

**Calendar No. 635**105<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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**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*]

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**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          *anical 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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105<sup>TH</sup> CONGRESS  
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tions in units of the National Park System under  
a sales agreement between the Secretary of the  
Interior and a private contractor.

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SEPTEMBER 25, 1998

Reported with an amendment