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April 27, 2009

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Via Electronic Transmission

The Honorable Ken Salazar
Secretary of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Salazar:

I am writing to you today about my deep concerns regarding the actions of the National Park Service (NPS) and specifically what appears to be the subjective and disparate treatment of private vendors within Independence National Historical Park (INHP) in Philadelphia, including at the Independence Visitor Center (IVC) which is located within INHP.

As you may know, the IVC was authorized as part of Gateway Visitor Center Authorization Act (Visitor Center Act) (P.L. 106-131).

The Visitor Center Act authorized the Secretary of the Interior to enter into a long-term detailed agreement with the non-profit Gateway [Independence] Visitor Center Corporation (IVCC) to construct and operate a regional visitor center on Independence Mall in Philadelphia. The Visitor Center Act also authorized the Secretary acting through the NPS to undertake activities related to the management of Independence National Historical Park, including, entering into an operating agreement (Operating Agreement) with the IVC to, among other things, provide appropriate visitor information and interpretive facilities and programs, operation of the visitor center, including charging fees, conducting events, and selling merchandise, tickets and food at the center. However, under no circumstances can the NPS take actions that “would derogate the preservation and protection of the values and resources of Independence National Historical Park.” While the Visitor Center was completed in 2001, the NPS has heretofore not executed an Operating Agreement with the IVC instead opting to issue a temporary Special Use Permit that has been extended twenty separate times to enable the IVC to operate.

As a result of the lack of a formal and transparent “Operating Agreement” being in place to guide the business relationships at the IVC within the INHP that operate visitor and tour related services, many vendors are at the mercy of the wide discretionary authority of the IVC’s management and the NPS. The lack of any transparent and fair “rules of the road” for vendors is not only causing some vendors to contemplate shutting their doors, including The Constitutional Walking Tour (“The Constitutional”), but more importantly is violating the very values and spirit

of Independence National Historical Park and the principle of non-discriminatory treatment enshrined in the Constitution.

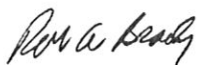
Moreover, the failure of INHP and the IVC to execute the statutorily authorized Operating Agreement has had a material adverse effect on the overall visitor experience to America's Birthplace for numerous reasons, including violating the purpose and spirit of INHP's enabling legislation and INHP and IVC having effectively turned the taxpayer-supported IVC into a federally subsidized sales and staging area for large corporations offering tour related services in Philadelphia who have more favorable access to operate their businesses both inside and outside of the IVC on INHP property. Equally disturbing is that these opportunities have not been offered equally and on reasonable and non-discriminatory terms to other vendors at the IVC including The Constitutional, which conducts its tours in the INHP area.

With regard to these particular issues within the INHP, I would like to see the following occur:

- (1) An immediate resolution and long-term license agreement by and between The Constitutional and the IVC to afford The Constitutional the same operating opportunities on similar terms to other IVC vendors including having a dedicated ticket sales booth and ongoing marketing and tour staging presence inside of the IVC, without requiring The Constitutional to sign a confidentiality agreement as a condition precedent just to continue discussions regarding a ticket sales booth license;
- (2) An immediate resolution and agreement by and between The Constitutional and INHP to have INHP issue a written authorization in the form of a Commercial Use Authorization (CUA) or other authorization similar to what INHP has issued other third parties for accessibility and visibility outside of the Visitor Center on an ongoing basis for tour staging; and
- (3) Execution of an Operating Agreement by and between the IVC and the NPS.

Thank you in advance for your prompt attention to this matter no later than April 30, 2009. I look forward to hearing from you. Should you have any questions regarding this matter, please do not hesitate to contact Ashley Shillingsburg at (202) 225-4731. All documents responsive to this inquiry should be sent electronically in PDF format to Ashley.shillingsburg@mail.house.gov.

Sincerely,



Robert Brady

cc: Mr. Thomas Strickland
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