

103^D CONGRESS
2^D SESSION

S. 208

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1994

Referred to the Committee on Natural Resources

AN ACT

To reform the concessions policies of the National Park Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Park Service
5 Concessions Policy Reform Act of 1994”.

1 **SEC. 2. FINDINGS AND POLICY.**

2 (a) FINDINGS.—In furtherance of the Act of August
3 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–
4 4), which directs the Secretary of the Interior to admin-
5 ister areas of the National Park System in accordance
6 with the fundamental purpose of preserving their scenery,
7 wildlife, natural and historic objects, and providing for
8 their enjoyment in a manner that will leave them
9 unimpaired for the enjoyment of future generations, the
10 Congress finds that the preservation and conservation of
11 park resources and values requires that such public ac-
12 commodations, facilities, and services as the Secretary de-
13 termines are necessary and appropriate in accordance with
14 this Act—

15 (1) should be provided only under carefully con-
16 trolled safeguards against unregulated and indis-
17 criminate use so that visitation will not unduly im-
18 pair these values; and

19 (2) should be limited to locations and designs
20 consistent to the highest practicable degree with the
21 preservation and conservation of park resources and
22 values.

23 (b) POLICY.—It is the policy of the Congress that—

24 (1) development within a park shall be limited
25 to those facilities and services that the Secretary de-
26 termines are necessary and appropriate for public

1 use and enjoyment of the park in which such facili-
2 ties and services are located;

3 (2) development within a park should be con-
4 sistent to the highest practicable degree with the
5 preservation and conservation of the park's re-
6 sources and values;

7 (3) such facilities and services should be pro-
8 vided by private persons, corporations, or other enti-
9 ties, except when no private interest is qualified and
10 willing to provide such facilities and services;

11 (4) if the Secretary determines that develop-
12 ment should be provided within a park, such devel-
13 opment shall be designed, located, and operated in
14 a manner that is consistent with the purposes for
15 which such park was established;

16 (5) such facilities and services should be award-
17 ed to the person, corporation, or entity submitting
18 the best proposal through a competitive selection
19 process; and

20 (6) such facilities or services should be provided
21 to the public at reasonable rates.

22 **SEC. 3. DEFINITIONS.**

23 As used in this Act, the term—

1 (1) “concessioner” means a person, corporation,
2 or other entity to whom a concessions contract has
3 been awarded;

4 (2) “concessions contract” means a contract,
5 including permits, to provide facilities or services, or
6 both, at a park;

7 (3) “facilities” means improvements to real
8 property within parks used to provide accommoda-
9 tions, facilities, or services to park visitors;

10 (4) “park” means a unit of the National Park
11 System;

12 (5) “proposal” means the complete proposal for
13 a concessions contract offered by a potential or ex-
14 isting concessioner in response to the minimum re-
15 quirements for the contract established by the Sec-
16 retary; and

17 (6) “Secretary” means the Secretary of the In-
18 terior.

19 **SEC. 4. REPEAL OF CONCESSIONS POLICY ACT OF 1965.**

20 The Act of October 9, 1965, Public Law 89–249 (79
21 Stat. 969, 16 U.S.C. 20–20g), entitled “An Act relating
22 to the establishment of concession policies administered in
23 the areas administered by the National Park Service and
24 for other purposes”, is hereby repealed. The repeal of such
25 Act shall not affect the validity of any contract entered

1 into under such Act, but the provisions of this Act shall
2 apply to any such contract except to the extent such provi-
3 sions are inconsistent with the express terms and condi-
4 tions of the contract.

5 **SEC. 5. CONCESSIONS POLICY.**

6 Subject to the findings and policy stated in section
7 2 of this Act, and upon a determination by the Secretary
8 that facilities or services are necessary and appropriate for
9 the accommodation of visitors at a park, the Secretary
10 shall, consistent with the provisions of this Act, laws relat-
11 ing generally to the administration and management of
12 units of the National Park System, and the park's general
13 management plan, concessions plan, or other applicable
14 plans, authorize private persons, corporations, or other en-
15 tities to provide and operate such facilities or services as
16 the Secretary deems necessary and appropriate.

17 **SEC. 6. COMPETITIVE SELECTION PROCESS.**

18 (a) IN GENERAL.—(1) Except as provided in sub-
19 section (b), and consistent with the provisions of sub-
20 section (g), any concessions contract entered into pursuant
21 to this Act shall be awarded to the person submitting the
22 best proposal as determined by the Secretary, through a
23 competitive selection process.

