

H.R. 2223, H.R. 2993, AND H.R. 1728

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC
LANDS

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

ON

H.R. 2223

THE EDUCATION LAND GRANT ACT

H.R. 2993

**TO PROVIDE FOR THE COLLECTION OF COMMERCIAL
FILMING FEES ON NATIONAL PARK SYSTEM AND
NATIONAL WILDLIFE REFUGE SYSTEM UNITS**

H.R. 1728

**THE NATIONAL PARK SERVICE ADMINISTRATIVE
AMENDMENT OF 1997**

FEBRUARY 24, 1998, WASHINGTON, DC

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H.R. 2993, TO PROVIDE FOR THE COLLECTION
OF COMMERCIAL FILMING FEES ON NA-
TIONAL PARK SYSTEM AND NATIONAL
WILDLIFE REFUGE SYSTEM UNITS
H.R. 1728, THE NATIONAL PARK SERVICE
ADMINISTRATIVE AMENDMENT OF 1997**

TUESDAY, FEBRUARY 24, 1998

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NA-
TIONAL PARKS, AND PUBLIC LANDS, COMMITTEE ON RE-
SOURCEs, *Washington, DC.*

The Subcommittee met, pursuant to notice, at 10:01 a.m., in room 1324, Longworth House Office Building, Hon. James V. Hansen (chairman of the Subcommittee) presiding.

**STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF UTAH**

Mr. HANSEN. [presiding] We welcome all of you here. We're honored to have the Honorable J.D. Hayworth with us, past member of the Committee who defected to go to greener pastures or——

Mr. HAYWORTH. Well, I don't know about that, Mr. Chairman.

Mr. HANSEN. Let me and Mr. Hefley make an opening comment. We'll come right to you, if we may.

The Subcommittee on National Parks and Public Lands is now convened.

This morning we'll hear testimony on three bills: H.R. 2223, The Education Land Grant Act; H.R. 2993, to provide for the collection of commercial filming fees on National Park System and National Wildlife Refuge System Units; and H.R. 1728, The National Park Service Administrative Amendment of 1997.

The first bill is H.R. 2223, introduced by Mr. Hayworth of Arizona, which would amend the Recreation and Public Purposes Act, RPPA, which covers Bureau of Land Management public domain lands, to include Forest Service lands, and would provide for an expedited review of RPPA application from local education agencies by the Federal Government.

I commend Mr. Hayworth for introducing this bill. As it stands now, any time we want to convey National Forest land to a community for a school, we have to come in here and push a bill all the way through Congress. H.R. 2223 would give the Forest Service the statutory authority to make these decisions administratively, to ad-

dress such important issues as this one is to provide land for the purpose of educating our children.

The second bill is H.R. 2993, sponsored by Mr. Hefley of Colorado. This bill addresses a very unusual situation at the Department of Interior where the National Park Service and the U.S. Fish and Wildlife Service are prohibited from collecting location fees from the motion picture, television, and commercial advertising enterprises in this country, who use the scenic vistas of the national park system and the National Wildlife Refuge System for the backdrop of some very well-known films.

For instance, who could forget that "Close Encounters of the Third Kind" used Devil's Tower National Monument in Wyoming. Or who would recognize that Arches National Park in Utah was used for scenes in "Indiana Jones and the Last Crusade" and "City Slicker II"? Or that Zion National Park in Utah was the backdrop for scenes from "Butch Cassidy and the Sundance Kid" and "Romancing the Stone"?

The motion picture, television, and the advertising industries have filmed thousands of productions involving the National Park System, National Wildlife Refuge System, National Forest System, and the public domain managed by the Bureau of Land Management. The commercial film industries work with the Bureau of Land Management under a complicated special use permitting system and with the Forest Service on a recently developed comprehensive fee schedule program.

This Subcommittee, with the leadership of Mr. Hefley, is interested in removing the restrictions that the National Park Service and the Fish and Wildlife Service have on collecting a reasonable, understandable fee for commercial filming at these unique locations. The Subcommittee has no intent to charge any unreasonable fees, or to prohibit filming at these interesting locations. The Subcommittee feels that at a time where recreational fees are being charged to the American taxpayer to help resolve the backlog of infrastructure, maintenance, and operational costs at units managed by these land management agencies, it is a very appropriate time to correct this administrative prohibition against collecting commercial filming fees.

As we hear testimony today, I will look forward to working with Mr. Hefley, the administration, the commercial film industry, and other interested parties to craft a uniform policy for filming on these vast public lands that will benefit the land management agencies and the enjoyment of the American public.

Finally, we will hear testimony on H.R. 1728, the National Park Administrative Amendment of 1997, also sponsored by our colleague Mr. Hefley. This bill has a rather interesting past within this Subcommittee and the Congress, to say the least. H.R. 1728 consists only of Title II of H.R. 260, which was reported from the Committee in the 1st session of the 104th Congress. It should be noted that the intent of this bill is as sound today as it was in 1995. And I hope my colleague from Colorado will—the two of us can look forward to no one trying to politicize this bill or make fictitious statements about it that have a tendency to come out from time to time, as did in the last session of Congress. There was no park closing bill, ever.

This bill will require that the Secretary of the Interior submit to the Congress on an annual basis, as part of the budget justification process, a priority list of recommendations for additions to the National Park System. This bill shall be developed utilizing specific study criteria that will assure that units recommended for Congressional authorization are of national significance. This process will assist the National Park Service in not inappropriately recommending expansion of the existing 376 unit system, and will assist the Congress in authorizing only important and nationally significant additions to the National Park System. I think maybe we ought to put monuments in that, Mr. Hefley.

This is especially timely legislation as the Congress is attempting to address the backlog of maintenance and operational needs of existing units of the National Park System. I want to thank Mr. Hefley for engaging in this issue once again because of its importance to the National Park System.

I would now recognize my distinguished colleague, Mr. Faleomavaega, of American Samoa, the Ranking Member, but he isn't here, so I'll turn to Mr. Hefley of Colorado.

**STATEMENT OF HON. JOEL HEFLEY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF COLORADO**

Mr. HEFLEY. Thank you, Mr. Chairman. And I am pleased that we've been able to schedule hearings today on these three bills, particularly the two that I am particularly concerned about that are designed to improve the National Park Service, both today and in the future. And I want to thank you, Mr. Chairman, for your rather courageous leadership in trying to—in working with me to try to improve the park system. And it's not always been interpreted correctly, as we've struggled shoulder to shoulder on this issue, and you've mentioned that. But I think we have a history of trying to work in the direction of having the greatest park system in the world.

The first National Park Service Administrative Amendments of 1997 would require that future additions to the park system be the result of a logical process, not just legislative clout, which has kind of been the historic way of going about it here.

H.R. 1728 would require that additions be the result of National Park Service recommendations arising out of a theme study and study of alternatives. It would require that any additions be authorized before any spending on that recommendation is appropriated. It would establish a central planning office in Washington to direct such studies, and would require Interior to submit a list of top priorities for new units each year as part of its budget submittal and continue submitting those proposals until they either accept it or reject it.

If H.R. 1728 looks familiar to some people, it's because it does comprise Title II of the National Park Service Reform Act, which was misrepresented in the last Congress as the park closing bill. You made the point: there was no park closing bill. But it was politically expedient for some people to characterize it as that at that time. But I think that time has passed now, and I think we can get on to the business of trying to improve the park system.

Amid all the rhetoric over that bill, there was agreement on a prospective, forward-looking bill which would ensure additional units were legitimate ones. This is that prospective bill.

The second bill, H.R. 2993, would allow units of the National Park Service and the Fish and Wildlife Service to collect fees for commercial filming at their units. This bill is the result of grass-roots interest. Last fall, a lady from Englewood, Colorado, asked my office why Hollywood directors could film in our parks for free. We checked into it and found out that the law prohibited the Park Service from collecting fees, and that everyone felt pretty bad about that fact. In November, the Washington Post published an article on this, and let me just share with you briefly here. In Arches National Park, "Indiana Jones and the Last Crusade," you mentioned was partially filmed there. That film grossed domestically \$197 million. Blue Ridge Parkway—"The Fugitive," \$184 million. Devil's Tower National Monument—"Close Encounters of the Third Kind," \$166 million. Grand Teton National Park—"Rocky IV," \$128 million. National Capital Region here, of course, is always a setting for some film or other, it seems like. "Forest Gump," \$330 million. "The Firm," \$158 million, and on and on down the line. So we're talking about enterprises that make a lot of money. We don't want them to not film in our parks. I think that's great that they film in our parks, but there ought to be a way to collect a fair fee on that.

A lot's been said lately about the number of popular films that have been made on public land, and John Ford, for instance, who can forget the monumental films, the Westerns, made in your neck of the woods, near Moab, Utah, Mr. Chairman. The Forest Service recently adopted a detailed policy and fee schedule on commercial filming. BLM works within its special use permit program, but the Park, and Fish and Wildlife Services are prohibited from collecting fees, and they're prohibited by law. And I don't know quite how that came about, but it is in the law. No one knows when or why this happened. Interior officials, preparing to brief Secretary Babbitt on this issue, could find really no legislative history.

What I hope we can get out of today's hearing is legislation that would restore some equity to the public land agencies. Absent a fee program, the National Park Service, and Fish and Wildlife, must eat the cost of overseeing commercial filming. This limits their ability to protect their units, ignores the source of maintenance revenue; and it discourages the use of these units for filming.

I hope we'll come up with legislation which will balance entrepreneurship and good stewardship. I think everyone benefits from filming on public lands. At the same time, we don't want to turn these units into sound stages, so some kind of a balance needs to be struck. And with that, I'll close, Mr. Chairman. And I look forward to the hearing and the testimony of the witnesses.

Mr. HANSEN. Thank you, Mr. Hefley.

I'm embarrassed that you people have to stand up. No one is going to use this lower tier. If you're so desirous, please come and use it. You're free to sit on this lower tier if you'd like to. If you prefer standing, by all means, stand.

[Laughter.]

Mr. HANSEN. But whenever you'd like, you're happy to use this.

The gentleman from Tennessee, Mr. Duncan, has joined us.

STATEMENT OF HON. JOHN J. DUNCAN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. DUNCAN. Mr. Chairman, thank you very much. I have no formal opening statement, but I am a co-sponsor of Congressman Hefley's bill. And I support his statement, which he just completed in that regard, and I thank you very much.

Mr. HANSEN. We're always pleased to have our colleague from Arizona with us, Mr. Hayworth. J.D., we'll turn the time to you, sir.

STATEMENT OF HON. J. D. HAYWORTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. HAYWORTH. Thank you, Mr. Chairman.

Mr. Chairman, members of the Subcommittee, and distinguished guests, thank you for allowing me to testify in support of H.R. 2223, what my staff has taken to calling the Hayworth Education Land Grant Act, or HELGA. It is indeed a great honor to be before the Committee on which I was very proud to serve during the 104th Congress.

The idea for HELGA came from legislation I introduced in the last Congress that became public law. That bill, H.R. 3547, conveyed 30 acres of U.S. Forest Service land in Apache County, Arizona, to the Alpine Elementary School District for the purpose of building new school facilities. HELGA seeks to set up a mechanism that would allow for similar conveyances of federally controlled land to local school districts nationwide.

In President Clinton's last two State of the Union messages, he advocated spending \$5 billion on new school construction. While I have serious reservations about the President's plan because of constitutional concerns, HELGA offers a way to help rural school districts with construction, at little or no cost to the Federal Government. If the administration is sincere in its efforts to help local communities build new schools, it should endorse this proposal wholeheartedly.

HELGA would amend the Recreation and Public Purposes Act, Title 43, Section 869 of the U.S. Code, to authorize conveyances of small parcels of Federal land to public school districts. Currently, Title 434, Section 869 only allows conveyances of BLM land for certain purposes.

HELGA would add Forest Service land to this equation by specifically permitting conveyances of Forest Service land to elementary and secondary schools, including charter schools, for educational purposes. If at some point the land was used for non-public purposes, ownership of the land would revert back to the Federal Government.

The size of any transfer would be limited to 640 acres, which is the same limitation in Title 43, Section 869 for BLM lands. Land in the National Park System, National Wildlife Refuge System, National Wilderness Preservation System, National Wild and Scenic Rivers System, National Trails System, National Recreation Areas, and any specially designated lands are strictly prohibited from

being subject to applications for conveyances. In other words, HELGA would not affect Federal lands of national significance.

Finally, the Secretary of the Interior, in the case of the BLM, and the Secretary of Agriculture, in the case of the Forest Service, must respond to applications for land by school districts within 60 days. If this deadline is not met, the agency must report to the Congress.

As you know, Mr. Chairman, private land in the West is very valuable. And, while most federally controlled land is located in the West, westerners face another problem: rapidly growing populations. In fact, Arizona, Utah, and Nevada are the three fastest growing States in the nation. With less and less private land on which to build schools and other public facilities, the West will increasingly need to find new solutions to its growth problems. HELGA is one of the ways we can alleviate some of the West's concerns and, at the same time, help our children receive the education they need and deserve.

And while the West is growing rapidly, many school districts are financially strapped for cash. For example, let me tell you about the Alpine School District's predicament. The district lies within Apache County, in the eastern part of Arizona near the New Mexico border. Some 85 percent of Apache County is federally controlled land. As a result, the school district relies heavily on proceeds from timber harvesting.

Unfortunately, due to cumbersome lawsuits, logging has been halted. Consequently, the timber receipts that had gone toward funding the schools have all but dried up. Without a conveyance, the Alpine School District could not have afforded to pay the estimated \$7,500 per acre to purchase land and, at the same time, pay for badly needed new school facilities.

The prohibitive costs for acreage and new schools make it nearly impossible for financially strapped school districts, like Alpine, to survive. However, by conveying land to the Alpine School District and saving that district \$225,000, the district could afford to build new facilities, thus reducing class sizes and concentrating money where it is most needed: on the students. That is why we need to amend the Recreation and Public Purposes Act to include land conveyances for school districts on Forest Service lands.

Now this situation isn't isolated to the Alpine School District. In a moment, you'll hear from city of Globe, Arizona, which faces similar challenges to those in Alpine. Globe is located in Gila County, which is the size of the State of Connecticut, yet only 3 percent of its land is under private control. In other words, the government controls 97 percent of the land in Gila County. Globe's population is growing, yet the schools are hamstrung by the prohibitive costs of buying acreage and paying for improved school facilities. HELGA is a simple way to help rural, economically strapped school districts to improve learning environments, thus improving learning.

Mr. Chairman, on both sides of the aisle, we have talked about the importance of education. HELGA is a commonsense proposal that we can all agree on because it will allow economically strapped school districts throughout the United States to put more money where it counts: in the classroom. This is a goal we all support, and I hope that this Subcommittee will act quickly and deci-

sively on this legislation to help our school children in rural America.

Mr. Chairman, it is said what is past is prologue. And just as another Congressman, Justin Smith Morrill of Vermont, stood before his colleagues in the last century and talked about the opportunity of Federal land grants for institutions of higher learning for industrial and agricultural and mechanical arts, so too do we have a chance to revolutionize and to improve education in rural America. It is my hope that the Subcommittee will act forcefully and forthrightly on this legislation.

I thank you, Mr. Chairman and members of the Subcommittee, for allowing me this opportunity to testify, and I'm happy to remain here and answer any questions you might have regarding HELGA. Thank you very much.

[The prepared statement of Mr. Hayworth follows:]

STATEMENT OF HON. J. D. HAYWORTH, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF ARIZONA

Mr. Chairman, members of the Subcommittee, and distinguished guests, thank you for allowing me to testify in support of H.R. 2223, what my staff has taken to calling the Hayworth Education Land Grant Act or HELGA. It is indeed a great honor to be before the Committee on which I was very proud to serve during the last Congress.

The idea for HELGA came from legislation I introduced in the 104th Congress that became public law. That bill—H.R. 3547—conveyed 30 acres of U.S. Forest Service land in Apache County, Arizona to the Alpine Elementary School District for the purpose of building new school facilities. HELGA seeks to set up a mechanism that would allow for similar conveyances of federally-controlled land to local school districts nationwide.

In President Clinton's last two State of the Union addresses, he advocated spending \$5 billion on new school construction. While I have serious reservations about the President's plan because of constitutional concerns, HELGA offers a way to help rural school districts with construction at little or no cost to the Federal Government. If the Administration is sincere in its efforts to help local communities build new schools, it should endorse this proposal unequivocally.

HELGA would amend the Recreation and Public Purposes Act—Title 43, Section 869 of the U.S. Code—to authorize conveyances of small parcels of Federal land to public school districts. Currently, Title 43, Section 869 only allows conveyances of BLM land for certain purposes.

HELGA would add Forest Service land to this equation by specifically permitting conveyances of Forest Service land to elementary and secondary schools, including charter schools, for educational purposes. If at some point the land was used for non-public purposes, ownership of the land would revert back to the Federal Government.

The size of any transfer would be limited to 640 acres, which is the same limitation in Title 43, Section 869 for BLM lands. Land in the National Park System, National Wildlife Refuge System, National Wilderness Preservation System, National Wild and Scenic Rivers System, National Trails System, National Recreation Areas, and any specially-designated lands are strictly prohibited from being subject to applications for conveyances. In other words, HELGA would not affect Federal lands of national significance.

Finally, the Secretary of the Interior, in the case of the BLM, and the Secretary of Agriculture, in the case of the Forest Service, must respond to applications for land by school districts within 60 days. If this deadline is not met, the agency must report to Congress.

As you know, Mr. Chairman, private land in the West is very valuable. And, while most federally-controlled land is located in the West, westerners also face another problem: rapidly growing populations. In fact, Arizona, Utah, and Nevada are the three fastest growing states in the nation. With less and less private land on which to build schools and other public facilities, the West will increasingly need to find new solutions to its growth problems. HELGA is one of the ways we can alleviate some of the West's concerns and, at the same time, help our children receive the education they need and deserve.

And while the West is growing rapidly, many school districts are financially-strapped for cash. For example, let me tell you about the Alpine School District's predicament. The district lies within Apache County, in the eastern part of Arizona near the New Mexico border. Some 85 percent of Apache County is federally-controlled land. As a result, the school district relies heavily on proceeds from timber harvesting.

Unfortunately, due to cumbersome lawsuits, logging has been halted. Consequently, the timber receipts that had gone toward funding the schools have all but dried up. Without a conveyance, Alpine School District could not have afforded to pay the estimated \$7,500 per acre to purchase land and, at the same time, pay for badly needed new school facilities.

The prohibitive costs for acreage *and* new schools make it nearly impossible for financially strapped school districts, like Alpine, to survive. However, by conveying land to the Alpine School District and saving the district \$225,000, the district could afford to build new facilities, thus reducing class sizes and concentrating money where it is most needed: on the students. That is why we need to amend the Recreation and Public Purposes Act to include land conveyances for school districts on Forest Service lands.

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Thanks again to you, Mr. Chairman and members of the Subcommittee, for allowing me to testify. I will remain here to answer any questions you may have regarding HELGA.

Mr. HANSEN. Thank you, Mr. Hayworth.

I'll now recognize the Ranking Member, the gentleman from American Samoa, for any opening statement he may have or questions he may have from our colleague from Arizona. Mr. Faleomavaega.

