

SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "1997" and inserting "2005".

SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking "2000" and inserting "2005".

SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h-2(a)(1)) is amended in the second sentence by striking "agency," and inserting "agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).".

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking "Officer;" and inserting "Officer; and";

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

"(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.";

(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking "preservation; and" and inserting "preservation, and";

(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking "programs;" and inserting "programs; and";

(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking "year." and inserting "year.";

(6) in section 103(a) (16 U.S.C. 470c(a))—

(A) by striking "purposes this Act" and inserting "purposes of this Act"; and

(B) by striking "him:" and inserting "him.";

(7) in section 108 (16 U.S.C. 470h) by striking "(43 U.S.C. 338)" and inserting "(43 U.S.C. 1338)";

(8) in section 110(1) (16 U.S.C. 470h-2(1)) by striking "with the Council" and inserting "pursuant to regulations issued by the Council";

(9) in section 112(b)(3) (16 U.S.C. 470h-4(b)(3)) by striking "(25 U.S.C. 3001(3) and (9))" and inserting "(25 U.S.C. 3001 (3) and (9))";

(10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking "Officer, and" and inserting "Officer; and";

(11) in section 307(a) (16 U.S.C. 470w-6(a)) by striking "Except as provided in subsection (b) of this section, no" and inserting "No";

(12) in section 307(c) (16 U.S.C. 470w-6(c)) by striking "Except as provided in subsection (b) of this section, the" and inserting "The";

(13) in section 307 (16 U.S.C. 470w-6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and

(14) in subsection 404(c)(2) (16 U.S.C. 470x-3(c)(2)) by striking "organizations, and" and inserting "organizations; and".

(b) Section 114 of Public Law 96-199 (94 Stat. 71) is amended by striking "subsection 6(c)" and inserting "subsection 206(c)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Speaker, it seems to me that one of the basic purposes of government is to preserve the cultural fabric of the Nation. Since 1966, one way this Nation

has tried to accomplish that goal is through the National Historic Preservation Act.

The bill before us reauthorizes that act through 2000 at its present level of \$150 million a year.

It is a tribute to the program that it has achieved the success it has despite the fact that it has seldom received more than \$40 million a year in appropriations.

State historic preservation agencies have used these Federal funds to attract three times that amount in State and private investment.

The bill also reaffirms the Nation's commitment to the use of historic properties by Federal agencies.

It also provides an authorization by which the Interior Department may administer grants to the National Trust for Historic Preservation. This does not mean we are putting the trust back on the public payroll. Instead, it will allow Interior to respond quickly to emergency situations such as hurricanes or flooding.

There were some things left undone in this bill. While we retained the exemptions for the Capitol, the Supreme Court building, and the White House from historic preservation law, we were unable to agree on language that aimed at making the Architect of the Capitol more responsive to local preservation concerns.

This was largely due to the fact that the architect is not a government agency.

I believe this is an issue that needs to be revisited in the future. We have gotten a lot of mileage out of the Defense Department's record in historic preservation, particularly at some old cavalry posts out West.

If these facilities can honor their heritage and yet serve an evolving role in today's warfighting, I fail to see why the homes of the three branches of government need special treatment.

This bill is already 3 years overdue, and we must move ahead.

In conclusion, this is the bill that makes no sweeping changes, only incremental changes to what has become a mature and successful program. It works and for those reasons, I move the bill and urge its passage.

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

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

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 834 reauthorizes funding for the National Historic Preservation Fund and the Advisory Council on Historic Preservation. The bill also makes several minor changes to the National Historic Preservation Act. The legislation was originally considered by the House in September of last year and passed by voice vote. Subsequently, the Senate took up the legislation on April 13, 2000 and returned it to the House with an amendment.

The Senate amendment makes several technical and conforming changes to the bill. In addition, the bill deletes a provision that was in the original bill dealing with historic properties under the jurisdiction of the Architect of the Capitol.

Mr. Speaker, the extension of funds for the Historic Preservation Fund and the reauthorization of the Advisory Council on National Preservation are important matters that need to be acted on now. As such, we support H.R. 834, as amended, and would encourage our colleagues to do likewise.

Just as a personal note, the very first public service appointment I had was to the Guam Review Board on Historic Preservation. These are very vital programs, very important programs, for communities and have an impact upon communities in ways that many people sometimes even in this body are not familiar with.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 834.

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

The title of the bill was amended so as to read:

"An Act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.".

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the Senate amendments to H.R. 834.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

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ESTABLISHING A FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES ON FEDERAL LAND

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to 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.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. COMMERCIAL FILMING.

(a) **COMMERCIAL FILMING FEE.**—The Secretary of the Interior and the Secretary of Agriculture (hereinafter individually referred to as the "Secretary" with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) **RECOVERY OF COSTS.**—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) **STILL PHOTOGRAPHY.**—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

(d) **PROTECTION OF RESOURCES.**—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) **USE OF PROCEEDS.**—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104-134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) **PROCESSING OF PERMIT APPLICATIONS.**—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Speaker, the bill before us, H.R. 154, would establish a uniform Federal policy for the collection of fees for commercial film work on America's public lands.

