

thick describing instances in almost every State where some exotic pet escaped and was roaming around a suburban neighborhood. There are also more disturbing articles about well-intentioned pet owners who have run out of money because the feeding of a 200-pound tiger is very expensive. Then there are the cases where the animals, which are far from domesticated, harm their owners or others.

Owning an exotic cat is not like owning Morris the house cat. These animals are big, they cost a lot to feed, and they are one degree away from their wild instincts at any moment. The Captive Wildlife Safety Act bars the interstate sale or transportation of lions, tigers, leopards, cheetahs and cougars, or their hybrids, in an attempt to exercise some control over the burgeoning interstate commerce of these animals. The legislation would not ban all private ownership of these prohibited species; rather, it would outlaw the commerce of these animals for use as pets.

The bill is specifically aimed at the unregulated and untrained individuals who are maintaining these wild animals as exotic pets. Zoos, circuses, and sanctuaries are better equipped with both the physical and financial resources to care for these animals and are not affected by this legislation.

At a time when almost anything can be bought on the Internet, it is not surprising that the animals can all be purchased through the more than 1,000 Web sites that promote private ownership of these wild animals. The Captive Wildlife Safety Act represents an emerging consensus on the need for comprehensive Federal legislation to regulate what type of animals can be kept as pets.

We simply have got to understand that we have got to do this both for the safety of our neighborhoods which now has occurred both in suburban areas and rural areas and even now in urban areas with the captive keeping of these animals. We have got to do it for the safety of the neighborhoods, and we have got to do it for the welfare of these animals. We cannot let the care of these animals, the welfare of these animals be kept in a haphazard fashion based upon the whims of an individual at any given time simply to grab the ownership of one of these animals only later to find out that they are not trained or capable in other ways to take care of these cats or financially cannot take care of them and they either turn them over to the public or they set them loose or these cats escape and cause danger in the neighborhoods. It is not fair to the animals, and it is certainly not in the best interest of our communities. I would hope that we would be able to pass this legislation right away.

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

Mr. GILCHREST. Mr. Speaker, I yield myself the balance of my time.

I just want to make a closing comment. I would like to thank the gen-

tleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) for their effort to stay steadfast with this legislation to get it passed. I want to thank the gentleman from New Jersey (Mr. PALLONE) for assisting us in this. I also want to thank the committee staff on both sides of the aisle for their knowledge and information and help with the passing of this bill. I urge my colleagues to vote "aye."

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1006, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ESTABLISHING REQUIREMENTS FOR AWARD OF CONCESSIONS IN NATIONAL WILDLIFE REFUGE SYSTEM

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1204) to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LEASES, PERMITS, AND CONTRACTS FOR BUILDINGS, FACILITIES, AND PROPERTIES IN THE NATIONAL WILDLIFE REFUGE SYSTEM.

(a) IN GENERAL.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is amended by—

(1) striking section 6 (relating to amendments to other laws, which have executed);

(2) redesignating section 5 (16 U.S.C. 668ee) as section 6; and

(3) inserting after section 4 the following:

#### "SEC. 5. CONCESSION CONTRACTS.

"(a) CONTRACT REQUIREMENT.—(1) The Secretary shall not authorize a person to use any land or water in the System for any activity described in subsection (b), except under a contract that complies with the requirements established under subsection (c).

"(2) The Secretary may not award a contract required under this subsection except under a competitive bidding process.

"(3) This subsection does not apply with respect to any administrative site, visitors

facility, or revenue producing visitor service mandated or authorized pursuant to section 1306 or 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3196, 3197).

"(b) COVERED CONCESSION ACTIVITIES.—(1) The activity referred to in subsection (a) is any commercial activity conducted to provide accommodations, facilities, or services to members of the public who are visiting lands or waters in the System, for the purpose of providing such visitors recreational, educational, or interpretive enjoyment of lands or waters in the System.

"(2) Such activity does not include—

"(A) any activity carried out under a procurement contract, grant agreement, memorandum of understanding, or cooperative agreements;

"(B) the performance of volunteer services;

"(C) any activity by a governmental entity;

"(D) the operation of a bookstore in a refuge facility by a national wildlife refuge Friends organization; and

"(E) the performance of any guide or outfitter services authorized by any permit or other authorization issued by the Secretary, including services related to fishing, hunting, boating, sightseeing, hiking, or camping, except that this subparagraph does not include the construction, maintenance, or occupancy of significant structures or facilities.

