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APPROVED
OCT 7 - 1976

8/10/1976

ACTION

THE WHITE HOUSE
WASHINGTON
October 4, 1976

Last Day: October 8

Portee 10/7
To ARCHIVES 10/12

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *[Signature]*
SUBJECT: S. 3430 - Improving the Administration
of the National Park System

Attached for your consideration is S. 3430, sponsored by Senator Hansen.

The enrolled bill amends the general authorities granted to the Secretary of the Interior under the National Park System Organic Act of 1916 to provide for improvements in the administration of the National Park System.

A detailed discussion of the provisions of the enrolled bill is provided in OMB's bill report at Tab A.

Of all the agencies contacted by OMB for comment, only Agriculture recommends disapproval.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 3430 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 2 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3430 - Improving the administration of the National Park System
Sponsor - Sen. Hansen (R) Wyoming

Last Day for Action

October 8, 1976 - Friday

Purpose

Amends the general authorities granted to the Secretary of the Interior to provide for improvements in the administration of the National Park System.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Civil Service Commission	Approval
Department of Transportation	No objection
General Services Administration	No objection (Informally)
Department of Justice	Defers to Interior
Department of Agriculture	Disapproval (Veto Message attached)

Discussion

Under the National Park System Organic Act of 1916, general authorities were granted to the Secretary of the Interior to regulate and protect the scenic, historic, and recreational value of National Park lands for the benefit and enjoyment of future

upon a change of permanent duty station. The enrolled bill would extend this authority to include payment of relocation costs of dependents of deceased NPS employees occupying government housing, in isolated areas where such housing must be promptly vacated. It would provide for a move to the nearest housing of a similar standard, or in the case of a duty station outside the conterminous 48 States, a move to the nearest point of entry. The enrolled bill would authorize the Secretary to establish regulations in implementing this provision, and in this regard, Interior advises that such regulations would take into account the location of the dependents "true home" in relation to the location of employment, the cost of relocation, and other pertinent factors.

Legislative Jurisdiction. Under existing law, the Federal Government exercises several types of legislative jurisdiction (authority to administer governmental powers) over National Park System lands. Most are administered under proprietorial jurisdiction (the United States having acquired some right or title to certain lands, without affecting the exercise of normal State police power or other authority over such land). Other units, however, are administered under exclusive jurisdiction (States granting to the United States the exclusive right to exercise certain authorities over park lands) or concurrent jurisdiction (States reserving the right to exercise certain authorities jointly with the Federal Government).

Although the Federal Government may require more than proprietorial jurisdiction over its properties in some cases, exclusive Federal jurisdiction may be costly and can deny the National Park Service and its employees the benefit of certain rights and privileges including public services. Under existing law, all relinquishments of Federal jurisdiction over park lands require a special Act of Congress.

S. 3430 would provide some administrative flexibility in this regard by authorizing the Secretary of the Interior to retrocede legislative jurisdiction over NPS lands to the State, Commonwealth, territory, or possession of the United States in which the lands are located. Under this provision, any such relinquishment would require the concurrence of the Governor or comparable executive official of the receiving governmental entity. Proposed agreements would be submitted to the Interior Committees of both Houses of Congress at least 60 days prior to final Departmental action.

Uniform Allowance. The enrolled bill would increase the maximum annual uniform allowance for NPS employees from the current government wide rate of \$125 to \$400.

Review of New Park Areas. S. 3430 would direct the Secretary of the Interior to monitor areas judged to have significant potential for inclusion in the National Park System. It would require the Secretary to transmit to the Congress at the beginning of each fiscal year, a priority listing of at least 12 such areas ranked in order of importance based on their national significance, the existence of any immediate threats to the environment, anticipated cost escalation, and other pertinent factors. The Secretary would also be required to annually submit to the Congress a complete listing of all areas included on the Registry of Natural Landmarks as well as those areas of national significance on the National Register of Historic Places which are found to be threatened.

National Park System Advisory Board. In 1935, the Congress established an Advisory Board on National Parks, Historic Sites, Buildings and Monuments to advise the Secretary of the Interior on matters pertaining to the National Park System. The Board, consisting of eleven members appointed by the Secretary representing the fields of history, archeology, architecture, and natural science, was rechartered on a two-year basis in 1975 pursuant to the bi-annual review provisions of the Federal Advisory Committee Act of 1972. The enrolled bill

would re-establish the Board for a term extending until January 1, 1990, renaming it the National Park System Advisory Board. Both the membership and duties of the Board would remain unchanged. Although exempt from formal bi-annual renewal, it would remain subject to all other Federal Advisory Committee Act provisions.

Law Enforcement

In recent years, the increasing visitor popularity of many National Park areas has resulted in a growing workload for NPS police. The geographic isolation of many of these areas has often limited the contribution of conventional Federal, State, and local law enforcement agencies.

The enrolled bill would clarify the law enforcement authority of designated NPS personnel in a number of instances. It would authorize the Secretary to establish comprehensive regulations governing the authority of NPS employees to carry firearms, enforce Federal laws, serve warrants, investigate offenses, and cooperate with other law enforcement agencies. In addition, the bill would permit the Secretary to designate officers and employees of other Federal agencies or law enforcement personnel of a State to act as special policemen in National Park areas on a temporary basis.

Freedom of Information Act. Under the Freedom of Information Act, information relating to historic artifacts and other objects listed on the National Register must be available to the public. The enrolled bill would amend the Historic Preservation Act of 1966 to allow the Secretary of the Interior to withhold such information in cases where he determines the public disclosure could create a risk of destruction or harm to these sites or objects.

Congressional Oversight

The enrolled bill would require the Secretary of the Interior to transmit to the Congress by January 15 of each year, a detailed program for the

development of facilities, structures, or buildings for each unit of the National Park System. Such programs are to be consistent with the general management plan established by the NPS for each area. S. 3430 would also require that these general management plans be transmitted to the Congress and that they include a detailed description of all currently planned facilities, an estimate of their anticipated cost, and projections of any additional facilities likely to be required in the future.

Finally, the bill would require all proposed concession leases and contracts that involve a gross annual business of \$100,000 or more, or are to extend beyond five years, including renewals, to be submitted to the Congressional Interior Committees for a 60-day review.

In reporting to the Congressional Interior Committees, Interior generally favored S. 3430. Although the committees adopted several of the Administration's amendments concerning S. 3430, they did not follow the Administration's recommendations that (a) action on the uniform allowance provision be deferred pending Administration consideration of a Civil Service Commission draft bill that would address this issue Government-wide, and (b) the National Park System Advisory Board be subject to the requirement of biennial renewal under the Federal Advisory Committee Act.

It should be noted that, in committee markup, the provisions which require review of potential park areas and congressional oversight of NPS development plans were added to the bill. The Administration subsequently opposed enactment of the bill unless the park review and new uniform allowance features were deleted.

In its report on S. 3430, the Senate Interior Committee cited the need for clarifying certain administrative authorities of the National Park Service in order to better preserve the natural resources of the park system and to insure the safety of its visitors. With respect to the requirement for a review of potential park areas,

the committee explained that:

"As more and more areas are being suggested for inclusion into the System, it will be beneficial for the Congress to have a priority listing of areas identified by those who are professionally equipped to make such a determination."

The provisions added in markup, however, have far reaching effects perhaps unforeseen by the Committees.

Agency Views

Interior and CSC recommend approval while all other agencies with the exception of Agriculture indicate no objection to approval or defer to Interior. In its attached enrolled bill letter, Interior generally expresses strong support for the enrolled bill. However, Interior states that with respect to the provisions requiring review of potential park areas:

"... There appears to be no rational basis for requiring 12 new areas to be proposed annually as opposed to any other number of areas currently studied and proposed by the Park Service. Moreover, the listing of such areas as potential additions in a report to the Congress is likely, in and of itself, to exacerbate inflationary pressures on land values. This provision could also cause considerable disruption of resource programs on Federal lands administered by Federal agencies other than the National Park Service."

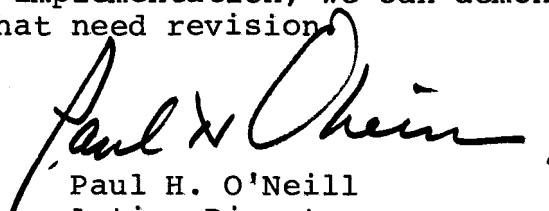
However, Interior concludes that S. 3430 would represent a meaningful improvement in the management and administrative authorities for the National Park System, and suggests that you issue a signing statement which expresses your intention to seek remedial legislation in the 95th Congress concerning the provision for listing potential park areas.

In recommending disapproval, Agriculture joins Interior in opposing the provisions requiring review of potential park areas. Specifically, Agriculture states that the identification of areas as potential units of the National Park System would introduce an element of uncertainty which would:

" ... affect the buying and selling of private lands and property, and the planning and development of transportation systems, utility transmission lines, and public services. The identification of such areas on Federal lands (such as those within the National Forest System) will have the effect of placing those lands in a holding status until such time as conclusive action is taken by the Congress to either establish or not establish the areas as units of the National Park System. Until conclusive action is taken, all land management and development activities conducted pursuant to other laws will be subject to being challenged by park proponents."

Conclusion

While we share the concerns expressed by Interior and Agriculture and although several aspects of the enrolled bill are not entirely consistent with established Administration policies, on balance, we concur in Interior's recommendation for approval. Furthermore, we would not recommend issuing a signing statement as proposed by Interior. We believe that an attempt to seek remedial legislation would have little effect and that the Administration would be better equipped to seek modification or repeal of the park review provisions if, after a period of this provision's implementation, we can demonstrate specific flaws that need revision.



Paul H. O'Neill
Acting Director

Enclosure



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

SEP 24 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Transportation concerning S. 3430 an enrolled bill

"To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

Section 1 of the bill would authorize the Secretary of the Interior to promulgate and enforce regulations concerning boating and other activities relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States. However, that section also provides that any regulations promulgated thereunder shall be complementary to, and not in derogation of, the authority of the Coast Guard to regulate the use of waters subject to the jurisdiction of the United States.

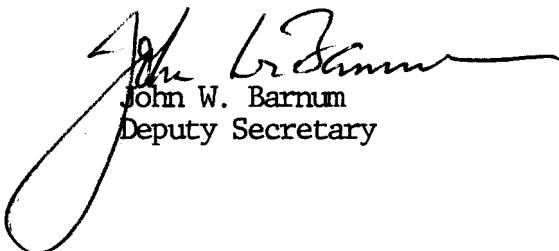
Currently, navigational rules of the road are applied by statute to the navigable waters of the United States, including those waters within the National Park System which are navigable waters of the United States. Additionally, the vessel inspection laws of the United States apply to commercial vessels operating on those navigable waters. The Federal Boat Safety Act of 1971 (P.L. 92-75) (FBSA), with minor exceptions, applies to recreational boats used on waters subject to the jurisdiction of the United States, which would include all waters within the National Park System. In addition, sections 5 through 11 and subsections 12(a) and 12(b) of that Act, relating to boat safety standards and prohibited acts, apply to boats moving or intended to be moved in interstate commerce.

We interpret section 1 of the enrolled bill as authorizing the Secretary of the Interior to promulgate and enforce regulations relating to operational matters within areas of

the National Park System, and as retaining the authority of the Coast Guard for the promulgation of regulations concerning (1) boat design, safety, and numbering under the FBSA, (2) vessel documentation and inspections, and (3) navigational rules of the road. This interpretation is consistent with existing law, and will maintain the Congressional intent of providing a coordinated and unified national boat safety program under the FBSA.

Based on the foregoing, this Department has no objections to the President signing the enrolled bill.

Sincerely,



John W. Barnum
Deputy Secretary



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

September 28, 1976

Honorable James T. Lynn
Director, Office of
Management and Budget

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment S. 3430, "To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

The Department of Agriculture recommends that the President disapprove the enactment.

S. 3430 would expand and clarify authorities relating to the administration of the National Park System.

We believe the new section 8 to be added to the Act of August 18, 1970, will create serious problems. The identification of areas as potential units of the National Park System will have a zoning effect over lands and property. This Federal zoning effect will be imposed from a narrow one agency, one mission perspective. An element of uncertainty will be introduced which will affect the buying and selling of private lands and property, and the planning and development of transportation systems, utility transmission lines, and public services. The identification of such areas on Federal lands (such as those within the National Forest System) will have the effect of placing those lands in a holding status until such time as conclusive action is taken by the Congress to either establish or not establish the areas as units of the National Park System. Until conclusive action is taken, all land management and development activities conducted pursuant to other laws will be subject to being challenged by park proponents.

If, in spite of our concerns, the President signs the bill, we urge him to establish procedures for intergovernmental review of any areas studied by the Secretary of the Interior pursuant to new section 8, before such areas are formally identified and transmitted to Congress.

A draft veto message is enclosed.

Sincerely,

ROBERT W. LONG
Assistant Secretary

I am returning to the Congress without my approval S. 3430, which would provide new authorities for the administration of the National Parks System.

I am sorry to have to disapprove a bill containing many provisions that would aid the administration of the National Park System because of one faulty provision. However, I believe in the long run, it is better to forego the good parts of S. 3430 until the Congress enacts a bill omitting the provision of S. 3430 which adds a new section 8 to the Act of August 18, 1970.

New section 8 directs the Secretary of the Interior to study and continually monitor the welfare of areas which may have potential for inclusion in the National Park System. It also directs the Secretary to annually transmit a listing of not less than twelve such areas to Congress.

This approach to identifying areas for inclusion in the National Park System will create many problems. The identification of areas as potential units will have a zoning effect over lands and property. It will cast an element of long-term uncertainty over peoples lives, affecting the buying and selling of private lands and property and the planning and development of locally instituted public services and facilities. This Federal zoning effect will be imposed from a narrow one agency, one mission perspective. It has not been necessary in the past to take this approach to identifying candidate areas and I do not think it is necessary to do so now.

Similar problems will occur if areas are identified on Federal lands such as the public lands and lands within the National Forest System. Here the effect will be to place those lands in a holding status until such time as Congress takes conclusive action to either establish or not establish the areas as units of the National Park System. Until conclusive action is taken, all land management and development activities conducted pursuant to other laws will be subject to being challenged by park proponents.



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

September 28, 1976

Honorable James T. Lynn
Director
Office of Management and Budget

Attention: Assistant Director for Legislative
Reference

Dear Mr. Lynn:

This is in reply to your request for the views and recommendations of the Civil Service Commission on S. 3430, an enrolled bill "To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

In addition to provisions relating to the management and control of national park lands, the enrolled bill contains three provisions of interest to the Commission. These provisions are:

- Authority to provide meals and lodging for U.S. Park Service employees while on extended special duty in areas of the National Park System.
- Payment of travel and moving expenses of dependents of a deceased employee when Park Service housing is occupied.
- Increase in the maximum allowance for uniforms for Park Service employees from \$125 to \$400 a year.

These three provisions, individually, are not objectionable from a personnel management point of view. They are, however, limited to employees of the U.S. Park System. In the Commission's view, this kind of legislation which singles out employees of only one organization for preferential treatment is highly undesirable.

