

# Committee on Natural Resources

Rob Bishop Chairman  
Mark-Up Memorandum

March 14, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff, Terry Camp  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: H.R. 4680 (Rep. Rob Bishop), To prepare the National Park Service for its Centennial in 2016 and for a second century of promoting and protecting the natural, historic, and cultural resources of our National Parks for the enjoyment of present and future generations, and for other purposes.  
**March 15 & 16, 2016; 1324 Longworth HOB.**

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## H.R. 4680 (Rep. Rob Bishop), “*National Park Service Centennial Act*”

### Summary of the Bill

H.R. 4680, “*National Park Service Centennial Act*,” introduced on March 3, 2016 by Congressman Rob Bishop (R-UT-01), provides the National Park Service (NPS) with new funding and management authorities to prepare the NPS for a second century of promoting and protecting our Parks. The bill creates a Centennial Challenge fund to finance signature projects through matching private donations, increases the spending authorization for the NPS Volunteers in Parks program, and makes modifications to the Public Land Corps program. Additionally the bill establishes a Second Century Endowment Fund housed at the National Park Foundation (NPF), authorizes appropriations to the NPF, and makes changes to the Foundation Board.

### Background

August 25, 2016 marks the 100th anniversary of the signing of the National Park Service Organic Act. This Act created NPS, a new federal bureau within the Department of the Interior responsible for promoting and protecting 35 national parks and monuments. The National Park System has grown significantly since 1916 and now comprises 410 units covering more than **84 million acres** in all 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, Saipan, and the Virgin Islands.<sup>1</sup>

In preparing the parks for the Centennial, the agency faces a number of challenges, chief among them being the NPS’s \$11.9 billion deferred maintenance backlog.<sup>2</sup> As the NPS gradually took on new responsibilities and Congress voted to add new units to the National Park System, NPS fell behind on necessary projects. These projects include maintaining trails, fixing wastewater systems, and repairing deteriorating roads and bridges.

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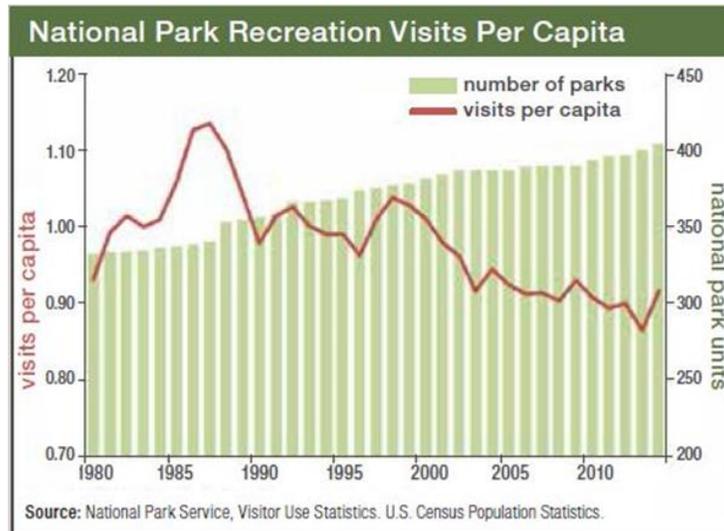
<sup>1</sup> National Park Service. "[History \(U.S. National Park Service\)](#)." March 10, 2016. Accessed March 10, 2016.

<sup>2</sup> National Park Service. "[NPS FY2015 Deferred Maintenance Reports](#)." March 10, 2016. Accessed March 10, 2016.

Current Status	Billions of Dollars
Total DM (Sept. 30, 2015)	\$11.927
Paved Roads and Structures	\$5.974
All Other Facilities	\$5.953
Highest Priority Non-Transportation Facilities	\$2.382

(Source: FY15 NPS Deferred Maintenance Reports)

In addition to deferred maintenance projects, the NPS also faces challenges with fee collection, technological upgrades, management of concessions contracts for visitor services, and decreasing visitation. In 2015, America’s National Parks had a record-setting 305 million visits, however when measured on a per capita basis, visitation declined in recent decades.<sup>3</sup> The decline in visitation has been particularly high among youth. Recent reports indicate that visits to parks by those 15 and younger fell by 50% over the last decade.<sup>4</sup>



(Chart courtesy of Reed Watson/PERC Report Summer 2015)

In the face of these significant challenges, the “*National Park Service Centennial Act*,” sponsored by Chairman Bishop celebrates the NPS Centennial, and better equips the NPS for the next century of promoting and protecting our parks. Provisions in the bill help the NPS reduce its deferred maintenance backlog by creating new sources of revenue to pay for needed improvements. Other provisions will help the NPS expand its Volunteers in Parks and Public Lands Corps programs as well as make needed changes to the NPF Board of Directors.

