

helped people with their travel claims and housing problems. He also has been involved in helping those less fortunate with clothing and food and plays the keyboard and sings every Sunday at his church.

In short, Yeoman First Class Stephen Dykema has earned the recognition he has received as Enlisted Person of 1997. This young man is a credit to the Coast Guard, to South Carolina, and to this Nation.●

SUPPORT OF S.J. RES. 50

● Mr. FRIST. Mr. President, I rise today in support of S.J. Res. 50, which I joined the Senator from Missouri, Mr. BOND, in introducing. This resolution expresses the Senate's disapproval of the rule submitted by the Health Care Financing Administration (HCFA) on June 1, 1998, which requires the acquisition of surety bonds for home health agencies under the Medicare and Medicaid programs. HCFA's rule endangers the existence of small and non-hospital based home health agencies because of the excessive expenses and requirements that are created by this rule. I am concerned that patients will lose access to agencies where they can attain home health services and that many employees will lose jobs because of the financial stress that is created by this rule.

Even the two Congressional leaders, PETE STARK and KAREN THURMAN, who introduced the surety bond regulations, realize that the requirements have gone beyond the original intent of Congress. The initial requirement system was based on the successful Medicaid program in Florida, yet the new requirements proposed by HCFA do not only penalize potentially harmful providers but also many of the health care agencies that deliver essential high-quality care. HCFA's proposal differs from the successful Florida model in many ways. In Florida, bond requirements were required to be capped at \$50,000, yet agencies under the HCFA proposal must purchase 15 percent of its Medicare reimbursement the previous year or \$50,000 worth of bonds, whichever is greater.

A report done by the United States Small Business Administration in its April 15, 1998 letter asking HCFA to remove the 15 percent provision in the surety bond regulation recognizes that HCFA failed to comply with the Regulatory Flexibility Act, which requires agencies to account for the impact of a proposal on all small entities and to consider alternatives to reduce the burden on those agencies. This report states that HCFA did not conduct regulatory flexibility analysis of the proposal's impact on small entities. HCFA was not monitoring the impact of this regulation on all small home health providers but only those with "aberrant billing practices." Therefore, many of the high-quality small home health care agencies are being pushed out of the health care sector because of the outrageous bond requirements.

HCFA also requires all home health care agencies to buy surety bonds regardless of their credit history, whereas in Florida those agencies with at least one year in the Medicare program and no payment history problems were exempted. HCFA also requires these companies to secure bonds every year regardless of performance. These excessive requirements and costs will push many smaller, freestanding home health agencies out of business. If these companies are forced to shut down, the elderly and disabled will lose these essential services. For, this rule should prevent fraud, yet it should not penalize the law-abiding companies for the abuses of less than 1% of the agencies.

Since this rule submitted by HCFA seems to impose conditions that go beyond those bonding companies bear in the course of their normal business, many surety companies are not offering bonds to Medicare home health agencies. Even those offering bonds are creating a prohibitive cost or demanding collateral equal to the face value of the bond or personal guarantees that exceed the face value of the bond. Because of the effects of this rule, small and non-hospital based agencies now risk loss of their Medicare provider number, and their employees and Medicare patients can also be adversely affected.

The capitalization requirement in HCFA's proposal creates a barrier to market entry because entry is based on factors such as overhead costs, location, profit margins, and competition in the area.

With all of these expenses and requirements, one would assume that only health care agencies that have abused the system would be required to abide by this rule. Yet, this system penalizes small home health care agencies that have been serving the elderly and disabled with high-quality for years. This rule should prevent fraud, not limit the access to care for those serviced by the Medicare and Medicaid programs. Because this rule will hurt many small home health care agencies with these exorbitant expenses and requirements, and therefore cause many elderly and disabled people to lose access to health care, I strongly suggest that this rule submitted by HCFA be reworked with consideration given to these responsible, small health care providers that provide essential services for thousands of U.S. citizens.●

USS "BRUCE HEEZEN"

● Mr. CHAFEE. Mr. President, I would like to share with my colleagues the tremendous news of the success of a group of nine fifth grade students from Rhode Island. These students won the U.S. Navy's national competition to be the first group of civilians ever granted the privilege of naming a United States Navy ship. These diligent young people from Oak Lawn Elementary School in Cranston overcame extraordinary com-

petition being selected as finalists from more than 2,000 entries from across the United States.

Last Friday, Secretary of the Navy John Dalton announced the Oak Lawn students' proposal to name the Navy's next oceanographic ship the U.S.S. *Bruce Heezen* was the winner of this competition. Heezen was a pioneer in mapping the ocean floor who died aboard a Navy submarine taking him to look for the first time at the ocean terrain.

I would like to extend my warmest congratulations to these bright students and their teacher for their great achievement. I share with their families and community in recognizing the fabulous work they did in terms of conducting extensive group research and a wide range of individual projects. I also commend them for enthusiastically sharing their discoveries and knowledge with other schools in the area to educate their fellow students.●

EXPANSION OF THE SEABORG CENTER AT NORTHERN MICHIGAN UNIVERSITY

● Mr. ABRAHAM. Mr. President, I rise today to recognize the expansion of the Glenn T. Seaborg Center for Teaching, Learning Science and Mathematics at Northern Michigan University. On Thursday, June 11, 1998, a groundbreaking will take place for the new complex.

The Seaborg Center is named for Nobel Laureate Dr. Glenn T. Seaborg of the Upper Peninsula of Michigan. Dr. Seaborg is perhaps the most important scientist of his time. A native of Ishpeming, he was co-discoverer of Plutonium, ten elements and more than 100 isotopes. Dr. Seaborg's list of achievements extends far beyond these discoveries, therefore, it is quite appropriate for this educational facility to be named after him. The Center will provide educational institutions at all levels with materials, consultative services and training in math and science education. It serves the entire Upper Peninsula of Michigan, over 56 school districts from the Northern Michigan University campus and from three satellite centers.

