

REPUBLICANS GET AN "F" FOR  
EDUCATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we all get the opportunities as Members of Congress to get a little booklet called: How Our Laws Are Made. My suggestion is to my Republican colleagues that they save their copies and reread this document because it says the fact that a proposal cannot become law without consideration and approval by both Houses of Congress is an outstanding virtue of our legislative system.

The fact of the matter is that last January the President laid out an education proposal. He said: Let us reduce class sizes, let us increase the number of teachers, let us modernize our schools for our children, let us give them every single opportunity that they need in order that they might succeed in a very, very competitive world.

My suggestion to my colleagues on the other side of the aisle is to stop holding up this budget process over the funding of America's public schools.

The very fact of the matter is they get an F for education.

Let us focus our time and our attention in the remaining days that we have here to reduce class size, modernize our schools, increase the numbers of teachers in our classrooms for the benefit of our children.

REPUBLICANS WANT TO SHRINK  
THE SIZE OF GOVERNMENT,  
DEMOCRATS WANT TO EXPAND  
IT

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, the Republicans want to move in one direction, the Democrats in another. This year, like every year on almost every single spending bill, the division is quite clear. Republicans want to cut back on the size of government, the Democrats want to expand it. We have different visions, different ideas about what government should do, what it can do and how much of government spending is an outrageous waste of the taxpayers' money.

But our differences are no excuse for a government shutdown, and I am very distressed to hear persistent rumors that many in the White House are urging the President to provoke a confrontation and a shutdown of the government. They want to shut down the government and then try and blame it want on the Republicans.

This is an interesting idea, interesting way indeed to combat public cynicism towards the government. I urge the President to reject the advice of his more liberal advisers and continue to work with Republicans towards an honorable compromise on the remaining spending bill.

Do not shut down the government, Mr. President.

WE SHOULD BE PREPARING OUR  
SCHOOLS FOR THE NEXT CENTURY

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, we do not want to shut the government down, we want to keep America's schools open, and we want to make sure that America's schools can prosper well into the next century.

Now this Congress has had all of this year with a balanced budget and a Federal surplus to get a budget together. It has not. So then it declares martial law on the House so that it can bring up anything at any time that it wants. Well, if that is their will, then let us bring up something that is meaningful for this country, and that is our children, 100,000 school teachers with federal assistance to help reduce class size so teachers can teach at the greatest ability of those children's levels. In terms of instead of having class sizes of 30 or more, let us reduce it to a size that can make a real meaningful difference for children, of modernizing schools, schools that are from the turn of the century and now we are ready to turn a new century. We should be able to modernize them as well.

That is what Democrats are fighting about, that is why we have not yet come to an agreement. It is not about shutting the government down, it is about keeping our schools open and prepared for the next century. That is what we should be about; that is what we should be getting on to this floor.

OUR CHILDREN MUST GET THE  
BEST EDUCATION IN THE WORLD

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, in 1953, as sort of the cutting edge of the baby boomers, I started kindergarten, and as the children of the World War II heroes entered school, what happened? All over the country they built enough schools and they made sure there were enough textbooks so that my generation could have a great education and have a future.

Turn the clock forward to 1998, and we have the biggest group of kindergartners that we have had since the baby boomers, and let us contrast what the grown ups are doing this time. We have children going to school in trailers, we have children going to school in utility closets. I would hope, and we spent so much time in this Congress on scandal and investigation and the like that, please, let us make sure that before we go home we do something that will really matter for the future of this country, that we put our children first, and we put our money where our

mouth is, that we understand that the most important thing for the future of our country is that our children get the best education in the world.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

NATIONAL PARKS OMNIBUS  
MANAGEMENT ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1693) to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes, as amended.

The Clerk read as follows:

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; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "National Parks Omnibus Management Act of 1998".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

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

Sec. 101. Protection, interpretation, and research in the National Park System.

Sec. 102. National Park Service employee training.

Sec. 103. Management development and training.

Sec. 104. Park budgets and accountability.

**TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT**

Sec. 201. Purposes.

Sec. 202. Research mandate.

Sec. 203. Cooperative agreements.

Sec. 204. Inventory and monitoring program.

Sec. 205. Availability for scientific study.

Sec. 206. Integration of study results into management decisions.

Sec. 207. Confidentiality of information.

**TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS**

Sec. 301. Short title.

Sec. 302. Purpose.

Sec. 303. Study of addition of new National Park System areas.

**TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT**

Sec. 401. Short title.

Sec. 402. Congressional findings and statement of policy.

