

Union Calendar No. 439

104TH CONGRESS
2^D SESSION

H. R. 2941

[Report No. 104-802, Part I]

A BILL

To improve the quantity and quality of the quarters of land management agency field employees, and for other purposes.

SEPTEMBER 17, 1996

Reported from the Committee on Resources with an amendment

SEPTEMBER 17, 1996

Referral to the Committee on Agriculture for a period ending not later than September 17, 1996

SEPTEMBER 17, 1996

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Union Calendar No. 439

104TH CONGRESS
2^D SESSION

H. R. 2941

[Report No. 104-802, Part I]

To improve the quantity and quality of the quarters of land management agency field employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1996

Mr. HEFLEY introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 17, 1996

Reported from the Committee on Resources with an amendment

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

SEPTEMBER 17, 1996

Referral to the Committee on Agriculture for a period ending not later than September 17, 1996

SEPTEMBER 17, 1996

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 1, 1996]

A BILL

To improve the quantity and quality of the quarters of land management agency field employees, 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 AND TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
 5 *tional Park Service Administrative Reform Act of 1996”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title and table of contents.

Sec. 2. National Park Service Housing Improvement Act.

Sec. 3. Minor boundary revision authority.

Sec. 4. Authorization for certain park facilities to be located outside of units of
the National Park System.

Sec. 5. Elimination of unnecessary congressional reporting requirements.

Sec. 6. Senate confirmation of the Director of the National Park Service.

Sec. 7. National Park System Advisory Board authorization.

Sec. 8. Challenge cost-share agreement authority.

Sec. 9. Cost recovery for damage to national park resources.

8 **SEC. 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT**
 9 **ACT.**

10 (a) *PURPOSES.*—*The purposes of this section are—*

11 (1) *to develop where necessary an adequate sup-*
 12 *ply of quality housing units for field employees of the*
 13 *National Park Service within a reasonable time*
 14 *frame;*

15 (2) *to expand the alternatives available for con-*
 16 *struction and repair of essential government housing;*

17 (3) *to rely on the private sector to finance or*
 18 *supply housing in carrying out this section, to the*
 19 *maximum extent possible, in order to reduce the need*
 20 *for Federal appropriations;*

1 (4) to provide increased opportunities for the
2 ownership of housing by field employees, together with
3 the equity and tax benefits associated with home own-
4 ership;

5 (5) to ensure that adequate funds are available
6 to provide for long-term maintenance needs of field
7 employee housing; and

8 (6) to eliminate unnecessary government housing
9 and locate such housing as is required in a manner
10 such that primary resource values are not impaired.

11 (b) *GENERAL AUTHORITY.*—To enhance the ability of
12 the Secretary of the Interior (hereinafter in this section re-
13 ferred to as “the Secretary”), acting through the Director
14 of the National Park Service, to effectively manage units
15 of the National Park System, and notwithstanding any pro-
16 vision of section 5536 of title 5, United States Code, the
17 Secretary is authorized where necessary and justified to
18 make available employee housing and essential amenities,
19 on or off the lands under the administrative jurisdiction
20 of the National Park Service, and to rent or lease such hous-
21 ing to field employees of the National Park Service at a
22 reasonable value commensurate with rent or leasing of hous-
23 ing of comparable value in the local community.

24 (c) *REVIEW AND REVISION OF HOUSING CRITERIA.*—
25 Upon the enactment of this Act, the Secretary shall review

1 *and revise the existing criteria under which housing is pro-*
2 *vided to employees of the National Park Service. The review*
3 *and revision shall include consideration of the following cri-*
4 *teria:*

5 (1) *Required occupancy (whether and under*
6 *what circumstances the Park Service requires, as a*
7 *condition of employment, that an employee live at a*
8 *particular site or in a specific geographic area). For*
9 *each instance in which occupancy is required, full*
10 *consideration shall be given to the concept of adequate*
11 *response time.*

12 (2) *Availability and adequacy of non-Federal*
13 *housing in the geographic area, including consider-*
14 *ation of the degree of isolation (the time and distance*
15 *that separate other potential housing from the work-*
16 *place of a Park Service employee).*

17 (3) *Category of employment (seasonal or perma-*
18 *nent).*

19 (4) *Any other factor that the Secretary considers*
20 *appropriate.*

21 (d) *SUBMISSION OF REPORT.*—*A report detailing the*
22 *results of the revisions required by subsection (c) shall be*
23 *submitted to the Committee on Resources of the House of*
24 *Representatives and the Committee on Energy and Natural*
25 *Resources of the Senate not later than 180 days after the*

1 *date of the enactment of this Act. The report shall include*
2 *justifications for keeping, or for changing, each of the cri-*
3 *teria or factors used by the Department of the Interior with*
4 *regard to the provision of housing to employees of the Na-*
5 *tional Park Service.*

