

104TH CONGRESS
2D SESSION

H. R. 2941

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1996

Received

AN ACT

To improve the quantity and quality of the quarters of land management agency field employees, 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 AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “National Park Service Administrative Reform Act of
4 1996”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. National Park Service Housing Improvement Act.
- Sec. 3. Minor boundary revision authority.
- Sec. 4. Authorization for certain park facilities to be located outside of units
of the National Park System.
- Sec. 5. Elimination of unnecessary congressional reporting requirements.
- Sec. 6. Senate confirmation of the Director of the National Park Service.
- Sec. 7. National Park System Advisory Board authorization.
- Sec. 8. Challenge cost-share agreement authority.
- Sec. 9. Cost recovery for damage to national park resources.

7 **SEC. 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT**

8 **ACT.**

9 (a) **PURPOSES.**—The purposes of this section are—
10 (1) to develop where necessary an adequate
11 supply of quality housing units for field employees of
12 the National Park Service within a reasonable time
13 frame;
14 (2) to expand the alternatives available for con-
15 struction and repair of essential government hous-
16 ing;
17 (3) to rely on the private sector to finance or
18 supply housing in carrying out this section, to the
19 maximum extent possible, in order to reduce the
20 need for Federal appropriations;

1 (4) to provide increased opportunities for the
2 ownership of housing by field employees, together
3 with the equity and tax benefits associated with
4 home ownership;

5 (5) to ensure that adequate funds are available
6 to provide for long-term maintenance needs of field
7 employee housing; and

8 (6) to eliminate unnecessary government hous-
9 ing and locate such housing as is required in a man-
10 ner such that primary resource values are not im-
11 paired.

12 (b) GENERAL AUTHORITY.—To enhance the ability
13 of the Secretary of the Interior (hereinafter in this section
14 referred to as “the Secretary”), acting through the Direc-
15 tor of the National Park Service, to effectively manage
16 units of the National Park System, the Secretary is au-
17 thorized where necessary and justified to make available
18 employee housing, on or off the lands under the adminis-
19 trative jurisdiction of the National Park Service, and to
20 rent or lease such housing to field employees of the Na-
21 tional Park Service at rates based on the reasonable value
22 of the housing in accordance with requirements applicable
23 under section 5911 of title 5, United States Code.

24 (c) REVIEW AND REVISION OF HOUSING CRI-
25 TERIA.—Upon the enactment of this Act, the Secretary

1 shall review and revise the existing criteria under which
2 housing is provided to employees of the National Park
3 Service. The review and revision shall include consider-
4 ation of the following criteria:

5 (1) Required occupancy (whether and under
6 what circumstances the National Park Service re-
7 quires, as a condition of employment, that an em-
8 ployee live at a particular site or in a specific geo-
9 graphic area). For each instance in which occupancy
10 is required, full consideration shall be given to the
11 concept of adequate response time.

12 (2) Availability and adequacy of non-Federal
13 housing in the geographic area, including consider-
14 ation of the degree of isolation (the time and dis-
15 tance that separate other potential housing from the
16 workplace of a National Park Service employee).

17 (3) Category of employment (seasonal or per-
18 manent).

19 (d) SUBMISSION OF REPORT.—A report detailing the
20 results of the revisions required by subsection (c) shall be
21 submitted to the Committee on Resources of the House
22 of Representatives and the Committee on Energy and
23 Natural Resources of the Senate not later than 180 days
24 after the date of the enactment of this Act. The report
25 shall include justifications for keeping, or for changing,

1 each of the criteria or factors used by the Department of
2 the Interior with regard to the provision of housing to em-
3 ployees of the National Park Service.

4 (e) REVIEW OF CONDITION OF AND COSTS RELATING
5 TO HOUSING.—Using the revised criteria developed under
6 subsection (c), the Secretary shall undertake a review, for
7 each unit of the National Park System, of existing govern-
8 ment-owned housing provided to employees of the National
9 Park Service. The review shall include an assessment of
10 the physical condition of such housing and the suitability
11 of such housing to effectively carry out the missions of
12 the Department of the Interior and the National Park
13 Service. For each unit of such housing, the Secretary shall
14 determine whether the unit is needed and justified. The
15 review shall include estimates of the cost of bringing each
16 such unit that is needed and justified into usable condition
17 that meets all applicable legal housing requirements or,
18 if the unit is determined to be obsolete but is still war-
19 ranted to carry out the missions of the Department of the
20 Interior and the National Park Service, the cost of replac-
21 ing the unit.

