 outstanding possessory interest, nor the period of time
11 over which such interest is reduced.

12 (E) Title to any structure, fixture, or improvement
13 associated with any outstanding possessory interest shall
14 be vested in the United States.

15 (2)(A) If the Secretary determines during the com-
16 petitive selection process that all proposals submitted ei-
17 ther fail to meet the minimum requirements or are re-
18 jected (as provided in section 307), the Secretary may,
19 solely with respect to any outstanding possessory interest
20 associated with the contract and established pursuant to
21 a concession contract entered into prior to the date of en-
22 actment of this Act, suspend the reduction provisions of
23 subsection (b)(1)(B) for the duration of the contract, and
24 reinstate the competitive selection process as provided in
25 section 307.

1 (B) The Secretary may suspend such reduction provi-
2 sions only if the Secretary determines that the establish-
3 ment of other new minimum contract requirements is not
4 likely to result in the submission of satisfactory proposals,
5 and that the suspension of the reduction provisions is like-
6 ly to result in the submission of satisfactory proposals:
7 *Provided, however,* That nothing in this paragraph shall
8 be construed to require the Secretary to establish a mini-
9 mum franchise fee at a level below the franchise fee in
10 effect for such contract on the day before the expiration
11 date of the previous contract.

12 (c) NEW STRUCTURES.—(1) On or after the date of
13 enactment of this Act, a concessioner who constructs or
14 acquires a new, additional, or replacement structure, fix-
15 ture, or improvement upon land owned by the United
16 States within a park, pursuant to a concession contract,
17 shall have an interest in such structure, fixture, or im-
18 provement equivalent to the actual original cost of acquir-
19 ing or constructing such structure, fixture, or improve-
20 ment, less straight line depreciation over the estimated
21 useful life of the asset according to Generally Accepted
22 Accounting Principles: *Provided,* That in no event shall
23 the estimated useful life of such asset exceed the deprecia-
24 tion period used for such asset for Federal income tax
25 purposes.

1 (2) In the event that the contract expires or is termi-
2 nated prior to the recovery of such costs, the concessioner
3 shall be entitled to receive from the United States or the
4 successor concessioner payment equal to the value of the
5 concessioner's interest in such structure, fixture, or im-
6 provement. A successor concessioner may not revalue the
7 interest in such structure, fixture, or improvement, the
8 method of depreciation, or the estimated useful life of the
9 asset.

10 (3) Title to any such structure, fixture, or improve-
11 ment shall be vested in the United States.

12 (d) INSURANCE, MAINTENANCE AND REPAIR.—
13 Nothing in this section shall affect the obligation of a con-
14 cessioner to insure, maintain, and repair any structure,
15 fixture, or improvement assigned to such concessioner and
16 to insure that such structure, fixture, or improvement
17 fully complies with applicable safety and health laws and
18 regulations.

19 **SEC. 313. RATES AND CHARGES TO PUBLIC.**

20 The reasonableness of a concessioner's rates and
21 charges to the public shall, unless otherwise provided in
22 the bid specifications and contract, be judged primarily
23 by comparison with those rates and charges for facilities
24 and services of comparable character under similar condi-
25 tions, with due consideration for length of season, seasonal

1 variance, average percentage of occupancy, accessibility,
2 availability and costs of labor and materials, type of pa-
3 tronage, and other factors deemed significant by the
4 Secretary.

5 **SEC. 314. CONCESSIONER PERFORMANCE EVALUATION.**

6 (a) REGULATIONS.—Within 180 days after the date
7 of enactment of this Act, the Secretary shall publish, after
8 an appropriate period for public comment, regulations es-
9 tablishing standards and criteria for evaluating the per-
10 formance of concessions operating within parks.

11 (b) PERIODIC EVALUATION.—(1) The Secretary shall
12 periodically conduct an evaluation of each concessioner op-
13 erating under a concession contract pursuant to this title,
14 as appropriate, to determine whether such concessioner
15 has performed satisfactorily. In evaluating a conces-
16 sioner's performance, the Secretary shall seek and con-
17 sider applicable reports and comments from appropriate
18 Federal, State, and local regulatory agencies, and shall
19 seek and consider the applicable views of park visitors and
20 concession customers. If the Secretary's performance eval-
21 uation results in an unsatisfactory rating of the conces-
22 sioner's overall operation, the Secretary shall provide the
23 concessioner with a list of the minimum requirements nec-
24 essary for the operation to be rated satisfactory, and shall
25 so notify the concessioner in writing.

1 (2) The Secretary may terminate a concession con-
2 tract if the concessioner fails to meet the minimum oper-
3 ational requirements identified by the Secretary within the
4 time limitations established by the Secretary at the time
5 notice of the unsatisfactory rating is provided to the con-
6 cessioner.