STATEMENT OF HON. ENI F. H. FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM AMERICAN SAMOA

Mr. FALEOMAVAEGA. Mr. Chairman, in the interest of time, I'd like to submit for the record my statement.

Mr. HANSEN. Without objection.

Mr. FALEOMAVAEGA. And I would like to offer my personal welcome to our good friend and former colleague of this Committee, the gentleman from Arizona, for his testimony, just noting for the record that it is my understanding that there is some serious concern by the administration of the gentleman's bill. But I would like to admonish the administration very much to work closely with the gentleman from Arizona—and certainly from members from this side of the aisle—it seems we can work out some of the differences existing. And, again, I welcome the gentleman for his fine testimony this morning.

[The prepared statement of Mr. Faleomavaega follows:]

STATEMENT OF HON. ENI E. F. FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM THE
TERRITORY OF AMERICAN SAMOA

Mr. Chairman, the bills before the Subcommittee this morning touch on several diverse issues. Two of the bills, H.R. 1728 and H.R. 2993, appear to be non-controversial and have the general support of the Administration and other interested parties.

H.R. 1728 establishes new procedures by which potential additions to the National Park System are studied. These new procedures make a lot of sense to me, and with some minor changes to the bill, I believe the Subcommittee can give the bill its unqualified support.

The second bill, H.R. 2993, is also noncontroversial. We should be charging appropriate commercial fees for the use of national parks and refuges, especially when such fees have a long-established use on public lands and national forests. The regulation prohibiting movie and television fees for parks and refuges appears to have long outlived any usefulness it may have ever had.

I understand the Administration opposes the third bill, H.R. 2223. This bill amends the Recreation and Public Purposes Act to provide for the transfer of National Forest lands to local education entities for use as elementary and secondary schools. It appears that there are several important issues associated with this proposed change, so the Subcommittee will want to look carefully at these issues.

I appreciate the presence of our witnesses today and look forward to their testimony.

Mr. HANSEN. Thank you. The gentleman from Colorado, questions for Mr. Hayworth? The gentleman from Tennessee?

Mr. DUNCAN. I have no questions. I support the legislation.

Mr. HANSEN. Thank you very much. J.D., you're welcome to join us on the stand if you're so inclined. We appreciate you coming in; we appreciate your testimony.

We'll turn to our first panel.

Our first panel is Sandra Key, Associate Deputy Chief of the U.S. Forest Service. Sandra, if you'd like to come up and tell us what you've done with Lake Mountain Road, we'd be happy to hear it. And Steve Stratton, Globe City Administrator. And, Mr. Stratton, do you want these folks who are with you to come up or what would be your preference?

Mr. STRATTON. Pardon me, Mr. Chairman.

Mr. HANSEN. You have some people that are accompanying you, the mayor and a few others.

Mr. STRATTON. Yes, I do. I'd like to introduce the mayor and vice-mayor—

Mr. HANSEN. We're always honored to have you mayor and appreciate you being with us. If you'd like join Mr. Stratton, that would be fine.

Let me tell you that Sandra Key was, at one time, the superintendent at Bryce Canyon National Park. She was the person in charge there, and then she went to Forest Service and had some forests in Wyoming. And we had a great association with Sandra when she was in charge of the park and also in Wyoming, but she has never answered me about what's she's done with Lake Mountain Road, which is a road of great importance to people in Utah and Wyoming. And under the new road closure and reasonable back country access policy, I was assuming that you would be here to respond to that, but apparently you're here to talk about Mr. Hayworth's bill, is that correct?

Ms. KEY. That's correct.

Mr. HANSEN. It's always a pleasure to have Sandra with us. She's originally from Nebraska and has been a real benefit to the

United States Forest Service and National Park Service. We'll turn to you, if we may.

Can you handle it in 5 minutes or do you want more time?

Ms. KEY. Five minutes is adequate and thank you for the welcoming comments.

Mr. HANSEN. All right if those in the panel would notice that we have a traffic light in front of you. It works just like it does when you're driving. And, only in this case, we don't give you a ticket, but if you go too long, we may cut you off. Go ahead.

STATEMENT OF SANDRA KEY, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY JAMES SNOW, CHIEF COUNSEL, U.S. DEPARTMENT OF AGRICULTURE

Ms. KEY. Mr. Chairman and members of the Subcommittee, thank you for the opportunity to be here today to present the administration's views concerning H.R. 2223, Amendments to the Recreation and Public Purposes Act to transfer National Forest Service lands to education agencies. I am accompanied today by James B. Snow, Deputy Assistant General Counsel for the Department of Agriculture.

With due respect to Representative Hayworth, the Recreation and Public Purposes Act of 1926, R&PPA, is an authority of the Secretary of Interior, administered by the Bureau of Land Management. Essentially, R&PPA makes public land available for campgrounds, schools, fire stations, parks, and other public uses. Lands can be leased or patented by the BLM to States, counties, municipalities, or to nonprofit corporations and associations, based on a pricing formula. Significantly, R&PPA does not apply to certain categories of land, including National Forest lands, the National Park System, the National Wildlife Refuge System, and other lands withdrawn for certain resource values. As we understand it, H.R. 2223 would amend R&PPA to include National Forest land within the categories of land available for disposal by the Secretary of the Interior.

While the Department of Agriculture supports the objectives of making Federal lands available in certain circumstances for public purposes, we oppose this bill.

Let me fully address our concerns with this particular bill.

First, including disposal of National Forest lands for public purposes under R&PPA is unnecessary because the Secretary of Agriculture has existing authority to accommodate public uses to permit, lease, exchange and limited disposal authority. For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, under 640 acres of land to established communities located adjacent to National Forests. In addition, the Sisk Act of 1967 provides the Secretary of Agriculture other authorities to exchange lands with States, counties, or municipal governments or public school districts for lands or a combination of lands and money. That Act is currently limited to conveyance of 800, excuse me, 80 acres of land.

In addition to the Townsite Act and the Sisk Act, the Secretary of Agriculture also has the ability to exchange National Forest lands with State and local governments. Lands of equal value may

be exchanged and if there is a disparity of values, the values may be equalized by a cash payment.

The Department's second concern is that making National Forest lands available for disposal under R&PPA would complicate decisionmaking about the disposal of National Forest land. We would do this by moving it from the local level of the Department of Agriculture to another department, and at the Cabinet-level. Decisions about appropriate uses of National Forest lands and resources are arrived at through the forest planning process under the National Forest Management Act, NFMA and NEPA.

Under NFMA and NEPA, the public is extensively involved in decisions of the appropriate uses of land and resources and the environmental impacts of planning decisions are disclosed through that process.

During this process, Forest Service officials are to work closely with State and local governments to identify their concerns and needs for lands, and to identify those lands appropriate for land ownership adjustment. The exchange or use of any particular National Forest land for public purposes, we believe, are matters best handled between the local National Forest office and the affected committee. To involve the Department of Interior in the disposition of National Forest lands would significantly and, we believe, unnecessarily complicate our relationship with State and local government and potentially undermine NFMA decisionmaking processes.

In addition, amending R&PPA to include National Forest lands, we believe, would place an administrative burden on our colleagues in the Bureau of Land Management, and almost certainly result in delays to what is already a too-lengthy a process.

The Department's third objection to this bill, as drafted, is that it would permit the disposal of National Forest lands for less than fair market value. We believe there are currently compelling public policy considerations for requiring the taxpayers of the United States to receive fair market value for the sale, exchange, or use of National Forest lands. Unlike R&PPA, all of our existing authorities, through the Secretary of Agriculture, require fair market value for exchanges or sale of National Forest land. Indeed, the policy direction in recent decades has been toward maximizing the returns to the public for lands conveyed out of Federal ownership, and we object to legislation that would open the door to less than fair market considerations for the disposition of National Forest lands.

Mr. Chairman, we believe we can meet the needs of local entities and provide a fair return for the value of the resources to the taxpayer through amendments to the Secretary of Agriculture's existing authority. For instance, if we looked at amending the Sisk Act, we might consider eliminating the current limitation that requires that lands proposed for conveyance must have been under permit since 1983. In addition, we might look at approaches like installment payments under existing authorities, which could substantially reduce the financial impact of acquisitions for small communities, particularly one like Mr. Hayworth is representing.

In closing, Mr. Chairman, while the Department of Agriculture supports the general objectives of making Federal lands available for education purposes, we do oppose H.R. 2223. We would prefer

to work with you, Mr. Chairman, and with Mr. Hayworth and the other members of the Subcommittee to address these issues through amendments to existing authorities of the Secretary of Agriculture.

This concludes my statement, and I would be happy to answer any questions.

[The prepared statement of Ms. Key may be found at end of hearing.]

Mr. HANSEN. Thank you very much. We appreciate your testimony. Not to embarrass those who are standing, but you are perfectly free to walk up here to this tier and sit down if you're so inclined. If you prefer standing, that's, of course, up to you.

Mr. Stratton, you're recognized, sir.

STATEMENT OF STEVE STRATTON, ADMINISTRATOR, GLOBE, ARIZONA, ACCOMPANIED BY MARY LOU TAMPLIN, ASSISTANT, GLOBE, ARIZONA

Mr. STRATTON. Mr. Chairman, members of the Committee. My name is Steven Stratton. I'm the City Administrator of the city of Globe, Arizona. I have with me today Mayor David Franquero, Vice-Mayor Ross Bittner, and my assistant, Mary Lou Tamplin.

It's a honor to testify on behalf of H.R. 2223. This bill will have a significant, positive impact on the youth of our country while saving the taxpayer money.

The city of Globe is the county seat for Gila County. The area of Gila County is 4,748 square miles and only 3 percent of the land is privately owned. Due to the small percentage of private land, the costs of large parcels suitable for a school are extremely high. The utilization of Federal lands with minimal or no costs will help control the escalating costs of building schools. This would lessen the impact on the taxpayers of the school district. Currently in Gila County the land ownership is broken down as follows: U.S. Forest Service, 56 percent, 2,659 square miles; Indian reservation, 37 percent, 1,756 square miles; State public land, 2 percent, 95 square miles; BLM, 2 percent, 95 square miles; privately held land, 3 percent, 143 square miles.

Because only a small portion of the land in Gila County is taxable, property tax rates are already in the highest in the State. The addition of a secondary tax levy for a school bond issue only places an additional burden on the taxpayers. This burden would be lessened without a significant cost for land. The additional levies area also detrimental to attracting new businesses to our area. New businesses are needed in order to diversify our economy. The city of Globe has attempted to set an example for municipalities and other governmental entities by divesting itself of unnecessary land parcels, rights of ways, and easements.

The citizens of our community have historically accepted the burden of additional taxes to provide a suitable education for our youth. However, in today's world of rising costs, it is becoming increasingly difficult to bear. The future of our country will depend on the education we can provide for our youth. I would like to commend those involved with the inception and, I would like encourage you to vote in favor of this bill for the future of your youth.

I've also included in each packet a pie chart, which will demonstrate to each one of you the small amount of land in private hands in Gila County. It is very difficult to disburse the costs of such expense of a school bond over a small amount of people.

Additionally, in listening to the testimony or the reading of H.R. 2993, and in comparison, the motion picture industry is generating revenue from utilization of the Federal lands. They should be charged. However, there is no revenue generated by a school district. All we are doing is generating and perpetuating our existence by educating our youth. I would encourage you to pass this bill for our youth.

I would be happy to answer any questions——

[The prepared statement of Mr. Stratton may be found at end of hearing.]

Mr. HANSEN. Thank you very much. Mayor, we're honored to have you with us. Would you like to add anything to his statement?

STATEMENT OF DAVID FRANQUERO, MAYOR, GLOBE, ARIZONA

Mr. FRANQUERO. Mr. Chairman, members of the Committee, I appreciate the opportunity to speak to you today. Coincidentally, I happen to be serving on a citizens' advisory committee addressing the needs of our public school.

Currently, our schools are growing at such a rate that we do not have the facilities to accommodate growth. Most of our school facilities were built in the early 1900's. Unfortunately, we are having to move modular units into our elementary schools in order to accommodate that growth. Our athletic facilities—we have no locker rooms adjacent to these facilities because we do not have the money to build those. Our current indebtedness is over \$3 million, and the school is trying to come up with solutions in order to meet the needs of the future for our young people.

This particular bill is an answer to our prayers. It is definitely something that our school district is very much in favor of and we, as a community, and we urge this Committee to act quickly and help us and our community. And I think after reviewing the statistics of the private ownership in our county, we are a most unusual situation. On behalf of all of our citizens, we would certainly ask for your support.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you, Mayor. Vice-mayor, do you have any comment you'd like to make, sir?

STATEMENT OF ROSS BITTNER, VICE-MAYOR, GLOBE, ARIZONA

Mr. BITTNER. Thank you very much, Mr. Chairman and members of the Subcommittee. Previous to today, I did not understand fully what was going on with this bill, so we had a talk with the Congressman, he explained it to us. And it would probably be easier for me and for you at this time, for me to say that I support the other two members of our team in their presentation.

Mr. HANSEN. We appreciate that. We appreciate all you being here.

Sandra, does this have a familiar ring to it when you hear these gentlemen speak? Sandra Key was the superintendent of the parks

in Bryce Canyon. Bryce Canyon is in Garfield County, and Garfield County is 97 percent owned by the Federal Government. I thought that would have a familiar ring to it. She did a very fine job there, though, and we appreciate the work she did.

I'll turn to the Ranking Member, Mr. Faleomavaega for questions from this panel.

You're limited to 5 minutes.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. Chairman, I think there's not a more noble cause for allowing our young people to be committed to as much as obtaining an education. And I think this seems to be the issue at hand.

I would like to ask Ms. Key, are you saying this morning, and please correct me if I'm wrong, that our friends here just need to come and see you. Are you saying that the National Forest Service lands are really under the Secretary of Agriculture and not under the jurisdiction of the Secretary of the Interior?

Ms. KEY. You're correct in what you perceived me to say. One of our objections to this bill is that it, we believe, transfers the decisionmaking responsibilities to the Secretary of the Interior. And we prefer that they—

Mr. FALEOMAVAEGA. So if my friend from Arizona, and the city council and the mayor from Globe would come and see your office today, that maybe we could work out a transfer as they had requested based on the provisions of the bill?

Ms. KEY. I wish that that were the case because, as Chairman Hansen said, I was in Garfield County, Utah, which had the same issues with the lack private land. There is still the issue of fair market value, but as I said in my testimony, we would like to look at ways to ease the payment load to counties and local governments.

Mr. FALEOMAVAEGA. I'd just like to—just want to be certain that the—I'm not missing anything here. Has the city of Globe ever made an application to the Forest Service for the transfer of lands?

Mr. STRATTON. Yes, in the 70's, they did file under the Townsite Act. However, we did not have the money to complete that transfer. Going back historically and reading the minutes, that's my understanding. I was still in school at the time.

Mr. FALEOMAVAEGA. Was this for leased spaces or permanent transfer when you made the request in the 1970's.

Mr. STRATTON. It was for permanent transfer.

Mr. FALEOMAVAEGA. Go ahead, Ms. Key.

Ms. KEY. I believe that was for a well system that is currently still under permit at \$168 a year. Am I correct?

Mr. STRATTON. Yes, ma'am, you're correct. We do lease some Forest Service land which our municipal water supply comes from.

Mr. FALEOMAVAEGA. The fact that this is not for a profit or commercial venture, this is for a public institution, Ms. Key. Am I hearing that the Forest Service is going to give them real wacko as far as the fair market of the land that could be transferred? I mean is there a different scale that we have and the Federal Government utilizes? This is not for commercial purposes. This is for a public institution which I think it's a very reasonable request. So will the fair market value be accordingly to that—for that basis?

Ms. KEY. As our authority currently exists, we would have to have fair market value. What I said in my testimony is that we would like to work with this Committee and Chairman Hansen and Representative Hayworth to look at other ways to ease the payments, such as a payment over time.

Mr. FALEOMAVAEGA. Would you suggest that there's any provision in the proposed bill that really we can do administratively and through negotiation? Is that what you're suggesting here?

Ms. KEY. I'm sorry, I didn't—

Mr. FALEOMAVAEGA. Is there anything in the bill here that really needs our action as a Committee?

Ms. KEY. Well, as I see the bill, the fundamental—there are two fundamental differences in this bill from the current situation. One is that it engages the Secretary of the Interior in our land transfer process.

Mr. FALEOMAVAEGA. Well, let's say—forget the Secretary of the Interior.

Ms. KEY. [continuing] and the second—

Mr. FALEOMAVAEGA. What you're telling us is that you need to engage the Secretary of Agriculture. Am I correct?

Ms. KEY. That's correct.

Mr. FALEOMAVAEGA. Alright.

Ms. KEY. And the second difference, which is substantial, is that this bill would transfer at no cost. We have testified that we think that fair market value is good public policy.

Mr. FALEOMAVAEGA. Well, I think that's negotiable. Would you suggest that maybe we can work this thing out?

Ms. KEY. I think there's room to ease that burden, yes.

Mr. FALEOMAVAEGA. Now one of the things that we get very worried about, Ms. Key, and I'm sure from your experience that you've gone through this. We're not going renegotiate for another 10 years over this, are we?

Ms. KEY. I'm sorry, I didn't—

Mr. FALEOMAVAEGA. I'm suggesting that maybe if we could do this in a 5-month period, at the most, to negotiate. And hopefully, that we could really work something out reasonably. Rather than negotiate for the next 10-year period, without having to go through enactments and all of that.

Ms. KEY. We would prefer that, also.

Mr. FALEOMAVAEGA. Well, Mr. Chairman, thank you.

Mr. HANSEN. Thank you. The gentleman from Colorado, Mr. Hefley.

Mr. HEFLEY. Yes, Ms. Key, I—you know, as I understand our history that one of the basic tenets of this country that made it different from the old European countries was the private ownership of land by the common person, and not just by nobility. And that it was never intended that the Federal Government would own and continue to own such gigantic blocks of land for no particular purpose. But that the way that came about was that when we opened up these lands—Oklahoma, Arizona, Colorado, Utah—for settlement, there were some lands that were wastelands that no one thought had any particular value. And the Federal Government ended up kind of getting stuck with those lands because no one

wanted to homestead them, and, therefore, we have the BLM and, in some cases, the Forest Service and so forth.

So it would appear to me that if there is a legitimate public purpose—that someone does want the land now, and there's a legitimate public purpose for it. How in good conscience can we possibly say, "that no, this is the Federal Government's land and we have got to have fair market value for it." How can we possibly do that? These people are serving the public every bit as much as the Federal Government is, maybe with the education system more so. Why wouldn't we do everything in our power to say, sure if you have a good public purpose for that, we want to make it as easy as possible for you to acquire and use that land.

This was never meant to be something where the Federal Government would have a windfall. They were stuck with the land because no one wanted it.

Ms. KEY. Two comments. One, as I understand the history of the National Forest System, we were established for—one reason was the purposes you defined: which these lands were not wanted and particularly the National Grasslands from which I sprang were lands that economically local people could no longer afford to have.

But the larger reasons for establishing the National Forests was to protect watersheds and, in many cases, the restoration of public lands, or lands that had been damaged. So I have a different view of the history. But to respond to your issue of a windfall for the Federal Government, the moneys from these lands, the Townside Act, revert to the Federal treasury and go for such things as offsetting the deficit. And it is an issue of public policy whether that makes more sense or it makes more sense at the local level to provide some relief. Our view of current public policy is that we should and our authorities provide for us and direct us to get fair market value.