24 (2) Within 180 days after the date of enactment of
25 this Act, the Secretary shall promulgate appropriate regu-

1 lations establishing such process. The regulations shall in-
2 clude provisions for establishing a method or procedure
3 for the resolution of disputes between the Secretary and
4 a concessioner in those instances where the Secretary has
5 been unable to meet conditions or requirements or provide
6 such services, if any, as set forth in a prospectus pursuant
7 to sections 6(c)(2) (D) and (E).

8 (b) TEMPORARY CONTRACT.—Notwithstanding the
9 provisions of subsection (a), the Secretary may award a
10 temporary concessions contract in order to avoid interrup-
11 tion of services to the public at a park except that the
12 Secretary shall take all reasonable and appropriate steps
13 to consider competing alternatives for such contract.

14 (c) PROSPECTUS.—(1) Prior to soliciting proposals
15 for a concessions contract at a park, the Secretary shall
16 publish a notice of availability for a prospectus soliciting
17 proposals at least once in local or national newspapers or
18 trade publications, as appropriate, and shall make such
19 prospectus available upon request to all interested parties.

20 (2) The prospectus shall include, but need not be lim-
21 ited to, the following information:

22 (A) The minimum requirements for such con-
23 tract, as set forth in subsection (d).

24 (B) The terms and conditions of the existing
25 concessions contract awarded for such park, if any,

1 including all fees and other forms of compensation
2 provided to the United States by the concessioner.

3 (C) Other authorized facilities or services which
4 may be provided in a proposal.

5 (D) Facilities and services to be provided by the
6 Secretary to the concessioner, if any, including but
7 not limited to, public access, utilities, and buildings.

8 (E) Minimum public services to be offered with-
9 in a park by the Secretary, including but not limited
10 to, interpretive programs, campsites, and visitor cen-
11 ters.

12 (F) Such other information related to the pro-
13 posed concessions operation which is not privileged
14 or otherwise exempt from disclosure under Federal
15 law as the Secretary determines is necessary to allow
16 for the submission of competitive proposals.

17 (d) MINIMUM PROPOSAL REQUIREMENTS.—(1) No
18 proposal shall be considered which fails to meet the mini-
19 mum requirements as determined by the Secretary. Such
20 minimum requirements shall include, but need not be lim-
21 ited to, the minimum acceptable franchise fee, the dura-
22 tion of the contract, facilities, services, or capital invest-
23 ment required to be provided by the concessioner, and
24 measures needed to ensure the protection and preservation
25 of park resources.

1 (2) The Secretary may reject any proposal, notwith-
2 standing the amount of franchise fee offered, if the Sec-
3 retary determines that the person, corporation, or entity
4 is not qualified, is likely to provide unsatisfactory service,
5 or that the proposal is not responsive to the objectives of
6 protecting and preserving park resources and of providing
7 necessary and appropriate facilities or services to the pub-
8 lic at reasonable rates.

9 (3) If all proposals submitted to the Secretary either
10 fail to meet the minimum requirements or are rejected by
11 the Secretary, the Secretary shall establish new minimum
12 contract requirements and re-initiate the competitive se-
13 lection process pursuant to this section.

14 (e) SELECTION OF BEST PROPOSAL.—(1) In select-
15 ing the best proposal, the Secretary shall consider the fol-
16 lowing principal factors:

17 (A) The responsiveness of the proposal to the
18 objectives of protecting and preserving park re-
19 sources and of providing necessary and appropriate
20 facilities and services to the public at reasonable
21 rates.

22 (B) The experience and related background of
23 the person, corporation, or entity submitting the
24 proposal, including but not limited to, the past per-
25 formance and expertise of such person, corporation,

1 or entity in providing the same or similar facilities
2 or services.

3 (C) The financial capability of the person, cor-
4 poration, or entity submitting the proposal.

5 (D) The proposed franchise fee: *Provided*, That
6 consideration of revenue to the United States shall
7 be subordinate to the objectives of protecting and
8 preserving park resources and of providing necessary
9 and appropriate facilities or services to the public at
10 reasonable rates.

11 (2) The Secretary may also consider such secondary
12 factors as the Secretary deems appropriate.

