

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101703	16 U.S.C. 1a-2 (matter before (a)). 16 U.S.C. 1a-2(l).	Pub. L. 91-383, §3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826. Pub. L. 91-383, §3(l), as added Pub. L. 105-391, title VIII, §802(a), Nov. 13, 1998, 112 Stat. 3523.

Editorial Notes

AMENDMENTS

2025—Pub. L. 118-234 amended section generally. Prior to amendment, section related to cooperative management agreements.

Statutory Notes and Related Subsidiaries

AUTHORIZING COOPERATIVE MANAGEMENT AGREEMENTS BETWEEN THE DISTRICT OF COLUMBIA AND THE SECRETARY OF THE INTERIOR

Pub. L. 116-9, title II, §2403, Mar. 12, 2019, 133 Stat. 747, provided that: “The Secretary [of the Interior] may enter into a cooperative management agreement with the District of Columbia in accordance with section 101703 of title 54, United States Code.”

§ 101704. Reimbursable agreements

(a) IN GENERAL.—In carrying out work under reimbursable agreements with any State, local, or tribal government, the Secretary, without regard to any provision of law or a regulation—

- (1) may record obligations against accounts receivable from those governments; and
- (2) shall credit amounts received from those governments to the appropriate account.

(b) WHEN AMOUNTS SHALL BE CREDITED.—Amounts shall be credited within 90 days of the date of the original request by the Service for payment.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3137.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101704	16 U.S.C. 1i.	Pub. L. 108-7, div. F, title I (proviso in last undesignated par. under heading “ADMINISTRATIVE PROVISIONS” under heading “NATIONAL PARK SERVICE”), Feb. 20, 2003, 117 Stat. 227.

The words “Heretofore and hereafter” and “section 1341 of title 31 or” are omitted as unnecessary

CHAPTER 1019—CONCESSIONS AND COMMERCIAL USE AUTHORIZATIONS

SUBCHAPTER I—AUTHORITY OF SECRETARY

Sec.

101901. Utility services.

SUBCHAPTER II—COMMERCIAL VISITOR SERVICES

101911. Definitions.
101912. Findings and declaration of policy.
101913. Award of concession contracts.
101914. Term of concession contracts.
101915. Protection of concessioner investment.
101916. Reasonableness of rates and charges.
101917. Franchise fees.
101918. Transfer or conveyance of concession contracts or leasehold surrender interests.

Sec.

101919. National Park Service Concessions Management Advisory Board.
101920. Contracting for services.
101921. Multiple contracts within a System unit.
101922. Use of nonmonetary consideration in concession contracts.
101923. Recordkeeping requirements.
101924. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
101925. Commercial use authorizations.
101926. Regulations.

Editorial Notes

CODIFICATION

Pub. L. 114-289, title VII, §701, Dec. 16, 2016, 130 Stat. 1492, added subchapter III of this chapter without corresponding amendment of chapter analysis. For analysis of subchapter III, see table of sections set out preceding section 101931 of this title.

SUBCHAPTER I—AUTHORITY OF SECRETARY

§ 101901. Utility services

To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may furnish, on a reimbursement of appropriation basis, all types of utility services to concessioners, contractors, permittees, or other users of the services, within the System. The reimbursements for cost of the services may be credited to the appropriation current at the time reimbursements are received.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3137.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101901	16 U.S.C. 1b (matter before (1)). 16 U.S.C. 1b(4).	Aug. 8, 1953, ch. 384, §1 (matter before (1)), (4), 67 Stat. 495; Pub. L. 91-383, §2(a), Aug. 18, 1970, 84 Stat. 826.

The words “and he may use applicable appropriations for the aforesaid system for the following purposes” are omitted as unnecessary.

SUBCHAPTER II—COMMERCIAL VISITOR SERVICES

§ 101911. Definitions

In this subchapter:

(1) ADVISORY BOARD.—The term “Advisory Board” means the National Park Service Concessions Management Advisory Board established under section 101919 of this title.

(2) PREFERENTIAL RIGHT OF RENEWAL.—The term “preferential right of renewal” means the right of a concessioner, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 101912 of this title, to match the terms and conditions of any competing proposal that the Secretary determines to be the best proposal for a proposed new concession contract that authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3138.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101911(1)	no source.	
101911(2)	16 U.S.C. 5952(7)(C).	Pub. L. 105-391, title IV, §403(7)(C), Nov. 13, 1998, 112 Stat. 3506.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 105-391, title IV, §419, Nov. 13, 1998, 112 Stat. 3517, provided that:

“(a) TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.—Nothing contained in this title [enacting former sections 5951 to 5966 of Title 16, Conservation, which were repealed and restated in sections 101911 et seq. and 101524 of this title, amending former sections 1a-7 and 3 of Title 16, repealing section 17b-1 and subchapter IV of chapter 1 of Title 16, and enacting provisions set out as notes under this section and sections 100101 and 101912 of this title] shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the ‘1998 Glacier Bay Prospectus’). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

“(b) PREFERENTIAL RIGHT OF RENEWAL.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title [probably means the date of enactment of title IV of Pub. L. 105-391, which was approved Nov. 13, 1998], shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7) [see 54 U.S.C. 101911(2), 101913(7)(C)]. Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.”

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

Pub. L. 105-391, title IV, §415(c), Nov. 13, 1998, 112 Stat. 3516, provided that: “Nothing in this title [enacting former sections 5951 to 5966 of Title 16, Conservation, which were repealed and restated in sections 101911 et seq. and 101524 of this title, amending former sections 1a-7 and 3 of Title 16, repealing section 17b-1 and subchapter IV of chapter 1 of Title 16, and enacting provisions set out as notes under this section and sections 100101 and 101912 of this title] amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.”

§ 101912. Findings and declaration of policy

(a) FINDINGS.—In furtherance of section 100101(a), Congress finds that the preservation and conservation of System unit resources and values requires that public accommodations, facilities, and services that have to be provided within those System units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

- (1) visitation will not unduly impair those resources and values; and
- (2) development of public accommodations, facilities, and services within System units

can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System units.

(b) DECLARATION OF POLICY.—It is the policy of Congress that the development of public accommodations, facilities, and services in System units shall be limited to accommodations, facilities, and services that—

- (1) are necessary and appropriate for public use and enjoyment of the System unit in which they are located; and
- (2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the System unit.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3138.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101912	16 U.S.C. 5951.	Pub. L. 105-391, title IV, §402, Nov. 13, 1998, 112 Stat. 3503.

In subsection (a), the words “section 100101(a)” are substituted for “sections 1, 2, 3, and 4 of this title, which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations” to give a more precise cross reference because section 100101(a) of the new title is where that direction to the Secretary is restated.

Statutory Notes and Related Subsidiaries

REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT; SAVINGS PROVISION

Pub. L. 105-391, title IV, §415(a), Nov. 13, 1998, 112 Stat. 3515, provided that: “Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title [enacting former sections 5951 to 5966 of Title 16, Conservation, which were repealed and restated in sections 101911 et seq. and 101524 of this title, amending former sections 1a-7 and 3 of Title 16, repealing section 17b-1 and subchapter IV of chapter 1 of Title 16, and enacting provisions set out as notes under this section and sections 100101 and 101911 of this title] shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.”

§ 101913. Award of concession contracts

In furtherance of the findings and policy stated in section 101912 of this title, and except as provided by this subchapter or otherwise authorized by law, the Secretary shall utilize concession contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to System units. Concession contracts shall be awarded as follows:

- (1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concession contracts shall be awarded