Mr. HEFLEY. Well, you know I—if it's a profit-making factory that wants the piece of land to build a factory on, I can certainly understand that. Then we probably ought to have full market value on it. But when it is a public service that is important to the Federal Government that it be performed—in fact, the President put a great deal of emphasis on that public service in his State of the Union Address—it seems to me that we got our values kind of skewed. And that maybe a bill like this, or some kind of a bill, is necessary to make sure those values get back in order.

Thank you very much.

Mr. HANSEN. The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Ms. Key, you say in your testimony that public lands can be leased or patented by the BLM. What—do you—does the Forest Service consider a land patent essentially a full conveyance of the property? Can you tell me exactly what is the opinion of the Forest Service about a land patent?

Ms. KEY. I believe I know the answer to that, but I'm going to ask Mr. Snow to respond.

Mr. DUNCAN. All right.

Mr. SNOW. Good morning, gentlemen. I'm James Snow. I'm Deputy Assistant General Counsel at the Department of Agriculture, the chief counsel dealing with public land issues.

In response to your question, a patent constitutes a quit claim deed by the U.S. Government, so it conveys whatever right, title, and interest the government may have in a particular parcel. One of the difficulties with issuing patents, of course, is that there may be other rights in the property that may have been established under the mining laws or some other form of entry. And that is one of the difficulties in making, for example, rapid conveyances, because you have to assure that we're not conflicting with prior established rights.

But the basic answer to your question is that it constitutes a quit claim deed.

Mr. DUNCAN. I thought that was going to be your answer, but I did want to get that on the record. Can either of you tell me how many times in the past year that the Forest Service or the BLM has conveyed land for a school?

Ms. KEY. I don't have that. I can provide it for you, but I do not have it with me.

Mr. DUNCAN. Well, I just would simply like to associate myself with the comments of Mr. Hefley, and say that I think it's very sad in this country today that the Federal Government would own 97 percent of any county. That causes problems for the local governments, and we're seeing that here today. And I really don't see how in a land that we—if we're truly to have a free land, where ordinary people can own property, and we don't end up with the wealth simply in the hands of a very small elite few at the top, then we have to have more private property in this country. And yet, we've been going very much in the opposite direction. It's been shocking how much land is being taken over, or has already been taken over, by the Federal Government, the State governments, the local governments, the quasi-governmental units. About half the land in this country today is in some type of public ownership, and that's been growing by leaps and bounds over the last 25 or 30 years. And I can tell you that if we forget in this country that private property is an important and basic and essential ingredient of our prosperity, then we're going to be in very, very serious economic problems, or trouble, in this country in the years ahead.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Arizona, Mr. Hayworth. Recognized for 5 minutes.

Mr. HAYWORTH. Mr. Chairman, I thank you, and let me also take this time to commend the Ranking Member of this Subcommittee, my very good friend from American Samoa, Mr. Faleomavaega, for his statements. And let me say in response to the testimony of the panel and particularly to Ms. Key and her remarks this morning: I am struck by the irony of what appears to be a protest based on a turf battle involving Washington bureaucrats instead of the needs of rural children throughout the United States of America. With all due respect, Ms. Key, I am happy to work in a constructive manner to iron out any problems. But to come before this Committee and offer general platitudes about well, we think this is a good idea, however, we're going to somehow mess up the organizational and control charts of Washington, DC's bureaucratic turf battles, I think is unconscionable. We have rural children, and we heard eloquent testimony from my friends from Gila County, Ari-

zona, about the real needs of real people to educate their children. Accordingly, let me simply offer a couple of constructive points, and then I want to ask you a couple of particular questions, Ms. Key.

First of all, it's not our intent that BLM will be giving away Forest Service lands. We're happy to amend this legislation to make it clear that the Forest Service would be administering the Recreation and Public Purposes Act for National Forest lands. I'm already working with the Committee on an amendment to that effect. I'll welcome any input the Forest Service would like to provide in that regard, but let me ask: since we're on the topic of fair market value, have you folks computed the fair market value of education to rural children throughout the United States? Do you want to quantify or put some number on that?

Ms. KEY. No, we have not and would not ever try to compute such an important value.

Mr. HAYWORTH. I thought not because it is so important as to be priceless. It is so important as to be priceless. And I'd simply like to submit, Mr. Chairman, that the problem we have here, as my colleague from Colorado pointed out, is borne out of history and the special role the Federal Government had, indeed, in some quarters called a Faustian compact, where different territories, such as the territory of Arizona, had to give a huge chunk of its land to the Federal Government as the price for admission to this Union as a State. And now we have the challenges we heard only 3 percent of the land in the hands of private land holders in Gila County, Arizona—these folks just want to educate their kids.

And I know it doesn't get the publicity of some big demonstration down here on the Mall, and it will never make the cover of Time or Newsweek. And it won't be the cause celebre in the concrete canyons of mid-town Manhattan. But these children deserve every right to an education, and we don't need it micro managed from Washington in some form of glorified and high-flung turf battle.

Now, let me turn to my friend Mr. Stratton, the city administrator from Globe. We heard Ms. Key talk about the input of local Forest Service officials. What is the input from the folks close to home with you, Steve? What are our Forest Service officials saying there?

Mr. STRATTON. Historically, the local ranger and his staff have worked with the city, the school districts very well. They do their job in protecting the lands that should remain in the Federal hands, but also support the conveyance of lands that are not necessary to remain in Federal hands.

If I may continue—while it's commendable that the Forest Service would offer a payment plan, the end, or bottom line, result is the same: that payment is still passed on to a very small majority of taxpayers. For educational purposes, there should not be a charge.

Mr. HAYWORTH. And, again, as I understand it, Mr. Stratton, the local Forest Service folks are willing to write letters or have offered letters endorsing this notion?

Mr. STRATTON. That's correct.

Mr. HAYWORTH. I thank you, sir.

Let me just make this final point, Mr. Chairman.

The Townsite Act is a great piece of legislation. I wish it were used more often, but the fact is the Forest Service rarely grants Townsite transfers. Further, it doesn't satisfy the need here for below market value land for schools. The Townsite Act mandates that municipalities pay full market price for Townsite transfers. This does not give the Forest Service the flexibility needed. You cannot put a price on the education of our children. With all due respect, that is our most precious natural resources. We should move accordingly, and adopt HELGA.

Thank you.

Mr. HANSEN. Thank you. The gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, I have a small church, called the Miller's Chapel Church, in my district in the Cherokee National Forest in Tennessee, which in 1995 requested two acres of land from the Forest Service to expand a cemetery. I received a letter in October 1995 from the chief of the Forest Service suggesting that the church exchange two acres of land with the Forest Service. The church has been ready to do that since 1995. We're now told, and it's 1998, that it will be two or three more years before the Forest Service can complete this transfer, or this exchange, of two acres of land so that this small country church can expand their cemetery. And this is something that the chief of the Forest Service suggested in 1995. I hesitated—I really wasn't going to bring that up, but this just points up how horribly bureaucratic the Forest Service is when it comes to dealing with land. We're talking about two acres of land in the Cherokee National Forest for the Miller's Chapel church and cemetery. And it just boggles my mind that the Forest Service would suggest something like this in 1995.

In 1998, it's still not completed, and the latest information we have is that it's going to take two or three more years to complete. I think it's totally ridiculous, and it just shows how arrogant and bureaucratic the Forest Service has become when dealing with land that really does not belong to the Forest Service, but should belong to the people. And this is something they suggested themselves, and yet they say it's going to take two or three more years to complete. And they suggested this in 1995, and it's now 1998; and this was a suggestion, I have it in a letter right here, from the chief of the Forest Service at that time, Jack Ward Thomas.

Thank you.

Mr. HANSEN. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Just one quick question, Mr. Chairman, I'd like to ask Mr. Snow: as to what is our Federal policy concerning transfer of public lands for—let's say the Department of Defense wants to build a multi-billion dollar airbase near Globe, Arizona. What would be the fair market value of the transfer of these public lands? Or what is our Federal policy toward use of these public lands for Federal purposes?

Mr. SNOW. Congress has plenary authority to take any Federal land and devote it to any public purpose. That's inherent in the Constitution. I think what we are representing here today is that the general thrust of public land law is toward getting fair market value for whatever goods and services are provided. I'd call your attention to the Independent Office's Appropriations Act in Title 31, Section 9701, of the United States Code, which basically states as

congressional policy that the U.S. Government get fair market value for whatever goods and services are rendered.

Now, obviously Congress can and has, on occasion, conveyed property for other than fair market value. That's within the purview of the Congress. But right now, the Townsite Act, the Sisk Act, and all the exchange authorities that we have all provide for fair market value. Fair market value is ascertained through appraisals. Appraisals are done pursuant to the "Uniform Appraisal Standards for Federal Land Acquisitions" that are promulgated by the Department of Justice. So there's an objective process that is used to ascertain fair market value, and it is something that can be readily found out. Did I answer your question, sir?

Mr. FALEOMAVAEGA. Almost. Just wanted to see specifically then on the terms of these valuations, or measurements, as you suggested earlier. For purposes of public schools, is there any congressional enactment that addresses the fair market value if, say, the city of Globe wants to transfer public lands for the purposes of setting up public education. Is there—do we have to do this congressionally or can it be done administratively? See, here's our problem: sometimes our friends downtown take forever to do a fair market value study. It takes years. And I just wanted to know if our friends, maybe Ms. Key can help us, can we do this a little more expeditiously, but without suggesting that we're taking anything away from the public's interest. Do we need to do something congressionally to, say, spell out specifically what's the fair market value of public lands that is for the purpose of educating our young people.

Mr. SNOW. I'll defer to Ms. Key here. But I would just note that the current law is adequate to do the job. I would note, however, that there's a lot of complexities that have been put into Federal law, such as the National Environmental Policy Act, cultural resource surveys, and other things, which add to the time involved. And I believe this Committee is well aware of the problems we've had in expediting land exchanges, and we've worked with Chairman Hansen on that particular issue and will continue to do so. I'll defer to Sandra on the policy side of this.

Ms. KEY. I would just like to add to what Jim said in that, we would like to and commit to working with the Chairman and this Committee on the amendments to the bills. And one of the things that we've been working with is processes that would streamline because we share the frustration, particularly at the local level, with the time involved. But under our current law, it does take that long. And we would join with you in trying to find ways to streamline that.

Mr. FALEOMAVAEGA. I would like to strongly suggest that, Ms. Key, that members of your staff and our staff and the Chairman, we really would like to work with you to see if we can get this thing moving and not wait another 3 or 4 years, and the kids are still without schools. And I hope that you will help us in this regard.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you, panel. Let me just say that philosophically there's probably no greater problem and more frustrations are brought about than the loss on trading, selling, and doing some-

thing with public lands. Last term, when Bill Richardson was the ranking member of this Committee, we had a number of hearings on how we do this. Every horror story in America was brought. And, in a way, Congress created these laws, told the Forest Service and the BLM and the Park Service what they could and couldn't do, and then Congress, we get very frustrated as to what happens on these things. And that's part of the deal, but we all go through that.

I would wish that there was some way, between the BLM, the Park Service, Reclamation, the whole nine yards, we could resolve this and make it somewhat simple. If we're now in the National Security Committee asking for an Air Force base, we'd get it in a minute. We'd have no problem at all from the Forest Service doing that. There would be none, we'd have that done in 3 weeks. But over here, it's a little harder.

Is the value the same? But, you see, these folks down here, they're subject to the law of the lands that we've created and it's a pretty frustrating experience for them, if I may say so, because I've gone through this. Thirty-eight years ago, as I was a city councilman in Farmington, Utah, we grew around the Forest Service in an area. In my 12 years on there, even at the time as a mayor, we tried to get the Forest Service to cooperate. They were always going to make a change. It never happened. I went to the State legislature, spent 8 years on that little issue, trying to get it done. I was Speaker of the House in the State of Utah for 2 years—never got it done. I had to finally, in my tenth year as a Congressman, we stuck it in a bill and got it done. That, along with things that affected other areas.

No disrespect to the Forest Service, the BLM, the Park Service, or Reclamation, it's a fudge factory. It moves very slowly. And somehow this organization, called the U.S. Congress, has got to make these laws a little easier to work with. I can understand the frustration of members of the Committee. I have them myself. I would hope that we can come up with something and give you folks some laws to make it easier for you to deal with, because you've got to come up here and take all the arrows that we're going to throw at you regarding things as far as a change. My heart goes out to you folks from the city. Obviously, the gentleman from Arizona has a very meritorious idea here—it makes a lot of sense. Yet, somehow I think we've got to come up with something that is a little more encompassing that would make it easier for those who manage the public lands to work with the local entities—the counties, the cities, the states, such as that.

With that said, we'll excuse the panel and thank you for your excellent testimony.

Our second panel is Mr. John M. Berry, Assistant Secretary, Policy, Management and Budget, Department of the Interior, accompanied by Dr. Richard Coleman, Chief of the Division of Refuges, Fish & Wildlife Service; Henry Bisson, Special Assistant to the Director, BLM. And Maureen Finnerty, Associate Director of Park Operations and Education, National Park Service.

Would you folks like to come up please?

Mr. FALEOMAVEGA. Would the Chairman yield?

Mr. HANSEN. Before we start with their testimony, I'll turn to the Ranking Member, the gentleman from American Samoa, for any comments he may have.

Mr. FALEOMAVAEGA. Mr. Chairman, H.R. 2993, I think we should be charging appropriate commercial fees for the use of national parks and refuges, especially when such fees have long been established use on public lands and national forests. The current regulations apparently prohibits movie and television fees for parks and refuges appears to have long outlived any usefulness it may have ever had. And let's hope that this bill will move forward.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. Mr. Berry is before us for the first time. We appreciate you being here and appreciate your fine work that you did as chief of staff for Congressman Steny Hoyer. Steny came to Congress right after I did, and has been a friend. Mr. Berry will testify for the Department of the Interior on H.R. 2993, the Motion Picture Filming Bill.

I will also—let's see. Will you also be on the recreation fee demonstration? Will you also be testifying on that?

Mr. BERRY. Later this week. Yes, sir, Mr. Chairman.

Mr. HANSEN. OK, that sounds good. Well, Mr. Berry, we'll turn the time to you. Is it OK if we limit you both to 5 minutes? If you go over a little bit, I guess we can understand that.

STATEMENT OF JOHN M. BERRY, ASSISTANT SECRETARY, POLICY MANAGEMENT AND BUDGET, DEPARTMENT OF INTERIOR, ACCOMPANIED BY RICHARD COLEMAN, CHIEF, DIVISION OF REFUGES, FISH AND WILDLIFE SERVICE; HENRY BISSON, SPECIAL ASSISTANT TO THE DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. BERRY. Mr. Chairman, I think I'll be the only one speaking this morning, so that I may go over a little bit. But with your indulgence, while Mr. Hayworth's here, if I could just backtrack for one second. Getting to hear of the previous bill, H.R. 2223, I think you're absolutely correct that there ought to be a priority that we can put on education in terms of dealing with this, especially in areas where we are strapped. And I promise you today, I will go back and work with my counterpart, Jim Lyons, over at Agriculture. We'll put together a team and get on this. We'll figure out—I think there may be a quick way we can resolve your situation in Arizona, Mr. Heyworth.

But I think also, Mr. Chairman, for the Committee's benefit, we need to get back to you and tell you if there are legal reforms that need to be done to help you on this because there's no question we ought to have a priority on education. This administration clearly has a priority on education. We want to work with you on this. And I commit to you today: we'll do that. We'll get the folks at Interior together. I'll get the folks at Agriculture together, and we'll get you something on this and work this out.

Mr. HANSEN. That won't count against your time.

[Laughter.]

Mr. HANSEN. Let me say that really I think the Interior, Forest Service, we all ought to come up with a better bill on changes. It's the most frustrating thing. Every week we've got another frus-

trated bunch of folks from somewhere in America feeling they're getting had on this deal. Somewhere we've got to square this away.

Mr. BERRY. There's no question. We ought to be able to distinguish between, you know, lands that would be going to private sector for commercial venture and something that's going for the education of our children. And we ought to be able to do that as public officials, and if we can't, you ought to get rid of us. But we'll solve this.

Mr. FALEOMAVAEGA. Would the Chairman yield?

Mr. HANSEN. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. I offer my personal welcome to our new Assistant Secretary for Budget in the Interior Department and, as a former staffer knowing how the work is on the Hill, I really, really am happy to hear of his commitment to see that our good friend from Arizona and the concerns of his constituents will be met. And the staff of this side of the aisle will be looking forward to working with you, Mr. Berry, and let's see if we can move this. The last thing I want to hear is that we're going to be kicking this issue around for the next 10 years, and I think that's a little long for the——

Mr. BERRY. I don't think this should take more than a couple weeks, so we'll be——

Mr. FALEOMAVAEGA. Alright.

Mr. BERRY. We'll get right on this.

Mr. FALEOMAVAEGA. Thanks.

Mr. HANSEN. Time's yours.

Mr. BERRY. Mr. Chairman, when I worked on the Appropriations Committee with Mr. Hoyer, Mr. Natcher used to stand up on the floor and tell you: "I bring it to you kindly. This is a good bill." And sit down and move the bill. And I'm tempted to do that today because, Mr. Hefley, this is just not a good bill, this is a great bill. And we strongly support it. This is just fantastic.

[Laughter.]

Mr. BERRY. And, Mr. Chairman, I'll try and get through my testimony quickly for you here. But I think it's important to get some of this information on the record for you because I think you have a—you're on to something, and we really want to work with you on this.

The Department strongly supports this bill, and we'd like to work with you on just a few minor amendments that would make the bill applicable to all Department of Interior lands and land management agencies, as well as providing the flexibility for the Secretary to ensure that we both protect the natural resources and the interests of the taxpayer.

H.R. 2993 would allow the Secretary to charge a fee for filming based on the fair market value of a filming permit, as determined by the Secretary, and authorize the Park Service and the Fish and Wildlife Service to retain the fees they receive under filming permits. Those are two critical points. This authority is not only much needed, but should be expanded slightly to give the Secretary the necessary tools to best represent the interests of the public. Under existing regulation, and the Park Service and Fish and Wildlife are prohibited from charging fees for the making of motion pictures,

television productions, or sound tracks in the Park Service or Fish and Wildlife units.

Units of the Parks and Fish and Wildlife have played significant roles in many different types of motion pictures and television productions. Over the past three fiscal years, approximately 1,000 permits were issued for filming on BLM-managed lands. Although the Park Service is still in the process of compiling their permits, its initial review indicates that only 16 parks—16 parks—issued permits of 2,800 in the past 3 years—2,800 permits in the past 3 years out of 16 parks. A cursory review of the permits has not yet been catalogued indicates that the entire park system issued more than twice that amount during this time period. We're going to be working on that and getting that data for the Committee in the next few days.