I personally visited the original facility and recognized the importance of obtaining funding to upgrade the facility. It is for this reason that I submitted a request for funding. I am very pleased to see that this project is getting underway. It could not be happening at a more exciting time, in light of Northern Michigan University's upcoming centennial celebration. I extend my best wishes and congratulations to everyone involved with making the Seaborg Center project possible. I know it will be a great success.●

VISION 2020 NATIONAL PARKS RESTORATION ACT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of calendar No. 397, S. 1693.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1693) to renew, reform, reinvigorate, and protect the national parks.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vision 2020 National Parks System Restoration Act".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "Secretary" means the Secretary of the Interior; and

(2) "park" or "national park" means a unit of the National Park System.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING AND MANAGEMENT

SEC. 101. PROTECTION, INTERPRETATION AND RESEARCH IN THE NATIONAL PARK SYSTEM.

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

The Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of park superintendent.

SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.

(a) STRATEGIC PLANS.—Each unit of the National Park System shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. Such plans shall reflect the National Park Service policies, goals and outcomes represented in the Service-wide Strategic Plan, prepared pursuant to the provisions of the Government Performance and Results Act (Public Law 103-62).

(b) PARK BUDGET.—As a part of each park's annual performance plan prepared pursuant to subsection (a) of this section, following receipt of each park's appropriation from the Oper-

ations of the National Park System account (but no later than January 1 of each year), each park superintendent shall develop and make available to the public the budget for the current fiscal year for that park. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including but not limited to special use permits, concession franchise fees, and recreation use and entrance fees.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

SEC. 202. RESEARCH MANDATE.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

SEC. 203. COOPERATIVE AGREEMENTS.

(a) COOPERATIVE STUDY UNITS.—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

(b) REPORT.—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use

of any unit of the National Park System for purposes of scientific study.

(b) CRITERIA.—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no significant threat to or broad impairment of park resources or public enjoyment derived from those resources.

(c) FEE WAIVER.—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which a park resource may be adversely affected by an action undertaken by the National Park Service, the administrative record shall reflect the manner in which unit resource studies have been considered.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and location of a park resource which is endangered, threatened, rare, or commercially valuable, or for an object of cultural patrimony within a unit of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the park unit in which the resource is located and would not create a substantial risk of harm, theft, or destruction of the resource, including individual specimens of any resource population; and

(2) disclosure is consistent with other applicable laws protecting the resource.

TITLE III—PROCEDURES FOR ESTABLISHMENT OF NEW UNITS OF THE NATIONAL PARK SYSTEM

SEC. 301. STUDIES OF AREAS FOR POTENTIAL INCLUSION IN THE NATIONAL PARK SYSTEM.

Section 8 of Public Law 91-383 (16 U.S.C. 1a-5) is amended—

(1) in subsection (a)—

(A) by inserting "GENERAL AUTHORITY.—" after "(a)";

(B) by striking the second through sixth sentences;

(C) by striking "For the purposes of carrying out" and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out"; and

(2) by inserting after subsection (a) the following:

"(b) STUDIES OF AREAS FOR POTENTIAL INCLUSION IN THE NATIONAL PARK SYSTEM.—

"(1)(A) At the beginning of each calendar year, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a list of areas recommended for study for potential inclusion as new units in the National Park System.

"(B) If the Secretary determines during a specific calendar year that no areas are recommended for study for potential inclusion in the National Park System, the Secretary is not required to submit the list referenced in subparagraph (A).

"(2) In developing the list submitted under this subsection, the Secretary shall consider—

“(A) areas that have the greatest potential for meeting the established criteria of national significance, suitability, and feasibility;

“(B) themes, sites, and resources not adequately represented in the National Park System; and

“(C) public proposals and Congressional requests.

“(3) Nothing in this subsection shall limit the authority of the Secretary to conduct preliminary planning activities, including—

“(A) the conduct of a preliminary resource assessment;

“(B) collection of data on a potential study area;

“(C) provision of technical and planning assistance;

“(D) preparation or processing of a nomination for an administrative designation;

“(E) updating of a previous study; or

“(F) completion of a reconnaissance survey of an area.

“(4) NATIONAL WILD AND SCENIC RIVERS SYSTEM; NATIONAL TRAILS SYSTEM.—Nothing in this section applies to, affects, or alters the study of—

“(A) any river segment for potential addition to the National Wild and Scenic Rivers System; or

“(B) any trail for potential addition to the National Trails System.

“(5) In conducting a study under this subsection, the Secretary shall—

“(A) provide adequate public notice and an opportunity for public involvement, including at least one public meeting in the vicinity of the area under study; and

“(B) make reasonable efforts to notify potentially affected landowners and State and local governments.

“(6) In conducting a study of an area under this subsection, the Secretary—

“(A) shall consider whether the area—

“(i) possesses nationally significant natural, historic or cultural resources, or outstanding recreational opportunities;

“(ii) represents one of the most important examples (singly or as part of a group) of a particular resource type in the United States; and

“(iii) is a suitable and feasible addition to the National Park System;

“(B) shall consider—

“(i) the rarity and integrity of the resources of the area;

“(ii) the threats to resources;

“(iii) whether similar resources are already protected in the National Park System or in other public or private ownership;

“(iv) benefits to the public;

“(v) the interpretive and educational potential of the area;

“(vi) costs associated with acquisition, development, and operation of the area and the source or revenue to pay for the cost;

“(vii) the socioeconomic impacts of inclusion of the area in the National Park System;

“(viii) the level of local and general public support for the inclusion;

“(ix) whether the area is of appropriate configuration to ensure long-term resource protection and appropriate visitor use; and

“(x) the potential impact on the inclusion of the area on existing units of the National Park System;

“(C) shall consider whether direct management by the Secretary or alternative protection by other public agencies or the private sector is most appropriate for the area;

“(D) shall identify what alternative, if any, or what combination of alternatives would, as determined by the Secretary, be most effective and efficient in protecting significant resources and providing for public enjoyment; and

“(E) may include any other information that the Secretary considers pertinent.