22 (f) AUTHORIZATION FOR HOUSING AGREEMENTS.—
23 For those units of the National Park System for which
24 the review required by subsections (c) and (e) has been
25 completed, the Secretary is authorized, pursuant to the

1 authorities contained in this Act and subject to the appro-
2 priation of necessary funds in advance, to enter into hous-
3 ing agreements with housing entities under which such
4 housing entities may develop, construct, rehabilitate, or
5 manage housing, located on or off public lands, for rent
6 or lease to National Park Service employees who meet the
7 housing eligibility criteria developed by the Secretary pur-
8 suant to this Act.

9 (g) JOINT PUBLIC-PRIVATE SECTOR HOUSING PRO-
10 GRAMS.—

11 (1) LEASE TO BUILD PROGRAM.—Subject to the
12 appropriation of necessary funds in advance, the
13 Secretary may—

14 (A) lease Federal land and interests in
15 land to qualified persons for the construction of
16 field employee quarters for any period not to
17 exceed 50 years; and

18 (B) lease developed and undeveloped non-
19 Federal land for providing field employee quar-
20 ters.

21 (2) COMPETITIVE LEASING.—Each lease under
22 paragraph (1)(A) shall be awarded through the use
23 of publicly advertised, competitively bid, or competi-
24 tively negotiated contracting procedures, except that
25 a lease to a field employee housing cooperative may

1 be awarded noncompetitively if construction on the
2 leased land is then competitively bid or competitively
3 negotiated.

4 (3) TERMS AND CONDITIONS.—Each lease
5 under paragraph (1)(A)—

6 (A) shall stipulate whether operation and
7 maintenance of field employee quarters is to be
8 provided by the lessee, field employees or the
9 Federal Government;

10 (B) shall require that the construction and
11 rehabilitation of field employee quarters be done
12 in accordance with the requirements of the Na-
13 tional Park Service and local applicable building
14 codes and industry standards;

15 (C) shall contain such additional terms and
16 conditions as may be appropriate to protect the
17 Federal interest, including limits on rents the
18 lessee may charge field employees for the occu-
19 pancy of quarters, conditions on maintenance
20 and repairs, and agreements on the provision of
21 charges for utilities and other infrastructure;
22 and

23 (D) may be granted at less than fair mar-
24 ket value if the Secretary determines that such

1 lease will improve the quality and availability of
2 field employee quarters available.

3 (4) CONTRIBUTIONS BY UNITED STATES.—The
4 Secretary may make payments, subject to appropria-
5 tions, or contributions in kind either in advance of
6 or on a continuing basis to reduce the costs of plan-
7 ning, construction, or rehabilitation of quarters on
8 or off Federal lands under a lease under this sub-
9 section.

10 (5) THIRD PARTY PARTICIPATION.—A lease
11 under this subsection may include provision for par-
12 ticipation by a third party, when third party pres-
13 ence is needed or required, and approved by the Sec-
14 retary.

15 (h) RENTAL GUARANTEE PROGRAM.—

16 (1) GENERAL AUTHORITY.—Subject to the ap-
17 propriation of necessary funds in advance, the Sec-
18 retary may enter into a lease to build arrangement
19 as set forth in subsection (g) with further agreement
20 to guarantee the occupancy of field employee quar-
21 ters constructed or rehabilitated under such lease. A
22 guarantee made under this subsection shall be in
23 writing.

24 (2) LIMITATIONS.—The Secretary may not
25 guarantee—

1 (A) the occupancy of more than 75 percent
2 of the units constructed or rehabilitated under
3 such lease; and

4 (B) at a rental rate that exceeds the rate
5 based on the reasonable value of the housing in
6 accordance with requirements applicable under
7 section 5911 of title 5, United States Code.

8 In no event shall outstanding guarantees be in ex-
9 cess of \$3,000,000.

10 (3) RENTAL TO GOVERNMENT EMPLOYEES.—A
11 guarantee may be made under this subsection only
12 if the lessee agrees to permit the Secretary to utilize
13 for housing purposes any units for which the guar-
14 antee is made.

15 (4) FAILURE TO MAINTAIN A SATISFACTORY
16 LEVEL OF OPERATION AND MAINTENANCE.—The
17 lease shall be null and void if the lessee fails to
18 maintain a satisfactory level of operation and main-
19 tenance.

20 (i) JOINT DEVELOPMENT AUTHORITY.—The Sec-
21 retary may use authorities granted by statute in combina-
22 tion with one another in the furtherance of providing
23 where necessary and justified affordable field employee
24 housing.