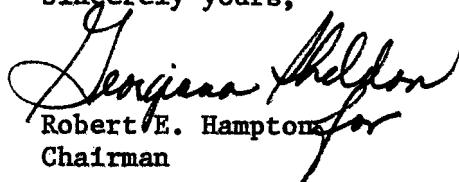
Experience has proven, as in the case of the current allowance for uniforms program, that this patch-work approach results in inequitable treatment of employees subject to similar conditions. Preferential treatment for one group of employees inevitably generates dissatisfaction on the part of other employees and results in proposals for equal treatment. These proposals, if acted on individually, would be handled by those separate Congressional committees with substantial responsibility for affected agencies.

This situation can create insurmountable barriers to the development of a comprehensive Federal service-wide approach to meeting the needs of management and employees. For this reason, the Commission is opposed in principle to legislative proposals that result in preferential treatment for certain employees and that do not consider the overall needs of management and employees.

Nevertheless, the issues with respect to enrolled bill S. 3430 are not so significant as to warrant recommending a veto. Therefore, the Civil Service Commission recommends that the President sign enrolled bill S. 3430 into law.

By direction of the Commission:

Sincerely yours,


Robert E. Hampton, Jr.
Chairman



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 29 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill S. 3430, "To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

Although we object to the provision of S. 3430 which would require the Secretary to recommend annually to the Congress twelve new areas for inclusion in the National Park System, we recommend that the President approve this enrolled bill.

As enrolled S. 3430 would amend the general authorities of the National Park Service to clarify and amplify certain specific authorities. The necessity for many of these changes has been demonstrated by the Administration of the park system.

S. 3430 establishes the following specific authorities:

1. Impact of contracts on Park areas - S. 3430 would require the Secretary to consider the impact of an activity on the integrity of the area involved when entering into contracts for services deemed necessary for visitor accommodations.

2. Boating - The National Park Service has general, broad authority to make regulations to protect park resources and to provide for the safety of visitors; however, there is no specific authority to regulate recreational boating and other uses of waters within the National Park System. The clarification of authority, as set forth in S. 3430, will be exercised concurrently with the authority of the Coast Guard, except where more restrictive regulations are necessary to preserve and protect the natural resources, such as nesting waterfowl.

3. Meals and Lodging - This provision would allow the Secretary to provide meals and lodging to employees when circumstances require extended special duty in areas of the National Park System. These situations often arise without advance notice leaving the on-duty employee with little or no time to return home for adequate rest or to purchase meals.



This augments the Secretary's current authority to purchase lunches for members of the United States Park Police during the Inaugural period, and is consistent with procedures associated with most of the country's large police forces faced with overseeing prolonged events.

4. Travel Expenses for Dependents of Deceased Employees - This provision extends the the current law which provides for travel expenses of employees upon permanent change of station to include the dependents of a deceased employee. This provision would affect those living in Government housing which must be speedily vacated and would provide for a move to the nearest housing of similar standard and not to exceed 60 days of rental cost.

5. Legislative Jurisdiction - This provision would give the Secretary the authority to retrocede to a State, Commonwealth, territory or possession of the United States some portion of the legislative jurisdiction exercised by the United States over National Park System lands or interests therein. Prior to such relinquishment, the Secretary would submit the proposed agreement to the Congress for a 60-day review period.

Because no general statute authorizing such retrocession exists, a special Act of Congress presently is required in each case, together with appropriate notice of acceptance by the State or other political subdivision. This provision would enable the establishment of concurrent legislative jurisdiction which would be the most desirable arrangement with a State. In this way, State laws as well as Federal laws could be applied and enforced by both Federal ranges and State law enforcement authorities.

6. Uniform Allowance - This provision would change the current levels for uniform allowance from \$125 per year to \$400. The \$125 level was established in 1967.

7. Priority Listing for New Areas - This provision would require the Secretary to prepare and transmit to the Congress at the beginning of each fiscal year, a priority listing of at least 12 new areas which may have potential for inclusion in the National Park System. They would be listed in order of importance or merit based on national significance, threats to resource value, and cost escalation factors.

This provision would also direct the Secretary "to investigate, study and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System" as a basis for this annual

report and priority list. In addition, this provision directs the Secretary to transmit annually to Congress a statement of all those areas listed on the National Register of Historic Places and the Registry of Natural Landmarks, which are faced with threats to the integrity of their resources.

8. Continuation of the Advisory Board - The Federal Advisory Committee Act of 1972 provided that advisory committees established by statute would terminate in January of 1975 unless otherwise provided for by law. The Advisory Board on National Parks, Historic Sites, Buildings and Monuments, renamed the "National Park System Advisory Board" by this Act, was established by the Congress in 1935 to serve as the principal advisor to the Secretary of the Interior on the national significance of new areas proposed for the National Park System, the management practices of current areas, and many other areas where their professional expertise can be utilized.

Although the Advisory Board was recharted by the Secretary of the Interior on February 24, 1975 to continue for 2 years, this provision would give legislative sanction to the Board and extend it through January 1, 1990.

9. Law Enforcement - The general authority which the National Park Service now has to protect persons and property within the National Park System is not sufficiently clear to allow for effective law enforcement in the National Park System.

In order to eliminate possible uncertainties relating to law enforcement activities in the National Park System, all existing law enforcement authorities are replaced with a clear mandate authorizing designated employees performing law enforcement functions within the System to bear firearms; enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses.

The Secretary is given authority to designate officers and employees of other Federal agencies or law enforcement personnel of a State to act as special policemen in areas of the National Park System when supplemental law enforcement personnel are needed. The bill further specifies the respective liabilities of the Federal and State governments during the dual assignment periods of the special policemen.

10. Freedom of Information Act - Under the Freedom of Information Act, information relating to historic artifacts and objects listed on the National Register must be made available. This information states locations of sites on Federal as well as non-Federal lands where cultural and natural resources can be found, and is contributing to the increase of looting and vandalism at these areas.

S. 3430 amends the Historic Preservation Act of 1966 to allow the Secretary to withhold such information where dissemination to the general public could result in the loss or damage of those resources.

11. General Management Plans - S. 3430 would require the Secretary to transmit annually to Congress a "detailed program" for the development of facilities, structures or buildings for each unit of the National Park System consistent with "general management plans" for each unit of the System prepared by the Director of the National Park System and required by S. 3430 to be submitted to the Congress.

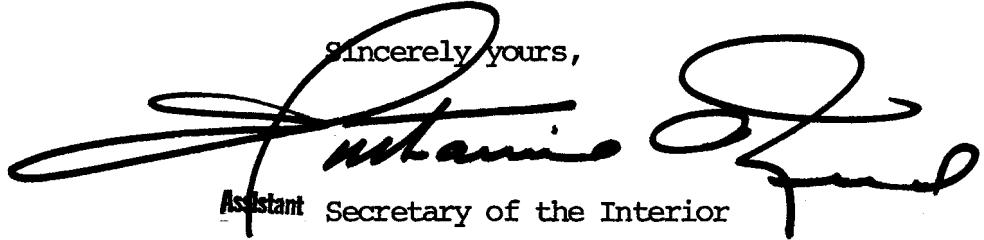
12. Concessions Contracts - S. 3430 requires the Secretary to transmit all concessions contracts involving a gross annual business of \$100,000 or more, or exceeding five years in duration (including renewals) to the Congress sixty days before awards are made.

The years since the Act of August 25, 1916 (39 Stat. 535), which established the National Park System, have witnessed an increasing national awareness of our heritage which has expanded the nature and quality of resources which the American people need for their edification and enjoyment. At the same time the System has become host to growing numbers of visitors whose daily environment is completely different from that found in national parks. Authorities and concepts of visitor and resource protection and interpretation valid in 1916 are, in certain cases, not responsive to today's needs.

Generally S. 3430, as enrolled, would represent a meaningful improvement in the management and administrative authorities for the National Park System. We do not believe, however, that the "priority listing of new areas" provisions of S. 3430 improve the administration of the Park System, improve the methods of selecting new areas for that System, or increase protection for Natural Landmarks or National Register properties. There appears to be no rational basis for requiring 12 new areas to be proposed annually as opposed to any other number of areas currently studied and proposed by the Park Service. Moreover, the listing of such areas as potential additions in a report to the Congress is likely, in and of itself, to exacerbate inflationary pressures on land values. This provision could also cause considerable disruption of resource programs on Federal lands administered by Federal agencies other than the National Park Service.

Accordingly, while we recommend that the President approve the enrolled bill S. 3430, we suggest that he issue a statement that he will recommend legislation to the 95th Congress to modify this provision. This Department is prepared to develop such legislation for early transmittal to the 95th Congress. In addition, we intend to establish procedures which will assure the orderly development of the studies and the priority list and will provide for the full participation of those agencies having a primary interest in these decisions.

Sincerely yours,



Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

Department of Justice
Washington, D.C. 20530

September 29, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 3430, "To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

The enrolled bill would amend several statutes relating to law enforcement, historic preservation, legislative jurisdiction and personnel and resource management within the National Park System.

The Department of Justice defers to the Department of the Interior as to whether this bill should receive Executive approval.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 600pm

FOR ACTION: George Humphreys *cc (for information):*
Max Friedersdorf *for Do statement*
Robbie Wilberg *m*Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

S.3430-Improving the administration of the
National Park System

ACTION REQUESTED:

- For Necessary Action
 Prepare Agenda and Brief
 For Your Comments

- For Your Recommendations
 Draft Reply
 Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

The years since the Act of August 25, 1916 (39 Stat. 535), which established the National Park System, have witnessed an increasing national awareness of our heritage which has expanded the nature and quality of resources which the American people need for their edification and enjoyment. At the same time the Park System has become host to growing numbers of visitors whose daily environment is completely different from that found in national parks. Authorities and concepts of visitor and resource protection and interpretation valid in 1916 are, in certain cases, not responsive to today's needs.

The bill I sign today represents a meaningful improvement and a needed updating in the management and administrative authorities for the National Park System. However, there are provisions of this bill which I do not believe will improve the administration of the Park System. I do not believe that the "priority listing of new areas" provisions of this bill will improve the methods of selecting new areas for the Park System, or increase the protection now afforded Natural Landmarks and National Register properties. There appears to be no rational basis for requiring 12 new areas to be proposed annually for inclusion in the Park System as opposed to any other number of areas currently studied and proposed by the Park Service. Moreover, this provision could also cause considerable disruption of resource programs on Federal lands administered by Federal agencies other than the National Park Service. Accordingly, I will recommend legislation to the 95th Congress to modify these objectionable requirements of the bill.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 600pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilbergcc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4Time: 1100am

SUBJECT:

S.3430-Improving the administration of the
National Park System

ACTION REQUESTED:

- For Necessary Action For Your Recommendations
 Prepare Agenda and Brief Draft Reply
 For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

10/4

No objection.

B.Roth

2684

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 2

Time: 600pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilbergcc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

S.3430-Improving the administration of the
National Park System

ACTION REQUESTED:

- For Necessary Action For Your Recommendations
 Prepare Agenda and Brief Draft Reply
 For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

I recommend approval + no
statement -
a/w

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James M. Cannon
for the President

THE WHITE HOUSE

MEMORANDUM

WASHINGTON

LOG NO.:

E 10/2 October 2

Time: 600pm

TO: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information):

Jack Marsh
Jim Connor
Ed Schmults*W.B.*

FROM THE STAFF SECRETARY

DUE: Date: October 4

Time: 1100am

SUBJECT:

S.3430-Improving the administration of the
National Park System

ACTION REQUESTED:

- For Necessary Action For Your Recommendations
 Prepare Agenda and Brief Draft Reply
 For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend Approval. mrf

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James M. Cannon
For the President

Calendar No. 1123

94TH CONGRESS
2d Session

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SENATE

{

REPORT
No. 94-1190

AMENDING THE ACT PROVIDING FOR IMPROVEMENT IN THE ADMINISTRATION OF THE NATIONAL PARK SYSTEM

AUGUST 30 LEGISLATION DAY, AUGUST 27, 1976.—Ordered to be printed

Mr. HANSEN, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 3430]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3430), to amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text, and recommends that the bill as amended do pass.

The amendment to the text strikes all after the enacting clause and inserts a new text as follows:

That section 3 of the Act approved August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.), is amended as follows:

(a) In subsection (e), after "within an area of the national park system," insert "as long as such activity does not in any way violate or jeopardize the integrity of the natural ecosystem or any historic resource".

(b) At the end of subsection (g), change the period to a semicolon and add the following new subsections:

"(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided*, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States:

"(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior."

SEC. 2. The Act of August 18, 1970, is further amended by adding the following new sections:

"**SEC. 5.** Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

"**SEC. 11.** In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days' rental costs thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States."

"**SEC. 6.** Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over National Park System lands or interests in that State, Commonwealth, territory, or possession: *Provided*, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdictions under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

"**SEC. 7.** Notwithstanding subsection 5901(a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to \$400 annually.

"**SEC. 8.** The Secretary of the Interior is directed to investigate and study areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. Each report and annual listing shall be printed as a House document.

"**SEC. 9.** Section 3 of the Act of August 21, 1935 (49 Stat. 666, 667, 16 U.S.C. 461, 463), is amended to read as follows:

"**SEC. 3.** (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted

to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

"(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act."

"**SEC. 10.** (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed.

"(2) The first paragraph of that portion designated "GENERAL EXPENSES, FOREST SERVICE" of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words "and national park service", "and national parks", and "or national parks".

"(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed.

"(4) The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

"(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

"(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

"(c) The Secretary of the Interior is hereby authorized to—

"(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

"(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of that State or subdivision; and

"(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

"(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

"(d) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency

other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction with the National Park System.

"(2) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

"(3) For purposes of the tort claim provisions of title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

"(4) For purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be deemed a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply."

SEC. 11. (Section 101(a) of title I of Public Law 89-665, (80 Stat. 915; 16 U.S.C. 470a) establishing a program for the preservation of additional historic properties, is amended by adding thereto a new paragraph to read as follows:

"(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects."

PURPOSE

S. 3430 amends the National Park Service general authorities Act to clarify and amplify specific authorities. The necessity for the changes has been established by experience with administration of the park system.

Most of the provisions in this measure are necessary to clarify the general authority which is granted by the National Park Service Organic Act of 1916; ". . . to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

SUMMARY OF MAJOR PROVISIONS

S. 3430 contains nine specific additions to the 1970 Act. Experience has shown that these recommended proposals are needed to enable the National Park Service to properly administer the resources and serve the visitors within the National Park System.

1. Boating.—The National Park Service has general, broad authority to make regulations to protect park resources and to provide for the safety of visitors; however, there is no specific authority to regulate recreational boating and other uses of waters within the National Park System. This clarification of authority will be exercised concurrently with the authority of the Coast Guard, except where more restrictive regulations are necessary to preserve and protect the natural resources, such as nesting waterfowl.

2. Meals and Lodging.—This provision would allow the Secretary to provide meals and lodging to employees when circumstances require extended special duty in areas of the National Park System. These situations often arise without advance notice leaving the on-duty employee with little or no time to return home for adequate rest or to purchase meals.

This augments the Secretary's current authority to purchase lunches for members of the United States Park Police during the Inaugural period, and is consistent with procedures associated with most of the country's large police forces faced with overseeing prolonged events.