This bill is the result of some real grass-roots interest. Before I intro-

duced this bill 3 years ago, a lady in Englewood, Colorado, contacted my office and wanted to know why Hollywood directors could film on Park Service land for free.

To the surprise of virtually everyone, we found that the Park Service and the Fish and Wildlife Service had been forbidden by regulation to collect such film fees since 1948.

No one knows why. We have tried to find out. No one knows why. This bill is our attempt to remedy this situation.

The bill directs the Secretaries of Interior and Agriculture to establish a reasonable fee for commercial filming activities on lands under their jurisdiction.

The fees collected would then be divided according to the formula set down in the recreational fee demonstration program, with 70 percent remaining in the unit where it was collected and 30 percent systemwide use.

These fees would be used to cover all costs associated with giving film, video, and photography professionals access to the land.

The bill also prohibits filming, tapping, and photography in areas where such activity could cause environmental damage, disrupt public use of the land, or cause health or safety concerns.

Finally, the bill requires that the Secretaries create a process that will ensure timely responses to permit requests.

The bill before us incorporates the Senate's language which, by and large, has the effect of recognizing that one of the Nation's land management agencies, the U.S. Forest Service, is part of the Department of Agriculture, not Interior, but should also have a film policy.

In fact, the Forest Service already has such a policy, and this legislation would serve as a floor for that existing program.

H.R. 154 is the result of an unusual degree of cooperation between my office, the Department of Interior, and the Motion Picture Association of America. Its passage is supported by the Interior Department, the National Parks and Conservation Association, the MPAA and commercial still photographers.

It is indeed rare when a measure is endorsed by those who will be paying its fees. Its passage is one of Fish and Wildlife Service's top four legislative priorities.

In conclusion, this bill presents a win/win situation. We want people to film in our national parks. After all, many people were probably first exposed to our public lands through the classic westerns of John Ford, which were filmed on public lands near Moab, Utah.

At the same time, we do not want our public lands turned into sound stages. If permitting filming allows us to recoup its costs and to deal with some of the other needs of our land manage-

ment agencies, then that is a desired result.

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H.R. 154 strikes the proper balance between use and preservation. It is the right thing to do. I urge its passage.

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

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

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 154, as passed by the House in April 1999, provided for the collection of fees for the making of motion pictures, television production, sound tracks, and still photography on lands within the administrative jurisdiction of the Department of Interior.

The Senate subsequently took up the legislation in November of last year and has returned the bill to the House with an amendment in the nature of a substitute. The Senate amendment makes numerous changes to the House bill. While a number of these changes are minor and technical in nature, others were substantive, and there was little or no legislative history developed to determine the basis for the Senate changes.

The most substantive change involves adding the Forest Service to the legislation. As the Forest Service testified in the Senate, the agency already has the authority to collect film fees and, in fact, does collect such fees. Concerns have been raised that the Senate language may be inconsistent with the existing Forest Service regulations. It should be noted that the language of H.R. 154 is intended to be supplemental to the existing authorities that the Forest Service and other agencies possess to regulate commercial filming and photography.

In fact, all of the Federal agencies covered by H.R. 154 do have regulations on this matter. The purpose of H.R. 154 is to close a loophole that has prevented the National Park Service and Fish and Wildlife Service from charging fees for the use of public land for commercial filming and photography purposes and to allow all of the land management agencies to retain and expend such fees for authorized purposes.

As supplemental authority, we do not believe it is necessary for the agencies to issue all new regulations since such regulations are already on the books. This is especially important with regard to fees. New regulations could delay the collection and distribution of fees for a significant period of time, thus delaying the underlying purpose of this bill. Rather, the agencies should publish a schedule of such fees if they have not previously done so, allowing appropriate public review and comment before implementation.

We have been assured that the other changes made by the Senate can also be addressed through the existing regulatory authorities that the agencies

possess. We expect those agencies to use their regulatory authority to address such matters as bonding insurance and enforcement.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for commercial filming and photography. With the understanding that the concerns raised today can be dealt with by the agencies involved, we will not object to the passage of H.R. 154, as amended.

I congratulate the gentleman from Colorado (Mr. HEFLEY) for this measure.

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

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

Mr. Speaker, I would like to express my appreciation to the gentleman from Guam (Mr. UNDERWOOD), to the minority and the majority and our committee, the Committee on Resources, for their help on this legislation. It has taken a lot longer than it should have. I think it will be very meaningful.

We are happy to try to work to encourage, if there are any problems in implementation, to encourage that to be taken care of. But I think we are making a major step.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 154.

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

The title of the bill was amended so as to read:

"An Act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes."

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

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KAKE TRIBAL CORPORATION LAND TRANSFER ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 430) to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the

Kake Tribal Corporation, and for other purposes, as amended.

The Clerk read as follows:

S. 430

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 "Kake Tribal Corporation Land Transfer Act".

SEC. 2. DECLARATION OF PURPOSE.