Sec. 403. Award of concessions contracts.

Sec. 404. Term of concessions contracts.

- Sec. 405. Protection of concessioner investment.
- Sec. 406. Reasonableness of rates.
- Sec. 407. Franchise fees.
- Sec. 408. Transfer of concessions contracts.
- Sec. 409. National Park Service Concessions Management Advisory Board.
- Sec. 410. Contracting for services.
- Sec. 411. Multiple contracts within a park.
- Sec. 412. Special rule for transportation contracting services.
- Sec. 413. Use of nonmonetary consideration in concessions contracts.
- Sec. 414. Recordkeeping requirements.
- Sec. 415. Repeal of National Park Service Concessions Policy Act.
- Sec. 416. Promotion of the sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
- Sec. 417. Regulations.
- Sec. 418. Commercial use authorizations.
- Sec. 419. Savings provision.

**TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM**

- Sec. 501. Fees.
- Sec. 502. Distribution of golden eagle passport sales.

**TITLE VI—NATIONAL PARK PASSPORT PROGRAM**

- Sec. 601. Purposes.
- Sec. 602. National Park passport program.
- Sec. 603. Administration.
- Sec. 604. Foreign sales of Golden Eagle Passports.
- Sec. 605. Effect on other laws and programs.

**TITLE VII—NATIONAL PARK FOUNDATION SUPPORT**

- Sec. 701. Promotion of local fundraising support.

**TITLE VIII—MISCELLANEOUS PROVISIONS**

- Sec. 801. United States Park Police.
- Sec. 802. Leases and cooperative management agreements.

**SEC. 2. DEFINITION.**

As used in this Act, the term "Secretary" means the Secretary of the Interior, except as otherwise specifically provided.

**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.**

Within 2 years after the enactment of this Act, 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 superintendent of a unit of the National Park System.

**SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.**

(a) **STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.**—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 of 1993 (Public Law 103-62; 107 Stat. 285).

(b) **ANNUAL BUDGET FOR EACH UNIT.**—As a part of the annual performance plan for a unit of the National Park System prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but no later than January 1 of each year), the superintendent of the unit shall develop and make available to the public the budget for the current fiscal year for that unit. 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 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); 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 threat to 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.

(d) **NEGOTIATIONS.**—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

**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 an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

**SEC. 207. CONFIDENTIALITY OF INFORMATION.**

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units 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 unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and
- (2) disclosure is consistent with other applicable laws protecting the resource or object.

**TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS**

**SEC. 301. SHORT TITLE.**

This title may be cited as the "National Park System New Areas Studies Act".

**SEC. 302. PURPOSE.**

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

**SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.**

Section 8 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-5) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words "For the purposes of carrying" the following: "(f) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

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

"(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

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

"(C) public petition and Congressional resolutions.

"(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

"(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

"(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

"(2) In conducting the study, the Secretary shall consider whether the area under study—

"(A) possesses nationally significant natural or cultural resources and represents one

of the most important examples of a particular resource type in the country; and

"(B) is a suitable and feasible addition to the system.

"(3) Each study—

"(A) shall consider the following factors with regard to the area being studied—

"(i) the rarity and integrity of the resources;

"(ii) the threats to those resources;

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

"(iv) the public use potential;

"(v) the interpretive and educational potential;

"(vi) costs associated with acquisition, development and operation;

"(vii) the socioeconomic impacts of any designation;

"(viii) the level of local and general public support, and

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

"(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

"(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

"(D) may include any other information which the Secretary deems to be relevant.

"(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

"(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

"(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

"(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate."

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: "For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000 for each fiscal year."

**TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT**

**SEC. 401. SHORT TITLE.**

This title may be cited as the "National Park Service Concessions Management Improvement Act of 1998".

**SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.**

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose

of conserving their scenery, wildlife, and 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 and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) POLICY.—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

**SEC. 403. AWARD OF CONCESSIONS 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 concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concessions 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, concessions contracts.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice 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.

(3) PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions 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.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

(F) 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.

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) **MINIMUM REQUIREMENTS.**—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) 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 resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) 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.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions 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 concessions contract incorporating such material amendments or changes.

(5) **SELECTION OF THE BEST PROPOSAL.**—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

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

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

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

(C) 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 businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

(6) **CONGRESSIONAL NOTIFICATION.**—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of \$5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) **PREFERENTIAL RIGHT OF RENEWAL.**—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) 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, 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 concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) 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 concessions contract to which such preference applies.