3. Travel Expenses for Dependents of Deceased Employees.—This provision extends the 1930 Act (section 11 of that Act provides for travel expenses of employees upon permanent change of station) to include the dependents of a deceased employee. This provision would affect those living in Government housing which must be speedily vacated and would provide for a move to the nearest housing of similar standard and not to exceed 60 days of rental cost. In the case that the station is outside the conterminous 48 States, the move would be to the nearest port of entry.

National Park Service records show that in one 5-year period, less than 60 cases would have been applicable under this provision, or an average of 12 cases a year.

This provision is intended to relieve the hardship on a family at a time when they are under financial and emotional strain, and is similar to the travel benefits applicable to field employees of the Department of State.

4. Legislative Jurisdiction.—This provision would give the Secretary the authority to retrocede to a State, Commonwealth, territory or possession of the United States some portion of the legislative jurisdiction exercised by the United States over National Park System lands or interests therein. Prior to such relinquishment, the Secretary would submit the proposed agreement to the Congress for a 60-day review period.

Because no general statute authorizing such retrocession exists, a special Act of Congress presently is required in each case, together with appropriate notice of acceptance by the State or other political subdivision.

It is the general feeling within the National Park Service that concurrent legislative jurisdiction would be the most desirable arrangement with a State. In this way, State laws as well as Federal laws could be applied and enforced by both Federal rangers and State law enforcement authorities.

The majority of the areas in the National Park System are presently administered under proprietary jurisdiction with approximately 36 areas administered by exclusive legislative jurisdiction.

Legislation recommending that the Federal agencies be authorized to retrocede jurisdiction to the States was proposed by the Public Land Law Review Commission whose responsibility it was to make a comprehensive review of the public land laws and to determine whether revisions are needed.

It will be the responsibility of the Congress, in reviewing the proposed relinquishments submitted by the Secretary, to be assured that State authorities will be fully and responsibly undertaken and that National Park Service responsibility for protection of park resources and visitor safety will not be diminished.

5. Uniform Allowance.—This provision would change the current levels for uniform allowance from \$125 per year to \$400. The \$125 level was established in 1967. Current testimony by the National Park Service shows figures in excess of \$600 for the purchase of a complete

dress uniform. It should be noted that the Civil Service Commission has just completed a Government-wide study of uniform allowances and is expected to revise uniform allowances to correspond to their cost for all agencies.

6. Priority Listing for New Areas.—This provision would authorize the Secretary to prepare and transmit to the Congress at the beginning of each fiscal year, a priority listing of at least 12 new areas which may have potential for inclusion in the National Park System. They would be listed in order of importance or merit based on national significance, threats to resource value, and cost escalation factors.

As more and more areas are being suggested for inclusion into the System, it will be beneficial for the Congress to have a priority listing of areas identified by those who are professionally equipped to make such a determination.

7. Continuation of the Advisory Board.—The Federal Advisory Committee Act of 1972 provided that advisory committees established by statute would terminate in January of 1975 unless otherwise provided for by law. The Advisory Board on National Parks, Historic Sites, Buildings and Monuments, renamed the National Park System Advisory Board by this Act, was established by the Congress in 1935 to serve as the principal advisor to the Secretary of the Interior on the national significance of new areas proposed for the National Park System, the management practices of current areas, and many other areas where their professional expertise can be utilized. The 11 members that make up the Board include respected professionals in the fields of history, archeology, architecture and natural science.

Although the Advisory Board was recharted by the Secretary of the Interior on February 24, 1975 to continue for 2 years, this provision would give legislative sanction to the Board and extend it through January 1, 1990.

8. Law Enforcement.—The general authority which the National Park Service now has to protect persons and property within the National Park System is not sufficiently clear to allow for effective law enforcement in the National Park System.

In order to eliminate possible uncertainties relating to law enforcement activities in the National Park System, all existing law enforcement authorities will be replaced with a clear mandate authorizing designated employees performing law enforcement functions within the System to bear firearms; enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses.

The Secretary will be given authority to designate officers and employees of other Federal agencies or law enforcement personnel of a State to act as special policemen in areas of the National Park System when supplemental law enforcement personnel are needed. The Act further specifies the respective liabilities of the Federal and State governments during the dual assignment periods of the special policemen.

The clarification law enforcement authority is long overdue. Visitor increases in recent years coupled with similar increases in felonies and misdemeanors has created an acute situation. Legal opinions vary as to the scope of a ranger's authority to enforce laws and regulations relating to areas administered by the National Park Service. Although

a ranger has broad law enforcement authority, difficulties have been encountered when cases reach the court, where specific authority must be cited. The specific law enforcement authorities clarified by this bill are intended to alleviate those complications which have risen in the past.

9. Freedom of Information Act.—Under the Freedom of Information Act, information relating to historic artifacts and objects listed on the National Register must be made available. This information states locations of sites on Federal as well as non-Federal lands where cultural and natural resources can be found, and is contributing to the increase of looting and vandalism at these areas.

S. 3430 amends the Historic Preservation Act of 1966 to allow the Secretary of the Interior to withhold such information where dissemination to the general public could result in the loss or damage of those resources.

This procedure is in accordance with the Freedom of Information Act, which provides for exceptions to the disclosure rule where a statute exists stating just cause for the confidentiality.

BACKGROUND AND NEED

S. 3430 amends the 1970 Act which was developed in response to a need to update and clarify the law with respect to the administration of the various units of the National Park System. The 1970 Act recognized that a broadened authority was necessary to accommodate the diversity of the expanded System.

As the 1970 Act recognized and addressed the need for modification and clarification of the general authority used to administer the National Park System, so S. 3430 attempts to refine and clarify those specific authorities where a further need has been demonstrated.

S. 3430 contains provisions which have been studied, reviewed and recommended by the field managers of the National Park Service whose responsibility it is to administer the laws for the purpose of protecting resources and serving visitors. These clarifications in authority would be used to better enable those managers to properly administer the units for which they are responsible.

LEGISLATIVE HISTORY

S. 3430 was introduced by Senator Hansen on May 13, 1976. A hearing was held by the Parks and Recreation Subcommittee on July 26, 1976. A favorable report was received from the Department of the Interior.

During the hearing, the National Park Service witness recommended various additions and modifications to the bill which were subsequently adopted by the Subcommittee. The additions adopted by the full Committee are explained in the "Committee Amendments" section of this report.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on August 5, 1976, by unanimous vote of a quorum

present recommends that the Senate pass S. 3430 if amended as described herein.

COMMITTEE AMENDMENTS

The full Committee ordered S. 3430 reported with an amendment in the nature of a substitute. Because of several substantive additions and major language revision throughout the bill, the substitute text was adopted.

The following discussion will describe the changes made by the substitute bill and the rationale for those changes in the order in which they appear in the bill.

Section 1 of S. 3430 contains three changes, as amended:

1. When entering into contracts for services deemed necessary for visitor accommodations, the Secretary must consider the impact of such activity on the integrity of the particular area involved. This clarifies and strengthens the Secretary's responsibilities in accordance with section 3(e) of the 1970 Act.

2. The proviso added to the boating provision affirms the continued jurisdiction of the Coast Guard.

3. The amendment to the emergency meals and lodging provision places a time limit on the use of the term "extended special duty," by making it "temporary." In instances where there is special duty which is more than just temporary, the per diem and subsistence payment provisions of existing authority would apply.

Section 2 of S. 3430 adds seven new sections to the 1970 Act. The amended bill reflects changes in five of the sections and incorporates two new sections.

1. *Moving Expenses for Dependents.*—Clarified where the dependents will be relocated and sets a 60-day limit on rent compensation.

2. *Legislative Jurisdiction.*—Requires that the Interior Committees of the Congress receive the proposed agreement for a 60-day review period; and, encourages the Secretary to seek concurrent legislative jurisdiction wherever practicable.

3. *Increased Uniform Allowance.*—Allows up to \$400 in uniform allowance instead of \$300 as proposed.

4. *New-Areas Priority List.*—New section; purpose explained in "Summary of Major Provisions."

5. *Advisory Board.*—Changes the name of the Board; puts a 4-year limit on a member's term; and terminates the Board's responsibility of recommending to the Secretary the suitability of surplus property for use as historic monuments for the States.

6. *Law Enforcement (subsection c, paragraph 3).*—Clarifies that a State with concurrent legislative jurisdiction over an affected area will receive limited reimbursement, as may be prescribed, when State officers or employees are designated by the Secretary as special policemen. Further amendments clarify that the function of the special policemen will be to supplement the law enforcement responsibility of the National Park Service and that their designation is not a delegation of that responsibility. A new subsection (d)(2) specifies that special policemen not be deemed to be Federal employees and specifies the respective liabilities of the Federal and State governments during the dual assignment periods which the bill authorizes.

7. *Freedom of Information Act.*—New section; purpose explained in "Summary of Major Provisions."

SECTION-BY-SECTION ANALYSIS

S. 3430, as amended, contains two sections; section 1 amends section 3 of the 1970 Act, and; section 2 amends the 1970 Act by adding seven new sections.

Section 1(a)

Amends Section 3(e) of the 1970 Act by requiring the Secretary to consider the impact on an area when entering into contracts.

Section 1(b)

Adds two new subsections (h) and (i) to section 3 of the 1970 Act. The intent of these is explained in the "Summary of Major Provisions."

Section 2

This section of S. 3430 adds seven new sections to the 1970 Act, numbered sections 5 through 11:

Section 5

Amends section 11 of the Act of May 26, 1930, to include the travel expenses for dependents of a deceased employee.

Section 6

Provides for relinquishment of legislative jurisdiction by the Secretary. The intent of this section is explained in the "Summary of Major Provisions."

Section 7

Amends subsection 5901(a) of title 5, United States Code, to increase the uniform allowance.

Section 8

Directs the Secretary to compile a new-areas priority list.

Section 9

Amends section 3 of the Act of August 21, 1935, which established the Advisory Board on National Parks, Historic Sites, Buildings and Monuments. The intent of this section is explained in the "Summary of Major Provisions."

Section 10

(a) Repeals previous arrest authority.

(b) Authorizes the Secretary to designate law enforcement personnel within the National Park System and to designate those authorities to be performed.

(c) Authorizes the Secretary to designate supplemental special policemen from outside the National Park Service.

(d) The intent of this section is clear.

Section 11

Allows the Secretary to withhold certain information relating to locations of cultural and natural resources.

COST AND BUDGETARY CONSIDERATIONS

No new authorizations of appropriations included in S. 3430. It is anticipated that at some time in the future when the new authorities provided for in this measure are being administered, that the annual National Park Service costs under existing authorizations will be increased. The estimate for the annual increase is approximately \$530,000 as follows: \$10,000 for meals and lodging, \$489,000 for uniform allowance disbursements, and \$40,000 for traveling expenses.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior and the Department of Transportation setting forth Executive agency recommendations relating to S. 3430 are set forth below:

United States Department of the Interior



OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 23 1976

Dear Mr. Chairman:

This is in response to the request of your Committee for the views of this Department on S. 3430, a bill "To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

We recommend that the bill be enacted, if it is amended as described herein.

The years since the Act of August 25, 1916 (39 Stat. 535), which established the National Park System, have witnessed an increasing national awareness of our heritage which has expanded the nature and quality of resources which the American people need for their edification and enjoyment. At the same time the System has become host to growing numbers of visitors whose daily environment is completely different from that found in national parks. Authorities and concepts of visitor and resource protection and interpretation valid in 1916 are, in certain cases, not responsive to the needs of today. General new administrative authorities for the System were proposed in the 91st Congress, and enacted as Public Law 91-383. S. 3430 amends that Act to provide certain additional authorities.

I. Boating Regulations

Section 1 of the bill would clarify the authority of the Secretary of the Interior to regulate boating and other water-related activities for the purpose of preserving and protecting the resources of the National Park System. In effect, Congress would be clarifying its intent to invoke its powers under the Commerce Clause of the Constitution to regulate boating and other activities to assist in the administration of the Park System.



The increasing levels of leisure time and income characterizing our society, coupled with the greater mobility of recreation marine equipment, have resulted in a phenomenal increase in recreational boating and other water-related activities that affect the resources of many areas of the National Park System. Unfortunately arrests, and warnings, for violations of boating regulations in that System also have increased at a tremendous rate, rising 154 percent for the period 1968 through 1973 to 1,927 incidents in the latter year. Annual visitation to the Park System has increased 43 percent, to 216 million persons, over the same period. This is indicative of the difficulty inherent in protecting water sports enthusiasts and other visitors to that System, and preserving the values upon which inclusion of areas therein is based, in the face of the massive increase in water-related activities.

The Secretary of the Interior is authorized to issue such regulations "...as he may deem necessary or proper for the use and management..." (39 Stat. 535; 16 U.S.C. 3) and the "...protection of, and maintenance of good order in..." the National Park Service areas (475 Stat. 1420; 16 U.S.C. 9a). This regulation of boating and other water-related activity for waters located therein, however, is complicated by the authority residing in the Coast Guard to "...promulgate and enforce regulations for the promotion of safety of life and property on ... waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department..." (63 Stat. 496; 14 U.S.C. 2). Many waters located within areas of the National Park System are "navigable" and therefore subject to the jurisdiction of the United States and, consequently, the Coast Guard. Enactment of section 1 of the bill would clarify the authority of the Secretary of the Interior to regulate recreational, commercial and other uses of and activities relating to all waters of the National Park System. Such regulations would be promulgated for the purposes of improving administration, providing for the public safety, use and enjoyment and protecting the natural, wildlife, cultural and historical resources. We would, therefore, exercise authority concurrent with the Coast Guard in many instances but could provide for more restrictive regulation consistent with these enumerated purposes when necessary.

We would, however, suggest the following clarifying amendment to this part of section 1 to clearly indicate that the authority contained in this subsection does not conflict with the Coast Guard's authority under existing law to regulate certain aspects of boating.

Delete all of section 1 from page 1, line 7 through page 2, line 2, and insert in lieu thereof the following:

"(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided, That any regulations concerning,

- (i) boat design, safety, and numbering;
- (ii) vessel documentation and inspection; or
- (iii) rules for the prevention of collisions

shall be promulgated under this subsection only with the concurrence of the United States Coast Guard;"

II. Emergency Meals and Lodging

Section 1 of the bill would also authorize the Secretary of the Interior to provide meals and lodging, financed with funds appropriated for the expenses of the Department of the Interior, for employees of the National Park Service, serving on extended special duty in areas of the National Park System. The need for this authority arises from the fact that such personnel particularly the United States Park Police are occasionally required to work long and unusual hours during demonstrations, ceremonies, and other events. Often they cannot know in advance that such duty will be necessary and, when it does arise, conditions frequently do not allow them to be relieved long enough to have sufficient time to return to their homes for adequate rest or to purchase meals at places of public accommodation. Enactment of this authority would be consistent with procedures associated with most of the country's large police forces faced with overseeing prolonged events.

We would suggest the following amendment to clarify the bill to make it clear that there is a time limit involved in use of the term "extended special duty". In instances where there is special duty which is more than just temporary, the per diem and subsistence payment provisions of existing authority would apply. Accordingly, on page 2, line 6, insert "temporarily" between "serving" and "on".