1 (j) CONTRACTS FOR THE MANAGEMENT OF FIELD
2 EMPLOYEE QUARTERS.—

3 (1) GENERAL AUTHORITY.—Subject to the ap-
4 propriation of necessary funds in advance, the Sec-
5 retary may enter into contracts of any duration for
6 the management, repair, and maintenance of field
7 employee quarters.

8 (2) TERMS AND CONDITIONS.—Any such con-
9 tract shall contain such terms and conditions as the
10 Secretary deems necessary or appropriate to protect
11 the interests of the United States and assure that
12 necessary quarters are available to field employees.

13 (k) JOINT EMPLOYEE-AGENCY HOUSING PRO-
14 GRAMS.—

15 (1) SALE OF QUARTERS.—

16 (A) GENERAL AUTHORITY.—Notwithstand-
17 ing any other provision of law, the Secretary
18 may sell field employee quarters to field employ-
19 ees of the agency or a cooperative whose mem-
20 bership is made up exclusively of field employ-
21 ees of the agency.

22 (B) INTEREST IN LANDS.—The Secretary
23 may only sell a leasehold interest in lands at-
24 tendant to the sale of any quarters under sub-
25 paragraph (A).

1 (2) LEASE OF QUARTERS.—The Secretary may
2 lease Federal land to field employees of the National
3 Park Service or a cooperative made up of field em-
4 ployees of the National Park Service for purposes of
5 constructing employee housing.

6 (3) RIGHT OF FIRST REFUSAL.—The Secretary
7 shall have right of first refusal when any property
8 transferred under this subsection is for sale.

9 (4) COVENANTS.—The Secretary may establish
10 and enforce such covenants as may be appropriate to
11 the property, upon its sale by the Secretary under
12 this subsection.

13 (5) FAIR MARKET VALUE.—The Secretary may
14 sell or transfer employee quarters under this sub-
15 section for less than fair market value if the Sec-
16 retary determines that such a sale or transfer will
17 improve the quality of field employee quarters avail-
18 able and keep the quarters affordable at the salary
19 ranges of field employees normally occupying them.

20 (6) RULE OF CONSTRUCTION.—Disposal of em-
21 ployee quarters under this subsection to field em-
22 ployees and cooperatives whose membership is made
23 up exclusively of field employees shall not be consid-
24 ered disposal of excess Federal real property under

1 the Federal Property and Administrative Services
2 Act of 1949 (40 U.S.C. 471 et seq.).

3 (7) CONTINUING EMPLOYMENT REQUIRE-
4 MENT.—An individual may occupy employee quar-
5 ters under this subsection only if the individual or
6 a member of the family of the individual is employed
7 at the National Park System unit with respect to
8 which the quarters are made available.

9 (8) NOTICE.—The Secretary may not take any
10 action authorized pursuant to this section until 180
11 days after the Secretary submits a report to the ap-
12 propriate congressional committees respecting the
13 authority of this subsection.

14 (I) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

15 (1) GENERAL AUTHORITY.—Subject to para-
16 graph (2), the Secretary may lease quarters at or
17 near a unit of the national park system for use as
18 seasonal quarters for field employees. The rent
19 charged to field employees under such a lease shall
20 be a rate based on the reasonable value of the quar-
21 ters in accordance with requirements applicable
22 under section 5911 of title 5, United States Code.

23 (2) LIMITATION.—The Secretary may only
24 issue a lease under paragraph (1) if the Secretary
25 finds that there is a shortage of adequate and af-

1 fordable seasonal quarters at or near such unit and
2 that—

3 (A) the requirement for such seasonal field
4 employee quarters is temporary; or

5 (B) leasing would be more cost effective
6 than construction of new seasonal field em-
7 ployee quarters.

8 (3) UNRECOVERED COSTS.—The Secretary may
9 pay the unrecovered costs of leasing seasonal quar-
10 ters under this subsection from annual appropria-
11 tions for the year in which such lease is made.

12 (m) SURVEY OF EXISTING FACILITIES.—The Sec-
13 retary shall—

14 (1) complete a condition assessment for all field
15 employee housing, including the physical condition of
16 such housing and the necessity and suitability of
17 such housing for the effective prosecution of the
18 agency mission, using existing information; and

19 (2) develop a agency-wide priority listing, by
20 structure, identifying those units in greatest need
21 for repair, rehabilitation, replacement, or initial con-
22 struction.

23 (n) USE OF HOUSING-RELATED FUNDS.—Expendi-
24 ture of any funds authorized and appropriated for new
25 construction, repair, or rehabilitation of housing under

1 this section shall follow the housing priority listing estab-
2 lished by the agency under subsection (m), in sequential
3 order, to the maximum extent practicable.

