

103^D CONGRESS
1ST SESSION

H. R. 1508

To provide for the reformation of the National Park System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1993

Mr. HEFLEY (for himself, Mr. GALLEGLY, Mr. YOUNG of Alaska, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the reformation of 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 Reformation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the National Park Service was created in
9 1916 and is charged by Congress to provide for pro-
10 tection and management of nationally significant

1 natural, cultural, and recreational resources
2 throughout the country;

3 (2) the National Park System has now ex-
4 panded to incorporate over 360 diverse units and is
5 continuing to expand;

6 (3) in the 75 years since the National Park
7 System was established, certain units have been
8 added to the System which have resulted in perma-
9 nent financial commitments on behalf of the Federal
10 Government for areas which lack national signifi-
11 cance, suitability, or feasibility and diverting funds
12 from deserving units of the National Park System;

13 (4) while the National Park Service has com-
14 pleted a number of broad natural and cultural theme
15 studies as well as numerous site-specific studies, it
16 has no systematic plan or program to ensure that
17 the most important areas are considered for addition
18 to the National Park System; and

19 (5) in addition to refinement of the National
20 Park System, there exists a serious need to
21 strengthen National Park Service programs with re-
22 spect to providing assistance in the management of
23 natural, cultural, and recreational resources which
24 do not belong in the National Park System.

1 **SEC. 3. DEFINITIONS.**

2 As used in this Act:

3 (1) The term “Commission” means the Na-
4 tional Park System Strategic Planning Commission
5 established by section 101.

6 (2) The term “Secretary” means the Secretary
7 of the Interior.

8 **TITLE I—DEVELOPMENT OF A**
9 **COMPREHENSIVE PLAN FOR**
10 **THE FUTURE OF THE NA-**
11 **TIONAL PARK SYSTEM**

12 **SEC. 101. NATIONAL PARK SYSTEM STRATEGIC PLANNING**
13 **COMMISSION.**

14 (a) ESTABLISHMENT.—There is hereby established
15 the National Park System Strategic Planning Commission
16 whose purpose shall be to develop a long-term plan to out-
17 line a direction for the National Park System.

18 (b) MEMBERS.—The Commission shall consist of 13
19 members appointed by the Secretary based on consultation
20 with constituencies representing each of the areas of ex-
21 pertise referred to in paragraphs (1) through (12). Each
22 of the Commission members shall have substantial experi-
23 ence in the member’s area of expertise and understanding
24 of the National Park System and shall be free of economic
25 conflict of interest in terms of employment or other eco-
26 nomic benefit which the member would expect to receive

1 solely by virtue of the member's service on the Commis-
2 sion. Of the members of the Commission—

3 (1) one shall be a recognized expert in botany;

4 (2) one shall be a recognized expert in wildlife
5 ecology;

6 (3) one shall be a recognized expert in the field
7 of natural systems;

8 (4) one shall be a recognized expert in
9 geomorphology;

10 (5) one shall be a recognized expert in Amer-
11 ican history;

12 (6) one shall be a recognized expert in archaeol-
13 ogy;

14 (7) one shall be a recognized expert in historical
15 architecture;

16 (8) one shall be a recognized expert in anthro-
17 pology;

18 (9) one shall be a recognized expert in social
19 science with expertise in outdoor recreation;

20 (10) one shall be a recognized expert in protec-
21 tion of private property rights;

22 (11) one shall be a representative of a national
23 conservation group;

24 (12) one shall be a representative of park rec-
25 reational users; and

1 (13) one shall be the Director of the National
2 Park Service, ex officio.

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

5 (d) VACANCIES.—Vacancies occurring on the Com-
6 mission shall not affect the authority of the remaining
7 members of the Commission to carry out the functions of
8 the Commission. Any vacancy in the Commission shall be
9 promptly filled in the same manner in which the original
10 appointment was made.

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

13 (f) MEETINGS.—The Commission shall meet at least
14 quarterly or upon the call of the chair or a majority of
15 the members of the Commission.

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

23 (h) TERMINATION.—The Commission established
24 pursuant to this section shall terminate 90 days after the

1 transmittal of the report to Congress as provided in sec-
2 tion 104.

3 **SEC. 102. STAFF OF THE COMMISSION.**

4 (a) LIMITATION ON NATIONAL PARK SERVICE
5 STAFF.—The Commission may hire staff to carry out its
6 assigned responsibilities. Not more than one-half of the
7 professional staff of the Commission shall be made up of
8 current employees of the National Park Service.