(8) **OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.**—(A) The provisions of paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under \$500,000.

(B) For the purposes of this title, an “outfitting and guide concessions contract” means a concessions 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 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—

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory inter-

est, in capital improvements on lands owned by the United States within a unit of the National Park System, other than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

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

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than \$500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

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

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) **NEW OR ADDITIONAL SERVICES.**—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

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

(11) **EXCEPTIONS.**—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary’s intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

#### **SEC. 404. TERM OF CONCESSIONS CONTRACTS.**

A concessions contract entered into pursuant to this title shall generally be awarded for a term of 10 years or less. However, the Secretary may award a contract for a term of up to 20 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 CONCESSIONS CONTRACTS.**—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States

within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions 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.

(2) A leasehold surrender interest—

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

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

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

(3) 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.

(4) Effective nine years after the date of the enactment of this Act, the Secretary may provide, in any particular new concession contract the Secretary estimates will have a leasehold surrender interest of more than \$10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that such alternative formula is, compared to the standard method of determining value provided for in paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described as paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions 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.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date 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 concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions 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 concessions 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 concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions 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 concessions 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 vested in the United States.

(e) DEFINITIONS.—For purposes of this section:

(1) CONSUMER PRICE INDEX.—The term "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

(2) CAPITAL IMPROVEMENT.—The term "capital improvement" means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of

the United States within a unit of the National Park System.

(f) SPECIAL REPORTING REQUIREMENT.—Not later than seven years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

#### SEC. 406. REASONABLENESS OF RATES.

(a) IN GENERAL.—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

#### SEC. 407. FRANCHISE FEES.

(a) IN GENERAL.—A concessions 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 shall be based upon 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 necessary 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 concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of

the contract. The Secretary shall include in concessions 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 extraordinary 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 concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) SUBACCOUNT FOR EACH UNIT.—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

**SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.**

(a) APPROVAL OF THE SECRETARY.—No concessions 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 by, the Secretary.

(b) CONDITIONS.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are 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.

(c) TRANSFER TERMS.—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

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

(a) ESTABLISHMENT.—There is hereby established a National Park Service Conces-

sions Management Advisory Board (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 of the National Park System.

(b) DUTIES.—

(1) ADVICE.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, 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.

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

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

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) ANNUAL REPORT.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 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 member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

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

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

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

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

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

(7) one member shall be active in a non-profit conservation organization involved in parks and recreation programs.

(d) 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.

(e) 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, United States Code, or other comparable provisions of Federal law.

**SEC. 410. CONTRACTING FOR SERVICES.**

(a) CONTRACTING AUTHORIZED.—(1) To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each the following:

(A) Health and safety inspections.

(B) Quality control of concessions operations and facilities.

(C) Strategic capital planning for concessions facilities.

(D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.

(B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director of the National Park Service regarding the conduct annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) CONDITION.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

**SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.**

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of a award of a new contract at the same approximate location or resource.

**SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.**

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-

year period based on satisfactory performance and approval by the Secretary.

**SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.**

Section 321 of the Act of June 30, 1932 (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. 414. 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 concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such 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 or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, 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. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.**

(a) REPEAL.—Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions 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 terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) CONFORMING AMENDMENTS.—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through “no natural” and inserting “No natural,”; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-7) is amended by striking subsection (c).

(3) The second paragraph under the heading “NATIONAL PARK SERVICE” in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

(c) 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. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.**

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, 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 in appropriate areas where such trade 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, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

**SEC. 417. 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 a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions 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. 418. 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 concessions 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) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

(2) ELEMENTS OF AUTHORIZATION.—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 unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children's camps, outdoor clubs and nonprofit institu-

tions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) PROHIBITION ON CONSTRUCTION.—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) DURATION.—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) 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 concessions contracts.

**SEC. 419. SAVINGS PROVISION.**

(a) TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the “1998 Glacier Bay Prospectus”). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

(b) PREFERENTIAL RIGHT OF RENEWAL.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

**TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM**

**SEC. 501. FEES.**

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

**SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.**

Not later than six months after the date of enactment of this title, the Secretary of the Interior 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.

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

(3) 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 10 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) Net proceeds 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. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.

The Secretary of Interior shall—

(1) make Golden Eagle Passports 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 authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note), available to foreign visitors to the United States; and

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

##### SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

(a) PARK PASSPORT NOT REQUIRED.—A national 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 authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 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 such 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 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 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 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 such Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note).

#### TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

##### SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

Public Law 90-209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

##### “SEC. 11. 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 re-

sponsible 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 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 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-2) is amended by adding at the end the following:

“(k) LEASES.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), 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) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

“(3) 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.

“(4) 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.

“(5) 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.

“(I) 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 may 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. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

“(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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has taken a long time, in fact years, to craft a bill that addresses needed changes within the National Park Service including concession reform and a bill which has general agreement by the majority, minority and the administration. But I think we reach that point where this bill, S. 1693, as amended, just does that. Credit is due to many people, but I especially want to mention three gentlemen in particular who are personally involved in the bill: Senator DALE BUMPERS, Secretary of Interior Bruce Babbitt, and of course Senator CRAIG THOMAS of Wyoming, the sponsor of the bill. These gentlemen, and many, many others have worked very hard in the spirit of cooperation and compromise to develop this bill.

I believe we have in the amended S. 1693 a bill that addresses a variety of important concerns and issues raised by everyone from small outfitters and guides to the National Park Service. We have made good and necessary changes to the bill and come to many agreements on language and content alike. Among other things, the bill establishes a career development training and management program for the National Park Service and develops a comprehensive training program for Park Service employees to enable them to manage, interpret and protect park resources.

S. 1693 also establishes a scientific research program for the National Park Service by entering into cooperative agreements with colleges and universities to establish cooperative study units for multi-disciplinary and monitoring programs. Furthermore, S. 1693 codifies the Park Service procedures for studying areas of potential addition to the national park system. It establishes several criteria to be considered in evaluating potential park areas and ensures that only outstanding examples of our Nation's natural cultural and recreational resources will be added to the park system.

The bill makes significant changes to National Park Service concession policies and in fact repeals the Concession Act of 1965. Some of those highlights include concession contracts will be awarded through a competitive selection process. Concessionaires would no longer be granted a preferential right to renew their contract except for outfitter and guide services and those with contracts with gross annual revenue of less than \$500,000. It provides that the concessionaires' interest in newly-built facilities will be equal to the concessionaires' construction costs with annual adjustments for inflation. A concessionaire would be entitled to receive payment for the lease hold surrender value from the United States or a successor concessionaire. However, it also provides that after 9 years in new contracts that if a lease hold interest is

over 10 million in value, the value would be based on an annual reduction of equal proportions over a time period associated with straight line depression or other such formula consistent with the act. The alternative formula can be used only if it is shown that it is necessary for a fair return to the government.

In addition, this bill provides for the establishments of a broad-based Concessions Advisory Board to advise the Secretary on Concession Management Activities. It also deals with the National Park Service Fee Authority and adds a few minor provisions in regard to transportation systems and fee collection and authorizes a new national park passport which gives the holder unlimited access to units of the national park system.

Mr. Speaker, it has taken years and countless hours of work to get us to this point where we have a bill that has general agreement by nearly all the parties involved. The provisions contained in this bill are clearly necessary in order to improve and enhance our treasured National Parks. I strongly urge all my colleagues to support this bill, as amended.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota (Mr. VENTO) will control the time originally controlled by the gentleman from California (Mr. MILLER).

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend those that have come together to work on this, including the Secretary of Interior and our Senate colleagues that were mentioned by the gentleman from Utah (Mr. HANSEN), the gentleman from Alaska (Mr. YOUNG) as well as the gentleman from California (Mr. MILLER), our ranking member. As the Members are aware, I have a deep interest and longtime interest in the management of our parks and the specific provisions in this bill. Specifically, along with the gentleman from Colorado (Mr. HEFLEY), I was pleased to work initially on the new park study provisions in this bill which hopefully will provide a policy path for our designation of any new park units in the future and perhaps a focus on existing units to be certain that the types of designations and administration are workable. So often we see parks designated without the type of background study and understanding, and the end result is that we place a burden on the system and on our resources impossible to properly manage these lands. There are also, of course, changes that are important in terms of recognizing the professionalism of the Park Service, of all of the land management agencies. The Park Service does not have the status, the same status as other land management agencies have achieved to date and it certainly should have such status.

□ 1115

This measure will go a long way toward providing the in-service training that is necessary. Today land management decisions, especially parks with the important law that they administer, the 1916 Organic Act, it is an especially difficult process and challenge for them to meet. The type of training that is anticipated in this bill will point the direction and give the know how to manage these cultural and natural resources, really the icons in the public land scheme, our parks.

Furthermore, of course, the resource inventory and management provisions of this bill specifically mandate Park Service research to ensure that managers benefit from the high quality science and information when making resource management decisions.