6 *(e) REVIEW OF CONDITION OF AND COSTS RELATING*
7 *TO HOUSING.—Using the revised criteria developed under*
8 *subsection (c), the Secretary shall undertake a review, for*
9 *each unit of the National Park System, of existing govern-*
10 *ment-owned housing provided to employees of the National*
11 *Park Service. The review shall include an assessment of the*
12 *physical condition of such housing and the suitability of*
13 *such housing to effectively carry out the missions of the De-*
14 *partment of the Interior and the National Park Service.*
15 *For each unit of such housing, the Secretary shall determine*
16 *whether the unit is needed and justified. The review shall*
17 *include estimates of the cost of bringing each such unit that*
18 *is needed and justified into usable condition that meets all*
19 *applicable legal housing requirements or, if the unit is de-*
20 *termined to be obsolete but is still warranted to carry out*
21 *the missions of the Department of the Interior and the Na-*
22 *tional Park Service, the cost of replacing the unit.*

23 *(f) AUTHORIZATION FOR HOUSING AGREEMENTS.—*
24 *For those units of the National Park System for which the*
25 *review required by subsections (c) and (e) has been com-*

1 *pleted, the Secretary is authorized pursuant to the authori-*
2 *ties contained in this Act, to enter into housing agreements*
3 *with housing entities under which such housing entities*
4 *may develop, construct, rehabilitate, or manage housing, lo-*
5 *cated on or off public lands, for rent or lease to National*
6 *Park Service employees who meet the housing eligibility cri-*
7 *teria developed by the Secretary pursuant to this Act.*

8 *(g) JOINT PUBLIC-PRIVATE SECTOR HOUSING PRO-*
9 *GRAMS.—*

10 *(1) LEASE TO BUILD PROGRAM.—The Secretary*
11 *may—*

12 *(A) lease Federal land and interests in land*
13 *to qualified persons for the construction of field*
14 *employee quarters and essential amenities for*
15 *any period not to exceed 50 years; and*

16 *(B) lease developed and undeveloped non-*
17 *Federal land for providing field employee quar-*
18 *ters.*

19 *(2) COMPETITIVE LEASING.—Each lease under*
20 *paragraph (1)(A) shall be awarded through the use of*
21 *publicly advertised, competitively bid, or competi-*
22 *tively negotiated contracting procedures, except that a*
23 *lease to a field employee housing cooperative may be*
24 *awarded noncompetitively if construction on the*

1 *leased land is then competitively bid or competitively*
2 *negotiated.*

3 (3) *TERMS AND CONDITIONS.—Each lease under*
4 *paragraph (1)(A)—*

5 (A) *shall stipulate whether operation and*
6 *maintenance of field employee quarters is to be*
7 *provided by the lessee, field employees or the Fed-*
8 *eral Government;*

9 (B) *shall require that the construction and*
10 *rehabilitation of field employee quarters be done*
11 *in accordance with the requirements of the Na-*
12 *tional Park Service and local applicable building*
13 *codes and industry standards;*

14 (C) *shall contain such additional terms and*
15 *conditions as may be appropriate to protect the*
16 *Federal interest, including limits on rents the*
17 *lessee may charge field employees for the occu-*
18 *pancy of quarters, conditions on maintenance*
19 *and repairs, and agreements on the provision of*
20 *charges for utilities and other infrastructure;*

21 (D) *may provide that, upon termination of*
22 *the lease, the contractor shall abandon the quar-*
23 *ters constructed on the property subject to such*
24 *lease and thereafter ownership shall vest in the*

1 *United States or restore the property to its natu-*
2 *ral state; and*

3 *(E) may be granted at less than fair market*
4 *value if the Secretary determines that such lease*
5 *will improve the quality and availability of field*
6 *employee quarters available.*

7 *(4) CONTRIBUTIONS BY UNITED STATES.—The*
8 *Secretary may make payments or contributions in*
9 *kind to reduce the costs of planning, construction, or*
10 *rehabilitation of quarters under a lease under this*
11 *subsection.*

12 *(5) THIRD PARTY PARTICIPATION.—A lease*
13 *under this subsection may include provision for par-*
14 *ticipation by a third party, when third party pres-*
15 *ence is needed or required, and approved by the Sec-*
16 *retary concerned.*

17 *(h) RENTAL GUARANTEE PROGRAM.—*

18 *(1) GENERAL AUTHORITY.—The Secretary may*
19 *enter into a lease to build arrangement as set forth*
20 *in subsection (c) with further agreement to guarantee,*
21 *the occupancy of field employee quarters constructed*
22 *or rehabilitated under such lease. A guarantee made*
23 *under this subsection shall be in writing.*

24 *(2) LIMITATIONS.—The Secretary may not guar-*
25 *antee—*

1 (A) the occupancy of more than 97 percent
2 of the units constructed or rehabilitated under
3 such lease; and

4 (B) a rental rate that exceeds the rates es-
5 tablished under subsection (j)(3).

6 (3) *RENTAL TO GOVERNMENT EMPLOYEES.*—A
7 guarantee may be made under this subsection only if
8 the lessee agrees to permit the Secretary concerned to
9 utilize for housing purposes any units for which the
10 guarantee is made.

11 (4) *FAILURE TO MAINTAIN A SATISFACTORY*
12 *LEVEL OF OPERATION AND MAINTENANCE.*—The lease
13 shall be null and void if the lessee fails to maintain
14 a satisfactory level of operation and maintenance.