The Subcommittee on Federal Lands convened a legislative hearing on a discussion draft of the National Park Service Centennial Act on December 2, 2015.

<sup>3</sup> Watson, Reed. ["If You Find Yourself in a Hole..."](#) PERC Reports 34.1 (2015): 5.

<sup>4</sup> Bergeron, Ryan, and Sean Redlitz. ["Does National Park Service Have a Youth Problem?"](#) - CNN.com." CNN. March 19, 2015. Accessed November 24, 2015.

## **Major Provisions/Analysis of H.R. 4680**

### ***Title I - National Park Centennial Challenge Fund***

- Establishes a Centennial Challenge Fund, which requires a \$1:\$1 federal to private match, for signature projects to help prepare the National Parks for the next century of public enjoyment.
- Creates a new \$20 annual pass for seniors and increases the senior lifetime pass to \$80 to match the price of the annual National Parks and Federal Recreational Lands Pass. Revenue collected from sales of the passes above \$10 will be deposited in the Centennial Challenge Fund to fund signature projects selected by the Secretary of the Interior.

### ***Title II - National Park Foundation Endowment***

- Establishes at the NPF a Second Century Endowment that will grow over time through gifts and bequests, as well as from revenue generated from a fee on overnight hotel stays within units of the National Park System. The NPF may use the funds deposited in the Endowment for projects and activities approved by the Secretary that further the mission and purposes of the NPS.

### ***Title III – National Park Next Generation Stewards***

- Provides clear authority for the interpretation and education work of the NPS by consolidating disparate authorities currently used.
- Directs the Secretary of the Interior to ensure that management of National Park System units and related areas is enhanced by the availability and utilization of a broad program of the highest quality interpretation and education.
- Raises the age limit for participation in the Public Lands Corps from 25 to 30, and changes the non-competitive hiring status for former Public Land Corps members from 120 days after the member's service is completed to a period of up to two years.
- Increases the authorization for the Volunteers in Parks program from \$7 million to \$10 million.

### ***Title IV - National Park Foundation Authorities***

- Makes the Secretary of the Interior and the NPS Director *ex officio* members of the NPF Foundation Board, ensuring leadership continuity.

- Authorizes appropriation to the NPF of up to \$25 million for each of the fiscal years 2017 through 2023, to match on a 1:1 basis contributions made to the Foundation. No funds shall be used for administrative expenses of the Foundation including for salaries, travel and transportation expenses, and other overhead expenses.

#### ***Title V – Miscellaneous***

- Adds the General Chairman of the National Association of Tribal Historic Preservation Officers as a new member of the Advisory Council on Historic Preservation.
- Makes the position of the Chairman of the Advisory Council on Historic Preservation a full-time position.

#### **Anticipated Amendments**

- Bishop –
  - Amends the Title V provisions related to the Chairman of the Advisory Council on Historic Preservation by establishing term limits, making the position co-terminus with the President of the United States, and by setting the salary of the Chairman at Executive Schedule Level V.
  - Makes *ex officio* NPF board members non-voting members.
  - Requires the Secretary of the Interior, either directly or through a concessions contract, lease, or similar instrument, to impose a fee in a System unit in addition to the daily cost of lodging in facilities in that System unit.
  - Removes a provision reauthorizing the National Park Service Concession Management Advisory Board.
  - Makes small technical corrections.
- Grijalva – NPS Mandatory Spending
  - Provides a mandatory appropriation of \$300 million to the National Park Service Construction Account for FY2017 through FY2019.
- Grijalva – NPS Centennial Declaration
  - Adds the NPS Centennial Declaration included in H.R. 3556
- Tsongas – Senior Pass
  - Provides seniors with the opportunity to trade in receipts from the purchase of four senior annual passes for a lifetime senior pass.
- Huffman – Park Partners
- Huffman – Carbon Sequestration

