

to work for complete nuclear abolition. That is something that this administration has taken a path away from. It has taken a path towards deconstructing the nonproliferation treaty towards building new nuclear weapons and towards nuclear proliferation. This treaty that has been described does not do anything to bring the world one step away from the abyss.

#### DISASTER RELIEF FOR MONTANA

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

Mr. REHBERG. Mr. Speaker, I rise on behalf of American farmers and ranchers to ask this Congress to support disaster relief assistance this year.

Montana's farmers and ranchers are entering their fifth, and some cases their sixth, straight year of devastating drought conditions. When floods ravage the Southwest or when hurricanes touch down along the coastal regions of the United States, this Congress has acted forcefully and rightly to offer immediate and substantial financial assistance to those families and businesses most in need.

On behalf of producers of food in more than a dozen States suffering from the most severe disaster conditions in more than a generation, I ask this Congress to act with equal diligence to offer immediate assistance before it is finally too late.

#### HONORING THE NATIONAL GUARD

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

Mr. WILSON of South Carolina. Mr. Speaker, in May we celebrate National Military Appreciation Month. This month we are reminded to actively honor and support all of our men and women in uniform who voluntarily risk their lives so we may achieve peace through strength.

I would like to give special recognition to America's oldest military branch, the National Guard, which has celebrated 365 years of service. As a son of a World War II veteran, myself a colonel in the South Carolina Army National Guard and with three sons in the military, I have seen the service the Guard provides in defense of America's homeland.

My colleagues are extraordinary people who train year-round and are ready at a moment's notice to leave their families and jobs to defend liberty. In South Carolina we are fortunate to have dedicated leadership with Adjutant General Stan Spears.

Most recently in the war against terrorism, over 50,000 Guardsmen and women have been called to duty. Today's National Guard continues its historic dual mission: protecting life and property within our borders while pro-

viding units trained, equipment, and ready to defend the United States and its interests all over the globe.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, May 10, 2002:

H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2007, and for other purposes.

□ 1415

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PENCE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 10, 2002.

HON. J. DENNIS HASTERT,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 10, 2002 at 2:20 p.m.

That the Senate passed without amendment H.R. 1840.

With best wishes, I am  
Sincerely,

JEFF TRANDAHL,  
Clerk of the House.

#### COMMUNICATION FROM THE HON. JOHN E. BALDACCI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN E. BALDACCI, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 9, 2002.

HON. J. DENNIS HASTERT,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Penobscot County Superior Court, State of Maine.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House. Accordingly, I have instructed the Office of General Counsel to move to quash the subpoena.

Sincerely,

JOHN E. BALDACCI,  
Member of Congress.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, 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 on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

#### NATIONAL WILDLIFE REFUGE SYSTEM MAINTENANCE AND REPAIR ACT

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1370) to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenance and repair of buildings and properties located on lands in the National Wildlife Refuge System by lessees of such facilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1370

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

#### SECTION 1. LEASES, PERMITS, AND CONTRACTS FOR BUILDINGS, FACILITIES, AND PROPERTIES IN THE NATIONAL WILDLIFE REFUGE SYSTEM.

(a) IN GENERAL.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is amended by—

(1) striking section 6 (relating to amendments to other laws, which have executed);

(2) redesignating section 5 (16 U.S.C. 668ee) as section 6; and

(3) inserting after section 4 the following:

#### “SEC. 5. CONCESSION CONTRACTS.

“(a) CONTRACT REQUIREMENT.—(1) The Secretary shall not award any concession that authorizes a person to use any land or water in the System for any activity described in subsection (b), except under a contract that complies with the requirements established under subsection (c).

“(2) The Secretary may not award a contract required under this subsection except under a competitive bidding process.

“(b) COVERED CONCESSION ACTIVITIES.—(1) The activity referred to in subsection (a) is any activity conducted to provide accommodations, facilities, or services to members of the public who are visiting lands or waters in the System, for the purpose of providing such visitors recreational, educational, or interpretive enjoyment of lands or waters in the System.

“(2) Such activity does not include—

“(A) any activity carried out under a procurement contract, grant agreement, or cooperative agreement required under chapter 63 of title 31, United States Code;

“(B) the performance of volunteer services; and

“(C) any activity by a governmental entity.

