

Union Calendar No. 60

104TH CONGRESS
1ST SESSION

H. R. 260

[Report No. 104-133]

A BILL

To provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to the National Park System, and for other purposes.

JUNE 7, 1995

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

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. HEFLEY (for himself, Mr. HANSEN, and Mr. VENTO) introduced the following bill; which was referred to the Committee on Resources

JUNE 7, 1995

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

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

[For text of introduced bill, see copy of bill as introduced on January 4, 1995]

A BILL

To provide for the development of a plan and a management review of the National Park System and to reform the process by which areas are considered for addition to 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Park System*
3 *Reform Act of 1995”.*

4 **SEC. 2. DEFINITIONS.**

5 *As used in this Act:*

6 (1) *The term “Secretary” means the Secretary of*
7 *the Interior.*

8 (2) *The term “Plan” means the National Park*
9 *System Plan developed under section 101.*

10 (3) *The term “Commission” means the National*
11 *Park System Review Commission established pursu-*
12 *ant to section 103.*

13 (4) *The term “Congressional resources commit-*
14 *tees” means the Committee on Resources of the House*
15 *of Representatives and the Committee on Energy and*
16 *Natural Resources of the Senate.*

17 **TITLE I—NATIONAL PARK**
18 **SYSTEM PLAN**

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

20 (a) *PREPARATION OF PLAN.—The Secretary of the In-*
21 *terior, acting through the Director of the National Park*
22 *Service, shall prepare a National Park System Plan to*
23 *guide the direction of the National Park System into the*
24 *next century. The Plan shall include each of the following:*

25 (1) *Identification of goals and objectives for use*
26 *in defining the mission and role of the National Park*

1 *Service and the National Park System in preserving*
2 *our Nation's heritage, relative to other efforts at the*
3 *Federal, State, local, and private levels. This state-*
4 *ment shall include a refinement for the definition of*
5 *"nationally significant" for purposes of inclusion in*
6 *the National Park System.*

7 *(2) Criteria to be used in determining which*
8 *themes and types of resources are appropriate for rep-*
9 *resentation in the National Park System, as well as*
10 *criteria for judging individual sites, areas, and*
11 *themes that are appropriate for inclusion as units of*
12 *the National Park System.*

13 *(3) Identification of what constitutes adequate*
14 *representation of a particular resource type or theme*
15 *in the National Park System.*

16 *(4) Identification of which aspects of the Na-*
17 *tion's heritage are adequately represented in the exist-*
18 *ing National Park System.*

19 *(5) Identification of appropriate aspects of the*
20 *Nation's heritage not currently or adequately rep-*
21 *resented in the National Park System.*

22 *(6) Priorities of the themes and types of re-*
23 *sources which should be added to the National Park*
24 *System in order to provide more complete representa-*
25 *tion of our Nation's heritage.*

1 (7) *A thorough analysis of the role of the Na-*
2 *tional Park System and the National Park Service*
3 *with respect to (but not limited to) conservation of*
4 *natural areas and ecosystems; preservation of indus-*
5 *trial America; preservation of intangible cultural her-*
6 *itage such as arts, music, and folklife; presidential*
7 *sites; open space protection; and provision of outdoor*
8 *recreation opportunities.*

9 (8) *A comprehensive financial management plan*
10 *for the National Park System which identifies all*
11 *funding available to the agency, how funds will be al-*
12 *located to support various programs, and the level of*
13 *service to be provided.*

14 (b) *PUBLIC PARTICIPATION AND CONSULTATION.—*
15 *During the preparation of the Plan under subsection (a),*
16 *the Secretary shall ensure broad public participation in a*
17 *manner which, at a minimum, consists of the following two*
18 *elements:*

19 (1) *Solicitation of the views of the American*
20 *public with regard to the future of the National Park*
21 *System. Opportunities for public participation shall*
22 *be made available throughout the planning process*
23 *and shall include specific regional public meetings.*