13 (f) CONGRESSIONAL NOTIFICATION.—(1) The Sec-
14 retary shall submit any proposed concessions contract with
15 anticipated annual gross receipts in excess of \$5,000,000
16 (indexed to 1993 constant dollars) or a duration of ten
17 or more years to the Committee on Energy and Natural
18 Resources of the United States Senate and the Committee
19 on Natural Resources of the United States House of Rep-
20 resentatives.

21 (2) The Secretary shall not ratify any such proposed
22 contract until at least 60 days subsequent to the notifica-
23 tion of both Committees.

24 (g) NO PREFERENTIAL RIGHT OF RENEWAL.—(1)
25 Except as provided in paragraph (2), the Secretary shall

1 not grant a preferential right to a concessioner to renew
2 a concessions contract executed pursuant to this Act.

3 (2)(A) Notwithstanding the provisions of paragraph
4 (1), the Secretary shall grant a preferential right of re-
5 newal to a concessioner—

6 (i) for a concessions contract which—

7 (I) primarily authorizes a concessioner to
8 provide outfitting, guide, river running, or other
9 similar services within a park; and

10 (II) does not grant the concessioner any
11 interest in any structure, fixture, or improve-
12 ment pursuant to section 11 of this Act; or

13 (III) the Secretary estimates will have an-
14 nual gross revenues of no more than \$500,000;
15 and

16 (ii) where the Secretary determines that the
17 concessioner has operated satisfactorily during the
18 term of the previous contract; and

19 (iii) where the Secretary determines that the
20 concessioner submits a responsive proposal for the
21 new contract which satisfies the minimum require-
22 ments established by the Secretary.

23 (B) For the purposes of paragraph (2), the term
24 “preferential right of renewal” means that the Secretary
25 shall allow a concessioner satisfying the requirements of

1 subparagraph (A) the opportunity to match the terms and
2 conditions of any competing proposal which the Secretary
3 determines to be the best offer.

4 (h) NO PREFERENTIAL RIGHT TO ADDITIONAL
5 SERVICES.—The Secretary shall not grant a preferential
6 right to a concessioner to provide new or additional serv-
7 ices at a park.

8 **SEC. 7. FRANCHISE FEES.**

9 (a) IN GENERAL.—Franchise fees, however, stated,
10 shall not be less than the minimum fee established by the
11 Secretary for each contract. The minimum fee shall be de-
12 termined in a manner that will provide the concessioner
13 with a reasonable opportunity to realize a profit on the
14 operation as a whole, commensurate with the capital in-
15 vested and the obligations assumed.

16 (b) MULTIPLE CONTRACTS WITHIN A PARK.—If
17 multiple concessions contracts are awarded to authorize
18 concessioners to provide the same or similar outfitting,
19 guide, river running, or other similar services at the same
20 approximate location or resource within a specific park,
21 the Secretary shall establish an identical franchise fee for
22 all such contracts. Such fee shall reflect fair market value,
23 as determined by the Secretary.

1 **SEC. 8. USE OF FRANCHISE FEES.**

2 (a) SPECIAL ACCOUNT.—Except as provided in sub-
3 section (b), all receipts collected pursuant to this Act shall
4 be covered into a special account established in the Treas-
5 ury of the United States. Amounts covered into such ac-
6 count in a fiscal year shall be available for expenditure,
7 subject to appropriation, solely as follows:

8 (1) 50 percent shall be allocated among the
9 units of the National Park System in the same pro-
10 portion as franchise fees collected from a specific
11 unit bears to the total amount covered into the ac-
12 count for each fiscal year, to be used for resource
13 management and protection, maintenance activities,
14 interpretation, and research.

15 (2) 50 percent shall be allocated among the
16 units of the National Park System on the basis of
17 need, in a manner to be determined by the Sec-
18 retary, to be used for resource management and pro-
19 tection, maintenance activities, interpretation, and
20 research.

21 (b) PARK IMPROVEMENT FUND.—(1) In lieu of col-
22 lecting all or a portion of the franchise fees that would
23 otherwise be collected pursuant to the concessions con-
24 tract, the Secretary shall, where the Secretary determines
25 it to be practicable, require a concessioner to establish a
26 Park Improvement Fund (hereinafter in this section re-

1 ferred to as the “fund”), in which the concessioner shall
2 deposit the franchise fees that would otherwise be required
3 by the contract.