7 (3) If the Secretary terminates a concession contract
8 pursuant to this section, the Secretary shall solicit propos-
9 als for a new contract consistent with the provisions of
10 this title.

11 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
12 shall notify the Committee on Energy and Natural Re-
13 sources of the Senate and the Committee on Resources
14 of the House of Representatives of each unsatisfactory
15 rating and of each concession contract terminated pursu-
16 ant to this section.

17 **SEC. 315. RECORDKEEPING REQUIREMENTS.**

18 (a) IN GENERAL.—Each concessioner shall keep such
19 records as the Secretary may prescribe to enable the Sec-
20 retary to determine that all terms of the concessioner's
21 contract have been and are being faithfully performed, and
22 the Secretary or any of the Secretary's duly authorized
23 representatives shall, for the purpose of audit and exam-
24 ination, have access to such records and to other books,
25 documents and papers of the concessioner pertinent to the

1 contract and all the terms and conditions thereof as the
2 Secretary deems necessary.

3 (b) GENERAL ACCOUNTING OFFICE REVIEW.—The
4 Comptroller General of the United States or any of his
5 or her duly authorized representatives shall, until the expi-
6 ration of five calendar years after the close of the business
7 year for each concessioner, have access to and the right
8 to examine any pertinent books, documents, papers, and
9 records of the concessioner related to the contracts or con-
10 tracts involved.

11 **SEC. 316. EXEMPTION FROM CERTAIN LEASE REQUIRE-**
12 **MENTS.**

13 The provisions of section 321 of the Act of June 30,
14 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leas-
15 ing of buildings and properties of the United States, shall
16 not apply to contracts awarded by the Secretary pursuant
17 to this title.

18 **SEC. 317. NO EFFECT ON ANILCA PROVISIONS.**

19 Nothing in this title shall be construed to amend, su-
20 perse, or otherwise affect any provision of the Alaska
21 National Interest Lands Conservation Act (16 U.S.C.
22 3101 et seq.).

23 **SEC. 318. IMPLEMENTATION REPORTS.**

24 Beginning on June 1, 1997, and biennially thereafter,
25 the Inspector General of the Department of the Interior

1 shall submit a report to the Committee on Energy and
2 Natural Resources of the Senate and the Committee on
3 Resources of the House of Representatives on the imple-
4 mentation of this title and the effect of such implementa-
5 tion on facilities operated pursuant to concession contracts
6 and on visitor services. Each report shall—

7 (1) identify any concession contracts which have
8 been renewed, renegotiated, terminated, or trans-
9 ferred during the year prior to the submission of the
10 report and identify any significant changes in the
11 terms of the new contract;

12 (2) state the amount of franchise fees the rates
13 which would be charged for services, and the level of
14 other services required to be provided by the conces-
15 sioner in comparison to that required in the previous
16 contract;

17 (3) assess the degree to which concession facili-
18 ties are being maintained using the condition of such
19 facilities on the date of enactment of this Act as a
20 baseline;

21 (4) determine whether competition has been in-
22 creased or decreased with respect to the awarding of
23 each contract; and

24 (5) set forth the amount of revenues received
25 and financial obligations incurred or reduced by the

1 Federal Government as a result of the comparison of
2 this Act for the reporting period and in comparison
3 with previous reporting periods and the baseline year
4 of 1995, including the costs, if any, associated with
5 the acquisition of possessory interests.

6 **SEC. 319. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated such sums as
8 may be necessary to carry out this title.

9 **TITLE IV—RECREATION FEES**

10 **SEC. 401. SHORT TITLE.**

11 This title may be cited as the “National Park Service
12 Entrepreneurial Management Reform Act of 1995”.

13 **SEC. 402. FEES.**

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

17 (1) In the first sentence of paragraph (1)(A)(i),
18 by striking “\$25” and inserting “\$40”.

19 (2) By amending the second sentence of para-
20 graph (1)(A)(i) to read as follows: “The permittee
21 and the accompanying spouse, children, and parents
22 of the permittee shall be entitled to general admis-
23 sion into any area designated pursuant to this sec-
24 tion.”.

1 (3) By modifying the margin of clause (ii) of
2 paragraph (1)(A) to align with the margin of clause
3 (i).

4 (4) By inserting at the end of clause (ii) of
5 paragraph (1)(A) the following: “Such receipts shall
6 be made available, subject to appropriation, for au-
7 thORIZED resource protection, rehabilitation, and con-
8 servation projects as provided for by subsection (i),
9 including projects to be carried out by the Public
10 Land Corps or any other conservation corps pursu-
11 ant to the Youth Conservation Corps Act of 1970
12 (16 U.S.C. 1701 and following), or other related
13 programs or authorities, on lands administered by
14 the Secretary of the Interior and the Secretary of
15 Agriculture.”.

