

that are candidates for Federal listing as Threatened or Endangered Species. The Tecate Cypress, coastal sage shrub, oak woodlands and a number of other vegetative associations are only a few of the plant species which grow only in small isolated populations in California and Mexico. These species play a critical role in San Diego's multi-species conservation plan, a national model for maintaining biodiversity. Not protecting these species would be a travesty.

The Otay Mountain region was designated as the Otay National Cooperative Land and Wildlife Management Area back in 1962, and later, in 1980, two wilderness study areas were designated by the San Diego County Board of Supervisors and the Bureau of Land Management. Many people in our community know and have known for years that the Otay Mountain region is a valuable asset that we cannot lose. My colleagues and I would like to take this a step further by designating it as a wilderness area.

There are other reasons why it is absolutely critical that we preserve this beautiful place in America. Because the area is located near the busy city of San Diego and on the U.S.-Mexico border, the danger of pollution not only from smog and other toxins but also from binational travelers is very real. Moreover, the border location of this region is the focus of important law enforcement and border efforts to curtail illegal immigration. These additional strains can cause very real degradation to our environment. Finally, the area presents unique fire management challenges. The designation as a wilderness area will actually help us to manage all of these issues.

The lands within the Otay Mountain region represent some of the last pristine wilderness areas in western San Diego County, California. There are many benefits to designating this area as a wilderness area. I urge my colleagues to support H.R. 15, the Otay Mountain Wilderness Act.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge all my colleagues to support H.R. 15.

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

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 15.

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

A motion to reconsider was laid on the table.

PROVIDING FOR COLLECTION OF FEES FOR MAKING OF MOTION PICTURES, TELEVISION PRODUCTIONS, AND SOUND TRACKS IN NATIONAL PARK SYSTEM AND NATIONAL WILDLIFE REFUGE SYSTEM UNITS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 154) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes, as amended.

The Clerk read as follows:

H.R. 154

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

**SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBITION.**

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") may permit, under terms and conditions considered necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar project, if the Secretary determines that such use is appropriate and will neither impair the values and resources of the lands and facilities nor result in a significant disruption of normal visitor uses.

(2) FEES.—(A) Any permit under this section shall require the payment of fees to the Secretary in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government in accordance with subparagraph (B), except as provided in subparagraph (C). The amount of the fee shall be not less than the direct and indirect costs to the Government for processing the application for the permit and the use of lands and facilities under the permit, including any necessary costs of cleanup and restoration, except as provided in subparagraph (C).

(B) The authority of the Secretary to establish fees under this paragraph shall include, but not be limited to, authority to issue regulations that establish a schedule of rates for fees under this paragraph based on such factors as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in areas designated by statute or regulations as special use areas, including wilderness and research natural areas; and

(iv) surface disturbances authorized under a permit.

(C) The Secretary may, under the terms of the regulations promulgated under paragraph (4), charge a fee below the amount referred to in subparagraph (A) if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as may be necessary to protect the interests of the United States in activities arising under such a permit.

(4) REGULATIONS.—(A) The Secretary shall issue regulations implementing this subsection by not later than 180 days after the date of the enactment of this Act.

(B) Within 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise regulations issued under this

paragraph. After that time, the Secretary shall periodically review the regulations and make necessary changes.

(b) COLLECTION OF FEES.—Fees shall be collected under subsection (a) whenever the proposed filming, videotaping, sound recording, or still photography involves product or service advertisements, or the use of models, actors, sets, or props, or when such filming, videotaping, sound recording, or still photography could result in damage to resources or significant disruption of normal visitor uses. Filming, videotaping, sound recording or still photography, including bona fide newsreel or news television film gathering, which does not involve the activities or impacts identified herein, shall be permitted without fee.

(c) EXISTING REGULATIONS.—The prohibition on fees set forth in paragraph (1) of section 5.1(b) of title 43, Code of Federal Regulations, shall cease to apply upon the effective date of regulations under subsection (a). Nothing in this section shall be construed to affect the regulations set forth in part 5 of such title, other than paragraph (1) thereof.

(d) PROCEEDS.—Amounts collected as fees under this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program under section 315 of Public Law 104-134.

(e) PENALTY.—A person convicted of violating any regulation issued under subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 6 months, or both, and shall be ordered to pay all costs of the proceedings.

(f) EFFECTIVE DATE.—This section and the regulations issued under this section shall become effective 180 days after the date of the enactment of this Act, except that this subsection and the authority of the Secretary to issue regulations under this section shall be effective on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, H.R. 154 was introduced by the gentleman from Colorado (Mr. HEFLEY). The gentleman from Colorado is to be commended for the hard work on this bill and his commitment to see this piece of legislation come to fruition.

H.R. 154 is a bipartisan bill which repeals the existing regulatory prohibition on collecting fees for commercial film productions on lands administered by the Department of the Interior, including units of the National Park System and National Wildlife Refuge Areas. H.R. 154 authorizes the Secretary to establish a fee schedule using a number of relevant factors, such as the number of people on-site and the duration of the filming activities. The bill would not affect newsreel or television news activities. Proceeds from these location fees would remain in the unit where the filming occurs as per the Recreational Fee Demonstration Program established under current public law.

This is a good bill which is long overdue. I urge my colleagues to support H.R. 154.

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 154 provides for the collection of fees for the making of motion pictures, television productions and sound tracks in the National Park System and the National Wildlife Refuge System.