"(c) STANDARDIZED CONTRACT.—(1) The Secretary, acting through the Director, shall issue regulations that implement this section.

"(2) Regulations under this subsection shall authorize a contract to use a provision other than those specified, by the Secretary as part of a standardized contract only if—

"(A) the provision addresses extenuating circumstances that are specific to a refuge or the contract; and

"(B) the provision is approved by the Secretary in writing.

"(3) The Secretary shall require in each contract provisions that require that any activity conducted in the System under the contract—

"(A) must be a compatible use; and

"(B) must be designed to—

"(i) conserve the natural and cultural resources of the System;

"(ii) facilitate the enjoyment of the lands and waters of the System by visitors to the System; and

"(iii) enhance such visitors' knowledge of the natural resources of the System.

"(d) MAINTENANCE AND REPAIR.—(1) Notwithstanding any other provision of law, the Secretary shall include, in each contract that authorizes a person to use any land or water in the System for any activity described in subsection (b), provisions that—

"(A) authorize the person to maintain or repair any improvement on or in such land or water that the person is authorized to use for such activity; and

"(B) treat costs incurred by the person for such maintenance or repair as consideration otherwise required to be paid to the United States for such use.

"(2) This subsection does not authorize any maintenance or repair that is not directly related to an activity described in subsection (b) that is authorized by the contract.

"(3) The United States shall retain title to all real property that is maintained or repaired under this subsection.

"(e) NO COMPENSABLE INTEREST.—Nothing in this Act shall be considered to convey to any person any right to compensation for—

"(1) the value of any maintenance activities, repairs, construction, or improvements on or in land or water in the System; or

"(2) buildings, facilities, fixtures, and nonmovable equipment that the person is authorized to use under this Act.

“(f) EXPENDITURE OF FEES AND OTHER PAYMENTS.—(1) Amounts received by the United States as fees or other payments required under any agreement, lease, permit, or contract for use of real property located in an area in the System, other than lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) shall be available to the Secretary for expenditure in accordance with this subsection, without further appropriation.

“(2) Amounts available for expenditure under this subsection may only be used—

“(A) at the refuge or refuge complex with respect to which the amounts were received as fees or other payments;

“(B) to increase the quality of the visitor experience; and

“(C) for purposes of—

“(i) backlogged repair and maintenance projects (including projects relating to health and safety);

“(ii) interpretation, signage, habitat, or facility enhancement; or

“(iii) administration of agreements, leases, permits, and contracts from which such amounts are derived.

“(3) Paragraph (1) shall not affect the application of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), commonly referred to as the Refuge Revenue Sharing Act, to amounts referred to in paragraph (1) that are not expended by the Secretary under paragraph (1).”

(b) APPLICATION.—Section 5(a) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, shall apply only with respect to a concession that is—

(1) first awarded after the date of the publication of regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section; or

(2) renewed after the end of the 3-year period beginning on the date of the enactment of this Act.

(c) DEADLINE FOR REGULATIONS ESTABLISHING PROGRAM REQUIREMENTS.—The Secretary of the Interior shall issue regulations under section 5(c) of the National Wildlife Refuge System Administration Act of 1966, as amended by this section, by not later than 18 months after the date of the enactment of this Act.

(d) COMPREHENSIVE CONSERVATION PLAN REQUIREMENT.—Section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

“(5) The Secretary shall include, in the comprehensive conservation plan for each refuge under this subsection, a description of the activities that may be conducted in the refuge, and the lands, waters, and facilities of the refuge that may be used, under concession contracts awarded under section 5(a).”

(e) PRIOR AMENDMENTS NOT AFFECTED.—Nothing in this section shall be construed to affect any amendment made by section 6 of the National Wildlife Refuge System Administration Act of 1966, as in effect before the enactment of this Act, or any provision of law amended by such section.

## SEC. 2. ANNUAL REPORT ON NATIONAL WILDLIFE REFUGE CONCESSIONS.

(a) REPORTING REQUIREMENT.—The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) is further amended by amending section 7 (relating to amendments to another law, which have executed) to read as follows:

### “SEC. 7. ANNUAL REPORT ON CONCESSION ACTIVITIES IN THE SYSTEM.

“(a) IN GENERAL.—The Secretary shall submit by December 31 each year, to the Com-

mittee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report on concessions activities conducted in the System.

