

107TH CONGRESS  
1ST SESSION

# H. R. 359

To authorize the Secretary of the Interior to set aside up to \$2 per person from park entrance fees or assess up to \$2 per person visiting the Grand Canyon National Park and certain other units of the National Park System to secure bonds for capital improvements to these parks, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Mr. KOLBE introduced the following bill; which was referred to the Committee on Resources

---

## A BILL

To authorize the Secretary of the Interior to set aside up to \$2 per person from park entrance fees or assess up to \$2 per person visiting the Grand Canyon National Park and certain other units of the National Park System to secure bonds for capital improvements to these parks, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “National Parks Capital Improvements Act of 2001”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Fundraising organization.
- Sec. 4. Memorandum of agreement.
- Sec. 5. National park surcharge or set-aside.
- Sec. 6. Use of bond proceeds.
- Sec. 7. Administration.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) FUNDRAISING ORGANIZATION.—The term  
 6 “fundraising organization” means an entity author-  
 7 ized to act as a fundraising organization under sec-  
 8 tion 3(a).

9 (2) MEMORANDUM OF AGREEMENT.—The term  
 10 “memorandum of agreement” means a memo-  
 11 randum of agreement entered into by the Secretary  
 12 under section 3(a) that contains the terms specified  
 13 in section 4.

14 (3) NATIONAL PARK FOUNDATION.—The term  
 15 “National Park Foundation” means the foundation  
 16 established under Public Law 90–209 (16 U.S.C.  
 17 19e et seq.).

18 (4) NATIONAL PARK.—The term “national  
 19 park” means—

20 (A) the Grand Canyon National Park; and

21 (B) any other unit of the National Park

22 System designated by the Secretary that has an

1 approved general management plan with capital  
2 needs in excess of \$5,000,000.

3 (5) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 **SEC. 3. FUNDRAISING ORGANIZATION.**

6 (a) IN GENERAL.—The Secretary may enter into a  
7 memorandum of agreement under section 4 with an entity  
8 to act as an authorized fundraising organization for the  
9 benefit of a national park.

10 (b) BONDS.—The fundraising organization for a na-  
11 tional park shall issue taxable bonds in return for the sur-  
12 charge or set-aside for that national park collected under  
13 section 5.

14 (c) PROFESSIONAL STANDARDS.—The fundraising  
15 organization shall abide by all relevant professional stand-  
16 ards regarding the issuance of securities and shall comply  
17 with all applicable Federal and State law.

18 (d) AUDIT.—The fundraising organization shall be  
19 subject to an audit by the Secretary.

20 (e) NO LIABILITY FOR BONDS.—

21 (1) IN GENERAL.—The United States shall not  
22 be liable for the security of any bonds issued by the  
23 fundraising organization.

24 (2) EXCEPTION.—If the surcharge or set-aside  
25 described in section 5(a) for a national park is not

1 imposed for any reason, or if the surcharge or set-  
2 aside is reduced or eliminated, the full faith and  
3 credit of the United States is pledged to the pay-  
4 ment of—

5 (A) the bonds issued by a fundraising or-  
6 ganization under subsection (b) for that na-  
7 tional park; and

8 (B) the interest accruing on the bonds.

9 **SEC. 4. MEMORANDUM OF AGREEMENT.**

10 The fundraising organization shall enter into a  
11 memorandum of agreement that specifies—

12 (1) the amount of the bond issue;

13 (2) the maturity of the bonds, not to exceed 20  
14 years;

15 (3) the per capita amount required to amortize  
16 the bond issue, provide for the reasonable costs of  
17 administration, and maintain a sufficient reserve  
18 consistent with industry standards;

19 (4) the project or projects at the national park  
20 that will be funded with the bond proceeds and the  
21 specific responsibilities of the Secretary and the  
22 fundraising organization with respect to each  
23 project; and

24 (5) procedures for modifications of the agree-  
25 ment with the consent of both parties based on

1 changes in circumstances, including modifications  
2 relating to project priorities.