This legislation is a good government and commonsense approach to an important matter. We should be charging appropriate commercial fees for the use of national parks and refuges, especially when such fees have a long established use on public lands and national forests. The regulation prohibiting movie and television fees for parks and refuges appears to have long outlived any usefulness it may have ever had.

Significant work was done on this legislation in the last Congress. Numerous meetings and discussions were held among Member and committee staffs, representatives of the Department of the Interior, the film industry and other interested parties. The results of these talks were very fruitful and led to the passage of bipartisan legislation last fall that unfortunately was not enacted into law prior to adjournment.

The hearing that was held before the Committee on Resources on H.R. 154 showed that wide support exists for this proposal. This bill is an example of both sides of the aisle, the administration, and interested parties working together to achieve a common good.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for filming, including the film industry itself. We are greatly encouraged by the progress that has been made thus far in this bill and we look forward to seeing the legislation enacted into law.

□ 1430

We ask our colleagues to vote for this bill, Mr. Speaker.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, many of the Nation's most famous and profitable motion pictures were filmed on public land. John Ford filmed his classic westerns around Moab, UT, and the opening scenes of "Raiders of the Lost Ark" were filmed on Park Service land in Hawaii.

Before 1948, the Interior Department charged filmmakers market prices for the use of these lands. But in that year, for reasons lost to time, Congress prohibited the Park Service and the Fish & Wildlife Service from collecting fees for commercial film making.

This has resulted in lost revenue. The 16 units of the National Park System most in-

volved with the film industry welcomed 2,800 productions over the past 3 years. At the present time, no requirement for fee collection besides normal special use permits.

The Bureau of Land Management, which operates a film program under its existing permit system has processed approximately 1,000 requests per year. Estimated revenues of \$300,000 per year; or about \$1,000 to \$1,100 per day. In contrast, production companies have paid as much as \$8,500 a day to film on private land.

Our bill would repeal this prohibition. Interior would be directed to develop a policy for collecting fees. Eighty percent of those fees would remain in the unit involved for maintenance needs, the remainder for systemwide use.

There are also two Senate bills dealing with this: A. S. 338, Senator CAMPBELL's bill; B. S. 568, by Senator CRAIG THOMAS, which would extend the fee policy to the Forest Service, as well. In our discussions with the Forest Service that agency said it was satisfied with its existing policy and did not wish to be included at this time.

This bill is the result of extensive discussions between my office and Members on both sides of the aisle, the Interior Department and representatives of the film industry. It is as near to a consensus proposal as we are likely to see.

H.R. 154 provides the middle ground between the needs of the Interior Department and those of the film industry while providing our natural resources. The film would like the certainty of a fee schedule based on the number of people or the acreage involved in a production. While Interior would like the flexibility to address these requests, I think this bill does that.

We think our bill offers the chance for a real win-win situation. The Park Service needs the money and the film industry is willing to pay it within reason. Fees will also help balance the use of our parks for filming with protection of the resource. And the more people see our parks through the movies, the more they'll want to visit them. Everyone can benefit if we do this right.

With that I'll close. I urge your support for the measure.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I urge my colleagues to support this piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 154, 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.

A motion to reconsider was laid on the table.

#### GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 449) to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes.

The Clerk read as follows:

H.R. 449

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Gateway Visitor Center Authorization Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The National Park Service completed and approved in 1997 a general management plan for Independence National Historical Park that establishes goals and priorities for the park's future.

(2) The general management plan for Independence National Historical Park calls for the revitalization of Independence Mall and recommends as a critical component of the Independence Mall's revitalization the development of a new "Gateway Visitor Center".

(3) Such a visitor center would replace the existing park visitor center and would serve as an orientation center for visitors to the park and to city and regional attractions.

(4) Subsequent to the completion of the general management plan, the National Park Service undertook and completed a design project and master plan for Independence Mall which includes the Gateway Visitor Center.

(5) Plans for the Gateway Visitor Center call for it to be developed and managed, in cooperation with the Secretary of the Interior, by a nonprofit organization which represents the various public and civic interests of the greater Philadelphia metropolitan area.

(6) The Gateway Visitor Center Corporation, a nonprofit organization, has been established to raise funds for and cooperate in a program to design, develop, construct, and operate the proposed Gateway Visitor Center.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to enter into a cooperative agreement with the Gateway Visitor Center Corporation to construct and operate a regional visitor center on Independence Mall.

#### SEC. 3. GATEWAY VISITOR CENTER AUTHORIZATION.

(a) AGREEMENT.—The Secretary of the Interior, in administering the Independence National Historical Park, may enter into an agreement under appropriate terms and conditions with the Gateway Visitor Center Corporation (a nonprofit corporation established under the laws of the State of Pennsylvania) to facilitate the construction and operation of a regional Gateway Visitor Center on Independence Mall.

(b) OPERATIONS OF CENTER.—The Agreement shall authorize the Corporation to operate the Center in cooperation with the Secretary and to provide at the Center information, interpretation, facilities, and services to visitors to Independence National Historical Park, its surrounding historic sites, the city of Philadelphia, and the region, in order to assist in their enjoyment of the historic, cultural, educational, and recreational resources of the greater Philadelphia area.

(c) MANAGEMENT-RELATED ACTIVITIES.—The Agreement shall authorize the Secretary to undertake at the Center activities related to the management of Independence National Historical Park, including, but not