

tion 6305 of title 31” are substituted for “pursuant to section 6305 of title 31” for clarity.

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

**§ 101703. Cooperative management agreements**

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3136.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

**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.

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.
- 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101901 .....	16 U.S.C. 1b (matter before (1)).	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.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	16 U.S.C. 1b(4).	

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 subpara-

graphs (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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 (com-