3 **SEC. 5. NATIONAL PARK SURCHARGE OR SET-ASIDE.**

4 (a) IN GENERAL.—Notwithstanding any other provi-  
5 sion of law, the Secretary may authorize the super-  
6 intendent of a national park for which a memorandum of  
7 agreement is in effect—

8 (1) to charge and collect a surcharge in an  
9 amount not to exceed \$2 for each individual other-  
10 wise subject to an entrance fee for admission to the  
11 national park; or

12 (2) to set aside not more than \$2 for each indi-  
13 vidual charged the entrance fee.

14 (b) SURCHARGE IN ADDITION TO ENTRANCE  
15 FEES.—A surcharge under subsection (a) shall be in addi-  
16 tion to any entrance fee collected pursuant to—

17 (1) section 4 of the Land and Water Conserva-  
18 tion Fund Act of 1965 (16 U.S.C. 460l–6a);

19 (2) the Recreational Fee Demonstration Pro-  
20 gram authorized by section 315 of the Department  
21 of the Interior and Related Agencies Appropriations  
22 Act, 1996 (as contained in section 101(e) of Public  
23 Law 104–134; 16 U.S.C. 460l–6a note); or

1           (3) the national park passport program under  
2           title VI of the National Parks Omnibus Management  
3           Act of 1998 (16 U.S.C. 5991 et seq.).

4           (c) LIMITATION.—The total amount charged or set  
5           aside under subsection (a) may not exceed \$2 for each  
6           individual charged an entrance fee.

7           (d) USE.—A surcharge or set-aside under subsection  
8           (a) shall be used by the fundraising organization to—

9                   (1) amortize the bond issue;

10                   (2) provide for the reasonable costs of adminis-  
11           tration; and

12                   (3) maintain a sufficient reserve consistent with  
13           industry standards, as determined by the bond un-  
14           derwriter.

15           (e) EXCESS FUNDS.—Any funds collected in excess  
16           of the amount necessary to fund the uses in subsection  
17           (d) shall be remitted to the National Park Foundation to  
18           be used for the benefit of all units of the National Park  
19           System.

20   **SEC. 6. USE OF BOND PROCEEDS.**

21           (a) ELIGIBLE PROJECTS.—

22                   (1) IN GENERAL.—Subject to paragraph (2),  
23           bond proceeds under this Act may be used for a  
24           project for the design, construction, operation, main-

1       tenance, repair, or replacement of a facility in the  
2       national park for which the bond was issued.

3               (2) PROJECT LIMITATIONS.—A project referred  
4       to in paragraph (1) shall be consistent with—

5                       (A) the laws governing the National Park  
6       System;

7                       (B) any law governing the national park in  
8       which the project is to be completed; and

9                       (C) the general management plan for the  
10      national park.

11               (3) PROHIBITION ON USE FOR ADMINISTRA-  
12      TION.—Other than interest as provided in subsection  
13      (b), no part of the bond proceeds may be used to de-  
14      fray administrative expenses.

15               (b) INTEREST ON BOND PROCEEDS.—

16                       (1) AUTHORIZED USES.—Any interest earned  
17      on bond proceeds may be used by the fundraising  
18      organization—

19                               (A) to meet reserve requirements; and

20                               (B) to defray reasonable administrative ex-  
21      penses incurred in connection with the manage-  
22      ment and sale of the bonds.

23               (2) EXCESS INTEREST.—All interest on bond  
24      proceeds not used for purposes of paragraph (1)  
25      shall be remitted to the National Park Foundation

1 for the benefit of all units of the National Park Sys-  
2 tem.

3 **SEC. 7. ADMINISTRATION.**

4 The Secretary, in consultation with the Secretary of  
5 Treasury, shall promulgate regulations to carry out this  
6 Act.

○