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H. R. 4476

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Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Park System
5 Reform Act of 1994”.

6 **TITLE I—NATIONAL PARK**
7 **SYSTEM PLAN**

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

9 (a) PREPARATION OF PLAN.—The Secretary of the
10 Interior (hereinafter in this Act referred to as the “Sec-

1 retary’), acting through the Director of the National Park
2 Service, shall prepare a National Park System Plan (here-
3 inafter in this Act referred to as the “plan”) to guide the
4 direction of the National Park System into the next cen-
5 tury. The plan shall include each of the following:

6 (1) A statement of goals and objectives for use
7 in defining the mission and role of the National
8 Park Service in preserving our national natural and
9 cultural heritage, relative to other efforts at the
10 Federal, State, local, and private levels.

11 (2) Detailed criteria to be used in determining
12 which natural and cultural resources are appropriate
13 for inclusion as units of the National Park System.

14 (3) Identification of what constitutes adequate
15 representation of a particular resource type and
16 which aspects of the national heritage are adequately
17 represented in the existing National Park System or
18 in other protected areas.

19 (4) Identification of appropriate aspects of the
20 national heritage not currently represented in the
21 National Park System.

22 (5) 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 represen-
25 tation of our Nation’s heritage.

1 (6) A statement of the role of the National
2 Park Service with respect to such topics as preserva-
3 tion of natural areas and ecosystems, preservation of
4 industrial America, preservation of nonphysical cul-
5 tural resources, and provision of outdoor recreation
6 opportunities.

7 (7) A statement of what areas constitute units
8 of the National Park System and the distinction be-
9 tween units of the system, affiliated areas, and other
10 areas within the system.

11 (b) CONSULTATION.—During the preparation of the
12 plan under subsection (a), the Secretary shall consult with
13 other Federal land managing agencies, State and local of-
14 ficials, the National Park System Advisory Board, re-
15 source management, recreation and scholarly organiza-
16 tions and other interested parties as the Secretary deems
17 advisable. These consultations shall also include appro-
18 priate opportunities for public review and comment.

19 (c) TRANSMITTAL TO CONGRESS.—Prior to the end
20 of the third complete fiscal year commencing after the
21 date of enactment of this Act, the Secretary shall transmit
22 the plan developed under this section to the Committee
23 on Natural Resources of the United States House of Rep-
24 resentatives and the Committee on Energy and Natural
25 Resources of the United States Senate.

1 **SEC. 102. MANAGEMENT REVIEW OF NATIONAL PARK SYS-**
2 **TEM.**

3 (a) REVIEW.—(1) Using the National Park System
4 Plan prepared pursuant to section 101 as a guide, the Sec-
5 retary shall review the existing National Park System to
6 determine whether there are more appropriate alternatives
7 for managing specific units or portions of units within the
8 system, including partnerships or direct management by
9 States, local governments, other agencies and the private
10 sector. The Secretary shall develop a report which contains
11 a list of areas within the National Park System where Na-
12 tional Park Service management should be modified or
13 terminated.

14 (2) In developing the list under paragraph (1), the
15 Secretary shall consider such factors as duplication within
16 the National Park System, better representation of a par-
17 ticular resource type under management of another entity,
18 lack of significance, lack of management feasibility, cost,
19 lack of visitor accessibility, modifications that change the
20 character of the resource, lack of collaboration to protect
21 resources, suitability for management by another agency,
22 and the compatibility of the resource with the present mis-
23 sion and role of the National Park Service.

24 (3) For any areas for which termination of National
25 Park Service management is recommended, the Secretary
26 shall make recommendations regarding management by an

1 entity or entities other than the National Park Service.
2 For any area determined to have national significance,
3 prior to including such area on the list under paragraph
4 (1) the Secretary shall identify feasible alternatives to Na-
5 tional Park Service management which will protect the re-
6 sources thereof and assure continued public access there-
7 to.

8 (b) CONSULTATION.—In developing the list referred
9 to in subsection (a), the Secretary shall consult with other
10 Federal land managing agencies, State and local officials,
11 the National Park System Advisory Board, resource man-
12 agement, recreation and scholarly organizations and other
13 interested parties as the Secretary deems advisable. These
14 consultations shall also include appropriate opportunities
15 for public review and comment.

16 (c) TRANSMITTAL TO CONGRESS.—Not later than 1
17 year after the Secretary completes the plan referred to in
18 section 101 of this Act, the Secretary shall transmit the
19 report developed under this section simultaneously to the
20 Natural Resources Committee of the United States House
21 of Representatives and the Committee on Energy and
22 Natural Resources of the United States Senate. The re-
23 port shall contain the recommendations of the Secretary
24 concerning modifications or termination of National Park
25 Service management for any areas within the National

1 Park System and the recommendations regarding alter-
2 native management by an entity or entities other than the
3 National Park Service.