## Effect on Current Law (Ramseyer)

### **Showing Current Law as Amended by H.R. 4680**

[new text highlighted in yellow; text to be deleted in brackets and highlighted in blue]

The Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.; Public Law 108-447)  
Section 805 (16 U.S.C. 1604)

## **§6804. Recreation passes**

### **(a) America the Beautiful-the National Parks and Federal Recreational Lands Pass**

#### **(1) Availability and use**

The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the "America the Beautiful-the National Parks and Federal Recreational Lands Pass", which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

#### **(2) Image competition for recreation pass**

The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

#### **(3) Notice of establishment**

The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

#### **(4) Duration**

The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

#### **(5) Price**

The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

### **(6) Sales locations and marketing**

#### **(A) In general**

The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

#### **(B) Use of vendors**

The Secretary may enter into fee management agreements as provided in [section 6805 of this title](#).

### **(C) Marketing**

The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

### **(7) Administrative guidelines**

The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

### **(8) Development and implementation agreements**

The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

### **(9) Prohibition on other national recreation passes**

The Secretary may not establish any national recreation pass, except as provided in this section.

### **(b) Discounted passes**

#### **(1) Age discount**

(A) The Secretary shall make the National Parks and Federal Recreational Lands Pass available [at a cost of \$10.00.] to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection [shall be valid for the lifetime of the pass holder.] shall be available—

(i) for a period of 12 months from the date of the issuance, at a cost of \$20; and  
(ii) for the lifetime of the passholder, at a cost equal to the cost of the National Parks and Federal Recreational Lands Pass purchased under subsection (a).

(B) Amounts in excess of \$10 that are charged by the National Park Service for a pass under subparagraph (A)(i) shall be deposited in the National Park Centennial Challenge Fund established under section 101(a) of the National Park Service Centennial Act.

#### **(2) Disability discount**

The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 705(20)(B)(i) of title 29, if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

### **(c) Site-specific agency passes**

The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

**(d) Regional multientity passes**

**(1) Passes authorized**

The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

**(2) Regional multientity pass agreement**

In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

**(e) Discounted or free admission days or use**

The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

**(f) Effect on existing passports and permits**

**(1) Existing passports**

A passport issued under [section 100904 of title 54](#) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

**(2) Permits**

A permit issued under [section 100904 of title 54](#) that was valid on the day before December 8, 2004, shall be valid and remain in effect until expired, revoked, or suspended.

Chapter 1007 of title 54, United States Code

**CHAPTER 1008--EDUCATION AND INTERPRETATION**

100801. Purposes.

100802. Definitions.

100803. Interpretation and education authority.

100804. Interpretation and education evaluation and quality improvement.

100805. Improved utilization of partners and volunteers in interpretation and education.

### **Sec. 100801. Purposes**

The purposes of this chapter are--

(1) to more effectively achieve the mission of the Service by providing clear authority and direction for interpretation and education programs that are carried out by the Service under separate authorities;

(2) to ensure that the public encounters a variety of interpretive and educational opportunities and services during their visits to our System units;

(3) to recognize that the Service provides lifelong learning opportunities and contributes to interdisciplinary learning in traditional and non-traditional educational settings; and

(4) to provide opportunities for all people to find relevance in the System and to strengthen public understanding of our natural and cultural heritage.

### **Sec. 100802. Definitions**

As used in this chapter:

(1) INTERPRETATION- The term `interpretation'--

(A) means providing opportunities for people to form intellectual and emotional connections to gain awareness, appreciation, and understanding of the resources of the System; and

(B) may refer to the professional career field of Service employees, volunteers, and partners who interpret the resources of the System.

(2) EDUCATION- The term `education' means enhancing public awareness, understanding, and appreciation of the resources of the System through learner-centered, place-based materials, programs, and activities that achieve specific learning objectives as identified in a curriculum.

(3) RELATED AREAS- The term `related areas' means--

(A) national wild and scenic rivers and national trails;

(B) national heritage areas; and

(C) affiliated areas administered in connection with the System.

### **Sec. 100803. Interpretation and education authority**

The Secretary shall ensure that management of System units and related areas is enhanced by the availability and use of a broad program of the highest quality interpretation and education.