16 (5) In paragraph (1)(B), by striking “\$15” and
17 inserting “\$25” and by adding at the end the follow-
18 ing new sentence: “Any amount by which the fee for
19 such an annual permit exceeds \$15 shall be credited
20 to the appropriation account of the unit of the Na-
21 tional Park System that collected the fee, shall be
22 available to the unit without further appropriation,
23 and shall remain available until expended.”.

24 (6) In paragraph (2), by inserting “(A)” after
25 “(2)”, by striking the fifth and sixth sentences, by

1 amending the fourth sentence to read as follows:
2 “The fee for a single-visit permit at any designated
3 area shall be not more than \$6 per person for per-
4 sons entering by any means, except that the fee shall
5 not exceed \$20 for all persons entering a designated
6 area in a single noncommercial vehicle.”, and by
7 adding at the end the following new subparagraph:

8 “(B) The Secretary shall establish a pilot
9 project at Yosemite National Park that utilizes in-
10 centives, including waiving or reducing admission
11 fees, to encourage use of public transit which serves
12 the purpose of reducing vehicular traffic within Yo-
13 semite National Park.”.

14 (7) In paragraph (3), by striking the last sen-
15 tence.

16 (8) In paragraph (4), by striking “No other
17 free permits shall be issued to any person” and in-
18 serting “No other free permits shall be issued to any
19 person, except as otherwise provided by this sub-
20 section”.

21 (9) In paragraph (4), by amending the second
22 sentence to read as follows: “Such permit shall be
23 nontransferable, shall be issued for a one-time
24 charge of \$10, and shall entitle the permittee and
25 the accompanying spouse of the permittee to general

1 admission into any area designated pursuant to this
2 subsection.”.

3 (10) In paragraph (6) by striking “on Interior
4 and Insular Affairs” and inserting “on Resources”.

5 (11) In paragraph (9), by striking “San Juan
6 National Historic Site, and Canaveral National Sea-
7 shore” and inserting “and San Juan National His-
8 toric Site” and by adding the following at the end
9 thereof: “The Secretary of the Interior shall submit
10 a report to the Congress within 6 months after the
11 enactment of this sentence respecting the areas at
12 which the Secretary determines admission fees would
13 be appropriate but at which such fees are prohibited
14 by law and respecting each area at which such fees
15 are authorized but not being collected (including an
16 explanation of the reasons that such fees are not
17 being collected).”.

18 (12) By amending paragraph (11) to read as
19 follows:

20 “(11) In the case of Yellowstone and Grand
21 Teton National Parks, a single-visit fee collected at
22 one unit shall also admit the person who paid such
23 fee for a single visit to the other unit.”.

24 (b) PENALTY.—Section 4(e) of the Land and Water
25 Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and

1 following) is amended by striking “\$100” and inserting
2 “\$1,000”.

3 (c) TECHNICAL AMENDMENTS.—(1) Section 4(h) of
4 the Land and Water Conservation Fund Act of 1965 (16
5 U.S.C. 460l–4 and following) is amended by striking “on
6 Interior and Insular Affairs of the United States House
7 of Representatives and United States Senate” and insert-
8 ing “on Resources of the United States House of Rep-
9 resentatives and on Energy and Natural Resources of the
10 United States Senate”, by striking “Bureau of Outdoor
11 Recreation” and inserting “National Park Service”, and
12 by striking “Bureau” and inserting “National Park Serv-
13 ice”.

14 (2) Section 4(g) of the Land and Water Conservation
15 Fund Act of 1965 (16 U.S.C. 460l–4 and following) is
16 amended by striking “or charges for commercial or other
17 activities not related to recreation”.

18 (d) USE OF FEES.—Section 4(i) of the Land and
19 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
20 4 and following) is amended as follows:

21 (1) By inserting “USE OF FEES.—” after “(i)”.

22 (2) In the first sentence of paragraph (1)(B),
23 by striking “fee collection costs for that fiscal year”
24 and inserting “fee collection costs for the imme-
25 diately preceding fiscal year” and by striking “sec-

1 tion in that fiscal year” and inserting “section in
2 such immediately preceding fiscal year”.

3 (3) In the second sentence of paragraph (1)(B),
4 by striking “in that fiscal year”.