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

5 (a) ESTABLISHMENT OF COMMISSION.—If the Sec-
6 retary fails to transmit the report developed under section
7 102 within the 1-year period specified in section 102, a
8 National Park System Review Commission shall be estab-
9 lished to review existing National Park System units to
10 determine whether there are more appropriate alternatives
11 for managing specific units or portions thereof. Within one
12 year after the date of its establishment, the Commission
13 shall prepare and transmit to the Natural Resources Com-
14 mittee of the United States House of Representatives and
15 the Committee on Energy and Natural Resources of the
16 United States Senate a report containing a list of National
17 Park System units or portions thereof where National
18 Park Service management should be modified or termi-
19 nated. In developing the list, the Commission shall con-
20 sider the factors referred to in section 102(a)(2). For any
21 listed areas, the Commission shall suggest alternative
22 management by an entity or entities other than the Na-
23 tional Park Service, and for any area determined to have
24 national significance, prior to including such area on the
25 list the Commission shall identify feasible alternatives to

1 National Park Service management which will protect the
2 resources of the area and assure continued public access
3 to thereto. In developing the list, the Commission shall
4 consult with other Federal land managing agencies, State
5 and local officials, the National Park System Advisory
6 Board, resource management, recreation and scholarly or-
7 ganizations and other interested parties as the Secretary
8 deems advisable. These consultations shall also include ap-
9 propriate opportunities for public review and comment.

10 (b) MEMBERSHIP AND APPOINTMENT.—The Com-
11 mission shall consist of 7 members each of whom shall
12 have substantial familiarity with, and understanding of,
13 the National Park System. Three members of the Com-
14 mission, one of whom shall be the Director of the National
15 Park Service, shall be appointed by the Secretary. Two
16 members shall be appointed by the Speaker of the United
17 States House of Representatives and two shall be ap-
18 pointed by the President Pro Tem of the United States
19 Senate. Each member shall be appointed within 3 months
20 after the expiration of the 1-year period specified in sec-
21 tion 102(c).

22 (c) CHAIR.—The Commission shall elect a chair from
23 among its members.

24 (d) VACANCIES.—Vacancies occurring on the Com-
25 mission shall not affect the authority of the remaining

1 members of the Commission to carry out the functions of
2 the Commission. Any vacancy in the Commission shall be
3 promptly filled in the same manner in which the original
4 appointment was made.

5 (e) QUORUM.—A simple majority of Commission
6 members shall constitute a quorum.

7 (f) MEETINGS.—The Commission shall meet at least
8 quarterly or upon the call of the chair or a majority of
9 the members of the Commission.

10 (g) COMPENSATION.—Members of the Commission
11 shall serve without compensation as such. Members of the
12 Commission, when engaged in official Commission busi-
13 ness, shall be entitled to travel expenses, including per
14 diem in lieu of subsistence, in the same manner as persons
15 employed intermittently in government service under sec-
16 tion 5703 of title 5, United States Code.

17 (h) TERMINATION.—The Commission established
18 pursuant to this section shall terminate 90 days after the
19 transmittal of the report to Congress as provided in sub-
20 section (a).

21 (i) LIMITATION ON NATIONAL PARK SERVICE
22 STAFF.—The Commission may hire staff to carry out its
23 assigned responsibilities. Not more than one-half of the
24 professional staff of the Commission shall be made up of
25 current employees of the National Park Service.

1 (j) STAFF OF OTHER AGENCIES.—Upon the request
2 of the Commission, the head of any Federal agency may
3 detail, on a reimbursable basis, any of the personnel of
4 such agency to the Commission to assist the Commission.

5 (k) EXPERTS AND CONSULTANTS.—Subject to such
6 rules as may be adopted by the Commission, the Commis-
7 sion may procure temporary and intermittent services to
8 the same extent as authorized by section 3109(b) of title
9 5, United States Code, but at rates determined by the
10 Commission to be advisable.

11 (l) POWERS OF THE COMMISSION.—(1) The Commis-
12 sion shall for the purpose of carrying out this title hold
13 such public hearings, sit and act at such times and places,
14 take such testimony, and receive such evidence as the
15 Commission deems advisable.

16 (2) The Commission may make such bylaws, rules,
17 and regulations, consistent with this title, as it considers
18 necessary to carry out its functions under this title.

19 (3) When so authorized by the Commission any mem-
20 ber or agent of the Commission may take any action which
21 the Commission is authorized to take by this section.

22 (4) The Commission may use the United States mails
23 in the same manner and upon the same conditions as
24 other departments and agencies of the United States.

1 (5) The Secretary shall provide to the Commission
2 any information available to the Secretary and requested
3 by the Commission regarding the plan referred to in sec-
4 tion 101 and any other information requested by the Com-
5 mission which is relevant to the duties of the Commission
6 and available to the Secretary.