24 (2) *Consultation with other Federal land man-*
25 *agement agencies, State and local officials, resource*

1 *management, recreation and scholarly organizations,*
2 *and other interested parties as the Secretary deems*
3 *advisable.*

4 (c) *TRANSMITTAL OF REPORT.*—*Prior to the end of the*
5 *second complete fiscal year commencing after the date of*
6 *enactment of this Act, the Secretary shall transmit the Plan*
7 *developed under this section to the Congressional resources*
8 *committees.*

9 (d) *CONGRESSIONAL APPROVAL.*—*Unless Congress en-*
10 *acts a joint resolution rejecting all or modifying part of*
11 *the Plan within 180 calendar days after the date of its*
12 *transmittal to Congress, the Plan shall be deemed approved.*

13 (e) *IDENTIFICATION OF UNITS OF THE NATIONAL*
14 *PARK SYSTEM.*—*The Secretary shall submit to the Congres-*
15 *sional resources committees an official list of areas or units*
16 *of the National Park System within 180 days after the date*
17 *of the enactment of this Act. The Secretary shall establish*
18 *a set of criteria for the purpose of developing such list and*
19 *shall transmit those criteria to the Congressional resources*
20 *committees.*

21 (f) *AUTHORITY TO ESTABLISH UNITS OF THE NA-*
22 *TIONAL PARK SYSTEM.*—*After the enactment of this Act,*
23 *units or areas of the National Park System may only be*
24 *established pursuant to an Act of Congress or by Presi-*
25 *dential action in accordance with the Act entitled “An Act*

1 *for the preservation of American antiquities” (16 U.S.C.*
2 *431 et seq.).*

3 **SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK**
4 **SYSTEM.**

5 (a) *SELECTION CRITERIA.—(1) The Secretary shall,*
6 *not later than 45 days after transmittal of the Plan under*
7 *section 101(c), publish in the Federal Register and transmit*
8 *to the Congressional resources committees the criteria pro-*
9 *posed to be used by the Department of the Interior in re-*
10 *viewing existing units of the National Park System under*
11 *this section. The Secretary shall provide an opportunity for*
12 *public comment on the proposed criteria for a period of at*
13 *least 30 days.*

14 (2)(A) *The Secretary shall, within 60 days of the*
15 *transmittal of proposed criteria under paragraph (1), pub-*
16 *lish in the Federal Register and transmit to the Congres-*
17 *sional resources committees the final criteria to be used in*
18 *carrying out this section. Except as provided in subpara-*
19 *graph (B), such criteria shall be the final criteria to be used*
20 *unless disapproved by a joint resolution of Congress enacted*
21 *not more than 30 legislative days after receipt of the final*
22 *criteria. For the purpose of the preceding sentence, the term*
23 *“legislative day” means a day on which both Houses of*
24 *Congress are in session.*

1 (B) The Secretary may amend such criteria, but such
2 amendments may not become effective until they have been
3 published in the Federal Register, opened to public comment
4 for at least 30 days, and transmitted to the Congressional
5 resources committees in final form.

6 (b) REVIEW.—(1)(A) Using the Plan deemed to be ap-
7 proved pursuant to section 101(d) and the criteria devel-
8 oped pursuant to subsection (a), the Secretary shall review
9 the existing National Park System to determine whether
10 any existing units or significant portions of such units do
11 not conform to the Plan. For any such areas, the Secretary
12 shall determine whether there are more appropriate alter-
13 natives for managing all or a portion of such units, includ-
14 ing through partnerships or direct management by States,
15 local governments, other agencies and the private sector.

16 (B) The Secretary shall develop a report which con-
17 tains a list of any unit of the National Park System where
18 National Park Service management should be terminated
19 and a list of any portion of units where National Park
20 Service management should be modified as a result of
21 nonconformance with the Plan. No area or portion of an
22 area which Congress has designated as a national park may
23 be included in the report.