### **Sec. 100804. Interpretation and education evaluation and quality improvement**

The Secretary may undertake a program of regular evaluation of interpretation and education programs to ensure that they--

- (1) adjust to how people learn and engage with the natural world and shared heritage as embodied in the System;
- (2) reflect different cultural backgrounds, ages, education, gender, abilities, ethnicity, and needs;
- (3) demonstrate innovative approaches to management and appropriately incorporate emerging learning and communications technology; and
- (4) reflect current scientific and academic research, content, methods, and audience analysis.

### **Sec. 100805. Improved use of partners and volunteers in interpretation and education**

The Secretary may--

- (1) coordinate with park partners and volunteers in the delivery of quality programs and services to supplement those provided by the Service as part of a park's Long Range Interpretive Plan;
- (2) support interpretive partners by providing opportunities to participate in interpretive training; and
- (3) collaborate with other Federal and non-Federal public or private agencies, organizations, or institutions for the purposes of developing, promoting, and making available educational opportunities related to resources of the System and programs.

Chapter 1011 of title 54, United States Code:

Section 101112 (54 U.S.C. 101112)

#### **§101112. Board**

[(a) Membership.-The National Park Foundation shall consist of a Board having as members the Secretary, the Director, and no fewer than 6 private citizens of the United States appointed by the Secretary.]

(a) Membership.—The National park Foundation shall consist of a Board having as members no fewer than 6 private citizens of the United States appointed by the Secretary. The Secretary and the Director shall be members of the Board, ex officio.

(b) Term of Office and Vacancies.—The term of the private citizen members of the Board is 6 years. If a successor is chosen to fill a vacancy occurring prior to the expiration of a term, the successor shall be chosen only for the remainder of that term.

[(c) Chairman and Secretary.—The Secretary shall be the Chairman of the Board and the Director shall be the Secretary of the Board.]

(c) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a two-year term.

(d) Board Membership Not an Office.—Membership on the Board shall not be an office within the meaning of the statutes of the United States.

(e) Quorum.—A majority of the members of the Board serving at any time shall constitute a quorum for the transaction of business.

(f) Seal.—The National Park Foundation shall have an official seal, which shall be judicially noticed.

(g) Meetings.—The Board shall meet at the call of the Chairman and there shall be at least one meeting each year.

(h) Compensation and Reimbursement.—No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as members out of National Park Foundation funds available to the Board for those purposes.

Section 101113 (54 U.S.C. 101113)

### **§101113. Gifts, devises, or bequests**

(a) Authority To Accept Gifts, Devises, or Bequests.—

(1) In general.—The National Park Foundation may accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust of real or personal property, or any income from, or other interest in, the gift, devise, or bequest, for the benefit of, or in connection with, the Service, its activities, or its services.

(2) Coordination with the Service.—Activities of the National Park Foundation under paragraph (1) shall be undertaken after consultation with the Director to ensure that those activities are consistent with the programs and policies of the Service.

[(2)] (3) Gift, devise, or bequest that is encumbered, restricted, or subject to beneficial interests.—A gift, devise, or bequest may be accepted by the National Park Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Service, its activities, or its services.

(b) When Gift, Devise, or Bequest May Not Be Accepted.—The National Park Foundation may not accept any gift, devise, or bequest that entails any expenditure other than from the resources of the Foundation.

(c) Interest in Real Property.—For purposes of this section, an interest in real property includes easements or other rights for preservation, conservation, protection, or

enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

## **Sec. 101121. Second Century Endowment for the National Park Service**

(a) Second Century Endowment- To further the mission of the Service, the National Park Foundation shall establish a special account to be known as the "Second Century Endowment for the National Park Service".

### **(1) FUNDS FOR THE ENDOWMENT-**

(A) The Endowment shall consist of any gifts, devises, or bequests that are provided to the National Park Foundation for such purpose.

(B) The National Park Foundation shall deposit any funds received for the Endowment in a federally insured interest-bearing account or may invest funds in appropriate security obligations, as directed by the Board of Directors.

(C)(i) The Secretary may, either directly or through a concessions contract, lease, or similar instrument, impose a fee in a System unit in addition to the daily cost of lodging in facilities in that System unit. Amounts collected under this clause shall be deposited into the Endowment.