7 **TITLE II—NEW AREA** 8 **ESTABLISHMENT**

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

10 Section 8 of the Act of August 18, 1970, entitled “An
11 Act to improve the administration of the national park
12 system by the Secretary of the Interior, and to clarify the
13 authorities applicable to the system, and for other pur-
14 poses” (16 U.S.C. 1a-1 and following) is amended as fol-
15 lows:

16 (1) By inserting “GENERAL AUTHORITY.—”
17 after “(a)”.

18 (2) By striking the second through the seventh
19 sentences of subsection (a).

20 (3) By redesignating the last sentence of sub-
21 section (a) as subsection (e) and inserting in such
22 sentence before the words “For the purposes of car-
23 rying” the following: “(e) AUTHORIZATION OF AP-
24 PROPRIATIONS.—”.

25 (4) By striking subsection (b).

1 (5) By inserting the following after subsection

2 (a):

3 “(b) STUDIES OF AREAS FOR POTENTIAL ADDI-
4 TION.—(1) At the beginning of each calendar year, along
5 with the annual budget submission, the Secretary shall
6 submit to the Committee on Natural Resources of the
7 House of Representatives and to the Committee on En-
8 ergy and Natural Resources of the United States Senate
9 a list of areas recommended for study for potential inclu-
10 sion in the National Park System.

11 “(2) In developing the list to be submitted under this
12 subsection, the Secretary shall give consideration to those
13 areas that have the greatest potential to meet the estab-
14 lished criteria of national significance, suitability, and fea-
15 sibility. The Secretary shall give special consideration to
16 themes, sites, and resources not already adequately rep-
17 resented in the National Park System as identified in the
18 National Park System Plan to be developed under section
19 101 of the National Park System Reform Act of 1994.
20 No study of the potential of an area for inclusion in the
21 National Park System may be initiated after the date of
22 enactment of this section, except as provided by specific
23 authorization of an Act of Congress. Nothing in this Act
24 shall limit the authority of the National Park Service to
25 conduct preliminary resource assessments, gather data on

1 potential study areas, provide technical and planning as-
2 sistance, prepare or process nominations for administra-
3 tive designations, update previous studies, or complete re-
4 connaissance surveys of individual areas requiring a total
5 expenditure of less than \$25,000. Nothing in this section
6 shall be construed to apply to or to affect or alter the
7 study of any river segment for potential addition to the
8 national wild and scenic rivers system or to apply to or
9 to affect or alter the study of any trail for potential addi-
10 tion to the national trails system.

11 “(c) REPORT.—The Secretary shall complete the
12 study for each area for potential inclusion into the Na-
13 tional Park System within 3 complete fiscal years follow-
14 ing the date of enactment of specific legislation providing
15 for the study of such area. Each study under this section
16 shall be prepared with appropriate opportunity for public
17 involvement, including at least one public meeting in the
18 vicinity of the area under study, and reasonable efforts
19 to notify potentially affected landowners and State and
20 local governments. In conducting the study, the Secretary
21 shall consider whether the area under study—

22 “(1) possesses nationally significant natural or
23 cultural resources, or outstanding recreational op-
24 portunities, and that it represents one of the most

1 important examples of a particular resource type in
2 the country; and

3 “(2) is a suitable and feasible addition to the
4 system.

5 Each study shall consider the following factors with regard
6 to the area being studied: the rarity and integrity of the
7 resources, the threats to those resources, whether similar
8 resources are already protected in the National Park Sys-
9 tem or in other Federal, state or private ownership, the
10 public use potential, the interpretive and educational po-
11 tential, costs associated with acquisition, development and
12 operation, the socioeconomic impacts of any designation,
13 the level of local and general public support and whether
14 the unit is of appropriate configuration to ensure long
15 term resource protection and visitor use. Each such study
16 shall also consider whether direct National Park Service
17 management or alternative protection by other agencies or
18 the private sector is appropriate for the area. Each such
19 study shall identify what alternative or combination of al-
20 ternatives would in the professional judgment of the Di-
21 rector of the National Park Service, be most effective and
22 efficient in protecting significant resources and providing
23 for public enjoyment. The letter transmitting each com-
24 pleted study to Congress shall contain a recommendation

1 regarding the Administration's preferred management op-
2 tion for the area.

3 “(d) 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 Natural Re-
6 sources of the House of Representatives and to the Com-
7 mittee on Energy and Natural Resources of the United
8 States Senate a list of areas which have been previously
9 studied which contain primarily cultural or historical re-
10 sources and a list of areas which have been previously
11 studied which contain primarily natural resources in nu-
12 merical order of priority for addition to the National Park
13 System. In developing the list, the Secretary should con-
14 sider threats to resource values, cost escalation factors and
15 other factors listed in subsection (c) of this section.”.

Passed the House of Representatives September 28,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.