

Calendar No. 635

105TH CONGRESS
2D SESSION

S. 2297

To provide for the distribution of certain publications in units of the National Park System under a sales agreement between the Secretary of the Interior and a private contractor.

IN THE SENATE OF THE UNITED STATES

JULY 14, 1998

Mr. GORTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 25, 1998

Reported by Mr. MURKOWSKI, with an amendment

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

A BILL

To provide for the distribution of certain publications in units of the National Park System under a sales agreement between the Secretary of the Interior and a private contractor.

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

1 **SECTION 1. DISTRIBUTION OF COMMERCIAL INFORMA-**
 2 **TIONAL PUBLICATIONS IN THE NATIONAL**
 3 **PARK SYSTEM.**

4 (a) DEFINITIONS.—

5 (1) COMMERCIAL INFORMATIONAL PUBLICA-
 6 TION.—

7 (A) IN GENERAL.—In this section, the
 8 term “commercial informational publication”
 9 means a guide, directory, periodical, or other
 10 publication that—

11 (i) is produced by a private person
 12 and is intended by the person to be distrib-
 13 uted to visitors to a unit of the National
 14 Park System;

15 (ii) consists primarily of information
 16 regarding any unit or units of the National
 17 Park System; and

18 (iii) contains advertising.

19 (B) EXCLUSION.—The term “commercial
 20 information publication” does not include a
 21 publication that is produced and distributed by
 22 a cooperating association or other friends-of-
 23 the-park group recognized by the Secretary.

24 (2) SECRETARY.—The term “Secretary” means
 25 the Secretary of the Interior, acting through the Di-
 26 rector of the National Park Service.

1 (b) PROHIBITION.—It shall be unlawful for any per-
 2 son to distribute a commercial informational publication
 3 in a unit of the National Park System except in accord-
 4 ance with a sales agreement under subsection (c).

5 (c) SALES AGREEMENTS.—

6 (1) IN GENERAL.—The Secretary shall enter
 7 into 1 sales agreement with a private person under
 8 which the private person shall be authorized to dis-
 9 tribute commercial informational publications in all
 10 of the units of the National Park System.

11 (2) PROVISIONS.—A sales agreement shall pro-
 12 vide for—

13 (A) participation by the Secretary, in co-
 14 operation with the contractor, in the prepara-
 15 tion of editorial content and the distribution of
 16 commercial informational publications; and

17 (B) payment by the contractor of a portion
 18 of the advertising revenue and publication sales
 19 revenue.

20 (3) QUALIFICATION.—A contractor selected for
 21 a sales agreement shall be a person that dem-
 22 onstrates experience in providing service to the
 23 United States Government, experience in United
 24 States Government-related publications, and success

1 in generating advertising revenue to be shared with
 2 the National Park Service.

3 ~~(d) USE OF PROCEEDS.—Amounts paid by a contrac-~~
 4 ~~tor under subsection (c)(2)(B) shall be deposited in a sep-~~
 5 ~~arate account in the Treasury of the United States and~~
 6 ~~shall be available to the Secretary, without further Act of~~
 7 ~~appropriation, for use in the unit of the National Park~~
 8 ~~System in which the proceeds were generated.~~

9 **SECTION 1. DISTRIBUTION OF COMMERCIAL PUBLICA-**
 10 **TIONS IN THE NATIONAL PARK SYSTEM.**

11 *(a) DEFINITIONS.—*

12 *(1) COMMERCIAL INFORMATIONAL PUBLICA-*
 13 *TION.—*

14 *(A) IN GENERAL.—In this section, the term*
 15 *“commercial informational publication” means*
 16 *any publication that—*

17 *(i) is produced by a cooperator and is*
 18 *intended by that cooperator to be distrib-*
 19 *uted to visitors within a unit of the Na-*
 20 *tional Park System;*

21 *(ii) provides information regarding the*
 22 *National Park Service, or any unit or units*
 23 *of the National Park System; and*

24 *(iii) contains advertising.*

1 (B) *EXCLUSION.*—*The term “commercial*
 2 *information publication” does not include a pub-*
 3 *lication that is produced or distributed by a*
 4 *non-profit organization pursuant to a written*
 5 *agreement with the Secretary.*

6 (2) *SECRETARY.*—*The term “Secretary” means*
 7 *the Secretary of the Department of the Interior acting*
 8 *through the Director of the National Park Service.*

9 (3) *COOPERATOR.*—*The term “cooperator”*
 10 *means a private person or entity which enters into a*
 11 *cooperative agreement with the Secretary as described*
 12 *in section 1(b) hereof.*

13 (b) *COOPERATIVE AGREEMENTS.*—

14 (1) *IN GENERAL.*—*The Secretary may enter into*
 15 *cooperative agreements with a cooperator under which*
 16 *the cooperator shall be authorized to distribute com-*
 17 *mercial informational publications in one or more*
 18 *units of the National Park System.*

19 (2) *PROVISIONS.*—*A cooperative agreement shall*
 20 *provide appropriate terms and conditions for—*

21 (A) *approval by the Secretary of the con-*
 22 *tent, including advertising, of the commercial in-*
 23 *formational publication;*

24 (B) *requiring that the commercial informa-*
 25 *tional publication include appropriate informa-*

1 *tion about the National Park Service, the Na-*
 2 *tional Park System, and individual units of the*
 3 *National Park System;*

4 *(C) the distribution of commercial informa-*
 5 *tional publications, including any distribution*
 6 *by the Secretary; and*

7 *(D) the sharing of revenues generated by the*
 8 *commercial informational publication.*

9 *(3) QUALIFICATION.—A cooperator selected for a*
 10 *cooperative agreement shall demonstrate experience in*
 11 *producing and distributing attractive and inform-*
 12 *ative publications that appeal to diverse populations*
 13 *with a variety of needs and interests and the tech-*
 14 *nical quality and ability to deliver a high quantity*
 15 *of publications in a timely manner at a reasonable*
 16 *cost or at best value.*

17 *(c) USE OF PROCEEDS.—Revenues shared with the*
 18 *Secretary by a cooperator under subsection (b)(2)(D) shall*
 19 *be deposited in a separate account in the Treasury of the*
 20 *United States and shall be available to the Secretary, with-*
 21 *out further Act of appropriation, to support National Park*
 22 *Service education programs.*

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