4 (o) ANNUAL BUDGET SUBMITTAL.—The President’s
5 proposed budget to Congress for the first fiscal year begin-
6 ning after enactment of this Act, and for each subsequent
7 fiscal year, shall include identification of nonconstruction
8 funds to be spent for National Park Service housing main-
9 tenance and operations which are in addition to rental re-
10 ceipts collected.

11 (p) EMPLOYEE TRANSPORTATION.—The Secretary
12 may use applicable appropriations of the National Park
13 System for transportation to and from work, outside of
14 regular working hours, of field employees, residing in or
15 near a national park system unit, such transportation to
16 be between the unit and the city, or intervening points,
17 at reasonable rates to be determined by the Secretary tak-
18 ing into consideration, among other factors, comparable
19 rates charged by transportation companies in the locality
20 for similar services, the amounts collected for such trans-
21 portation to be credited to the current appropriation ac-
22 count available for administration of the national park
23 system unit concerned and shall be available to the Sec-
24 retary for obligation or expenditure. Any surplus proceeds
25 shall be retained by the agency for those purposes until

1 expended. If adequate transportation facilities are avail-
2 able, or shall be available by any common carrier, at rea-
3 sonable rates, then and in that event the services con-
4 templated by this subsection shall not be offered.

5 (q) STUDY OF HOUSING ALLOWANCES.—Within 12
6 months after the date of enactment of this Act, the Sec-
7 retary shall conduct a study to determine the feasibility
8 of providing eligible employees of the National Park Serv-
9 ice with housing allowances rather than government hous-
10 ing. The study shall specifically examine the feasibility of
11 providing rental allowances to temporary and lower paid
12 permanent employees. Whenever the Secretary submits a
13 copy of such study to the Office of Management and
14 Budget, he shall concurrently transmit copies of the report
15 to the Resources Committee of the United States House
16 of Representatives and the Committee on Energy and
17 Natural Resources of the United States Senate.

18 (r) GENERAL PROVISIONS.—

19 (1) CONSTRUCTION LIMITATIONS ON FEDERAL
20 LANDS.—The Secretary may not utilize any lands
21 for the purposes of providing field employee housing
22 under this section which could impact primary re-
23 source values of the area or adversely affect the mis-
24 sion of the agency. Any construction carried out

1 under this section shall be fully consistent with ap-
2 proved land management agency plans.

3 (2) RENTAL RATES.—The Secretary shall es-
4 tablish rental rates for all quarters occupied by field
5 employees of the National Park Service that are
6 based on the reasonable value of the quarters in ac-
7 cordance with requirements applicable under section
8 5911 of title 5, United States Code.

9 (3) EXEMPTION FROM LEASING REQUIRE-
10 MENTS.—The provisions of section 5 of the Act of
11 July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-
12 22), and section 321 of the Act of June 30, 1932
13 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to
14 leases issued by the Secretary under this section.

15 (s) PROCEEDS.—The proceeds from any lease under
16 subsection (g)(1)(A)(i), any lease under subsection (k)(2),
17 and any lease of seasonal quarters under subsection (l),
18 shall be retained by the National Park Service. Such pro-
19 ceeds shall be deposited into the special fund established
20 for maintenance and operation of quarters.

21 (t) DEFINITIONS.—For purposes of this section:

22 (1) The term “field employee” means—

23 (A) an employee of the National Park
24 Service who is exclusively assigned by the Na-

1 tional Park Service to perform duties at a field
2 unit, and the members of their family; and

3 (B) other individuals who are authorized to
4 occupy Government quarters under section
5 5911 of title 5, United States Code, and for
6 whom there is no feasible alternative to the pro-
7 vision of Government housing, and the members
8 of their family.

9 (3) The term “land management agency”
10 means the National Park Service, Department of the
11 Interior.

12 (4) The term “primary resource values” means
13 resources which are specifically mentioned in the en-
14 abling legislation or identified in the general man-
15 agement plan for that field unit or other resource
16 value recognized under Federal statute.

17 (5) The term “quarters” means quarters owned
18 or leased by the Government.

19 (6) The term “seasonal quarters” means quar-
20 ters typically occupied by field employees who are
21 hired on assignments of 6 months or less.

22 **SEC. 3. MINOR BOUNDARY REVISION AUTHORITY.**

23 Section 7(c) of the Land and Water Conservation
24 Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as
25 follows:

1 (1) In the first sentence, by striking “Committee on Natural” and inserting “Committee on”.