III. Moving Expenses for Dependents

Section 2 of the bill would expand the existing authority regarding payment of travel expenses for employees, as contained in section 11 of the Act of May 26, 1930. The expanded authority would authorize payment to dependents of travel expenses to permanent homes in cases in which the employee's service is terminated by death while he is assigned government housing in an isolated area, and such housing thereafter must be promptly vacated.

National Park Service personnel are frequently required to relocate for varying lengths of time to isolated areas where residence in assigned government housing is necessary. Upon the death of an employee quarters must often be vacated immediately, thus working an extreme hardship on his family. The necessity for moving comes at a time when the family is under a severe financial and emotional strain; normal earnings have been terminated and processing of survivor benefits applications frequently requires an extended period of time. Payment of dependent's travel expenses in such situations is a reasonable and appropriate extension of the travel benefits currently provided in section 11, and is consistent with travel benefits applicable to field employees of the Department of State.

The bill gives the Secretary the authority to prescribe by regulation the conditions under which the relocation expenses will be paid. We anticipate that such regulations would consider such factors as the location of the true home of the dependents in relation to the location of employment, the expense of the relocation, and other pertinent factors.

IV. Legislative Jurisdiction

Section 2 of the bill would also authorize the Secretary of the Interior to retrocede to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction exercised by the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession.

The Federal Government exercises several types of legislative jurisdiction, which is the authority to administer governmental powers, over lands comprising the National Park System. Most units of that System are administered pursuant to proprietary jurisdiction, the United States having acquired some right or title to, but no measure of States' authority over, the lands. However, a number of units are administered under exclusive jurisdiction (States having granted the United States the right to exercise alone certain of their authorities over the lands) or concurrent jurisdiction (States having reserved to themselves the rights to exercise jointly the powers granted to the Federal Government).

The Public Land Law Review Commission, in its report to the President and the Congress entitled One Third of the Nation's Land (1970), stated:

"In many cases the Federal Government needs to have something more than a proprietary jurisdiction over its properties. Generally, these are areas which because of their immense size, large populations, remote locations, or peculiar use requirements, are beyond the capabilities of State and local governments to service. The seasonal demands of policing and servicing national park lands are one example."

On the other hand administration of units of the National Park System pursuant to exclusive Federal legislative jurisdiction can deny to the National Park Service and its employees important rights and privileges otherwise extending to those lands on the part of the States, and their political subdivisions, in which they are located.

For example, in those areas States have no obligations to provide normal governmental services, such as disposal of sewage, removal of trash and garbage, and fire protection, and residents thereof have no claim to participation in State elections, education in free State public school systems, and the like. Furthermore, although State law existing at the time exclusive jurisdiction is ceded remains applicable to such areas, State authority to enforce that law ceases and subsequent amendments to it do not apply. Thus, that law tends to become obsolete during the period of Federal exercise of exclusive jurisdiction.

Where units of the National Park System are administered by the United States pursuant to concurrent legislative jurisdiction these problems do not arise inasmuch as legislative jurisdiction over those lands is exercised jointly by the States and the Federal Government. Thus, State law and administrative procedures, as well as Federal law appertaining to areas under the legislative jurisdiction of the United States, both apply.

In addition some units of the National Park System, now administered by the Federal Government pursuant to exclusive or concurrent legislative jurisdiction, would most appropriately be administered under proprietary Federal legislative jurisdiction. Such action would not hinder fulfillment of the purposes for which those areas were established. Federal areas of proprietary jurisdiction enjoy Constitutional immunity from interference in the performance of Federal functions, and Federal laws and regulations relating to the National Park System apply regardless of the degree of legislative jurisdiction exercised over units thereof by the Federal Government.

It is clear, therefore, that retrocession to the States of Federal legislative jurisdiction relative to some areas of the National Park System would be beneficial. Because there is no general statute authorizing such retrocession, a special Act of Congress is required in each case, together with appropriate State action. Both the Inter-departmental Committee for the Study of Jurisdiction Over Federal Areas Within the States and the Public Land Law Review Commission in 1956 and 1970, respectively, recommended authorizing Federal agencies to retrocede jurisdiction to the States.

Enactment of a general retrocession authority relating to the National Park System, as embodied in section 2, would eliminate the necessity for special Congressional action in each instance of retrocession. It is similar to the general retrocession authorization obtained by the Department of Defense in 1970 (84 Stat. 1226; 10 U.S.C. 2683).

V. Increased Uniform Allowance

Section 2 of the bill would also amend subsection 5901(a) of title 5, United States Code, to increase the maximum allotment that may be annually appropriated for uniforms for National Park Service employees from \$125 to \$300 per employee. Costs associated with uniforms have been increasing substantially. In a recent analysis the National Park Service found the cost of a National Park Service male employee's dress uniform to be in excess of \$500. The existing \$125 limitation was established in 1967.

However, we have determined that the Civil Service Commission has conducted a government wide study of uniform allowances. The study has been completed, and we understand that the Commission will soon propose legislation which would revise all agencies' uniform allowances to correspond to the cost of the uniforms. We believe that all Federal employees who are requested to wear uniforms should receive increased allowances.

VI. Continuation of Advisory Board

Section 2 of the bill would also provide for the legislative reestablishment of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments and for the continuation of that Advisory Board until January 1, 1990. Pursuant to section 14(a)(2) of the Federal Advisory Committee Act advisory committees terminate within two years of establishment unless renewed by appropriate action, where administratively established, or unless their duration is otherwise provided for by law, where established by Act of Congress.

The Office of Management and Budget, which under the Federal Advisory Committee Act is responsible for overseeing Federal Advisory Committees, has suggested the following amendment to this subsection in order to maintain consistency under that Act.

Page 4, line 4: delete line 4 in its entirety and insert the following:

"Board shall continue to exist until January 1, 1990, as long as the Secretary of the Interior biannually determines, as a matter of formal record after consultation with the Director of the Management and Budget with timely notice in the Federal Register, the continued existence of the Board to be in the public interest, in connection with the performance of duties imposed on the Secretary by law. The Advisory Board shall in all other aspects be subject to the provisions of the Federal Advisory Committee Act. The"

We would also suggest that another amendment be made to the part of Section 2 dealing with the Advisory Board. Subsection 203(k)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), authorizes conveyance of surplus real and related personal property to States for historic monument purposes without cost. The Secretary of the Interior must determine that the property is suitable and desirable for such use, but his determination must be in conformity with the recommendation of the Advisory Board. The mechanism already exists for determining the suitability of Federal property for use as a historic monument in the National Register of Historic Places, maintained by the National Park Service. Historically significant Federal properties are nominated to the Register by professional historians and the nominations are reviewed in accordance with criteria approved by the Secretary. There is no need for the duplication involved in a separate review by the Advisory Board, and transfers of surplus property need not be subject to this additional unnecessary step in the transfer process. Ten such properties were conveyed in 1975, and we expect approximately 30 to be conveyed in 1976. Accordingly, we suggest that line 14 of page 4 be amended to read as follows:

"archeologic sites, buildings, and properties, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as a historic monument."

VII. Law Enforcement

Section 2 of the bill would also clarify the authority of the National Park Service personnel with respect to administration of the National Park System to bear firearms, enforce all Federal laws, execute process, investigate offenses and cooperate with other law enforcement agencies. In recent years, visitations to National Park areas

have increased rapidly and with it, a similar increase in felonies and misdemeanors has occurred. Effective law enforcement in the Park System has been severely hampered by the remoteness of many areas, coupled with the need for clarification of law enforcement authorities of National Park Service personnel. The isolation of those areas from conventional Federal, State, and local law enforcement agencies has made law enforcement dependent primarily on employees of the National Park Service.

The enactment of this section would replace the existing National Park Service law enforcement authorities, presently scattered throughout Title 16 of the United States Code, with a single clear mandate authorizing designated employees performing law enforcement functions within the National Park System to bear firearms; enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses. The authority to enforce all Federal laws would, under appropriate circumstances, include authority to enforce the laws of States in areas of the National Park System under the exclusive or concurrent legislative jurisdiction of the United States through assimilation of those laws into Federal law (18 U.S.C. 7(3), 13). Enactment of the legislation would also authorize Park Service cooperation with other Federal, State, and local law enforcement agencies.

This bill would not affect the functions or authorities of the United States Park Police, whose law enforcement mission has been defined by the Act of March 17, 1948, as amended (62 Stat. 81). Presently the Park Police are authorized to arrest for Federal offenses committed in the District of Columbia and on Federal reservations in its metropolitan area. This special authority of the Park Police is adequate for them to perform their responsibilities, and we do not believe there is a need to alter that authority in this bill.

Section 2 of S. 3430 would eliminate possible uncertainties relating to law enforcement activities in the National Park System. Its enactment would be consistent with the authority exercised by other Federal personnel having law enforcement responsibilities, such as agents of the Federal Bureau of Investigation and United States Marshals, specifically would not restrict their investigative jurisdictions. This authority would be limited to activities related to the protection and administration of units of the National Park System.

We would suggest that the law enforcement part of section 2 of S. 3430 be amended as follows to better accomplish the law enforcement objectives of the National Park System:

(1) This Department believes that the following amendment should be made to the law enforcement section to provide a means of public involvement in a regulation making process, the purposes of which will be to establish the standards of training, etc. required of Park Service personnel who are designated with law enforcement authority by the Secretary. Delete all from page 5, line 9 through page 5, line 14, and insert in lieu thereof the following:

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may:"

(2) We would suggest that the following clarifying amendment be made to the subsection concerning "special policemen." On page 6, line 19, insert between "System" and "and" the following: "when supplemental law enforcement personnel may be needed".

(3) We suggest the addition of a new subsection to the law enforcement part of section 2 which would specify that "special policemen" designated from among State and local law enforcement personnel not be deemed to be Federal employees, and to specify the respective liabilities of the Federal and State governments during the dual assignment periods which the bill would authorize.

Accordingly, we recommend that the following section be added starting on page 7, line 12:

"(d)(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (a) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of Title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of Title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section, be deemed a Civil Service employee of the United States within the meaning of the term "employee" as defined in section 8101 of Title 5, and the provisions of that subchapter shall apply."

(4) We would suggest the following minor technical amendment be made on page 6, line 22 of the bill: delete the first "with" and insert "within" in lieu thereof.

It is estimated that increased annual National Park Service costs associated with enactment of the bill will total \$530,000 as follows: \$10,000 for provision of meals and lodging, \$480,000 added to total uniform allowance disbursements, and \$40,000 added to traveling expenses. However, we recommend consideration of the uniform allowance be deferred.

We believe that the enactment of this bill in the form recommended herein will represent a meaningful step in updating the management and administrative authorities applicable to the National Park System.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

CURTIS BOHLEN
Deputy Assistant Secretary of the Interior

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Interior Affairs
United States Senate
Washington, D. C. 20510



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

AUG 12 1976

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Department of Transportation would like to take the opportunity to make known its views concerning S. 3430 a bill

"To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

Section 1 of the bill would authorize the Secretary of the Interior to promulgate and enforce regulations concerning boating and other activities relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States.

Currently, navigational rules of the road are applied by statute to the navigable waters of the United States, including those waters within the National Park System which are navigable waters of the United States. Additionally, the vessel inspection laws of the United States apply to commercial vessels operating on those navigable waters. The Federal Boat Safety Act of 1971 (P.L. 92-75) (FBSA), with minor exceptions, applies to recreational boats used on waters subject to the jurisdiction of the United States, which would include all waters within the National Park System. In addition, sections 5 through 11 and subsections 12(a) and 12(b) of that Act, relating to boat safety standards and prohibited acts, apply to boats moving or intended to be moved in interstate commerce.

The Department of Transportation strongly objects to section 1 of the bill. As that section is currently drafted, it would authorize the Secretary of the Interior to promulgate

and enforce boating regulations which relate to construction, performance, and equipment standards. The FBSA gave responsibility for the promulgation and enforcement of those regulations to the Secretary of the department in which the Coast Guard is operating. One reason for the enactment of the FBSA was to provide a coordinated national boat safety program (S. Rep. 92-248). The FBSA requires public participation in the regulatory process by input through the Boating Safety Advisory Council. If the Secretary of the Interior is also authorized to promulgate boating safety regulations of a type authorized by the FBSA, and make them applicable to areas already covered by the FBSA, the legislative intent of that Act will be circumvented. There would exist the possibility of the promulgation of divergent standards and regulations applicable to the boating public.

We are aware that the Department of the Interior has recommended to the House Interior Committee language to amend section 1 in order to provide that no authority contained in that section shall be construed as diminishing the authority of the Coast Guard under existing law to promulgate and enforce regulations pertaining to boat design and safety. In our view, however, that language is not sufficient to protect the boating public from the possibility of divergent and conflicting regulations on waters within the National Park System. It merely adds another regulatory body with authority over the same subject matter.

This Department has no objection to the Secretary of the Interior promulgating regulations relating to operational matters on waters within areas of the National Park System. Although the Secretary of the Interior now has broad authority to promulgate regulations relating to the operations or use of boats in the National Parks under title 16, United States Code, if it is necessary to clarify that authority, then we recommend that the bill make clear that the Secretary of the Department in which the Coast Guard is operating must concur in the issuance of safety regulations and standards of the type covered by sections 5-11 of the FBSA or any regulation requiring numbering, as covered by sections 17-21 of that Act. In addition this concurrence should be required for regulations concerning the Rules for the Prevention of Collision appropriate for the area or with the vessel inspection laws appropriate to the type of vessel.

These minimum restrictions are necessary in order to prevent confusion from arising on waters subject to the jurisdiction of the United States. For example, in the situation where a river runs through a national park, it is inconsistent to subject vessels and their occupants, whether recreational or commercial, to one set of regulations on one side of the national park boundary, then to subject them to two sets of possibly conflicting or divergent regulations as they cross that boundary into a national park area, and then to subject them to the original regulations as they leave the park area. Likewise, with respect to waters wholly enclosed within a national park, American boaters should not be subject to conflicting or divergent regulations with regard to the matters discussed above. This is particularly true in light of the increasing mobility of the boating public.

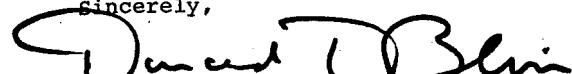
We are confident that the Department of the Interior will continue their past practice of consulting with the Coast Guard prior to the issuance of any regulations relating to boating operations. This will ensure that all boating regulations on waters subject to the jurisdiction of the United States are as uniform in format and content as possible, bearing in mind that, in numbers of people affected, it is the recreational boater, not industry or the professional mariner who must comply with the regulations.

To accomplish the above purposes, it is recommended that the new subsection 3(h) of the Act of August 18, 1970, as proposed in S. 3430 be amended to read:

"(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided, that any regulations concerning (1) boat design, safety, and numbering, (2) vessel documentation and inspection, and (3) Rules for the Prevention of Collisions, shall be promulgated under this subsection only with the concurrence of the Secretary of the department in which the Coast Guard is operating."

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report for the consideration of the Committee.