15 (i) *JOINT DEVELOPMENT AUTHORITY.*—

16 (1) *IN GENERAL.*—The Secretary may use au-
17 thorities granted by statute in combination with one
18 another in the furtherance of providing where nec-
19 essary and justified affordable field employee housing.

20 (2) *CONDITION.*—The Secretary may condition
21 private development upon provision and management
22 of field employee housing for the Federal Government
23 in the affected location.

24 (j) *CONTRACTS FOR THE MANAGEMENT OF FIELD EM-*
25 *PLOYEE QUARTERS.*—

1 (1) *GENERAL AUTHORITY.*—*The Secretary may*
2 *enter into contracts for the management, repair, and*
3 *maintenance of field employee quarters.*

4 (2) *TERMS AND CONDITIONS.*—*Any such contract*
5 *shall contain such terms and conditions as the Sec-*
6 *retary deems necessary or appropriate to protect the*
7 *interests of the United States and assure that safe, af-*
8 *fordable quarters are available to that agency’s field*
9 *employees.*

10 (3) *RENTS.*—*Notwithstanding any other provi-*
11 *sion of law, any such contract may provide for the*
12 *setting of rents at rates to be determined by the Sec-*
13 *retary in accordance with subsection (m)(2) of this*
14 *section and for their collection.*

15 (k) *JOINT EMPLOYEE-AGENCY HOUSING PROGRAMS.*—

16 (1) *SALE OF QUARTERS.*—

17 (A) *GENERAL AUTHORITY.*—*Notwithstand-*
18 *ing any other provision of law, the Secretary*
19 *may sell field employee quarters to field employ-*
20 *ees of the agency or a cooperative whose member-*
21 *ship is made up exclusively of field employees of*
22 *the agency.*

23 (B) *INTEREST IN LANDS.*—*The Secretary*
24 *may only sell a leasehold interest in lands at-*

1 *tendant to the sale of any quarters under sub-*
2 *paragraph (A).*

3 (2) *LEASE OF QUARTERS.*—*The Secretary may*
4 *lease Federal land to field employees of the National*
5 *Park Service or a cooperative made up of field em-*
6 *ployees of the National Park Service for purposes of*
7 *constructing employee housing and essential amen-*
8 *ities.*

9 (3) *RIGHT OF FIRST REFUSAL.*—*The Secretary*
10 *shall have right of first refusal when any property*
11 *transferred under this subsection is for sale.*

12 (4) *COVENANTS.*—*The Secretary may establish*
13 *and enforce such covenants as may be appropriate to*
14 *the property, upon its sale by the Secretary under*
15 *this subsection.*

16 (5) *FAIR MARKET VALUE.*—*The Secretary may*
17 *sell or transfer employee quarters under this sub-*
18 *section for less than fair market value if the Secretary*
19 *determines that such a sale or transfer will improve*
20 *the quality of field employee quarters available and*
21 *keep the quarters affordable at the salary ranges of*
22 *field employees normally occupying them.*

23 (6) *RULE OF CONSTRUCTION.*—*Disposal of em-*
24 *ployee quarters under this subsection to field employ-*
25 *ees and cooperatives whose membership is made up*

1 *exclusively of field employees shall not be considered*
2 *disposal of excess Federal real property under the*
3 *Federal Property and Administrative Services Act of*
4 *1949 (40 U.S.C. 471 et seq.).*

5 (7) *NOTICE.—The Secretary may not take any*
6 *action authorized pursuant to this section until 180*
7 *days after the Secretary submits a report to the ap-*
8 *propriate congressional committees respecting the au-*
9 *thority of this subsection.*

10 (l) *LEASING OF SEASONAL EMPLOYEE QUARTERS.—*

11 (1) *GENERAL AUTHORITY.—Subject to para-*
12 *graph (2), the Secretary may lease quarters at or*
13 *near a unit of the park system for use as seasonal*
14 *quarters for field employees. The rent charged to field*
15 *employees under such a lease shall be that amount*
16 *which is equal to reasonable value.*

17 (2) *LIMITATION.—The Secretary may only issue*
18 *a lease under paragraph (1) if the Secretary finds*
19 *that there is a shortage of adequate and affordable*
20 *seasonal quarters at or near such unit and that—*

21 (A) *the requirement for such seasonal field*
22 *employee quarters is temporary; or*

23 (B) *leasing would be more cost effective*
24 *than construction of new seasonal field employee*
25 *quarters.*

1 (3) *UNRECOVERED COSTS.*—*The Secretary may*
2 *pay the unrecovered costs of leasing seasonal quarters*
3 *under this subsection from annual appropriations for*
4 *the year in which such lease is made.*

5 (4) *RENTAL TO NONGOVERNMENTAL PERSONS.*—
6 *The Secretary may rent seasonal quarters on Govern-*
7 *ment lands to nongovernment persons during those*
8 *times that such units are not required for seasonal*
9 *employees, except that the Secretary may only rent*
10 *such quarters if the Secretary determines the rent ex-*
11 *ceeds the cost of providing such quarters.*

12 (m) *SURVEY OF EXISTING FACILITIES.*—*The Sec-*
13 *retary shall—*

14 (1) *complete a condition assessment for all field*
15 *employee housing, including the physical condition of*
16 *such housing and the necessity and suitability of such*
17 *housing for the effective prosecution of the agency*
18 *mission, using existing information; and*