9 (b) STAFF OF OTHER AGENCIES.—Upon the request
10 of the Commission, the head of any Federal agency may
11 detail, on a reimbursable basis, any of the personnel of
12 such agency to the Commission to assist the Commission.

13 (c) EXPERTS AND CONSULTANTS.—Subject to such
14 rules as may be adopted by the Commission, the Commis-
15 sion may procure temporary and intermittent services to
16 the same extent as authorized by section 3109(b) of title
17 5, United States Code, but at rates determined by the
18 Commission to be advisable.

19 **SEC. 103. POWERS OF THE COMMISSION.**

20 (a) IN GENERAL.—The Commission shall for the pur-
21 pose of carrying out this title hold such public hearings,
22 sit and act at such times and places, take such testimony,
23 and receive such evidence as the Commission deems advis-
24 able.

1 (b) BYLAWS.—The Commission may make such by-
2 laws, rules, and regulations, consistent with this title, as
3 it considers necessary to carry out its functions under this
4 title.

5 (c) DELEGATION.—When so authorized by the Com-
6 mission any member or agent of the Commission may take
7 any action which the Commission is authorized to take by
8 this section.

9 (d) MAILS.—The Commission may use the United
10 States mails in the same manner and upon the same con-
11 ditions as other departments and agencies of the United
12 States.

13 **SEC. 104. DUTIES OF THE COMMISSION.**

14 (a) PREPARATION OF PLAN.—The Commission shall
15 prepare a plan to outline the direction of the National
16 Park System. The plan shall be designed to guide the Na-
17 tional Park System for the next 10 to 20 years. This plan
18 shall include the following:

19 (1) A statement of goals and objectives for use
20 in defining the role of the National Park System in
21 preserving our national heritage, relative to other ef-
22 forts at the Federal, State, local, and private levels.

23 (2) Detailed criteria to be used in determining
24 which natural and cultural resources are appropriate
25 for inclusion within the National Park System.

1 (3) Identification of what constitutes adequate
2 representation of a particular resource type and
3 which aspects of the American heritage are ade-
4 quately represented in the existing National Park
5 System or in other protected areas.

6 (4) Identification of appropriate aspects of
7 American heritage not currently represented in the
8 National Park System.

9 (5) Priorities of sites which should be added to
10 the National Park System in order to provide more
11 complete representation of our Nation's heritage, in-
12 cluding an outline for completion of the National
13 Park System with respect to natural areas.

14 (6) The role of the National Park System with
15 respect to such topics as preservation of industrial
16 America, preservation of nonphysical cultural re-
17 sources, and provision of outdoor recreation opportu-
18 nities.

19 (7) Identification of those areas which are more
20 appropriately managed outside the National Park
21 System based on such factors as duplication within
22 the National Park System, better representation of
23 a particular resource type under management of an-
24 other entity, lack of significance, lack of manage-

1 ment feasibility, cost, and lack of visitor accessibil-
2 ity.

3 (b) CONSULTATION.—During the preparation of the
4 plan under subsection (a), the Commission shall consult
5 with the Secretary of the Interior, the Governors of af-
6 fected States, the National Park System Advisory Board,
7 affected units of local government, State and local re-
8 source management and recreation organizations, schol-
9 arly organizations, park inholders, and such other inter-
10 ested parties as the Commission deems advisable. These
11 consultations shall also include appropriate opportunities
12 for public testimony and comment.

13 (c) TRANSMITTAL TO THE SECRETARY AND CON-
14 GRESS.—Not later than 2 years after the date that funds
15 are made available to carry out subsection (a), the Com-
16 mission shall transmit the plan developed under this sec-
17 tion simultaneously to the Secretary and the Committee
18 on Interior and Insular Affairs of the United States House
19 of Representatives and the Committee on Energy and
20 Natural Resources of the United States Senate.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are hereby authorized to be appropriated not to exceed
23 \$500,000 to carry out the purposes of this section.

1 **SEC. 105. TERMINATION OF NATIONAL PARK SERVICE MAN-**
2 **AGEMENT AT NONESSENTIAL NATIONAL**
3 **PARK SYSTEM AREAS.**

4 (a) TERMINATION OF NATIONAL PARK SERVICE
5 MANAGEMENT.—The Secretary shall—

6 (1) terminate National Park Service Manage-
7 ment at all park areas as recommended by the Com-
8 mission in the report transmitted to the Secretary
9 pursuant to section 104;

10 (2) initiate all such actions not later than 2
11 years after completion of the report and shall com-
12 plete termination of National Park Service manage-
13 ment at all areas no later than 5 years after comple-
14 tion of the report;

15 (3) before taking any action with respect to dis-
16 posal of any surplus real property or facility located
17 at any park, consult with the Governor of the State
18 and the heads of the local governments and any in-
19 terested nongovernmental entities for the purpose of
20 considering any plan for the use of such property by
21 State or local governments or nongovernmental enti-
22 ties; and

23 (4) carry out this title without regard to any
24 provision of law restricting the use of funds for pur-
25 poses as outlined in section 105 as may be included
26 in any authorization or appropriation Act.