The purpose of this Act is to authorize the reallocation of lands and selection rights between the State of Alaska, Kake Tribal Corporation, and the City of Kake, Alaska, in order to provide for the protection and management of the municipal watershed.

SEC. 3. AMENDMENT OF ALASKA NATIVE CLAIMS SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 note) is amended by adding at the end the following new section:

"KAKE TRIBAL CORPORATION LAND TRANSFER

"SEC. 42. (a) IN GENERAL.—If—

"(1) the State of Alaska relinquishes its selection rights under the Alaska Statehood Act (Public Law 85-508) to lands described in subsection (c)(2) of this section; and

"(2) Kake Tribal Corporation and Sealaska Corporation convey all right, title, and interest to lands described in subsection (c)(1) to the City of Kake, Alaska,

then the Secretary of Agriculture (hereinafter referred to as 'Secretary') shall, not later than 180 days thereafter, convey to Kake Tribal Corporation title to the surface estate in the land identified in subsection (c)(2) of this section, and convey to Sealaska Corporation title to the subsurface estate in such land.

"(b) EFFECT ON SELECTION TOTALS.—(1) Of the lands to which the State of Alaska relinquishes selection rights and which are conveyed to the City of Kake pursuant to subsection (a), 694.5 acres shall be charged against lands to be selected by the State of Alaska under section 6(a) of the Alaska Statehood Act and 694.5 acres against lands to be selected by the State of Alaska under section 6(b) of the Alaska Statehood Act.

"(2) The land conveyed to Kake Tribal Corporation and to Sealaska Corporation under this section is, for all purposes, considered to be land conveyed under this Act. However, the conveyance of such land to Kake Tribal Corporation shall not count against or otherwise affect the Corporation's remaining entitlement under section 16(b).

"(c) LANDS SUBJECT TO EXCHANGE.—(1) The lands to be transferred to the City of Kake under subsection (a) are the surface and subsurface estate to approximately 1,430 acres of land owned by Kake Tribal Corporation and Sealaska Corporation, and depicted as 'KTC Land to City of Kake' on the map entitled 'Kake Land Exchange-2000', dated May 2000.

"(2) The lands subject to relinquishment by the State of Alaska and to conveyance to Kake Tribal Corporation and Sealaska Corporation under subsection (a) are the surface and subsurface estate to approximately 1389 acres of Federal lands depicted as 'Jenny Creek-Land Selected by the State of Alaska to KTC' on the map entitled 'Kake Land Exchange-2000', dated May 2000.

"(3) In addition to the transfers authorized under subsection (a), the Secretary may acquire from Sealaska Corporation the subsurface estate to approximately 1,127 acres of land depicted as 'KTC Land-Conservation Easement to SEAL Trust' on the map entitled 'Kake Land Exchange-2000', dated May 2000, through a land exchange for the subsurface estate to approximately 1,168 acres of Federal land in southeast Alaska that is

under the administrative jurisdiction of the Secretary. Any exchange under this paragraph shall be subject to the mutual consent of the United States Forest Service and Sealaska Corporation.

"(d) WITHDRAWAL.—Subject to valid existing rights, the lands described in subsection (c)(2) are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States and from leasing under the mineral and geothermal leasing laws. This withdrawal expires 18 months after the effective date of this section.

"(e) MAPS.—The maps referred to in this Act shall be maintained on file in the Office of the Chief, United States Forest Service, the Office of the Secretary of the Interior, and the Office of the Petersburg Ranger District, Alaska.

"(f) WATERSHED MANAGEMENT.—The United States Forest Service may cooperate with Kake Tribal Corporation and the City of Kake in developing a watershed management plan that provides for the protection of the watershed in the public interest. Grants may be made, and contracts and cooperative agreements may be entered into, to the extent necessary to assist the City of Kake and Kake Tribal Corporation in the preparation and implementation of a watershed management plan for the land within the City of Kake's municipal watershed.

"(g) EFFECTIVE DATE.—This section is effective upon the execution of one or more conservation easements that, subject to valid existing rights of third parties—

"(1) encumber all lands depicted as 'KTC Land to City of Kake' and 'KTC Land-Conservation Easement to SEAL Trust' on a map entitled 'Kake Land Exchange-2000' dated May 2000;

"(2) provide for the relinquishment by Kake Tribal Corporation of the Corporation's development rights on lands described in paragraph (1); and

"(3) provide for perpetual protection and management of lands depicted as 'KTC Land to City of Kake' and 'KTC Land-Conservation Easement to SEAL Trust' on the map described in paragraph (1) as—

"(A) a watershed;

"(B) a municipal drinking water source in accordance with the laws of the State of Alaska;

"(C) a source of fresh water for the Gunnuk Creek Hatchery; and

"(D) habitat for black bear, deer, birds, and other wildlife.

"(h) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as may be necessary to carry out this Act, including to compensate Kake Tribal Corporation for relinquishing its development rights pursuant to subsection (g)(2) and to provide assistance to Kake Tribal Corporation to meet the requirements of subsection (h). No funds authorized under this section may be paid to Kake Tribal Corporation unless Kake Tribal Corporation is a party to the conservation easements described in subsection (g)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.