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SENATE

{ REPORT
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GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1998

OCTOBER 10 (legislative day, OCTOBER 2), 1998.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2300]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2309) to authorize the Secretary of the Interior to enter into an agreement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2309 is to authorize the Secretary of the Interior to enter into an agreement with the Gateway Visitor Center Corporation to construct and operate a regional visitor center on Independence Mall in Philadelphia, Pennsylvania.

BACKGROUND AND NEED

The National Park Service completed a General Management Plan (Plan) in 1997 for Independence National Historical Park located in Philadelphia, Pennsylvania. The final plan identified the need for a regional Gateway Visitor Center on Independence Mall (Mall). The Mall, is the site of Independence Hall, the Liberty Bell, Congress Hall, Old City Hall, and other historic sites.

The city of Philadelphia conducted tourism studies and found that the area has missed opportunities for regional economic development by failing to develop its tourism industry. These studies led to proposals to develop a visitor center on the Mall and to redevelop the Mall as a gateway to the park, the surrounding historic district, city of Philadelphia, and the region.

This legislation would authorize the Secretary of the Interior to enter into an agreement with the Gateway Visitor Center Corporation (GVCC), a nonprofit organization, to construct and operate the Gateway Visitor Center on the Mall. The estimated cost for the 50,000 square foot visitor center is \$24 million for the structure and exhibits, and \$6 million for an endowment to provide support for operations and maintenance of the facility. The funding has been fully committed from non-Federal sources. The National Park Service would provide an annual contribution towards the operation of the center.

S. 2309 would allow the GVCC to solicit and accept donations and contributions, charge fees, raise revenues, rent space for events, sell merchandise, tickets, and food, and enter into agreements with other parties for such activities. The funds generated by these activities would be retained by the Gateway Visitor Center for operating costs.

LEGISLATIVE HISTORY

S. 2309 was introduced on July 15, 1998 by Senator Specter and Senator Santorum and referred to the Committee on Energy and Natural Resources. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 2309 on September 17, 1998.

At its business meeting on September 24, 1998, the Committee on Energy and Natural Resources ordered S. 2309, favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session September 24, 1998, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 2309, as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Gateway Visitor Center Authorization Act of 1998".

Section 2 lists the findings and purposes of the bill. The findings include: (1) in 1997, the National Park Service completed a general management plan for Independence National Historic Park that establishes goals and priorities for the future of the park; (2) the plan calls for the revitalization of Independence Mall and recommends as a critical component of the revitalization the development of a new visitor center; (3) such a visitor center would replace the existing park visitor center and serve as an orientation center for visitors to the park and to city and regional attractions; (4) the National Park Service has completed a design project and master plan for Independence Mall that includes the Gateway Visitor Center; (5) plans for the Gateway Visitor Center call for the center to be developed and managed, in cooperation with the Secretary of the Interior, by a nonprofit organization that represents the various public and civic interests of the Philadelphia metropolitan area; and (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.

Subsection (b) states the purpose of the Act is to authorize the Secretary of the Interior to enter into an agreement with the Gateway Visitor Center Corporation to construct and operate a regional visitor center on Independence Mall.

Section 3 amends Public Law 80-795 by adding a new section 8. Section 8 establishes a Regional Gateway Visitor Center and defines the term "Center" to mean Gateway Visitor Center, and "Corporation" to mean Gateway Visitor Center Corporation.

The new section 8 authorizes the Secretary of the Interior to enter into an agreement with the Corporation to facilitate the construction and operation of the Gateway Visitor Center on Independence Mall. In addition, the section defines the terms of the agreement to include authorization for the Corporation to operate the Center in cooperation with the Secretary and provide at the Center information, interpretation, facilities, and services to visitors of Independence National Historical Park, its surrounding historic sites, the city of Philadelphia, and the region. Section 8 also authorizes the Corporation to engage in activities appropriate for operation of a regional visitor center, which may include selling food, charging fees, conducting events, and selling merchandise and tickets to visitors to the Center. The section further authorizes the Secretary to undertake at the Center activities relating to the management of Independence National Historical Park, including provision of appropriate visitor information and interpretive facilities and programs related to the park.

Section 8 also states that revenues from the operation of the Center's facilities and services shall be used to pay for expenses of operation, and nothing in this section authorizes the Secretary or the Corporation to take any action in derogation of the preservation and protection of the values and resources of Independence National Historical Park.

COST AND BUDGET CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 1, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2309, the Gateway Visitor Center Authorization Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CBO estimates that implementing S. 2309 would cost less than \$1 million a year, subject to the availability of appropriated funds. S. 2309 would authorize the Secretary of the Interior to execute an agreement with the Gateway Visitor Center Corporation under which this nonprofit organization would construct and operate a regional visitor center on Independence Mall in Philadelphia, Pennsylvania. The bill would authorize the corporation to charge fees, sell food, merchandise, and tickets, and provide information, facilities, and services to visitors of Independence National Historical Park and other regional sites. Amounts earned from fees and sales would be used by the corporation to help pay for its operating expenses. The National Park Service (NPS) would participate in activities such as providing visitor information and facilities and carrying out interpretive programs.