We have to have information available in order to have managers do their jobs properly. Increasingly, that is going to require coordination. I well know that former director of the Park Service Kennedy had tried to reorganize the Park Service along with a plan organized to separate some of the staff and line management and providing the type of resource and research effort that would be available for those park superintendents and personnel that have the significant responsibilities.

The important part of this bill that I am sure will get most of the attention from the Members is the concession policy, the revamping of that. As has been pointed out by the subcommittee chairman, the gentleman from Utah (Chairman HANSEN), this measure repeals the previous law that has long served as the benchmark for determining concessions, management and awarding of contracts.

Importantly, this bill eliminates the preferential right of renewal so that each bidder comes into the process and they bid for the concession to provide that service in the park on an equal basis, so that those who have been in that particular role at least in the competitive portion the large concession contracts bidders will face more competition.

Secondly, it revamps the investment in facilities. What before had been the possessory interest and a buildup of value now is referred to as a leasehold surrender interest and, of course, there will be a conversion from the possessory interest to such leaseholder surrender interest. That, I think, is going to be an improvement.

What I think is very significant is this will probably last for the first nine years, and then the Secretary of Interior, acting through the Park Service Director, will have the opportunity to revamp that again, along the lines of marketplace type of concerns. That is to say, especially for contracts over a certain value, over \$10 million, as the subcommittee chairman indicated, there would be an opportunity for straight line depreciation and amortization of such particular contracts.

This is an important change. Obviously the concessionaires have been

with us and have been present in some cases before the park system was even established in 1916. So it is important to understand that the concessionaires role in terms of providing for the enjoyment and use of our parks has played an essential role.

So this marriage of the private sector, of entrepreneurial interest with the parks, has been a long-standing tradition in this Nation and has served us generally well.

We come to this point where there is a value added, where there is a buildup of investment by the concessionaire an interest in a park, and we need to address it as to value. This bill is a new approach, and we are all thinking optimistically that it will work today.

Finally, the concession fees that obtained here provide that 8 percent of the dollars, I believe I am correct, of the franchise fees, will be retained in special accounts and expended by the Interior Department for park purposes without further appropriation. This is important.

Most individuals assume that park fees dollars collected would stay within the park. That has not always been the case. Very often they are siphoned off by the Treasury. Very often our Committee on Appropriations and OMB take special note of these dollars and discount what would otherwise be deemed sufficient support for such parks. Hopefully we will fight to make certain that this practice is reversed.

There are other minor changes in the bill. I note along the lines of the new national Park Passport program, which we will keep a close eye on to see how it performs alongside the Golden Eagle Passport, and provisions dealing with local fund-raising support and the Park Police study, as well as new building leases authority, which, of course, occur where the Park Service has property that they want to lease generally to the private party.

I think collectively this is a good effort, a good accomplishment and intended to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield two minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to engage the distinguished chairman of the subcommittee, the gentleman from Utah (Mr. HANSEN), who has been a strong advocate for the conservation and well treatment of America's public lands in a colloquy.

The bill before us today, S. 1693, establishes a new plan for advertising and awarding concession contracts on National Park Service lands. However, the bill is silent with regard to continuing applicability of the priority of licensed blind vendors under the Randolph Sheppard Act of 1936.

Mr. Chairman, does Senate 1693 intend in any way to repeal, waive, supersede or undermine the now existing

Randolph Sheppard Act for blind business enterprise programs?

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman bringing up this issue. I would have to respond and say that S. 1693 does not repeal the Randolph Sheppard Act and nothing in this act should be interpreted to eliminate prohibit or diminish provisions found in the Randolph Sheppard Act. We worked with yourself and the gentleman from Nevada (Mr. ENSIGN) for several years to ensure that concessionary form does not affect application of the Randolph Sheppard Act.

Mr. GIBBONS. Mr. Speaker, reclaiming my time, I would like to thank the chairman for his clarification of this crucial point. I urge support of the bill.

Mr. HANSEN. Mr. Speaker, I am pleased to yield two minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, there is a lot of work that has gone into this legislation. There is a lot of, I hope, hopeful signs that we will not address this issue too soon unless there is some misapplication of the legislation by the Department of Interior.

I have been a strong supporter of the concessionaires because they bring visitors to the parks and they open the parks for the people I believe they should be serving. There has been some policies of the Park Service to exclude people from the parks for their own services. I think that is very unfortunate.

