

Union Calendar No. 380

109TH CONGRESS
2^D SESSION

H. R. 5802

[Report No. 109-640]

To amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a concessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2006

Mr. PEARCE introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 6, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 13, 2006]

A BILL

To amend the National Park Service Concessions Management Improvement Act of 1998, to extend to additional small businesses the preferential right to renew a concessions contract entered into under such Act, to facilitate the renewal of a commercial use authorization granted under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “NPS Concessions Reform*
5 *Act of 2006”.*

6 **SEC. 2. ANNUAL GROSS RECEIPTS.**

7 *Section 403(8) of the National Park Service Conces-*
8 *sions Management Improvement Act of 1998 (16 U.S.C.*
9 *5952(8)) is amended—*

10 *(1) by amending subparagraph (A)(ii) to read as*
11 *follows:*

12 *“(i) Subject to subparagraph (C), concessions*
13 *contracts with anticipated annual gross receipts*
14 *under \$750,000, such amount to be adjusted annually*
15 *to reflect changes in the Consumer Price Index as of*
16 *the date of the enactment of this clause. An incumbent*
17 *concessions contract holder with another concessions*
18 *contract with annual gross receipts of \$750,000 or*
19 *more, not including an outfitting and guide conces-*
20 *sion contract, is not eligible for the right authorized*
21 *by paragraph (7).”;* and

22 *(2) in subparagraph (C), by striking “\$500,000”*
23 *and inserting “\$750,000, such amount to be adjusted*
24 *annually to reflect changes in the Consumer Price*

1 *Index as of the date of the enactment of the NPS Con-*
2 *cessions Reform Act of 2006”.*

3 **SEC. 3. DEBRIEFING.**

4 *Section 403(5) of the National Park Service Conces-*
5 *sions Management Improvement Act of 1998 (16 U.S.C.*
6 *5952(5)) is amended by adding at the end the following:*

7 *“(D) DEBRIEFING.—The Secretary shall provide*
8 *to any person, corporation, and other entity that sub-*
9 *mitted a proposal and who was not awarded a pro-*
10 *posed concessions contract a debriefing as to why they*
11 *were not selected as submitting the best proposal for*
12 *that concessions contract. Such debriefing must be re-*
13 *quested and must be made within 90 days of the*
14 *award of the concessions contract. The Secretary shall*
15 *not be required to disclose any proprietary informa-*
16 *tion of the person, corporation, or other entity that*
17 *was selected as submitting the best proposal and*
18 *awarded the concessions contract.”.*

19 **SEC. 4. LEASEHOLD SURRENDER INTEREST AND SOURCE**
20 **OF FUNDS.**

21 *Section 405(a)(2)(A) of the National Park Service*
22 *Concessions Management Improvement Act of 1998 (16*
23 *U.S.C. 5954(a)(2)(A)) is amended by inserting after “pur-*
24 *suant to this title” the following: “and may be pledged as*
25 *security for other National Park Service contracts using a*

1 combination of leasehold surrender interest if holding one
2 or more contracts with the National Park Service, and the
3 proceeds resulting from such pledged security shall not be
4 restricted for use in the park or parks for which the lease-
5 hold surrender interest was pledged”.

6 **SEC. 5. COMMERCIAL USE AUTHORIZATION.**

7 Section 418 of the National Park Service Concessions
8 Management Improvement Act of 1998 (16 U.S.C. 5966)
9 is amended—

10 (1) in subsection (c), by adding after “authorized
11 use.” the following: “Such uses shall be subject to lim-
12 itations and fees comparable to those that may be im-
13 posed on other authorization holders for the same or
14 similar activities.”;

15 (2) by amending subsection (e), to read as fol-
16 lows:

17 “(e) DURATION.—The term of any authorization, not
18 subject to limited numbers pursuant to (b)(2)(D), shall not
19 exceed 5 years. Where it is determined that only limited
20 numbers of authorizations shall be issued, the term of such
21 authorizations shall not exceed 5 years. Such authorizations
22 may be issued to those applicants that have—

23 “(1) demonstrated the capability to provide qual-
24 ity visitor services; and

1 “(2) *experience with the resources and values in*
2 *the park unit for which the authorization is issued.*”;
3 *and*

4 (3) *by adding at the end the following:*

5 “(g) *COST RECOVERY.—The Secretary shall not seek*
6 *to recover costs from applicants or authorized holders re-*
7 *lated to capacity studies and recreation activities and mon-*
8 *itoring not associated with authorizations.*”.

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