

54 U.S. Code § 101925 - Commercial use authorizations

US Code

Notes

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(a) In General.— To the extent specified in this section, the Secretary, on request, may authorize a private person, corporation, or other entity to provide services to visitors to System units through a commercial use authorization. A commercial use authorization shall not be considered to be a concession contract under this subchapter and no other section of this subchapter shall be applicable to a commercial use authorization except where expressly stated.

(b) Criteria for Issuance of Commercial Use Authorizations.—

(1) Required determinations.— The authority of this section may be used only to authorize provision of services that the Secretary determines—

(A)will have minimal impact on resources and values of a System unit; and

(B)are consistent with the purpose for which the System unit was established and with all applicable management plans and Service policies and regulations.

(2) Elements of commercial use authorization.— The Secretary shall—

(A)require payment of a reasonable fee for issuance of a commercial use authorization, the fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B)require that the provision of services under a commercial use authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of System unit resources and values;

(C)take appropriate steps to limit the liability of the United States arising from the provision of services under a commercial use authorization;

(D)have no authority under this section to issue more commercial use authorizations than are consistent with the preservation and proper management of System unit resources and values; and

(E)shall establish other conditions for issuance of a commercial use authorization that the Secretary determines to be appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of System unit resources and values.

(c) Limitations.— Any commercial use authorization shall be limited to—

(1)commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a System unit pursuant to the commercial use authorization;

(2)the incidental use of resources of the System unit by commercial operations that provide services originating and terminating outside the boundaries of the System unit; or

(3)

(A)uses by organized children's camps, outdoor clubs, and nonprofit institutions (including back country use); and

(B)other uses, as the Secretary determines to be appropriate.

(d) Nonprofit Institutions.— Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(e) Prohibition on Construction.— A commercial use authorization shall not provide for the construction of any structure, fixture, or improvement on federally-owned land within the boundaries of a System unit.

(f) Duration.— The term of any commercial use authorization shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(g) Other Contracts.— A person, corporation, or other entity seeking or obtaining a commercial use authorization shall not be precluded from submitting a proposal for concession contracts.