“(b) CONTENTS.—Each report under this section shall describe the following with respect to the period covered by the report:

“(1) The number of refuge units in which concessions activities were conducted.

“(2) The names and descriptions of services offered in the System by each concessionaire.

“(3) A listing of the different types of legal arrangements under which concessionaires operated in the System, including contracts, memoranda of understanding, permits, letters of agreement, and other arrangements.

“(4) Amounts of fees or other payments received by the United States with respect to such activities from each concessionaire, and the portion of such funds expended for purposes under this Act.

“(5) An accounting of the amount of monies deposited into the fund established by section 401 of the Act of June 15, 1935 (chapter 261; 16 U.S.C. 715s), popularly known as the refuge revenue sharing fund, and of the balance remaining in the fund at the end of the reporting period.

“(6) A listing of all concession contracts and other arrangements that were terminated or not renewed within the reporting period.

“(7) A summary of all improvements in visitor services in the System that were completed by concessionaires and volunteers during the reporting period.

“(8) A summary of all backlogged repair and maintenance, facility enhancement, and resource preservation projects completed by concessionaires and volunteers during the reporting period.”

(b) DEADLINE FOR FIRST REPORT.—The Secretary of the Interior shall submit the first report under the amendment made by subsection (a) by not later than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

#### GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

My bill, H.R. 1204, would reform the concessions process within the National Wildlife Refuge System. Under current law, U.S. Fish and Wildlife Service structures such as restrooms, boat docks and other buildings have fallen into disrepair because the service does not have the resources necessary to adequately maintain its facilities.

Over the past three Congresses, over 5 years, I have worked with the Fish and Wildlife Service, wildlife refuge managers, and outside groups to write a bill that helps the Fish and Wildlife

Service to address this problem. H.R. 1204 is historic legislation that establishes a consistent maintenance policy for facilities that are leased by concessionaires in National Wildlife Refuge System areas. This bill would allow the Fish and Wildlife Service to credit a concessionaire for any fees they pay in the future. This money would be retained at the local refuge and used to build, maintain and repair structural problems, to restore habitat, and to protect refuge resources. Furthermore, in an effort to address the concerns of groups such as guides and outfitters that use wildlife refuges but do not maintain significant structures, I have added provisions to the bill that exempt these groups from the new policy.

During the 107th Congress, this legislation passed the House by voice vote. There is no reason why it should not pass the House again in the same way. I want to thank the gentleman from California (Mr. POMBO), chairman of the full committee, and the gentleman from Maryland (Mr. GILCREST), chairman of the subcommittee, for again moving this bill forward. I also want to personally thank Lou Hinds, who, while he was wildlife refuge manager of the Ding Darling National Wildlife Refuge on Sanibel Island, I visited with him and his kind encouraging me, helping me understand the problems, led to the drafting of this bill. Without his advice, we would not be at this historic point where we may finally have a concessions policy for the Fish and Wildlife Service.

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

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

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

Mr. PALLONE. Mr. Speaker, as stated by the previous speaker, the overall purpose of this valuable legislation is to improve visitor services within our National Wildlife Refuge System. Annual public visitation to the refuge system is expected soon to surpass 40 million people. It is critical that we address the growing public use of refuge lands by ensuring that our refuges have facilities that are safe, well maintained, and inviting to the visiting public. But we should not forget that our refuge lands are set aside by statute exclusively for the benefit of fish and wildlife.

I want to compliment the bill's sponsor, the gentleman from Indiana (Mr. SOUDER), and the gentleman from Maryland (Mr. GILCREST), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, for their respectful consultation throughout the process. I commend them for a final product that strikes an appropriate balance between public use and resource protection.

The bill before the House will finally provide a comprehensive concession policy for our national wildlife refuges

that will not detract from the "wildlife first" mission of the system and which will provide new standards and incentives for concessionaires to enhance the visitor's experience.

I would also note that while the legislation grants an exemption from these contract requirements to all permitted outfitters and guides operating on refuge lands and waters, these operators will still be required to secure a Federal permit to access refuge lands. I am hopeful that the Fish and Wildlife Service will be able to clarify through its rulemaking process precisely what types of operations and what kinds of structures will be permissible for guides and outfitters to qualify for the exemption.

Mr. Speaker, I include for the RECORD a November 17, 2003 letter from Mr. Steve Williams, director of the Fish and Wildlife Service. The letter addresses the director's concerns regarding some details of the exemption for permitted guides and outfitters included in this legislation.