But I would like to address section 419, that ensures it does not disrupt the ongoing bidding process for cruise ships entry permits in Glacier Bay National Park. The administration does support this provision.

It grandfathered the 1998 Glacier Bay Prospectus in current law. The prospectus was issued last February, and is the basis for awarding cruise ship entry permits in Glacier Bay. These are 5 year permits lasting from the year 2000 to the year 2004.

Without this language, the bill could force the Park Service to redo the prospectus. Years of expensive work and extensive negotiations will be thrown out the window. The measure provides that terms and conditions of existing law apply to the prospectus, and also sunsets a preference to renew Glacier Bay entry permits on December 31, 2009.

I believe this solves a unique problem in a unique problem. Section 419 does not apply to any other park in the Nation. I believe this is a correct step forward, and I would suggest respectfully, although have I some reservation, Senator THOMAS has done a great job on this, as has the gentleman from California (Mr. MILLER) and the gentleman

from Utah (Mr. HANSEN). I support the legislation.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER), the ranking member and one of the architects of this bill.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to join in commending Secretary Babbitt and Senator THOMAS and Senator DALE BUMPERS, who will be retiring from this Congress, and our Chairman, the gentleman from Alaska (Mr. YOUNG), for all of their efforts on behalf of this legislation.

I also want you to know that the gentleman from Minnesota (Mr. VENTO), who is managing the bill here today, has in fact been involved in trying to bring balance to the concessions policy of our National Park System now for many, many years, and has really been an architect of the underlying framework of concession reform.

Of particular interest to me are the changes we made in the original bill's provision on leasehold surrender interests. I had objected to these provisions in committee because they were untested and could very well maintain some of the anticompetitive aspects that exist today with the National Parks' concession program.

By the narrowest of margins, the resource committee failed to adopt an amendment I offered to replace the leasehold surrender interest provisions with a system of amortization of the concessionaire investment similar to that used throughout the concessions industry and in the private real estate market.

Subsequent to the committee action on S. 1693, my staff and I had discussions with a number of principals of this legislation. The result of these discussions has been an agreement to change the LSI provisions. These changes allow the untested LSI provisions to be used for the next major round of concession contracts. However, following that period, if the Secretary finds that either straight line depreciation or an alternative formula is needed to promote competition and a fair return to the government, the Secretary can use either of these two options after informing the Congress.

The second issue that was raised at the 11th hour deals with the concessions permit for cruise ships in Glacier National Park, as the gentleman from Alaska has just referred to. The language we were originally given was a complete exemption for these permits. The agreement that we have worked out provides a phaseout for the preferential right of renewal of these cruise ship permits by December 31, 2009.

I think it is important to note that under this phaseout the preferential right of renewal cannot be granted nor can such a right exist beyond December 31, 2009.

Mr. Speaker, like many compromises, this is not perfect, but it is

one I can support, and it reflects an awful lot of hard work by all of the people that I mentioned in the beginning of my statement, and I want to thank the committee for bringing this legislation to the floor of the House and recommend its passage.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just comment that, of course, we have recognized the ranking member, but we have not recognized the ranking minority member the gentleman from American Samoa (Mr. FALEOMAVAEGA), and again, the gentleman from Utah (Mr. HANSEN), for their work, and the chairman and ranking member in the House. They have done a good job in sewing this together.

I would just suggest that we will be watching very carefully. I think a well-crafted law on concessions here, very prescriptive, not leaving a lot of room obviously could present some problems to any administrator, including Secretary of Interior Babbitt or his successors. But most of these laws are about as good as what the Secretary will really make them. So I think we have to be careful and I think operate in good faith with regard to what the meaning and intent is in this instance.

There are special challenges facing our parks today, and I think that the park visitor, the park professionals, and the concessionaire, all share a responsibility in terms of preserving the corpus of that park, its natural and/or cultural resources at the same time providing for public enjoyment.

Parks, of course, are threatened by the areas around them, the interface whether it is air and water quality, or even the land use activities that go on around outside their boundaries. Increasingly these National Park islands, these special places of cultural and natural resources, really are treasures, and do confront many, many problems. What has gone on in the past in terms of practices obviously has to change in light with new knowledge and information.

This bill uniquely obviously, providing a new policy path for concessions, also gives more information and more training to the people that manage those. While Congress maintains an active view and role with its prescriptive policy making in this bill, I hope that we will recognize and accept the information and the facts.

Usually, I think about our job here as not being all that tough. All we have to do is take new information, new knowledge, and translate it into public policy. But very often it breaks down many ways because of various interests that get involved, and I think too often improperly.

