

from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a Service concession. Of the 7 members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concession business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) **SERVICE ON ADVISORY BOARD.**—Service of an individual as a member of the Advisory Board shall not be deemed to be service or employment bringing the individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be deemed service in an appointive or elective position in the Federal Government for purposes of section 8344 of title 5 or other comparable provisions of Federal law.

(e) **TERMINATION.**—The Advisory Board shall continue to exist until December 31, 2009. In all other respects, it shall be subject to chapter 10 of title 5.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3147; Pub. L. 117–286, § 4(a)(329), Dec. 27, 2022, 136 Stat. 4342.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101919(a) through (c).	16 U.S.C. 5958(a) through (c).	Pub. L. 105–391, title IV, § 409, Nov. 13, 1998, 112 Stat. 3512; Pub. L. 111–11, subtitle VII, subtitle E, § 7403, 123 Stat. 1219.
101919(d) .....	16 U.S.C. 5958(e).	
101919(e) .....	16 U.S.C. 5958(d).	

In subsection (b)(2), the text of 16 U.S.C. 5958(b)(2) (last sentence) is omitted as obsolete.

In subsection (b)(3), the words “commencing with the first anniversary of its initial meeting” are omitted as obsolete.

In subsection (d), the word “deemed” is substituted for “considered as” for consistency in this title and with other titles of the United States Code.

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (e). Pub. L. 117–286 substituted “chapter 10 of title 5.” for “the Federal Advisory Committee Act (5 U.S.C. App.).”

#### § 101920. Contracting for services

(a) **CONTRACTING AUTHORIZED.**—

(1) **MANAGEMENT ELEMENTS FOR WHICH CONTRACT REQUIRED TO MAXIMUM EXTENT PRACTICABLE.**—To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in elements of the management of the Service concession program considered by the Secretary to be suitable for non-Federal performance. Those management elements shall include each of the following:

(A) Health and safety inspections.

(B) Quality control of concession operations and facilities.

(C) Strategic capital planning for concession facilities.

(D) Analysis of rates and charges to the public.

(2) **MANAGEMENT ELEMENTS FOR WHICH CONTRACT ALLOWED.**—The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for Service concession contracts.

(B) Development of guidelines for a System capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director regarding the conduct of annual audits of concession fee expenditures.

(b) **OTHER MANAGEMENT ELEMENTS.**—The Secretary shall consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) **AUTHORITY OF SECRETARY NOT DIMINISHED.**—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concession contracts and activities pursuant to this subchapter and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of this title. The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the Service concessions program under this section.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3149.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101920 .....	16 U.S.C. 5959.	Pub. L. 105–391, title IV, § 410, Nov. 13, 1998, 112 Stat. 3514.

#### § 101921. Multiple contracts within a System unit

If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a System unit, the Secretary shall establish a comparable franchise fee structure for those contracts or similar contracts, except that the terms and conditions of any existing concession contract shall not be