

103^D CONGRESS
2^D SESSION

S. 2121

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

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

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

1 purpose of conserving the scenery, wildlife, natural and
2 historic objects, and providing for their enjoyment in a
3 manner that will leave them unimpaired for the enjoyment
4 of future generations, the Congress finds that—

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

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

17 **SEC. 3. DEFINITIONS.**

18 As used in this Act, the term—

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

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

23 **SEC. 4. FEES.**

24 (a) **ADMISSION FEES.**—

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

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

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

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

22 (c) SPECIAL PARK USES.—The Secretary shall estab-
23 lish reasonable fees for uses of park units that require spe-
24 cial arrangements including permits. The fees shall cover
25 all costs or providing necessary services associated with

1 special uses and shall be credited to the appropriation cur-
2 rent at that time.

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

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

19 (3) Notwithstanding any other provision of law, be-
20 ginning in fiscal year 1996 and thereafter, 50 percent of
21 the difference in additional receipts collected during the
22 immediate preceding fiscal year as compared to total re-
23 ceipts collected in fiscal year 1993 shall be deducted from
24 the current year collections and shall be covered into a
25 special fund established in the Treasury of the United

1 States titled “National Park Renewal Fund”, and shall
2 be available to the Secretary without further appropriation
3 for infrastructure needs at parks, including but not limited
4 to facility refurbishment, repair and replacement, re-
5 sources protection, interpretive/educational media (exhib-
6 its), and other infrastructure projects beneficial to park
7 resources, to remain available until expended.

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

22 (e) USE OF FEES.—The Secretary shall develop pro-
23 cedures for the use of these receipts that ensure account-
24 ability and demonstrated results consistent with the pur-
25 poses of this Act. The Secretary shall report annually to

1 Congress on the expenditure of funds from fees collected,
2 beginning after the first full fiscal year following enact-
3 ment of this Act.

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

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

20 **SEC. 5. DONATIONS.**

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

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

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

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

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

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

13 (d) REGULATIONS AND GUIDANCE.—(1) The Sec-
14 retary shall issue regulations setting forth those positions
15 to which he has delegated his authority under paragraph
16 (a) and the categories of employees of the National Park
17 Service that are authorized to request donations pursuant
18 to paragraph (b). Such regulations shall also set forth any
19 limitations on the types of donations that will be requested
20 or accepted as well as the sources of those donations.

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

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

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

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

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

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

24 (b) USE OF FEDERAL FUNDS.—In carrying out chal-
25 lenge cost-share agreements, the Secretary is authorized,

1 subject to appropriation, to provide the Federal funding
2 share from any funds available to the National Park
3 Service.

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

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

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

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

1 (b) The following sections of the Land and Water
2 Conservation Act of 1965 as amended (16 U.S.C. 4601–
3 6a) will apply to this Act:

4 (1) RULES AND REGULATIONS; ESTABLISH-
5 MENT; ENFORCEMENT POWERS; PENALTY FOR VIO-
6 LATIONS.—In accordance with the provisions of this
7 section, the Secretary may prescribe rules and regu-
8 lations for areas under his or her administration for
9 the collection of any fee established pursuant to this
10 section. Persons authorized to enforce any such rules
11 or regulations issued under this subsection may,
12 within areas under the administration or authority
13 of the Secretary and with or, if the offense is com-
14 mitted in his presence, without a warrant, arrest any
15 person who violates such rules and regulations. Any
16 person so arrested may be tried and sentenced by
17 the United States magistrate judge specifically des-
18 ignated for that purpose by the court by which he
19 was appointed, in the same manner and subject to
20 the same conditions as provided in subsections (b),
21 (c), (d), and (e) of section 3401 of title 18. Any vio-
22 lations of the rules and regulations issued under this
23 subsection shall be punishable by a fine of not more
24 than \$1000.

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

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

18 (4) FEDERAL AND STATE LAWS UNAF-
19 FECTED.—Nothing in this Act shall authorize Fed-
20 eral hunting or fishing licenses or fees or charges for
21 commercial or other activities not related to recre-
22 ation, nor shall it affect any rights or authority of
23 the States with respect to fish and wildlife, nor shall
24 it repeal or modify any provision of law that permits
25 States or political subdivisions to share in the reve-

1 nues from Federal lands or any provision of law that
2 provides that any fees or charges collected at par-
3 ticular Federal areas shall be used for or credited to
4 specific purposes or special funds as authorized by
5 that provision of law.

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

17 (A) the sale of permits and the collection
18 of fees,

19 (B) the purposes and resources of the
20 areas in which they are assigned, and

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

23 The Secretary shall require a surety bond for any
24 such volunteer performing services under this sub-
25 section. Funds available to the collecting agency may

1 be used to cover the cost of any such surety bond.
2 The head of the collecting agency may enter into ar-
3 rangements with qualified public or private entities
4 pursuant to which such entities may sell (without
5 cost to the United States) annual admission permits
6 (including Golden Eagle Passports) at any appro-
7 priate location.

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