

Calendar No. 649

103^D CONGRESS
2^D SESSION

S. 2121

A BILL

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

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment

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To promote entrepreneurial management of the National Park Service, and
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IN THE SENATE OF THE UNITED STATES

MAY 17 (legislative day, MAY 16), 1994

Mr. JOHNSTON (by request) introduced the following bill; which was read
twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 27 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. JOHNSTON, with an amendment

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

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”.

1 **SEC. 2. FINDINGS.**

2 In furtherance of the Act of August 25, 1916 (39
3 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs
4 the Secretary of the Interior to administer areas of the
5 National Park System in accordance with the fundamental
6 purpose of conserving the scenery, wildlife, natural and
7 historic objects, and providing for their enjoyment in a
8 manner that will leave them unimpaired for the enjoyment
9 of future generations, the Congress finds that—

10 (1) management of the National Park System
11 requires entrepreneurial strategies that will enable
12 the National Park Service to meet the increasing de-
13 mands placed on the System by the American public;
14 and

15 (2) in order to preserve the natural and cultural
16 resources of the System for future generations and
17 provide for appropriate enjoyment of those re-
18 sources, the National Park Service must increase
19 revenues by reforming the nature, level and collec-
20 tion of fees, and increasing voluntary donations and
21 partnerships.

22 **SEC. 3. DEFINITIONS.**

23 As used in this Act, the term—

24 (1) “park” means a unit of the National Park
25 System; and

1 (2) “Secretary” means the Secretary of the In-
2 terior.

3 **SEC. 4. FEES.**

4 (a) **ADMISSION FEES.**—

5 (1) **IN GENERAL.**—The Secretary shall establish
6 reasonable admission fees to be charged at units of
7 the National Park System where the Secretary de-
8 termines that such fees are appropriate and feasible.

9 (2) **ANNUAL PASSES.**—For admission or en-
10 trance into any unit of the National Park System
11 designated by the Secretary pursuant to this section,
12 or into several specific units located in a particular
13 geographic area, or for entrance to all units where
14 an admission fee is charged, the Secretary is author-
15 ized to make available annual admission permits for
16 reasonable fees to be determined by the Secretary.

17 (3) **SINGLE VISITS.**—The Secretary shall estab-
18 lish reasonable admission fees for a single visit at
19 any unit of the National Park System designated by
20 the Secretary pursuant to this section for persons
21 who choose not to purchase an annual pass.

22 (b) **RECREATION USE FEES.**—The Secretary shall
23 establish reasonable fees for specialized outdoor recreation
24 sites, facilities, equipment, or services that are provided
25 or furnished at Federal expense.

1 (c) SPECIAL PARK USES.—The Secretary shall estab-
2 lish reasonable fees for uses of park units that require spe-
3 cial arrangements including permits. The fees shall cover
4 all costs of providing necessary services associated with
5 special uses and shall be credited to the appropriation cur-
6 rent at that time.

7 (d) RETENTION OF FEES.—(1) Except as provided
8 below, fees collected pursuant to subsections 4 (a) and (b)
9 of this Act shall be deposited in the special fund account
10 established in section 4 of the Land and Water Conserva-
11 tion Fund Act of 1965 (16 U.S.C. 460 1–6a(i)(4)).

12 (2) Notwithstanding any other provision of law, be-
13 ginning in fiscal year 1995 and thereafter, an amount
14 equal to 15 percent of the total fees collected in the imme-
15 diate preceding fiscal year pursuant to subsections 4 (a)
16 and (b) shall be deducted from the current year collections
17 and shall be deposited into a special fund established in
18 the Treasury of the United States titled “Fee Collection
19 Support—National Park System” and shall be available
20 to the Secretary without further appropriation to cover the
21 costs of collection of the fees, to remain available until
22 expended.

23 (3) Notwithstanding any other provision of law, be-
24 ginning in fiscal year 1996 and thereafter, 50 percent of
25 the difference in additional receipts collected during the

1 immediate preceding fiscal year as compared to total re-
2 ceipts collected in fiscal year 1993 shall be deducted from
3 the current year collections and shall be covered into a
4 special fund established in the Treasury of the United
5 States titled "National Park Renewal Fund", and shall
6 be available to the Secretary without further appropriation
7 for infrastructure needs at parks, including but not limited
8 to facility refurbishment, repair and replacement, re-
9 sources protection, interpretive/educational media (exhib-
10 its), and other infrastructure projects beneficial to park
11 resources, to remain available until expended.