24 (2) Should any such unit or portion of such unit not
25 be recommended for continued National Park Service man-

1 *agement, the Secretary shall make recommendations regard-*
2 *ing management by an entity or entities other than the Na-*
3 *tional Park Service.*

4 *(3) For any such unit or portion of such unit deter-*
5 *mined to have national significance, prior to including such*
6 *unit or portion of such unit on a list under paragraph (1),*
7 *the Secretary shall identify feasible alternatives to National*
8 *Park Service management which will protect the resources*
9 *of and assure continued public access to the unit.*

10 *(c) CONSULTATION.—In developing the report referred*
11 *to in subsection (b), the Secretary shall consult with other*
12 *Federal land management agencies, State and local offi-*
13 *cial, resource management, recreation and scholarly orga-*
14 *nizations, and other interested parties as the Secretary*
15 *deems advisable.*

16 *(d) TRANSMITTAL.—Not later than 18 months after the*
17 *Plan has been deemed approved, the Secretary shall trans-*
18 *mit the report developed under this section simultaneously*
19 *to the Congressional resources committees and the Commis-*
20 *sion. The report shall contain the recommendations of the*
21 *Secretary for termination of National Park Service man-*
22 *agement for any unit of the National Park System that is*
23 *determined not to conform with the Plan, a list of portions*
24 *of units where National Park Service management should*
25 *be modified, and the recommendations for alternative man-*

1 *agement by an entity or entities other than the National*
2 *Park Service for such unit.*

3 **SEC. 103. NATIONAL PARK SYSTEM REVIEW COMMISSION.**

4 *(a) ESTABLISHMENT OF COMMISSION; DUTIES.—(1)*
5 *Following completion of the Plan as specified in section*
6 *101, a National Park System Review Commission shall be*
7 *established.*

8 *(2) The Commission shall either review the report de-*
9 *veloped under section 102 or, if the Secretary fails to de-*
10 *velop and transmit such report, develop the report itself.*
11 *In conducting its review (or developing the report, if nec-*
12 *essary), the Commission shall be subject to the provisions*
13 *of sections 102 (b) and (c) in the same manner as such*
14 *provisions apply to the Secretary. If the Secretary develops*
15 *and transmits the report, the review of the Commission*
16 *shall be limited to the manner in which the criteria have*
17 *been applied to the existing National Park System. In addi-*
18 *tion the Commission shall seek broad public input and en-*
19 *sure the opportunity for input from persons who would be*
20 *directly affected by recommendations regarding National*
21 *Park System units identified in its report.*

22 *(3) Within 2 years after the date of its establishment,*
23 *the Commission shall prepare and transmit to the Congres-*
24 *sional resources committees a report of its work under para-*
25 *graph (2) in which the Commission recommends a list of*

1 *National Park System units where National Park Service*
2 *management should be terminated and a list of portions*
3 *of units where National Park Service management should*
4 *be modified.*

5 **(b) MEMBERSHIP AND APPOINTMENT.**—*The Commis-*
6 *sion shall consist of 11 members, each of whom shall have*
7 *substantial familiarity with, and understanding of, the Na-*
8 *tional Park System and related fields. In addition, the*
9 *Commission members shall have expertise in natural*
10 *sciences, history, archaeology, and outdoor recreation. Five*
11 *members of the Commission, one of whom shall be the Direc-*
12 *tor of the National Park Service, shall be appointed by the*
13 *Secretary. Two members shall be appointed by the Speaker*
14 *of the United States House of Representatives in consulta-*
15 *tion with the chairman of the Committee on Resources, and*
16 *one member shall be appointed by the Minority Leader of*
17 *the House or Representatives in consultation with the rank-*
18 *ing minority member of the Committee on Resources. Two*
19 *members shall be appointed by the President pro tempore*
20 *of the United States Senate, in consultation with the chair-*
21 *man of the Committee on Energy and Natural Resources*
22 *and one member shall be appointed by the Minority Leader*
23 *of the Senate in consultation with the ranking minority*
24 *member of the Committee on Energy and Natural Re-*
25 *sources. Each member shall be appointed within three*