“(7) The letter transmitting a completed study to Congress shall contain a recommendation regarding the preferred management option of the Secretary for the area.

“(8) The Secretary shall complete a study of an area for potential inclusion in the National Park System within three years after the date funds are made available for the study.

“(c) LIST OF PREVIOUSLY STUDIED AREAS WITH HISTORICAL OR NATURAL RESOURCES.—

“(1) At the beginning of each calendar year, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Resources of the United States House of Representatives—

“(A) a list of areas that have been previously studied under this section that contain primarily historical or cultural resources, but have not been added to the National Park System; and

“(B) a list of areas that have been previously studied under this section that contain primarily natural resources, but have not been added to the National Park System.

“(2) In developing a list under paragraph (1), the Secretary shall consider the factors described in subsection (b)(2).

“(3) The Secretary shall include on a list under paragraph (1) only areas for which supporting data are current and accurate.”.

TITLE IV—NATIONAL PARK SERVICE CONCESSION MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the “National Park Service Concession Management Improvement Act of 1998”.

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation of park values requires that such public accommodations, facilities and services as have to be provided within those areas should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that heavy visitation will not unduly impair these values and so that development of such facilities can best be limited to locations where the least damage to park values will be caused. It is the policy of the Congress that such development shall be limited to those that are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located and that are consistent to the highest practicable degree with the preservation and conservation of the units.

SEC. 403. AWARD OF CONCESSION CONTRACTS.

In furtherance of the findings and policy stated in section 402, and, except as provided by this title or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize private entities to provide accommodations, facilities and services to visitors to areas of the National Park system. Such concession contracts shall be awarded as follows:

(a) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concession contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concession contracts.

(b) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concession contract (including renewals or extensions of existing concession contracts) the Secretary shall publicly solicit proposals for the concession contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish no-

tice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(c) PROSPECTUS.—The prospectus shall include, but need not be limited to, the following information:

(1) the minimum requirements for such contract as set forth in subsection (d);

(2) the terms and conditions of any existing concession contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner;

(3) other authorized facilities or services which may be provided in a proposal;

(4) facilities and services to be provided by the Secretary to the concessioner, if any, including, but not limited to, public access, utilities, and buildings;

(5) an estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concession contract;

(6) a statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process;

(7) such other information related to the proposed concession operation as is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals; and

(8) where applicable, a description of a preferential right to the award of the proposed concession contract held by an existing concessioner as set forth in subsection (g).

(d) MINIMUM REQUIREMENTS.—

(1) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to—

(A) the minimum acceptable franchise fee or other forms of consideration to the government;

(B) any facilities, services, or capital investment required to be provided by the concessioner; and

(C) measures necessary to ensure the protection and preservation of park resources.

(2) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(3) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(4) The Secretary may not execute a concession contract which materially amends or does not incorporate the proposed terms and conditions of the concession contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concession contract incorporating such material amendments or changes.

(e) SELECTION OF THE BEST PROPOSAL.—

(1) In selecting the best proposal, the Secretary shall consider the following principal factors:

(A) The responsiveness of the proposal to the objectives of protecting and preserving park resources and values and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(B) The experience and related background of the person, corporation, or entity submitting the proposal, including but not limited to, the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

(C) The financial capability of the person, corporation or entity submitting the proposal.

(D) The proposed franchise fee: Provided, That consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities to the public at reasonable rates.

(2) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(3) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of business owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession contract should be identified as a factor in the selection of a best proposal under this section.

(f) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of ten years or more to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(g) PREFERENTIAL RIGHT OF RENEWAL.—

(1) Except as provided in paragraph (2), the Secretary shall not grant a concessioner a preferential right to renew a concession contract, or any other form of preference to a concession contract.

(2) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concession contracts described by subsection (h), subject to the requirements of that subsection.

(3) As used in this title, the term "preferential right of renewal" means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402 of this title, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concession contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(4) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concession contract to which such preference applies.

(h) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—The provisions of subsection (g) shall apply only to concession contracts authorizing outfitter and guide services and concession contracts with anticipated annual gross receipts under \$500,000 as further described below and which otherwise qualify as follows:

(1) OUTFITTING AND GUIDE CONTRACTS.—For the purposes of this title, an "outfitting and guide concession contract" means a concession contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include, but are not limited to, concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

(A) the contract the outfitting and guide concessioner holds does not grant the concessioner

any interest, including, but not limited to, any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System: Provided, That this limitation shall not apply to capital improvements constructed by a concessioner pursuant to the terms of a concession contract prior to the effective date of this title; and

(B) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(C) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to subsection (d).

(2) CONTRACTS WITH ANTICIPATED ANNUAL GROSS RECEIPTS UNDER \$500,000.—A concessioner which holds a concession contract where the Secretary has estimated that its renewal will result in gross annual receipts of less than \$500,000 shall be entitled to a preferential right of renewal under this title if—

(A) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(B) the concessioner has submitted a responsive proposal for a proposed new concession contract which satisfies the minimum requirements established by the Secretary pursuant to subsection (d).

(i) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a park.

(j) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concession contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(k) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation—

(1) a temporary concession contract or extend an existing concession contract for a term not to exceed three years in order to avoid interruption of services to the public at a park, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption; and

(2) a concession contract in extraordinary circumstances where compelling and equitable considerations require the award of a concession contract to a particular party in the public interest. Such award of a concession contract shall not be made by the Secretary until at least thirty days after publication in the "Federal Register" of notice of the Secretary's intention to do so and the reasons for such action, and notice to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 404. TERM OF CONCESSION CONTRACTS.