12 (4) In fiscal year 1995 only, fees authorized to be
13 collected pursuant to subsections 4 (a) and (b) of this Act
14 may be collected only to the extent provided in advance
15 in appropriations acts and shall be credited to the appro-
16 priate special fund accounts described in this Act. In addi-
17 tion, said fees shall be available for the purposes of this
18 Act only to the extent provided in advance in appropria-
19 tions acts and are authorized to be appropriated to remain
20 available until expended. In fiscal year 1996 and there-
21 after, fees collected as authorized to be collected pursuant
22 to subsections 4 (a) and (b) of this Act may be collected
23 as authorized by this Act and shall be available as pro-
24 vided in this Act without further provision in appropria-
25 tions acts.

1 (e) USE OF FEES.—The Secretary shall develop pro-
2 cedures for the use of these receipts that ensure account-
3 ability and demonstrated results consistent with the pur-
4 poses of this Act. The Secretary shall report annually to
5 Congress on the expenditure of funds from fees collected,
6 beginning after the first full fiscal year following enact-
7 ment of this Act.

8 (f) DISCOUNTS.—In establishing the fees authorized
9 in this section, the Secretary shall establish appropriate
10 discounts for educational groups, persons sixty-two years
11 of age or older, or persons who are blind or permanently
12 disabled. The Secretary may also establish criteria when
13 the fees may be waived for these groups or individuals.

14 (g) CRITERIA.—All fees established pursuant to this
15 section shall be fair and equitable, taking into consider-
16 ation the direct and indirect cost to the Government, the
17 benefits to the recipient, the public policy or interest
18 served, the comparable fees charged by non-Federal public
19 and private agencies, the economic and administrative fea-
20 sibility of fee collection and other pertinent factors. The
21 Secretary shall from time to time review the fees for con-
22 sistency with the provisions of this subsection and provide
23 timely public notice of any proposed changes in the fees.

1 **SEC. 5. DONATIONS.**

2 (a) REQUESTS FOR DONATIONS.—In addition to
3 other authorities the Secretary may have to accept the do-
4 nation of lands, buildings, other property, services, and
5 moneys for the purposes of the National Park System, the
6 Secretary is authorized to solicit donations of money,
7 property, and services from individuals, corporations,
8 foundations and other potential donors who the Secretary
9 believes would wish to make such donations as an expres-
10 sion of support for the national parks. Such donations
11 may be accepted and used for any authorized purpose or
12 program of the National Park Service, and donations of
13 money shall remain available for expenditure without fis-
14 cal year limitation. Any employees of the Department to
15 whom this authority is delegated shall be set forth in regu-
16 lations issued by the Secretary pursuant to paragraph (d).

17 (b) EMPLOYEE PARTICIPATION.—Employees of the
18 National Park Service may solicit donations only if the
19 request is incidental to or in support of, and does not
20 interfere with their primary duty of protecting and admin-
21 istering the parks or administering authorized programs,
22 and only for the purpose of providing a level of resource
23 protection, visitor facilities, or services for health and safe-
24 ty projects, recurring maintenance activities, or for other
25 routine activities normally funded through annual agency

1 appropriations. Such requests must be in accordance with
2 guidelines issued pursuant to paragraph (d).

3 (c) PROHIBITIONS.—(1) A donation may not be ac-
4 cepted in exchange for a commitment to the donor on the
5 part of the National Park Service or which attaches condi-
6 tions inconsistent with applicable laws and regulations or
7 that is conditioned upon or will require the expenditure
8 of appropriated funds that are not available to the Depart-
9 ment, or which compromises a criminal or civil position
10 of the United States or any of its departments or agencies
11 or the administrative authority of any agency of the
12 United States.

13 (2) In utilizing the authorities contained in this sec-
14 tion employees of the National Park Service shall not di-
15 rectly conduct or execute major fund raising campaigns,
16 but may cooperate with others whom the Secretary may
17 designate to conduct such campaigns on behalf of the Na-
18 tional Park Service.