1 (b) EXCEPTION.—The Secretary may not carry out
2 any action under section 105 if, within the 60-day period
3 beginning on the date on which the Commission submits
4 its report to Congress, a joint resolution rejecting all rec-
5 ommendations of the Commission for termination of Na-
6 tional Park Service management of park areas is enacted.
7 The days on which either House of Congress is not in ses-
8 sion because of an adjournment of more than 3 days shall
9 be excluded in the computation of such 60-day period.

10 (c) APPLICABILITY OF OTHER LAW.—(1) The provi-
11 sions of the National Environmental Policy Act of 1969
12 (42 U.S.C. 4321 et seq.) shall not apply to—

13 (A) the actions of the Commission, including se-
14 lecting the parks which the Commission recommends
15 for termination of National Park Service manage-
16 ment under this title and making its report to the
17 Secretary and the committees under section 104;
18 and

19 (B) the actions of the Secretary in establishing
20 the Commission and in transmitting the report to
21 the committees under this section.

22 (2) The provisions of the National Environmental
23 Policy Act of 1969 shall apply to the actions of the Sec-
24 retary during the process of terminating National Park
25 Service management of a park after such park has been

1 selected by the Commission. In applying the provisions of
2 such Act, the Secretary shall not have to consider—

3 (A) the need for terminating National Park
4 Service management at a park which has been se-
5 lected by the Commission; or

6 (B) alternative parks other than those selected.

7 (3) A civil action for judicial review, with respect to
8 any requirement of the National Environmental Policy Act
9 of 1969 to the extent such Act is applicable to this title,
10 may not be brought later than the 60th day after the date
11 of such action or failure to act.

12 (d) DISPOSAL OF PROPERTY.—(1) The Adminis-
13 trator of General Services shall delegate to the Secretary,
14 with respect to excess and surplus real property and facili-
15 ties located at a park identified in section 105—

16 (A) the authority of the Administrator to dis-
17 pose of surplus property under section 203 of that
18 Act (40 U.S.C. 484); and

19 (B) the authority of the Administrator to grant
20 approvals and make determinations under section
21 13(g) of the Surplus Property Act of 1944 (50
22 U.S.C. App. 1622(g)).

23 (2)(A) Subject to subparagraph (A), the Secretary
24 shall exercise authority delegated to the Secretary pursu-
25 ant to paragraph (1) in accordance with—

1 (i) all regulations in effect on the date of the
2 enactment of this title governing utilization of excess
3 property and disposal of surplus property under the
4 Federal Property and Administrative Services Act of
5 1949; and

6 (ii) all regulations in effect on the date of the
7 enactment of this title governing the conveyance and
8 disposal of property under section 13(g) of the Sur-
9 plus Property Act of 1944 (50 U.S.C. App.
10 1622(g)).

11 (B) The Secretary, after consulting with the Adminis-
12 trator of General Services, may issue regulations that are
13 necessary to carry out the delegation of authority required
14 by paragraph (1).

15 (C) The authority required to be delegated by para-
16 graph (1) to the Secretary by the Administrator of Gen-
17 eral Services shall not include the authority to prescribe
18 general policies and methods for utilizing excess property
19 and disposing of surplus property.

20 (e) REPORTS.—As part of each annual budget re-
21 quest for the Department of the Interior, the Secretary
22 shall transmit to the appropriate committees of Congress
23 a schedule of actions to be carried out under this title in
24 the fiscal year in which the request is made and an esti-
25 mate of the total expenditures required and cost savings

1 to be achieved by each such closure and of the time period
2 in which these savings are to be achieved in each case,
3 together with the Secretary's assessment of the environ-
4 mental effects of such actions.

5 **SEC. 106. TRANSFER OF FUNDS FROM PARK AREAS WHERE**
6 **NATIONAL PARK SERVICE MANAGEMENT IS**
7 **TO BE TERMINATED.**

8 All funds appropriated or otherwise made available
9 for operation of park areas identified in section 105 shall
10 remain available for allocation to other units of the Na-
11 tional Park System.