2
3 (2) By striking “: *Provided, however,*” and all
4 that follows through “1965” and inserting the following after the first sentence: “In all cases except
5 the case of technical boundary revisions (resulting
6 from such causes as survey error or changed road
7 alignments), the authority of the Secretary under
8 clause (i) shall apply only if each of the following
9 conditions is met:
10

11 “(1) The sum of the total acreage of lands, waters, and interests therein to be added to the area
12 and the total such acreage to be deleted from the
13 area is not more than 5 percent of the total Federal
14 acreage authorized to be included in the area and is
15 less than 200 acres in size.
16

17 “(2) The acquisition, if any, is not a major
18 Federal action significantly affecting the quality of
19 the human environment, as determined by the Secretary.
20

21 “(3) The sum of the total appraised value of
22 the lands, water, and interest therein to be added to
23 the area and the total appraised value of the lands,
24 waters, and interests therein to be deleted from the
25 area does not exceed \$750,000.

1 “(4) The proposed boundary revision is not an
2 element of a more comprehensive boundary modifica-
3 tion proposal.

4 “(5) The proposed boundary has been subject
5 to a public review and comment period.

6 “(6) The Director of the National Park Service
7 obtains written support for the boundary modifica-
8 tion from all property owners whose lands, water, or
9 interests therein, or a portion of whose lands, water,
10 or interests therein, will be added to or deleted from
11 the area by the boundary modification. Minor
12 boundary revisions involving only deletions of acre-
13 age owned by the Federal Government and adminis-
14 tered by the National Park Service may be made
15 only by Act of Congress.”.

16 **SEC. 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES**
17 **TO BE LOCATED OUTSIDE OF UNITS OF THE**
18 **NATIONAL PARK SYSTEM.**

19 Section 4 of the Act entitled “An Act to improve the
20 administration of the national park system by the Sec-
21 retary of the Interior, and to clarify the authorities appli-
22 cable to the system, and for other purposes” approved Au-
23 gust 18, 1970 (16 U.S.C. 1a–1 et seq.), is amended to
24 read as follows:

1 **“SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE**
2 **BOUNDARIES OF SYSTEM UNITS.**

3 “(a) **AUTHORITY.**—In order to facilitate the adminis-
4 tration of the national park system, the Secretary of the
5 Interior is authorized, under such terms and conditions
6 as he may deem advisable, to establish essential facilities
7 for park administration, visitor use, and park employee
8 residential housing outside the boundaries, but within the
9 vicinity, of units of the national park system for purposes
10 of assuring conservation, visitor use, and proper manage-
11 ment of such units. Such facilities, and the use thereof,
12 shall be in conformity with approved plans for the unit
13 concerned. The Secretary shall use existing facilities wher-
14 ever feasible. Such facilities may only be constructed by
15 the Secretary upon finding that location of such facilities
16 would—

17 “(1) avoid undue degradation of the primary
18 natural or cultural resources within the unit;

19 “(2) enhance service to the public; or

20 “(3) provide a cost saving to the Federal Gov-
21 ernment.

22 “(b) **AGREEMENTS, LEASES, GUIDELINES, AND CON-**
23 **STRUCTION.**—For the purpose of establishing facilities
24 under subsection (a):

25 “(1) The Secretary may enter into agreements
26 permitting the Secretary to use for such purposes

1 those Federal lands that the head of a Federal agen-
2 cy having primary authority over the administration
3 of such land and the Secretary determine to be suit-
4 able for such use.

5 “(2) The Secretary, under such terms and con-
6 ditions as the Secretary determines are reasonable,
7 may, subject to the appropriation of necessary funds
8 in advance, lease or acquire (from willing sellers
9 only) by purchase or donation, real property (other
10 than Federal land), for the purposes specified in this
11 section.

12 “(3) For real property acquired pursuant to
13 paragraph (2), the Secretary shall establish written
14 guidelines setting forth criteria to be used in deter-
15 mining whether the acquisition would—

16 “(A) reflect unfavorably upon the ability of
17 the Department or an employee to carry out its
18 responsibilities or official duties in a fair and
19 objective manner; or

20 “(B) compromise the integrity, or the ap-
21 pearance of integrity, of the Department’s pro-
22 grams or of any official involved in those pro-
23 grams.