19 (d) REGULATIONS AND GUIDANCE.—(1) The Sec-
20 retary shall issue regulations setting forth those positions
21 to which he has delegated his authority under paragraph
22 (a) and the categories of employees of the National Park
23 Service that are authorized to request donations pursuant
24 to paragraph (b). Such regulations shall also set forth any

1 limitations on the types of donations that will be requested
2 or accepted as well as the sources of those donations.

3 (2) The Secretary shall publish guidelines which set
4 forth the criteria to be used in determining whether the
5 solicitation or acceptance of contributions of lands, build-
6 ings, other property, services, moneys and other gifts or
7 donations authorized by this section would reflect unfavor-
8 ably upon the ability of the Department of the Interior
9 or any employee to carry out its responsibilities or official
10 duties in a fair and objective manner, or would com-
11 promise the integrity or the appearance of the integrity
12 of its programs or any official involved in those programs.
13 The Secretary shall also issue written guidance on the ex-
14 tent of the cooperation that may be provided by National
15 Park Service employees in any major fund raising cam-
16 paign which the Secretary has designated others to con-
17 duct pursuant to paragraph (c)(2).

18 **SEC. 6. CHALLENGE COST-SHARE AGREEMENTS.**

19 (A) AGREEMENTS.—The Secretary is authorized to
20 negotiate and enter into challenge cost-share agreements
21 with cooperators. For purposes of this section, the term—

22 (1) “challenge cost-share agreement” means
23 any agreement entered into between the Secretary
24 and any cooperator for the purpose of sharing costs
25 or services in carrying out authorized functions and

1 responsibilities of the Secretary with respect to the
2 National Park System; and

3 ~~(2)~~ “cooperator” means any State or local gov-
4 ernment, public or private agency, organization, in-
5 stitution, corporation, individual, or other entity.

6 ~~(b) USE OF FEDERAL FUNDS.—~~In carrying out chal-
7 lenge cost-share agreements, the Secretary is authorized,
8 subject to appropriation, to provide the Federal funding
9 share from any funds available to the National Park
10 Service.

11 **SEC. 7. COST RECOVERY FOR DAMAGE TO PARK RE-**
12 **SOURCES.**

13 Any funds payable to United States as restitution on
14 account of damage to park resources or property shall be
15 paid to the Secretary. Any such funds, and any other
16 funds received by the Secretary as a result of forfeiture,
17 compromise, or settlement on account of damage to park
18 resources or property shall be available without appropria-
19 tion and may be expended by the Secretary without regard
20 to fiscal year limitation to improve, protect, or rehabilitate
21 any park resources or property which have been damaged
22 by the action of a permittee or any unauthorized person.

23 **SEC. 8. CONSISTENCY WITH OTHER LAWS.**

24 ~~(a)~~ Except as provided in subsection ~~(b)~~, to the extent
25 that the provisions of this Act are inconsistent with section

1 4 of the Land and Water Conservation Act of 1965 as
2 amended (16 U.S.C. 4601–6a) or any other provision of
3 law, including any provision that prohibits or limits the
4 charging of a reasonable recreation or other fee, the provi-
5 sions of this Act shall prevail.

6 (b) The following sections of the Land and Water
7 Conservation Act of 1965 as amended (16 U.S.C. 4601–
8 6a) will apply to this Act:

9 (1) ~~RULES AND REGULATIONS; ESTABLISH-~~
10 ~~MENT; ENFORCEMENT POWERS; PENALTY FOR VIO-~~
11 ~~LATIONS.~~—In accordance with the provisions of this
12 section, the Secretary may prescribe rules and regu-
13 lations for areas under his or her administration for
14 the collection of any fee established pursuant to this
15 section. Persons authorized to enforce any such rules
16 or regulations issued under this subsection may,
17 within areas under the administration or authority
18 of the Secretary and with or, if the offense is com-
19 mitted in his presence, without a warrant, arrest any
20 person who violates such rules and regulations. Any
21 person so arrested may be tried and sentenced by
22 the United States magistrate judge specifically des-
23 igned for that purpose by the court by which he
24 was appointed, in the same manner and subject to
25 the same conditions as provided in subsections (b),