Sincerely,



Donald T. Bliss
Acting General Counsel

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 3430, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

TO IMPROVE THE ADMINISTRATION OF THE NATIONAL PARK SYSTEM ACT OF AUGUST 18, 1970 (84 STAT. 825)

* * * * *

SEC. 3. * * *

(e) enter into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system, *as long as such activity does not in any way violate or jeopardize the integrity of the natural ecosystem or any historic resource, if such person, State, or its political subdivision—*

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water;

(f) acquire, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged;

(g) sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including co-operative arrangements with respect to such living exhibits and interpretive demonstrations and park programs, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and demonstrations [L];

(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use

funds appropriated for the expenses of the Department of the Interior.

SEC. 4. The Act of March 17, 1948 (62 Stat. 81), is amended by deleting from section 1 thereof the words "over which the United States has, or hereafter acquires, exclusive or concurrent criminal jurisdiction," and changing section 3 to read as follows:

"SEC. 3. For the purposes of this Act, the environs of the District of Columbia are hereby defined as embracing Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the city of Alexandria in Virginia, and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland."

SEC. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

"SEC. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days' rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States."

SEC. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over National Park System lands or interests in that State, Commonwealth, territory, or possession: Provided, That, prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

SEC. 7. Notwithstanding subsection 5901(a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to \$400 annually.

SEC. 8. The Secretary of the Interior is directed to investigate and study areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park Sys-

tem. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. Each report and annual listing shall be printed as a House document.

SEC. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 666, 667; 16 U.S.C. 461, 463), is amended to read as follows:

"SEC. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

"(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act."

SEC. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed.

"(2) The first paragraph of that portion designated "GENERAL EXPENSES, FOREST SERVICE" of the Act of March 3, 1901 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words "an national park service", "and national parks", and "or national parks".

"(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed.

"(4) The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

"(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

"(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

"(c) The Secretary of the Interior is hereby authorized to—

"(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

"(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of that State or subdivision; and

"(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

"(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

"(d)(1) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction with the National Park System.

"(2) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (a) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

"(3) For purposes of the tort claim provisions of title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section, be considered a Federal employee.

"(4) For purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section, be deemed a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply."

Sec. 11. Section 101(a) of title I of Public Law 89-665, (80 Stat. 915; 16 U.S.C. 470a) establishing a program for the preservation of additional historic properties, is amended by adding thereto a new paragraph to read as follows:

"(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects."

ACT OF MAY 26, 1930

(46 Stat. 383)

* * * * *

SEC. 11. Appropriations whenever made for the National Park Service which are available for general administration may be used for the payment of traveling expenses, including the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.]

Sec. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including drayage) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days' rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.

ACT OF SEPTEMBER 6, 1966

(80 Stat. 508) as amended (81 Stat. 206)

Sec. 5901

(a) There is authorized to be appropriated annually to each agency of the Government of the United States, including a Government owned corporation, and of the government of the District of Columbia, on a showing of necessity or desirability, an amount not to exceed [§125] \$400 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties and who are not being furnished with the uniform. The head of the agency concerned, out of funds made available by the appropriation, shall—

- (1) furnish to each of these employees a uniform at a cost not to exceed [§125] \$400 a year; or
- (2) pay to each of these employees an allowance for a uniform not to exceed [§125] \$400 a year.

ACT OF AUGUST 21, 1935

(49 Stat. 666, 667)

SEC. 3. A general advisory board to be known as the "Advisory Board on National Parks, Historic Sites, Buildings, and Monuments" is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include representatives competent in the fields of history, archaeology, architecture, and human geography, who shall be appointed by the Secretary and serve at his pleasure. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as such members.

It shall be the duty of such board to advise on any matters relating to national parks and to the administration of this Act submitted to it for consideration by the Secretary. It may also recommend policies to the Secretary from time to time pertaining to national parks and to the restoration, reconstruction, conservation, and general administration of historic and archaeological sites, buildings, and properties.]

SEC. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the

Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

ACT OF MARCH 3, 1897

(29 Stat. 621) as amended

* * * * *

[SEC. 3. That the superintendent or any guardian of such park is authorized to arrest forthwith any person engaged or who may have been engaged in committing any misdemeanor named in this Act, and shall bring such person before any United States magistrate or judge of any district court of the United States within either of the districts within which the park is situated, and in the district within which the misdemeanor has been committed, for the purpose of holding him to answer for such misdemeanor, and then and there shall make complaint in due form.]

ACT OF MARCH 3, 1905

(33 Stat. 872) as amended

* * * * *

GENERAL EXPENSES, FOREST SERVICE: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed five hundred dollars; for all expenses necessary to protect, administer, improve, and extend the National forest reserves, and officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories in the prevention and extinguishment of forest fires and the protection of fish and game, and all persons employed in the forest service [*and national park service*] of the United States shall have authority to make arrests for the violation of laws and regulations relating to the forest reserves [*and national parks*], and any person so arrested shall be taken before the nearest United States magistrate, within whose jurisdiction the reservation [*or national park*] is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

ACT OF MARCH 2, 1933

(47 Stat. 1420) as amended

SEC. 2. That the commissioners, superintendents, caretakers, officers, or guards of such national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials, or any of them, are authorized to make arrests for violations of any of the regulations prescribed pursuant to this Act, and to bring the offenders before the nearest magistrate, judge, or court of the United States having jurisdiction in the premises.]

ACT OF OCTOBER 8, 1964

(78 Stat. 1041) as amended

* * * * *

SEC. 6. Such national recreation area shall continue to be administered in accordance with regulations heretofore issued by the Secretary of the Interior relating to such areas, and the Secretary may revise such regulations or issue new regulations to carry out the purposes of this Act. In his administration and regulation of the area, the Secretary shall exercise authority, subject to the provisions and limitations of this Act, comparable to his general administrative authority relating to areas of the national park system.

[The superintendent, caretakers, officers, or rangers of such recreation area are authorized to make arrests for violation of any of the regulations applicable to the area or prescribed pursuant to this Act, and they may bring the offender before the nearest magistrate, judge, or court of the United States having jurisdiction in the premises.]

Any person who violates a rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

ACT OF OCTOBER 15, 1966

(80 Stat. 915; 16 U.S.C. 470a)

* * * * *

SEC. 101. (a) The Secretary of the Interior is authorized—

(1) to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, hereinafter referred to as the National Register, and to grant funds to States for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the Secretary, for the preservation, acquisition, and development of such properties;

(2) to establish a program of matching grants-in-aid to States for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archeology, and culture; and

(3) to establish a program of matching grants-in-aid to the National Trust for Historic Preservation in the United States, chartered by act of Congress approved October 26, 1949 (63 Stat. 927), as amended, for the purpose of carrying out the responsibilities of the National Trust.

(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.

○

AMENDING THE ACT APPROVED AUGUST 18, 1970, PROVIDING FOR IMPROVEMENT IN THE ADMINISTRATION OF THE NATIONAL PARK SYSTEM BY THE SECRETARY OF THE INTERIOR AND CLARIFYING AUTHORITIES APPLICABLE TO THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES

SEPTEMBER 16, 1976.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H.R. 11887]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 11887) to amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That section 3 of the Act approved August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.), is amended as follows:

(1) In subsection (e), after "within an area of the national park system," insert ", as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved."

(2) At the end of subsection (g), change the period to a semicolon and add the following new subsections:

"(h) promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided*, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

"(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he

is authorized to use funds appropriated for the expenses of the Department of the Interior."

SEC. 2. Such Act of August 18, 1970, is further amended by adding the following new sections:

(1) "SEC. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

'Sec. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the travelling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed 60 days rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.'

(2) "SEC. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative jurisdiction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession: *Provided*, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System."

(3) "SEC. 7. Notwithstanding subsection 5901(a) of Title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to \$400 annually."

(4) "SEC. 8. The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompany such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic Places, which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document."

(5) "SEC. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 666, 667; 16 U.S.C. 461, 463), is amended to read as follows:

"SEC. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed

eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archaeology, architecture and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civil, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

"(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act."

(6) "SEC. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed.

"(2) The first paragraph of that portion designated "GENERAL EXPENSES, FOREST SERVICE" of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words "and national park service", "and national parks", and "or national parks";

"(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed; and

"(4) The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees so designated, may:

"(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

"(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency."

(c) The Secretary of the Interior is hereby authorized to:

"(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

"(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of that State or subdivision; and

(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

(d) (1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of Title 28, United States Code, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of Title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section be deemed a Civil Service employee of the United States within the meaning of the term 'employee' as defined in section 8101 of Title 5, and the provisions of that subchapter shall apply.

(e) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System."

(7) "SEC. 11. Section 101(a) of Title I of Public Law 89-665, (80 Stat. 915; 16 U.S.C. 470(a)), is amended by adding thereto a new paragraph to read as follows:

"(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects."

(8) "SEC. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures or buildings for each unit of the national park system consistent with the general management plans required in subsection (b) of this section.

(b) General management plans for the development of each unit of the national park system, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs.

Such plans shall include:

(1) the facilities which the Director finds necessary to accommodate the health, safety and recreation needs of the visiting public, including such facilities as he may deem appropriate to provide in accordance with the provisions of the Act of October 9, 1965 (79 Stat. 969);

(2) the location and estimated cost of all such facilities; and

(3) the projected need for any additional facilities required for such unit.

(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of \$100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed."

PURPOSE

The purpose of H.R. 11887¹ is to clarify certain authorities of the Secretary of the Interior as they relate to the operation of the National Park System. In addition, the Secretary's advisory board on national parks and related matters is re-established, uniform allowances which may be paid to National Park Service employees are increased, and reimbursement of a portion of the moving expenses of dependents of a deceased employee is authorized. The Secretary is also given general authority to relinquish a portion of the legislative jurisdiction of the United States over areas of the National Park System, after a review by the Congress. Certain plans and development proposals, as well as studies of potential additions to the national system, are required to be prepared and transmitted to the Congress, as are various concession contracts. All these changes are accomplished by amending a 1970 Act which brought together many of the national park administrative authorities of the Secretary.

BACKGROUND

The Act of August 18, 1970 (84 Stat. 825), sought to improve the administration of the National Park System by clarifying and specifically defining certain authorities of the Secretary of the Interior. Since that time, several other situations have been identified where particular authority is needed to better manage this growing and diverse system.

For example, as the number of areas in the system has increased, and as visitation has risen dramatically over the last decade, National Park Service employees have performed increased duties in law enforcement as part of a program to protect both the visitor and park resources. Certain statutes upon which the National Park Service depends were enacted before the establishment of the agency itself, however, and apply to broad areas of public lands. The scope of this authority is also somewhat vague, leaving the ability of employees to enforce Federal laws other than park rules and regulations in question.

A related problem is that of the legislative jurisdiction which is exercised over the various units of the system. In some areas, exclusive jurisdiction rests with the United States, thus precluding the exercise of any legal authority by State and local agencies. Other areas may fall under concurrent jurisdiction, which allows the exercise of appropriate authority by State, local, and Federal agencies. Most National Park System areas are subject to proprietary jurisdiction, wherein the agency has only the rights of any landowner. The ability to exercise adequate control over these lands therefore varies from area to area, and the opportunities for cooperating with State and local agencies are limited.

H.R. 11887 approaches these related concerns by first authorizing the Secretary to cede a part of this jurisdiction where appropriate, thus permitting a change in status of some lands from exclusive to con-

¹ H.R. 11887 was introduced by Representatives Roy A. Taylor and Keith Sebelius.

current jurisdiction. The Secretary is also directed to negotiate with the affected States in an effort to secure concurrent jurisdiction in other areas, thus moving toward the goal of generally arriving at this form of legislative jurisdiction over all national park lands. Enactment of the bill would also confer specific law enforcement authority on qualified employees as designated by the Secretary so that proper enforcement of applicable laws can be accomplished in the system.

Certain employee needs have also been identified as being worthy of attention. The uniform allowance has been authorized at \$125 per year for some time, while uniform costs have risen sharply. There have also been instances identified in which the death of an employee has left dependents in the circumstance of having to vacate government quarters or relocate from a remote area at considerable personal expense. The bill addresses such needs by providing for an increased uniform allowance and allowing limited reimbursement for moving expenses for dependents in some circumstances.

Other administrative needs have also been identified within the scope of national park operations in recent years, and have been addressed by various provisions of H.R. 11887. A clarification of the ability of the Secretary to promulgate boating activities is included, thus ensuring that this expanding use within our national parks can be specifically controlled. The Committee amendment ensures that any exercise of this regulatory authority will not be in derogation of the regulatory powers of the U.S. Coast Guard. The Secretary is given authority to provide necessary meals and lodging for members of the United States Park Police and other employees who are assigned to extended special duty and cannot leave their posts.

These and other administrative adjustments are small matters individually, but they are worthwhile in that they are needed as a part of improving the administration of the National Park System. H.R. 11887 provides a vehicle to consider a number of such changes in a format permitting these amendments to be incorporated into the 1970 statute which consolidates such administrative revisions.

SECTION-BY-SECTION ANALYSIS

Section 1 amends Section 3 of the 1970 Act to improve the administration of the National Park System in three respects:

1. A new phrase is included to ensure that the ability of the Secretary to contract for the sale or leasing of resources within park areas is limited to those cases in which such an activity does not jeopardize or unduly interfere with the primary natural or historic resources of the area. This is intended to be cautionary language to assure that all such proposed uses are in keeping with the need to provide full protection for units of the National Park System.

2. The Secretary is specifically authorized to promulgate and enforce regulations concerning boating and related activities on any waters within the system. A proviso is included to make clear that any such regulations would be complementary to the authority of the U.S. Coast Guard to regulate navigable waters and would not lessen this authority in any way. The National Park Service would thus have the specific ability to regulate boating and related uses, but this would

be accomplished as a supplement to, and not in conflict with, any Coast Guard regulations and enforcement.

3. The Secretary is authorized to provide meals and lodging for members of the U.S. Park Police and other National Park Service employees who are temporarily serving on extended duty in areas of the system, and to use appropriated funds for this purpose. This will permit meals to be brought to employees who are unable to leave their posts, or temporary lodging to be provided for employees who may be placed on call for an immediate return to duty. This authority would generally be used for employees not on travel status; employees receiving per diem would have the cost of such meals and lodging deducted from their other reimbursement.

Section 2 consists of a series of new sections to be added to the 1970 Act.

Paragraph 1 adds a section as an amendment to the Act of May 26, 1930, which is changed to permit the Secretary to provide appropriate moving expenses to the dependents of a deceased employee to the nearest reasonably available comparable housing in the case of an employee who occupied government housing which needs to be promptly vacated. He may also provide compensation for up to 60 days rental of temporary lodgings while the dependents locate new housing. The Secretary may also pay moving costs to the nearest port of entry in the conterminous 48 States for the dependents of an employee who died while stationed outside those boundaries. Should the family of a deceased employee choose to move to another location entirely, the Secretary would provide reimbursement to cover that portion of the expenses as detailed above.