12 **SEC. 107. LIMITATION ON ESTABLISHMENT OF NEW AREAS**
13 **OF THE NATIONAL PARK SYSTEM.**

14 Until the Commission transmits its report to Con-
15 gress in accordance with section 104 of this title, the Sec-
16 retary may not implement any legislation establishing new
17 units of the National Park System, except for areas stud-
18 ied by the National Park Service pursuant to a specific
19 congressional authorization enacted prior to the date of
20 enactment of this Act.

1 **TITLE II—NEW AREA**
2 **ESTABLISHMENT**

3 **SEC. 201. NEW AREA STUDIES FOR UNITS OF THE NA-**
4 **TIONAL PARK SYSTEM.**

5 (a) IN GENERAL.—The Secretary shall undertake
6 and submit to the appropriate committees of Congress re-
7 ports of such new area studies as are herein or may here-
8 after be authorized by Congress for the purpose of deter-
9 mining the feasibility and suitability of designating areas
10 for addition to the National Park System and any feasible
11 alternatives to such action. The Secretary shall undertake
12 both site specific and thematic studies. All such studies
13 shall be made in consultation with affected agencies at the
14 Federal, State, and local levels, public and private organi-
15 zations and concerned landowners and users. Each study
16 shall be completed in compliance with the National Envi-
17 ronmental Policy Act of 1969 and with an appropriate
18 level of public involvement, including public meetings in
19 the vicinity of the study area.

20 (b) FACTORS.—All new area studies referred to in
21 this section shall consider each of the following—

22 (1) whether the resource is nationally signifi-
23 cant in that it represents one of the most important
24 examples of a particular resource type in the coun-
25 try,

1 (2) whether similar resources are already pro-
2 tected in the National Park System or in other Fed-
3 eral, State, or private ownership,

4 (3) whether the unit is of appropriate configu-
5 ration to ensure long-term resource protection and
6 visitor use,

7 (4) whether any other management entity
8 would be more appropriate,

9 (5) public use potential,

10 (6) resource integrity,

11 (7) cost-effectiveness of such designation associ-
12 ated with both acquisition and annual operation, and

13 (8) socioeconomic impacts of any designation.

14 (c) CONGRESSIONAL TESTIMONY.—When submitting
15 testimony or other recommendations to Congress regard-
16 ing any potential addition to the National Park System,
17 the Secretary shall specifically address all factors required
18 to be considered under subsection (b).

19 (d) REPORTS TO CONGRESS.—Within 18 months
20 after the date that funds are made available for the study
21 of an area designated pursuant to subsection (d), the
22 President shall transmit to the Congress a report of such
23 study. Each such report shall indicate the suitability and
24 feasibility of authorizing the area as a unit of the National
25 Park System and any feasible alternative to such action.

1 The report shall identify a preferred alternative and also
2 discuss any contentious issues related to each alternative
3 considered.

4 **SEC. 202. PRIORITY LIST OF POTENTIAL PARK SYSTEM AD-**
5 **DITIONS.**

6 (a) LIST.—The National Park Service shall develop
7 and maintain a single list of units in order of their numeri-
8 cal priority for potential addition to the National Park
9 System. This list shall be initially comprised of areas for
10 which the agency has completed adequate new area studies
11 which are consistent with the plan developed under section
12 104. The list shall be updated and republished periodi-
13 cally.

14 (b) ESTABLISHING PRIORITIES.—In addition to the
15 factors referred to in section 201(b), the Secretary shall
16 consider each of the following in establishing priorities for
17 inclusion of new areas in the National Park System—

18 (1) imminence of any threats to the resource or
19 nature of ongoing degradation,

20 (2) extent to which similar resources are pro-
21 tected by the National Park Service or by another
22 entity,

23 (3) cost escalation factors,

24 (4) level of local and general public support,

25 and

1 (5) any other factors deemed appropriate by the
2 Secretary.

3 (c) TRANSMISSION OF PRIORITY LIST TO CON-
4 GRESS.—At the beginning of each Congress, the Secretary
5 shall transmit to the Speaker of the House of Representa-
6 tives and to the President of the Senate, a copy of the
7 most recent numerical priority list prepared under this
8 section. In addition, the Secretary is encouraged to peri-
9 odically transmit any recommendations for new area stud-
10 ies which he deems appropriate. Such recommendations
11 should be based on an objective preliminary review of such
12 proposals.

13 (d) CONGRESSIONAL TESTIMONY.—When submitting
14 testimony or other recommendations to Congress concern-
15 ing any new additions to the National Park System, the
16 Secretary shall include the priority ranking of the area
17 on the nationwide priority list.

18 **SEC. 203. REPEAL OF EXISTING STATUTE.**

19 Section 8 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
23 August 18, 1970 (16 U.S.C. 1a-5), is amended by striking
24 out the first through the seventh sentences of subsection
25 (a).