1 ~~(c), (d), and (e) of section 3401 of title 18. Any vio-~~
2 ~~lations of the rules and regulations issued under this~~
3 ~~subsection shall be punishable by a fine of not more~~
4 ~~than \$1000.~~

5 ~~(2) CRITERIA, POSTING AND UNIFORMITY OF~~
6 ~~FEES.—Clear notice that a fee has been established~~
7 ~~pursuant to this section shall be prominently posted~~
8 ~~at each area and at appropriate locations therein~~
9 ~~and shall be included in publications distributed at~~
10 ~~such areas.~~

11 ~~(3) CONTRACTS WITH PUBLIC OR PRIVATE EN-~~
12 ~~TITIES FOR VISITOR RESERVATION SERVICES.—The~~
13 ~~Secretary, under such terms and conditions as he~~
14 ~~deems appropriate, may contract with any public or~~
15 ~~private entity to provide visitor reservation services.~~
16 ~~Any such contract may provide that the contractor~~
17 ~~shall be permitted to deduct a commission to be~~
18 ~~fixed by the agency head from the amount charged~~
19 ~~the public for providing such services and to remit~~
20 ~~the net proceeds therefrom to the contracting~~
21 ~~agency.~~

22 ~~(4) FEDERAL AND STATE LAWS UNAF-~~
23 ~~FECTED.—Nothing in this Act shall authorize Fed-~~
24 ~~eral hunting or fishing licenses or fees or charges for~~
25 ~~commercial or other activities not related to recre-~~

1 ation, nor shall it affect any rights or authority of
2 the States with respect to fish and wildlife, nor shall
3 it repeal or modify any provision of law that permits
4 States or political subdivisions to share in the reve-
5 nues from Federal lands or any provision of law that
6 provides that any fees or charges collected at par-
7 ticular Federal areas shall be used for or credited to
8 specific purposes or special funds as authorized by
9 that provision of law.

10 (5) SELLING OF PERMITS AND COLLECTION OF
11 FEES BY VOLUNTEERS AT DESIGNATED AREAS; COL-
12 LECTING AGENCY DUTIES; SURETY BONDS; SELLING
13 OF ANNUAL ADMISSION PERMITS BY PUBLIC AND
14 PRIVATE ENTITIES UNDER ARRANGEMENTS WITH
15 COLLECTING AGENCY HEAD.—When authorized by
16 the Secretary, volunteers at designated areas may
17 sell permits and collect fees authorized or established
18 pursuant to this section. The Secretary shall ensure
19 that such volunteers have adequate training regard-
20 ing—

21 (A) the sale of permits and the collection
22 of fees,

23 (B) the purposes and resources of the
24 areas in which they are assigned, and

1 (C) the provision of assistance and infor-
2 mation to visitors to the designated area.

3 The Secretary shall require a surety bond for any
4 such volunteer performing services under this sub-
5 section. Funds available to the collecting agency may
6 be used to cover the cost of any such surety bond.
7 The head of the collecting agency may enter into ar-
8 rangements with qualified public or private entities
9 pursuant to which such entities may sell (without
10 cost to the United States) annual admission permits
11 (including Golden Eagle Passports) at any appro-
12 priate location.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “National Park Service*
15 *Entrepreneurial Management Reform Act of 1994”.*

16 **SEC. 2. FEES.**

17 (a) *ADMISSION FEES.*—Section 4(a) of the Land and
18 *Water Conservation Fund Act of 1965 (16 U.S.C. 460l-*
19 *6a(a)) is amended as follows:*

20 (1) *In the first sentence of paragraph (1)(a)(i),*
21 *by striking “\$25” and inserting “\$50”.*

22 (2) *By inserting at the end of clause (ii) of para-*
23 *graph (1)(A) the following: “Such receipts shall be*
24 *made available, subject to appropriation, for author-*
25 *ized resource protection, rehabilitation and conserva-*

1 *tion projects as provided for by subsection (i), includ-*
2 *ing projects to be carried out by the Public Land*
3 *Corps or any other conservation corps pursuant to the*
4 *Youth Conservation Corps Act of 1970 (16 U.S.C.*
5 *1701 and following), or other related programs or au-*
6 *thorities, on lands administered by the Secretary of*
7 *the Interior and the Secretary of Agriculture.”.*