24 “(4) The Secretary may, subject to the appro-
25 priation of necessary funds in advance, construct,

1 operate, and maintain such permanent and tem-
2 porary buildings and facilities as the Secretary
3 deems appropriate on land which is in the vicinity of
4 any unit of the national park system for which the
5 Secretary has acquired authority under this section,
6 except that the Secretary may not begin construc-
7 tion, operation, or maintenance of buildings or facili-
8 ties on land not owned by the United States until
9 the owner of such lands has entered into a binding
10 agreement with the Secretary, the terms of which
11 assure the continued use of such buildings and facili-
12 ties for a period of time commensurate with the level
13 of Federal investment.

14 “(c) COOPERATIVE AGREEMENTS AND JOINT VEN-
15 TURES FOR INFRASTRUCTURE FACILITIES.—The Sec-
16 retary is authorized, subject to the appropriation of nec-
17 essary funds in advance, to enter into cooperative agree-
18 ments or joint ventures with local or State governmental
19 agencies, other Federal agencies, Indian Tribes, and pri-
20 vate entities either on or off the lands subject to the juris-
21 diction of the Secretary, to provide appropriate and nec-
22 essary utility and other infrastructure facilities in support
23 of park administration, visitor use, and park employee res-
24 idential housing.”.

1 **SEC. 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL**
2 **REPORTING REQUIREMENTS.**

3 (a) REPEALS.—The following provisions are hereby
4 repealed:

5 (1) Section 302(c) of the Act entitled “An Act
6 to authorize the establishment of the Chattahoochee
7 River National Recreation Area in the State of
8 Georgia, and for other purposes (Public Law 95–
9 344; 92 Stat. 478; 16 U.S.C. 2302(c)).

10 (2) Section 503 of the Act of December 19,
11 1980 (Public Law 96–550; 94 Stat. 3228; 16 U.S.C.
12 410ii–2).

13 (3) Subsections (b) and (c) of section 4 of the
14 Act of October 15, 1982 (Public Law 97–335; 96
15 Stat. 1628; 16 U.S.C. 341 note).

16 (4) Section 7 of Public Law 89–671 (96 Stat.
17 1457; 16 U.S.C. 284f).

18 (5) Section 3(c) of the National Trails System
19 Act (Public Law 90–543; 82 Stat. 919; 16 U.S.C.
20 1242(c)).

21 (6) Section 4(b) of the Act of October 24, 1984
22 (Public Law 98–540; 98 Stat. 2720; 16 U.S.C. 1a–
23 8).

24 (7) Section 106(b) of the National Visitor Cen-
25 ter Facilities Act of 1968 (Public Law 90–264; 82
26 Stat. 44; 40 U.S.C. 805(b)).

1 (8) Section 6(f)(7) of the Act of September 3,
2 1964 (Public Law 88–578; 78 Stat. 900; 16 U.S.C.
3 460l–8(f)(7)).

4 (9) Subsection (b) of section 8 of the Act of
5 August 18, 1970 (Public Law 91–383; 90 Stat.
6 1940; 16 U.S.C. 1a–5(b)).

7 (10) The last sentence of section 10(a)(2) of
8 the National Trails System Act (Public Law 90–
9 543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

10 (11) Section 4 of the Act of October 31, 1988
11 (Public Law 100–573; 102 Stat. 2891; 16 U.S.C.
12 460o note).

13 (12) Section 104(b) of the Act of November 19,
14 1988 (Public Law 100–698; 102 Stat. 4621).

15 (13) Section 1015(b) of the Urban Park and
16 Recreation Recovery Act of 1978 (Public Law 95–
17 625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

18 (14) Section 105 of the Act of August 13, 1970
19 (Public Law 91–378; 16 U.S.C. 1705).

20 (15) Section 307(b) of the National Historic
21 Preservation Act (Public Law 89–665; 16 U.S.C.
22 470w–6(b)).

23 (b) AMENDMENTS.—The following provisions are
24 amended:

1 (1) Section 10 of the Archaeological Resources
2 Protection Act of 1979, by striking the last sentence
3 of subsection (c) (Public Law 96–95; 16 U.S.C.
4 470ii(e)).

5 (2) Section 5(c) of the Act of June 27, 1960
6 (Public Law 86–523; 16 U.S.C. 469a–3(c); 74 Stat.
7 220), by inserting a period after “Act” and striking
8 “and shall submit” and all that follows.

9 (3) Section 7(a)(3) of the Act of September 3,
10 1964 (Public Law 88–578; 78 Stat. 903; 16 U.S.C.
11 460l–9(a)(3)), by striking the last sentence.

12 (4) Section 111 of the Petroglyph National
13 Monument Establishment Act of 1990 (Public Law
14 101–313; 104 Stat. 278), by striking out the second
15 sentence.