“(c) STANDARDIZED CONTRACT.—(1) The Secretary, acting through the Director, shall issue regulations that establish a standardized contract for purposes of subsection (a).

“(2) Regulations under this subsection shall authorize a contract to use a provision other than those specified by the regulations only if—

“(A) the provision addresses extenuating circumstances that are specific to a refuge or the contract; and

“(B) the provision is approved by the Director in writing.

“(3) Regulations under this subsection shall require in each contract provisions

that require that any activity conducted in the System under the contract—

“(A) must be a compatible use; and

“(B) must be designed to—

“(i) conserve the natural and cultural resources of the System;

“(ii) facilitate the enjoyment of the lands and waters of the System by visitors to the System; and

“(iii) enhance the such visitors’ knowledge of the natural resources of the System.

“(d) MAINTENANCE AND REPAIR.—(1) Notwithstanding any other provision of law, the Secretary shall include, in each contract that authorizes a person to use any land or water in the System for any activity described in subsection (b), provisions that—

“(A) authorize the person to maintain or repair any improvement on or in such land or water that the person is authorized to use for such activity; and

“(B) treat costs incurred by the person for such maintenance or repair as consideration otherwise required to be paid to the United States for such use.

“(2) This subsection does not authorize any maintenance or repair that is not directly related to an activity described in subsection (b) that is authorized by the contract.

“(3) The United States shall retain title to all property that is maintained or repaired under this subsection.

“(e) NO COMPENSABLE INTEREST.—Nothing in this Act shall be considered to convey to any person any right to compensation for—

“(1) the value of any maintenance activities, repairs, construction, or improvements on or in land or water in the System; or

“(2) buildings, facilities, fixtures, and non-movable equipment that the person is authorized to use under this Act.

“(f) EXPENDITURE OF FEES AND OTHER PAYMENTS.—(1) Amounts received by the United States as fees or other payments required under any agreement, lease, permit, or contract for use of real property located in an area in the System shall be available to the Secretary for expenditure in accordance with this subsection, without further appropriation.

“(2) Amounts available for expenditure under this subsection may only be used—

“(A) at the refuge or refuge complex with respect to which the amounts were received as fees or other payments;

“(B) to increase the quality of the visitor experience; and

“(C) for purposes of—

“(i) backlogged repair and maintenance projects (including projects relating to health and safety);

“(ii) interpretation, signage, habitat, or facility enhancement;

“(iii) resource protection and preservation; or

“(iv) administration of agreements, leases, permits, and contracts from which such amounts are derived.

“(3) Paragraph (1) shall not affect the application of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), commonly referred to as the Refuge Revenue Sharing Act, to amounts referred to in paragraph (1) that are not expended by the Secretary under paragraph (1).”

(b) APPLICATION.—Section 5(a) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, shall apply only with respect to a concession that is—

(1) first awarded after the date of the publication of regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section; or

(2) renewed after the end of the 3-year period beginning on the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS ESTABLISHING STANDARDIZED CONTRACT REQUIREMENTS.—The Secretary of the Interior shall issue regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, by not later than 18 months after the date of the enactment of this Act.

(d) COMPREHENSIVE CONSERVATION PLAN REQUIREMENT.—Section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

“(5) The Secretary shall include, in the comprehensive conservation plan for each refuge under this subsection, a description of the activities that may be conducted in the refuge, and the lands, waters, and facilities of the refuge that may be used, under concession contracts awarded under section 5(a).”

(e) PRIOR AMENDMENTS NOT AFFECTED.—Nothing in this section shall be construed to affect any amendment made by section 6 of the National Wildlife Refuge System Administration Act of 1966, as in effect before the enactment of this Act, or any provision of law amended by such section.

(f) ANNUAL REPORT ON NATIONAL WILDLIFE REFUGE CONCESSIONS.—

(1) REPORTING REQUIREMENT.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is further amended by adding at the end the following: “SEC. 7. ANNUAL REPORT ON CONCESSION ACTIVITIES IN THE SYSTEM.