A concession contract entered into pursuant to this title shall be awarded for a term not to exceed ten years: Provided, That the Secretary may award a contract for a term of up to twenty years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

(a) LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSION CONTRACTS.—

(1) On or after the date of enactment of this title, a concessioner which constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concession contract, shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(A) A concessioner shall have a property right in each capital improvement constructed by a concessioner under a concession contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(B) A leasehold surrender interest—

(i) may be pledged as security for financing of a capital improvement or the acquisition of a concession contract when approved by the Secretary pursuant to this title;

(ii) shall be transferred by the concessioner in connection with any transfer of the concession contract and may be relinquished or waived by the concessioner; and

(iii) shall not be extinguished by the expiration or other termination of a concession contract and may not be taken for public use except on payment of just compensation.

(C) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(D) Where a concessioner, pursuant to the terms of a concession contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(E) For purposes of this section, the term—

(i) "Consumer Price Index" means the "Consumer Price Index—All Urban Consumers" published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(ii) "capital improvement" means a structure, fixture, or non-removable equipment provided by a concessioner pursuant to the terms of a concession contract and located on lands of the United States within a unit of the National Park System.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined in Public Law 89-249 under the terms of a concession contract entered into prior to the date of enactment of this title shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concession contract.

(2) In the event such prior concessioner is awarded a new concession contract after the effective date of this title replacing an existing concession contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concession contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner

shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) **TRANSITION TO SUCCESSOR CONCESSIONER.**—Upon expiration or termination of a concession contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concession contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concession contract.

(d) **TITLE TO IMPROVEMENTS.**—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be in the United States.

SEC. 406. REASONABLENESS OF RATES.

The reasonableness of a concessioner's rates and charges to the public, unless otherwise provided in the contract, shall be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary. A concessioner's rates and charges to the public shall be subject to approval by the Secretary pursuant to the terms of the concession contract. The approval process utilized by the Secretary shall be as prompt and unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable.

SEC. 407. FRANCHISE FEES.

(a) **IN GENERAL.**—A concession contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value is a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing adequate and appropriate services for visitors at reasonable rates.

(b) **AMOUNT OF FRANCHISE FEE.**—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract shall be specified in the concession contract and may only be modified to reflect substantial, unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concession contracts with a term of more than five years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such substantial, unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

(c) **SPECIAL ACCOUNT.**—All franchise fees (and other monetary consideration) paid to the United States pursuant to a concession contract shall be covered into a special account established in the Treasury of the United States. The funds contained in such special account shall be

available for expenditure by the Secretary, subject to appropriation, until expended for use in accordance with subsection (d).

(d) **USE OF FRANCHISE FEES.**—Funds contained in the special account shall be transferred to a subaccount and shall be allocated to each applicable unit of the National Park System, based on the proportion that the amount of concession contract fees collected from the unit during the fiscal year bears to the total amount of concession contract fees collected from all units of the National Park System during the fiscal year, to fund high-priority resource management and visitor services programs and operations.

SEC. 408. TRANSFER OF CONCESSION CONTRACTS.

(a) **APPROVAL OF THE SECRETARY.**—No concession contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval of the Secretary.

(b) **CONDITIONS.**—The Secretary shall not unreasonably withhold approval of such a conveyance or pledge, and shall approve such conveyance or pledge if the Secretary in his discretion determines that—

(1) the individual, corporation or entity seeking to acquire a concession contract is qualified to be able to satisfy the terms and conditions of the concession contract;

(2) such conveyance or pledge is consistent with the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such conveyance or pledge are not likely, directly or indirectly, to: reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract; adversely affect the quality of facilities and services provided by the concessioner; or result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) **ESTABLISHMENT.**—There is hereby established a National Park Service Concessions Management Advisory Board (hereinafter in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in areas of the National Park System. Among other matters, the Advisory Board shall advise on policies and procedures intended to assure that services and facilities provided by concessioners meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit. The Advisory Board shall also advise on ways to make National Park Service concession programs and procedures more cost effective, efficient, and less burdensome, including, but not limited to, providing recommendations regarding National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient and less burdensome the approval of concessioner rates and charges to the public. In addition, the Advisory Board shall make recommendations to the Secretary regarding the nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title. The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

(b) **ADVISORY BOARD MEMBERSHIP.**—Members of the Advisory Board shall be appointed on a

staggered basis by the Secretary for a term not to exceed four years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one shall be privately employed in the hospitality industry,

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

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

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

(5) one shall be a State government employee with expertise in park concession management,

(6) one shall be active in promotion of traditional arts and crafts, and

(7) one shall be active in a non-profit conservation organization involved in the programs of the National Park Service.

(c) **TERMINATION.**—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(d) **SERVICE ON ADVISORY BOARD.**—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of Title 5 of the United States Code, or other comparable provisions of Federal law.

SEC. 410. CONTRACTING FOR SERVICES.

To the maximum extent practicable, the Secretary shall contract with private entities to conduct the following elements of the management of the National Park Service concession program suitable for non-federal fulfillment: health and safety inspections, quality control of concession operations and facilities, analysis of rates and charges to the public, and financial analysis: Provided, That nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this title and the Act of August 25, 1916 (39 Stat. 535), as amended, (16 U.S.C. 1, 2-4). The Secretary shall also consider, taking into account the recommendations of the National Park Service Concessions Management Advisory Board, contracting out other elements of the concession management program, as appropriate.

SEC. 411. USE OF NON-MONETARY CONSIDERATION IN CONCESSION CONTRACTS.

The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

SEC. 412. RECORDKEEPING REQUIREMENTS.

(a) **IN GENERAL.**—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed, and the Secretary and his duly authorized representatives shall, for the purpose of audit and examination, have access to said records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) **ACCESS TO RECORDS.**—The Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of five calendar years after the close of

the business year of each concessioner or sub-concessioner have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

SEC. 413. REPEAL OF CONCESSION POLICY ACT OF 1965.

(a) **REPEAL.**—The Act of October 9, 1965, Public Law 89-249 (79 Stat. 969, 16 U.S.C. 20-20g), is hereby repealed. The repeal of such Act shall not affect the validity of any concession contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the express terms and conditions of any such contract or permit. References in this title to concession contracts awarded under authority of Public Law 89-249 also apply to concession permits awarded under such authority.