4 (2) The fund shall be maintained by the concessioner
5 in an interest bearing account in a Federally-insured fi-
6 nancial institution. The concessioner shall maintain the
7 fund separately from any other funds or accounts and
8 shall not co-mingle the monies in the fund with any other
9 monies. The Secretary may establish such other terms,
10 conditions, or requirements as the Secretary determines
11 to be necessary to ensure the financial integrity of such
12 fund.

13 (3) Monies from the fund, including interest, shall be
14 expended by the concessioner solely as directed by the Sec-
15 retary for activities and projects within the park which
16 are consistent with the park’s general management plan,
17 concessions plan, and other applicable plans, and which
18 the Secretary determines will enhance public use, safety,
19 and enjoyment of the park, including but not limited to
20 projects which directly or indirectly support concession fa-
21 cilities or services required by the concessions contract.
22 Projects paid for from the fund shall not include routine,
23 operational maintenance of facilities. A concessioner shall
24 not be allowed to make any advances or credits to the
25 fund.

1 (4) A concessioner shall not be granted any interest
2 in improvements made from fund expenditures, including
3 any interest granted pursuant to section 11 of this Act.

4 (5) Nothing in this subsection shall affect the obliga-
5 tion of a concessioner to insure, maintain, and repair any
6 structure, fixture, or improvement assigned to such con-
7 cessioner and to insure that such structure, fixture, or im-
8 provement fully complies with applicable safety and health
9 laws and regulations.

10 (6) The concessioner shall maintain proper records
11 for all expenditures made from the fund. Such records
12 shall include, but not be limited to invoices, bank state-
13 ments, canceled checks, and such other information as the
14 Secretary determines to be necessary.

15 (7) The concessioner shall annually submit to the
16 Secretary a statement reflecting total activity in the fund
17 for the preceding financial year. The statement shall re-
18 flect monthly deposits, expenditures by project, interest
19 earned, and such other information as the Secretary re-
20 quires.

21 (8) Upon the termination of a concessions contract,
22 or upon the sale or transfer of such contract, any remain-
23 ing balance in the fund shall be transferred by the conces-
24 sioner to the successor concessioner, to be used solely as
25 set forth in this subsection. In the event there is not a

1 successor concessioner, the fund balance shall be deposited
2 into the special account established in subsection (a).

3 **SEC. 9. DURATION OF CONTRACT.**

4 (a) MAXIMUM TERM.—A concessions contract en-
5 tered into pursuant to this Act shall be awarded for a term
6 not to exceed ten years: *Provided, however,* That the Sec-
7 retary may award a contract for a term not to exceed
8 twenty years if the Secretary determines that the contract
9 terms and conditions necessitate a longer term.

10 (b) TEMPORARY CONTRACT.—A temporary conces-
11 sions contract awarded on a non-competitive basis pursu-
12 ant to section 6(b) of this Act shall be for a term not
13 to exceed two years.

14 **SEC. 10. TRANSFER OF CONTRACT.**

15 (a) IN GENERAL.—(1) No concessions contract may
16 be transferred, assigned, sold, or otherwise conveyed by
17 a concessioner without prior written notification to, and
18 approval of the Secretary.

19 (2) The Secretary shall not approve the transfer of
20 a concessions contract to any individual, corporation or
21 other entity if the Secretary determines that—

22 (A) such individual, corporation or entity is, or
23 is likely to be, unable to completely satisfy all of the
24 requirements, terms, and conditions of the contract;
25 or

1 (B) such transfer, assignment, sale or convey-
2 ance is not consistent with the objectives of protect-
3 ing and preserving park resources, and of providing
4 necessary and appropriate facilities or services to the
5 public at reasonable rates: *Provided*, That such ap-
6 proval shall not be unreasonably withheld.

7 (b) CONGRESSIONAL NOTIFICATION.—Within thirty
8 days after receiving a proposal to transfer, assign, sell,
9 or otherwise convey a concessions contract, the Secretary
10 shall notify the Committee on Energy and Natural Re-
11 sources of the United States Senate and the Committee
12 on Natural Resources of the United States House of Rep-
13 resentatives of such proposal. Approval of such proposal,
14 if granted by the Secretary, shall not take effect until sixty
15 days after the date of notification of both Committees.