Many of the permit issued by the Park Service, BLM, and Fish and Wildlife are for small productions, some of which are commercial in nature, others of which are educational. However, all three agencies issue a significant number of permits to makers of major motion pictures. The 400-year-old fortification known as "El Morro" at the San Juan National Historic site was used in the movie "Amistad" to depict the slave-trading market; the white sands of White Sands National Monument were used in the movie "Star Wars" to depict an otherworldly landscape; the Linville Falls Trail in Blue Ridge Parkway was used for the ambush scene in the "Last of the Mohicans." These are but a few of the hundreds of memorable films that have been filmed in our national parks over the past few years. The list includes "Dances with Wolves," filmed in Badlands National Park; "Deer Hunter," made in Chelan National Recreational Area; "In the Line of Fire," filmed in this capital region, as Mr. Hefley mentioned earlier.

And the Fish and Wildlife Service has also hosted many memorable motion pictures, most notably, I think, is the scene from the "The Raiders of the Lost Ark," which, you all will recall, when Harrison Ford is running down that hill, trying to escape that falling boulder that's chasing him. Well, that was filmed at Hanalei National Wildlife Refuge in the Hawaiian islands. And, I could go on and on. But you get the idea. These are not small PBS productions.

It is often the unique nature of a park or refuge that attracts these filmmakers, and we believe the public has the right to be compensated for the commercial use of their properties and the unique nature of those properties.

California—let me give you some comparable examples. California—the California movie office, for example, and their land use offices charges up to \$600 per day for the use of their lands for filming. The BLM's fee schedule does not appear to be a deterrent for filming on public lands when BLM charges market rates. They are allowed to charge higher rates now, but the funds are not kept at BLM. They're returned to the Treasury so that they are not used for the improvement of BLM properties.

Other land-owning governmental entities charge even higher fees than our Federal agencies. The Navaho Nation, for example, charges up to \$2,000 a day for the use of Monument Valley, the site of many memorable films. Similarly, the city of Beverly Hills,

in California, charges fees that exceed \$2,000 per day in their city parks.

Ironically, the National Park Service and the Fish and Wildlife, as you mentioned Mr. Chairman and Mr. Hefley, use to charge market rates for filming prior to 1948. And it is unclear, and I sort of am surprised that we can't answer this for you, but I have not been able to get an answer as to why that policy was exactly changed in 1948. But before 1948, when those fees were charged, it was no deterrent. There were still movies made on public lands, including "Sea of Grass," starring Spencer Tracy; "Yellow Sky," with Gregory Peck, and on and on.

The Park Service and Fish and Wildlife are also concerned that their inability to charge fees may be attracting permit applications from filmmakers who seek other lands if fees were charged. These agencies were not set up to attract filming businesses. Yet, by prohibiting these agencies from establishing fees, the present regulations make park and refuge lands more attractive to filmmakers whose films could also be made on other governmental or tribal lands. H.R. 2993 would correct that anomaly.

The authority in this bill would allow fees to be set based on a market value of the permit, as determined by the Secretary. And I think it's important, at this point, to point out—because I think this is a critical point, I've read Mr. Attaway's testimony—and there's concern about leaving that discretion with the Secretary in determining what the market rate is might lead to confusion or disparity amongst fees charged. And what I would tell Mr. Attaway and what I'd tell this Committee is how I think we ought to administer this and how the Secretary and I will administer this if you grant us this authority is it makes their—their complaint is a legitimate one. Hollywood ought not have to deal with 390 park superintendents and 300-plus BLM parks, you know, land superintendents, and 400 Fish and Wildlife superintendents—it's just it would be chaotic. And so what we would propose to do if we had this authority is to hire or contract through the market process a Hollywood agent.

The Smithsonian, where I recently was employed, has done this. They have employed Creative Artists to be their agent on behalf of the Smithsonian. We would seek to do the same for the Department of the Interior lands, and that way Hollywood filmmakers and producers would have one point of contact to approach the Department over. And then, that person obviously would understand the market rates and what the market would bear. They could distinguish easily between the size of the production, the potential value of the production, and we ought to let people in the private sector who understand that—we certainly don't—we ought to let them negotiate those rates and those rates would then be what the Department would incur.

The critical component to that, though, at the same time, is we ought to protect the resources. And that's obviously—I know you share in that desire—is that how I would—we would—conceive of this working is the agent, or producer or Hollywood company wanting to make the movie would approach the agent. The agent would then approach the park superintendent, who would have all of the same authority as they have now to either approve or deny the per-

mit if they thought it was going to inhibit public use of the lands or do undue damage. And if the park superintendent, just as now, would have the same ability to turn it down. But if they said yes, we're OK at this time period and under these conditions, the agent would then go back and work with the Hollywood producer to negotiate what the rate would be, and then that rate would come back to the park for improvements for public uses and public uses of the land.

So I think we can establish and use a market rate principal and let the market establish this and still solve the concerns that the movie producers and Hollywood would have in resolving this. And I would commit with you on doing that, working to do that.

We support the provisions—I'm wrapping up, I apologize, Mr. Chairman—that would allow the fees to be collected and distributed similar to the recreation fee program. And I would specifically ask if we would like to include the Bureau of Land Management in this as well. The bill that's now drafted is specific to the Park Service and Fish and Wildlife, but I think it's critical that we add the Bureau of Land Management. And we would appreciate working with Mr. Hefley and the Committee on doing that because they're obviously a well-used situation. And it makes not sense—they also have needs to meet the increasing public recreation demands on their lands. The money ought to stay on those public lands as well, and that's what we would propose to work with you to do.

So in closing, Mr. Chairman, we are extremely supportive. There are sort of three principles I think you've captured in this and that is: charging commercial rates that are set and determined by the market place; allowing the money to be kept in the place where it's earned, if you will, for public improvements on that land; and third is we would just request that when you do move this legislation, that you'd apply it to all Department of Interior lands. And we'd love to work with you.

And so in closing, Mr. Natcher, would have said, "this is a great bill, for the right reasons, by a true friend of the National Park Service, Mr. Hefley." And Mr. Chairman, we really appreciate it and thank you, Mr. Faleomavaega, for your kind comments.

[The prepared statement of Mr. Berry may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Berry for your testimony.

Maureen Finnerty, if I'm saying that right. Ms. FINNERTY. You're correct.

Mr. HANSEN. The floor is yours.

**STATEMENT OF MAUREEN FINNERTY, ASSOCIATE DIRECTOR,
PARK AND OPERATIONS AND EDUCATION, NATIONAL PARK
SERVICE**

Ms. FINNERTY. Mr. Chairman, I am pleased to be here today to testify on H.R. 1728, the National Park Service Administrative Amendment of 1977.

We support H.R. 1728 with the clarifications outlined in this statement. The bill before us today helps to ensure that integrity by providing agreement between the Park Service and the Congress on those criteria for establishment of new park areas and on

a process where possible new areas that fail to meet those criteria will not be imposed upon the system.

In 1976, Congress directed the NPS to monitor the welfare of areas that exhibit qualities of national significance and to conduct studies on those that have potential for inclusion in the National Park System. For the next 12 years—for the next several years, there was a congressional requirement that we study and forward a list of 12 potential new sites each year. Between 1981 and 1990, the Service undertook a few studies in response to specific instructions from Congress. Then, in 1991, the Service began once again to identify its own priorities, using a ranking system that considered significance, rarity, public use potential, educational potential, resource integrity and risks, public support, costs, availability of data, suitability, feasibility, and special initiatives.

Our files contain more than 300 studies done since the 1930's on areas that have not been added to the National Park System. Since the 1970's, only about one in four of the areas studied became the subject of legislation adopted by Congress to expand an existing park or create a new one.

Our study process has been successful in determining resource significance, suitability, feasibility, and offering Congress a range of alternatives for protecting resources through partnerships that do not involve additions to the National Park System. We believe the best way to avoid inappropriate additions that do not fully meet the criteria for inclusion in the system is to continue to advance programs which foster alternatives.

Our advisory board has recently reviewed our criteria for park lands and found them to be essentially sound. We intend to clarify and strengthen those criteria, as recommended by the board, in conjunction with an update of our management policies, scheduled for completion within the next year.

These updated criteria would be used in conducting the studies of areas for potential addition to the system, as currently proposed in H.R. 1728. Of course, Congress will have to determine how these studies are used in developing legislative proposals.

No study process or set of criteria will be successful in assuring the integrity of the National Park System if new parks are authorized without having studies completed or the criteria applied.

Before concluding, I would like to express two concerns that we have with H.R. 1728. The first involves section (d), which directs the service to establish a new area study office. We do not believe it is necessary for Congress to direct the establishment of a separate new study office. We agree that studies need to be coordinated and conducted with some assurance that the criteria will be applied from a perspective of the National Park System, not just responding to local or regional interests. However, we currently seek to accomplish this by having an internal review process by all interested offices.

Our second suggestion concerns the language in section (c)(2)(a) which addresses studies of areas potentially "possessing nationally significant natural or cultural resources or outstanding recreational opportunities." Based on the recent conclusions of the National Park System Advisory Board, we believe that areas under consideration for inclusion in the system must have true national signifi-

cance in the categories of cultural or natural resources before we would address their merits as significant recreational opportunities. The system maintains a sufficient collection of recreational areas per se. We believe that areas solely providing recreational opportunities are more appropriately considered for state or local management when weighed against the full mission of the National Park Service. We do not believe that areas should be added to the National Park System based only on their values for recreation unless they also contain natural and cultural resources that meet standards for significance, suitability, and feasibility.

In conclusion, Mr. Chairman, we support the bill. We like it. We have the two concerns that I've mentioned. We also have a few minor technical amendments that we'd like to work with you and your staff on.

That concludes my statement. Thank you.

[The prepared statement of Ms. Finnerty may be found at end of hearing.]

Mr. HANSEN. Thank you. Questions for this panel. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. My commendation to our good friend from Colorado for proposing these two pieces of legislation, Mr. Chairman. Just one basic question on the bill, 1728. You don't think that we're going to be having 300 and some park superintendents competing for the movie industry in terms of what would be the best? Does the legislation address that problem?

Mr. BERRY. I think, Mr. Faleomavaega, they—

Mr. FALEOMAVAEGA. Since especially when they get to keep the money.

Mr. BERRY. Right. Right now, in other words, I don't know if because—I doubt that there will be a significant increase by park superintendents seeking this to occur.

Mr. FALEOMAVAEGA. You're not going to have 370 movies going on at the same time.

Mr. BERRY. We don't foresee that happening, but what we do foresee is that what is already happening. In other words, there's already significant usage going on, on those public lands, and on all three—Park Service, Fish and Wildlife, and BLM land—that where that would go on, we would, at least, have something returning to the public. And the superintendents would continue to hold essentially the veto that they hold now. If they feel it's not an appropriate place, or it's detrimental to the mission of that park, just as they can now under this law, it would still—that authority would remain the same, as it would be our understanding, that they would be able to say no. So that I think what we're trying to develop here, and I think what Mr. Hefley's on to, is the two key points: keep the money back where it's made, earn some fair market rate for the usage that is already ongoing and provide some of what I think the motion industry has a legitimate concern and that is a focal point of where they can deal with, with somebody who understands their business and who will represent and be able to understand and talk with them and negotiate those points.

Mr. FALEOMAVAEGA. Maybe I'm presenting an extreme view, but concerns soon that might be some of the parks will be closed to the inconvenience of the public that may want to continue visiting the

areas in the park. And because the motion picture industry will say, well, we want to pay you half a million dollars for the next month, so we'd like to have the park closed while we film the movie. Is that—do you think we might encounter those kinds of problems?

Mr. BERRY. Congressman, absolutely not. The primary purpose of the parks is and will continue to be to serve the public, and there may be compromises that need to be made at certain points, but those will be carefully reviewed by each park superintendent or refuge minister or BLM state manager. And for those issues that become controversial, they always have the ability to get someone to back them up.

But I don't think—we clearly would not want to be denying the public access to their lands in lieu of this, and we would work sensibly to not have that occur.

Mr. FALCOMA. Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from Colorado.

Mr. HEFLEY. Thank you, Mr. Chairman, and thank the Committee—I mean, the panel. You know, it's wonderful, Mr. Chairman, to have two representatives of the administration coming and supporting a bill that I offer. I ought to quick while I'm ahead.

[Laughter.]

Mr. HEFLEY. And along with Mr. Natcher's example. In fact, Mr. Natcher gave me some wonderful advice when I first came here, and that was don't ever get involved in the tyranny of trying to make every single vote. And that was good advice and what a gentleman he was in this process.

But we do appreciate your testimony and the amendments that you have suggested—if you would get your suggestions to us and we'd like to work with you to further refine this before we get to the full Committee.

I was going to ask you about the history of how we got into this, and it seems like none of us really quite know, and so I won't belabor that. I do have a concern that we don't—and I think this was expressed by our Ranking Member here—that this not just be a way to “oh, boy, we need more money for the parks, and so let's gouge.” Somehow or other, I would hope that we would have a system whereby the movie industry would pay no more, no less than they would pay for, say, they want to use Jim Hansen's ranch and private property.

Secondly, what about the liability question. Does this bill cover that or does our process now that we have cover that? Or do we need to do something else to cover that?

Mr. BERRY. Let me check on that, Mr. Hefley, because I'm not, I don't—it has represented to me that we are OK in that area, but let me double check on that before we answer you in final on that. And we will get back to you on that one, sir, on the liability issue because it's a legitimate question and we need to followup. And I think you've also made some good points in here, which I had in my testimony, but I didn't mention was about exempting news television, news reel productions, and having the beauty of a market, an agent, if you will, negotiating these things. We can give him guidance. There may well be productions on public television, or in the commercial market, that will also produce benefit to the De-

partment. In other words, for tourism potential or other options that we might, the Department get out of it. And those are things that the market can negotiate and an agent can recognize and be aware of, and obviously that would lead to a lower rate. But trying to set one fee schedule, saying that you have 30 people here or 100 people here, and, therefore, they should be charged this much. I really think we ought to let the market determine that, and let people who understand the marketplace determine that. And that's what we propose to do.

Ms. FINNERTY. Mr. Hefley, if I might interject.

Mr. HEFLEY. Oh, surely.

Ms. FINNERTY. Our current commercial filming policy, which is out now for public review and comment over a 60-day period, in addition to requiring permits for this activity, does have provisions in it for bonding and liability, depending on the circumstances. So that is the current situation as far as commercial filming.

Mr. BERRY. And I understand that's the same with BLM, and I want to check with Fish and Wildlife. So we will get back to you in terms of all them to make sure that that's covered so that you know.

Mr. HEFLEY. Well, we certainly don't want to discourage movies from being made in our park system.

Mr. BERRY. Absolutely.

Mr. HEFLEY. That's part of the enjoyment. Maybe some people who never get to visit a Yosemite, you know, can enjoy it through movie or television industry, and I think that's good.

On the other bill, you know, it's been my concern for a long time, as you well know, for a long time that we often times put units into the park service because of who the Congressman who wants it in his neighborhood was. And we wanted to get away from that. We don't have enough resources to keep our parks up like we would like for them to be anyway. And so the units that are in the Park Service, we want them to be special. And is it your sense that we're moving in that direction with this legislation?

Ms. FINNERTY. Absolutely, Mr. Hefley, which is why we support it. We would—we have had criteria in place for a long period of time to sort of make judgments on how units come into the system. But having this codified and having it ensconced in legislation, I think, everyone understands the rules and will play by the same rules, and I think it will ensure, you know, and protect some of the concerns that we all have as far as how units get in.

Mr. HEFLEY. Yes, I think you have had criteria in place. I think part of the problem is we haven't always paid attention to your criteria. That's our fault, not yours, so I would hope this would help.

I think that's all I have, Mr. Chairman.

Mr. FALEOMAVAEGA. Mr. Chairman, I ask unanimous consent. The gentleman from Minnesota, Mr. Vento, would like to submit his statement be made part of the record, and would also like commend his good friend, the gentleman from Colorado, as the chief sponsor of this legislation, H.R. 1728 that Mr. Vento is also a co-sponsor of this bill, and would like to commend Mr. Hefley for his authorship of the bill.

Unanimous consent?

Mr. HANSEN. Without objection. So ordered.

Mr. FALEOMAVEGA. Thank you.
 [The prepared statement of Mr. Vento follows:]

STATEMENT OF HON. BRUCE F. VENTO, A REPRESENTATIVE IN CONGRESS FROM THE
 STATE OF MINNESOTA

Thank you, Mr. Chairman for allowing me to testify in support of H.R. 1728, a bill I introduced with Mr. Hefley. Improving the management of our National Parks is an issue that continues to be very important.

The National Park Service is charged with the management of the nation's most important, natural, cultural, historical and recreational resources. These areas are known throughout the world for their natural qualities, scenic beauty and historical significance. Each year, more than 260 million visitor days are accounted for by people from around the world to the areas which make up the U.S. National Park System. And this number continues to grow: there were 40 million more site visits to our National Parks in 1996 than in 1978.

It is our obligation as policy makers to ensure that appropriate and outstanding resources are included in the National Park System and that parks currently in the system are managed effectively. In this spirit, I joined with my friend and colleague Joel Hefley in introducing this reform bill last year, a measure whose genesis stretches back nearly a decade.

H.R. 1728 is very straightforward in its intent and results. At the beginning of each calendar year, the Secretary of Interior would submit to Congress a list of areas recommended for study for potential inclusion in the National Park system. The Secretary's list would give consideration to and recommend in-depth study of areas that have the greatest potential to meet the criteria for national significance, suitability and feasibility clearly enumerated by existing law. Importantly, after enactment of H.R. 1728, Congress would be required to specifically authorize the in-depth qualifying study of any area for inclusion into the National Park System.

We all know that the Park Service for the past decades has had trouble meeting its most basic needs. H.R. 1728 will give Congress, the National Park Service, and the public an opportunity to comment on and debate potential new inclusions into the system based on at least the foundation of analysis and data. There would hopefully be no more back-room deals. There will be no more last minute riders to appropriations bills. In short, if we pass this bill, we will be treating these decisions with the respect and deliberation that they rightly deserve.

I feel compelled to note that this bill does not mean that a single unit of the National Park System will be closed. There will be no commissions, no committees, no task forces—none of that sort of thing. This bill also does not prevent the National Park Service from studying areas that they believe have a high potential for inclusion in the National Park Service. It is important to mention that because, as we have seen, the potential for misinformation and misunderstandings concerning versions of this measure have been unhelpful and unfair.

I am encouraged that we are finally re-opening the debate on important Parks issues and am optimistic that this measure represents common ground. I have seen on the schedule that next month we'll have an opportunity to hear testimony on concessions policies. These issues both are important to our parks and other land-managed units. There are, however, numerous other issues facing the National Parks that we should deal with in this Congress. Things like park overcrowding, air and water pollution, historical and cultural structures that are literally falling apart, and the intense inappropriate development in and around parks that is—to say the least—startling and counter to the very ideals upon which the National Park System was established.

Major monuments at the Gettysburg National Battlefield in Pennsylvania are literally disappearing because of acid rain, and the Park Service lacks the resources to undertake any adequate preservation activities. And I just read the other day that it took a court order to prevent the construction of a gigantic land fill literally in the shadow of Joshua Tree National Park in California. These are issues that we need to discuss in this Committee, Mr. Chairman. The natural legacy of our children and grandchildren depends upon it. These are not issues of a partisan nature—rather again matters in which common ground should be attainable. Mr. Chairman, certainly oversight is in order regarding these issues.