19 (2) *develop a agency-wide priority listing, by*
20 *structure, identifying those units in greatest need for*
21 *repair, rehabilitation, replacement, or initial con-*
22 *struction.*

23 (n) *USE OF HOUSING-RELATED FUNDS.*—*Expendi-*
24 *ture of any funds authorized and appropriated for new con-*
25 *struction, repair, or rehabilitation of housing under this*

1 *section shall follow the housing priority listing established*
2 *by the agency under subsection (m), in sequential order,*
3 *to the maximum extent practicable.*

4 (o) *ANNUAL BUDGET SUBMITTAL.*—*The President’s*
5 *proposed budget to Congress for the first fiscal year begin-*
6 *ning after enactment of this Act, and for each subsequent*
7 *fiscal year, shall include for each agency under this section,*
8 *identification of nonconstruction funds to be spent for hous-*
9 *ing maintenance and operations which are in addition to*
10 *rental receipts collected.*

11 (p) *EMPLOYEE TRANSPORTATION.*—*The Secretary*
12 *may use applicable appropriations of the National Park*
13 *System for transportation to and from work, outside of reg-*
14 *ular working hours, of field employees, residing in or near*
15 *a national park system unit, such transportation to be be-*
16 *tween the unit and the city, or intervening points, at rea-*
17 *sonable rates to be determined by the Secretary taking into*
18 *consideration, among other factors, comparable rates*
19 *charged by transportation companies in the locality for*
20 *similar services, the amounts collected for such transpor-*
21 *tation to be credited to the current appropriation account*
22 *available for administration of the park system unit con-*
23 *cerned and shall be available to the Secretary for obligation*
24 *or expenditure, notwithstanding section 1341 of title 31,*
25 *United States Code, for administration of such unit. Any*

1 *surplus proceeds shall be retained by the agency for those*
2 *purposes until expended. If adequate transportation facili-*
3 *ties are available, or shall be available by any common car-*
4 *rier, at reasonable rates, then and in that event the services*
5 *contemplated by this subsection shall not be offered.*

6 *(q) STUDY OF HOUSING ALLOWANCES.—Within 12*
7 *months after the date of enactment of this Act, the Secretary*
8 *shall conduct a study to determine the feasibility of provid-*
9 *ing eligible employees of the National Park Service with*
10 *housing allowances rather than government housing. The*
11 *study shall specifically examine the feasibility of providing*
12 *rental subsidies to temporary and lower paid permanent*
13 *employees. Whenever the Secretary submits a copy of such*
14 *study to the Office of Management and Budget, he shall con-*
15 *currently transmit copies of the report to the Resources*
16 *Committee of the United States House of Representatives*
17 *and the Committee on Energy and Natural Resources of*
18 *the United States Senate.*

19 *(r) GENERAL PROVISIONS.—*

20 *(1) CONSTRUCTION LIMITATIONS ON FEDERAL*
21 *LANDS.—The Secretary may not utilize any lands for*
22 *the purposes of providing field employee housing*
23 *under this section which could impact primary re-*
24 *source values of the area or adversely affect the mis-*
25 *sion of the agency. Any construction carried out*

1 *under this section shall be fully consistent with ap-*
2 *proved land management agency plans.*

3 (2) *RENTAL RATES.—*

4 (A) *ESTABLISHMENT.—The Secretary shall*
5 *establish reasonable value rental rates for all*
6 *quarters occupied by field employees of land*
7 *management agencies.*

8 (B) *ANNUAL ADJUSTMENTS.—The Secretary*
9 *may annually make an adjustment for a cal-*
10 *endar year in the rental rates established under*
11 *paragraph (1). Such adjustment may not exceed*
12 *the Department of Labor's then applicable*
13 *Consumer Price Index Residential Rent Series*
14 *annual adjustment factor except for increases at-*
15 *tributable to utility rates and other Government*
16 *provided services and improvements provided by*
17 *the United States.*

18 (3) *AVAILABILITY OF QUARTERS.—In carrying*
19 *out this section and section 5911 of title 5, United*
20 *States Code, with respect to land management agen-*
21 *cies, the Secretary shall determine the availability of*
22 *quarters on the basis of the existence, within reason-*
23 *able commuting range of well-constructed and main-*
24 *tained housing suitable to the individual and family*
25 *needs of the field employee at a reasonable value.*

1 (4) *EXEMPTION FROM NPS LEASING REQUIRE-*
2 *MENTS.—The provisions of section 5 of the Act of*
3 *July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 460l-22)*
4 *shall not apply to the issuance by the Secretary of*
5 *leases under this section.*

6 (s) *PROCEEDS.—The proceeds from any lease under*
7 *subsection (g)(1)(A)(i), any sale or lease under subsection*
8 *(k)(1), and any lease of seasonal quarters under subsection*
9 *(l), may, notwithstanding section 3302 of title 31, United*
10 *States Code, be retained by the land management agency*
11 *entering into such sale or lease. Such proceeds shall be cred-*
12 *ited to the current appropriation account available for pay-*
13 *ment of costs related to the housing program, including ad-*
14 *ministration, maintenance, repair, rehabilitation, and con-*
15 *struction activities. Such proceeds shall be available to the*
16 *agency, notwithstanding section 1341 of title 31, United*
17 *States Code, for obligation or expenditure by the agency for*
18 *such purposes and shall be retained by the agency for those*
19 *purposes until expended.*