16 (5) Section 307(a) of the National Historic
17 Preservation Act (Public Law 89–665; 16 U.S.C.
18 470w–6(a)) is amended by striking the first and sec-
19 ond sentences.

20 (6) Section 101(a)(1)(B) of the National His-
21 toric Preservation Act (Public Law 89–665; 16
22 U.S.C. 470a) by inserting a period after “Register”
23 the last place such term appears and by striking
24 “and submitted” and all that follows.

1 **SEC. 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE**
2 **NATIONAL PARK SERVICE.**

3 (a) IN GENERAL.—The first section of the Act enti-
4 tled “An Act to establish a National Park Service, and
5 for other purposes”, approved August 25, 1916 (39 Stat.
6 535; 16 U.S.C. 1; commonly referred to as the “National
7 Park Service Organic Act”), is amended in the first sen-
8 tence by striking “who shall be appointed by the Sec-
9 retary” and all that follows and inserting “who shall be
10 appointed by the President, by and with the advice and
11 consent of the Senate. The Director shall have substantial
12 experience and demonstrated competence in land manage-
13 ment and natural or cultural resource conservation. The
14 Director shall select two Deputy Directors. The first Dep-
15 uty Director shall have responsibility for National Park
16 Service operations, and the second Deputy Director shall
17 have responsibility for other programs assigned to the Na-
18 tional Park Service.”.

19 (b) EFFECTIVE DATE AND APPLICATION.—The
20 amendment made by subsection (a) shall take effect on
21 February 1, 1997, and shall apply with respect to the indi-
22 vidual (if any) serving as the Director of the National
23 Park Service on that date.

1 **SEC. 7. NATIONAL PARK SYSTEM ADVISORY BOARD AU-**
2 **THORIZATION.**

3 (a) NATIONAL PARK SYSTEM ADVISORY BOARD.—
4 Section 3 of the Act of August 21, 1935 (49 Stat. 667;
5 16 U.S.C. 463) is amended as follows:

6 (1) In subsection (a) by striking the first 3 sen-
7 tences and inserting in lieu thereof: “There is hereby
8 established a National Park System Advisory Board,
9 whose purpose shall be to advise the Director of the
10 National Park Service on matters relating to the
11 National Park Service, the National Park System,
12 and programs administered by the National Park
13 Service. The Board shall advise the Director on mat-
14 ters submitted to the Board by the Director as well
15 as any other issues identified by the Board. Mem-
16 bers of the Board shall be appointed on a staggered
17 term basis by the Secretary for a term not to exceed
18 4 years and shall serve at the pleasure of the Sec-
19 retary. The Board shall be comprised of no more
20 than 12 persons, appointed from among citizens of
21 the United States having a demonstrated commit-
22 ment to the mission of the National Park Service.
23 Board members shall be selected to represent var-
24 ious geographic regions, including each of the ad-
25 ministrative regions of the National Park Service. At
26 least 6 of the members shall have outstanding exper-

1 tise in 1 or more of the following fields: history, ar-
2 chaeology, anthropology, historical or landscape ar-
3 chitecture, biology, ecology, geology, marine science,
4 or social science. At least 4 of the members shall
5 have outstanding expertise and prior experience in
6 the management of national or State parks or pro-
7 tected areas, or national or cultural resources man-
8 agement. The remaining members shall have out-
9 standing expertise in 1 or more of the areas de-
10 scribed above or in another professional or scientific
11 discipline, such as financial management, recreation
12 use management, land use planning or business
13 management, important to the mission of the Na-
14 tional Park Service. At least 1 individual shall be a
15 locally elected official from an area adjacent to a
16 park. The Board shall hold its first meeting by no
17 later than 60 days after the date on which all mem-
18 bers of the Advisory Board who are to be appointed
19 have been appointed. Any vacancy in the Board shall
20 not affect its powers, but shall be filled in the same
21 manner in which the original appointment was
22 made. The Board may adopt such rules as may be
23 necessary to establish its procedures and to govern
24 the manner of its operations, organization, and per-
25 sonnel. All members of the Board shall be reim-

1 bursed for travel and per diem in lieu of subsistence
2 expenses during the performance of duties of the
3 Board while away from home or their regular place
4 of business, in accordance with subchapter 1 of
5 chapter 57 of title 5, United States Code. With the
6 exception of travel and per diem as noted above, a
7 member of the Board who is otherwise an officer or
8 employee of the United States Government shall
9 serve on the Board without additional compensa-
10 tion.”.

