

103^D CONGRESS
2^D SESSION

H. R. 4533

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

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

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”.

6 **SEC. 2. FINDINGS.**

7 In furtherance of the Act of August 25, 1916 (39
8 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs
9 the Secretary of the Interior to administer areas of the
10 National Park System in accordance with the fundamental
11 purpose of conserving the scenery, wildlife, natural and
12 historic objects, and providing for their enjoyment in a

1 manner that will leave them unimpaired for the enjoyment
2 of future generations, the Congress finds that—

3 (1) management of the National Park System
4 requires entrepreneurial strategies that will enable
5 the National Park Service to meet the increasing de-
6 mands placed on the System by the American public;
7 and

8 (2) in order to preserve the natural and cultural
9 resources of the System for future generations and
10 provide for appropriate enjoyment of those re-
11 sources, the National Park Service must increase
12 revenues by reforming the nature, level and collec-
13 tion of fees, and increasing voluntary donations and
14 partnerships.

15 **SEC. 3. DEFINITIONS.**

16 As used in this Act, the term—

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

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

21 **SEC. 4. FEES.**

22 (a) **ADMISSION FEES.**—

23 (1) **IN GENERAL.**—The Secretary shall establish
24 reasonable admission fees to be charged at units of

1 the National Park System where the Secretary de-
2 termines that such fees are appropriate and feasible.

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

11 (3) SINGLE VISITS.—The Secretary shall estab-
12 lish reasonable admission fees for a single visit at
13 any unit of the National Park System designated by
14 the Secretary pursuant to this section for persons
15 who choose not to purchase an annual pass.

16 (b) RECREATION USE FEES.—The Secretary shall
17 establish reasonable fees for specialized outdoor recreation
18 sites, facilities, equipment, or services that are provided
19 or furnished at Federal expense.

20 (c) SPECIAL PARK USES.—The Secretary shall estab-
21 lish reasonable fees for uses of park units that require spe-
22 cial arrangements including permits. The fees shall cover
23 all costs of providing necessary services associated with
24 special uses and shall be credited to the appropriation cur-
25 rent at that time.

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

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

17 (3) Notwithstanding any other provision of law, be-
18 ginning in fiscal year 1996 and thereafter, 50 percent of
19 the difference in additional receipts collected during the
20 immediate preceding fiscal year as compared to total re-
21 ceipts collected in fiscal year 1993 shall be deducted from
22 the current year collections and shall be covered into a
23 special fund established in the Treasury of the United
24 States titled “National Park Renewal Fund”, and shall
25 be available to the Secretary without further appropriation

1 for infrastructure needs at parks, including but not limited
2 to facility refurbishment, repair and replacement, resource
3 protection, interpretive/educational media (exhibits), and
4 other infrastructure projects beneficial to park resources,
5 to remain available until expended.

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

20 (e) USE OF FEES.—The Secretary shall develop pro-
21 cedures for the use of these receipts that ensure account-
22 ability and demonstrated results consistent with the pur-
23 poses of this Act. The Secretary shall report annually to
24 Congress on the expenditure of funds from fees collected,

1 beginning after the first full fiscal year following enact-
2 ment of this Act.

3 (f) DISCOUNTS.—In establishing the fees authorized
4 in this section, the Secretary shall establish appropriate
5 discounts for educational groups, persons sixty-two years
6 of age older, or persons who are blind or permanently dis-
7 abled. The Secretary may also establish criteria when the
8 fees may be waived for these groups or individuals.

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

19 **SEC. 5. DONATIONS.**

20 (a) REQUESTS FOR DONATIONS.—In addition to
21 other authorities the Secretary may have to accept the do-
22 nation of lands, buildings, other property, services, and
23 moneys for the purposes of the National Park System, the
24 Secretary is authorized to solicit donations of money,
25 property, and services from individuals, corporations,

1 foundations and other potential donors who the Secretary
2 believes would wish to make such donations as an expres-
3 sion of support for the national parks. Such donations
4 may be accepted and used for any authorized purpose or
5 program of the National Park Service, and donations of
6 money shall remain available for expenditure without fis-
7 cal year limitation. Any employees of the Department to
8 whom this authority is delegated shall be set forth in regu-
9 lations issued by the Secretary pursuant to paragraph (d).

10 (b) EMPLOYEE PARTICIPATION.—Employees of the
11 National Park Service may solicit donations only if the
12 request is incidental to or in support of, and does not
13 interfere with their primary duty of protecting and admin-
14 istering the parks or administering authorized programs,
15 and only for the purpose of providing a level of resource
16 protection, visitor facilities, or services for health and safe-
17 ty projects, recurring maintenance activities, or for other
18 routine activities normally funded through annual agency
19 appropriations. Such requests must be in accordance with
20 guidelines issued pursuant to paragraph (d).

21 (c) PROHIBITIONS.—(1) A donation may not be ac-
22 cepted in exchange for a commitment to the donor on the
23 part of the National Park Service or which attaches condi-
24 tions inconsistent with applicable laws and regulations or
25 that is conditioned upon or will require the expenditure

1 of appropriated funds that are not available to the Depart-
2 ment, or which compromises a criminal or civil position
3 of the United States or any of its departments or agencies
4 or the administrative authority of any agency of the
5 United States.

6 (2) In utilizing the authorities contained in this sec-
7 tion employees of the National Park Service shall not di-
8 rectly conduct or execute major fund raising campaigns,
9 but may cooperate with others whom the Secretary may
10 designate to conduct such campaigns on behalf of the Na-
11 tional Park Service.