Based on information provided by the NPS, and assuming appropriation of the necessary amounts, CBO expects that the agency would provide an annual contribution toward the operation of the center. The appropriate federal contribution has not yet been determined by the NPS, but CBO estimates that it could be several hundred thousand dollars a year. Some of the annual contribution may be offset by savings in operating expenses that may be realized when the NPS closes its existing visitor center at the park once the new Gateway Visitor Center becomes operational in fiscal year 2000.

S. 2309 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2309. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 2309, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 3, 1998, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 2309. These reports had not been received at the time the report on S. 2309 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the

Senate. The testimony of the Department of the Interior at the Subcommittee hearing follows:

STATEMENT OF DESTRY JARVIS, ASSISTANT DIRECTOR FOR
EXTERNAL AFFAIRS, NATIONAL PARK SERVICE, DEPART-
MENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before this subcommittee to present the views of the Department of the Interior on S. 2309, a bill to authorize the Gateway Visitor Center, a facility to be constructed on the mall at Independence National Historical Park.

This bill would authorize the Secretary of the Interior to enter into an agreement with a nonprofit corporation, the Gateway Visitor Center Corporation, to operate a new visitor center to be built on part land. It would authorize the Corporation to undertake management-related activities, such as providing visitor information and interpretation, and to engage in other activities appropriate for a regional visitor center, such as conducting events and selling merchandise and food. The bill would authorize the use of revenues generated by the Corporation for the operation and administration of the Center.

The Department of the Interior supports S. 2309. This legislation will enable the implementation of a critical component of the General Management Plan (GMP) for Independence National Historical Park, which was approved in April 1997, by authorizing the operation of a regional Gateway Visitor Center on Independence Mall.

Independence National Historical Park (Independence NHP) is the site of Independence Hall, the Liberty Bell and other historic treasures associated with the birth of our nation. The park is located in the heart of Philadelphia. This great American city is a living museum of historic sites, it has played host to significant events in our nation's history, and has a rich and diverse cultural heritage. Independence NHP attracts more than 3.1 million visitors annually from around the nation and the world. Visitors include school classes, family vacationers and organized tour groups. Regardless of their background each individual finds special meaning in the birthplace of our Nation.

In 1993, Independence NHP began the process of developing its first GMP. Prior planning was the master plan completed over 25 years ago that resulted in the park's current configuration. A GMP was approved in April 1997 after four years of research, planning and unprecedented public participation. The GMP affirmed a critical role for the park: to enhance the overall quality of the visitor experience. The GMP identified Independence Mall as the primary location for the development of new visitor facilities. The GMP also articulated a need for Independence NHP to become a more active partner in the life of the city and the region. In so doing, the GMP recognized the complementary roles of the park and the community—park staff in

achieving quality stewardship and interpretation of the park, and the community in ensuring sensitive preservation and development of the surrounding neighborhoods.

Independent of the GMP, a series of studies conducted by the Pew Charitable Trust concluded that Greater Philadelphia has been missing opportunities for enhanced regional identity and significant economic development by failing to develop the potential of its tourism industry

These tourism studies and the GMP process, although conducted separately, came to similar conclusions through their joint recognition of Independence NHP as the primary destination for visitors to the City of Philadelphia, and of the inadequacies of Independence NHP's existing visitor center to fully address the needs of those visitors. This led to the proposals endorsed in the GMP to develop a new visitor center on Independence Mall and to redevelop Independence Mall as a gateway to the park and the surrounding historic district, city and region. By way of a regional center, visitors could potentially experience a richer visit through better understanding of the overall historical and geographic context of the park.

Subsequent to the approval of the GMP in April 1997, the National Park Service entered into a contract with a Philadelphia-based design team headed by the Olin Partnership, a nationally recognized landscape architectural firm. This team produced a Master Plan for Independence Mall, a detailed physical design that elaborated the recommendations contained in the GMP for the placement and relationships of the various facilities and open space. It was presented to the public in October 1997, and has met not only with acclaim from the public, but an outpouring of financial support, detailed below.

The Gateway Visitor Center would directly address what the GMP clearly articulates as the importance of the visitor experience—recognizing the various needs and expectations of visitors; managing their traffic flow through and beyond the park; and allowing them to make the best use of available time by providing more opportunities to discover and visit historical, cultural and natural resources in the park and beyond. The Gateway Visitor Center is also a major component contributing to the GMP's visitor orientation goal of strengthening Independence Mall itself—providing a dignified and comprehensive setting respecting the historical significance of Independence Hall and the Liberty Bell, while clarifying and enhancing the pedestrian environment.