5 (4) In paragraph (1), by adding at the end the
6 following new subparagraph:

7 “(C) Notwithstanding subparagraph (A) and not-
8 withstanding any other provision of law, for fiscal years
9 after fiscal year 1995, the amount by which the receipts
10 collected pursuant to this section by the National Park
11 Service (except for the portion of fee receipts withheld as
12 provided in subparagraph (B) for fee collection costs) ex-
13 ceeds the receipts collected pursuant to this section by the
14 National Park Service in fiscal year 1993 shall be covered
15 into a special fund established in the Treasury of the Unit-
16 ed States to be known as the ‘National Park Renewal
17 Fund’. Amounts in such fund shall be available to the Sec-
18 retary of the Interior, without further appropriation, for
19 resource protection, research, interpretation, and mainte-
20 nance activities related to resource protection and visitor
21 enjoyment in areas managed by the National Park Service
22 and shall be allocated among national park system units
23 in accordance with subsection (j). Such amounts shall re-
24 main available until expended. The Secretary shall develop
25 procedures for the use of amounts in the fund that ensure

1 accountability and demonstrated results consistent with
2 the purposes of this title. Beginning after the first full
3 fiscal year following enactment of this subparagraph, the
4 Secretary shall submit an annual report to Congress, on
5 a unit-by-unit basis, detailing the fees receipts collected
6 pursuant to this section and the expenditures of such re-
7 ceipts.”.

8 (e) TIME OF REIMBURSEMENT.—Section 4(k) of the
9 Land and Water Conservation Fund Act of 1965 (16
10 U.S.C. 460l–4 and following) is amended by striking the
11 last sentence.

12 (f) FEES FOR SPECIAL USES.—Section 4 of the Land
13 and Water Conservation Fund Act of 1965 (16 U.S.C.
14 460l–4 and following) is amended by adding the following
15 new subsection at the end:

16 “(o) FEES FOR SPECIAL USES.—The Secretary of
17 the Interior shall establish reasonable fees for
18 nonrecreational uses of national park system units that
19 require special arrangements, including permits. The fees
20 shall be set at such level as the Secretary deems necessary
21 to insure that the United States will receive fair market
22 value for the use of the area concerned and shall, at a
23 minimum, cover all costs of providing necessary services
24 associated with such special uses, except that the Sec-
25 retary may, in his discretion, waive or reduce such fees

1 in the case of any nonprofit organization or any organiza-
2 tion using an area within the national park system for
3 educational or park-related purposes. Notwithstanding
4 any other provision of law, the Secretary shall retain so
5 much of the revenue from such fees as is equal to fee col-
6 lection costs and the costs of providing the necessary serv-
7 ices associated with such special uses. Such retained
8 amounts shall be credited to the appropriation account for
9 the national park system unit concerned and shall remain
10 available until expended, beginning in the fiscal year in
11 which the amounts are so credited.”.

12 (g) ADMISSION OR RECREATION USE FEES.—Section
13 4 of the Land and Water Conservation Fund Act of 1965
14 (16 U.S.C. 4601–4 and following), as amended by sub-
15 section (f) of this section, is amended by adding the follow-
16 ing new subsection at the end:

17 “(p) ADMISSION OR RECREATION USE FEES.—Not-
18 withstanding any other provision of law, no admission or
19 recreation use fee of any kind shall be charged or imposed
20 for entrance into, or use of, any federally owned area oper-
21 ated and maintained by a Federal agency and used for
22 outdoor recreation purposes, except as provided for by this
23 Act.”.

1 **SEC. 403. CHALLENGE COST-SHARE AGREEMENTS.**

2 (a) AGREEMENTS.—The Secretary of the Interior is
3 authorized to negotiate and enter into challenge cost-share
4 agreements with cooperators. For purposes of this section:

5 (1) The term “challenge cost-share agreement”
6 means any agreement entered into between the Sec-
7 retary and any cooperator for the purpose of sharing
8 costs or services in carrying out any authorized
9 functions and responsibilities of the Secretary with
10 respect to any unit of the national park system (as
11 defined in section 2(a) of the Act of August 8, 1953
12 (16 U.S.C. 1b–1c)), any affiliated area, or any des-
13 ignated national scenic or historic trail.

14 (2) The term “cooperator” means any State or
15 local government, public or private agency, organiza-
16 tion, institution, corporation, individual, or other en-
17 tity.

18 (b) USE OF FEDERAL FUNDS.—In carrying out chal-
19 lenge cost-share agreements, the Secretary is authorized,
20 subject to appropriation, to provide the Federal funding
21 share from any funds available to the National Park
22 Service.

23 **SEC. 404. COST RECOVERY FOR DAMAGE TO NATIONAL**
24 **PARK RESOURCES.**

25 Notwithstanding any other provision of law, any
26 funds payable to United States as restitution on account

1 of damage to national park resources or property shall be
2 paid to the Secretary of the Interior. Any such funds, and
3 any other funds received as a result of forfeiture, com-
4 promise, or settlement on account of damage to national
5 park resources or property shall be credited to the appro-
6 priation account for the national park system unit con-
7 cerned and shall be available, without further appropria-
8 tion, for expenditure by the Secretary, without regard to
9 fiscal year limitation, to improve, protect, or rehabilitate
10 any park resources or property which have been damaged
11 by the action of a permittee or any unauthorized person.

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