(ii) The Secretary shall ensure that a fee imposed under this subparagraph in a System unit does not raise the aggregate amount of fees imposed by local, State, and Federal governments to more than 5 percent of the base daily cost of lodging in facilities in that System unit.

(iii) No fees may be charged under this subparagraph within a unit of the National Park System for--

(I) employees of the National Park System, including seasonal employees or employees of concessioners, who live in housing provided in a national park due to their employment and house guests of such employees;

(II) persons engaged in residential educational and interpretive programs who are lodged in national park facilities while participating in these programs; and

(III) lodging on private property within a unit of the National Park System.

(D) Any accrued interest or dividends earned on funds received for the Endowment shall be added to the principal and form a part of the Endowment.

### **(2) USE OF FUNDS-**

(A) The National Park Foundation shall use funds deposited in the Endowment for projects and activities approved by the Secretary that further the mission and purposes of the Service.

(B) In administering the Endowment each fiscal year, the National Park Foundation shall be guided by the District of Columbia Uniform Prudent Management of Institutional Funds Act of 2007 (D.C. Code 44-1631 et seq.), including section 44-1633 on expenditures.

(C) No funds received for the Endowment shall be used by the National Park Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(b) Summary- Beginning 2 years after the date of the enactment of this section, the National Park Foundation shall include with its annual report a summary of the status of the Endowment. The summary shall include--

(1) a statement of the amounts deposited in the Endowment during the fiscal year;

(2) the amount of the balance remaining in the Endowment at the end of the fiscal year; and

(3) a description of the sums and purposes of the expenditures made from the Endowment for the fiscal year.

[amendment to table of contents omitted]

## **SEC. 101122. AUTHORIZATION OF APPROPRIATIONS.**

(a) In General- There are authorized to be appropriated to carry out this subchapter \$25,000,000 for each of fiscal years 2017 through 2023.

(b) Requirement of Advance Payment- The amount made available for a fiscal year under subsection (a) shall be provided to the National Park Foundation in an advance payment of the entire amount on October 1 of the fiscal year, or as soon as practicable thereafter.

(c) Use of Appropriated Funds- Amounts made available under subsection (a) shall be provided to the National Park Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation.

(d) Prohibition Use for Administrative Expenses- No Federal funds made available under subsection (a) shall be used by the National Park Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

(e) Prohibition Use for Investment- The National Park Foundation shall not place Federal funds made available under subsection (a) into any fund that will be invested or earn interest in any way.

[amendment to table of contents omitted]

## **§101919. National Park Service Concessions Management Advisory Board**

(a) Establishment and Purpose.-There is a National Park Service Concessions Management Advisory Board whose purpose shall be to advise the Secretary and Service on matters relating to management of concessions in the System.

(b) Duties.-

(1) Advice.-The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to ensure that services and facilities provided by concessioners-

(i) are necessary and appropriate;

(ii) meet acceptable standards at reasonable rates with a minimum of impact on System unit resources and values; and

(iii) provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make Service concession programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) Recommendations.-The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) The Service contracting with the private sector to conduct appropriate elements of concession management.

(B) Ways to make the review or approval of concessioner rates and charges to the public more efficient, less burdensome, and timelier.

(C) The nature and scope of products that qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within the meaning of this subchapter.

(D) The allocation of concession fees.

(3) Annual report.-The Advisory Board shall provide an annual report on its activities to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) Advisory Board Membership.-Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than 7 individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a Service concession. Of the 7 members of the Advisory Board-

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concession business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

- (5) one member shall be a State government employee with expertise in park concession management;
- (6) one member shall be active in promotion of traditional arts and crafts; and
- (7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) Service on Advisory Board.-Service of an individual as a member of the Advisory Board shall not be deemed to be service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of [section 8344 of title 5](#) or other comparable provisions of Federal law.

(e) Termination.-The Advisory Board shall continue to exist until December 31, [2009](#) [2019](#). In all other respects, it shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

The Public Land Corps Act of 1993 (Public Law 103-82, 16 U.S.C. 1721 et seq.)  
Section 203 (16 U.S.C. 1722)

## §1722. Definitions

For purposes of this subchapter:

### (1) Appropriate conservation project

The term "appropriate conservation project" means any project for the conservation, restoration, construction or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

### (2) Corps and Public Lands Corps

The terms "Corps" and "Public Lands Corps" mean the Public Lands Corps established under [section 1723 of this title](#).