16 **SEC. 11. PROTECTION OF CONCESSIONER INVESTMENT.**

17 (a) EXISTING STRUCTURES.—(1) A concessioner who
18 before the date of the enactment of this Act has acquired
19 or constructed, or is required under an existing conces-
20 sions contract to commence acquisition or construction of
21 any structure, fixture, or improvement upon land owned
22 by the United States within a park, pursuant to a conces-
23 sions contract, shall have a possessory interest therein, to
24 the extent provided by such contract.

1 (2) The provisions of this subsection shall not apply
2 to a concessioner whose contract in effect on the date of
3 enactment of this Act does not include recognition of a
4 possessory interest.

5 “(3)(A) Except as provided in subparagraph (B),
6 with respect to a concessions contract entered into on or
7 after the date of enactment of this Act, the provisions of
8 subsection (b) shall apply to any existing structure, fix-
9 ture, or improvement as defined in paragraph (a)(1), ex-
10 cept that the value of the possessory interest as of the
11 termination date of the first contract expiring after the
12 date of enactment of this Act shall be used as the basis
13 for depreciation, in lieu of the actual original cost of such
14 structure, fixture, or improvement.

15 “(B) If the Secretary determines during the competi-
16 tive selection process that all proposals submitted either
17 fail to meet the minimum requirements or are rejected (as
18 provided in section 6), the Secretary may, solely with re-
19 spect to a structure, fixture, or improvement covered
20 under this paragraph, suspend the depreciation provisions
21 of subsection (b)(1) for the duration of the contract: *Pro-*
22 *vided*, That the Secretary may suspend such depreciation
23 provisions only if the Secretary determines that the estab-
24 lishment of other new minimum contract requirements is
25 not likely to result in the submission of satisfactory pro-

1 posals, and that the suspension of the depreciation provi-
2 sions is likely to result in the submission of satisfactory
3 proposals.

4 (b) NEW STRUCTURES.—(1) On or after the date of
5 enactment of this Act, a concessioner who constructs or
6 acquires a new, additional, or replacement structure, fix-
7 ture, or improvement upon land owned by the United
8 States within a park, pursuant to a concessions contract,
9 shall have an interest in such structure, fixture, or im-
10 provement equivalent to the actual original cost of acquir-
11 ing or constructing such structure, fixture, or improve-
12 ment, less straight line depreciation over the estimated
13 useful life of the asset according to Generally Accepted
14 Accounting Principles: *Provided*, That in no event shall
15 the estimated useful life of such asset exceed the deprecia-
16 tion period used for such asset for Federal income tax pur-
17 poses.

18 (2) In the event that the contract expires or is termi-
19 nated prior to the recovery of such costs, the concessioner
20 shall be entitled to receive from the United States or the
21 successor concessioner payment equal to the value of the
22 concessioner's interest in such structure, fixture, or im-
23 provement. A successor concessioner may not revalue the
24 interest in such structure, fixture, or improvement, the

1 method of depreciation, or the estimated useful life of the
2 asset.

3 (3) Title to any such structure, fixture, or improve-
4 ment shall be vested in the United States.

5 (c) INSURANCE, MAINTENANCE AND REPAIR.—Noth-
6 ing in this section shall affect the obligation of a conces-
7 sioner to insure, maintain, and repair any structure, fix-
8 ture, or improvement assigned to such concessioner and
9 to insure that such structure, fixture, or improvement
10 fully complies with applicable safety and health laws and
11 regulations.

12 **SEC. 12. RATES AND CHARGES TO PUBLIC.**

13 The reasonableness of a concessioner's rates and
14 charges to the public shall, unless otherwise provided in
15 the bid specifications and contract, be judged primarily
16 by comparison with those rates and charges for facilities
17 and services of comparable character under similar condi-
18 tions, with due consideration for length of season, seasonal
19 variance, average percentage of occupancy, accessibility,
20 availability and costs of labor and materials, type of pa-
21 tronage, and other factors deemed significant by the Sec-
22 retary.

23 **SEC. 13. CONCESSIONER PERFORMANCE EVALUATION.**

24 (a) REGULATIONS.—Within one hundred and eighty
25 days after the date of enactment of this Act, the Secretary

1 shall publish, after an appropriate period for public com-
2 ment, regulations establishing standards and criteria for
3 evaluating the performance of concessions operating with-
4 in parks.