I do appreciate your holding a hearing on this important legislation. It is an important start to what I hope will be an ongoing discussion of how we're going to protect and maintain our National Parks in the Twenty First Century. I look forward to working on this with you and Mr. Hefley as we close out the 105th Congress.

Mr. HANSEN. Thank you very much.

We appreciate your excellent testimony. I can see this is going to be very interesting. This thing on the administrative part will be always interesting as it is. We'll see—we appreciate positive attitude on these bills, and Mr. Berry, congratulations for coming forward, and Ms. Finnerty, thanks so much for being with us.

We'll excuse you and go to our third panel. Panel No. 3 is Fritz Attaway, Senior Vice President, Motion Picture Association of America, Government Relations General Counsel; William Chandler, Vice President of the Conservation Policy, National Parks Conservation Areas; and Lee von der Esch, Executive Director of the Utah Film Commission.

We appreciate you appearing before us. You know the rules here. You have any heartburn or sudden indigestion, let us know. We're pretty lenient today. We're not that big a schedule. Mr. Attaway, we'll start with you, and we'll recognize you for 5 minutes, sir.

STATEMENT OF MR. FRITZ ATTAWAY, SENIOR VICE PRESIDENT AND GENERAL COUNSEL, MOTION PICTURE ASSOCIATION OF AMERICA, GOVERNMENT RELATIONS

Mr. ATTAWAY. Thank you very much, Mr. Chairman. Mr. Chairman, members of the Subcommittee, I appreciate your giving me this opportunity to appear here before you to testify in support of H.R. 2293. The national parks and wildlife refuges are frequently highly desirable locations for filming movies and TV shows and other audio-visual works. And, because of this, they offer a potential source of Federal revenues from producers willing to pay reasonable fees for the privilege of filming on Federal lands.

Unfortunately, at the present time, the production divisions of MPAA member companies are confronted with diverse rules, standards, and requirements that make using parks burdensome and unattractive for television and motion picture production. As a result, our companies often seek out private lands, sometimes State parks, and sometimes locations outside of the United States.

The motion picture industry enthusiastically supports the desire, which I believe is reflected in H.R. 2993, to encourage filming in the national parks and wildlife refuge systems in return for reasonable fees that will help remove some of the burden on the tax-paying public. I am here to declare that support, and to suggest some amendments to this bill that, in our view, will contribute to the goals it seeks to achieve.

H.R. 2993 is designed to help the parks earn revenues on motion picture production by establishing a reasonable fee schedule that would benefit both the parks and the film industry. We support that objective. We particularly support the provision that would direct 80 percent of filming fees to the park in which the filming takes place. This not only would relieve some of the burden on taxpayers, it would also provide a very meaningful incentive for park administrators to encourage filming as a means to fund park expenditures, and create a positive, synergistic relationship between filmmakers on one hand, and park employees and patrons on the other. We strongly endorse this provision.

H.R. 2993 would require that film permit fees be established by the Secretary on a case by case basis, at fair market value. These

provisions do present some problems that I hope can be corrected before this bill becomes law.

Filmmaking is a business as well as an art. On the business side, filmmakers, like any other business, require transparency and predictability. Filmmakers need to have clear and precise information that tells them what will be expected of them if they chose to film on public lands. And they need to have some level of assurance that they will be allowed to film if they meet specified terms and conditions.

Establishing fees on a case by case basis would be antithetical to the uniformity and standardization that is essential to making the parks hospitable to filming. A more workable process would be for the Secretary to promulgate a fee schedule that applies to all parks on a national level, of course, taking into account factors such as accessibility, environmental protection, public safety, and other matters that affect the cost of filming to the government in particular types of locations.

Fair market value is an imprecise standard for determining a reasonable fee for filming on public land. What is the relevant market? Would the temporary use of filming be compared to a concessionaire setting up a stand in the park? Would it be compared to the use of private land, on which there are no hours or location restrictions, no government monitoring, no wildlife, vegetation, or cultural resources constraints, no visitors, et cetera? Would it be compared to grazing or mining? It appears to me that none of these measures provides a comparable standard for establishing fair market value for the purpose of filming.

We suggest that a reasonable fee for the purpose of filming should be based on the number of people in the filming party, a very reliable predictor of the size and complexity of the film project and the impact it will have on the resource. On a given day, "Lethal Weapon IV" may have 35 people on the special effects crew alone; "Titanic" had 45 people in costuming alone. A smaller film or second unit may not have that many people in the entire crew. And, of course, a commercial would have far fewer people.

The National Forest Service has already devised a fee schedule that is based on the number of persons taking part in the filming. There is an application fee, and a graduated fee schedule, depending on the number of people involved. In addition, there is a unique site fee for certain unusual locations. Most photographers and film companies find this schedule reasonable.

MPAA strongly recommends that the Secretary of the Interior be directed to delegate the task of establishing a reasonable fee schedule to a committee of Federal land managers, such as NPS, BLM, and Forest Service personnel. If all Federal lands were handled uniformly, the benefits to the government and the motion picture and TV producers would be compounded.

In closing, I commend Congressman Hefley for addressing this very important issue, and urge this Subcommittee to consider amendments to H.R. 2993 that would correct the problems I have mentioned.

Thank you very much.

[The prepared statement of Mr. Attaway may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Attaway.

Mr. Chandler, National Parks and Conservation Association, we always appreciate your input. I'll turn to you, sir.

STATEMENT OF WILLIAM CHANDLER, VICE PRESIDENT FOR CONSERVATION POLICY, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. CHANDLER. Good morning, Mr. Chairman and members of the Subcommittee.

Thank you for inviting us to testify today. I would like to say at the outset that, in general, NPCA supports this Subcommittee's intent to bring more discipline and structure to the new area study process, and to charge fair market fees for commercial filming in our national parks. We appreciate this opportunity to present our testimony, and we would like to work with you to shape final bills that we can affirmatively support.

I would like to reverse the order of my testimony and first deal with the filming issue if I might, Mr. Chairman, and then come back to what we consider to be another very important bill, and that is the new area study process.

Someone said this already, but I would like to mention it again at the outset: There is no right to film in a national park or a national wildlife refuge. To the extent that the filming industry can use these areas without damaging them, without inconveniencing visitors unduly, and so forth, then certainly those kinds of activities can be permitted to take place. But there is no right to do this. It must be a privilege that's awarded under a permit.

The National Parks have provided wonderful backdrops to both blockbuster films and forgettable "B" movies. But I would like to point out, Mr. Chairman, as I think you already know, every one of these films, whether it made money or not, provided almost nothing to the parks in return. As the law now stands, the Park Service is authorized to recoup only the cost of monitoring the filming, a negligible application fee, and the cost of any damage remediation. For example, the film industry paid \$300 to the Park Service to use Yellowstone for a portion of the first "Star Trek" film. That film grossed \$50 million. You probably didn't hear any complaints from the filming industry about how onerous that fee was. By comparison, the same scene filmed today on private property could cost up to \$8,500 a day. So, clearly the importance of setting a fair market fee is important, and I would like to address that issue right now.

We would recommend that the bill pursue the goal of setting the fair market fee, but we believe that the bill needs to be rewritten to make sure that full cost recovery occurs. For example, right now the Park Service incurs a bunch of indirect costs just checking out whether or not they wish to issue a filming permit to dozens and dozens of companies that explore this possibility preliminarily. Those costs are never reimbursed to the Park Service.

Likewise, there are a number of other costs that are hidden right now, for example, permit and site preparation fees, preparation of guidebooks, phone calls back and forth. We believe that Mr. Hefley's legislation ought to specify that all costs incurred by the Park Service, and the Fish and Wildlife Service for that matter, for

running a film permitting program be recovered as a "minimum" fee.

As to establishing a fair market value: we think that the national parks ought to be considered more akin to a private landowner, allowing his land to be used. I thought the notion of Assistant Secretary Berry about hiring an agent who knows the market to work with the filming industry is an interesting one. Certainly, that agent would be familiar with the wide range of fees now being charged to film companies in different venues. I will say right now, though, Mr. Chairman, that we do not agree that other public lands offer comparability of value in terms of trying to set that value. Many of these areas are, in essence, given away to the film companies to draw them in so that collateral business can be generated in the adjacent communities. So, fair market value to us means what they would have to pay to a private sector person, as you mentioned, Mr. Hefley, to use private land.

Finally, effective penalties. We do not think that the penalties set in the bill set are tough enough. Right now, the bill says it can't exceed 200 percent of the fee that would have been charged had a permit been issued. I'd like to give you an example, Mr. Chairman, of a situation that occurred in your own State. Bryce Canyon. The Park Service got a call from a film company who wanted to do a TV commercial. The Park Service started trying to discourage them, saying, "Hey, we really don't want you flying helicopters below 2,000 feet in the park, and maybe you could find another location."

The next thing the Park Service knew, a ranger witnessed three helicopters swooping into the park. A stunt man bungee-jumped out of a helicopter over Bryce Canyon without a permit. And when Park staff met the film crew at the airport, the film crew was extremely belligerent saying that the Park Service didn't want to work with them. Therefore, the film crew just did what they wanted. To deter that kind of abuse, we believe that you should seek treble the amount of the permit value for anybody who violates these regulations, and also that any legal costs incurred by the government in policing these permits also be recovered.

I would now like to turn to a very important issue of the new area park study process. We strongly support the intent of your bill, Mr. Hefley, to come up with a stronger, more deliberative process for authorizing new area studies. I'm sure you're familiar with the statistics right now that point out that in a 6-year period between 1989 and 1994, of 78 new area launched by the Park Service, 44 were directed by the Appropriations Committees, 11 by authorizing legislation, 11 by the Park Service, and 12 by the Department of the Interior. These facts tell us that we need a more intellectually rigorous process for launching new area studies. I am concerned, though, Mr. Chairman, that the bill needs to get a lot more specific regarding the process of how the list approval process is going to work.

For example, is this Committee going to authorize the annual list submitted by the Secretary as a package? What happens if you don't act with dispatch on this list? Are these studies just going to sit there and not get done? We would hate to see a process set up where the study process essentially grinds to a halt because no ac-

tion occurs on the Hill. I know that in many cases, Congress has given itself a date certain, and if they don't act by that date, then the administration recommendation is deemed to be approved. And that seems to be a fair way to proceed in this particular circumstance as well.

I will conclude my testimony on that point, Mr. Chairman, and will be happy to answer any questions.

[The prepared statement of Mr. Chandler may be found at end of hearing.]

Mr. HANSEN. Thank you. Thank you very much. We'll look forward to the suggestions that you have brought up. We're grateful that the Great State of Utah sent a representative here. We'll turn to you now.

**STATEMENT OF LEIGH VON DER ESCH, EXECUTIVE
DIRECTOR, UTAH FILM COMMISSION**

Ms. VON DER ESCH. Thank you, Mr. Chairman, members of the Subcommittee. Thank you for giving me an opportunity to comment on H.R. 2993.

I concur with Mr. Attaway's points that the National Parks and Wildlife Refuges are frequently the location of choice for filming movies, TV shows, and other audio-visual works. As Executive Director of the Utah Film Commission, I have scouted and facilitated the use of Federal lands, including our five national parks, for over 13 years, and previously worked on location on public lands for the motion picture industry. Many of you in the audience and, Mr. Chairman, you also mentioned today the number of movies that are synonymous with Utah. I'd be remiss as a woman if I also didn't mention "Thelma and Louise" as well as John Wayne and John Ford.

Having worked with our Federal land managers in the national parks, the Forest Service, and the Bureau of Land Management for many years, I am very familiar with the difficulty of the land managers in meeting the demands of the public, which increases in its use yearly of the public lands, balanced against the need to protect and preserve the land and capital infrastructure, with limited financial and personnel assistance. Again, I concur with Mr. Attaway that the motion picture and television production activities can offer a potential source of Federal revenues, if reasonable fees and filming regulations can be created. And I applaud any efforts and your desire to make this occur.

A film commission's purpose is to serve as a marketing agency for its respective governmental jurisdictions, to attract the motion picture and audio-visual works to use those locations in their jurisdictions as backdrops to production. We view this activity as a resource sustaining activity, highly lucrative to the local economies, particularly in rural areas largely made up of Federal lands. Our job is to facilitate the production activity, which in most instances has minimal impact to the area, and which in all instances should be mitigated. The motion picture industry is one that pays its own way.

As state film commissioners, and each state has one, as well as provinces, regions, and countries throughout the world, we share the concerns of the production community, as well as the chal-

allenges in securing national parks as locations for filming. We also face diverse rules, standards, and requirements that can make parks burdensome and unattractive for television and motion picture production, and consequently see us lose jobs and purchase of goods and services to other jurisdictions and locations outside of the United States. As past president of the Association of Film Commissioners International, I share the frustration of my fellow film commissioners in the United States, with the regulations, and know that other countries, such as Canada, have made filmmaking in their national parks possible.

I support your desire reflected in H.R. 2993 to encourage filming in national parks in return for reasonable fees that can bridge the financial gap of service and land needs and help remove some of the burden of the taxpaying public.

This is a win-win opportunity. In addition to additional revenue for our parks and land agencies is the opportunity to create a synergy with the production community during filming—land managers will see the benefit directly to their areas if the change to retain more of the fees locally can be accomplished. And there is a proprietary feeling that can take place within the production community, which I'll just mention briefly.

We had Disney shooting in the state this last summer, Congressman. They were shooting a production called "Meet the Deedles." In addition to the fees that were charged by the Forest Services, one of the location managers asked the Forest Service ranger, why is this campground closed. He said because we need to put in handicapped access. He said, we'll add it. We'll do that in addition to paying our fees while were there. And there was a bridge that was washed out. It was a real feeling of ownership, and I think that takes place and can take place more under your bill.

I agree with Mr. Attaway's concern about "case by case" and "fair market value fees." Having facilitated production for many years, I believe there are three major needs in the fees and regulations which should be met. They are clarity, consistency, and speed.

The rules and fee structure should be clear to all using the public lands.

A fee schedule, as suggested by Mr. Attaway and currently used by the Forest Service, should be consistent from jurisdiction to jurisdiction. Common guidelines and procedures, given different mandates of the different agencies, followed by all the land management agencies would be helpful.

And I think if the reasonable fees are paid and the consistent fees and regulations are there, it should enable the producer to expect processing of film permits on a more timely basis. This is a very creative and artistic undertaking, and the regulations require weeks for processing. And in an industry that's dependent on the cooperation of unpredictable El Niño weather, flexibility for changes—artistic, logistical, or financial—are almost impossible. And actually, we have tried to move locations and save the land, and because it was not permitted 60 days in advance, the company on "Geronimo" moved 80 miles, with 300 crew people because there was no flexibility in the permitting.

I share the concern about the penalties for the violations, and hope we can revisit this area.

I thank you for the opportunity. It is a passion of mine to protect the land. I have hiked much of Utah. I enjoy its beauty. As a film commissioner, we don't want damage done; it's the resource that we protect. And we hope that we can work with our Federal agencies to contribute to the economy and also the betterment of the land for an industry that should only take an image when it leaves.

I'm sorry I ran over, and thank you very much.

[The prepared statement of Ms. von der Esch may be found at end of hearing.]

Mr. HANSEN. Thank you very much.

We'll turn to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, I'd like to defer my time to the gentleman from Minnesota, since I know that——

Mr. HANSEN. He yields to the gentleman from Minnesota for 5 minutes.

Mr. VENTO. Mr. Chairman, I regret that my flight was not more timely and appreciate these are, I think, all three, important measures. I have joined Congressman Hefley in the introduction of the National Park Administrative Amendments that provide for a procedure where the National Park Service would recommend studies and action on the part of our Committee to authorize such studies. I think this is a much needed remedy. Obviously, this is a good bill—in fact, I think, a better bill than a few years ago, when it was not successful. But, in any case, I think it is now down to a point where it has removed—I hope, hopefully—any controversy that would exist. I think we can look more closely at the process. I think clearly this would, I think, set up an opportunity for our Committee and for all the committees to have the information they need before they act on these sites. I also believe the review of the matter concerning filming and the fees for that are important. Up until this point, it's been a user, but I think you have a classic debate here. I listened to the witness from Utah that's on this panel, and I don't see my agenda before me right now, but the—one of the concerns, of course, is that the—von der Esch—is that right?

Ms. VON DER ESCH. Yes, that's correct.

Mr. VENTO. Thank you for your testimony. One of the issues, of course, is that very often that by providing an opportunity for filming and sharing this without charging, we basically have an opportunity to spread the word about the parks and the availability. Whether or not, we, in fact, get the credit or whether or not there's a recognition, I guess, we're talking about a Walt Disney film with somebody on Mars and they're filming. I think she said it was Utah, Mr. Chairman.

[Laughter.]

Mr. VENTO. Didn't want to pick on Utah.

Mr. HANSEN. Land of diversity.

Mr. VENTO. But it may have been Idaho. We, in fact, have some moon names, I think, given to craters of the moon in Idaho, Mr. Chairman. But what about that factor? I mean, if these fees—I think you talked about the goodwill that exists in terms of it's nice to come in and repair a handicap. But on the other hand, we're obviously being pushed in terms of maintaining these resources and some sort of reasonable fee would be appropriate, but do you think

that that may discourage some of the filmmakers from actually using these backdrops?

MS. VON DER ESCH. OK, if I may.

MR. VENTO. I'm asking you the question. It's a long way to it, but—

MS. VON DER ESCH. I think that it's a matter of what the market could bear. As Mr. Berry said, the notion of a national Hollywood agent, if you will, is an interesting one. But those of us as state film commissioners are actually serving for an agent in our area. I don't think you're going to chase away a producer who wants the signature location, which is, I think, why the Navaho Nation can charge what was quoted earlier, of Monument Valley and can only have that.

Where we run into problems is when there are a half a dozen different areas worldwide where a producer can film a movie. I'm think currently, and I believe the Congressman knows this, "Ghost-writers in the Sky." It's a 20th Century Fox production, they have been wringing their hands and running into regulations within the BLM, which have been under revision and consideration for 8 years, and we can't get them acted on. And it's not the money that they're concerned about. It's the regulations, the hoops that they have to go through in order to get the permit. And I had a producer say in the meeting with our State BLM director, this movie will get made. It may get made in Australia because we can't wait 6 months for the permit to go through.

I think fair and reasonable fees should be required, and they will pay their way. There's no question about that.

If I may, Mr. Chairman, to the gentleman from Samoa. You raised the question about would we ever—because we're marketing our state—recommend closing of park. Certainly not. I recall an instance where I had a commercial producer ask for a permit Easter Week, and Congressman Hansen knows how busy Zion National Park is Easter Week. He called me on a Friday night. The park superintendent wouldn't cooperate. He said, would you get the help. Would I get the Governor's help. I said, sir, that is the busiest week in Utah for Zion National Park. I actually called the park superintendent and when I got through telling him what the producer in terms of the unavailability of his and how inconvenient it would be, the park superintendent said, could you tell everybody that calls me because you understand what the problems are with our local area.