11 (2) By redesignating subsections (b) and (c) as
12 (f) and (g) and by striking from the first sentence
13 of subsection (f), as so redesignated “1995” and in-
14 serting in lieu thereof “2006”.

15 (3) By adding the following new subsections
16 after subsection (a):

17 “(b)(1) The Secretary is authorized to hire 2 full-
18 time staffers to meet the needs of the Advisory Board.

19 “(2) Service of an individual as a member of the
20 Board shall not be considered as service or employment
21 bringing such individual within the provisions of any Fed-
22 eral law relating to conflicts of interest or otherwise im-
23 posing restrictions, requirements, or penalties in relation
24 to the employment of persons, the performance of services,
25 or the payment or receipt of compensation in connection

1 with claims, proceedings, or matters involving the United
2 States. Service as a member of the Board, or as an em-
3 ployee of the Board, shall not be considered service in an
4 appointive or elective position in the Government for pur-
5 poses of section 8344 of title 5, United States Code, or
6 comparable provisions of Federal law.

7 “(c)(1) Upon request of the Director, the Board is
8 authorized to—

9 “(A) hold such hearings and sit and act at such
10 times,

11 “(B) take such testimony,

12 “(C) have such printing and binding done,

13 “(D) enter into such contracts and other ar-
14 rangements,

15 “(E) make such expenditures, and

16 “(F) take such other actions,

17 as the Board may deem advisable. Any member of the
18 Board may administer oaths or affirmations to witnesses
19 appearing before the Board.

20 “(2) The Board may establish committees or sub-
21 committees. Any such subcommittees or committees shall
22 be chaired by a voting member of the Board.

23 “(d) The provisions of the Federal Advisory Commit-
24 tee Act shall apply to the Board established under this
25 section with the exception of section 14(b).

1 “(e)(1) The Board is authorized to secure directly
2 from any office, department, agency, establishment, or in-
3 strumentality of the Federal Government such information
4 as the Board may require for the purpose of this section,
5 and each such officer, department, agency, establishment,
6 or instrumentality is authorized and directed to furnish,
7 to the extent permitted by law, such information, sugges-
8 tions, estimates, and statistics directly to the Board, upon
9 request made by a member of the Board.

10 “(2) Upon the request of the Board, the head of any
11 Federal department, agency, or instrumentality is author-
12 ized to make any of the facilities and services of such de-
13 partment, agency, or instrumentality to the Board, on a
14 nonreimbursable basis, to assist the Board in carrying out
15 its duties under this section.

16 “(3) The Board may use the United States mails in
17 the same manner and under the same conditions as other
18 departments and agencies in the United States.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the National Park
21 System Advisory Board \$200,000 per year to carry out
22 the provisions of section 3 of the Act of August 21, 1935
23 (49 Stat. 667; 16 U.S.C. 463).

24 (c) EFFECTIVE DATE.—This section shall take effect
25 on December 7, 1997.

1 **SEC. 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY.**

2 (a) DEFINITIONS.—For purposes of this section—

3 (1) The term “challenge cost-share agreement”
4 means any agreement entered into between the Sec-
5 retary and any cooperator for the purpose of sharing
6 costs or services in carrying out authorized functions
7 and responsibilities of the Secretary of the Interior
8 with respect to any unit or program of the National
9 Park System (as defined in section 2(a) of the Act
10 of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated
11 area, or any designated National Scenic or Historic
12 Trail.

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

17 (b) CHALLENGE COST-SHARE AGREEMENTS.—The
18 Secretary of the Interior is authorized to negotiate and
19 enter into challenge cost-share agreements with coopera-
20 tors.

21 (c) USE OF FEDERAL FUNDS.—In carrying out chal-
22 lenge cost-share agreements, the Secretary of the Interior
23 is authorized to provide the Federal funding share from
24 any funds available to the National Park Service.

1 **SEC. 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK**
2 **RESOURCES.**

3 Public Law 101–337 is amended as follows:

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

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

10 (2) In section 1 (16 U.S.C. 19jj) by adding at
11 the end thereof the following:

12 “(g) ‘Marine or aquatic park system resource’ means
13 any living or non-living part of a marine or aquatic regi-
14 men within or is a living part of a marine or aquatic regi-
15 men within the boundaries of a unit of the National Park
16 System, except for resources owned by a non-Federal en-
17 tity.”.

18 (3) In section 2(b) (16 U.S.C. 19jj–1(b)), by in-
19 sserting “any marine or aquatic park resource” after
20 “any park system resource”.

Passed the House of Representatives September 17,
1996.

Attest:

ROBIN H. CARLE,

Clerk.