“(a) IN GENERAL.—The Secretary shall submit by December 31 each year, to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report on concessions activities conducted in the System.

“(b) CONTENTS.—Each report under this section shall describe the following with respect to the period covered by the report:

“(1) The number of refuge units in which concessions activities were conducted.

“(2) The names and descriptions of services offered in the System by each concessionaire.

“(3) A listing of the different types of legal arrangements under which concessionaires operated in the System, including contracts, memoranda of understanding, permits, letters of agreement, and other arrangements.

“(4) Amounts of fees or other payments received by the United States with respect to such activities from each concessionaire, and the portion of such funds expended for purposes under this Act.

“(5) An accounting of the amount of monies deposited into the fund established by section 401 of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), popularly known as the refuge revenue sharing fund, and of the balance remaining in the fund at the end of the reporting period.

“(6) A listing of all concession contracts and other arrangements that were terminated or not renewed within the reporting period.

“(7) A summary of all improvements in visitor services in the System that were completed by concessionaires and volunteers during the reporting period.

“(8) A summary of all backlogged repair and maintenance, facility enhancement, and resource preservation projects completed by concessionaires and volunteers during the reporting period.”

(2) DEADLINE FOR FIRST REPORT.—The Secretary of the Interior shall submit the first report under the amendment made by paragraph (1) by not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from In-

diana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

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

President Theodore Roosevelt fostered a conservation legacy when in 1903 he established the first national wildlife refuge, the Pelican Island National Wildlife Refuge. It was the first time the Federal Government set aside land just for the sake of wildlife. It has now become the National Wildlife Refuge System and includes more than 530 refuges and thousands of waterfowl production areas.

Americans have a passion for their land, and national wildlife refuges embody this unique American tradition of public land protection and stewardship. By visiting and supporting national wildlife refuges, Americans will experience those feelings that God provides us, peace, solitude, comfort, safety and a sense of something greater than ourselves.

National wildlife refuges protect America's last wild places. They are the only Federal public lands where protecting fish and wildlife habitat is the first priority.

National wildlife refuges are America's outdoor classroom. Several million students and adults learn each year about the natural world on national wildlife refuges.

National wildlife refuges are the cornerstone of many local economies. Many refuges are tourist destinations, and that means dollars spent in surrounding communities. It is estimated that visitors to refuges spend over \$400 million annually in local economies.

National wildlife refuges help maintain our heritage by providing places for present and future generations to hunt, fish and connect with the outdoors.

America's commitment to the National Wildlife Refuge System makes it the world's leader in wildlife conservation. Next year's Centennial of the National Wildlife Refuge System will celebrate America's tradition of wildlife conservation.

As the author of this bill before us, I am pleased that the House is now poised to establish a new concession policy for our National Wildlife Refuge System. It was during one of our family visits to Sanibel Island to the Ding Darling National Wildlife Refuge that I first learned and discovered that the facilities and equipment used by concessionaires were generally not in as good a condition as they should be, and in some cases in dire shape. Refuge manager Lou Hinds spent many hours with me there and since explaining in detail the problems that we have been facing in our national wildlife refuges.

Under current law, the Fish and Wildlife Service is prohibited from using funds paid by a concessionaire to maintain or repair refuge structures.

Furthermore, with a maintenance backlog of over \$630 million, property used for a concession operation will never become a priority.

During committee consideration, we learned there are about 20 wildlife refuges that offer various concession services to the visiting public. These services range from canoe rentals, bookstores, nature guides and ferries to remote refuge areas. In almost every case concessionaires are using property owned by the Fish and Wildlife Service that is in poor condition.

In addition, refuge managers have signed a number of creative legal arrangements with concessionaires. These have included contracts, special use permits, leases and cooperative agreements. In some cases, these agreements stipulate the obligations of each party, but regrettably these details are lacking in a majority of those arrangements. This means that decisions can be arbitrary by the refuge manager at times or, in fact, concessionaires could damage essential habitat.

This legislation will solve those problems by establishing for the first time a workable, consistent and defensible refuge concession policy. Under H.R. 1370, the Fish and Wildlife Service will be allowed to credit a concessionaire for any fees they pay in the future. This money will be retained at the local refuge and it can be used to build, maintain and repair structural problems, to restore habitat and to protect refuge resources. The Service will determine if a certain repair is necessary, and they will obtain estimates for any proposed work.