5 (b) PERIODIC EVALUATION.—(1) The Secretary shall
6 periodically conduct an evaluation of each concessioner op-
7 erating under a concessions contract pursuant to this Act,
8 as appropriate, to determine whether such concessioner
9 has performed satisfactorily. In evaluating a conces-
10 sioner's performance, the Secretary shall seek and con-
11 sider applicable reports and comments from appropriate
12 Federal, State, and local regulatory agencies, and shall
13 seek and consider the applicable views of park visitors and
14 concession customers. If the Secretary's performance eval-
15 uation results in an unsatisfactory rating of the conces-
16 sioner's overall operation, the Secretary shall provide the
17 concessioner with a list of the minimum requirements nec-
18 essary for the operation to be rated satisfactory, and shall
19 so notify the concessioner in writing.

20 (2) The Secretary may terminate a concessions con-
21 tract if the concessioner fails to meet the minimum oper-
22 ational requirements identified by the Secretary within the
23 time limitations established by the Secretary at the time
24 notice of the unsatisfactory rating is provided to the con-
25 cessioner.

1 (3) If the Secretary terminates a concessions contract
2 pursuant to this section, the Secretary shall solicit propos-
3 als for a new contract consistent with the provisions of
4 this Act.

5 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
6 shall notify the Committee on Energy and Natural Re-
7 sources of the United States Senate and the Committee
8 on Natural Resources of the United States House of Rep-
9 resentatives of each unsatisfactory rating and of each con-
10 cessions contract terminated pursuant to this section.

11 **SEC. 14. RECORDKEEPING REQUIREMENTS.**

12 (a) IN GENERAL.—Each concessioner shall keep such
13 records as the Secretary may prescribe to enable the Sec-
14 retary to determine that all terms of the concessioner’s
15 contract have been, and are being faithfully performed,
16 and the Secretary or any of the Secretary’s duly author-
17 ized representatives shall, for the purpose of audit and ex-
18 amination, have access to such records and to other books,
19 documents and papers of the concessioner pertinent to the
20 contract and all the terms and conditions thereof as the
21 Secretary deems necessary.

22 (b) GENERAL ACCOUNTING OFFICE REVIEW.—The
23 Comptroller General of the United States or any of his
24 or her duly authorized representatives shall, until the expi-
25 ration of five calendar years after the close of the business

1 year for each concessioner, have access to and the right
2 to examine any pertinent books, documents, papers, and
3 records of the concessioner related to the contracts or con-
4 tracts involved.

5 **SEC. 15. EXEMPTION FROM CERTAIN LEASE REQUIRE-**
6 **MENTS.**

7 The provisions of section 321 of the Act of June 30,
8 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leas-
9 ing of buildings and properties of the United States, shall
10 not apply to contracts awarded by the Secretary pursuant
11 to this Act.

12 **SEC. 16. NO EFFECT ON ANILCA PROVISIONS.**

13 Nothing in this Act shall be construed to amend, su-
14 persede, or otherwise affect any provision of the Alaska
15 National Interest Lands Conservation Act (16 U.S.C.
16 3101 et seq.).

17 **SEC. 17. IMPLEMENTATION.**

18 Beginning on June 1, 1997 and bi-annually there-
19 after the Inspector General of the Department of the Inte-
20 rior shall submit a report to the Committee on Energy
21 and Natural Resources of the United States Senate and
22 the appropriate Committees of the House of Representa-
23 tives on the implementation of this Act and the effect of
24 such implementation on facilities operated pursuant to

1 concession contracts and on visitor services. Each report
2 shall—

3 (a) identify any concession contracts which have
4 been renewed, renegotiated, terminated, or trans-
5 ferred during the year prior to the submission of the
6 report and identify any significant changes in the
7 terms of the new contract;

8 (b) state the amount of franchise fees the rates
9 which would be charged for services, and the level of
10 other services required to be provided by the conces-
11 sioner in comparison to that required in the previous
12 contract;

13 (c) assess the degree to which concession facili-
14 ties are being maintained using the condition of such
15 facilities on the date of enactment of this Act as a
16 baseline;

17 (d) determine whether competition has been in-
18 creased or decreased with respect to the awarding of
19 each contract;

20 (e) set forth the amount of revenues received
21 and financial obligations incurred or reduced by the
22 Federal Government as a result of the comparison of
23 the Act for the reporting period and in comparison
24 with previous reporting periods and the baseline year

1 of 1993, including the costs, if any, associated with
2 the acquisition of possessory interests.

Passed the Senate March 22 (legislative day, February 22), 1994.

Attest:

WALTER J. STEWART,

Secretary.