U.S. DEPARTMENT OF THE INTERIOR,  
FISH AND WILDLIFE SERVICE,  
Washington, DC.

Hon. RICHARD POMBO,  
U.S. House of Representatives,  
Washington, DC.

DEAR CHAIRMAN POMBO: The U.S. Fish and Wildlife Service (Service) would like to provide comments on H.R. 1204, which would establish a National Wildlife Refuge System concessions policy. Although the Service supports this legislation as reported by the Committee on September 24, 2003, and testified to that effect at a June 26, 2003, hearing before the Resources Subcommittee on Fisheries Conservation, Oceans and Wildlife, we have serious concerns with the amended legislation that will be brought to the House floor.

Generally, H.R. 1204 would amend the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) to authorize the Secretary of Interior to provide for maintenance and repair of buildings and properties located on lands in the Refuge System. We support the goals of this legislation; however, we have strong concerns about the overly broad exemption given to outfitters and guides in the amended version of H.R. 1204 that will be brought to the floor. The new language under Section 5(b)(2)(E) could jeopardize the Service's goal of a consistent policy for management of recreational activities on National Wildlife Refuges.

The Service supports the goals of H.R. 1204 and looks forward to working with Congress to develop a workable concessions policy for the National Wildlife Refuge System. As the NWRS celebrates its Centennial anniversary this year, the Fish and Wildlife Service is working hard to ensure that visitors find National Wildlife Refugees welcoming, safe, and accessible, with a variety of opportunities to enjoy and appreciate America's fish, wildlife, and plants. Providing quality wildlife-dependent recreational opportunities is part of the Fish and Wildlife Service's vision for the NWRS, and concession operations can provide the visiting public with a means to access and interpret our refuges.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

STEVE WILLIAMS,  
Director.

In closing, Mr. Speaker, this is good legislation. I urge its adoption on a bipartisan basis by the House.

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

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

I share the gentleman from New Jersey's concerns about the permitting process with guides and outfitters. I think we have reached a compromise that will enable this bill to move forward, but I do trust that the Fish and Wildlife Service will do further clarification and work with this process.

Mr. POMBO. Mr. Speaker, this legislation establishes for the first time a comprehensive concession policy for our National Wildlife Refuge System.

Unlike our National Park System, There is no standardized refuge concession contract, concessionaires are statutorily prohibited from repairing the federal facilities they lease and consequently there are only a handful of refuges that offer concession services to the visiting public. In fact, there are only seven refuges where concessionaires have a signed contract with the U.S. Fish and Wildlife Service. These concessionaires offer a variety of services including canoe rentals, interpretive tours and tour boat operators.

H.R. 1204 is a long overdue and important measure. It will authorize the establishment of a standardized refuge contract for all commercial concessionaires, it will allow a concessionaire to use some of their franchise fees to maintain or repair leased property and it allows the service to keep these franchise fees onsite to be spent on a specific list of items designed to improve the quality of the visitors experience. The legislation exempts bookstores operated by refuge friends groups from the contract requirements.

In addition, the bill is not intended to include activities by guides and outfitters. These operators traditionally bring their clients onto refuge units to engage in activities such as fishing and hunting and depart when the activity is completed. Guides and outfitters do not occupy, operate or maintain within the units significant facilities or structures such as marinas, boathouses, dwellings or visitor centers. Operators authorized to operate and use such facilities and structures are covered by this measure. It is important to note that we do not consider minor "structures" such as duck blinds, tent platforms, game racks, food caches, and hitching rails to be structures or facilities for the purpose of this act.

The fundamental goal of this legislation is to improve the quality of the experience for the 38 million people who visit a refuge each year. H.R. 1204 will accomplish this goal and it will hopefully serve as a incentive for other concessionaires to offer services to refuges throughout this country.

I compliment the gentleman from Indiana, Congressman MARK SOUDER, for introducing this legislation and for his tireless leadership in promoting this innovative idea.

I urge an "aye" vote on H.R. 1204.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the

rules and pass the bill, H.R. 1204, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ESTABLISHING NATIONAL AVIATION HERITAGE AREA

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 280) to establish the National Aviation Heritage Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 280

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—NATIONAL AVIATION HERITAGE AREA

##### SEC. 101. SHORT TITLE.

This title may be cited as the "National Aviation Heritage Area Act".

##### SEC. 102. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on