12 (d) REGULATIONS AND GUIDANCE.—The Secretary
13 shall issue regulations setting forth those positions to
14 which he has delegated his authority under paragraph (a)
15 and the categories of employees of the National Park Serv-
16 ice that are authorized to request donations pursuant to
17 paragraph (b). Such regulations shall also set forth any
18 limitations on the types of donations that will be requested
19 or accepted as well as the sources of those donations.

20 (2) The Secretary shall publish guidelines which set
21 forth the criteria to be used in determining whether the
22 solicitation or acceptance of contributions of lands, build-
23 ings, other property, services, moneys and other gifts or
24 donations authorized by this section would reflect unfavor-
25 ably upon the ability of the Department of the Interior

1 or any employee to carry out its responsibilities or official
2 duties in a fair and objective manner, or would com-
3 promise the integrity or the appearance of the integrity
4 of its programs or any official involved in those programs.
5 The Secretary shall also issue written guidance on the ex-
6 tent of the cooperation that may be provided by National
7 Park Service employees in any major fund raising cam-
8 paign which the Secretary has designated others to con-
9 duct pursuant to paragraph (c)(2).

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

11 (a) AGREEMENTS.—The Secretary is authorized to
12 negotiate and enter into challenge cost-share agreements
13 with cooperators. For purposes of this section, the term—

14 (1) “challenge cost-share agreement” means
15 any agreement entered into between the Secretary
16 and any cooperator for the purpose of sharing costs
17 or services in carrying out authorized functions and
18 responsibilities of the Secretary with respect to the
19 National Park System; and

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

23 (b) USE OF FEDERAL FUNDS.—In carrying out chal-
24 lenge cost-share agreements, the Secretary is authorized,
25 subject to appropriation, to provide the Federal funding

1 share from any funds available to the National Park Serv-
2 ice.

3 **SEC. 7. COST RECOVERY FOR DAMAGE TO PARK RE-**
4 **SOURCES.**

5 Any funds payable to United States as restitution on
6 account of damage to park resources or property shall be
7 paid to the Secretary. Any such funds, and any other
8 funds received by the Secretary as a result of forfeiture,
9 compromise, or settlement on account of damage to park
10 resources or property shall be available without appropria-
11 tion and may be expended by the Secretary without regard
12 to fiscal year limitation to improve, protect, or rehabilitate
13 any park resources or property which have been damaged
14 by the action of a permittee or any unauthorized person.

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

16 (a) Except as provided in subsection (b), to the extent
17 that the provisions of this Act are inconsistent with section
18 4 of the Land and Water Conservation Act of 1965 as
19 amended (16 U.S.C. 4601–6a) or any other provision of
20 law, including any provision that prohibits or limits the
21 charging of a reasonable recreation or other fee, the provi-
22 sions of this Act shall prevail.

23 (b) The following sections of the Land and Water
24 Conservation Act of 1965 as amended (16 U.S.C. 4601–
25 6a) will apply to this Act:

1 (1) RULES AND REGULATIONS; ESTABLISH-
2 MENT; ENFORCEMENT POWERS; PENALTY FOR VIO-
3 LATIONS.—In accordance with the provisions of this
4 section, the Secretary may prescribe rules and regu-
5 lations for areas under his or her administration for
6 the collection of any fee established pursuant to this
7 section. Persons authorized to enforce any such rules
8 or regulations issued under this subsection may,
9 within areas under the administration or authority
10 of the Secretary and with or, if the offense is com-
11 mitted in his presence, without a warrant, arrest any
12 person who violates such rules and regulations. Any
13 person so arrested may be tried and sentenced by
14 the United States magistrate judge specifically des-
15 ignated for that purpose by the court by which he
16 was appointed, in the same manner and subject to
17 the same conditions as provided in subsections (b),
18 (c), (d), and (e) of section 3401 of title 18. Any vio-
19 lations of the rules and regulations issued under this
20 subsection shall be punishable by a fine of not more
21 than \$1,000.

22 (2) CRITERIA, POSTING AND UNIFORMITY OF
23 FEES.—Clear notice that a fee has been established
24 pursuant to this section shall be prominently posted
25 at each area and at appropriate locations therein

1 and shall be included in publications distributed at
2 such areas.

3 (3) CONTRACTS WITH PUBLIC OR PRIVATE EN-
4 TITIES FOR VISITOR RESERVATION SERVICES.—The
5 Secretary, under such terms and conditions as he
6 deems appropriate, may contract with any public or
7 private entity to provide visitor reservation services.
8 Any such contract may provide that the contractor
9 shall be permitted to deduct a commission to be
10 fixed by the agency head from the amount charged
11 the public for providing such services and to remit
12 the net proceeds therefrom to the contracting agen-
13 cy.

14 (4) FEDERAL AND STATE LAWS UNAF-
15 FECTED.—Nothing in this Act shall authorize Fed-
16 eral hunting or fishing licenses or fees or charges for
17 commercial or other activities not related to recre-
18 ation, nor shall it affect any rights or authority of
19 the States with respect to fish and wildlife, nor shall
20 it repeal or modify any provision of law that permits
21 States or political subdivisions to share in the reve-
22 nues from Federal lands or any provision of law that
23 provides that any fees or charges collected at par-
24 ticular Federal areas shall be used for or credited to

1 specific purposes or special funds as authorized by
2 that provision of law.

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

14 (A) the sale of permits and the collection
15 of fees,

16 (B) the purposes and resources of the
17 areas in which they are assigned, and

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

20 The Secretary shall require a surety bond for any
21 such volunteer performing services under this sub-
22 section. Funds available to the collecting agency may
23 be used to cover the cost of any such surety bond.
24 The head of the collecting agency may enter into ar-
25 rangements with qualified public or private entities

1 pursuant to which such entities may well (without
2 cost to the United States) annual admission permits
3 (including Golden Eagle Passports) at any appro-
4 prium location.

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