1 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated \$1,000,000
3 for each fiscal year to carry out this title. Half of these
4 funds shall be allocated for planning purposes and the
5 other half shall be allocated for expansion of the congres-
6 sional support services. These funds shall be in addition
7 to any funds authorized by Congress for specific studies
8 directed by Congress.

9 **TITLE III—ENHANCED NA-**
10 **TIONAL PARK SERVICE TECH-**
11 **NICAL ASSISTANCE PROGRAM**
12 **FOR PROTECTION AND MAN-**
13 **AGEMENT OF NATURAL, CUL-**
14 **TURAL, AND RECREATION**
15 **SITES**

16 **SEC. 301. ESTABLISHMENT OF THE AMERICAN HERITAGE**
17 **SITE SYSTEM.**

18 (a) IN GENERAL.—In order to better protect natural,
19 cultural, and recreational resources of national or State
20 significance which do not belong in the National Park Sys-
21 tem, there is hereby established the American Heritage
22 System. This program is intended to provide recognition
23 for a diversity of special places of American Heritage.
24 These American Heritage Sites will range in complexity
25 from relatively small sites comprised of a single historic
26 structure to geographic regions and landscapes. In these

1 larger landscapes, the pursuit of economic opportunity and
2 enhancement of the quality of life of residents will often
3 be at least as important as stewardship of natural and
4 cultural resources.

5 (b) ADMINISTRATION.—These sites would be admin-
6 istered by State and local governments as well as private
7 entities in partnership with private landowners and com-
8 munity organizations, with technical assistance from the
9 Federal Government. Federal funds will be available on
10 a matching basis only, but shall not be used for either
11 land acquisition or for day-to-day operations and manage-
12 ment. The Secretary shall establish broad criteria and
13 guidelines governing the selection and management of
14 American Heritage sites.

15 (c) ESTABLISHMENT PROCESS.—The National Park
16 Service shall establish a grant program to conduct studies
17 of sites for potential designation as American Heritage
18 sites as follows:

19 (1) When the National Park Service receives a
20 request for funding by a project proponent, the
21 agency shall conduct a preliminary investigation of
22 the site, in conjunction with other State and local
23 entities, to determine if any further Federal involve-
24 ment is appropriate.

1 (2) If the site is found to merit further consid-
2 eration for potential designation, the Secretary shall
3 provide a grant to the project proponent to carry out
4 the study. The National Park Service may provide
5 technical assistance during the study process upon
6 the request of the State or local government.

7 (3) Based on a review of the study, the Sec-
8 retary shall periodically submit proposals for des-
9 ignation of American Heritage sites to Congress.

10 (d) PLAN OF OPERATIONS.—After designation, the
11 primary managing body (identified in the legislation des-
12 ignating the site) shall prepare a plan of operations which
13 shall be transmitted to the Secretary.

14 (e) ASSISTANCE.—As part of the plan implementa-
15 tion, special Federal technical and financial assistance
16 would be granted during a specified period (not to exceed
17 10 years), after which time the project would be expected
18 to rely on other funding sources, including other existing
19 Federal assistance programs. In addition, the Secretary
20 shall periodically conduct on-site evaluations of the site to
21 ensure its continued operation in conformance with guide-
22 lines of the Secretary.

23 (f) DIRECTOR OF PROGRAM.—The American Herit-
24 age Program shall be under the direction of a Deputy Di-
25 rector for Non-Federal Conservation and Recreation.

1 **SEC. 302. DEFINITION OF NATIONAL PARK SYSTEM.**

2 Section 2(a) of the Act entitled “An Act to facilitate
3 the management of the National Park System and mis-
4 cellaneous areas administered in connection with that Sys-
5 tem, and for other purposes”, approved August 8, 1953
6 (16 U.S.C. 1c), is amended to read as follows:

7 “SEC. 2. (a)(1) The ‘National Park System’ shall in-
8 clude both designated areas and affiliated areas which are
9 administered by the Secretary of the Interior through the
10 National Park Service in accordance with a specific Act
11 of Congress.

12 “(2) Designated areas of the National Park System
13 are those areas with Federal land ownership and where
14 the National Park Service has primary responsibility for
15 the management and protection of the site.

16 “(3) Affiliated areas are those areas which are ad-
17 ministered on a partnership basis with Federal and non-
18 Federal funds. Federal involvement typically includes
19 technical assistance and may also include Federal support
20 for daily operation of the area and Federal land acqui-
21 sition authority for a specified period of time.”.

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