### (3) Eligible service lands

The term "eligible service lands" means public lands, Indian lands, and Hawaiian home lands.

### (4) Hawaiian home lands

The term "Hawaiian home lands" means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 110), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 5).

### (5) Indian

The term "Indian" means a person who-

(A) is a member of an Indian tribe; or  
(B) is a "Native", as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

**(6) Indian lands**

The term "Indian lands" means-

- (A) any Indian reservation;
- (B) any public domain Indian allotments;
- (C) any former Indian reservation in the State of Oklahoma;
- (D) any land held by incorporated Native groups, regional corporations, and village corporations under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]; and
- (E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.

**(7) Indian tribe**

The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.

**(8) Priority project**

The term "priority project" means an appropriate conservation project conducted on eligible service lands to further 1 or more of the purposes of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), as follows:

- (A) To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land.
- (B) To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire.
- (C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health.
- (D) To protect, restore, or enhance forest ecosystem components to-
  - (i) promote the recovery of threatened or endangered species;
  - (ii) improve biological diversity; or
  - (iii) enhance productivity and carbon sequestration.

**(9) Public lands**

The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.

**(10) Qualified youth or conservation corps**

The term "qualified youth or conservation corps" means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization that-

(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and **[25] 30**, inclusive, in a natural or cultural resource setting;

(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.

**(11) Resource assistant**

The term "resource assistant" means a resource assistant selected under [section 1725 of this title](#).

**(12) Secretary**

The term "Secretary" means-

(A) with respect to National Forest System land, the Secretary of Agriculture; and

(B) with respect to Indian lands, Hawaiian home lands, or land administered by the Department of the Interior, the Secretary of the Interior.

**(13) State**

The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Section 204 (16 U.S.C. 1723)

**§1723. Public Lands Corps program**

**(a) Establishment of Public Lands Corps**

There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.

**(b) Participants**

The Corps shall consist of individuals between the ages of 16 and **[25] 30**, inclusive, who are enrolled as participants in the Corps by the Secretary. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in [section 12591\(b\) of title 42](#). The Secretary may enroll such individuals in the Corps without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretary may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

**(c) Qualified youth or conservation corps**

**(1) In general**

The Secretary is authorized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).

**(2) Preference**

**(A) In general**

For purposes of entering into contracts and cooperative agreements under paragraph (1), the Secretary may give preference to qualified youth or conservation corps located in a specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged to carry out projects within the area.

**(B) Priority projects**

In carrying out priority projects in a specific area, the Secretary shall, to the maximum extent practicable, give preference to qualified youth or conservation corps located in that specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged.

**(d) Projects to be carried out**

**(1) In general**

The Secretary may utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects which the Secretary is authorized to carry out under other authority of law on public lands.

**(2) Projects on Indian lands**

Appropriate conservation projects may also be carried out under this subchapter on Indian lands with the approval of the Indian tribe involved and on Hawaiian home lands with the approval of the Department of Hawaiian Home Lands of the State of Hawaii.

**(3) Disaster prevention or relief projects**

The Secretary may authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private land as part of a Federal disaster prevention or relief effort.

**(e) Preference for certain projects**

In selecting appropriate conservation projects to be carried out under this subchapter, the Secretary shall give preference to those projects which-

- (1) will provide long-term benefits to the public;
- (2) will instill in the enrollee involved a work ethic and a sense of public service;
- (3) will be labor intensive;
- (4) can be planned and initiated promptly; and
- (5) will provide academic, experiential, or environmental education opportunities.

**(f) Consistency**

Each appropriate conservation project carried out under this subchapter on eligible service lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of the area.

Section 207 (16 U.S.C. 1726)

**§1726. Living allowances and terms of service**

**(a) Living allowances**

The Secretary shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount established by the Secretary.

**(b) Terms of service**

Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.

**(c) Hiring**

The Secretary may-

- (1) grant to a member of the Public Lands Corps credit for time served with the Public Lands Corps, which may be used toward future Federal hiring; and
- (2) provide to a former member of the Public Lands Corps noncompetitive hiring status for a period of not more than **[120 days] 2 years** after the date on which the member's service with the Public Lands Corps is complete.

