

Union Calendar No. 439

103^D CONGRESS
2^D SESSION

H. R. 4533

[Report No. 103-793]

A BILL

To promote entrepreneurial management of the
National Park Service, and for other purposes.

OCTOBER 3, 1994

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

MAY 26, 1994

Mr. VENTO (by request) introduced the following bill; which was referred to
the Committee on Natural Resources

OCTOBER 3, 1994

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[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 May 26, 1994]

A BILL

To promote entrepreneurial management of the National
Park Service, 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 Service*
5 *Entrepreneurial Management Reform Act of 1994".*

1 **SEC. 2. FEES.**

2 (a) *ADMISSION FEES.*—Section 4(a) of the Land and
3 *Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4*
4 *and following)* is amended as follows:

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

7 (2) *By amending the second sentence of para-*
8 *graph (1)(A)(i) to read as follows: “The permittee and*
9 *the accompanying spouse, children, and parents of the*
10 *permittee shall be entitled to general admission into*
11 *any area designated pursuant to this section.”.*

12 (3) *By modifying the margin of clause (ii) of*
13 *paragraph (1)(A) to align with the margin of clause*
14 *(i).*

15 (4) *By inserting at the end of clause (ii) of para-*
16 *graph (1)(A) the following: “Such receipts shall be*
17 *made available, subject to appropriation, for author-*
18 *ized resource protection, rehabilitation, and conserva-*
19 *tion projects as provided for by subsection (i), includ-*
20 *ing projects to be carried out by the Public Land*
21 *Corps or any other conservation corps pursuant to the*
22 *Youth Conservation Corps Act of 1970 (16 U.S.C.*
23 *1701 and following), or other related programs or au-*
24 *thorities, on lands administered by the Secretary of*
25 *the Interior and the Secretary of Agriculture.”.*

1 (5) *In paragraph (1)(B), by striking “\$15” and*
2 *inserting “\$25” and by adding at the end the follow-*
3 *ing new sentence: “Any amount by which the fee for*
4 *such an annual permit exceeds \$15 shall be credited*
5 *to the appropriation account of the unit of the Na-*
6 *tional Park System that collected the fee, shall be*
7 *available to the unit without further appropriation,*
8 *and shall remain available until expended.”.*

9 (6) *In paragraph (2), by inserting “(A)” after*
10 *“(2)”, by striking the fifth and sixth sentences, by*
11 *amending the fourth sentence to read as follows: “The*
12 *fee for a single-visit permit at any designated area*
13 *shall be not more than \$6 per person for persons en-*
14 *tering by any means, except that the fee shall not ex-*
15 *ceed \$20 for all persons entering a designated area in*
16 *a single noncommercial vehicle.”, and by adding at*
17 *the end the following new subparagraph:*

18 *“(B) The Secretary shall establish a pilot project*
19 *at Yosemite National Park that utilizes incentives, in-*
20 *cluding waiving or reducing admission fees, to en-*
21 *courage use of public transit which serves the purpose*
22 *of reducing vehicular traffic within Yosemite National*
23 *Park.”.*

24 (7) *In paragraph (3), by striking the last sen-*
25 *tence.*

1 (8) *In paragraph (4), by striking “No other free*
2 *permits shall be issued to any person” and inserting*
3 *“No other free permits shall be issued to any person,*
4 *except as otherwise provided by this subsection”.*

5 (9) *In paragraph (4), by amending the second*
6 *sentence to read as follows: “Such permit shall be*
7 *nontransferable, shall be issued for a one-time charge*
8 *of \$10, and shall entitle the permittee and the accom-*
9 *panying spouse of the permittee to general admission*
10 *into any area designated pursuant to this sub-*
11 *section.”.*

12 (10) *In paragraph (6) by striking “on Interior*
13 *and Insular Affairs” and inserting “on Natural*
14 *Resources”.*

15 (11) *In paragraph (9), by striking “San Juan*
16 *National Historic Site, and Canaveral National Sea-*
17 *shore” and inserting “and San Juan National His-*
18 *toric Site” and by adding the following at the end*
19 *thereof: “The Secretary of the Interior shall submit a*
20 *report to the Congress within 6 months after the en-*
21 *actment of this sentence respecting the areas at which*
22 *the Secretary determines admission fees would be ap-*
23 *propriate but at which such fees are prohibited by law*
24 *and respecting each area at which such fees are au-*
25 *thorized but not being collected (including an expla-*

1 *nation of the reasons that such fees are not being*
2 *collected).”.*

3 (12) *By amending paragraph (11) to read as*
4 *follows:*

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

9 (b) *PENALTY.—Section 4(e) of the Land and Water*
10 *Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and fol-*
11 *lowing) is amended by striking “\$100” and inserting*
12 *“\$1,000”.*

13 (c) *TECHNICAL AMENDMENTS.—(1) Section 4(h) of the*
14 *Land and Water Conservation Fund Act of 1965 (16 U.S.C.*
15 *460l–4 and following) is amended by striking “on Interior*
16 *and Insular Affairs of the United States House of Rep-*
17 *resentatives and United States Senate” and inserting “on*
18 *Natural Resources of the United States House of Represent-*
19 *atives and on Energy and Natural Resources of the United*
20 *States Senate”, by striking “Bureau of Outdoor Recre-*
21 *ation” and inserting “National Park Service”, and by*
22 *striking “Bureau” and inserting “National Park Service”.*

23 (2) *Section 4(g) of the Land and Water Conservation*
24 *Fund Act of 1965 (16 U.S.C. 460l–4 and following) is*

1 amended by striking “or charges for commercial or other
2 activities not related to recreation”.