Paragraph 2 adds a new section 6 which permits the Secretary to relinquish a part of the legislative jurisdiction of the United States over National Park System lands or interests to the appropriate State or comparable entity. The Secretary is to submit any proposed relinquishment to the Interior and Insular Affairs Committees of the Congress, and shall not finalize any relinquishment agreement until 60 calendar days after such transmittal. This review period is to allow the Committees an opportunity to review the negotiated terms of any such proposed agreement. The Committee anticipates that a relinquishment agreement might contain certain reservations by the Secretary, such as a provision that State fishing license requirements would not be imposed on an area previously under the exclusive jurisdiction of the United States, if the Secretary will continue to be responsible for any fisheries management expenses. In this way, although the Secretary is delegated general authority to make such relinquishments, each case should be carefully examined to best provide for the continuing protection and management of these areas by the Secretary. In no case is this limited relinquishment authority to be construed as permission to cede management control of any National Park System area to any other managing agency. The procedure for relinquishment of a part of the legislative jurisdiction over an area by filing with the appropriate official, or as otherwise provided by law, is described. The Secretary is also directed to diligently pursue appropriate negotiations to eventually achieve the exercise of concurrent jurisdiction generally throughout the National Park System.

Paragraph 3 adds a new Section 7 which permits the uniform allowance for qualifying employees of the National Park Service to be set at up to \$400 annually. The Committee anticipates that the \$400 yearly allowance would be available for those employees required to wear a dress uniform, and that some lower amount will be set for employees required only to wear a uniform of lesser cost.

Paragraph 4 adds a new Section 8 directing the Secretary to investigate, study, and continuously monitor the welfare of those areas which may qualify for inclusion in the National Park System. Annual transmittals are to be made to the Congress of completed reports on any of these areas which have been studied. The Secretary is to transmit a listing accompanying these reports which is to identify at least twelve areas which may have potential for inclusion in the National Park System. Any threats to the resource values of these areas, or any anticipated cost escalation factors should be considered in making up this listing, which shall generally be listed in descending order of importance or merit. The annual listing may include previously submitted areas which were not then added to the National Park System. The Secretary is also to transmit an annual list of all registered National Natural and Historic Landmarks which exhibit known or anticipated damage or threats to their integrity, along with details as to the nature and severity of such damage or threats. The reports and listings are to be printed as house documents. The Committee expects that enactment of this section will offer the Secretary an expanded opportunity to identify areas containing significant natural, historic, or recreational values and to bring these areas to the attention of the Congress.

Paragraph 5 adds a new Section 9 which by statute re-establishes the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments as the National Park System Advisory Board, to be composed of eleven citizens representing a diversity of backgrounds. Members are to be appointed by the Secretary, who is to take various nominations into consideration, and are to serve four-year terms, receiving only reimbursement for travel expenses incurred while discharging their duties as members. The board is to advise the Secretary on matters relating to the National Park System and related areas, and on historic sites generally, including both matters submitted to it by the Secretary and other issues as the board sees fit. The board will no longer be required to make recommendations to the Secretary on the use of surplus property for historic monument purposes. The board is expressly authorized to continue until January 1, 1990, and it is to be subject to the provisions of the Federal Advisory Committee Act. This section constitutes an express statutory reauthorization of this board, which has already been continued through the administrative action of the Secretary.

Paragraph 6 adds a new Section 10 which amends the arrest authority relating to the National Park Service. The first subsection repeals previous statutory references to such arrest authority, which occur in several miscellaneous statutes.

The second subsection specifically authorizes the Secretary, in accordance with standards which he may prescribe, to designate various Interior Department employees to maintain law and order and protect persons and property within the National Park System. These em-

ployees may, as a part of their duties, carry firearms, make misdemeanor arrests for offenses committed in their presence, and make felony arrests on the basis of probable cause to believe the person to be arrested is committing or has committed a felony. Such arrests may occur within the system, or while the person to be arrested is fleeing from the system to avoid arrest.

The employees so designated may also execute any valid warrant or other process issued pursuant to law arising out of an offense committed in the system, or where the person subject to the warrant or process is in the system, in connection with any Federal offense. Designated employees are also authorized to conduct investigations of Federal offenses committed within the National Park System, in the absence of an investigation being made by any other Federal agency having investigative jurisdiction, or with the concurrence of that agency.

The Committee intends that the clear and specific enforcement authority contained in this subsection, while necessary for the protection of the Federal employees so involved, will be implemented by the Secretary to ensure that law enforcement activities in our National Park System will continue to be viewed as one function of a broad program of visitor and resource protection. Law enforcement duties should be a function of the National Park ranger, along with a diversity of other protection concerns. It is not intended here that law enforcement responsibilities should fall on a small number of individuals as their exclusive duty. In like manner, the carrying of firearms and other defensive equipment should be done with a view toward maintaining the appearance of all designated employees as representatives of a resource and people-serving agency, and not as members of an organization whose only function is law enforcement.

Subsection (c) permits the Secretary to designate employees of other Federal, State or local agencies to act as special policemen in areas of the system when supplemental law enforcement personnel may be needed, when deemed economical, and when the affected agency concurs. Such designated employees may then exercise the powers as described in the preceding subsection. The Secretary may also cooperate within the system with any State or local unit of government in the enforcement of State or local laws and ordinances. In cases where the State has ceded concurrent legislative jurisdiction over an affected area, the Secretary may also provide limited reimbursement, as prescribed by regulations, for expenditures incurred by a State or local agency whose employees have been designated as special policemen. The authorities provided to the Secretary to enter into cooperative agreements as provided in this subsection are to be supplemental to the law enforcement responsibilities of the National Park service, and are not intended to authorize the delegation of permanent enforcement responsibilities to any State or local agency.

Subsection (d) contains a series of definitions which limit the ways in which a law enforcement officer of a non-Federal agency is to be treated as a Federal employee. Such an officer is not to be subject to the provisions of law relating such items as hours of work, rates of pay, leave, unemployment compensation, and Federal benefits. Such an officer, however, is to be considered a Federal employee for purposes of the tort claims provisions of Federal law. An officer acting as special

policeman in this case shall also be entitled to workman's compensation for injuries sustained while on duty.

A final subsection is intended to clarify that nothing in this legislation is to limit or restrict the investigative jurisdiction of any other Federal law enforcement agency, nor to affect the right of any State or local government to exercise civil and criminal jurisdiction within areas of the National Park System.

Paragraph 7 adds a new Section 11 which amends the Historic Preservation Act of 1966 to permit the Secretary to withhold information relating to the location of historic sites or objects listed on the National Register from public disclosure. He may withhold this information only when he determines that disclosure of this specific information would create a risk of destruction or harm to these sites or objects.

Paragraph 8 adds a new Section 12 which requires that, not later than January 15 of each year, the Secretary is to transmit a detailed listing of the plans for development activities within units of the system, and consistent with the general management plans which are also required to be prepared by this section, to the Committees on Interior and Insular Affairs. The detailed list is expected to coincide with the budget requests for development which the agency has requested in the appropriate budget cycle. This listing should permit the Committees to comment more effectively on any such requests when preparing the annual March 15 report to the Budget Committees.

This section requires the ongoing preparation of detailed planning documents as is now being performed throughout the National Park System, and the transmittal of such plans when completed, to the Interior Committees. These plans are to include details of any facilities which the Director of the National Park Service finds necessary for various reasons, including any facilities which he may deem appropriate to provide in accordance with the Concessions Policy Act of 1965. The location and estimated cost of all proposed facilities is to be included, as well as the projected need for any additional facilities which may be required.

Subsection (c) provides that all proposed concession leases and contracts involving a gross annual business of \$100,000 or more, or for longer than five years, including renewals, are to be submitted to the Interior Committees for a sixty-day review. The Act of July 14, 1956, which had previously provided for congressional review, is repealed. A similar reporting review period is also made applicable to any proposed rules and regulations relating to such contracts and leases.

LEGISLATIVE HISTORY

Certain of the provisions included in H.R. 11887 were discussed during the general oversight hearings of the Subcommittee on National Parks and Recreation which were held near the commencement of both the 93rd and 94th Congresses. The lack of clearly defined, specific law enforcement authority for employees of the National Park Service had been a particular area of concern. H.R. 11887 was introduced as a vehicle to open discussions on a number of these issues.

Hearings were conducted by the Subcommittee on April 8, 1976. The provisions of the bill were discussed in detail at this time with Director Everhardt of the National Park Service, and numerous supporting witnesses from his staff.

Subsequent to the hearings, the Committee received a voluntary report from the General Accounting Office commenting in particular on the uncertain enforcement authority of the National Park Service, and the tenuous position in which this placed many of the agency employees who were performing law enforcement functions. The Committee has noted with interest the case which this report makes for a thorough overhaul of the law enforcement authorities delegated to various Federal land-managing agencies. Several suggestions contained in the report were incorporated into the substitute amendment adopted by the Committee.

Numerous amendments were suggested to the original legislation by the Department of the Interior. Many of these changes were adopted during the Committee deliberations, as well as several adjustments suggested by interested members of the Committee. In particular, the Committee modified the concept of the ceding of legislative jurisdiction by the Secretary as contained in the original legislation to restrict this authority to apply only to a partial cession of jurisdiction. The intent is clear that some form of concurrent jurisdiction is generally to be preferred, including the retention of addition jurisdiction in certain areas where appropriate. While the legislation as reported will not immediately rectify the broad range of legislative jurisdiction now existing, it does offer strong direction to the Secretary to negotiate with the appropriate States as necessary.

H.R. 11887, as reported, is an appropriate amendment of the 1970 Act which it modifies; it represents a further effort by the Congress to assist the Secretary in improving the administration of our National Park System.

COST

H.R. 11887 contains no specific authorizations for appropriations. Operating funds will continue to be controlled by the Committees on Appropriations. Some additional administrative expense can be anticipated from such items as the increase in uniform allowances for employees, and in the limited moving expenses permitted for the dependents of deceased employees. It is anticipated, however, that there may well be savings in operating expenses from other provisions of this measure which will offset any need for additional funding.

BUDGET ACT COMPLIANCE

No specific additional authorizations are made by H.R. 11887. Any effect on the total operating costs of the agency is negligible.

INFLATIONARY IMPACT

No inflationary impact is anticipated by enactment of H.R. 11887.

OVERSIGHT STATEMENT

As has been discussed elsewhere in the report, considerable time was spent in both hearings and in follow-up meetings discussing various aspects of National Park Service operations. The bill itself is a collection of various provisions intended to improve the operating ability of the agency. No recommendations specifically relevant to this

legislation were submitted to the Committee pursuant to Rule X, Clause 2(b) (2).

COMMITTEE AMENDMENT

The Committee adopted a substitute text for H.R. 11887 which contains the same general provisions, but with numerous detail changes as discussed in the section-by-section analysis of this measure.

COMMITTEE RECOMMENDATION

On September 1, 1977, after adopting the substitute text, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 11887 by voice vote and recommends that the bill, as amended, be approved.

DEPARTMENTAL REPORTS

The favorable report of the department of the Interior, dated April 8, 1976, and the supplemental report dated May 3, 1970, are printed in full. Also printed is the communication received from the Comptroller General of the United States, dated July 20, 1976, and the communication received from the Department of Transportation, dated August 12, 1976:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 8, 1976.

Hon. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to the request of your Committee for the views of this Department on H.R. 11877, a bill "To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

We recommend that the bill be enacted, if it is amended as described herein.

The years since the Act of August 25, 1916 (39 Stat. 535), which established the National Park System, have witnessed an increasing national awareness of our heritage which has expanded the nature and quality of resources which the American people need for their edification and enjoyment. At the same time the System has become host to growing numbers of visitors whose daily environment is completely different from that found in national parks. Authorities and concepts of visitor and resource protection and interpretation valid in 1916 are, in certain cases, not responsive to the needs of today. General new administrative authorities for the System were proposed in the 91st Congress, and enacted as Public Law 91-383. H.R. 11887 amends that Act to provide certain additional authorities.

I. BOATING REGULATIONS

Section 1 of the bill would clarify the authority of the Secretary of the Interior to regulate boating and other water-related activities for

the purpose of preserving and protecting the resources of the National Park System. In effect, Congress would be clarifying its intent to invoke its powers under the Commerce Clause of the Constitution to regulate boating and other activities to assist in the administration of the Park System.

The increasing levels of leisure time and income characterizing our society, coupled with the greater mobility of recreation marine equipment, have resulted in a phenomenal increase in recreational boating and other water-related activities that affect the resources of many areas of the National Park System. Unfortunately arrests and warnings for violations of boating regulations in that System also have increased at a tremendous rate, rising 154 percent for the period 1968 through 1973 to 1,927 incidents in the latter year. Annual visitation to the Park System has increased 43 percent, to 216 million persons, over the same period. This is indicative of the difficulty inherent in protecting water sports enthusiasts and other visitors to that System, and preserving the values upon which inclusion of areas therein is based, in the face of the massive increase in water-related activities.

The Secretary of the Interior is authorized to issue such regulations ". . . as he may deem necessary or proper for the use and management . . ." (39 Stat. 535; 16 U.S.C. 3) and the ". . . protection of, and maintenance of good order in . . ." the National Park Service areas (475 Stat. 1420; 16 U.S.C. 9a). This regulation of boating and other water-related activity for waters located therein, however, is complicated by the authority residing in the Coast Guard to ". . . promulgate and enforce regulations for the promotion of safety of life and property on . . . waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department . . ." (63 Stat. 496; 14 U.S.C. 2). Many waters located within areas of the National Park System are "navigable" and therefore subject to the jurisdiction of the United States and, consequently, the Coast Guard. Enactment of section 1 of the bill would clarify the authority of the Secretary of the Interior to regulate recreational, commercial and other uses of and activities relating to all waters of the National Park System. Such regulations would be promulgated for the purposes of improving administration, providing for the public safety, use and enjoyment and protecting the natural, wildlife, cultural and historical resources. We would, therefore exercise authority concurrent with the Coast Guard in many instances, but could provide for more restrictive regulation consistent with these enumerated purposes when necessary.

We would, however, suggest the following clarifying amendment to this part of section 1 to clearly indicate that the authority contained in this subsection does not diminish the Coast Guard's authority under existing law to regulate boat design and safety.

Delete all of section 1 from page 1, line 7 through page 2, line 2, and insert in lieu thereof the following: "(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided, No authority contained in this subsection shall be construed as diminishing the authority of the United States Coast Guard under existing law to promulgate and enforce regulations pertaining to boat design and safety;

II. EMERGENCY MEALS AND LODGING

Section 1 of the bill would also authorize the Secretary of the Interior to provide meals and lodging, financed with funds appropriated for the expenses of the Department of the Interior, for employees of the National Park Service, serving on extended special duty in areas of the National Park System. The need for this authority arises from the fact that such personnel particularly the United States Park Police, are occasionally required to work long and unusual hours during demonstrations, ceremonies, and other events. Often they cannot know in advance that such duty will be necessary and, when it does arise, conditions frequently do not allow them to be relieved long enough to have sufficient time to return to their homes for adequate rest or to purchase meals at places of public accommodation. Enactment of this authority would be consistent with procedures associated with most of the country's large police forces faced with overseeing prolonged events.