Visitors to the center will also be able to gain information and tickets to area tours, attractions and events. They will be able to make reservations for accommodations, restaurants and transportation; purchase items at a book and gift store, obtain information and see films about the creation of our nation and about the attractions of Philadelphia and the surrounding region, and have a light meal. The Gateway Visitor Center will be the distribution site

for free tickets for admission to Independence Hall during peak periods.

A range of private and nonfederal public entities have come together to fund the development and construction of the Gateway Visitor Center, which will be located on federal land and owned by the federal government. The Gateway Visitor Center will be developed by a private nonprofit corporation, the Gateway Visitor Center (GVCC). Pursuant to a long-term agreement with the National Park Service, the Gateway Visitor Center will be operated jointly by the National Park Service and the Gateway Visitor Center Corporation. The GVCC Board, comprised of representative stakeholders, includes the Mayor of Philadelphia, a representative of the Governor of the Commonwealth of Pennsylvania, and a representative of the Pew Charitable Trusts.

Current estimates call for an approximately 50,000 square foot facility costing \$24 million (hard and soft costs) for the physical structure and exhibits. In addition, the overall project development budget includes a \$6 million endowment to help support operation of the facility in the future, including the ongoing maintenance, renewal and replacement of the facility's exhibits.

This overall project budget of \$30 million is in hand or firmly committed, and is split equally between public (non-federal) and private contributions. The Gateway Visitor Center's leading private sector financial backer, and in many ways one of the project's primary catalysts, is the Pew Charitable Trusts, based in Philadelphia. It is one of the nation's largest philanthropies. No federal money will be utilized for the design or construction of the Gateway Visitor Center.

While the Gateway Visitor Center itself can be constructed within Independence NHP based on existing NPS authorities, the proposed legislation permits the GVCC to undertake certain activities that will enliven the visitor experience and generate revenues to defray operating and management expenses of the Gateway Visitor Center. It would allow the GVCC to charge fees, raise revenues, rent space for events, sell merchandise, tickets and food, and enter into agreements with other parties for these activities. The funds generated by these activities would be retained by the GVCC to defray ongoing costs of operations, maintenance and repair of the building and exhibits, and for the periodic replacement, improvement and modification of the exhibits in the building.

If authorization is enacted in this Congress the projected completion date for the Gateway Visitor Center is November 2000. Once completed, the Gateway Visitor Center will be operated and managed on a long-term basis by the National Park Service and the GVCC pursuant to an agreement between the two parties. This agreement will define the relationship between the National Park Service and the GVCC on a number of items of particular concern to

both parties, such as ongoing liaison between the GVCC and the park, content of the Gateway Visitor Center's exhibits, ticketing for Independence Hall, the presence and role of park staff in the Gateway Visitor Center. In addition, the agreement will set forth policies for addressing such matters as the sale of merchandise, the rental of Gateway Visitor Center space, the display and content of written materials, and the maintenance of the facility.

Once the funding mechanisms are in place, the Gateway Visitor Center is designed to be financially self-sustaining. Its annual operations will be supported through revenue generating activities, endowment income, and various stakeholder contributions, including an appropriate contribution by NPS toward operations and maintenance.

This concludes my statement. I would be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2309, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Act of June 28, 1948 (U.S.C. 407m et seq.))

* * * * *

SEC. 7. * * *

SEC. 8. REGIONAL GATEWAY VISITOR CENTER.

(a) *DEFINITIONS.*—*In this section:*

(1) *CENTER.*—*The term Center means the Gateway Visitor Center authorized by subsection (b).*

(2) *CORPORATION.*—*The term Corporation means Gateway Visitor Center Corporation, a nonprofit organization.*

(b) *AGREEMENT.*—*The Secretary of the Interior may enter into an agreement under appropriate terms and conditions with the Corporation to facilitate the construction and operation of the Gateway Visitor Center on Independence Mall.*

(c) *AUTHORIZED ACTIVITIES.*—*The agreement under subsection (b) shall—*

(1) *authorize the Corporation—*

(A) *to operate the Center in cooperation with the Secretary and provide at the Center information, interpretation, facilities, and services to visitors of Independence National Historical Park, its surrounding historic sites, the city of Philadelphia, and the region, in order to assist in the enjoyment of the historic, cultural, educational, and recreational resources of the Philadelphia metropolitan area; and*

(B) *to engage in activities appropriate for operation of a regional visitor center, which may include selling food, charging fees, conducting events, and selling merchandise and tickets to visitors to the Center; and*

(2) *authorize the Secretary to undertake at the Center activities relating to the management of Independence National Historical Park, including provision of appropriate visitor information and interpretive facilities and programs related to the park.*

(d) *REVENUES.—Revenues from the operation of the Center's facilities and services shall be used to pay for expenses of operation.*

(e) *PRESERVATION AND PROTECTION.—Nothing in this section authorizes the Secretary or the Corporation to take any action in derogation of the preservation and protection of the values and resources of Independence National Historical Park.*