With that said, I am hopeful that this bill will be a positive step forward. I think it is a positive step forward, and I support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not think a lot of people realize as they go to our beautiful parks in America who makes them that way. Of course the park system does, and we compliment those folks who wear those Smoky Bear hats and give us good information and help us out.

But on the other side of the coin, when you go to a place like Yellowstone and you go to the Lake Lodge or the Old Faithful Lodge, or you go to the beautiful expansion of the north rim of the Grand Canyon and look over that panorama that takes your breath away, who makes it so you can have a good meal and park your car and buy petrol and all of the things that are necessary?

I think in a way we sometimes diminish the role of the concessionaires in our National Parks. These people do us a good job, and without those people, we could not really look at the parks and enjoy them the way we do.

A lot of us go to parks for different reasons. Every time I go to one of the National Parks I see some young folks with backpacks on going up in the area to look at certain areas. They are pretty well on their own. Most of the folks in the parks require a number of services.

□ 1130

I hope we never diminish the role of the concessionaire in the parks. Every time we plow new ground with a piece of legislation, we are always going to hit a few rocks. I think maybe that will happen in this one. I would hope that the concessionaires of America realize that what we are trying to do is a step forward for the people we serve, the constituents of America, and that if we have hit a few rocks, that we will resolve these at a later time.

I hope people realize how much work it is to get a bill like this to the floor. I have been on that committee for 18 years, chaired it for the last 4 years, and every year we have looked at something to do on changing concessionaires around. Finally, this is the product before us. Is it a 10? There is never a 10 around here, but I think it is at least a 7 or 8. I would suggest that people vote for it.

I do not know if the people realize the work of staff, these people sitting with us, the great amount of work. I can imagine it is the most frustrating thing they have gone through, every sentence, comma, semicolon, to get this thing worked out.

For Senator CRAIG THOMAS, who has been so tenacious in bringing this bill to us at this time, the gentleman from Alaska (Chairman YOUNG) and others, this is a very difficult piece of legislation to put together. I would urge my colleagues to support it. I think it is much better than we have got now, and it surely deserves our support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from

Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1693, as amended.

The question was taken.

Mr. VENTO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SENSE OF THE HOUSE REGARDING GUAM

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 494) expressing the sense of the House of Representatives that the United States has enjoyed the loyalty of the United States citizens of Guam, and that the United States recognizes the centennial anniversary of the Spanish-American war as an opportune time for Congress to reaffirm its commitment to increase self-government, consistent with self-determination, for the people of Guam.

The Clerk read as follows:

H. RES. 494

Whereas the Chamorro people have inhabited Guam and the Mariana Islands for at least 4,000 years and developed a unique and autonomous seafaring agrarian culture, governing themselves through their own form of district government;

Whereas in 1565 the Kingdom of Spain claimed the islands of the Chamorro people, which were named the Ladrões by Ferdinand Magellan in 1521 and renamed the Marianas by the Jesuit missionary Diego Luis de San Vitores in 1668, to secure the trans-Pacific route of the Manila-Acapulco Galleon Trade, then, upon San Vitores's death in 1672, the islands were placed under military governance;

Whereas in 1898 the United States defeated the Kingdom of Spain in the Spanish-American War and acquired Guam, Puerto Rico, and the Philippines by virtue of the Treaty of Paris;

Whereas, in signing the treaty, the United States Government accepted responsibility for its new possessions and agreed that Congress would determine the civil rights and political status of the native inhabitants, as stated specifically in Article IX;

Whereas President William McKinley, by Executive Order 108-A on December 23, 1898, placed the island of Guam under the administration of the United States Navy, which administered and governed the island, initially as a coaling station, then as a major supply depot at the end of World War II;

Whereas a series of rulings popularly known as the "Insular Cases", issued by the United States Supreme Court from 1901 to 1922, defined Guam as an "unincorporated territory" in which the United States Constitution was not fully applicable;

Whereas the United States Naval Government of Guam was forced to surrender the island of Guam to the invading forces of the Japanese Imperial Army on December 10, 1941, after which Japanese occupation and control of Guam lasted until the United States Forces recaptured the island in 1944;

Whereas Guam is the only remaining United States territory to have been occupied by Japanese forces during World War II,

the occupation lasting for 32 months from 1941 to 1944;

Whereas the people of Guam remained loyal to the United States throughout the Japanese occupation, risked torture and death to help clothe and feed American soldiers hiding from enemy forces, and were subjected to forced labor, ruthless executions, and other brutalities for their support of the United States;