We would suggest the following amendment to clarify the bill to make it clear that there is a time limit involved in the use of the term "extended special duty". In instances where there is special duty which is more than just temporary, the per diem and subsistence payment provisions of existing authority would apply. Accordingly, on page 2, line 6, insert "temporarily" between "serving" and "on".

III. MOVING EXPENSES FOR DEPENDENTS

Section 2 of the bill would expand the existing authority regarding payment of travel expenses for employees, as contained in section 11 of the Act of May 26, 1930. The expanded authority would authorize payment to dependents of travel expenses to permanent homes in cases in which the employee's service is terminated by death while he is assigned government housing in an isolated area, and such housing thereafter must be promptly vacated.

National Park Service personnel are frequently required to relocate for varying lengths of time to isolated areas where residence in assigned government housing is necessary. Upon the death of an employee, quarters must often be vacated immediately, thus working an extreme hardship on his family. The necessity for moving comes at a time when the family is under a severe financial and emotional strain; normal earnings have been terminated and processing of survivor benefits applications frequently requires an extended period of time. Payment of dependent's travel expenses in such situations is a reasonable and appropriate extension of the travel benefits currently provided in section 11, and is consistent with travel benefits applicable to field employees of the Department of State.

We recommend, however, that this provision not be limited to Government quarters in "isolated areas". The need for this benefit is just as great for dependents located in metropolitan areas who must promptly vacate their quarters and move to a permanent home. We recommend that on page 2, lines 22 and 23, "in isolated areas," be deleted.

The bill gives the Secretary the authority to prescribe by regulation the conditions under which the relocation expenses will be paid. We

anticipate that such regulations would consider such factors as the location of the true home of the dependents in relation to the location of employment, the expense of the relocation, and other pertinent factors.

IV. LEGISLATIVE JURISDICTION

Sections 2 of the bill would also authorize the Secretary of the Interior to retrocede to a State, or to a Commonwealth, Territory, or possession of the United States, all or part of the legislative jurisdiction exercised by the United States over National Park System lands or interests therein in that State, Commonwealth, Territory, or possession.

The Federal Government exercises several types of legislative jurisdiction, which is the authority to administer governmental powers, over lands comprising the National Park System. Most units of that System are administered pursuant to proprietary jurisdiction, the United States having acquired some right or title to, but no measure of States' authority over, the lands. However, a number of units are administered under exclusive jurisdiction (States having granted the United States the right to exercise alone certain of their authorities over the lands) or concurrent jurisdiction (States having reserved to themselves the rights to exercise jointly the powers granted to the Federal Government).

The Public Land Law Review Commission, in its report to the President and the Congress entitled "One Third of the Nation's Land" (1970), stated: "In many cases the Federal Government needs to have something more than a proprietary jurisdiction over its properties. Generally, these are areas which because of their immense size, large populations, remote locations, or peculiar use requirements, are beyond the capabilities of State and local governments to service. The seasonal demands of policing and servicing national park lands are one example."

On the other hand administration of units of the National Park System pursuant to exclusive Federal legislative jurisdiction can deny to the National Park Service and its employees important rights and privileges otherwise extending to those lands on the part of the States, and their political subdivisions, in which they are located.

For example, in those areas States have no obligation to provide normal governmental services, such as disposal of sewage, removal of trash and garbage, and fire protection, and residents thereof have no claim to participation in State elections, education in free State public school systems, and the like. Furthermore, although State law existing at the time exclusive jurisdiction is ceded remains applicable to such areas, State authority to enforce that law ceases and subsequent amendments to it do not apply. Thus, that law tends to become obsolete during the period of Federal exercise of exclusive jurisdiction.

Where units of the National Park System are administered by the United States pursuant to concurrent legislative jurisdiction these problems do not arise inasmuch as legislative jurisdiction over those lands is exercised jointly by the States and the Federal Government. Thus, State law and administrative procedures, as well as Federal law appertaining to areas under the legislative jurisdiction of the United States, both apply.

In addition, some units of the National Park System, now administered by the Federal Government pursuant to exclusive or concurrent legislative jurisdiction, would most appropriately be administered under proprietary Federal legislative jurisdiction. Such action would not hinder fulfillment of the purposes for which those areas were established. Federal areas of proprietary jurisdiction enjoy Constitutional immunity from interference in the performance of Federal functions, and Federal laws and regulations relating to the National Park System apply regardless of the degree of legislative jurisdiction exercised over units thereof by the Federal Government.

It is clear, therefore, that retrocession to the States of Federal legislative jurisdiction relative to some areas of the National Park System would be beneficial. Because there is no general statute authorizing such retrocession, a special Act of Congress is required in each case, together with appropriate State action. Both the Inter-Departmental Committee for the Study of Jurisdiction Over Federal Areas Within the States and the Public Land Law Review Commission in 1956 and 1970, respectively, recommended authorizing Federal agencies to retrocede jurisdiction to the States.

Enactment of a general retrocession authority relating to the National Park System, as embodied in section 2, would eliminate the necessity for special Congressional action in each instance of retrocession. It is similar to the general retrocession authorization obtained by the Department of Defense in 1970 (84 Stat. 1226; 10 U.S.C. 2683).

V. INCREASED UNIFORM ALLOWANCE

Section 2 of the bill would also amend subsection 5901(a) of title 5, United States Code, to increase the maximum allotment that may be annually appropriated for uniforms for National Park Service employees from \$125 to \$300 per employee. Costs associated with uniforms have been increasing substantially. In a recent analysis the National Park Service found the cost of a National Park Service male employee's dress uniform to be in excess of \$500. The existing \$125 limitation was established in 1967.

However, we have determined that the Civil Service Commission has conducted a government wide study of uniform allowances. The study has been completed, and we understand that the Commission will soon propose legislation which would revise all agencies' uniform allowances to correspond to the cost of the uniforms. Pending resolution soon of this government wide effort, we recommend that consideration of this subsection of the bill be deferred.

VI. CONTINUATION OF ADVISORY BOARD

Section 2 of the bill would also provide for the legislative reestablishment of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments and for the continuation of that Advisory Board until January 1, 1990. Pursuant to section 14(a)(2) of the Federal Advisory Committee Act advisory committees terminate within two years of establishment unless renewed by appropriate action, where administratively established, or unless their duration is otherwise provided for by law, where established by Act of Congress.

The Office of Management and Budget, which under the Federal Advisory Committee Act is responsible for overseeing Federal Advisory Committees, has suggested the following amendment to this subsection in order to maintain consistency under that Act.

Page 4, line 3 : delete line 3 in its entirety and insert the following: "Board shall continue to exist until January 1, 1990, as long as the Secretary of the Interior biannually determines, as a matter of formal record after consultation with the Director of the Management and Budget with timely notice in the Federal Register, the continued existence of the Board to be in the public interest, in connection with the performance of duties imposed on the Secretary by law. The Advisory Board shall in all other aspects be subject to the provisions of the Federal Advisory Committee Act. The"

We would also suggest that another amendment be made to the part of Section 2 dealing with the Advisory Board. Subsection 203(k) (3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), authorizes conveyance of surplus real and related personal property to States for historic monument purposes without cost. The Secretary of the Interior must determine that the property is suitable and desirable for such use, but his determination must be in conformity with the recommendation of the Advisory Board. The mechanism already exists for determining the suitability of Federal property for use as a historic monument in the National Register of Historic Places, maintained by the National Park Service. Historically significant Federal properties are nominated to the Register by professional historians and the nominations are reviewed in accordance with criteria approved by the Secretary. There is no need for the duplication involved in a separate review by the Advisory Board, and transfers of surplus property need not be subject to this additional unnecessary step in the transfer process. Ten such properties were conveyed in 1975, and we expect approximately 30 to be conveyed in 1976. Accordingly, we suggest that line 13 of page 4 be amended to read as follows: "archeologic sites, buildings, and properties, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as a historic monument."

VII. LAW ENFORCEMENT

Section 2 of the bill would also clarify the authority of the National Park Service personnel with respect to administration of the National Park System to bear firearms, enforce all Federal laws, execute process, investigate offenses and cooperate with other law enforcement agencies. In recent years, visitations to National Park areas has increased rapidly and with it, a similar increase in felonies and misdemeanors has occurred. Effective law enforcement in the Park System has been severely hampered by the remoteness of many areas, coupled with the need for clarification of law enforcement authorities of National Park Service personnel. The isolation of those areas from conventional Federal, State, and local law enforcement agencies has made law enforcement dependent primarily on employees of the National Park Service.

The enactment of this section would replace the existing National Park Service law enforcement authorities, presently scattered

throughout Title 16 of the United States Code, with a single clear mandate authorizing designated employees performing law enforcement functions within the National Park System to bear firearms; enforce all Federal laws including serious criminal violations as well as misdemeanors applying specifically to parks; execute process; and investigate offenses.

The authority to enforce all Federal laws would under appropriate circumstances, include authority to enforce the laws of States in areas of the National Park System under the exclusive or concurrent legislative jurisdiction of the United States through assimilation of those laws into Federal law (18 U.S.C. 7(3), 13). Enactment of the legislation would also authorize Park Service cooperation with other Federal, State, and local law enforcement agencies.

This bill would not affect the functions or authorities of the United States Park Police, whose law enforcement mission has been defined by the Act of March 17, 1948, as amended (62 Stat. 81). Presently the Park Police are authorized to arrest for Federal offenses committed in the District of Columbia and on Federal reservations in its metropolitan area. This special authority of the Park Police is adequate for them to perform their responsibilities, and we do not believe there is a need to alter that authority in this bill.

Section 2 of H.R. 11887 is designed to eliminate possible uncertainties relating to law enforcement activities in the National Park System. Its enactment would be consistent with the authority exercised by other Federal personnel having law enforcement responsibilities, such as agents of the Federal Bureau of Investigation and United States Marshals, and specifically would not restrict their investigative jurisdictions. This authority would be limited to activities related to the protection and administration of units of the National Park System.

We would suggest that the law enforcement part of section 2 of H.R. 11887 be amended as follows to better accomplish the law enforcement objectives of the National Park System:

(1) This Department believes that the following amendment should be made to the law enforcement section to provide a means of public involvement in a regulation making process, the purposes of which will be to establish the standards of training, etc. required of Park Service personnel who are designated with law enforcement authority by the Secretary. Delete all from page 5, line 8 through page 5, line 13, and insert in lieu thereof the following:

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulation by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees so designated, may:"

(2) We would suggest that the following clarifying amendment be made to the subsection concerning "special policemen." On page 6, line 18, insert between "System" and "and" the following: "when supplemental law enforcement personnel may be needed."

(3) We suggest the addition of a new subsection to the law enforcement part of section 2 which would specify that "special policemen"

designated from among State and local law enforcement personnel not be deemed to be Federal employees, and to specify the respective liabilities of the Federal and State governments during the dual assignment periods which the bill would authorize.

Accordingly, we recommend that the following section be added starting on page 7, line 11:

"(d) (1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (a) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of Title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of Title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (a) of this section be deemed a Civil Service employee of the United States within the meaning of the term "employee" as defined in section 8101 of Title 5, and the provisions of that subchapter shall apply.

(4) We would suggest the following minor technical amendment be made on page 6, line 21 of the bill: delete the first "with" and insert "within" in lieu thereof.

It is estimated that increased annual National Park Service costs associated with enactment of the bill will total \$530,000 as follows: \$10,000 for provision of meals and lodging, \$480,000 added to total uniform allowance disbursements, and \$40,000 added to traveling expenses. However, we recommend consideration of the uniform allowance be deferred.

We believe that the enactment of this bill in the form recommended herein will represent a meaningful step in updating the management and administrative authorities applicable to the National Park System.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 3, 1976.

Hon. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This supplements our April 8, 1976 report on H.R. 11887, a bill "To amend the Act approved August 18, 1970,

providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

In our April 8, 1976 report, we suggested an amendment to the bill which provides for the payment of moving expenses for dependents of deceased Park Service personnel. In paragraph 1 on page 4 of the report, we recommended the bill be amended so that this provision would not be limited to dependents living in Government housing quarters in "isolated areas," and should provide moving expenses for dependents of deceased employees located in metropolitan areas.

This amendment and the statements made in this paragraph are inconsistent with the language of the next paragraph on page 4, and do not accurately reflect the position of this Department on this portion of the bill. We do not believe that moving expenses should be paid to the dependents of deceased employees unless the employee lives in Government housing which is located in an "isolated area." H.R. 11887 would give the Secretary the authority to prescribe by regulation the conditions under which such relocation expenses will be paid. As stated in our report and as discussed by Director Everhardt in his testimony, we anticipate that such conditions will be limited. The regulations prescribed by the Secretary would delineate the specific parks where the allowance would apply and would consider such factors as the location of the true home of the dependents in relation to the location of employment, the expenses of the relocation and other pertinent factors.

The Office of Management and Budget has advised that there is no objection to the presentation of this revised report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 20, 1976.

B-148736.

B-171019.

Honorable JAMES A. HALEY,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives*

DEAR MR. CHAIRMAN: Our Office is presently conducting a comprehensive review of the seriousness and extent of criminal activity occurring on visitor-oriented Federal lands. One aspect of the review involves the degree of effectiveness of law enforcement and visitor protection operations on lands administered by the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, Corps of Engineers and the Tennessee Valley Authority. In connection with this aspect, we have examined the law enforcement statutes applicable to the named agencies and bureaus and are currently reviewing the law enforcement efforts of the various administering agencies.

In addition to indicating that criminal activity has been increasing on visitor-oriented Federal lands during the past several years, our preliminary work disclosed that the law enforcement authority of the several agencies responsible for administering Federal land differs widely. Consequently, law enforcement operations on Federal lands experiencing substantially the same degree and types of criminal activity differ markedly from agency to agency and, in the case of the Interior Department, from Bureau to Bureau. Moreover, under present law, as shown in the enclosed comparative statement, the available tools of law enforcement are not only different depending on the agency or bureau concerned, they are limited in scope because the authorizing language of statutes applicable to these agencies, unlike the enforcement statutes governing the Federal Bureau of Investigation, 18 U.S.C. § 3052, Secret Service, 18 U.S.C. § 3056, and the U.S. Marshals Service, 18 U.S.C. § 3053, neither expressly permit the carriage of weapons nor authorize the making of arrests for all crimes cognizable under the laws of the United States.

We believe providing effective law enforcement services on visitor-oriented Federal lands depends, in large measure, on the scope of the administering agency's statutory enforcement authority and upon the existence of a law enforcement program. For this reason, when our review is completed, we expect that we will have a sufficient basis on which to formulate comprehensive recommendations concerning, among other matters, the authority and responsibility for conducting law enforcement and visitor protection operations on Federal lands. These recommendations will be included in a Report to the Congress, that we expect to be issued by March 1977.

During the course of our review, however, bills pertinent to the enforcement authority of the National Park Service (H.R. 11887, S. 1, H.R. 12504), the Fish and Wildlife Service (H.R. 5523, S. 1, H.R. 12504), the Bureau of Land Management (H.R. 13777, S. 507, S. 1, H.R. 12504), and the Corps of Engineers (H.R. 9488, H.R. 9964), were introduced and now occupy varying positions on the House and Senate calendars.

