H. R. 571

To repeal the concessioner preferences of the National Park Service Concessions Policy Act, to require that concessions be awarded pursuant to a competitive bidding process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1991

Mr. Guarini (for himself, Mr. Yates, Mr. Hughes, Mr. Gallo, Mr. Evans, Mr. Saxton, Mr. Dwyer of New Jersey, Mr. Horton, Mrs. Collins of Illinois, Mr. Ravenel, and Mr. Lipinski) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To repeal the concessioner preferences of the National Park Service Concessions Policy Act, to require that concessions be awarded pursuant to a competitive bidding process, 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. REPEAL OF CONCESSIONER PREFERENCES OF
4 NATIONAL PARK SERVICE CONCESSIONS
5 POLICY ACT.

6 (a) PREFERENTIAL RIGHT TO PROVIDE NEW OR ADDI-
7 TIONAL SERVICES.—Section 4 of the Act entitled "An Act
relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes”, approved October 9, 1965 (16 U.S.C. 20c) (commonly referred to as the “National Park Service Concessions Policy Act’’), is amended by striking “and may grant to such concessioner a preferential right to provide such new or additional accommodations, facilities, or services”.

(b) RIGHT OF PREFERENCE FOR CONTRACT RENEWAL.—Section 5 of such Act (16 U.S.C. 20d) is hereby repealed.

c) POSSESSORY INTEREST.—Section 6 of such Act (16 U.S.C. 20e) is hereby repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts and permits granted or awarded, and contracts and permits extended or renewed, after the date of enactment of this Act.

SEC. 2. AWARDING CONCESSION CONTRACTS ON A COMPETITIVE BASIS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall develop and implement a system for the renewal and extension of existing contracts and permits, the granting of new contracts and permits, and providing new or additional services through concessioners in areas of the National Park System. In developing such system, the Secretary shall con-
sider the report issued by the Office of Inspector General in
April 1990, numbered 90–62. Such system shall provide
for—

(1) securing competitive bids and advertising for
concessions in the National Park System in a manner
similar to that in which Federal procurement contracts
are awarded;

(2) awarding contracts for concessions in the Na-
tional Park System on a competitive basis;

(3) to the extent practicable, limiting the term of
the contracts, whether new, renewed, or extended, to
5 years; and

(4) awarding the contracts only to concessioners
who are United States persons.

(b) AUTHORITY TO TERMINATE FOREIGN-OWNED
CONCESSIONS.—The Secretary is authorized to terminate
any contract for concessions in the National Park System
that is owned or controlled by foreign interests.

SEC. 3. REVIEW OF EXISTING CONTRACTS.

(a) IN GENERAL.—The Secretary shall review all exist-
ing contracts, including the Circle Line Statue of Liberty Inc.
contract, entered into under the Act entitled “An Act relat-
ing to the establishment of concession policies in the areas
administered by the National Park Service and for other pur-
poses”, approved October 9, 1965 (16 U.S.C. 20c) (common-
ly referred to as the "National Park Service Concessions Policy Act"), to determine if any of such contracts were awarded outside of the normal procedures of such Act and which, if any, of such contracts can be legally terminated on that basis.

(b) STATUE OF LIBERTY NATIONAL MONUMENT AND ELLIS ISLAND.—

(1) REVIEW OF CONCESSION.—The Secretary shall review the concession serving the Statue of Liberty National Monument and Ellis Island to determine if there is sufficient access for the public and if the cost of the ferry service to Ellis Island and Liberty Island is justified.

(2) ADDITIONAL FERRY SERVICE.—The Secretary shall consider providing additional ferry service from additional points of embarkation in New Jersey and New York City to Ellis Island and Liberty Island.

(3) BRIDGE.—The Secretary is authorized to construct or allow for the construction of a permanent bridge, open to the public for pedestrian use, connecting Liberty State Park and Ellis Island.

SEC. 4. CONSTRUCTION OF CONCESSION FACILITIES.

After the date of enactment of this Act, a facility may be constructed at a unit of the National Park System for concession purposes only if such facility is specifically author-
ized by a law enacted after the date of enactment of this Act
and funds are appropriated for such construction.