(b) **EXCEPTION FOR PENDING CONTRACT SOLICITATIONS.**—Notwithstanding such repeal, the Secretary may award concession contracts under the terms of Public Law 89-249 for concession contract solicitations for which, as of August 1, 1998, a formal prospectus was issued by the Secretary pursuant to the requirements of 36 C.F.R. Part 51.

(c) **CONFORMING AMENDMENT.**—The fourth sentence of section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3) is amended by striking all through “no natural” and inserting in lieu thereof, “No natural,” and, the last proviso of such sentence is stricken in its entirety.

(d) **ANILCA.**—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

SEC. 414. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN HANDICRAFTS.

(a) **IN GENERAL.**—Promoting the sale of United States authentic Indian, Alaskan Native and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade where it currently does not exist.

(b) **EXEMPTION FROM FRANCHISE FEE.**—In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 415. REGULATIONS.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in an area of the National Park System are not segmented or otherwise split into separate concession contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concession contract below \$500,000. The Secretary shall also promulgate regulations which further define the term “United States Indian, Alaskan Native, and Native Hawaiian handicrafts” for the purposes of this title.

SEC. 416. COMMERCIAL USE AUTHORIZATIONS.

(a) **IN GENERAL.**—To the extent specified in this section, the Secretary, upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concession contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

(b) **CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.**—

(1) The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on park resources and values and which are consistent with the purposes for which the park unit was established and with all applicable management plans and park policies and regulations.

(2) The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) **LIMITATIONS.**—Any authorization issued under this section shall be limited to:

(1) commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a park pursuant to such authorization;

(2) the incidental use of park resources by commercial operations which provide services originating and terminating outside of the park's boundaries: provided that such authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of the park.

(d) **DURATION.**—The term of any authorization issued under this section shall not exceed two years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(e) **OTHER CONTRACTS.**—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concession contracts.

TITLE V—FEE AUTHORITIES

SEC. 501. EXTENSION OF THE RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) **AUTHORITY.**—The authority provided to the National Park Service under the Recreational Fee Demonstration Program authorized by section 315 of Public Law 104-134 (16 U.S.C. 4601-6a note)—

(1) is extended through September 30, 2005; and

(2) shall be available for all units of the National Park System, and for system-wide fee programs.

(b) **REPORT.**—(1) Not later than September 30, 2000, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report detailing the status of the recreational fee demonstration program conducted in units of the National Park System under section 315 of Public Law 104-134 (16 U.S.C. 4601-6a note).

(2) The report under paragraph (1) shall contain—

(A) an evaluation of the fee demonstration program conducted at each unit of the National Park System;

(B) with respect to each unit of the National Park System where a fee is charged under the

authority of the Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note), a description of the criteria that were used to determine whether a recreational fee should or should not be charged at such park; and

(C) a description of the manner in which the amount of the fee at each national park was established.

(c) **NOTICE.**—At least twelve months notice shall be given to the public prior to the increase or establishment of any fee in units of the National Park System.

SEC. 502. COMMERCIAL FILMING ACTIVITIES.

(a) **COMMERCIAL FILMING.**—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities in units of the National Park System. Such fee shall provide a fair return to the United States and shall be based upon the following criteria, in addition to such other factors as the Secretary deems necessary: the number of days the filming takes place within a park unit, the size of the film crew, the amount and type of equipment present, and any potential impact on park resources. The Secretary is also directed to recover any costs incurred as a result of filming activities, including but not limited to administration and personnel costs. All costs recovered are in addition to the assessed fee.

(b) **STILL PHOTOGRAPHY.**—(1) Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for commercial or non-commercial still photography of sites or resources in units of the National Park System in any part of a park where members of the public are generally allowed. In other locations, the Secretary may require a permit, fee, or both, if the Secretary determines that there is a likelihood of resource impact, disruption of the public's use and enjoyment of the park, or if the activity poses health or safety risks.

(2) The Secretary shall require the issuance of a permit and the payment of a reasonable fee for still photography that utilizes models or props which are not a part of a park's natural or cultural features or administrative facilities.

(c) **PROCEEDS.**—(1) Fees collected within units of the National Park System under this section shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary, without further appropriation for high-priority visitor service or resource management projects and programs for the unit of the National Park System in which the fee is collected.

(2) All costs recovered under this section shall be retained by the Secretary and shall remain available for expenditure in the park where collected, without further appropriation.

SEC. 503. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

Not later than six months after the date of enactment of this title, the Secretary and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency's total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) **PROGRAM.**—The Secretary shall establish a national park passport program. A national

park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

SEC. 603. ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(B) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(C) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than ten percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Amounts collected from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be \$50.

SEC. 604. INTERNATIONAL PARK PASSPORT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish an international park passport program in accordance with the other provisions of this title except as provided in this section.

(b) AVAILABILITY.—An international park passport and stamp shall be made available exclusively to foreign visitors to the United States.

(c) SALE.—International park passports and stamps shall be available for sale exclusively outside the United States through commercial tourism channels and consulates or other offices of the United States.

(d) FEE.—International park passports and stamps shall be sold for a fee that is \$10.00 less than the fee for a national park passport and stamp, but not less than \$40.00.

(e) FORM.—An international park passport and stamp shall be produced in a form that provides useful information to the international visitor and serves as a souvenir of the visit.

(f) EFFECTIVE PERIOD.—An international park passport and stamp shall be valid for a period of 45 days from the date of purchase.

(g) USE OF PROCEEDS.—Amounts collected from the sale of international park passports and stamps shall be deposited in the special account under section 603(c) and shall be available as provided in section 603(c).

(h) TERMINATION OF PROGRAM.—The Secretary shall terminate the international park passport program at the end of calendar year 2003 unless at least 200,000 international park passports and stamps are sold during that calendar year.

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

(a) PARK PASSPORT NOT REQUIRED.—A national park passport or international park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(2)) or the Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)).