1 *months after the completion of the Plan as specified in sec-*
2 *tion 101.*

3 (c) *CHAIR.*—*The Commission shall elect a chair from*
4 *among its members.*

5 (d) *VACANCIES.*—*Vacancies occurring on the Commis-*
6 *sion shall not affect the authority of the remaining members*
7 *of the Commission to carry out the functions of the Commis-*
8 *sion. Any vacancy in the Commission shall be promptly*
9 *filled in the same manner in which the original appoint-*
10 *ment was made.*

11 (e) *QUORUM.*—*A simple majority of Commission*
12 *members shall constitute a quorum.*

13 (f) *MEETINGS.*—*The Commission shall meet at least*
14 *quarterly or upon the call of the chair or a majority of*
15 *the members of the Commission.*

16 (g) *COMPENSATION.*—*Members of the Commission*
17 *shall serve without compensation as such. Members of the*
18 *Commission, when engaged in official Commission business,*
19 *shall be entitled to travel expenses, including per diem in*
20 *lieu of subsistence, in the same manner as persons employed*
21 *intermittently in government service under section 5703 of*
22 *title 5, United States Code.*

23 (h) *TERMINATION.*—*The Commission established pur-*
24 *suant to this section shall terminate 90 days after the trans-*

1 *mittal of the report to Congress as provided in subsection*
2 *(a).*

3 *(i) LIMITATION ON NATIONAL PARK SERVICE*
4 *STAFF.—The Commission may hire staff to carry out its*
5 *assigned responsibilities. Not more than one-half of the pro-*
6 *fessional staff of the Commission shall be made up of cur-*
7 *rent employees of the National Park Service.*

8 *(j) STAFF OF OTHER AGENCIES.—Upon the request of*
9 *the Commission, the head of any Federal agency may de-*
10 *tail, on a reimbursable basis, any of the personnel of such*
11 *agency to the Commission to assist the Commission.*

12 *(k) EXPERTS AND CONSULTANTS.—Subject to such*
13 *rules as may be adopted by the Commission, the Commis-*
14 *sion may procure temporary and intermittent services to*
15 *the same extent as authorized by section 3109(b) of title*
16 *5, United States Code, but at rates determined by the Com-*
17 *mission to be advisable.*

18 *(l) POWERS OF THE COMMISSION.—(1) The Commis-*
19 *sion shall for the purpose of carrying out this title hold*
20 *such public hearings, sit and act at such times and places,*
21 *take such testimony, and receive such evidence as the Com-*
22 *mission deems advisable.*

23 *(2) The Commission may make such bylaws, rules, and*
24 *regulations, consistent with this title, as it considers nec-*
25 *essary to carry out its functions under this title.*

1 (3) *When so authorized by the Commission, any mem-*
2 *ber or agent of the Commission may take any action which*
3 *the Commission is authorized to take by this section.*

4 (4) *The Commission may use the United States mails*
5 *in the same manner and upon the same conditions as other*
6 *departments and agencies of the United States.*

7 (5) *The Secretary shall provide to the Commission any*
8 *information available to the Secretary and requested by the*
9 *Commission regarding the Plan and any other information*
10 *requested by the Commission which is relevant to the duties*
11 *of the Commission and available to the Secretary.*

12 **SEC. 104. SUBSEQUENT ACT OF CONGRESS REQUIRED TO**
13 **MODIFY OR TERMINATE A PARK.**

14 *Nothing in this Act shall be construed as modifying*
15 *or terminating any unit of the National Park System with-*
16 *out a subsequent Act of Congress. This limitation shall not*
17 *limit any existing authority of the Secretary.*