As the enclosed Comparative Statement shows, each bill applies to a particular agency or bureau and each advocates a different approach to law enforcement on Federal lands. Although our review is not at the stage where we can furnish specific and comprehensive alternatives to the existing and proposed enforcement statutes, we are advising the committees having jurisdiction over pending legislative proposals of our review and of our comments on the pending bills.

Two of the bills, H.R. 11887 and H.R. 13777, were referred to the Committee on Interior and Insular Affairs and deal with the conduct of law enforcement and visitor protection operations on lands administered by the National Park Service and the Bureau of Land Management.

H.R. 11887, 94th Cong., 2d Sess. (1976), would, if enacted, authorize National Park Service law enforcement personnel to carry firearms and make arrests for all crimes cognizable under the laws of the United States. This would constitute a significant expansion of NPS' present statutory enforcement authority, 16 U.S.C. § 10 (1970). H.R. 11887 does not, however, address the situation where, in the absence of

State or local police, immediate, effective law enforcement measures are necessary to combat serious criminal activity that does not constitute a Federal offense.

When the Federal criminal code has not defined a specific offense, the Assimilative Crimes Act, 18 U.S.C. § 13, adopts for certain Federal lands, as Federal law, the penal code of the State where such land is situated. *United States v. Press Publishing Co.*, 219 U.S. 1 (1911); *United States v. Prejean*, 494 F. 2d 495 (5th Cir. 1974). Although most Federal criminal laws in the resource protection area apply to all Federal land without regard to the jurisdictional status in which the land is held, the Assimilative Crimes Act and the other laws of the United States that criminalize misconduct against the persons or property of visitors are ordinarily applicable only to Federal lands held in a concurrent or exclusive jurisdictional status. Generally, these laws do not apply to Federal lands held in a proprietary interest status. See e.g., 18 U.S.C. §§ 7, 13, 1111-1113, 2031, 2032, 2111 (1970). On proprietary lands, misconduct constituting a crime against the persons or property of visitors is generally not a Federal offense, but is, instead, an offense cognizable under the criminal code of the State where the land is located.

A substantial number of NPS recreation areas are proprietary lands, but H.R. 11887 neither authorizes NPS enforcement officials to make arrests for violations on NPS land of a State's penal code nor provides Federal immunities to such officials should they do so. On proprietary lands within the National Park System, the enforcement of laws proscribing misconduct against the persons or property of visitors depends upon the availability of State and local enforcement personnel and on their willingness to respond or, alternatively, on the willingness of localities to commission NPS officials as deputy sheriffs.

Additionally, sections 9(b) (2) and (3) of H.R. 11887 inferentially authorize certain NPS employees to execute warrants and conduct criminal investigations beyond the geographical confines of the National Park System.

Also, sections 9(c) (1) and (2) provide for the appointment of State and local police to enforce all Federal criminal laws on lands within the National Park System and authorize reimbursement to the State or locality for services rendered in connection with such appointments. However, H.R. 11887 makes no provision for the training of these officials nor does it indicate whether reimbursable arrangements with the State or locality are intended to be an exclusive or supplementary vehicle for furnishing law enforcement services at a given recreation area.

The matter of expanding the Bureau of Land Management's (BLM) enforcement authority is addressed in H.R. 13777, 94th Cong., 2d Sess. (1976), reported from the Committee on Interior and Insular Affairs on May 15, 1976.

Under certain circumstances, H.R. 13777 would authorize the Secretary of the Interior to designate "Federal personnel" to enforce Federal laws and regulations relating to the public lands and resources. To enforce such laws and regulations, section 302(c)(1) of the bill would authorize Federal misdemeanor and felony arrests, notwithstanding the fact that no provision is made for the carriage of firearms.

It is evident that H.R. 13777, unlike H.R. 11887, would require the Interior Department to rely to the maximum practicable extent on

State and local police to enforce Federal laws and regulations on Bureau administered lands regardless of the jurisdictional status in which such lands are held. See H.R. Rep. No. 94-1163, 94th Cong., 2d Sess. 14-15 (1976). Aside from the fact that H.R. 13777 contains no specific language giving the Department managerial control over State and local enforcement operations on Bureau lands, we note too that section 302(c)(1) apparently would require the Secretary to annually negotiate and offer a "reasonable" law enforcement contract to State and local enforcement officials. During the tenure of such a contract, section 302(c)(2) inferentially precludes BLM officials from engaging in law enforcement activities.

If State or local enforcement officials either lack authority to contract or decline to accept the Secretary's offer of a "reasonable" law enforcement contract, sections 302(c)(1) and (2) of the bill authorize the Secretary to designate "Federal personnel" to enforce Federal laws or regulations relating to the "public lands" or "resources." It is not clear, however, whether these provisions would authorize warrantless arrests in the case of misconduct made criminal by the Assimilative Crimes Act, 18 U.S.C. § 13, or other Federal criminal statutes having general applicability at all Federal enclaves within the special maritime or territorial jurisdiction of the United States where such laws otherwise have no special reference to "public lands" and "resources." See S. Rep. No. 94-583, 94th Cong., 1st Sess. 57-60 (1975). See *United States v. Watson*, — U.S. —, 46 L. Ed. 2d 598, 604-605, 96 S.Ct. — (1976) (discussing statutory warrantless arrest powers); *Alexander v. United States*, 390 F. 2d 101 (5th Cir. 1968) (police powers not vested by statutory obliqueness); *United States v. Diamond*, 471 F. 2d 771 (9th Cir. 1973) (power to search and arrest limited by statute).

H.R. 13777, like H.R. 11887, does not specifically authorize BLM law enforcement officials to make arrests for violations of a State's criminal code nor does it offer Federal immunities for BLM officials who attempt to make such arrests. Since the substantial majority of BLM lands, like NPS lands, are held in a proprietary interest status, it appears that on proprietary lands experiencing substantial visitation, BLM officials could encounter the same law enforcement problems that would confront NPS enforcement personnel under H.R. 11887.

We hope the foregoing observations and the enclosed Comparative Statement will prove useful to your committee.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Enclosure.

OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, D.C., August 12, 1976.
Hon. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of
Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Department of Transportation would like to take the opportunity to make known its views concerning H.R. 11887, a bill "To amend the Act approved August 18, 1970, providing

for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes."

Section 1 of the bill would authorize the Secretary of the Interior to promulgate and enforce regulations concerning boating and other activities relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States.

Currently navigational rules of the road are applied by statute to the navigable waters of the United States, including those waters within the National Park System which are navigable waters of the United States. Additionally, the vessel inspection laws of the United States apply to commercial vessels operating on those navigable waters. The Federal Boat Safety Act of 1971 (P.L. 92-75) (FBSA), with minor exceptions, applies to recreational boats used on waters subject to the jurisdiction of the United States, which would include all waters within the National Park System. In addition, sections 5 through 11 and subsections 12(a) and 12(b) of that Act, relating to boat safety standards and prohibited acts, apply to boats moving or intended to be moved in interstate commerce.

The Department of Transportation strongly objects to section 1 of the bill. As that section is currently drafted, it would authorize the Secretary of the Interior to promulgate and enforce boating regulations which relate to construction, performance, and equipment standards. The FBSA gave responsibility for the promulgation and enforcement of those regulations to the Secretary of the department in which the Coast Guard is operating. One reason for the enactment of the FBSA was to provide a coordinated national boat safety program (S. Rep. 92-248). The FBSA requires public participation in the regulatory process by input through the Boating Safety Advisory Council. If the Secretary of the Interior is also authorized to promulgate boating safety regulations of a type authorized by the FBSA, and make them applicable to areas already covered by the FBSA, the legislative intent of that Act will be circumvented. There would exist the possibility of the promulgation of divergent standards and regulations applicable to the boating public.

We are aware that the Department of the Interior has recommended to the House Interior Committee language to amend section 1 in order to provide that no authority contained in that section shall be construed as diminishing the authority of the Coast Guard under existing law to promulgate and enforce regulations pertaining to boat design and safety. In our view, however, that language is not sufficient to protect the boating public from the possibility of divergent and conflicting regulations on waters within the National Park System. It merely adds another regulatory body with authority over the same subject matter.

This Department has no objection to the Secretary of the Interior promulgating regulations relating to operational matters on waters within areas of the National Park System. Although the Secretary of the Interior now has broad authority to promulgate regulations relating to the operations or use of boats in the National Parks under title 16, United States Code, if it is necessary to clarify that authority, then we recommend that the bill make clear that the Secretary of the

Department in which the Coast Guard is operating must concur in the issuance of safety regulations and standards of the type covered by sections 5-11 of the FBSA or any regulation requiring numbering, as covered by sections 17-21 of that Act. In addition this concurrence should be required for regulations concerning the Rules for the Prevention of Collision appropriate for the area or with the vessel inspection laws appropriate to the type of vessel.

These minimum restrictions are necessary in order to prevent confusion from arising on waters subject to the jurisdiction of the United States. For example, in the situation where a river runs through a national park, it is inconsistent to subject vessels and their occupants, whether recreational or commercial, to one set of regulations on one side of the national park boundary, then to subject them to two sets of possibly conflicting or divergent regulations as they cross that boundary into a national park area, and then to subject them to the original regulations as they leave the park area. Likewise, with respect to waters wholly enclosed within a national park, American boaters should not be subject to conflicting or divergent regulations with regard to the matters discussed above. This is particularly true in light of the increasing mobility of the boating public.

We are confident that the Department of the Interior will continue their past practice of consulting with the Coast Guard prior to the issuance of any regulations relating to boating operations. This will ensure that all boating regulations on waters subject to the jurisdiction of the United States are as uniform in format and content as possible, bearing in mind that, in numbers of people affected, it is the recreational boater, not industry or the professional mariner who must comply with the regulations.

To accomplish the above purposes, it is recommended that the new subsection 3(h) of the Act of August 18, 1970, as proposed in H.R. 11887 be amended to read:

"(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: Provided, that any regulations concerning (1) boat design, safety, and numbering, (2) vessel documentation and inspection, and (3) Rules for the Prevention of Collisions, shall be promulgated under this subsection only with the concurrence of the Secretary of the department in which the Coast Guard is operating."

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report for the consideration of the Committee.

Sincerely,

DONALD T. BLISS,
Acting General Counsel.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 18, 1970 (84 STAT. 825; 16 U.S.C. 1A-1)

* * * * *

SEC. 3. In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to carry out the following activities:

(a) provide transportation of employees located at isolated areas of the national park system and to members of their families, where (1) such areas are not adequately served by commercial transportation, and (2) such transportation is incidental to official transportation services;

(b) provide recreation facilities, equipment, and services for use by employees and their families located at isolated areas of the national park system;

(c) appoint and establish such advisory committees in regard to the functions of the National Park Service as he may deem advisable, members of which shall receive no compensation for their services as such but who shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703);

(d) purchase field and special purpose equipment required by employees for the performance of assigned functions which shall be regarded and listed as park equipment;

(e) enter into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system *as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved*, if such person State, or its political subdivision—

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water;

(f) acquire, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged;

(g) sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including cooperative arrangements with respect to such living exhibits and interpretive demonstrations and park programs, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and demonstrations;¹¹

(h) promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas

of the National Park System, including waters subject to the jurisdiction of the United States: Provided, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior.

SEC. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

"Sec. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees including the costs of packing, crating and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the travelling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed 60 days rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States."

SEC. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative jurisdiction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession: Provided, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

SEC. 7. Notwithstanding subsection 5901(a) of Title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for

uniformed employees of the National Park Service may be up to \$400 annually.

SEC. 8. The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic Places, which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document.

SEC. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 666, 667; 16 U.S.C. 461, 463), is amended to read as follows:

"**Sec. 3. (a)** A general advisory board to be known as the National Park System Advisory Board is hereby established to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archaeology, architecture and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

"**(b)** The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act."

Sec. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"**(1)** Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed.

"**(2)** The first paragraph of that portion designated "GENERAL EXPENSES—FOREST SERVICE" of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words "and national park service", "and national parks", and "or national parks";

"**(3)** Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed; and

"**(4)** The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may:

(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

(c) The Secretary of the Interior is hereby authorized to:

(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemented law enforcement personnel may be needed, and to exercise the power and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of the State or subdivision; and

(3) provide limited reimbursement, to a State, or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

(d) (1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of Title 28, United States Code, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of Title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section be deemed a Civil Service employee of the United States within the meaning of the term 'employee' as defined in section 8101 of Title 5, and the provisions of that subchapter shall apply.'

(d) (1) Except as otherwise provided in this subsection, a law en-

(e) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Parks System."

Sec. 11. Section 101(a) of Title I of Public Law 89-665, (80 Stat. 915; 16 U.S.C. 470a), is amended by adding thereto a new paragraph to read as follows:

'(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.'

Sec. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures or buildings for each unit of the national park system consistent with the general management plans required in subsection (b) of this section.

(b) General management plans for the development of each unit of the national park system, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs.

Such plans shall include:

(1) the facilities which the Director finds necessary to accommodate the health, safety and recreation needs of the visiting public, including such facilities as he may deem appropriate to provide in accordance with the provisions of the Act of October 9, 1965 (79 Stat. 969);

(2) the location and estimated cost of all such facilities; and
(3) the projected need for any additional facilities required for such unit.

(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of \$100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed."



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.), is amended as follows:

(1) In subsection (e), after "within an area of the national park system," insert "as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved."

(2) At the end of subsection (g), change the period to a semicolon and add the following new subsections:

"(h) promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided*, That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

"(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior."

SEC. 2. Such Act of August 18, 1970, is further amended by adding the following new sections:

"SEC. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

"SEC. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.'

"SEC. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative juris-

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diction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession: *Provided*, That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

"SEC. 7. Notwithstanding subsection 5901(a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to \$400 annually.

"SEC. 8. The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document.

"SEC. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 666, 667; 16 U.S.C. 461, 463), is amended to read as follows:

"SEC. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archaeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary

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but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

"(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act."

"SEC. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed;

"(2) The first paragraph of that portion designated 'GENERAL EXPENSES—FOREST SERVICE' of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words 'and national park service', 'and national parks', and 'or national parks';

"(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed; and

"(4) The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

"(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

"(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

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"(c) The Secretary of the Interior is hereby authorized to—

"(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

"(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision; and

"(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

"(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

"(d)(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

"(2) For purposes of the tort claim provisions of title 28, United States Code, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

"(3) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section be deemed a civil service employee of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

"(e) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.

"Sec. 11. Section 101(a) of title I of Public Law 89-655 (80 Stat. 915; 16 U.S.C. 470a), is amended by adding thereto a new paragraph to read as follows:

"(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.'

"Sec. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facili-

ties, structures, or buildings for each unit of the National Park System consistent with the general management plans required in subsection (b) of this section.

“(b) General management plans for the development of each unit of the National Park System, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs. Such plans shall include:

“(1) the facilities which the Director finds necessary to accommodate the health, safety, and recreation needs of the visiting public, including such facilities as he may deem appropriate to provide in accordance with the provisions of the Act of October 9, 1965 (79 Stat. 969);

“(2) the location and estimated cost of all such facilities; and
“(3) the projected need for any additional facilities required for such unit.

“(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of \$100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed.”

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*