In addition, the bill requires the Director of the Fish and Wildlife Service to establish a standardized concession contract within 18 months of the enactment of this bill. This contract will be used by all new and existing concessionaires in the future.

This provision provides consistency throughout the refuge system, stipulates that contracts are issued under a competitive bidding process and clarifies the financial obligations that an entrepreneur must agree to before undertaking a concession.

Finally, the bill requires an annual report on the number of refuge units with concessions, a description of services offered, an accounting of fees paid by the concessionaires and a summary of all improvements made in both visitor services and structures within the refuge system. This is similar to the concessions policy Congress developed and passed and is now law regarding our National Park System. It is way past time that we do the same for our Fish and Wildlife System.

I believe this legislation will encourage improvements within our refuge system. It will foster the growth of additional concession services, and it will enhance the public's ability to appreciate the natural wonders of our National Wildlife Refuge System.

I want to thank all of my colleagues, especially the subcommittee chairman,

the gentleman from Maryland (Mr. GILCHREST), for their hard work on this important legislation, and I urge an aye vote on H.R. 1370.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the bill that is before the House today is considerably different than the legislation introduced last year. It reflects the hard work of my colleague the gentleman from Indiana (Mr. SOUDER) and the careful consideration of the Committee on Resources, and as presently amended, H.R. 1370 has the potential to enhance the visiting public's experience at our national wildlife refuges. I urge my colleagues to support this legislation.

The National Wildlife Refuge System is presently saddled with a significant \$1.3 billion operations and maintenance budget backlog. Concessionaires which operate in the refuges and offer a wide variety of services, such as we have heard, are uniquely affected by this backlog.

Presently, most concessionaires pay annual franchise fees to the National Wildlife Refuge Fund. The U.S. Fish and Wildlife Service, which runs the refuge system and owns the land and facilities, is responsible for maintaining all facilities. However, the Service gives low priority to concessionaire facilities when faced with other competing budget demands within the system. This inferior status leaves concessionaire facilities lacking and discourages concessionaires from using the refuges and providing services to visitors.

This legislation would allow the concessionaires to make necessary maintenance repairs or visitor facility improvements in lieu of cash payments for concession fees and would address simultaneously the budget backlog and improve the quality of visitor facilities.

The scope of this new permissive authority has been limited to maintenance backlog projects and other types of small scale improvement projects that increase the visitor's experience. Also, repairs or improvements would be required to be made at the refuge or refuge complex where the concession operates. I note that this legislation would not authorize the construction of any new facilities.

H.R. 1370 has been further amended to address the presently haphazard administrative process by which the Service permits concessionaires to operate within the refuge system. This legislation would require the Service to develop a new standardized concession contract for all national wildlife refuge concession activities. All concession operations would be required to be enrolled under these new contracts within 3 years.

The Service also will be required to award all contracts through competitive bidding, although the bill would exempt small scale retail operations run by nonprofit volunteer organizations, and to ensure accountability the Service will be required to forward to Congress an annual oversight report on all concession contract activities.

Perhaps most important, the bill has been amended to specify that all title interests to property and facilities and any interest in repairs or improvements made by concessionaires will remain with the Federal Government. Furthermore, H.R. 1370 states explicitly that concessionaires do not acquire any compensable interest in the property and facilities they operate or in any repair or improvement they might make.

In closing, H.R. 1370 will provide additional financial flexibility to address the chronic maintenance backlog hindering visitor services at numerous refuges. This legislation will bring much needed coherence to the administration of concession contracts, enhance the public's enjoyment and appreciation of our National Wildlife Refuge System and prevent the future establishment of concession activities that are incompatible with the refuge system's wildlife first mission.

I want to once again commend our colleague the gentleman from Indiana (Mr. SOUDER) on this legislation. I urge Members to support it and to improve our national wildlife refuges.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 1370, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes."

A motion to reconsider was laid on the table.

#### NUTRIA ERADICATION AND MARSHLAND RESTORATION ACT

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4044) to authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged by nutria, as amended.