8 (3) *In paragraph (1)(B), by striking “\$15” and*
9 *inserting “\$25”.*

10 (4) *In paragraph (2), by striking the fifth and*
11 *sixth sentences, and by amending the fourth sentence*
12 *to read as follows: “The fee for a single-visit permit*
13 *at any designated area shall be not more than \$6 per*
14 *person.”.*

15 (5) *In paragraph (4), by striking the second sen-*
16 *tence in its entirety and inserting in lieu thereof,*
17 *“Such permit shall be non-transferable, shall be issued*
18 *for a one-time charge of \$10, and shall entitle the per-*
19 *mittee to free admission into any area designated*
20 *pursuant to this subsection.*

21 (6) *In paragraph (4), by amending the third*
22 *sentence to read as follows: “No fees of any kind shall*
23 *be collected from any persons who have a right of ac-*
24 *cess for hunting or fishing privileges under a specific*
25 *provision of law or treaty or who are engaged in the*

1 *conduct of official Federal, State, or local government*
2 *business.”.*

3 (7) *In paragraph (6) by striking out “Interior*
4 *and Insular Affairs” and inserting “Natural Re-*
5 *sources”.*

6 (8) *In paragraph (9), by striking “San Juan*
7 *National Historic Site, and Canaveral National Sea-*
8 *shore” and inserting “and San Juan National His-*
9 *toric Site”, and by adding the following at the end*
10 *thereof: “The Secretary of the Interior shall submit a*
11 *report to the Congress within 6 months after the date*
12 *of enactment of this sentence identifying areas, if any,*
13 *where the Secretary recommends that the establish-*
14 *ment of admission fees would be appropriate but*
15 *where such fees are prohibited by law, and areas, if*
16 *any, where such fees are authorized but not being col-*
17 *lected (including an explanation of the reasons that*
18 *such fees are not being collected).*

19 (9) *Paragraph (11) is amended by striking all*
20 *but the last sentence.*

21 (b) *PENALTY.—Section 4(e) of the Land and Water*
22 *Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(e)) is*
23 *amended by striking “\$100” and inserting in lieu thereof,*
24 *“\$1,000”.*

1 (c) *TECHNICAL AMENDMENTS.*—Section 4(h) of the
2 *Land and Water Conservation Fund Act of 1965 (16 U.S.C.*
3 *460l–6a(h)) is amended—*

4 (1) *by striking “Interior and Insular Affairs of*
5 *the United States House of Representatives and Unit-*
6 *ed States Senate” and inserting in lieu thereof, “Nat-*
7 *ural Resources of the United States House of Rep-*
8 *resentatives and on Energy and Natural Resources*
9 *United States Senate”;*

10 (2) *by striking “Bureau of Outdoor Recreation”*
11 *and inserting in lieu thereof, “National Park Serv-*
12 *ice”;* and

13 (3) *by striking “Bureau” and inserting in lieu*
14 *thereof, “National Park Service”.*

15 (d) *USE OF FEES.*—Section 4(i) of the *Land and*
16 *Water Conservation Fund Act of 1965 (16 U.S.C. 460l–*
17 *6a(i)) is amended as follows:*

18 (1) *After “(i)” by inserting “USE OF FEES.—”.*

19 (2) *In the first sentence of subparagraph (B) by*
20 *striking “fee collection costs for that fiscal year” and*
21 *inserting in lieu thereof, “fee collection costs for the*
22 *immediately preceding fiscal year” and by striking*
23 *“section in that fiscal year” and inserting in lieu*
24 *thereof, “section in such immediately preceding fiscal*
25 *year”.*

1 (3) *In the second sentence of subparagraph (B)*
2 *by striking “in that fiscal year”.*