20 (t) *DEFINITIONS.—For purposes of this section:*

21 (1) *The term “essential amenities” means day*
22 *care, laundromats, and recreational facilities and*
23 *such other amenities as the Secretary deems appro-*
24 *priate.*

1 (2) *The term “field employee” means an em-*
2 *ployee who is exclusively assigned to perform duties*
3 *at a field unit and does not include any person as-*
4 *signed to any regional or other central office. A field*
5 *employee shall include Government employees, volun-*
6 *teers, concession employees, school teachers, cooperat-*
7 *ing association personnel and other essential cooperat-*
8 *ors.*

9 (3) *The term “land management agency” means*
10 *the National Park Service, Department of the Inte-*
11 *rior.*

12 (4) *The term “primary resource values” means*
13 *resources which are specifically mentioned in the ena-*
14 *bling legislation for that field unit or other resource*
15 *value recognized under Federal statute.*

16 (5) *The term “quarters” means quarters owned*
17 *or leased by the Government.*

18 (6) *The term “seasonal quarters” means quarters*
19 *typically occupied by field employees who are hired*
20 *on assignments of 180 days or less.*

21 **SEC. 3. MINOR BOUNDARY REVISION AUTHORITY.**

22 *Section 7(c) of the Land and Water Conservation*
23 *Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as fol-*
24 *lows:*

1 (1) *In the first sentence, by striking “Committee*
2 *on Natural” and inserting “Committee on”.*

3 (2) *By striking “: Provided, however,” and all*
4 *that follows through “1965” and inserting the follow-*
5 *ing after the first sentence: “In all cases except the*
6 *case of technical boundary revisions (resulting from*
7 *such causes as survey error or changed road align-*
8 *ments), the authority of the Secretary under clause (i)*
9 *shall apply only if each of the following conditions is*
10 *met:*

11 *“(1) The sum of the total acreage of lands, wa-*
12 *ters, and interests therein to be added to the area and*
13 *the total such acreage to be deleted from the area is*
14 *not more than 5 percent of the total Federal acreage*
15 *authorized to be included in the area and is less than*
16 *200 acres in size.*

17 *“(2) The acquisition, if any, is not a major Fed-*
18 *eral action significantly affecting the quality of the*
19 *human environment, as determined by the Secretary.*

20 *“(3) The sum of the total appraised value of the*
21 *lands, water, and interest therein to be added to the*
22 *area and the total appraised value of the lands, wa-*
23 *ters, and interests therein to be deleted from the area*
24 *does not exceed \$750,000.*

1 “(4) *The proposed boundary revision is not an*
2 *element of a more comprehensive boundary modifica-*
3 *tion proposal.*

4 “(5) *The proposed boundary has been subject to*
5 *a public review and comment period.*

6 “(6) *The Director of the National Park Service*
7 *obtains written support for the boundary modifica-*
8 *tion from all property owners whose lands, water, or*
9 *interests therein, or a portion of whose lands, water,*
10 *or interests therein, will be added to or deleted from*
11 *the area by the boundary modification.*

12 *Minor boundary revisions involving only deletions of*
13 *acreage owned by the Federal Government and ad-*
14 *ministered by the National Park Service may be*
15 *made only by Act of Congress.”.*

16 **SEC. 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES TO**
17 **BE LOCATED OUTSIDE OF UNITS OF THE NA-**
18 **TIONAL PARK SYSTEM.**

19 *Section 4 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 applica-*
22 *ble to the system, and for other purposes” approved August*
23 *18, 1970 (16 U.S.C. 1a–1 et seq.), is amended to read as*
24 *follows:*

1 **“SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE**
2 **BOUNDARIES OF SYSTEM UNITS.**

3 “(a) *AUTHORITY.*—*In order to facilitate the adminis-*
4 *tration of the national park system, the Secretary of the*
5 *Interior is authorized, under such terms and conditions as*
6 *he may deem advisable, to establish essential facilities for*
7 *park administration, visitor use, and park employee resi-*
8 *dential housing outside the boundaries, but within the vi-*
9 *cinity, of units of the national park system for purposes*
10 *of assuring conservation, visitor use, and proper manage-*
11 *ment of such units. Such facilities, and the use thereof, shall*
12 *be in conformity with approved plans for the unit con-*
13 *cerned. The Secretary shall use existing facilities wherever*
14 *feasible. Such facilities may only be constructed by the Sec-*
15 *retary upon finding that location of such facilities would—*

16 “(1) *avoid undue degradation of the primary*
17 *natural or cultural resources within the unit;*

18 “(2) *enhance service to the public; or*

19 “(3) *provide a cost saving to the Federal Govern-*
20 *ment.*

21 “(b) *AGREEMENTS, LEASES, GUIDELINES, AND CON-*
22 *STRUCTION.*—*For the purpose of establishing facilities*
23 *under subsection (a):*