MR. VENTO. Well, I appreciate your answer and response, but there is a dilemma here in the sense that we have committed to permit and other types of use of BLM or other public lands, and certainly for parks, obviously, in terms of visitation. And it would be better if it would all come, if there is an off season any more. But, yes, the concern is that there are a lot of—there's a big crew that goes out there in the wilderness area. They have to have the—we have to make certain that they don't leave behind serious contamination or other problems in terms of these areas. We have competing uses. They want to basically limit—you know, they don't want the cattle in that area, they don't want other activities going on when they're doing the film. So these are they—these are not unreasonable, but I think that there's hopefully we could stream-

line the process and, along the lines of this bill, facilitate this. Filmmaking is a big industry in my State of Minnesota as well.

And you had some further response.

Ms. VON DER ESCH. Just if I may, sir. There have been instances where you evaluate what the project is, and we have asked for cash bond; certainly certificate of insurance is with every project. But we've asked for cash bond upwards to \$60,000, \$70,000, \$100,000 to make certain that if there is mitigation that is required before the company's bond is released. It is taken care of. And there are competing interests. I couldn't agree more, and they do offer some more advertising, if you will. But it does offer an opportunity to bridge the gap of the financial resources in our parks right now to collect this money.

Mr. VENTO. Well, thank you.

Mr. VON DER ESCH. Thank you. I'm sorry.

Mr. VENTO. Sometimes I find that those who are using the public lands are not all that cooperative to yield their use to something important something important like Hollywood.

Mr. HANSEN. Of course. Mr. Chandler, did you want to respond to Mr. Attaway?

Mr. CHANDLER. Thank you, Mr. Chairman. I just would like to say that certainly a process that provides clarity, consistency, and speed, which is, I think, what the film industry representatives said they needed, is not anything that we would object to. That's common sense. That's good business practice.

There are instances, though, where filming in a park, or in a refuge, may not ever be desirable at a particular point in time, and the park service and the wildlife service need to have the ability to say no when they don't think it's appropriate for the park. And if these film companies have to go elsewhere, so be it. I think this has to be very clear principle. The national parks were established to protect resources unimpaired for future generations of Americans. And I will tell you that damage has occurred in parks from time to time. I'm sure it's happened in other areas as well. So we need a system that's going to limit the number of those instances to the bare, bare minimum. And if we do have to mitigate something, of course, we need a bond. We need to be able to come back to the film company and collect to fix what they have torn up.

Mr. HANSEN. Mr. Attaway, did you want to respond?

Mr. ATTAWAY. Mr. Chairman, I think we're in violent agreement here. Clarity, consistency, and speed—that is what we're looking for. If you're a producer and you've got a \$30 million film to make, you can't not know whether you're going to get a permit, how long it's going to take, what the rules are. You have to know in advance what the rules are, so you know whether you can comply with them, and if you do comply with them, you need to know you're going to get the permit. This is not a money issue.

Mr. HANSEN. Mr. Hefley.

Mr. HEFLEY. Thank you, Mr. Chairman, and I'm glad that Mr. Vento arrived because Mr. Vento also has been working on this whole issue, particularly the parks bill, for a long, long time. And when we had H.R. 260 several years ago, and were being by the administration and trashed by your organization, Mr. Chandler, Mr. Vento didn't cut and run. And I've always really appreciated

that. And I appreciate all the witnesses. I think we've had exceptionally good witnesses today. I will say, Mr. Chandler, your organization did lose some credibility over that H.R. 260. It was your organization that told us that it was the greatest piece of park legislation since the generic bill, since we created the Park Service. And then I think somewhere along the line, you decided, you know, for an organization like yours to fund itself, you need boogeymen, and this was a boogeyman. And you made it, along with the administration, a park closure bill, which it never was. I hope you realize lots of contributions from that, but it did lose you some credibility.

I—Mr. Attaway, I'm interested—we want consistency. We want you to know what you're going to—what you're getting into when you ask for these locations. And you object to the case by case kind of thing. And certainly, and you point this out, there's a great deal of difference between filming "Ben Hur," with a cast of thousands, a Cecile B. DeMille's production, and filming a movie like "Cliffhanger," which was supposedly set in Colorado, but I don't think it was. I don't know where those mountains came from, but they were beautiful. And there was a relatively small crew.

Is it your contention that we should go with the Forest Service plan based strictly on number of people involved in the production of that segment? Or is it—would there be some consideration for things that might be a little unusual, like the helicopters down in Bryce Canyon, or if you do a plane crash scene. I don't know—something that, you know, would be unusual. How would you—would you do it strictly on numbers or would there be other things considered?

Mr. ATTAWAY. We think the size of the crew should be the primary factor in determining the fee. But, of course, there are other factors. Unique sites, in terms of accessibility, in terms of the fragility of the environment, they should be taken into account. And, of course, the direct costs of the filming. If the filming requires a large number of park personnel to re-route traffic or to do other things of that nature, of course, that should be taken into account in establishing the fee.

Mr. HEFLEY. So if you're filming a "Patton" and you've got tanks running across the countryside, that might be taken into consideration in terms of the fee, as opposed to how many people were in those tanks and filming crews?

Mr. ATTAWAY. I certainly would not object to being charged a fee that requires us to put the land back in same shape that we found it. I think that's a given.

Mr. HEFLEY. What about the economics of locations? Is there some way that the film industry determines what is too much, and no, we're not going to go there because we just can't afford it. Is it based on a percentage of the cost of production? What are the economics?

Mr. ATTAWAY. Well, 2 months ago if you had invested in the "Titanic," you would have definitely said, yes, there's a point where it's too much. Now, you might not say that. Of course, every film production is a separate business, and costs are a consideration. I think, in terms of setting fees for filming in the national parks, you not only have to take into account the cost to the park of the filming and the desire of the park to make some money, but you also

have to consider the competition. There are other places to film. There's private land. There's State parks, and there's the possibility of filming abroad.

So I think you want the fees to be competitive. You don't want to drive producers away.

Mr. HEFLEY. How do you feel about what was suggested by the representative from the Utah Film Commission about in-kind contributions being a part of a fee schedule? I could see instances where, you know, maybe there's a deteriorated bridge. The Park Service doesn't have money to fix that bridge. You say, we'll fix it and we'll use it and then it's yours. Should that be a part of it or should that be completely separate from a normal fee schedule?

Mr. ATTAWAY. I think it should be separate because that, to me, that would invite the very kind of arbitrariness I'm trying to avoid.

Mr. HEFLEY. Well, let me suggest to each of you, any suggestions that you've made for amendments if you would get those to us, we would appreciate it, and we'll see what we can do.

Mr. ATTAWAY. Thank you very much.

Mr. HANSEN. The gentlelady from the Virgin Islands.

Ms. CHRISTIAN-GREEN. No questions, Mr. Chair.

Mr. HANSEN. The gentleman from American Samoa, do you have something that are just dying to say?

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank the members of the panel. I think both Mr. Vento and Mr. Hefley have adequately answered the questions that I had. And I would sincerely like to ask our friends to do submit suggestions on how we can improve this legislation, so we can move forward with it.

Thank you, Mr. Chairman.

Mr. HANSEN. We thank the panel. Excellent testimony. Good testimony. Interesting bills we have before us today. All of those will create some controversy. I concur with my colleagues: if you have these things, work them out with us, seeing them, that's about the only way we can do it.

And this hearing now stands adjourned.

[Whereupon, at 12:01 p.m., the Subcommittee adjourned subject to the call of the Chair.]

[Additional material submitted for the record follows.]

STATEMENT OF SANDRA KEY, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to be here today to present the Administration's views concerning H.R. 2223, amendments to the Recreation and Public Purposes Act to transfer National Forest lands to education agencies. I am accompanied today by James B. Snow, Deputy Assistant General Counsel, Department of Agriculture.

The Recreation and Public Purposes Act of 1926 (R&PPA) is an authority of the Secretary of the Interior administered by the Bureau of Land Management (BLM). Essentially, R&PPA makes public lands available for campgrounds, schools, fire stations, parks, and other public uses. Lands can be leased or patented by the BLM to States, counties, municipalities or to nonprofit corporations and associations based on a pricing formula. Significantly, the R&PPA does not apply to certain categories of land, including the National Forest lands, the National Park System, the National Wildlife Refuge System, and other lands withdrawn for certain resource values. H.R. 2223 would amend R&PPA to include National Forest land within the categories of land available for disposal by the Secretary of the Interior.

While the Department of Agriculture supports the objective of making Federal lands available in certain circumstances for public purposes, we oppose the bill.

Concerns about H.R. 2223

We have several serious concerns about the provisions of H.R. 2223. First, it is unnecessary since there is existing authority available to the Secretary of Agriculture to make land available for educational purposes. Second, it would move the disposal of National Forest lands to the auspices of the Secretary of the Interior by making disposal of National Forest lands subject to the R&PPA and would thereby complicate decisionmaking about the appropriate uses of National Forest lands which is generally accomplished through the forest planning process under the National Forest Management Act (NFMA). Third, it would permit the disposal of National Forest lands for less than fair market value.

First, including disposal of National Forest lands for public purposes under R&PPA is unnecessary because the Secretary of Agriculture has existing authorities to accommodate public uses through permit, lease, exchange and limited disposal authorities. For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska and in the contiguous western states. The Sisk Act of 1967 provides the Secretary of Agriculture other authorities to exchange lands with states, counties, or municipal governments or public school districts for lands or a combination of lands and money. The Sisk Act is currently limited to the conveyance of 80 acres that were under permit to such entities as of 1983.

In addition to the Townsite Act and the Sisk Act, the Secretary of Agriculture has the ability to exchange National Forest lands with State and local governments. Lands of equal value may be exchanged or, if there is a disparity of values, values may be equalized by a cash payment generally up to 25 percent of the value of the land being exchanged.

The Department's second concern is that making National Forest lands available for disposal under R&PPA would complicate decisionmaking about the disposal of National Forest lands by moving it from the local level of the Department of Agriculture to another Cabinet-level department. Decisions about the appropriate uses of National Forest lands and resources are arrived at through the forest planning process under the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA). Under NFMA and NEPA, the public is extensively involved in decisions of the appropriate uses of lands and resources and the environmental impacts of planning decisions are disclosed.

During this process, local Forest Service officials work closely with State and local governments to identify their concerns and needs for land and to identify lands appropriate for land ownership adjustments. The exchange or use of any particular National Forest lands for public purposes are matters best handled between the local National Forest offices and the affected communities. To involve the Department of the Interior in the disposition of National Forest lands would significantly—and unnecessarily—complicate our relationships with State and local governments and potentially undermine the NFMA decisionmaking process. In addition, amending R&PPA to include National Forest lands would be an added administrative burden to our colleagues in the Bureau of Land Management.

The Department's third objection to H.R. 2223 as drafted is that it would permit the disposal of National Forest lands for less than fair market value. There are com-

selling public policy considerations for requiring that the taxpayers of the United States receive fair market value for the sale, exchange, or use of National Forest lands. Unlike the R&PPA, all of the existing authorities of the Secretary of Agriculture require fair market value for exchanges or sale of National Forest lands. Indeed, the policy direction in recent decades has been toward maximizing return to the public for the value of lands conveyed out of Federal ownership. We object to legislation that would open the door to less than fair market value consideration for the disposition of National Forest lands.

Approaches to Consider

Mr. Chairman, we believe that we can meet the needs of local entities and provide a fair return for the value of the resources to taxpayers through amendments to the Secretary of Agriculture's existing authorities. For instance, if we looked at amending the Sisk Act, we might consider eliminating the current limitation that requires that the lands proposed for conveyance must have been under permit for public use as of 1983. In addition, we might look at approaches like installment payments under existing authorities which could substantially reduce the financial impact of acquisitions for small communities.

Closing

Mr. Chairman, while the Department of Agriculture supports the general objective of making Federal lands available for education purposes, we oppose H.R. 2223. We would prefer to work with you, Mr. Chairman, with Mr. Hayworth and the Members of the Subcommittee to address these issues through amendments to existing authorities of the Secretary of Agriculture.

This concludes my statement. I would be happy to answer any questions you and Members of the Subcommittee might have.

STATEMENT OF STEVE STRATTON, CITY ADMINISTRATOR, CITY OF GLOBE, ARIZONA

Good morning, my name is Steve Stratton. I am the City Administrator of the City of Globe, Arizona. I have with me today, Mayor David Franquero, Vice-Mayor Ross Bittner, and my assistant, Mary Lou Tamplin.

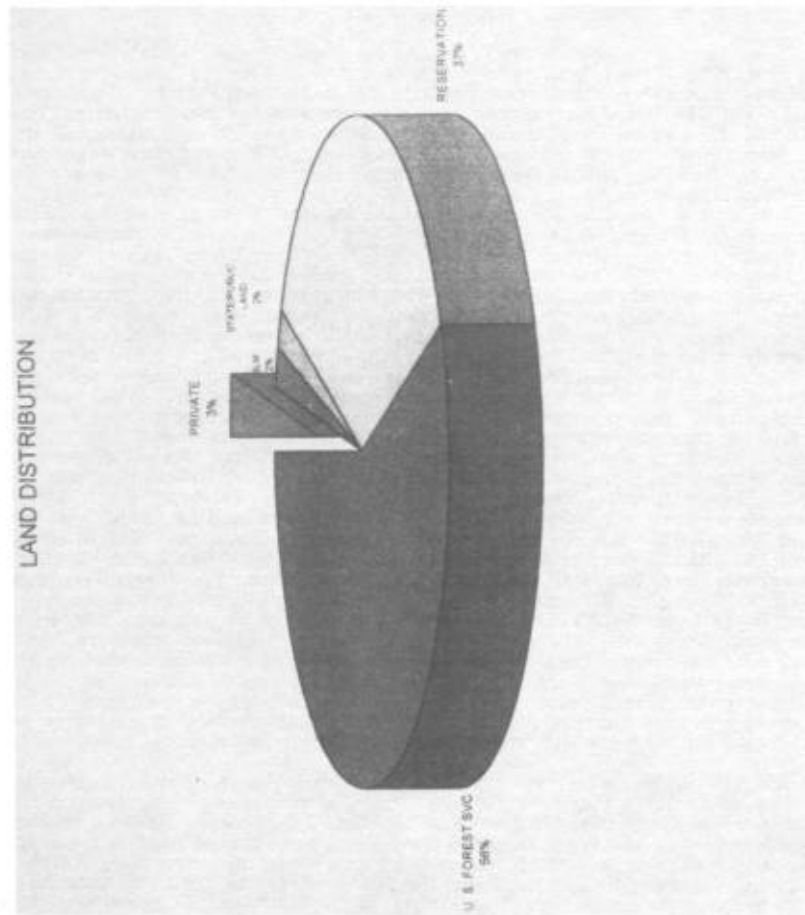
It is an honor to testify on behalf of H.R. 2223. This bill will have a significant, positive impact on the youth of our country while saving the taxpayer's money.

The City of Globe is the county seat for Gila County. The area of Gila County is 4,748 square miles and only 3 percent of the land is privately owned. Due to the small percentage of private land, the costs of large parcels suitable for a school are extremely high. The utilization of Federal lands with minimal or no costs will help control the escalating costs of building schools. This would lessen the impact on the taxpayers of the school district. Currently in Gila County the land ownership is broken-down as follows:

U.S. Forest Service	56 percent	2,659 Square miles
Indian Reservation	37 percent	1,756 Square miles
State Public Land	2 percent	95 Square miles
BLM	2 percent	95 Square miles
Private	3 percent	143 Square miles

Because only a small portion of land in Gila County is taxable, the property tax rates are the highest in the state. The addition of a secondary tax levy for a school bond issue only places an additional burden on the taxpayers. This burden would be lessened without a significant cost for land. The additional levies are also detrimental to attracting new businesses to our area. New businesses are needed in order to diversify our economy. The City of Globe has attempted to set an example for municipalities and other governmental entities by divesting itself of unnecessary land parcels, rights of ways and easements.

The citizens of our community have historically accepted the burden of additional taxes to provide a suitable education for the youth. However, in today's world of rising costs it is becoming increasingly difficult to bear. The future of our country will depend on the education we can provide for our youth. I would like to commend those involved with the inception and I would encourage you to vote in favor of this bill for the future of our youth.



STATEMENT OF JOHN BERRY, ASSISTANT SECRETARY, POLICY, MANAGEMENT, AND
BUDGET, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to present the Department of the Interior's views on H.R. 2993, a bill to provide for the collection of fees for the making of motion pictures, television productions, and soundtracks in National Park System and National Wildlife Refuge System units. The Department of the Interior supports this bill and offers amendatory language that would make the bill applicable to all Department of the Interior land management agencies. Our amendments would also grant the Secretary greater flexibility in protecting both natural resources and the interests of the taxpayer.

H.R. 2993 would allow the Secretary of the Interior to charge a fee for filming based on the fair market value of a filming permit, as determined by the Secretary, and authorize the National Park Service (NPS) and the United States Fish and Wildlife Service (FWS) to retain the fees they receive under filming permits. This authority is not only much needed, but should be expanded slightly to give the Secretary the necessary tools to best represent the interests of the public. H.R. 2993 would also expressly repeal the present regulations governing the issuance of film permits in parks and refuges. Under existing regulation 43 CFR. 5.1(b), NPS and FWS are prohibited from charging fees for the making of motion pictures, television productions, or sound tracks in NPS or FWS units. The regulation does not prohibit NPS and FWS from recovering the costs associated with administering film permits.

Units of the National Park Service (NPS) and the United States Fish and Wildlife Service (FWS) have played significant roles in many different types of motion picture and television productions. In response to a request for information from the Committee on Resources, the NPS and BLM (as well as the United States Forest Service) are presently compiling the permits they have issued for filming over the past 7 years. FWS has not been asked to compile this information. The BLM has completed its inventory of permits and provided this information to the Resources Committee. Over the past three fiscal years, approximately 1,000 permits were issued for filming on BLM-managed lands. Although NPS is still in the process of compiling its permits, its initial review indicates that the 16 park units that issued the most permits issued almost 2,800 permits over the past three fiscal years. A cursory review of the permits that have not yet been catalogued indicates that the entire park system issued more than twice this amount during this time period.

Many of the permits issued by NPS, BLM, and FWS are for small productions, some of which are commercial in nature, others of which are educational. However, all three agencies issue a significant number of permits to makers of major motion pictures.

Although parks and refuges were created to conserve and protect natural resources and wildlife, they have played important roles in many high-grossing films. The 400-year old fortification known as "El Morro" in San Juan National Historic Site was used in the movie "Amistad" to depict a slave-trading market; the white sands of White Sands National Monument were used in the movie "Star Wars" to depict an otherworldly landscape; and the Linville Falls Trail in Blue Ridge Parkway was used for the ambush scene in "Last of the Mohicans." These are but a few of the hundreds of memorable films that have been filmed in national parks over the years. The list includes "Dances with Wolves," filmed in part in Badlands National Park, "The Deer Hunter," made in part in Lake Chelan National Recreation Area, and "In the Line of Fire," filmed at several NPS sites throughout the capital region. FWS units have also played host to memorable motion pictures. The exciting chase scene at the opening of "The Raiders of the Lost Ark," in which Harrison Ford narrowly escapes a rolling boulder, among other things, was filmed in Hanalei National Wildlife Refuge. The movie "Uncommon Valor," a story about a Vietnam War veteran, was filmed in part in Hanalei and Huleia Wildlife Refuges in Hawaii, because these refuges have features that are similar to those found in areas of Vietnam.

