

106TH CONGRESS
1ST SESSION

H. R. 3241

To direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 1999

Mr. SANFORD introduced the following bill; which was referred to the
Committee on Resources

A BILL

To direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina, 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. RECALCULATION OF FEES; ARBITRATION.**

4 (a) IN GENERAL.—Not later than 30 days after the
5 date of the enactment of this Act, the Secretary of the
6 Interior shall recalculate the franchise fee allegedly owed
7 by Fort Sumter Tours, Inc., a concessioner providing serv-
8 ice to Fort Sumter National Monument in South Carolina.

1 (b) ARBITRATION.—

2 (1) IN GENERAL.—If the recalculation con-
3 ducted pursuant to subsection (a) is not acceptable
4 to Fort Sumter Tours, Inc., the amount of the fran-
5 chise fee owed shall be determined through binding
6 arbitration as required by section 407 of the Na-
7 tional Parks Omnibus Management Act of 1998
8 (P.L. 105–391; 112 Stat. 3511). Such binding arbi-
9 tration shall commence not later than 30 days after
10 notification by Fort Sumter Tours, Inc. to the Sec-
11 retary that the recalculation is unacceptable.

12 (2) DEADLINE FOR DECISION.—The binding ar-
13 bitration referred to in paragraph (1) shall be com-
14 pleted and a decision rendered not later than 240
15 days after its commencement.

16 (3) SELECTION OF ARBITRATORS.—

17 (A) AGREEMENT ON ARBITRATOR.—An ar-
18 bitrator under this section shall be mutually
19 agreed upon by the Secretary and Fort Sumter
20 Tours, Inc.

21 (B) PANEL.—If either the Secretary or
22 Fort Sumter Tours, Inc. declares that the par-
23 ties are unable to agree upon an arbitrator,
24 then, not later than 30 days after the com-
25 mencement of the arbitration, the Secretary

1 and Fort Sumter Tours, Inc. shall each select
2 an arbitrator. Not later than 10 days after the
3 second arbitrator is chosen under the previous
4 sentence, the 2 arbitrators chosen under that
5 sentence shall select a third arbitrator and the
6 3 arbitrators shall preside over the arbitration.

7 (4) APPLICABLE LAW.—The laws applicable to
8 arbitration under this subsection shall be the laws
9 applicable to franchise fee determinations in effect
10 at the beginning of the period for which the fran-
11 chise fees would be payable. Previous decisions re-
12 garding the franchise fee dispute which is the sub-
13 ject of the arbitration may not be introduced into
14 evidence or considered by the arbitrators for any
15 purpose.

16 (5) FEES AND COSTS.—The arbitrator(s) shall
17 award Fort Sumter Tours, Inc. reasonable attor-
18 ney’s fees and costs for all proceedings involving the
19 disputed franchise fee consistent with section 504 of
20 title 5, United States Code, and section 2412 of title
21 28, United States Code.

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