24 “(1) *The Secretary may enter into agreements*
25 *permitting the Secretary to use for such purposes*
26 *those Federal lands that the head of a Federal agency*

1 *having primary authority over the administration of*
2 *such land and the Secretary determine to be suitable*
3 *for such use.*

4 “(2) *The Secretary, under such terms and condi-*
5 *tions as the Secretary determines are reasonable, may*
6 *lease or acquire (from willing sellers only) by pur-*
7 *chase or donation, real property (other than Federal*
8 *land), for the purposes specified in this section.*

9 “(3) *For real property acquired pursuant to*
10 *paragraph (2), the Secretary shall establish written*
11 *guidelines setting forth criteria to be used in deter-*
12 *mining whether the acquisition would—*

13 “(A) *reflect unfavorably upon the ability of*
14 *the Department or an employee to carry out its*
15 *responsibilities or official duties in a fair and*
16 *objective manner; or*

17 “(B) *compromise the integrity, or the ap-*
18 *pearance of integrity, of the Department’s pro-*
19 *grams or of any official involved in those pro-*
20 *grams.*

21 “(4) *The Secretary may construct, operate, and*
22 *maintain such permanent and temporary buildings*
23 *and facilities as the Secretary deems appropriate on*
24 *land which is in the vicinity of any unit of the na-*
25 *tional park system for which the Secretary has ac-*

1 *quired authority under this section, except that the*
2 *Secretary may not begin construction, operation, or*
3 *maintenance of buildings or facilities on land not*
4 *owned by the United States until the owner of such*
5 *lands has entered into a binding agreement with the*
6 *Secretary, the terms of which assure the continued use*
7 *of such buildings and facilities for a period of time*
8 *commensurate with the level of Federal investment.*

9 *“(c) COOPERATIVE AGREEMENTS AND JOINT VEN-*
10 *TURES FOR INFRASTRUCTURE FACILITIES.—The Secretary*
11 *is authorized to enter into cooperative agreements or joint*
12 *ventures with local or State governmental agencies, other*
13 *Federal agencies, Indian Tribes, and private entities either*
14 *on or off the lands subject to the jurisdiction of the Sec-*
15 *retary, to provide appropriate and necessary utility and*
16 *other infrastructure facilities in support of park adminis-*
17 *tration, visitor use, and park employee residential hous-*
18 *ing.”.*

19 **SEC. 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL**
20 **REPORTING REQUIREMENTS.**

21 *(a) REPEALS.—The following provisions are hereby re-*
22 *pealed:*

23 *(1) Section 302(c) of the Act entitled “An Act to*
24 *authorize the establishment of the Chattahoochee River*
25 *National Recreation Area in the State of Georgia,*

1 *and for other purposes (Public Law 95–344; 92 Stat.*
2 *478; 16 U.S.C. 2302(c)).*

3 *(2) Section 503 of the Act of December 19, 1980*
4 *(Public Law 96–550; 94 Stat. 3228; 16 U.S.C. 410ii–*
5 *2).*

6 *(3) Subsections (b) and (c) of section 4 of the Act*
7 *of October 15, 1982 (Public Law 97–335; 96 Stat.*
8 *1628; 16 U.S.C. 341 note).*

9 *(4) Section 7 of Public Law 89–671 (96 Stat.*
10 *1457; 16 U.S.C. 284f).*

11 *(5) Section 3(c) of the National Trails System*
12 *Act (Public Law 90–543; 82 Stat. 919; 16 U.S.C.*
13 *1242(c)).*

14 *(6) Section 4(b) of the Act of October 24, 1984*
15 *(Public Law 98–540; 98 Stat. 2720; 16 U.S.C. 1a–8).*

16 *(7) Section 106(b) of the National Visitor Center*
17 *Facilities Act of 1968 (Public Law 90–264; 82 Stat.*
18 *44; 40 U.S.C. 805(b)).*

19 *(8) Section 6(f)(7) of the Act of September 3,*
20 *1964 (Public Law 88–578; 78 Stat. 900; 16 U.S.C.*
21 *460l–8(f)(7)).*

22 *(9) Subsection (b) of section 8 of the Act of Au-*
23 *gust 18, 1970 (Public Law 91–383; 90 Stat. 1940; 16*
24 *U.S.C. 1a–5(b)).*

1 (10) *The last sentence of section 10(a)(2) of the*
2 *National Trails System Act (Public Law 90–543; 82*
3 *Stat. 926; 16 U.S.C. 1249(a)(2)).*

4 (11) *Section 4 of the Act of October 31, 1988*
5 *(Public Law 100–573; 102 Stat. 2891; 16 U.S.C. 460o*
6 *note).*

7 (12) *Section 104(b) of the Act of November 19,*
8 *1988 (Public Law 100–698; 102 Stat. 4621).*

9 (13) *Section 1015(b) of the Urban Park and*
10 *Recreation Recovery Act of 1978 (Public Law 95–625;*
11 *92 Stat. 3544; 16 U.S.C. 2514(b)).*

12 (14) *Section 105 of the Act of August 13, 1970*
13 *(Public Law 91–378; 16 U.S.C. 1705).*

14 (15) *Section 307(b) of the National Historic*
15 *Preservation Act (Public Law 89–665; 16 U.S.C.*
16 *470w–6(b)).*

17 (b) *AMENDMENTS.—The following provisions are*
18 *amended:*

19 (1) *Section 10 of the Archaeological Resources*
20 *Protection Act of 1979, by striking the last sentence*
21 *of subsection (c) (Public Law 96–95; 16 U.S.C.*
22 *470ii(c)).*

23 (2) *Section 5(c) of the Act of June 27, 1960*
24 *(Public Law 86–523; 16 U.S.C. 469a–3(c); 74 Stat.*

1 220), by inserting a period after “Act” and striking
2 “and shall submit” and all that follows.