(b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(A)) or the Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note) shall be honored for admission to each unit of the National Park System.

(c) ACCESS.—A national park passport and an international park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) LIMITATIONS.—A national park passport or international park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) EXEMPTIONS AND FEES.—A national park passport or international park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(b)) or the Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note).

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

The Act entitled "An Act to establish the National Park Foundation", approved December 18, 1967 (16 U.S.C. 19 et seq.) is amended by adding at the end thereof the following:

"SEC. 12. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

"(a) ESTABLISHMENT.—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

"(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

"(1) assist in the creation of local nonprofit support organizations; and

"(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

"(c) PROGRAM.—The program under subsection (a) shall include the greatest number of national park units as is practicable.

"(d) REQUIREMENTS.—The program under subsection (a) shall include, at a minimum—

"(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

"(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

"(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

"(e) ANNUAL REPORT.—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

"(f) AFFILIATIONS.—

"(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

"(A) a nonprofit support organization or friends group in existence on the date of enactment of this title to modify current practices or to affiliate with the Foundation; or

"(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

"(2) ESTABLISHMENT.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization."

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. UNITED STATES PARK POLICE.

(a) APPOINTMENT OF TASK FORCE.—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

(1) the findings and recommendations of the task force;

(2) complete justifications for any recommendations made; and

(3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91-383 (16 U.S.C. 1a-2) is amended by adding at the end the following:

"(k) LEASES.—

"(1) IN GENERAL.—The Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

"(2) USE.—Buildings and associated property leased under paragraph (1)—

"(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

"(B) shall not result in degradation of the purposes and values of the unit; and

"(C) shall be compatible with National Park Service programs.

"(3) RENTAL AMOUNTS.—

"(A) IN GENERAL.—With respect to a lease under paragraph (1)—

"(i) payment of fair market value rental shall be required; and

"(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

"(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

"(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

"(4) SPECIAL ACCOUNT.—

"(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure

needs at units of the National Park System, including—

- “(i) facility refurbishment;
- “(ii) repair and replacement;
- “(iii) infrastructure projects associated with park resource protection; and
- “(iv) direct maintenance of the leased buildings and associated properties.

“(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

“(1) COOPERATIVE MANAGEMENT AGREEMENTS.—

“(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary is authorized to enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas: Provided, That the Secretary may not transfer administration responsibilities for any unit of the National Park System.

“(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

“(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.”

(b) HISTORIC LEASE PROCESS SIMPLIFICATION.—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.

AMENDMENT NO. 2703

(Purpose: A technical amendment to the Committee amendment to comply with requirements of the Budget Act)

Mr. THOMAS. Mr. President, I send an amendment to the desk on behalf of Senators MURKOWSKI and BUMPERS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for Mr. MURKOWSKI and Mr. BUMPERS, proposes an amendment numbered 2703.

Mr. THOMAS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 129 line 22 strike “without appropriation” and insert the following: “subject to appropriation.”

Mr. BUMPERS. Mr. President, I rise today in strong support of S. 1693, the “Vision 2020 National Parks System Restoration Act.” I want to commend Senator THOMAS, the bill’s author, for his efforts in bringing this bill to the floor. As the Chairman of the Subcommittee on National Parks, Historic Preservation and Recreation, he has been willing to compromise and work with all involved parties, including

Secretary Babbitt, Senator BENNETT, and me in an effort to enact a meaningful and comprehensive bill for our national parks. It has been a pleasure to work with him on this important legislation and I look forward its passage before I leave the Senate this year. I would also like to particularly thank Senator BENNETT, who has once again been very helpful and constructive in developing a bill that can garner such broad bipartisan support, as I believe this bill has.

Although this is a comprehensive bill that makes a number of positive changes in the way national parks are managed, for me, the most significant provisions are found in title IV—the National Park Service Concessions Management Improvement Act.

Mr. President, for almost 19 years I have worked to reform the concessions policies of the National Park Service to increase competition, provide better services, and to ensure a better return for the American public. Over the past two decades, we have held dozens of hearings, and we’ve debated this issue in mark-ups and on the Senate floor.

As you know, during the 103rd Congress Senator BENNETT and I sponsored a bill which passed the Senate by a vote of 90-9, and passed in the House of Representatives with only minor changes by a vote of 368-30. Despite the overwhelming vote margins, we were unable to pass a final bill before the Congress adjourned. Given the magnitude of those votes, it is very frustrating to be here once again debating park concession reform.

While I support passage of this bill and believe it will enhance the Park Service’s ability to better manage our National Park System, the bill before us today is a real compromise between Senator THOMAS and myself. The bill—particularly the concession title—does not contain all of the policy changes that I would like to see made. However, passage of this bill will finally allow the Park Service to have meaningful competition for park concession contracts.

Most importantly, the bill will repeal the 1965 Concession Policy Act—a 30-year old anachronism—including its most anti-competitive provision, the granting to incumbent concessioners of a preferential right to renew their contract by simply matching the terms and conditions of a superior offer.

Other important provisions in the concession reform title include: maintaining existing statutory protections for outfitter and guide contracts and small contracts with less than \$500,000 in annual gross revenue; a prohibition against giving any concessioner a preferential right to provide new or additional services; and language linking the value of facilities built by a concessioner to actual construction costs, adjusted for inflation, rather than the “sound value” possessory interest allowed under current law.

While the concession title has been of particular interest to me, the bill be-

fore us today includes several other titles which I believe will greatly enhance the Park Service’s management authorities. The bill includes directives for the Park Service to improve career development and training for its employees and to establish a strong scientific research program in national parks. It codifies criteria for the Park Service to use in evaluating areas proposed for addition to the National Park System. It gives the Park Service much needed authority to collect and retain fees for commercial filming activities in national park units, and it extends the Recreational Fee Demonstration Program for park fees for another six years. The bill also will allow the Park Service to develop and market annual park admission passports to increase public awareness about parks and to raise new revenues. There are a few other titles included in the bill, but those are the most significant provisions.