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

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

7 (2) In the first sentence of paragraph (1)(B), by
8 striking “fee collection costs for that fiscal year” and
9 inserting “fee collection costs for the immediately pre-
10 ceding fiscal year” and by striking “section in that
11 fiscal year” and inserting “section in such imme-
12 diately preceding fiscal year”.

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

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

17 “(C) Notwithstanding subparagraph (A) and notwith-
18 standing any other provision of law, for fiscal years after
19 fiscal year 1995, the amount by which the receipts collected
20 pursuant to this section by the National Park Service (ex-
21 cept for the portion of fee receipts withheld as provided in
22 subparagraph (B) for fee collection costs) exceeds the re-
23 ceipts collected pursuant to this section by the National
24 Park Service in fiscal year 1993 shall be covered into a
25 special fund established in the Treasury of the United

1 *States to be known as the 'National Park Renewal Fund'.*
2 *Amounts in such fund shall be available to the Secretary*
3 *of the Interior, without further appropriation, for resource*
4 *protection, research, interpretation, and maintenance ac-*
5 *tivities related to resource protection and visitor enjoyment*
6 *in areas managed by the National Park Service and shall*
7 *be allocated among national park system units in accord-*
8 *ance with subsection (j). Such amounts shall remain avail-*
9 *able until expended. The Secretary shall develop procedures*
10 *for the use of amounts in the fund that ensure accountabil-*
11 *ity and demonstrated results consistent with the purposes*
12 *of this Act. Beginning after the first full fiscal year follow-*
13 *ing enactment of this subparagraph, the Secretary shall*
14 *submit an annual report to Congress, on a unit-by-unit*
15 *basis, detailing the fees receipts collected pursuant to this*
16 *section and the expenditures of such receipts."*

17 *(e) TIME OF REIMBURSEMENT.—Section 4(k) of the*
18 *Land and Water Conservation Fund Act of 1965 (16 U.S.C.*
19 *460l–4 and following) is amended by striking the last*
20 *sentence.*

21 *(f) FEES FOR SPECIAL USES.—Section 4 of the Land*
22 *and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–*
23 *4 and following) is amended by adding the following new*
24 *subsection at the end:*

1 “(o) *FEES FOR SPECIAL USES.*—*The Secretary of the*
2 *Interior shall establish reasonable fees for nonrecreational*
3 *uses of national park system units that require special ar-*
4 *rangements, including permits. The fees shall be set at such*
5 *level as the Secretary deems necessary to insure that the*
6 *United States will receive fair market value for the use of*
7 *the area concerned and shall, at a minimum, cover all costs*
8 *of providing necessary services associated with such special*
9 *uses, except that the Secretary may, in his discretion, waive*
10 *or reduce such fees in the case of any nonprofit organization*
11 *or any organization using an area within the national park*
12 *system for educational or park-related purposes. Notwith-*
13 *standing any other provision of law, the Secretary shall re-*
14 *tain so much of the revenue from such fees as is equal to*
15 *fee collection costs and the costs of providing the necessary*
16 *services associated with such special uses. Such retained*
17 *amounts shall be credited to the appropriation account for*
18 *the national park system unit concerned and shall remain*
19 *available until expended, beginning in the fiscal year in*
20 *which the amounts are so credited.”.*

21 (g) *ADMISSION OR RECREATION USE FEES.*—*Section*
22 *4 of the Land and Water Conservation Fund Act of 1965*
23 *(16 U.S.C. 460l–4 and following) is amended by adding*
24 *the following new subsection at the end:*

1 “(p) *ADMISSION OR RECREATION USE FEES.*—Not-
2 *withstanding any other provision of law, no admission or*
3 *recreation use fee of any kind shall be charged or imposed*
4 *for entrance into, or use of, any federally owned area oper-*
5 *ated and maintained by a Federal agency and used for out-*
6 *door recreation purposes, except as provided for by this*
7 *Act.*”.

8 **SEC. 3. CHALLENGE COST-SHARE AGREEMENTS.**

9 (a) *AGREEMENTS.*—*The Secretary of the Interior is*
10 *authorized to negotiate and enter into challenge cost-share*
11 *agreements with cooperators. For purposes of this section—*

12 (1) *The term “challenge cost-share agreement”*
13 *means any agreement entered into between the Sec-*
14 *retary and any cooperator for the purpose of sharing*
15 *costs or services in carrying out any authorized func-*
16 *tions and responsibilities of the Secretary with respect*
17 *to any unit of the national park system (as defined*
18 *in section 2(a) of the Act of August 8, 1953 (16*
19 *U.S.C. 1b–1c)), any affiliated area, or any designated*
20 *national scenic or historic trail.*

21 (2) *The term “cooperator” means any State or*
22 *local government, public or private agency, organiza-*
23 *tion, institution, corporation, individual, or other*
24 *entity.*

1 (b) *USE OF FEDERAL FUNDS.*—In carrying out chal-
2 *lenge cost-share agreements, the Secretary is authorized,*
3 *subject to appropriation, to provide the Federal funding*
4 *share from any funds available to the National Park*
5 *Service.*

6 **SEC. 4. COST RECOVERY FOR DAMAGE TO NATIONAL PARK**
7 **RESOURCES.**

8 *Notwithstanding any other provision of law, any funds*
9 *payable to United States as restitution on account of dam-*
10 *age to national park resources or property shall be paid*
11 *to the Secretary of the Interior. Any such funds, and any*
12 *other funds received as a result of forfeiture, compromise,*
13 *or settlement on account of damage to national park re-*
14 *sources or property shall be credited to the appropriation*
15 *account for the national park system unit concerned and*
16 *shall be available, without further appropriation, for ex-*
17 *penditure by the Secretary, without regard to fiscal year*
18 *limitation, to improve, protect, or rehabilitate any park re-*
19 *sources or property which have been damaged by the action*
20 *of a permittee or any unauthorized person.*