Whereas, upon liberation of the people of Guam, the island was returned to United States Navy governance, which, like its pre-war predecessor, limited the civil and political rights of the people, despite numerous appeals and petitions to higher authorities and Congress for the granting of United States citizenship and relief from military rule;

Whereas in 1945, upon establishment of the United Nations, the United States voluntarily listed Guam as a nonself-governing territory, pursuant to Article 73 of the United Nations Charter, and today Guam continues to be included in this list;

Whereas on March 6, 1949, the House of Assembly, the lower house of the popularly elected 9th Guam Congress, which was merely an advisory body to the Naval Governor of Guam, adjourned in protest over the limitation of its legislative rights granted to it by the United States Department of the Navy in 1947 and refused to reconvene until the United States Congress enacted an organic act for Guam;

Whereas the Organic Act of Guam (64 Stat. 384) passed by Congress and signed by President Truman on August 1, 1950, statutorily decreed Guam's status as an "unincorporated territory", established a three-branched civilian government patterned after the Federal model, and conferred United States citizenship upon the people of Guam;

Whereas, since the granting of American citizenship, the people of Guam have greater participation in the American democratic processes and some measure of self-government;

Whereas the people of Guam, who strongly adhere to the belief that a government should derive power and right from the governed, successfully gathered enough support to push for the passage of the Elective Governor Act (Public Law 90-497) on September 11, 1968, and in which Congress granted the people of Guam the right to elect their own governor and lieutenant governor;

Whereas the Congress enacted the Guam-Virgin Islands Delegate bill on April 10, 1972, allowing for Guam to have a nonvoting delegate in the United States House of Representatives, and although the delegate is not accorded a vote on the floor of the House of Representatives, it is still one of the benchmarks in Guam's political evolution and heightens Guam's visibility in the national arena;

Whereas, although Congress authorized in Public Law 94-584, the formation of a locally drafted constitution, the subsequent Guam Constitution, it was not ratified by Guam's electorate through a referendum on August 4, 1979;

Whereas concerns regarding Guam's political status led the Twelfth Guam Legislature to create the first political status commission in 1973, known as the Status Commission, the Thirteenth Guam Legislature in 1975 created another commission, known as the Second Political Status Commission, to address Guam's political status issue and explore alternative status options, and in 1980, the existing Guam Commission on Self-Determination (CSD) was created to identify and pursue the status choice of the people of Guam, and in 1996 the Twenty-Fourth Guam Legislature created the Commission on

Decolonization to continue pursuing Guam's political status;

Whereas the CSD, after conducting studies on 5 Guam political status options, proceeded to conduct a public education campaign, which was followed by a status referendum on January 12, 1982 in which 49 percent of the people of Guam voted for Commonwealth, 26 percent for Statehood, 10 percent for Status Quo, 5 percent for Incorporated Status, 4 percent for Free Association, 4 percent Independence, and 2 percent for other options;

Whereas on September 4, 1982, a runoff was held between commonwealth and statehood, the top options from the January referendum, with the outcome of the runoff resulting in 27 percent voting for statehood and 73 percent of Guam's electorate casting their votes in favor of a close relationship with the United States through a Commonwealth of Guam structure for local self-government;

Whereas in 1988 the people of Guam first presented the Guam Commonwealth Act to Congress to meet the various aspirations of the people of Guam, which bill has been reintroduced by Guam's Congressional delegates since 1988 until the present;

Whereas Congress has continued to enact other measures to address the various aspirations of the people of Guam, while considering legislative approaches to advance self-government without precluding Guam's further right of self-determination, consistent with the national political climate that emphasizes decentralization of the decision making process from Washington to the local governments and a relationship with the Federal Government that is based on mutual respect and consent of the governed; and

Whereas the people of Guam are loyal citizens of the United States and have repeatedly demonstrated their commitment to the American ideals of democracy and civil rights, as well as to American leadership in times of peace as well as war, prosperity as well as want: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes 100 years of Guam's loyalty and service to the United States; and

(2) will use the centennial anniversary of the 1898 Spanish-American War to reaffirm its commitment to the United States citizens of Guam for increased self-government, consistent with self-determination for the people of Guam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I support this resolution on the centennial of the Spanish-American War to recognize the loyalty of the United States citizens of Guam who have become part of this Nation due to that conflict.

This resolution serves as recognition of Guam's 100 years of loyalty and service to the United States, and calls on the House of Representatives to reaffirm its commitment to the people of Guam for increased self-government.