Mr. President, the concession reform provisions in this bill are a great step forward for the National Park Service and the taxpayers. I strongly support these and the other provisions in this legislation, and I hope my colleagues will join me in helping to pass this bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the amendment be considered read and agreed to, the committee substitute be agreed to, the bill be considered read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2703) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1693), as amended, was considered read the third time, and passed.

(The text of the bill (S. 1693), as amended, will be printed in a future edition of the RECORD.)

The title was amended so as to read: “A bill to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.”

Mr. MURKOWSKI. Mr. President, today the Senate has just passed landmark legislation which will serve to restore, reinvigorate and rebuild our National Park System. S. 1693 addresses a wide variety of Park Service operations from failing infrastructure to improve management and accountability for park programs.

The Administration reports that it will take over \$8 billion to bring our park facilities, historic structures, roads and trails up to an acceptable standard. Over the years while we have expanded the National Park System with new units and new responsibilities we have deferred maintenance and reduced funding in many important park programs. As a result we now have

what can be best described as a National Park System that is worn-out and broken—a System in need of attention. Quite frankly, Congress does not have the available monies to address or devote to the problems currently encountered by park managers, however meritorious they may be.

During this Congress, Senator THOMAS, Chairman of the Subcommittee on National Parks, Historic Preservation and Recreation, has taken a pro-active approach to National Park Service reform. While conducting over fifteen over-sight and legislative hearings on the problems confronting the National Park System. He found that despite reports of \$300,000 outhouses, the National Park Service and Congress have failed to deal with the lack of personnel and fiscal resources desperately needed in our parks. Unfortunately, the needs are not limited to a certain number of parks or areas of the United States. The units of the National Park System require a major face-lift from coast to coast, in my State of Alaska, and parks on the islands of Hawaii and in American Samoa.

While the lack of fiscal resources can be addressed. Throwing money to any government agency without accountability is in no one's interest. In this regard the legislation requires the Secretary to develop a comprehensive training program for employees in all professional careers, for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park system.

The Secretary is also directed to implement a clear plan for management training and development to enable only those qualified to move into positions of park superintendents and regional managers.

The legislation also addresses park budgets and accountability. Today individual park budgets, if you can find one, are a haze of smoke and mirrors. When this legislation is enacted into law each unit of the System will prepare a budget and make it available to the public.

Mr. President, let me repeat, "make available to the public" a five year strategic plan and an annual performance plan pursuant to a published park budget on an individual park-by-park basis. There will be accountability for the expenditure of all appropriated funds as well as monies collected from enhanced fee collection programs. There will no longer be management in the darkness. Light will be shed where no light has shown before.

During the 105th Congress we found that decisions by park service management are often not based on sound science, in fact, in many parks throughout the country the Service knows very little about the natural resources they are supposed to protect. This legislation directs the Secretary to undertake a program in inventory and monitoring of National Park Sys-

tem resources to establish baseline information and to provide information on the long-term trends in the condition of resources under his jurisdiction. In addition, the Secretary is directed to establish a comprehensive network of college and university based cooperative study units in order to complete the baseline information inventory.

Mr. President, I mentioned earlier that one of the problems with the Park System is that over the last 20 years we have more than doubled the number of units in the System. There has never been a formal procedure to consider new areas which might be eligible for inclusion in the System, nor has any criteria been established by which a potential park area would be evaluated. I direct your attention to Title III of S. 1693 in which the legislation establishes procedures and criteria for Congress and the National Park Service to consider when studying potential new areas that may be added to the System.

Mr. President, Title IV of this legislation deals with concession reform. After eight years of debate this very contentious issue has been resolved. Both Senator BUMPERS and Senator THOMAS deserve a great deal of credit to have turned this issue into a bipartisan one. Senator BENNETT as well as Secretary Babbitt also deserve recognition for their work and positive approach to working on the finer points of the concessions legislation.

I have long been an advocate of granting an interest in property to those in the private sector who invest in our park facilities such as hotels, lodges, and restaurants. The private sector requires this incentive or interest to borrow from a bank—collateral—to invest in needed capital improvements. The advantage is that we can improve visitor facilities with private sector dollars as opposed to taxpayer dollars. However meritorious, possessory interest has been a large sticking point in ever reaching resolution on concession reform.

As in any great bi-partisan compromise, no one got everything they wanted. The concession folks lost their right of preference in renewal but are allowed to maintain a form of possessory interest. We were able to place private sector expertise into the concession management program with an advisory committee made up of individuals in the hospitality industry and the Secretary is directed to contract-out certain concession management functions.

I firmly believe that this legislation will enhance concession program management, increase competition among prospective concession operators, improve the delivery of goods and services to park visitors, improve facilities and increase revenues from concession franchise fees.

Mr. President, the legislation extends the popular Recreational Fee Demonstration Program from the year ending in 1999 to 2005 and extends the fee

collection authority to all 376 park areas. This should be a valuable shot in the arm for increasing park operating funds.

For the first time since 1948 commercial film producers will pay a fee for using these unique backdrops; our parks, for major motion pictures and advertisement in addition to allowing the parks to recover their direct costs such as security activities and permit processing. In return the parks will do a better job in processing permits. As time is money it is much easier on the film industry to hear the word "no" early on in the process rather than wait weeks to receive a decision.

Mr. President, the Park Service is directed by this legislation to establish a National Passport Program based on the familiar and popular Duck Stamp used by the Fish and Wildlife Service. The collectable stamp and related competition and posters etc. should produce additional revenues for major park projects. In addition to the National Passport Program which will provide the user entrance into any one of the fee areas an international passport will be sold overseas for use by foreign visitors.

On another note we ask the National Park Foundation to share their expertise with many of the park's friends groups to encourage expansion of the volunteer ranks as well as to develop entrepreneurial programs at the local level.