It is often the unique nature of a park or refuge that attracts filmmakers. In some cases, a park or refuge may be the only option for a filmmaker whose story is inextricably tied to something that may only exist in a park or refuge. We believe the public has the right to be compensated for the commercial use of this uniqueness.

The Bureau of Land Management (BLM) filming policy is governed by the 43 CFR 29.20 regulations, which allow the agency to charge fair market value for filming. The BLM allows each of its state offices to set their own schedules for filming. The California office, for instance, will charge up to \$600 per day for the use of its lands for filming. The BLM's fee schedule does not appear to be a deterrent for filming on the public lands managed by BLM as these lands have been used as sites for such films as "Star Trek VII," "The River Wild," and "Maverick." The United States

Forest Service is also statutorily authorized to charge fair market value for filming. It allows its regional offices to set schedules. For example, the Southern California Regional office of the Forest Service charges up to \$600 per day for filming in Forest Service sites in southern California.

Other land-owning governmental entities charge even higher fees than our sister Federal agencies. The Navajo Nation, for instance, charges up to \$2,000 a day for the use of Monument Valley, the site of many memorable films. Similarly, the city of Beverly Hills in California charges fees that exceed \$2,000 per day for filming in its city parks.

Ironically, the NPS and the FWS charged for filming prior to November, 1948. Prior to 1945 film-permitting policy was governed by Secretarial Orders which allowed the Park Service to charge as much as \$500 per day for filming. In 1945 a new Secretarial Order was put in place that permitted NPS to negotiate even higher fees than this for large-scale productions. These fees were more than twice the amount that the General Land Office (BLM's predecessor agency) was allowed to charge at the time. It is unclear why this policy was changed in late 1948, but it should be noted that when NPS charged for filming, movies were still made in parks. Many films, including 1947's "Sea of Grass," starring Spencer Tracy, and filmed in Canyon de Chelly National Monument, and 1948's "Yellow Sky," starring Gregory Peck, and filmed in Death Valley National Monument, were made when NPS charged for filming.

In late 1948 the precursor to the current 43 CFR 5.1 was issued, which prohibited NPS from charging filming fees. Another change in this regulation in 1957 prohibited FWS from charging fees for filming. We have searched our files but have not yet discovered why the regulations on filming fees were changed for NPS and FWS, but not for other Department of the Interior agencies such as BLM and the Bureau of Reclamation.

NPS and FWS are also concerned that their inability to charge fees may be attracting permit applications from filmmakers who would seek other lands if fees were charged. The mission of NPS and FWS is to protect natural and cultural resources and wildlife. These agencies were not set up to attract filming business. Yet, by prohibiting these agencies from establishing fees the present regulations make parks and refuge lands more attractive to filmmakers whose films could also be made on other governmental or tribal lands. H.R. 2993 would correct this anomaly by repealing 43 C.F.R. 5.1 and allowing NPS and FWS the authority to charge fees that are at least comparable to the fees charged by other agencies.

This authority would allow fees to be set based on the market value of a permit, as determined by the Secretary, on a case-by-case basis. We would like to expand this authority slightly to give the Secretary even more flexibility in this regard. More importantly, we want to ensure that any filming done in parks, refuges, and other public lands is consistent with the missions and values of the agencies charged with their management. We have attached to this testimony a proposed amendment to H.R. 2993 (Suggested Amendment 1) that would allow the Secretary to determine fees in his discretion provided the fees are not set at less than the cost to the government of administering the permit, and would ensure the protection of the resources of our public lands. Most fees would be set at not less than fair market value, but the Secretary would have the authority to charge fees on a case-by-case basis below fair market value (but still not less than actual cost to the government) if the proposed filming project provides clear educational or interpretive benefits for the Department of the Interior. This would allow the Secretary to come to a meeting of the minds with an applicant for a filming permit and truly determine what the market will bear for each filming opportunity. It would also give the Secretary a better opportunity to weigh and understand the resource-protection concerns involved under each filming permit. As BLM's filming program would benefit by this language, it should be made applicable to filming on public lands managed by the BLM.

H.R. 2993 would also allow the fees collected under filming permits to be distributed in the same manner as under subsection (c) of the act that created the recreation fee demonstration program. Under this program, fees are remitted to a special account in the Treasury. Eighty percent of the fees in the account go back to the park or refuge unit that generated the fees. Twenty percent of these fees are available for distribution throughout the NPS and FWS systems. We support the provision of H.R. 2993 that would allow fees to be collected and distributed in a similar manner. The fees from motion pictures would provide an additional source of revenue for parks and refuges. BLM should also benefit from this language. We will be happy to work with the Committee to draft language that will enable BLM to receive these benefits.

Subsection (b) of H.R. 2993 provides that no fee shall be charged for any bonafide newsreel or news television production. We support this provision and have no desire to impede the reporting of news from parks.

The Department of the Interior is extremely supportive of the goals of H.R. 2993. The public deserves to receive a fair fee for the use of Department of the Interior lands that play an important role in motion pictures, television productions, and soundtracks. The public will also benefit from a fee distribution system that would allow each land management agency to retain the fees generated under its film permits. We are confident that H.R. 2993, if amended in the manner suggested by this testimony, would accomplish this goal without compromising the Department of the Interior's primary mission of protecting the resources under its care. Thank you for this opportunity, and I would be happy to answer any of your questions.

SUGGESTED AMENDMENTS TO H.R. 2993

1. Strike Section 1(a) and insert:

The Secretary is authorized to permit, under terms and conditions deemed necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar projects, for commercial purposes, provided that such use will not impair the values and resources of such lands and facilities. Any authorization shall provide for payment of fees to the Secretary at an amount deemed appropriate by the Secretary, but not less than the direct and indirect costs to the government for the use of the area, including any necessary costs of clean-up and restoration. The Secretary is expected to establish fees at not less than fair market value, but may charge fees on a case by case basis at below fair market value if the proposed filming project provides clear educational or interpretive benefits for the Department of the Interior.

2. Strike Subsection 1(d) and insert:

Amounts collected pursuant to this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program in Section 315 of Public Law 104-134.

STATEMENT OF MAUREEN FINNERTY, ASSOCIATE DIRECTOR FOR PARK OPERATIONS AND EDUCATION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I am pleased to be here today to testify on H.R. 1728, the "National Park Service Administrative Amendment of 1997."

We support H.R. 1728 with the clarifications outlined in this statement. Many citizens are concerned about the integrity of our National Park System. The bill before us today helps to ensure that integrity by providing agreement between the Park Service and Congress on those criteria for establishment of new park areas and on a process where possible new areas that fail to meet those criteria will not be imposed upon the system.

This legislation comes at an important time for the National Park Service. To date, there are 376 units of the National Park System in 49 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands. Each of these units was established by an Act of Congress or by Presidential Proclamation and represents the initiative of Congress and numerous Administrations to preserve and protect our Nation's natural and cultural heritage and to provide for recreational opportunities.

All of these units represent diverse public resources under our permanent stewardship for the use and enjoyment by present and future generations.

Efforts to preserve America's natural and cultural resources are longstanding. So important was the protection of certain special resources that several parks and monuments had been established and were being administered by the Interior Department by the time the National Park Service was established in 1916. Examples include Yellowstone (1872), Sequoia (1890), Yosemite (1890), and Mount Rainier (1899). When the NPS organic act was signed, 14 national parks and 21 national monuments were immediately transferred to the new agency where attention could be focused on these important resources. The NPS organic act provided that the conservation of these and future units would be the responsibility of the National Park Service.

Since then, the National Park System has continued to grow. Through the years, the NPS and Congress have taken steps to protect natural and cultural resources. In the early 1900's, plunder and destruction at the hands of pot-hunters and van-

dals threatened many cultural resources. As a result, Congress passed the Antiquities Act in 1906 to protect these and other valuable resources. Devils Tower and Petrified Forest, both established in 1906, exemplify the success of this legislation.

Next, recognizing that historical areas were at risk, Congress passed the Historic Sites Act in 1935 to preserve historic sites, buildings and objects of national significance for public use. Quite recently, Congress passed legislation to establish the Mojave National Preserve in California to protect transitional desert resources found *only* in the Mojave Desert.

Without these and other laws, it is possible that many of our nationally significant resources would be lost forever. Many resources today still remain at risk. Even though the first national park was established in 1872, America still contains outstanding natural and cultural resources that are worthy of inclusion in the National Park System. At the same time, however, the NPS is trying to cope with new and growing demands with limited financial resources. We recognize these challenges and continue to work to meet them.

New Area Establishment

In 1976 Congress directed the NPS to monitor the welfare of areas that exhibit qualities of national significance and to conduct studies on those that have potential for inclusion in the National Park System. For the next several years, there was a congressional requirement that we study and forward a list of at least 12 potential new parks each year. In 1981 the appropriations committees dropped funding for the program and indicated that an annual listing of new park candidates was no longer required. Between 1981 and 1990, NPS undertook a few studies in response to specific instructions from Congress. Then, in 1991, the Service began once again to identify its own priorities, using a ranking system that considered significance, rarity, public use potential, educational potential, resource integrity/risks, public support, costs, availability of data, suitability, feasibility, and special initiatives.

Most recently, in fiscal year 1998, Congress appropriated funds for 10 studies of potential new parks. Eight of those studies are being done in response to directions from the appropriations committees. Only two of the studies respond to legislation that was considered by the authorizing committees and adopted by Congress. While the purpose of our study program is to evaluate sites with potential for inclusion in the National Park System, most of the projects underway are focusing on heritage area concepts and other partnership approaches that do not anticipate acquisition and management by the National Park Service.

Our files contain more than 300 studies done since the 1930's on areas that have not been added to the park system. Since the 1970's, only about one in four of the areas studied became the subject of legislation adopted by Congress to expand an existing park or create a new one. Our study process has been successful in determining resource, significance, suitability, feasibility, and offering Congress a range of alternatives for protecting resources through partnerships that do not involve additions to the National Park System. Careful scrutiny, analysis and application of existing criteria through our study process have provided the best defense against expansion of the park system into areas that fail to meet established standards.

We believe the best way to avoid inappropriate additions that do not fully meet the criteria for inclusion in the system is to continue to advance programs which foster alternatives. The NPS today operates several small but vigorous programs, which suggest and support alternatives to inclusion within the system. These include means ranging from honorific recognition (such as listing on the National Register of Historic Places); and to direct planning help from the River, Trails and Conservation Assistance Program. We also encourage the alternative of establishing locally controlled heritage partnership areas as a way to preserve specific landscapes and areas of local or regional historical importance.

Sustaining a diverse "bag of tools" to offer park advocates is one of the best means of maintaining the integrity of the national park system.

The National Park System Advisory Board has recently reviewed our criteria for parklands and found them to be essentially sound. We intend to clarify and strengthen those criteria as recommended by the Board in conjunction with an update to our management policies, scheduled for completion later this year.

These updated criteria would be used in conducting the studies of areas for potential addition to the system, as currently proposed in H.R. 1728. Of course Congress will have to determine how these studies are used in developing legislative proposals. No study process or set of criteria will be successful in assuring the integrity of the National Park System if new parks are authorized without having studies completed or the criteria applied.

Before concluding, we would like to use this opportunity to point out two areas of concern in H.R. 1728. The first involves Section (d), which directs the NPS to es-

establish a *New Area Study Office*. We do not believe that it is necessary or appropriate for Congress to direct the establishment of a separate new area study office. We agree that studies need to be coordinated and conducted with some assurance that the criteria will be applied from a perspective of the *national* park system, not just responding to local or regional interests. However, we currently seek to accomplish this by having an internal review process by all interested offices. We find that the quality of the studies is enhanced by bringing together the best available expertise from many different sources within the National Park Service and from experts outside of the Service. A mandate to create a separate office for studies is likely to require unnecessary expense and may not produce the intended result in terms of improving the quality of our reports.

Our second suggestion concerns the language in Section (c)(2)(A) which addresses studies of areas potentially, . . . *possess[ing] nationally significant natural or cultural resources, or outstanding recreational opportunities*. . . . Based on the recent conclusions of the National Park System Advisory Board, we believe that areas under consideration for inclusion in the system must have true national significance in the categories of cultural or natural resources before we would address their merits as significant recreational opportunities. The system maintains a sufficient collection of recreational areas per se. We believe that areas solely providing recreational opportunities are more appropriately considered for state or local management when weighed against the full mission of the National Park Service. We do not believe that areas should be added to the National Park System based only on their values for recreation unless they contain natural and cultural resources that meet standards for significance, suitability and feasibility.

Additionally, we have some technical amendments that we would be pleased to work with you to address.

H.R. 1728 would provide a way for the National Park Service to work with the authorizing and the appropriation committees to reach a common understanding of what areas should be studied for potential inclusion in the park system. This approach has been in place and worked well for wild and scenic rivers and national trail system studies. It would certainly be appropriate for studies of potential new parks.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to respond to your questions at this time.

STATEMENT OF FRITZ E. ATTAWAY, SENIOR VICE PRESIDENT, GOVERNMENT RELATIONS AND WASHINGTON GENERAL COUNSEL, MOTION PICTURE ASSOCIATION OF AMERICA

Mr. Chairman, members of the Subcommittee, thank you for giving me this opportunity to testify on H.R. 2293, concerning the filming of motion pictures in the National Park and National Wildlife Refuge Systems.

The Motion Picture Association of America is a trade association representing seven of the world's largest producers and distributors of feature films, television programs and home video material.¹ The U.S. film industry is a significant contributor to our nation's employment and gross domestic product, and is one of our country's most successful exporters.

The National Parks and Wildlife Refuges are frequently highly desirable locations for filming movies, TV shows and other audiovisual works. Because of this, they offer a potential source of Federal revenues from producers willing to pay reasonable fees for the privilege of filming on Federal lands.

Unfortunately, right now, the production divisions of our companies face major challenges in securing national park locations for filming. They are confronted with diverse rules, standards and requirements that make using the parks burdensome and unattractive for television and motion picture production. As a result, our companies often seek out private lands and sometimes state parks, as well as locations outside the United States.

The motion picture industry enthusiastically supports the desire, which I believe is reflected in H.R. 2293, to encourage filming in the National Park and Wildlife Refuge Systems in return for reasonable fees that will help remove some of the burden on the tax paying public. I am here to declare that support, and to suggest some amendments to this bill that, in our view, will contribute to the goals it seeks to achieve.

¹ MPAA member companies include Buena Vista Pictures Distribution, Inc. (Disney); Sony Pictures Entertainment Inc.; Metro-Goldwyn-Mayer Inc.; Paramount Pictures Corporation; Twentieth Century Fox Film Corporation; Universal Studios, Inc.; and Warner Bros.

Currently, the National Parks Service cannot charge fees for filming. Although the parks can be reimbursed for the costs of filming (ranger time, parking, use of camp grounds, etc.), those recovered costs from filming do not go back to the park location, but into the general treasury. This encourages park administrators to be indifferent to filming or even hostile, because their efforts to facilitate filming produce no direct return. While film companies presently do regularly make contributions to non-profits associated with parks, that is an unpredictable and inconsistent basis for attempting to secure the cooperation and good will of park personnel.

H.R. 2993 is designed to help the parks earn revenues on motion picture production by establishing a reasonable fee schedule that would benefit both the parks and the film industry. MPAA supports this objective.

H.R. 2993 would direct 80 percent of filming fees to the park in which the filming takes place. This not only would relieve some of the burden on taxpayers, it would also provide a very meaningful incentive for park administrators to encourage filming as a means to fund park expenditures, and create a positive, synergetic relationship between filmmakers on one hand and park employees and patrons on the other. We strongly endorse this provision.

H.R.2993 would require that film permit fees be established by the Secretary on a "case-by-case basis" at "fair market value." While no one would argue that the Secretary should have some discretion in granting film permits, and that the Federal Government should receive fair compensation for the use of Federal lands, as presently written, the bill would produce unintended consequences that would seriously detract from its purpose.

Filmmaking is a business as well as an art. On the business side, filmmakers like most other businesses, require transparency and predictability. That is, they need to know what the rules are, and they need to know what the results will be if they abide by the rules. With regards to filming on public land, filmmakers need to have clear and precise information that tells them what will be expected of them if they choose to film on park land, and they need to have some level of assurance that they will be allowed to film if they meet specified terms and conditions.

Establishing fees on a case-by-case basis would be antithetical to the uniformity and standardization that is essential to making the parks hospitable to filming. Instead, the Secretary should promulgate a fee schedule that applies to all parks on a national level, taking into account factors such as accessibility, environmental protection, public safety and other matters that affect the cost of filming to the government in particular types of locations.

"Fair market value" is not a practicable standard for determining a reasonable fee for filming on park land. What is the relevant market? Would the temporary use for filming be compared to a concessionaire's setting up a stand in the park? Would it be compared to the use of private land on which there are no hours or location restrictions; no governmental monitoring; no wildlife, vegetation or cultural resources constraints; no visitors, etc.? Would it be compared to grazing or mining? None of these measures provides a comparable standard for establishing a "fair market value" for the purpose of filming.

MPAA would suggest that a reasonable fee for the purpose of filming should be based on the number of people in the filming party—a very reliable predictor of the size and complexity of the film project and the impact it will have on the resource. On a given day, "Lethal Weapon IV" may have 35 people on the special effects crew alone; "Titanic" had 45 people in costuming alone. A smaller film or second unit might not have that many people in the entire crew. A commercial might have 10 people.

The National Forest Service already has devised a fee schedule that is based on the number of persons taking part in the filming. There is an application fee of \$200, and graduated fee schedules depending on the number of people involved. For still photography the fee is \$50 to \$250 per day, and for film crews the fee is \$150 to \$600 per day. In addition, there is a "unique site fee" for certain unusual locations. Most photographers and film companies find this schedule reasonable.

MPAA strongly recommends that the Secretary of the Interior be directed to delegate the task of establishing a reasonable fee schedule to a committee of Federal land managers, such as NPS, BLM and Forest Service personnel, with the Forest Service taking the lead. If all Federal lands were handled uniformly, the benefits to the government and the motion picture and TV producers would be compounded.

H.R. 2993 provides a civil penalty of up to 200 percent of the filming fee if the Secretary finds that the filming regulations have been violated. While effective penalties should be imposed on those who violate the rules, the monetary penalty provided by H.R. 2993 invites erratic application and in any case is likely to be ineffective. The threat of being shut down will be more daunting than that of being fined.

Location filming is extremely expensive. Delays are exceedingly costly, in some cases amounting to tens or even hundreds of thousands of dollars a day. If the rules are violated, the cessation of filming would be the strongest deterrent to future violations.

I would like to note that the National Park Service has identified for us a central point of contact for filming on a national level. This has provided an extremely valuable resource to our industry and promises to greatly facilitate filming on park land to the mutual benefit of filmmakers and the public. We are looking forward to having the help of this person in the future with specific production problems and the identification of alternate locations.

I would also like to note that the National Park Service has recently published proposed guidelines that address filming. We are studying these proposed guidelines and will provide this Subcommittee with a copy of our comments to the National Park Service.

In closing, I commend Congressman Hefley for addressing this very important issue and urge this Subcommittee to consider amendments to H.R. 2993 that would correct the problems I have mentioned.

STATEMENT OF LEIGH VAN DER ESCH, EXECUTIVE DIRECTOR, STATE OF UTAH FILM COMMISSION

Mr. Chairman, members of the Subcommittee, thank you for giving me this opportunity to testify on H.R. 2993, concerning the filming of motion pictures in the National Parks and National Wildlife Refuge Systems.