3 (3) Section 7(a)(3) of the Act of September 3,
4 1964 (Public Law 88–578; 78 Stat. 903; 16 U.S.C.
5 460l–9(a)(3)), by striking the last sentence.

6 (4) Section 111 of the Petroglyph National
7 Monument Establishment Act of 1990 (Public Law
8 101–313; 104 Stat. 278), by striking out the second
9 sentence.

10 (5) Section 307(a) of the National Historic Pres-
11 ervation Act (Public Law 89–665; 16 U.S.C. 470w–
12 6(a)) is amended by striking the first and second sen-
13 tences.

14 (6) Section 101(a)(1)(B) of the National Historic
15 Preservation Act (Public Law 89–665; 16 U.S.C.
16 470a) by inserting a period after “Register” the last
17 place such term appears and by striking “and sub-
18 mitted” and all that follows.

19 **SEC. 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE**
20 **NATIONAL PARK SERVICE.**

21 (a) *IN GENERAL.*—The first section of the Act entitled
22 “An Act to establish a National Park Service, and for other
23 purposes”, approved August 25, 1916 (39 Stat. 535; 16
24 U.S.C. 1; commonly referred to as the “National Park Serv-
25 ice Organic Act”), is amended in the first sentence by strik-

1 ing “who shall be appointed by the Secretary” and all that
2 follows and inserting “who shall be appointed by the Presi-
3 dent, by and with the advice and consent of the Senate.
4 The Director shall have substantial experience and dem-
5 onstrated competence in land management and natural or
6 cultural resource conservation. The Director shall select two
7 Deputy Directors. The first Deputy Director shall have re-
8 sponsibility for National Park Service operations, and the
9 second Deputy Director shall have responsibility for other
10 programs assigned to the National Park Service.”.

11 (b) *EFFECTIVE DATE AND APPLICATION.*—The amend-
12 ment made by subsection (a) shall take effect on February
13 1, 1997, and shall apply with respect to the individual (if
14 any) serving as the Director of the National Park Service
15 on that date.

16 **SEC. 7. NATIONAL PARK SYSTEM ADVISORY BOARD AU-**
17 **THORIZATION.**

18 (a) *NATIONAL PARK SYSTEM ADVISORY BOARD.*—Sec-
19 tion 3 of the Act of August 21, 1935 (49 Stat. 667; 16
20 U.S.C. 463) is amended as follows:

21 (1) In subsection (a) by striking the first 3 sen-
22 tences and inserting in lieu thereof: “There is hereby
23 established a National Park System Advisory Board,
24 whose purpose shall be to advise the Director of the
25 National Park Service on matters relating to the Na-

1 *tional Park Service, the National Park System, and*
2 *programs administered by the National Park Service.*
3 *The Board shall advise the Director on matters sub-*
4 *mitted to the Board by the Director as well as any*
5 *other issues identified by the Board. Members of the*
6 *Board shall be appointed on a staggered term basis*
7 *by the Secretary for a term not to exceed 4 years and*
8 *shall serve at the pleasure of the Secretary. The Board*
9 *shall be comprised of no more than 12 persons, ap-*
10 *pointed from among citizens of the United States hav-*
11 *ing a demonstrated commitment to the mission of the*
12 *National Park Service. Board members shall be se-*
13 *lected to represent various geographic regions, includ-*
14 *ing each of the administrative regions of the National*
15 *Park Service. At least 6 of the members shall have*
16 *outstanding expertise in 1 or more of the following*
17 *fields: history, archeology, anthropology, historical or*
18 *landscape architecture, biology, ecology, geology, ma-*
19 *rine science, or social science. At least 4 of the mem-*
20 *bers shall have outstanding expertise and prior expe-*
21 *rience in the management of national or State parks*
22 *or protected areas, or national or cultural resources*
23 *management. The remaining members shall have out-*
24 *standing expertise in 1 or more of the areas described*
25 *above or in another professional or scientific dis-*

1 *cipline, such as financial management, recreation use*
2 *management, land use planning or business manage-*
3 *ment, important to the mission of the National Park*
4 *Service. At least 1 individual shall be a locally elected*
5 *official from an area adjacent to a park. The Board*
6 *shall hold its first meeting by no later than 60 days*
7 *after the date on which all members of the Advisory*
8 *Board who are to be appointed have been appointed.*
9 *Any vacancy in the Board shall not affect its powers,*
10 *but shall be filled in the same manner in which the*
11 *original appointment was made. The Board may*
12 *adopt such rules as may be necessary to establish its*
13 *procedures and to govern the manner of its oper-*
14 *ations, organization, and personnel. All members of*
15 *the Board shall be reimbursed for travel and per diem*
16 *in lieu of subsistence expenses during the performance*
17 *of duties of the Board while away from home or their*
18 *regular place of business, in accordance with sub-*
19 *chapter 1 of chapter 57 of title 5, United States Code.*
20 *With the exception of travel and per diem as noted*
21 *above, a member of the Board who is otherwise an*
22 *officer or employee of the United States Government*
23 *shall serve on the Board without additional com-*
24 *pen-sation.”.*