We have looked at the National Park System and found that many of our parks are adjacent to state and county parks. There is no reason why the NPS cannot share their personnel and resources with these local agencies and vice-versa. In other words you don't need two snowploughs when one could be shared. This legislation changes the law and provides the Park Service with the authorization to enter into agreements with other local agencies.

Our own United States Park Police are often the forgotten step-child of the National Park Service. Their particular needs and requirements are unknown even though we have asked for reports from the Administration on a number of occasions. Within a year we have that report so that Congress can act in an appropriate manner while addressing the critical needs of the Park Police.

Mr. President, I thank the Members of the Committee on Energy and Natural Resources who came together in a bi-partisan fashion and reported the bill to the full Senate 20 to 0. The Senate can be proud, for this legislation represents a new beginning for the National Park System which will carry it into the next century, alive, vibrant and serving the hundreds and millions of park visitors yet to come.

Perhaps, most important, our natural, cultural and historic resources for which these parks have been set aside will be better protected and managed for future generations.

I thank the Chair, and I thank my colleagues for their support on this important legislation.

Mr. THOMAS. Mr. President, I want to thank the Senate for approving S. 1693, the "Vision 2020 National Parks Restoration Act." This is the culmination of over two years of work and reflects a lifetime of concern I have had about protecting our nation's parks. America's park system needs attention and it needs our help soon. I believe this bill will provide it.

When we began this effort more than a year ago I came to the floor and challenged Senators to imagine for a moment an America without national parks. How would we feel without Yosemite, Independence Hall, or Grand Canyon protected for public enjoyment? How much of our national identity reflected in these icons—the Statue of Liberty, Yellowstone, or the National Capital Mall—would be lost? How much would be missing without the rugged, adventurous American spirit embodied in Glacier Park or Denali? That was the challenge. The U.S. Senate has risen to answer that challenge by passing this bill today.

I'm profoundly proud of what we have accomplished. This effort has been on behalf of the millions of park visitor that flock to the wide open spaces or the rich historic sites. It's for taxpayers who expect the very best return for their money. And it's for the future generations of people, for whom we've worked hard, to preserve the very best of our public land heritage.

I want to express my deep appreciation to the chairman of the Senate Energy Committee, Chairman MURKOWSKI, as well as Senator BUMPERS and Senator BENNETT, who have labored long in this area of parks support, and I thank them for all of their hard work in this legislation. The compromise we developed in order to pass this measure is in the finest tradition of the Senate. The negotiations were tough, and nobody got everything they wanted in the bill. However, we have put together a good piece of legislation that will make a positive and proactive change to help our national parks.

I also want to recognize the hard work of the staff, particularly Dan Naatz of my staff, and Jim O'Toole of the committee staff.

Over the last two years, we have spoken to dozens of groups interested in preserving our parks. We have traveled across the country and listened to the concerns of folks ranging from the motion picture industry to natural resource experts. We have heard the suggestions as well as the criticisms of our colleagues and worked to evaluate areas where we could make positive improvements for our parks. Throughout all of these meetings and hearings, one message came through loud and clear—the value of national parks is one of the cultural constants for Americans.

The Vision 2020 bill provides a systematic approach to addressing the

needs of the National Park Service. The restoration bill takes a broad approach, with eight titles covering the compromise bill.

Mr. President, the Senate can be proud of passing this landmark piece of legislation. As Americans, one of the finest legacies that we can leave our children and grandchildren is the National Park System that is healthy, vibrant and alive. We have an obligation to strengthen our outstanding system of parks, the system that over 100 other nations have modeled after ours.

Finally, I want to recognize the important contribution of the Secretary of the Interior, Bruce Babbitt, in developing this compromise bill. As folks know, the Secretary and I don't agree on all issues. However, to his credit, the Secretary recognized the important work we are doing and dedicated time and manpower of his agency to help. I thank the Secretary for his help.

Today is a good day for our parks. It's a good day for the U.S. Senate. Our commitment is to leave our children and grandchildren these wild and historic places healthy and whole. Today we are one big step forward toward achieving that worthwhile aspiration. I once again want to thank the Senate for passing S. 1693 and urge the House of Representatives to take up this bill as soon as possible.

SENSE OF THE SENATE REGARDING THE UNITED STATES AND KOREA

Mr. THOMAS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 245, and further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 245) expressing the sense of the Senate that the United States and the Republic of Korea should continue to advance already close bilateral security, economic and political ties for the mutual benefit of both countries.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMAS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 245

Whereas, the United States maintains a close, critical and robust bilateral partner-

ship with the Republic of Korea, and has a profound interest in furthering that relationship;

Whereas, the U.S. security relationship with the ROK, based on the 1953 Mutual Defense Treaty, bilateral consultations and combined is one of our most important, and it is in both countries' interest, as well as in the interest of the countries of the Asia Pacific region for that relationship to be maintained;

Whereas, the ROK is the United States' seventh largest trading partner, fifth largest export market and fourth largest market for U.S. agricultural products;

Whereas, the recent presidential election of Kim Dae Jung, formerly one of his country's most prominent dissidents, further demonstrates the strength and vibrancy of democracy in the ROK;

Whereas, the ROK has already made significant strides in reforming, restructuring and opening its economy in response to the Asian financial crisis;

Whereas, President Kim has committed his administration to making an array of further structural reforms that over the medium- to long-term, will produce a more open, competitive and dynamic Korea, benefiting the Korean people, U.S.-ROK relations and the global economy;

Resolved, That it is the sense of the Senate that:

(1) The United States and the Republic of Korea should continue to advance already close bilateral security, economic and political ties for the mutual benefit of both countries, and for the maintenance of peace, stability and prosperity in the Asia Pacific region; and

(2) Commends President Kim Dae Jung and the Republic of Korea for the measures already implemented and those measures it has committed to implement to resolve the country's economic and financial problems.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-50 AND TREATY DOCUMENT NO. 105-51

Mr. THOMAS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on June 11, 1998, by the President of the United States:

1. Extradition treaty with Austria (Treaty Document No. 105-50).

2. Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Treaty Document No. 105-51).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of