Advisory Council on Historic Preservation (54 U.S.C. 304101 et seq.)

**§304101. Establishment; vacancies**

(a) Establishment.-There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

- (1) A Chairman appointed by the President selected from the general public.
- (2) The Secretary.
- (3) The Architect of the Capitol.
- (4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.
- (5) One Governor appointed by the President.
- (6) One mayor appointed by the President.
- (7) The President of the National Conference of State Historic Preservation Officers.
- (8) the General Chairman of the national Association of Tribal Historic Preservation Officers.**
- [(8)] (9)** The Chairman of the National Trust.
- [(9)] (10)** Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.
- [(10)] (11)** Three members from the general public, appointed by the President.
- [(11)] (12)** One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) Designation of Substitutes.-Each member of the Council specified in paragraphs (2) to (5)**[(7), and (8)] and (7) through (9)** of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than

an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) Term of Office.-Each member of the Council appointed under paragraphs [(1) and (9) to (11)] (10) through (12) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. [An appointed member may not serve more than 2 terms] An appointed member, other than the Chairman of the Council, may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) Vacancies.-A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e)(1) After January 1, 2016, the Chairman shall—

(A) be appointed by the President;

(B) serve full time; and

(C) be compensated at the rate provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(2) The Chairmen before the first appointment of a Chairman in accordance with paragraph (1) of this subsection shall receive \$100 per diem when engaged in the performance of the duties of the Council, and shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

[(e)] (f) Designation of Vice Chairman.-The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), [(9), or (10)] (10), or (11). [sic] of subsection (a). The Vice Chairman [may act in place] shall perform the functions of the Chairman during the absence or disability of the Chairman or when the office is vacant.

[(f)] (g) Quorum.-[Twelve] Thirteen members of the Council shall constitute a quorum.

### **§304104. Compensation of members of Council**

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101. The other members of the Council shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

### **§304105. Administration**

(a) Executive Director.-There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the [Council]

**Chairman** and perform such functions and duties as the **[Council] Chairman** may prescribe.

(b) General Counsel and Appointment of Other Attorneys.-

(1) General counsel.-The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) Appointment of other attorneys.-The Executive Director shall appoint other attorneys as may be necessary to-

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) Appointment and Compensation of Officers and Employees.-The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under [section 5332 of title 5](#). The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under [section 5332 of title 5](#) or in the Senior Executive Service under [section 3393 of title 5](#).

(d) Appointment and Compensation of Additional Personnel.-The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and [chapter 51](#) and subchapter III of [chapter 53 of title 5](#).

(e) Expert and Consultant Services.-The Executive Director may procure expert and consultant services in accordance with [section 3109 of title 5](#).

(f) Financial and Administrative Services.-

(1) Services to be provided by secretary, agency, or private entity.-Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) Federal agency regulations relating to collection apply.-When a Federal agency affords those services, the regulations of that agency under [section 5514\(b\) of title 5](#) for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under [sections 1513\(d\) and 1514 of title 31](#) for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) Funds, Personnel, Facilities, and Services.-

(1) Provided by federal agency.-Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) Obtaining additional property, facilities, and services and receiving donations of money.-To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) Rights, Benefits, and Privileges of Transferred Employees.-Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89-665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) Exemption From Federal Advisory Committee Act.-The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) Provisions That Govern Operations of Council.-Subchapter II of [chapter 5](#) and [chapter 7](#) of [title 5](#) shall govern the operations of the Council.

Section 5314 of title 5, United States Code

### **§5314. Positions at level III**

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under [chapter 11](#) of [title 2](#), as adjusted by [section 5318](#) of this title:

Solicitor General of the United States.

Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, Under Secretary of Commerce for Export Administration, and Under Secretary of Commerce for Travel and Tourism.

Under Secretaries of State (6).

Under Secretaries of the Treasury (3).

Administrator of General Services.

Administrator of the Small Business Administration.

Deputy Administrator, Agency for International Development.

Chairman of the Merit Systems Protection Board.

Chairman, Federal Communications Commission.

Chairman, Board of Directors, Federal Deposit Insurance Corporation.