I concur with Mr. Attaway's points that the National Parks and Wildlife Refuges are frequently the location of choice for filming movies, TV shows, and other audiovisual works. As Executive Director of the Utah Film Commission I have scouted and facilitated the use of Federal lands, including our five National Parks, for over 13 years, and previously worked on location on public lands for the motion picture industry. Utah's beauty is synonymous with the motion picture, from John Wayne to *Butch Cassidy and the Sundance Kid*, from *Thelma & Louise* to *Independence Day*—all are major movies that have utilized public lands, and in most instances, our National Parks.

Having worked with our Federal land managers in the National Parks, the Forest Service and the Bureau of Land Management for so many years, I am very familiar with the difficulty of the land managers in meeting the demands of the public, which increases in its use yearly of the public lands, balanced against the need to protect and preserve the land and capital infrastructure, with limited financial and personnel assistance. Again, I concur with Mr. Attaway that the motion picture and audiovisual production activities can offer a potential source of Federal revenues, if reasonable fees and filming regulations can be created. I applaud any efforts and your desire to make this occur.

A film commission's purpose is to serve as a marketing agency for its respective governmental jurisdictions, to attract the motion picture and audiovisual works to use those locations as backdrops to the production. We view this activity as a *resource sustaining, activity*, highly lucrative to the local economies, particularly in rural areas largely made up of Federal lands. Our job is also to facilitate the production activity, which in most instances has minimal impact, and which in all instances should be mitigated. The motion picture industry is one which pays its own way.

As state film commissioners, and each state has one, as well as provinces, regions and counties throughout the world, we share the concerns of the production community, as well as the challenges in securing National Parks as locations for filming. We also face diverse rules, standards and requirements that can make parks burdensome and unattractive for television and motion picture production, and consequently see us lose jobs and purchase of goods and services to other jurisdictions and locations outside the United States.

I support your desire reflected in H.R. 2993 to encourage filming in National Parks in return for reasonable fee that can bridge the financial gap of service and land needs, and help remove some of the burden of the taxpaying public.

This is a win-win opportunity. In addition to additional revenue for our parks and land agencies is the opportunity to create a synergy with the production community during filming—land managers will see the benefit directly to their areas if the change to retain more of the fees locally can be accomplished, and the production community will feel more proprietary towards the land they are using by seeing their fees contribute to the local area.

I agree with Mr. Attaway's concern about "case by case" and "fair market value fees." Having facilitated production for so many years, I believe there are three major needs in the fees and regulation which should be met: these are clarity, consistency, and speed.

1. The rules and fee structure should be clear to all using the public lands.
2. A fee schedule as suggested by Mr. Attaway (and currently used by the forest service) should be consistent from jurisdiction to jurisdiction. Common guidelines and procedures (even given different mandates) followed by our Public Land Management Agencies would be helpful.
3. Clear and consistent fees and regulations should enable the producer (be they motion picture, TV or commercial) to expect processing of filming permits on a more timely basis. Currently some of our burdensome regulations require weeks for processing, and in an industry is dependent on the cooperation of our unpredictable (El Niño) weather, flexibility for changes—artistic logistical or financial—are almost impossible.

I also share Mr. Attaway's concerns about the proposed penalties for violations, cessation of filming is more daunting. I hope this area can be revisited.

I am currently receiving the National Parks proposed guidelines for further comment by the April deadline.

Finally, my thanks to you for this opportunity to comment and for your efforts in addressing filming in our National Parks and Wildlife Refuges and all Federal lands. I greatly appreciate all of the fine land managers I work with in Utah and have worked with elsewhere. We share a love of the beauty of our National Parks and public lands, and I believe it is an industry that can contribute much to the economy of our local jurisdictions, can and has paid its own way to the betterment of all, and takes only an image of the land when it leaves.

Thank you for your time.

National Parks
and Conservation Association

Testimony of
William J. Chandler
Vice President for Conservation Policy
National Parks and Conservation Association
before the
Subcommittee on National Parks and Public Lands
United States House of Representatives
on
H.R. 1728 and H.R. 2993
February 24, 1998

Mr. Chairman, and members of the Subcommittee, I am William J. Chandler, Vice President for Conservation Policy of the National Parks and Conservation Association (NPCA) whose testimony I present today. NPCA is America's only private, non-profit citizen organization dedicated solely to protecting, preserving, and enhancing the National Park System. An association of "Citizens Protecting America's Parks," NPCA was founded in 1919, and today has nearly 500,000 members.

In general, NPCA supports the subcommittee's intent to bring more discipline and structure to the new area study process, and to charge fair market fees for commercial filming activities in the national parks. We appreciate the opportunity to present our views on these subjects.

Criteria for New Parks

The subject of new park criteria is an important one. Throughout its 78-year history, NPCA has been concerned with the quality and appropriateness of units added to the National Park System, as well as with the overall design of the system.



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In general, NPCA agrees with the findings and recommendations of the report issued June 10, 1997, by the committee on standards and criteria of the National Park System Advisory Board. The board concluded that:

"Current criteria for inclusion in the National Park System are reasonably clear and stringent. Existing criteria for [national] significance, suitability and feasibility have been effective in screening out hundreds and perhaps thousands of initial proposals for new units. For those that pass the initial screens, more detailed NPS studies have further refined and narrowed the list of potential candidates ..."

The advisory board also found that the NPS process of identifying and studying candidate parks largely has been reactive:

"Efforts by the National Park Service to establish and follow its own priorities have been of limited success as Congress has directed studies of potential new parks with relatively little attention to [NPS] priorities ..."

As evidence, the report states that between 1989 and 1994, of the 78 NPS new area studies that were funded, 44 were directed by the appropriations committees; 11 by authorizing legislation; 11 by NPS; and 12 by the Department of the Interior, Members of Congress and others.

We believe a more intellectually rigorous and deliberative process is needed to maintain the quality and integrity of the best park system in the world. Accordingly, we are generally supportive of the approach taken in H.R. 1728 to develop a better study process for candidate areas.

H.R. 1728, The National Park Service Administrative Amendment of 1997

H.R. 1728 establishes a process by which the Secretary of the Interior may annually recommend a list of recommended study areas to the authorizing committees of Congress. We agree with the bill's requirement that the list contain "those areas that have the greatest potential to meet the established criteria of national significance, suitability and feasibility," and that the list include areas that reflect "themes, sites and resources not already adequately represented in the National Park System."

The bill also specifies that no study be initiated after enactment of H.R. 1728 unless specifically authorized by an Act of Congress. Implicit in this provision is that idea that the authorizing committee is supposed to approve the list of proposed study areas submitted annually by the Secretary. Presumably this list is to be authorized as a package. To improve clarity, these details should be explicitly stated in the legislation.

One concern we have is: What if the committees do not act in timely fashion to approve the list? The bill is silent on how quickly the authorizing committee must report out an authorization bill, and on how long Congress has to enact it. We recommend that the bill include a provision giving a date certain by which the Congress must have passed the authorization bill for the President's signature. If this deadline is not met, then the Secretary should be allowed to proceed to study the areas on the list. It would be a mistake to establish a study process that could bog down due to legislative inertia or any other reason.

With regard to Sec. 101(b)(4), it appears that the dollar limitation of \$25,000 for conducting preliminary resource assessments, updates of previous studies, etc., is too low. We urge the committee to consult with NPS to determine a more realistic figure for doing that kind of important work.

One of the questions to be answered by a new area study is: Who is the best manager for the candidate area? NPCA believes that a specific recommendation and justification by the NPS regarding management of the area is a key output of the study. We recommend that subsection (c)(3)(c) be amended to require that the NPS director specify which management alternative would be most "effective and efficient in protecting significant resources and providing for public enjoyment that is appropriate with maintaining nationally significant resources unimpaired for future generations." Presumably, no studies will be proposed by NPS unless they focus on resources already deemed to be nationally significant. If that is the case, then whoever manages the area should be capable of protecting these national heritage resources for the long term.

We strongly support the concept of establishing or identifying an office within the Park Service that shall have the sole responsibility of coordinating the preparation of all new area studies. This office is important to focus and improve the Service's own expertise in preparing these studies, to provide a quality control mechanism, and to be the locus of accountability.

H.R. 2993 Filming Fees

The relationship between Hollywood and the national parks is long and storied. From "Star Trek" to "Star Wars" to "Robinson Crusoe on Mars", national parks have provided the backdrop for both box office blockbusters and forgettable B movies, to say nothing of hundreds, perhaps thousands of filmed commercials. To prepare for this hearing, the National Park Service composed as comprehensive a list as it could of the films and commercials made in the parks. The list runs tens of pages long and includes such films as "Thelma and Louise", "Maverick", "Forest Gump" and "Gettysburg".

The films and commercials run the gamut of genre types from westerns to science fiction, but one thread remains common throughout. Every one of the films, whether it made money or not, provided almost nothing to the parks in return for the privilege of using public lands. As the law now stands, the National Park Service is authorized to recoup only the cost of monitoring the filming, a negligible application fee and the cost of any damage remediation. For example, when Mister Spock needed to beam down on the planet Vulcan for the film "Star Trek", Hollywood chose the geothermal terraces of Yellowstone. In return, the Park Service received \$300. Like each of the six "Star Trek" films, that film went on to gross more than \$50 million.

By comparison, if the same scene were filmed on private property, the production company would have had to pay up to \$8,500 per day as a location fee. This issue boils down to a question of fairness. In two days this committee will be reviewing the success of the experimental fee program, a program that, although well accepted by the public, has raised entrance and use fees in national parks by one hundred, two hundred, and in some circumstances even three hundred percent. In this budget climate, it is simply unfair to ask the public to pay more money to enjoy the national parks and not ask film and TV companies to pay an equal share.

Representative Hefley, has proposed a simple, elegant way to correct this imbalance. Under the provisions of H.R. 2933, the National Park Service would be authorized to collect film production fees, based on the *fair market value* of that opportunity. This is the right approach because it is fair and equitable. It is also the principle we support with respect to park concessionaires and any other private companies making a profit off of the parks. All such companies should be paying the same to the Park Service that they pay to private concerns, and not one penny less.

Although H.R. 2993 seeks to correct a clear imbalance now extant with filming fee receipts, the committee should consider three adjustments to ensure that the legislation achieves its goal:

1. **Full Cost Recovery.** H.R. 2993 directs the Secretary of the Interior to set fair market fees on a case by case basis. To the extent that the demands of production companies vary widely, this approach offers a reasonable amount of latitude in determining what fee is appropriate for each circumstance. Nonetheless, more directive language may be needed to ensure that all costs assumed by the Park Service are covered, regardless of the circumstance. Under current conditions, the Park Service has neither the personnel nor the resources to process film permit requests. Many permits require hours of investigative and feasibility analysis prior to being issued. As a result, many such inquiries end prior to the issuance of a permit or with a permit denial, costing the NPS time and resources. As an example, in 1997, 83 companies requested information about filming in Yosemite. Many of these requests had to be analyzed and

evaluated, requiring time and resources. Only 30 requests subsequently resulted in the issuance of a permit.

Similarly, under current conditions, a variety of hidden costs are absorbed by the park's operations budget. Examples include permit and site preparation fees, preparation of guidebooks, phone calls, faxes, vehicle expenses and the like. Some popular venues like Yosemite have full time staff doing only permit and logistical work. Application and monitoring fees, however, rarely cover even half of their salary and little or none of the variety of hidden costs.

In response, H.R. 2993 should specifically state that the Secretary should establish fees in such a manner as to cover all costs associated with filming in the national parks, including costs assumed by the Park Service for evaluating requests that are subsequently denied, and the variety of hidden costs associated with managing such requests on a periodic or continual basis.

2. Establishing Fair Market Value. A second adjustment is needed to clarify what the bill intends when it directs the Secretary to base the fee on "fair market value." In many business circumstances the term fair market value is self-evident. Given the range of considerations used by a variety of public agencies in setting site fees, however, the use of the term fair market value with respect to assessing filming fees requires additional explanation.

Specifically, comparisons with fees assessed by some states and localities could lead to the conclusion that only a token fee be assessed. Many states and localities reduce or waive location fees to entice production companies to the communities, seeing an opportunity to bring commerce into the communities and provide general exposure. In comparison, private venues, like libraries, gardens, private homes and private land are not seeking and do not benefit from the general commerce generated by filming projects. Private location fee-setting practices are far more comparable to the circumstances in the parks. H.R. 2993 should reflect that similarity by directing the Secretary to assess filming fees based on fair market value as demonstrated in private filming venues.

3. Effective Penalties. For those who violate filming regulations, including filming without a permit, H.R. 2993 establishes a penalty not to exceed 200 percent of the fee that would have been charged. NPCA believes their penalty is too low to serve as an effective deterrent to those who knowingly violate the rules. We recommend that the penalty amount be sufficient to cover all administrative and legal costs to the government associated with penalizing violators, plus a penalty treble the amount of the fee that was charged or should have been charged for the permit. It is inexcusable for TV and motion picture, film and advertising

crews to enter a park without a permit. Such violations have occurred in the past, for example at Bryce Canyon in 1995.

In conclusion, an adjustment to the current authorities provided the National Park Service with respect to filming fees is clearly needed. As a matter of fairness and equity as much as a matter of dollar revenues, change is needed. H.R. 2993, with some very minor adjustments, can effect positive reform. In 1995, the average film cost \$50 million to produce. Many production companies are sensitive to the needs of the parks and are willing to contribute a more reasonable share that does not result in a drain on Park Service time and resources. NPCA urges that this committee and the Congress enact this legislation.

WILLIAM J. CHANDLER
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SUMMARY OF BACKGROUND

Twenty years of experience in conservation policy development, lobbying and nonprofit management. Currently the policy vice president of a national environmental organization. Formerly president of my own consulting firm; founder and publisher of a natural resources policy newsletter; legislative representative for a national land conservation organization; study manager for a federal water pollution control commission; and legislative assistant in the House and Senate. Skills include strategic planning, program design and evaluation, policy analysis, advocacy, media relations, and staff recruitment and coordination.

EMPLOYMENT HISTORY

Vice President for Conservation Policy	June 1995 - present
Director, Department of Conservation Program	May 1991 - June 1995
National Parks and Conservation Association	
Washington, D.C.	

Manage the national park policy program for a 500,000-member nonprofit association. Supervise staff of eight, and coordinate policy initiatives with eight regional directors. Coordinate all legislative and administrative policy campaigns and policy research. Represent the association to Congress, executive departments, and the media. Testify on legislation. Provide technical assistance and guidance to other departments: communications, development, membership and magazine. Coordinate board lobbying activities. Promoted to vice president. Policy achievements include the following:

- Managed legislative aspects of campaign to block numerous anti-park legislative initiatives, including the park closure commission, in the 104th Congress. Promoted passage of the parks omnibus bill. NPCA received national award for our park campaign achievements
- Helped kill sneak-play legislation to legalize commercial fishing in Glacier Bay National Park.
- Supervised lobbying efforts that led to new park authorizations and expansions, and fees for commercial air and bus tour operators in national parks.

President	January 1982 - April 1991
W. J. Chandler Associates	
Washington, D.C.	

Founded and successfully managed firm that provided research, program design and evaluation, representation and information services to private, governmental and nonprofit clients. Supervised staff of four professionals. Sold the business to pursue other opportunities. Diverse project portfolio:

- Founded and published Land Letter, a semi-monthly newsletter that covers federal natural resources policy for professionals in business, government, and nonprofit organizations. Developed Land Letter into a well-respected, specialty publication, and sold it to The Conservation Fund.
- Evaluated the habitat conservation program of the National Marine Fisheries Service and recommended improvements that were implemented by the agency.
- Conducted comprehensive program evaluations of two federal natural resources agencies (Fish and Wildlife Service and National Marine Fisheries Service), and identified their policy, program, and budget needs. Principal author of two 300-page reports submitted to Congress and the Executive Branch.
- Developed alternative budget recommendations for five federal departments and agencies responsible for fish and wildlife resources; budgets submitted by client to congressional appropriations and authorizing committees.
- Member of lobbying teams that successfully stopped passage of pro-billboard legislation, and killed funding for a western dam that would have flooded a Nature Conservancy preserve. Secured appropriation for the acquisition of endangered species habitat in the Caribbean.
- Served as contract research director (three years) and editor (two years) of the Audubon Wildlife Report. Hired and supervised dozens of authors for this 500 to 1,000-page book that covered national fish and wildlife resources, programs, and issues.
- Surveyed environmental leaders to determine information needs and developed newsletter ideas. Report led to the launch of Common Ground by the Conservation Fund.

Legislative Representative
The Nature Conservancy
 Arlington, Virginia

February 1977 - December 1981

Organized and developed the conservancy's first legislative program. Supervised program staff and coordinated lobbying efforts of other conservancy personnel. Successfully promoted legislation that established a permanent federal tax deduction for the donation of property easements for conservation purposes; secured \$22 million in appropriations for several fish and wildlife refuges; advocated the creation of new parks and refuges. Member of environmental lobbying team that successfully defended the Endangered Species Act from debilitating amendments.

Legislative Staff Assistant
U.S. Rep. Gilbert Gade (R-MD)

December 1975 - February 1977

Supervised three research assistants and obtained support from various federal agencies in support of Rep. Gade's environmental initiatives on water supply and pollution control programs in the Potomac River Basin. Helped design and coordinate oversight hearings on the status of the Potomac River water supply and pollution control programs; authored committee report, "State of the Potomac River, 1976," and obtained newspaper coverage of hearing findings. Conceived and implemented investigation of 1976 Chesapeake Bay oil spill, and obtained television coverage of findings. Designed and coordinated successful lobby campaign in support of the Dingell-Gade floor amendment to the Toxic Substances Act to ban production and regulate disposal of PCBs.

Program Analyst
National Commission on Water Quality
Washington, D.C.

August 1974 - December 1975

Oversaw two multidisciplinary teams of consultants which assessed the effectiveness of the Clean Water Act in New England and Puget Sound regions. Interviewed federal, state and local officials, industry managers, conservation representatives, and citizens group leaders to develop study agenda. Authored portions of the commission's final report to Congress.

Legislative Consultant
Washington, D.C.

January 1973 - August 1974

As a consultant to the U.S. Senate Interior Committee, designed and coordinated research efforts of executive and congressional agencies to develop policy alternatives for resolving a century-old land dispute between the Hopi and Navajo Indians in Arizona.

Legislative Assistant
U.S. Sen. Joseph Montoya (D-NM)

February 1972 - December 1972

Served as one of two legislative assistants to Senator Montoya. Conducted legislative research and policy analysis in various fields including environment, economic development, and Indian affairs. Coordinated several successful amendments to appropriations bills to fund projects in New Mexico.

Administrative Assistant
City of Palo Alto, California

September 1965 - June 1966

Prepared departmental budget and policy manuals for City Engineer who supervised public works and parks.

EDUCATION AND SERVICE

B.A., Political Science, Stanford University, 1965.

U.S. Peace Corps Volunteer teacher and coach, Costa Rica, 1966-1968.

Graduate studies, Cultural Anthropology, American University, 1969-1971. Focused on culture and the environment, culture change and Native American ethnology.