1 (2) *By redesignating subsections (b) and (c) as*
2 *(f) and (g) and by striking from the first sentence of*
3 *subsection (f), as so redesignated “1995” and insert-*
4 *ing in lieu thereof “2006”.*

5 (3) *By adding the following new subsections*
6 *after subsection (a):*

7 “(b)(1) *The Secretary is authorized to hire 2 full-time*
8 *staffers to meet the needs of the Advisory Board.*

9 “(2) *Service of an individual as a member of the*
10 *Board shall not be considered as service or employment*
11 *bringing such individual within the provisions of any Fed-*
12 *eral law relating to conflicts of interest or otherwise impos-*
13 *ing restrictions, requirements, or penalties in relation to*
14 *the employment of persons, the performance of services, or*
15 *the payment or receipt of compensation in connection with*
16 *claims, proceedings, or matters involving the United States.*
17 *Service as a member of the Board, or as an employee of*
18 *the Board, shall not be considered service in an appointive*
19 *or elective position in the Government for purposes of sec-*
20 *tion 8344 of title 5, United States Code, or comparable pro-*
21 *visions of Federal law.*

22 “(c)(1) *Upon request of the Director, the Board is au-*
23 *thorized to—*

24 “(A) *hold such hearings and sit and act at such*
25 *times,*

1 “(B) take such testimony,

2 “(C) have such printing and binding done,

3 “(D) enter into such contracts and other ar-
4 rangements,

5 “(E) make such expenditures, and

6 “(F) take such other actions,

7 as the Board may deem advisable. Any member of the
8 Board may administer oaths or affirmations to witnesses
9 appearing before the Board.

10 “(2) The Board may establish committees or sub-
11 committees. Any such subcommittees or committees shall be
12 chaired by a voting member of the Board.

13 “(d) The provisions of the Federal Advisory Committee
14 Act shall apply to the Board established under this section
15 with the exception of section 14(b).

16 “(e)(1) The Board is authorized to secure directly from
17 any office, department, agency, establishment, or instru-
18 mentality of the Federal Government such information as
19 the Board may require for the purpose of this section, and
20 each such officer, department, agency, establishment, or in-
21 strumentality is authorized and directed to furnish, to the
22 extent permitted by law, such information, suggestions, esti-
23 mates, and statistics directly to the Board, upon request
24 made by a member of the Board.

1 “(2) Upon the request of the Board, the head of any
2 Federal department, agency, or instrumentality is author-
3 ized to make any of the facilities and services of such de-
4 partment, agency, or instrumentality to the Board, on a
5 nonreimbursable basis, to assist the Board in carrying out
6 its duties under this section.

7 “(3) The Board may use the United States mails in
8 the same manner and under the same conditions as other
9 departments and agencies in the United States.”.

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are
11 authorized to be appropriated to the National Park System
12 Advisory Board \$200,000 per year to carry out the provi-
13 sions of section 3 of the Act of August 21, 1935 (49 Stat.
14 667; 16 U.S.C. 463).

15 (c) *EFFECTIVE DATE.*—This section shall take effect
16 on December 7, 1997.

17 **SEC. 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY.**

18 (a) *DEFINITIONS.*—For purposes of this section—

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

1 *August 8, 1953 (16 U.S.C. 1c(a))*, any affiliated
2 *area, or any designated National Scenic or Historic*
3 *Trail.*

4 (2) *The term “cooperator” means any State or*
5 *local government, public or private agency, organiza-*
6 *tion, institution, corporation, individual, or other en-*
7 *tity.*

8 (b) *CHALLENGE COST-SHARE AGREEMENTS.—The*
9 *Secretary of the Interior is authorized to negotiate and*
10 *enter into challenge cost-share agreements with cooperators.*

11 (c) *USE OF FEDERAL FUNDS.—In carrying out chal-*
12 *lenge cost-share agreements, the Secretary of the Interior is*
13 *authorized to provide the Federal funding share from any*
14 *funds available to the National Park Service.*

15 **SEC. 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK**
16 **RESOURCES.**

17 *Public Law 101–337 is amended as follows:*

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

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

24 (2) *In section 1 (16 U.S.C. 19jj) by adding at*
25 *the end thereof the following:*

1 “(g) ‘Marine or aquatic park system resource’ means
2 any living or non-living part of a marine or aquatic regi-
3 men within or is a living part of a marine or aquatic regi-
4 men within the boundaries of a unit of the National Park
5 System, except for resources owned by a non-Federal en-
6 tity.”.

7 (3) In section 2(b) (16 U.S.C. 19jj-1(b)), by in-
8 sserting “any marine or aquatic park resource” after
9 “any park system resource”.