Chairman, Federal Energy Regulatory Commission.  
Chairman, Federal Trade Commission.  
Chairman, Surface Transportation Board.  
Chairman, National Labor Relations Board.  
Chairman, Securities and Exchange Commission.  
Chairman, National Mediation Board.  
Chairman, Railroad Retirement Board.  
Chairman, Federal Maritime Commission.  
Comptroller of the Currency.  
Commissioner of Internal Revenue.  
Under Secretary of Defense for Policy.  
Under Secretary of Defense (Comptroller).  
Under Secretary of Defense for Personnel and Readiness.  
Under Secretary of Defense for Intelligence.  
Deputy Chief Management Officer of the Department of Defense.  
Under Secretary of the Air Force.  
Under Secretary of the Army.  
Under Secretary of the Navy.  
Deputy Administrator of the National Aeronautics and Space Administration.  
Deputy Director of the Central Intelligence Agency.  
Director of the Office of Emergency Planning.  
Director of the Peace Corps.  
Deputy Director, National Science Foundation.  
President of the Export-Import Bank of Washington.  
Members, Nuclear Regulatory Commission.  
Members, Defense Nuclear Facilities Safety Board.  
Director of the Federal Bureau of Investigation, Department of Justice.  
Administrator of the National Highway Traffic Safety Administration.  
Administrator of the Federal Motor Carrier Safety Administration.  
Administrator, Federal Railroad Administration.  
Chairman, National Transportation Safety Board.  
Chairman of the National Endowment for the Arts the incumbent of which also serves as Chairman of the National Council on the Arts.  
Chairman of the National Endowment for the Humanities.  
Director of the Federal Mediation and Conciliation Service.  
President, Overseas Private Investment Corporation.  
Chairman, Postal Regulatory Commission.  
Chairman, Occupational Safety and Health Review Commission.  
Governor of the Farm Credit Administration.  
Chairman, Equal Employment Opportunity Commission.  
Chairman, Consumer Product Safety Commission.  
Under Secretaries of Energy (3).  
Chairman, Commodity Futures Trading Commission.  
Deputy United States Trade Representatives (3).  
Chief Agricultural Negotiator.  
Chairman, United States International Trade Commission.

Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration.

Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.

Associate Attorney General.

Chairman, Federal Mine Safety and Health Review Commission.

Chairman, National Credit Union Administration Board.

Deputy Director of the Office of Personnel Management.

Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

Under Secretary of Agriculture for Natural Resources and Environment.

Under Secretary of Agriculture for Research, Education, and Economics.

Under Secretary of Agriculture for Food Safety.

Under Secretary of Agriculture for Marketing and Regulatory Programs.

Director, Institute for Scientific and Technological Cooperation.

Under Secretary of Agriculture for Rural Development.

Administrator, Maritime Administration.

Executive Director Property Review Board.

Deputy Administrator of the Environmental Protection Agency.

Archivist of the United States.

Executive Director, Federal Retirement Thrift Investment Board.

Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

Director, Trade and Development Agency.

Under Secretary for Health, Department of Veterans Affairs.

Under Secretary for Benefits, Department of Veterans Affairs.

Under Secretary for Memorial Affairs, Department of Veterans Affairs.

Under Secretaries, Department of Homeland Security.

Director of the Bureau of Citizenship and Immigration Services.

Director of the Office of Government Ethics.

Administrator for Federal Procurement Policy.

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Director of the Office of Thrift Supervision.

Chairperson of the Federal Housing Finance Board.

Executive Secretary, National Space Council.

Controller, Office of Federal Financial Management, Office of Management and Budget.

Administrator, Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

Deputy Director for Demand Reduction, Office of National Drug Control Policy.

Deputy Director for Supply Reduction, Office of National Drug Control Policy.

Deputy Director for State and Local Affairs, Office of National Drug Control Policy.

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Register of Copyrights.

Commissioner of Customs, Department of Homeland Security.

Under Secretary of Education <sup>1</sup>

Administrator of the Centers for Medicare & Medicaid Services.

Administrator of the Office of Electronic Government.

Administrator, Pipeline and Hazardous Materials Safety Administration.

Director, Pension Benefit Guaranty Corporation.

Deputy Administrators, Federal Emergency Management Agency.

Chief Executive Officer, International Clean Energy Foundation.

Independent Member of the Financial Stability Oversight Council (1).

Director of the Office of Financial Research.

**Chairman of the Advisory Council on Historic Preservation**