18 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

19 *There are hereby authorized to be appropriated*
20 *\$2,000,000 to carry out the purposes of this title.*

21 **SEC. 106. COMMENDATION AND PROTECTION OF NATIONAL**
22 **PARK RANGERS.**

23 (a) *FINDING.*—*The Congress recognizes the dedication,*
24 *expertise and courage of the men and women who serve as*
25 *rangers and other employees of the National Park Service*

1 *and finds their service to the protection of our park re-*
2 *sources and the safety of the hundreds of millions of Ameri-*
3 *cans who visit our national parks each year to be indispen-*
4 *sable.*

5 *(b) PROTECTION OF NATIONAL PARK SERVICE EM-*
6 *PLOYEES.—As soon as possible as part of the report devel-*
7 *oped under section 101, the Secretary shall report on the*
8 *procedures that have been instituted to report to the United*
9 *States Attorney or other appropriate law enforcement offi-*
10 *cial any intimidation, threats, or acts of violence against*
11 *employees of the National Park Service related to their*
12 *duties.*

13 **TITLE II—NEW AREA**

14 **ESTABLISHMENT**

15 **SEC. 201. STUDY OF NEW PARK SYSTEM AREAS.**

16 *Section 8 of the Act of August 18, 1970, entitled “An*
17 *Act to improve the Administration of the National Park*
18 *System by the Secretary of the Interior, and to clarify the*
19 *authorities applicable to the system, and for other purposes”*
20 *(16 U.S.C. 1a-1 and following) is amended as follows:*

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

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

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

6 (4) *By striking subsection (b).*

7 (5) *By inserting the following after subsection*
8 *(a):*

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

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

17 “(2) *In developing the list to be submitted under this*
18 *subsection, the Secretary shall give consideration to those*
19 *areas that have the greatest potential to meet the established*
20 *criteria of national significance, suitability, and feasibility.*
21 *The Secretary shall give special consideration to themes,*
22 *sites, and resources not already adequately represented in*
23 *the National Park System as identified in the National*
24 *Park System Plan to be developed under section 101 of the*
25 *National Park System Reform Act of 1995.*

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

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

12 “(5) Nothing in this section shall be construed to apply
13 to or to affect or alter the study of any river segment for
14 potential addition to the national wild and scenic rivers
15 system or to apply to or to affect or alter the study of any
16 trail for potential addition to the national trails system.

17 “(c) REPORT.—(1) The Secretary shall complete the
18 study for each area for potential inclusion in the National
19 Park System within 3 complete fiscal years following the
20 date of enactment of specific legislation providing for the
21 study of such area. Each study under this section shall be
22 prepared with appropriate opportunity for public involve-
23 ment, including at least one public meeting in the vicinity
24 of the area under study, and after reasonable efforts to no-

1 *tify potentially affected landowners and State and local*
2 *governments.*

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

5 “(A) *possesses nationally significant natural or*
6 *cultural resources, or outstanding recreational oppor-*
7 *tunities, and that the area represents one of the most*
8 *important examples of a particular resource type in*
9 *the country; and*

10 “(B) *is a suitable and feasible addition to the*
11 *system.*

12 “(3) *Each study—*

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

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

16 *(ii) the threats to those resources;*

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

20 *(iv) the public use potential;*

21 *(v) the interpretive and educational poten-*
22 *tial;*

23 *(vi) costs associated with acquisition, devel-*
24 *opment and operation;*

1 (vii) the socioeconomic impacts of any des-
2 ignation;

3 (viii) the level of local and general public
4 support, and

5 (ix) whether the area is of appropriate con-
6 figuration to ensure long-term resource protec-
7 tion and visitor use;

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

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

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

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

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

24 “(d) NEW AREA STUDY OFFICE.—The Secretary shall
25 establish a single office to be assigned to prepare all new

1 *area studies and to implement other functions of this*
2 *section.*

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

HR 260 RH—2