3 (4) *By adding the following at the end of para-*
4 *graph (1):*

5 “(C) *Notwithstanding subparagraph (A)*
6 *and notwithstanding any other provision of law,*
7 *beginning in fiscal year 1995 and thereafter, 50*
8 *percent of the difference in additional receipts*
9 *(except for the portion of fee receipts withheld as*
10 *provided in subparagraph (B) for fee collection*
11 *costs) collected during the immediate preceding*
12 *fiscal year as compared to total receipts collected*
13 *in fiscal year 1993 shall be deducted from the*
14 *current year collections and shall be covered into*
15 *a special fund established in the Treasury of the*
16 *United States to be known as the ‘National Park*
17 *Renewal Fund’. Amounts in such fund shall be*
18 *available to the Secretary of the Interior, without*
19 *further appropriation, for infrastructure needs at*
20 *parks including but not limited to facility refurb-*
21 *ishment, repair and replacement, interpretive*
22 *media and exhibit repair and replacement, and*
23 *infrastructure projects associated with park re-*
24 *source protection. Such amounts shall remain*
25 *available until expended. The Secretary shall de-*

1 *velop procedures for the use of amounts in the*
2 *fund that ensure accountability and dem-*
3 *onstrated results consistent with the purposes of*
4 *this Act. Beginning after the first full fiscal year*
5 *following enactment of this subparagraph, the*
6 *Secretary shall submit an annual report to Con-*
7 *gress, on a unit-by-unit basis, detailing the fees*
8 *receipts collected pursuant to this section and the*
9 *expenditures of such receipts.”.*

10 *(e) TIME OF REIMBURSEMENT.—Section 4(k) of the*
11 *Land and Water Conservation Fund Act of 1965 (16 U.S.C.*
12 *460l–6a(k)) is amended by striking the last sentence in its*
13 *entirety.*

14 *(f) FEES FOR SPECIAL USES.—Section 4 of the Land*
15 *and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–*
16 *6a) is amended by adding the following at the end thereof:*

17 *“(o) FEES FOR SPECIAL USES.—The Secretary of the*
18 *Interior shall establish reasonable fees for uses of National*
19 *Park System units that require special arrangements, in-*
20 *cluding permits. Such fees shall be set at a level as the Sec-*
21 *retary deems necessary to ensure that the United States will*
22 *receive fair market value for such use, and shall, at a mini-*
23 *imum, cover all costs of providing necessary services associ-*
24 *ated with such use, except that at the Secretary’s discretion,*
25 *the Secretary may waive or reduce such fees in the case*

1 *of any nonprofit organization or any organization using*
2 *an area within the National Park System for educational*
3 *or park-related purposes.”.*

4 (g) *FEE AUTHORITY.—Section 4 of the Land and*
5 *Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a)*
6 *is amended by adding the following new subsection at the*
7 *end thereof:*

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

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

16 (a) *AGREEMENTS.—The Secretary of the Interior is*
17 *authorized to negotiate and enter into challenge cost-share*
18 *agreements with cooperators. For purposes of this section,*
19 *the term—*

20 (1) *“challenge cost-share agreement” means any*
21 *agreement entered into between the Secretary and any*
22 *cooperator for the purpose of sharing costs or services*
23 *in carrying out any authorized functions and respon-*
24 *sibilities of the Secretary with respect to any unit of*
25 *the National Park System (as defined in section 2(a)*

1 of the Act of August 8, 1953 (16 U.S.C. 1c(a)), any
2 affiliated area, or designated National Scenic or His-
3 toric Trail; and

4 (2) “cooperator” means any State or local gov-
5 ernment, public or private agency, organization, in-
6 stitution, corporation, individual, or other entity.

7 (b) *USE OF FEDERAL FUNDS.*—In carrying out chal-
8 lenge cost-share agreements, the Secretary is authorized,
9 subject to appropriation, to provide the Federal funding
10 share from any funds available to the National Park Serv-
11 ice.”.

12 **SEC. 4. COST RECOVERY FOR DAMAGE TO NATIONAL PARK**
13 **RESOURCES.**

14 Public Law 101–337 is amended as follows:

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

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

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

23 “(g) ‘Marine or aquatic park system resource’ means
24 any living or non-living resource that is located within or
25 is a living part of a marine or aquatic regimen within the

1 *boundaries of a unit of the National Park System, except*
2 *for resources owned by a non-Federal entity.”.*

3 (3) *In section 2(b) (16 U.S.C. 19jj-1(b)), by*
4 *striking “any park” and inserting in lieu thereof,*
5 *“any marine or aquatic park”.*